

At the organizational meeting of the Gloucester Town Council holden in and for the Town of Gloucester on **January 2, 2007**.

I. Call to Order

The meeting was called to order at 8:20 p.m. after all elected officials were sworn in by Senator Paul Fogarty.

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.

III. Organization of Officers

Councilor Sette stated a motion is necessary to nominate a Councilor to serve as Town Council President for the next two year term.

MOTION was made by Councilor Reichert to NOMINATE Councilor Steven Sette to serve as President of the Gloucester Town Council to serve a two year term effective immediately; seconded by Councilor Walsh

Discussion: None

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

NAYS: 0

MOTION PASSED

MOTION was made by Councilor Sette to NOMINATE Councilor Reichert to serve as Vice-President of the Gloucester Town Council to serve a two year term effective immediately; seconded by Councilor Walsh.

Discussion: None

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

NAYS: 0

MOTION PASSED

Town Council President Sette addressed those assembled and spoke of the Councils work to date and the goals of the future.

IV. Adjourn

MOTION was made by Councilor Walsh to ADJOURN at 8:31 p.m.; seconded by Councilor Joyce.

Discussion: None

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

NAYS: 0

MOTION PASSED

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Jean M. Fecteau, Town Clerk

Approved at the January 18, 2007 Town Council Meeting.

At a meeting of the Town Council holden in and for the Town of Gloucester on **January 4, 2007**:

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; Brian Lombardi, Building/Zoning Official; Jamie Hainsworth, Chief of Police; Thomas Mainville, Finance Director; Raymond Goff, Town Planner; Susan Harris, Deputy Town Clerk; and David Fecteau, Housing Specialist.

III. Pledge of Allegiance

The Pledge of Allegiance was led by John Bevilacqua.

IV. Open Forum for Agenda Items

None.

V. Public Hearing

A. Application for the Exception to the Ordinance Regulating the Issuance of Building Permits:

1. Owner & Applicant: Vincent & Darlene Gieck  
Location: 180 Old Snake Hill Road, further described as AP 5, Lots 52, 124 & 125A

Councilor Sette stated that this Public Hearing was advertised on December 21, 2006 in the Providence Journal legal ads

Councilor Sette DECLARED the Public Hearing open.

Councilor Sette read the following Planning Board opinion from the unapproved minutes of December 4, 2006:

VI. Advisory Opinion to the Town Council

Exception to the Ordinance Regulating the Issuance of Building Permits

Vincent & Darlene Gieck, Applicants/Owners, AP5, Lots 52, 124, and 125A, property located at 180 Old Snake Hill Road.

Motion

A motion was made by Susan Shuster for a positive recommendation to the Gloucester Town Council regarding an application for an Exception to the Ordinance Regulating the Issuance of Building Permits by Applicants, Vincent & Darlene Gieck and Owners, Vincent & Darlene Gieck, for property located at 180 Old Snake Hill Road and further described as AP 5, Lots 52, 124 and 125A, as shown on the plan entitled Administrative Subdivision Plan AP 5, Lots 42, 124 and 125A for Vincent & Darlene Gieck, dated June 2005 and prepared by Sugrue & Assoc., Inc., Civil Engineer and Land Surveyors, North Scituate, RI. The applicants and owners seek to create a private Right of Way to provide

access to two (2) proposed dwellings off a shared Right of Way 35 feet wide. The private Right of Way is not on the Town Assessor's map as it does not currently exist and would be created as a result of granting this exception. Granting this exception will allow the owners to access and develop two (2) landlocked back lots with no frontage on an existing Town or Non-Town road.

In making this recommendation, the Planning Board has considered the following: **1)** (Rules and regulations adopted by the Gloucester Planning Board); **2)** The plans submitted by the applicant, sheets 1 through 1, dated June 2005 and revised March 15, 2006 and October 18, 2006; **3)** The drainage statement calculations prepared by Sugrue and Assoc., Inc. and dated October 23, 2006; **4)** Potential for future development of two (2) new houses off this private Right of Way; **5)** The proposed improvements to ensure adequate access by the public and public safety vehicles; **6)** The access as proposed in the only practical means of access/egress to the subject property and directly connects to Old Snake Hill Road; **7)** There are no environmental or physical constraints that would make the proposed access impractical or impossible; **8)** The proposed access avoids wetlands and minimizes steep slopes and does not obstruct scenic views from publicly accessible areas; **9)** The Technical Review Committee Report dated March 27, 2006 and November 1, 2006; **10)** The memo of John J. Bevilacqua, the Town Solicitor, dated December 4, 2006.

The proposed plan is found to be consistent with the Gloucester Comprehensive Community Plan **Section 3.2.1** "To preserve, enhance and protect Gloucester's rural character and sense of place"; and **Section 3.2.2** "To encourage responsible land use decisions by public officials and public bodies". The Planning Board recommends that the following conditions be included in any approval of this application: **a)** That any road improvements/upgrade and turn around recommended by the Director of Public Works be substantially completed prior to the issuance of a building permit, and that a written recommendation on construction of this road be received from the Director of Public Works as well as the standard Driveway Permit Application approval by the Department of Public Works prior to the issuance of a building permit; **b)** That all improvements be completed to the satisfaction of the Public Works Director prior to the issuance of an occupancy permit; **c)** That this un-named private Right of Way remain as a private way and that the Town not take any responsibility for maintenance and that the deed of record for each of these properties include language that the Town of Gloucester will not be responsible for maintenance of any nature to this private Right of Way, inclusive of snow and ice control, and that this language will remain part of the record if title passes in the future. A copy of this modified deed to be presented to the Building Official, Town Solicitor and Director of Public Works prior to the issuance of a building permit; **d)** That a sign be installed prior to the issuance of a building permit on this un-named Private Right of Way indicating that it is a "Private Way" and that consideration be given to naming this Right of Way as properties located adjacent to it are using a Putnam Pike address for mail collection and E-911; **e)** That a written recommendation be received from the West Gloucester Fire Chief; **f)** Since the Right of Way is proposed to be constructed of gravel and it has some grades at 5%, it is recommended that these areas be paved. Also, it is recommended that a minimum 40 feet X 20 feet wide asphalt apron be installed at the intersection with Old Snake Hill Road; **g)** That complete drainage plans which will take into consideration the drainage of the 969 foot long road shall be submitted; **h)** That it is the applicant's sole responsibility to seek and receive all permissions, clearances or approvals from owners of this Right of Way prior to making any alterations or using this driveway for access to this property; **i)** That the deeds be

modified to include the easement through proposed Lot 52 for access to existing lot 125A and the reconfigured Lot 124; **j**) and that the road cannot be extended to any abutting properties and that the road be limited in length to its description on the plan submitted. Motion was **seconded** by Janine Pitocco.

Vote: AYES: Ayes –5 , NAYS: Nays – 0 Motion carried on a unanimous aye vote.  
(End of minutes)

Councilor Poirier read the following Technical Review Committee report:

To: The Planning Board  
From: The Technical Review Committee (TRC)  
Date: November 1, 2006  
Subject: Recommendation for Exception to the Ordinance Regulating the Issuance of Building Permits  
Applicant: Vincent & Darlene Gieck  
AP 5, Lots 52, 124 &125A

The members of the TRC have reviewed the subject application, plans entitled "Administrative Subdivision Plan" dated June 2005 and revised 10/18/06, by Sugrue & Associates, Inc, and materials for property located off Old Snake Hill Road and report the following recommendation(s) to The Gloucester Planning Board:

Findings/Recommendations:

- a) There are three lots that will be reconfigured as part of a proposed administrative subdivision. Existing Lot 124 currently has a dwelling that is accessed from Old Snake Hill Road. This lot is identified as proposed Lot 52 on the submitted plan.
- b) Existing Lot 52 is currently vacant and is to be reconfigured. It is identified on the submitted plan as Lot 124. This lot will not have frontage on a Town or State road and will be accessible only through a proposed private right-of-way through proposed Lot 52
- c) Lot 125A is a vacant lot that will not be reconfigured as part of the subdivision, but because it does not have frontage on a town or state road will be accessed via a proposed private right of way through Lot 52.
- d) This application is for access to two (2) proposed dwellings off a shared right-of-way (35 foot wide). The right-of-way does not currently exist and would be created as a result of granting of the exception.
- e) Since the right of way is proposed to be constructed of gravel and it has some grades at 5 percent, it is recommended that these areas be paved. In addition it is recommended that a minimum 40 foot by 20 foot wide asphalt apron be installed at the intersection with Old Snake Hill Road.
- f) Drainage calculations have been submitted as part of this application, but a drainage system has not been indicated on the submitted plans. Some consideration should be paid to the drainage of the 969 foot long road.

- g) The access as proposed is the only practical means of access/egress to the subject property and directly connects to Old Snake Hill Road.
- h) There are no environmental or physical constraints that would make the proposed access impractical or impossible.
- i) The submitted plans, Note 4) states "There are no wetlands located on this property". Based on this and submitted plans the proposed access does avoid wetlands and minimizes steep slopes and does not obstruct scenic views from publicly accessible areas.
- j) Consideration should be given to naming this right-of-way as properties located adjacent to it are using a Putnam. Pike address for mail collection and E-911. The E-911 Coordinator has been informed of this situation and maybe contacting residents living on this right-of-way to coordinate the naming.
- k) The West Gloucester Fire Chief has been provided with a copy of this application and plan, and has been granted an opportunity to make a recommendation. A recommendation has not been received.
- l) It is the applicant's sole responsibility to seek and receive all permissions, clearances and or approvals from owner(s) of this private right-of-way prior to making any alterations or using this driveway for access to this property.
- m) This recommendation does not exclude the standard Driveway Permit Application procedure and subsequent approval by the Public Works Director prior to the issuance of a Building Permit.
- n) The Deed for each of these properties must be modified. to include the language that the Town of Gloucester will not be responsible for maintenance of any nature to this private road, inclusive of snow and ice control and that this language will remain part of the record when title passes in the future. A copy of the modified deed is to be presented to the Building Official and Director of Public Works prior to issuance of building permit.
- o) The "Exceptions to the Ordinance Regulating Building Permits" is a process by which owners of legal lots of record in Gloucester are able to obtain a building permit for the construction of a residence when the lot does not abut a town/state road or a suitably improved non-town road. This process is flexible in that allows the Town to make reasonable exceptions and issue a permit subject to conditions that will assure adequate access for vehicles necessary for the protection of health and safety and will protect the future street layout on the Official Town Road Map. In cases where there is driveway access for a single house, the process is usually very simple and logical, but when the exception process is initiated to provide access through a right-of-way, private road, paper street etc., that already serves other residences, the process is sometimes more complex. The TRC in no way encourages private roads for multiple home sites, but is required to make recommendations as part of the guidelines established by the Planning Board.

The TRC finds that the proposed access to the lot meets the minimum design standards and, if constructed as proposed with the additional consideration given to the above, will provide adequate access to the existing lots and hereby recommends approval of this

request for an Exception to the Ordinance Regulating Issuance of Building Permits.

Town Planner 11/1/06  
Building/Zoning Official 11/1/06  
Director of Public Works 11/6/06

(end of report)

Councilor Sette read the following memo from the Fire Chief:

To: Raymond Goff, Town Planner  
From: Larry Goodnough, Chief  
West Gloucester Fire District  
Date: November 7, 2006  
Subject: Vincent & Darlene Gieck  
Old Snake Hill Road, P. 5, Lots 52, 124, 125A

This letter is in regards to the above-proposed sub-division. This sub-division will allow homes to be built with driveways; in excess of 1000 ft. Fire apparatus only carry 1000 ft. of supply hose. The following are options for this situation:

Option 1: Any driveway more than 1000 ft in length should be required to put in an underground water tank of at least 10,000 gallons. It should be placed in an area, ½ the distance of the driveway and not to exceed the 1000 ft.

Option 2: The driveway should be 18 ft wide with a large enough turnaround for Fire apparatus, within 100 to 200 ft of the house.

The problem with Option 1 is the homeowner does not maintain the water tank.

The problem with Option 2 is that over time the driveway becomes overgrown and the turnaround is filled with parked vehicles.

Whatever decisions are made, it should be something that would be required throughout the town. Perhaps a meeting of the 3 Fire District Chiefs and the Town Planner could be arranged, to discuss this further.

Respectfully,  
Larry Goodnough  
Chief, WGFD

(end of memo)

Councilor Sette asked if anyone wished to speak regarding the Application to please step forward and state their name and address:

Discussion:

- 1) Bill Flynn, Chairman of the Board of Directors of the West Gloucester Fire District, stated that he is here to follow up on Chief Goodnough's letter. Mr. Flynn stated that it was Chief Goodnough's intention to meet with either the Town Council or Town Planner prior to any action being taken on this application. Mr. Flynn stated that Chief Goodnough believes that there are a number of public safety issues which need to be addressed. Mr. Flynn added that they would prefer that the meeting include all three fire chiefs to allow one set of standards to be developed to apply for all applications of this

type. Mr. Flynn requested that this petition be tabled until such time that the Council can entertain a meeting with the fire chiefs. Councilor Reichert stated that he also serves on the Board of Directors, adding that the issues in question are the length of the driveway and the deed for the turnaround.

- 2) West Gloucester Deputy Fire Chief John Greenhalgh spoke regarding the operational concerns with access to properties such as this one. Deputy Greenhalgh explained that in rural firefighting, it is often necessary for vehicles to transit back and forth from the scene and there is concern that an 18 foot gravel driveway would not be adequate to allow two vehicles to pass simultaneously. Deputy Greenhalgh added that another concern is with the maintenance of a water supply on the property, since there are no conveniently adjacent water supplies. Deputy Greenhalgh stated that there are also concerns with the maintenance of the turnaround at the end of the property.
- 3) Timothy Kane, attorney for the applicants, gave some background information regarding the property in question. Mr. Kane pointed out that lots 52 and 125A are landlocked and in order to build on these lots, an Exception to the Ordinance Regulating the Issuance of Building Permits is required. Mr. Kane stated that his clients are proposing a right-of-way which is 35 feet wide but the actual road would be 18 feet gravel with a 2-foot shoulder, noting that this is what the regulations require for private roads serving four or fewer homes. Mr. Kane stated that this application has undergone intense scrutiny and has been before the Planning Board for almost two years. Mr. Kane stated that the applicants have readjusted lot lines to make this application work, adding that all of the proposed lots meet or exceed the four-acre requirement. Mr. Kane pointed out that to pave the road would be prohibitively expensive and would not be in the character of the rural nature of Gloucester.

Councilor Sette stated that the recommendation from the Fire Chief is vague and without a definitive option. Councilor Walsh asked if the lots could be further subdivided in the future. Mr. Kane replied that they are too small to allow further subdivision. Councilor Sette asked if anyone else wished to speak regarding this application.

- 4) Al Miller, abutter to the property, stated that his sister used to occupy the Gieck residence, and she attempted to do a similar project 13 years ago, but was turned down due to safety issues. Mr. Miller expressed his concern that this application would infringe on his privacy as well as the health and safety of his family. Mr. Miller stated that he moved there thirty years ago for the privacy of country living and has raised five children there. Mr. Miller stated that he agrees with the concerns of the Fire Chief regarding fire safety. Mr. Miller further stated that because the frontage of the lot is only 210 feet, there is not enough space to allow for the 35 ft. right-of-way. Mr. Miller stated that this does not appear to be a hardship case, but more for personal gain.
- 5) Linda Petty of 164 Old Snake Hill Road stated that she operates a commercial stable and has not had any problems, but wonders if new residents would take issue with her operation. Ms. Petty stated that she would like to see this land stay natural because adding more residences would take away from the beauty of the area.

Councilor Sette asked if anyone else wished to be heard. Hearing none, Councilor Sette asked if any Council members had any questions or comments. Councilor Walsh asked Mr. Kane if he had a drawing indicating the layout of the driveway in relation to the existing property lines. Mr. Kane stated that there may be room to plant arborvitae along the property line. Councilor Reichert commented that unpaved roads generate an excessive amount of dust, adding that the



placement of the driveway may create a bad situation for the Millers.

Councilor Poirier asked if there is anything to preclude the driveway being placed on the west side of the property. Atty. Kane replied that it would be too close to the septic system. There was discussion concerning whether to close the Public Hearing or continue it. John Bevilacqua, Town Solicitor, stated that the Public Hearing should remain open to allow further discussion after a response is received from the Fire Chief.

Vincent Geick, applicant, stated that he has called several companies and has gotten prices between \$45,000 and \$50,000 for the driveway as it is depicted in the application. Mr. Geick added that if he can afford it he would pave the first 200 feet of the right-of-way. Mr. Geick stated that his wife is handicapped and he has had three surgeries on his back, which has caused him to be out of work for two and a half years. Mr. Geick stated that he has three children and a three-bedroom house, adding that one of his children is sleeping in a partially-finished basement. Mr. Geick stated that he is not trying to make a lot of money, but this is an opportunity for his family to move into a nice house which would make it easier for them. Mr. Geick offered to walk the property with any Council members who wished to do so.

Councilor Sette asked if the Council members had any further questions. Hearing none, Councilor Sette called for a motion.

MOTION was made by Councilor Reichert to CONTINUE until February 1, 2007 the Public Hearing for the Application for the Exception to the Ordinance Regulating the Issuance of Building Permits: Owner & Applicant: Vincent & Darlene Geick, Location: 180 Old Snake Hill Road, further described as AP 5, Lots 52, 124 & 125A; seconded by Councilor Poirier.

Discussion: None.

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

- VI. Unfinished Business
  - A. Appointments
    - 1. Budget Board
      - One (1) three year unexpired term to expire 1/2008

Councilor Poirier stated that interest was expressed by Ron Bachman and Councilor Poirier stated that he will speak to him regarding this appointment.

MOTION was made by Councilor Walsh to TABLE the appointment to the Budget Board for a term to expire 1/2008; seconded by Councilor Joyce.

Discussion: None

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

- 2. Tree Warden (2007)

Bruce Payton, Tree Warden, was present and stated that he has reconsidered his decision to resign from this position.

MOTION was made by Councilor Walsh to REAPPOINT Bruce Payton to the position of Tree Warden, 2007; seconded by Councilor Poirier.

Discussion: None

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

NAYS: 0

MOTION PASSED

B. Code of Ordinance, Proposed amendment: Chapter 350, Zoning

Revisions proposed to the following sections:

1. Chapter 350, Zoning, § 350-11, "Table of Use Regulations."
2. Article 1, §350-8.E.(3)(e)(2)
3. Article 1, §350-8.E.(3)(a)
4. Article III, §350-13
5. Article VII, §350-49

This Public Hearing was advertised in the Providence Journal on Nov. 22, 29<sup>th</sup> and December 6<sup>th</sup>, 2006 and opened by Councilor Reichert on December 7, 2006. At that time, (12/7/06), Councilor Reichert, acting as Vice-President, declared the public hearing closed and a motion was made and passed to continue Council discussion and the vote on the proposed amendments.

Councilor Sette stated that at the Council Meeting of December 21, 2006, after discussion, it was agreed to table further discussion of the proposed amendments to the Council meeting of January 18, 2007. Therefore, no action is necessary at this meeting.

C. Senior Center- Board of Directors  
Adopt Charge of Board

John Bevilacqua, Town Solicitor, stated that the Board of Directors should have a meeting to discuss exactly what they want to do, and the charge will then be formulated and addressed at the next Town Council meeting.

D. Employee Compensation & Benefits  
1. Assistant Animal Control Officer

Councilor Sette stated that this item was tabled last month for further discussion. Tom Mainville, Finance Director, stated that this matter will be referred to the Personnel Board. Councilor Walsh commented that when the Handbook was written, the position was 8 hours a week, but since that time, the employee has been increased to 24 hours per week. Councilor Walsh stated that the Personnel Board should be made aware of this. There was consensus to place this on the agenda for discussion in February.

VII New Business

A. Appointments - Terms to run concurrent with Town Council

1. Deputy Town Clerk
2. Tax Collector/Deputy Treasurer
3. Finance Director
4. Building/Zoning Official

5. Asst. Building Inspector
6. Electrical Inspector
7. Plumbing Inspector
8. Mechanical Inspector
9. Animal Control Officer/Appraiser of Dog Damage
10. Asst. Animal Control Officers
11. Director of Public Works
12. Chief of Police
13. Civil Defense/Hazardous Material Coordinator
14. Probate Judge
15. Recreation Director
16. Deputy Tree Warden
17. Sealer of Weights & Measures
18. Town Solicitor
19. Town Planner
20. Honorary Town Historian
21. Executive Assistant/Town Council

Councilor Poirier stated that he would like the appointment of Town Solicitor to be considered separately from the other appointments.

MOTION was made by Councilor Reichert to APPOINT:

Susan Harris to the position of Deputy Town Clerk;  
 Jane Steere to the position of Tax Collector;  
 Jane Steere to the position of Deputy Treasurer;  
 Thomas Mainville to the position of Finance Director;  
 Brian Lombardi to the position of Building/Zoning Official;  
 Peter R. Scorpio to the position of Asst. Building Inspector;  
 James Clarke to the position of Electrical Inspector;  
 Gary M. Coyne to the position of Plumbing Inspector;  
 Albert Danti to the position of Mechanical Inspector;  
 Michael Merchant to the position of Animal Control Officer/Appraiser of Dog Damage;  
 James Burrill, Michael Beaulieu and Laura Methot to the position of Assistant Animal Control Officers;  
 Alan Whitford to the position of Director of Public Works;  
 Jamie A. Hainsworth to the position of Chief of Police;  
 Charles F. Miller, Jr. to the position of Civil Defense/Hazardous Material Coordinator;  
 William Bernstein to the position of Probate Judge;  
 Anthony Parrillo to the position of Recreation Director;  
 Robert Balme to the position of Deputy Tree Warden;  
 Robert Salley to the position of Sealer of Weights & Measures;  
 Raymond Goff to the position of Town Planner;  
 Edna Kent to the position of Honorary Town Historian;  
 and to TABLE the position of Executive Assistant/Town Council;

all terms to run concurrent with the Town Council to 01/2009;  
 seconded by Councilor Walsh.

Discussion: None

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

Appointments - Terms to run concurrent with Town Council  
Town Solicitor

MOTION was made by Councilor Reichert to APPOINT John Bevilacqua to the position of Town Solicitor; seconded by Councilor Walsh.

Discussion: Councilor Poirier stated that he has three concerns, one of which is the fact that we have been over budget for Town Solicitor's fees for two consecutive years. Councilor Poirier stated that in previous years, we have even been under budget. Another concern that Councilor Poirier expressed is that Mr. Bevilacqua has accepted the position of Solicitor for the Town of Foster. Councilor Poirier wondered if this would be problematic if our interests are not the same as Foster's.

Councilor Poirier added that he sees the potential for problems involving the billing procedure for the Regional School Department. Councilor Poirier noted that his opinion is not a reflection on Mr. Bevilacqua's past performance. Councilor Poirier asked Councilor Reichert if he is represented by attorneys from Mr. Bevilacqua's firm. Councilor Reichert replied that Bradley Steere is his attorney and that some time ago another attorney in Mr. Bevilacqua's firm had assisted him.

Councilor Walsh stated that he also has concerns regarding Mr. Bevilacqua representing both Foster and Gloucester. Mr. Bevilacqua replied that if there was a conflict, he would remove himself from the situation and have another attorney handle the case. Mr. Bevilacqua stated that he does not foresee any difficulty in dealing with the Region for the Town of Gloucester's interest as opposed to dealing with the Region from the vantage point of the Town of Foster. Mr. Bevilacqua stated that he does not envision any conflict, but if there is one that arises, he will be the first one to inform the Council.

Councilor Poirier asked Mr. Bevilacqua if he anticipates any budget overages. Mr. Bevilacqua replied that due to increased activity in the Building Inspector's Office, there has been a reduction in litigation. Councilor Poirier stated that with prior solicitors, the Town would not always get billed in a timely fashion and asked Mr. Bevilacqua if he could commit to more frequent billing. Mr. Bevilacqua replied that he tries to only bill for the hours that he puts in, adding that 90% of the phone conversations he has with Town employees go unrecorded.

Mr. Bevilacqua explained that much of the billing in the past was due to Superior Court issues which we inherited, as well as an increased number of meetings which were attributed to the CVS application. Mr. Bevilacqua stated that he feels this is leveling off. Councilor Sette asked Mr. Bevilacqua if he could bill the Town on a bi-monthly basis. Mr. Bevilacqua stated that his office is trying to catch up on that and will submit an invoice every two months. Councilor Reichert commented that we may have spent a little more, but we got things done. Councilor Walsh stated that his two concerns are that it will be a tough budget year, so we want to stick tight to the budget, and we want to ensure that if there are problems with the School Department that we are well represented.

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

B. Appointments (Terms that expire)

1. Budget Board

Two (2) expired three year terms

MOTION was made by Councilor Poirier to REAPPOINT Catherine Harrington & Edward Burlingame to the Budget Board to fill the expired three year terms, said terms to expire 1/2010; seconded by Councilor Walsh.

Discussion: None.

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

NAYS: 0

MOTION PASSED

2. Conservation Commission

Two (2) expired terms three year terms

MOTION was made by Councilor Poirier to REAPPOINT Michael Ahnrud to the Conservation Commission & to TABLE the second position to the expired three year term, each term to expire 1/2010; seconded by Councilor Walsh.

Discussion: Jean Fecteau, Town Clerk, stated that Roy Najecki, Chair of the Conservation Commission will submit recommendations for this position.

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

NAYS: 0

MOTION PASSED

3. Zoning Board of Review

Two (2) Alternate one year terms

MOTION was made by Councilor Reichert to REAPPOINT Alfred DeCorte as Alternate #1 & Sharon Lambert as Alternate #2 to the Zoning Board of Review to fill the expired one year Alternate terms, said terms to expire 1/2008; seconded by Councilor Poirier.

Discussion: None

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

NAYS: 0

MOTION PASSED

C. Town Council Liaisons for Boards, Commissions & Departments

Public Safety: to include Police, Fire Safety Commission, Animal Control, Civil Defense/Emergency Management

Recreation

Economic Development

Harmony Hill School

Conservation Commission

Housing Authority

Parade Committee

Zoning Office & Zoning Board

Planning Office & Planning Board  
Affordable Housing Advisory Board  
Public Works  
Western Rhode Island Home Repair  
Budget Board  
Finance Department  
Town Hall/Town Clerk  
School Department  
Personnel Board  
Comprehensive Community Plan Coordinating Committee  
Wastewater Management Commission  
Land Trust Trustees  
Chepachet Village Planning Committee  
Historic District Commission  
Senior Center

MOTION was made by Councilor Poirier to TABLE Town Council Liaisons as outlined; seconded by Councilor Joyce.

Discussion:

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

MOTION PASSED

D. Appointments - Boards & Commissions - Terms concurrent with Town Council

1. Board of Contracts & Purchases  
Two (2) expired terms - 01/2007  
One (1) expired Ad Hoc term - 01/2007

MOTION was made by Councilor Reichert to REAPPOINT Finance Director, Thomas Mainville and Town Clerk, Jean Fecteau to the Board of Contracts & Purchases for a term to expire 01/2009 and to recognize as Ad Hoc member a Department Head chosen to participate that is not responsible for the initiating of the procurement; seconded by Councilor Walsh.

Discussion: None

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

MOTION PASSED

2. Personnel Board  
Three (3) expired terms - 01/2007

MOTION was made by Councilor Joyce to REAPPOINT Michael J. Recorvits; Shawn A. Harwood; & Debra Stockwell to the Personnel Board for a term to expire 01/2009; seconded by Councilor Poirier.

Discussion: None

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

3. Recreation Commission  
Five (5) expired terms - 01/2007

MOTION was made by Councilor Poirier to REAPPOINT Gary Martinelli; Sally T. Ryan; Edward J. Burns, Jr.; Joan L. Steere; & Martha Q. Huston to the Recreation Committee for a term to expire 01/2009; seconded by Councilor Reichert.

Discussion: None

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

4. Safety Commission  
Seven (7) expired terms - 01/2007  
One (1) expired School Bus Coordinator - 01/2007  
Three (3) expired At Large Members - 01/2007

MOTION was made by Councilor Reichert to REAPPOINT Chief Jamie A. Hainsworth; Charles F. Miller, Jr.; Alan D. Whitford; Chief Stuart D. Pearson; Chief Lawrence Goodnough; Chief Robert Dauphinais as members of the Safety Commission; Andrew K. Townend; Ruth M. Cole & Earl K. Newman Jr. as At-Large Members to the Safety Commission; & Jennifer Masso as School Bus Coordinator for a term to expire 01/2009; seconded by Councilor Walsh.

Discussion: Jamie Hainsworth, Chief of Police, noted that Jennifer Masso no longer serves as School Bus Coordinator and that position is now held by Steven Winsor. Councilor Sette stated that he believes that Andrew Townend no longer is a resident of Gloucester. Chief Hainsworth concurred.

MOTION was amended by Councilor Reichert to change Jennifer Masso to Steve Winsor and to remove the name of Andrew Townend. Amended MOTION was seconded by Councilor Walsh.

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

MOTION PASSED

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

MOTION PASSED

5. Scituate Watershed Commission  
Two (2) expired terms - 01/2007,

MOTION was made by Councilor Poirier to REAPPOINT Town Planner, Raymond Goff & Roy P. Najecki from the Conservation Commission to the Scituate Watershed Commission for a term to expire 01/2009; seconded by Councilor Walsh.

Discussion: None

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

6. Blackstone Valley Watershed Commission  
One (1) expired term - 01/2007

MOTION was made by Councilor Walsh to REAPPOINT Elizabeth Tetreault to the Blackstone Valley Watershed Commission for a term to expire 01/2009; seconded by Councilor Reichert.

Discussion: None.

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

7. Woonasquatucket River Committee  
One (1) expired term - 01/2007

MOTION was made by Councilor Reichert to REAPPOINT Raymond Goff, Town Planner to the Woonasquatucket River Commission for a term to expire 01/2009; seconded by Councilor Walsh.

Discussion: None.

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

8. Volunteer Recognition Committee  
Three (3) expired terms - 01/2007

MOTION was made by Councilor Poirier to REAPPOINT Councilor Walsh; Jean Fecteau, Town Clerk; & Councilor Sette to the Volunteer Recognition Committee for a term to expire 01/2009; seconded by Councilor Joyce.

Discussion: None

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

E. Comprehensive Community Plan Five Year Update - Contract

There was discussion regarding the Comprehensive Community Plan Five Year Update which was requested by R. Goff.

MOTION was made by Councilor Poirier to AUTHORIZE the Town Council President to sign the contract with Sam Shamoon and Tony Lachowitz for the Comprehensive Community Plan Five Year Update at a cost of \$15,000; seconded by Councilor Walsh.



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

VIII. Department Head Report/Discussion

- A. Jean Fecteau, Town Clerk, stated that she has forwarded a notice to the Police Union acknowledging their desire to begin negotiations. J. Fecteau asked Councilors Walsh and Reichert to advise her as to when they wish to schedule a meeting.

J. Fecteau stated that a letter was sent to the Ethics Commission regarding Richard Barrows and no reimbursement has been received. J. Fecteau asked if the Council now wishes to reimburse Mr. Barrows, as originally agreed, they may need to make a definitive motion at the next meeting regarding whether or not to reimburse Mr. Barrows.

J. Fecteau stated that the process has begun to obtain three prices for computers for the Council members. J. Fecteau noted that this expenditure will not come out of the Council's budget, but from an account set up specifically for technology. J. Fecteau explained that this funding comes from the percentage of our recording fees which the Town is allowed to retain. T. Mainville added that the Town Clerk would sign the requisition since the purchase is coming out of her recording account. J. Fecteau stated that she has asked Councilor Sette to also sign the requisition. J. Fecteau added that she feels it is important that the taxpayers are aware that this expense is not funded by the Town.

- B. Councilor Sette questioned Jamie Hainsworth, Chief of Police, about a letter which was received from Homeland Security regarding grant money which is still available. Councilor Sette pointed out that there is a deadline of February 1<sup>st</sup> and asked Chief Hainsworth to look into this. Chief Hainsworth indicated that he is aware of the deadline and will look into it.
- C. Councilor Poirier asked Ray Goff, Town Planner, about the status of the application for an extension on the River Park Funds. R. Goff replied that last year an extension was requested and he was informed that last year was the final year an extension would be allowed. R. Goff added that there will be an opportunity in the Spring to reapply for the funding and the chances for funding are very good.

IX. Boards/Commissions  
None.

X. Council Correspondence/Discussion

- A. Councilor Sette stated that we have received correspondence from Jeff Gofton concerning the RI Housing Land Trust. J. Bevilacqua, Town Solicitor, stated that he has begun reviewing this but it is very comprehensive and he would like to review it further.

- B. J. Bevilacqua stated that he has received correspondence regarding all-terrain vehicles and the registration process for these vehicles, noting that they are registered with the Department of Environmental Management and not with the Department of Transportation. J. Bevilacqua stated that there are thousands of vehicles of this type

in the State of Rhode Island, but less than sixty are registered, most of which are registered by government agencies.

J. Bevilacqua further stated that most people are not aware of this requirement. There was discussion regarding how to inform owners of these vehicles, such as a newspaper advertisement. Councilor Sette noted that even if these vehicles are registered, it will not affect the problem of noise. J. Bevilacqua responded that noise is addressed in the statutory provisions, but we still need to adopt a standard.

## XI. Open Forum

- A. Rose Lavoie, 31 Wilmarth Road, spoke regarding the recent Candlelight Shopping in the Village. Mrs. Lavoie suggested that next year, it would be nice to have lighting on the waterfall and river. Mrs. Lavoie stated that it would add to the ambience of the event.

Mrs. Lavoie stated that she attended the swearing-in ceremony at the Senior Center and noticed that there were no lights on in the parking lot. Councilor Sette replied that the lights are on a timer which automatically shuts off at 8:00 p.m

Mrs. Lavoie questioned the signage on the new computer store and asked if this was allowed under the sign ordinance. Councilor Sette stated that Dan Romani, Chair of the Historic District Commission, is going to send a formal letter to the Council addressing this matter.

- B. Tom Sanzi, 18B Dorr Drive, expressed the concerns of residents of Douglas Hook Road regarding the noise generated by the emptying of the dumpsters behind the CVS building. Mr. Sanzi stated that this occurs between 2:30 a.m. and 3:30 a.m. Councilor Sette stated that the Building Official will contact CVS and request that they schedule their pickups and deliveries for a more reasonable time.
- C. Bob Lyons of Harmony stated that he approached the Town Council about four months ago concerning the roads in his neighborhood. Mr. Lyons stated that he has been patiently waiting, adding that he had put in a lot of time and effort in compiling the information which he presented to the Council. Mr. Lyons requested that the Council act on this issue one way or another. Mr. Lyons submitted information he felt was important to the Council to help with a decision regarding private roads. Mr. Lyons stated that the residents are not seeking any major upgrades, but only to be on the Official Town Road List. Councilor Sette stated that this will be taken under advisement.
- D. Dan Nardelli, 519 Putnam Pike, spoke regarding a request that he approached the Council with back in July concerning obtaining a right-of-way to access property he controls off Killingly Road. Mr. Nardelli stated that he spoke with John Bevilacqua, Town Solicitor, who advised him to allow a couple of weeks for Mr. Bevilacqua to look into what would have to be done. Mr. Nardelli stated that he has since been advised by Mr. Bevilacqua that this would be addressed at a Town Council Executive Session, but he has not heard back. Councilor Sette replied that this will be placed on the agenda for January 18<sup>th</sup> under Executive Session, at which time discussion will take place and Mr. Nardelli will subsequently be notified of the result of the discussion.

- E. Bruce Payton stated that he appreciates the clarification regarding the registration of all-terrain vehicles, but stated that we are back to the noise again. Mr. Payton stated that with the leaves gone from the trees, the noise is even more prevalent. Mr. Payton asked when this will be addressed by the Council. Councilor Sette stated that discussion will begin at the meeting of January 18<sup>th</sup>.

XII. Adjourn

MOTION was made by Councilor Walsh to ADJOURN at 9:05 p.m.; seconded by Councilor Reichert.

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

NAYS: 0

MOTION PASSED

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Jean M. Fecteau, Town Clerk

Approved at the January 18, 2007 Town Council Meeting.

At a meeting of the Town Council holden in and for the Town of Gloucester on **January 18, 2007**.

- 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 Bevlillacqua, Town Solicitor; Brian Lombardi, Building/Zoning Official; Thomas Mainville, Finance Director; Raymond Goff, Town Planner; Susan Harris, Deputy Town Clerk; Anthony Parrillo, Recreation Director and Virginia Peters, Director of Human Services.
- III. Pledge of Allegiance  
The Pledge of Allegiance was led by Councilor Walsh.
- IV. Open Forum for Agenda Items  
None.
- V. Public Hearing

Councilor Sette stated that the Town Clerk has informed the Council that due to a faulty ad this public hearing will be re-advertised and will be held on February 1, 2007. Councilor Sette added that the applicant has been informed and this action causes no hardship.

**NO ACTION**

- A. Victualing License
  - 1) Cady's Inn Inc., d/b/a Cady's Tavern, Location of Business: 2168 Putnam Pike
- B. Liquor License Transfer: Class B-V Beverage License
  - 1) FROM: Cady's Inn Inc., d/b/a Cady's Tavern, Location of Business: 2168 Putnam Pike
  - 2) TO: Cady's Inn Inc., d/b/a Cady's Tavern, Location of Business: 2168 Putnam Pike
- C. New Entertainment License
  - 1) Cady's Inn Inc., d/b/a Cady's Tavern, Location of Business: 2168 Putnam Pike
- G. Request for assistance: Echo Lake Water District

MOTION was made by Councilor Walsh to MOVE Item VIII.G. Request for Assistance: Echo Lake Water District to this point of the meeting; seconded by Councilor Poirier.

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

William Bernstein, Attorney for the Echo Lake Water District, addressed the Council. Mr. Bernstein stated that the Echo Lake Water District is a legislatively chartered district since 2003. Mr. Bernstein explained that this was a small seasonal water district in the 1950's in West Gloucester which included Jackson Schoolhouse Road, Centre Road, First Road and Lake Drive.

Mr. Bernstein stated that over the years, when the residents began converting the summer cottages to year-round residences, this water system became bigger, but was always run by a private individual, under the name of Brandy Acres Water Supply. Mr. Bernstein noted that back then and up until the present, it served about 50 or 51 homes. Mr. Bernstein stated that in 2002 the residents were notified the business would be shutting down and due to the size of the lots and the proximity to the lake the residents had to begin to organize a water district.

Mr. Bernstein stated this district was chartered by the Legislature in July of 2003 and the first order of business was to locate a new well. Mr. Bernstein stated that after several other alternative attempts a piece of property became available to the District with very favorable terms. Mr. Bernstein further stated that with help from some CDBG loans, this land was purchased and a well was installed which is more than sufficient to serve the homes in the neighborhood.

Mr. Bernstein stated that during this time, the residents still had to pay for their water and the use of their distribution system. Mr. Bernstein stated that since the new well was certified, the residents were able to cut those payments and are now paying only for the use of the distribution system. Mr. Bernstein added that there are several individuals who stepped forward and agreed to serve on the Board, three of whom were present at the meeting. Mr. Bernstein identified them as Roger Ackley, Brian Bicki, and Glenn Coutu. Mr. Bernstein noted that there are two other members of the Board who are not in attendance.

Mr. Bernstein stated that the District is days away from being self-sufficient and attributed that to the members of the Board. Mr. Bernstein also thanked David Steere from USDA for his assistance in the process to qualify for a grant/loan program which will supply 70% of the financing. However, Mr. Bernstein pointed out that this is a program of reimbursement and not a program of outlay, which means that the systems had to be constructed before the District could qualify for that program. Mr. Bernstein stated that some of the expenses that were incurred were inevitable and did not qualify under this loan.

Mr. Bernstein stated that the District qualified for a bridge loan with favorable terms, but the loan is due and payable at the end of this month in the amount of \$239,000, including interest. Mr. Bernstein stated that they hope to close with USDA by that time so that their bank can be reimbursed, but there may be a shortfall of \$30,000. Mr. Bernstein stated that the District is in jeopardy of defaulting on the loan. Mr. Bernstein stated that the District has tried to be self-sufficient and not ask the Council to extend itself in any way because this will be a legislatively run water system. Mr. Bernstein noted that to extend the loan with their bank would be a very costly process. Mr. Bernstein assured the Council that the District has done everything possible to remain independent, but asked for assistance in this matter.

Councilor Sette asked Mr. Bernstein if he is seeking a loan from the Town. Mr. Bernstein replied that it would be a loan which would be repaid in two years or less. Councilor Poirier asked if any more funding is anticipated from USDA. Mr. Bernstein replied yes, but added that this is a program of reimbursement. Councilor Sette asked Tom Mainville, Finance Director, if this has been done in the past. T. Mainville replied that small short-term loans have been granted to Western RI Home Repair. Councilor Walsh asked if this request could fall under Western RI Home Repair in any way.

T. Mainville replied that it would not. T. Mainville stated some things to be considered might be a lien on the property to protect the loan, as well as interest rates and payment schedule. T. Mainville added that this loan would not affect the Town's budget because it would be carried as a balance sheet item. Mr. Bernstein stated that there is some precedent in the Town of Burrillville where he represents the Pascoag Utility District, in 2001 when wells were contaminated, the Town stepped up and gave the District a short-term loan, adding that the loan was reimbursed with CDBG funds.

Mr. Bernstein stated that the Echo Lake Water District has received two series of grants from CDBG in the past and plans to apply again. Councilor Walsh stated that to pay this loan in two years calculates to roughly \$25.00 per month per household. Councilor Walsh asked Mr. Bernstein if this is what is planned and Mr. Bernstein replied in the affirmative. John Bevilacqua, Town Solicitor, stated that any agreement would have to be negotiated, adding that this falls under Public Safety and Health because it pertains to water. J. Bevilacqua noted that a motion to commit the funds could be voted on, with negotiations to be finalized at a later date.

Councilor Walsh asked T. Mainville what is the standard interest rate. T. Mainville replied that a guideline could be our septic loan rates which are now 2% and 4%. The consensus was to set 3% as the rate and to authorize the term of the loan as two years.

MOTION was made by Councilor Walsh to extend a loan in the amount of \$30,000.00 for a two-year period at a 3% interest rate to the Echo Lake Water District to be reviewed and approved by the Finance Director and the Town Solicitor and signed by the Town Council President; seconded by Councilor Reichert.

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

NAYS: 0

MOTION PASSED

## VI. Unfinished Business

### A. Appointments

#### 1. Budget Board

One (1) three year unexpired term to expire 1/2008

MOTION was made by Councilor Poirier to APPOINT Ronald Bachman to the Budget Board for a three year term to expire 1/2008; seconded by Councilor Reichert.

Discussion: Councilor Poirier stated that Mr. Bachman has an extensive background with budget matters and is very enthusiastic to serve on the Budget Board.

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

NAYS: 0

MOTION PASSED

#### 2. Conservation Commission

One (1) expired terms three year terms

Councilor Poirier stated that he has had discussion with Roy Najecki, Chair of the Conservation Commission, who indicated that he would like to speak to several candidates, adding that it is not urgent that a member be appointed immediately.

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

Discussion: None.

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

NAYS: 0

MOTION PASSED

B. Code of Ordinance, Proposed amendment: Chapter 350, Zoning Revisions proposed to the following sections:

1. Chapter 350, Zoning, § 350-11, "Table of Use Regulations."
2. Article 1, §350-8.E.(3)(e)(2)
3. Article 1, §350-8.E.(3)(a)
4. Article III, §350-13
5. Article VII, §350-49

Councilor Sette stated that this Public Hearing was advertised in the Providence Journal on Nov. 22, 29<sup>th</sup> and December 6<sup>th</sup>, 2006 and opened by Councilor Reichert on December 7, 2006. At that time, (12/7/06), Councilor Reichert, acting as Vice-President, declared the public hearing closed and a motion was made and passed to continue Council discussion and the vote on the proposed amendments.

Councilor Sette stated that at the Council Meeting of December 21, 2006, after discussion, it was agreed to table further discussion of the proposed amendments to the Council meeting of January 18, 2007.

Discussion: J. Bevilacqua, Town Solicitor, recommended that the Town Council reopen the Public Hearing in order to read into the record a letter from the Town Planner and Building Official with regard to the amendments to the Ordinance, adding that this would allow an opportunity for public comment.

MOTION was made by Councilor Walsh to REOPEN on February 15, 2007 the Public Hearing regarding the Code of Ordinance, Proposed Amendment: Chapter 350, Zoning Revisions proposed to the following sections:

1. Chapter 350, Zoning, § 350-11, "Table of Use Regulations."
2. Article 1, §350-8.E.(3)(e)(2)
3. Article 1, §350-8.E.(3)(a)
4. Article III, §350-13
5. Article VII, §350-49

seconded by Councilor Poirier.

Discussion: None

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

NAYS: 0

MOTION PASSED

C. Senior Center- Board of Directors  
Adopt Charge of Board

Councilor Sette stated that the following proposed charge has been submitted by the Board of Directors and amended by the Solicitor. Councilor Sette read the following final version into the record:

Glocester Senior Center Board of Directors

A five (5) member Board, appointed by the Town Council, whose mission is “serving all seniors,” to enhance the quality of life for senior citizens through planning, coordinating, and monitoring the delivery of service to seniors in an efficient and effective manner.

The Board of Directors (the ‘Board’) is responsible for overseeing the operation of the Glocester Senior Center (the ‘Center’) and to make decisions for the coordinated use of the Center and the Departments/Offices housed within the Center. The Board serves as a point of contact for requests made which involve the center, and to make decisions for the management, use, operation, and maintenance of the facility, including the installation of furniture, equipment, and storage thereof. The Board shall report to the Town Council for approvals as needed to ensure that timely decisions and coordinated efforts are made.

(End of charge)

Discussion: J. Bevilacqua, Town Solicitor, explained which decisions would be made by the Board as well as those for which Council approval would be necessary. David Fecteau, member of the Board of Directors, stated that community-based non-profit organizations will be allowed to use the facility for their meetings.

MOTION was made by Councilor Reichert to ADOPT the Charge for the Board of Directors to serve on behalf of the Glocester Senior Center; seconded by Councilor Poirier.

Discussion: None

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

MOTION PASSED

D. Town Council Liaisons for Boards, Commissions & Departments

MOTION was made by Councilor Walsh to APPOINT the following liaisons:-

Councilor Joyce - Budget Board  
Planning Office/Planning Board  
Recreation  
Harmony Hill School

Councilor Poirier - Personnel Board  
Housing Authority  
Chepachet Village Planning Committee  
Zoning Office/Zoning Board

Councilor Reichert - Police/Public Safety  
Road Committee  
Western RI Home Repair  
Economic Development



Councilor Sette - Finance Department  
School Department  
Town Hall  
Senior Center  
Land Trust

Councilor Walsh - Public Works  
Conservation Commission  
Parade Committee  
Wastewater Management District Board  
Historic District Commission

seconded by Councilor Reichert.

Discussion: None

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

MOTION PASSED

VII. Consent Items

- A. Council minutes of December 21, 2006 Regular & Executive Session, January 2, 2007 Special Meeting & January 4, 2007 Regular Meeting
- B. Finance Director's Report: December, 2006
- C. Tax Assessor's Additions & Abatements

MOTION was made by Councilor Joyce to APPROVE the Council minutes of December 21, 2006 Regular Session, January 2, 2007 Special Meeting; January 4, 2007 Regular Meeting, to TABLE the Executive Session of December 21, 2006; to ACCEPT the Finance Director's Report for December 2006; and to APPROVE the following Abatement to the 2006 Tax Roll in the amount of \$1,251.89; seconded by Councilor Reichert.

Discussion: None

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

MOTION PASSED

VIII. New Business

- A. Discussion: Regional School Budget/Purchasing procedures

Discussion: Councilor Sette stated that the Council has received the following correspondence from John Devine:

January 16, 2007

TO: The Honorable Town Council

Regarding the Providence Journal's coverage of the Regional Schools supposed no-bid contracts, I wish to make the following comments and observations. First of all, I am astonished that no one has contacted the School Committee or Superintendent concerning this matter. Apparently, residents are not interested in how their tax money is

mishandled. In my conversation with School Committee members (two), I was led to believe that they were not aware of the mandates in place calling for the bid process over a fixed amount.

There is not much we can do about the computer money at this point, except to demand an explanation. Secondly, I was told by one member that the fault lies with the Committee's attorney for not advising them of the policy demanding a bid for a legal attorney contract for the upcoming year (or possibly longer). I find this explanation peculiar and unacceptable. This contract was for the sum of \$60,000.00. When I contacted the superintendent by phone, we had a lengthy discussion about this problem and I was led to believe that these contracts were awarded without bid process and that he was informed of this after the meeting was completed sometime later.

All things considered, what is the answer to this peculiar conduct? I feel that this contract (for legal services) be recalled, several law offices be invited to a meeting with officials to explain what their services will be to the Region and then they should all bid for this contract.

The article by the Journal may not have been totally accurate, however the reporter's story ended with the following line; "This sort of conduct goes on in other Towns and may be acceptable for various reasons." However, what took place in the Region may well have violated State law. Therefore the entire operation deserves a thorough investigation by the Towns of Foster and Gloucester.

There are ways to get around the bidding process, most of which are somewhat devious at best.

Even after a contract is awarded for (roof repairs) and new buildings, etc., one must look very closely at the completed project for things that may be shoddy or incomplete. Granted, the low bid may not always be the best deal. However, in this case we had no bids. In the conduct of my business, ninety percent of our work demands approval by the bid process, that is the way things are done in the real world.

Thank you,  
John Devine  
(end of letter)

Councilor Sette stated that there was a bid for the roof which was before the Council last year, but it was decided not to approve the bid due to some concerns and questions which the Town Solicitor and Finance Director had regarding the bid process. Councilor Sette stated that the Town Council should, at a minimum, forward a letter to the School Department or Superintendent asking for an explanation. Councilor Sette stated that the Town is diligent in the way we put things out to bid which is a tribute to our Finance Director. Councilor Sette stated that the taxpayers of both Foster and Gloucester deserve a written policy in place which would cover these things. Councilor Sette pointed out that according to the auditors' comments, this was just one of six or seven complaints.

Councilor Walsh concurred with Councilor Sette, adding that the Town is held to a standard and the Schools should be expected to follow the same standard. Councilor Walsh asked the Finance Director if the School Department reports to the Town regarding their audit, or if they report directly to the audit firm. T. Mainville, Finance Director, replied that the Foster-Gloicester School Department is a totally separate entity so the Town does not get involved in their

activities. T. Mainville added that the School must respond to the Auditor General. Councilor Walsh stated that the Council should request a copy of that response. Councilor Poirier stated that we have a vested interest, being the funding source.

Councilor Sette expressed his hope that the Foster Town Council will request some accounting as well. Councilor Sette pointed out that the next Regional Financial Meeting is coming up and it would be nice to have some answers to these issues before that time. There was consensus to draft a letter to the School Department and to send a copy to the Town of Foster.

**B. Resolution: Fogarty School Roof Repairs**

Councilor Sette stated that the Finance Director has asked the following Resolution be adopted so that he can proceed with Bond Council:

MOTION was made by Councilor Walsh to SUSPEND the reading of the following Resolution; seconded by Councilor Reichert.

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

MOTION PASSED

MOTION was made by Councilor Poirier to ADOPT the following Resolution;

**RESOLUTION  
TOWN OF GLOCESTER, RHODE ISLAND**

**RESOLUTION OF THE TOWN OF GLOCESTER APPROVING THE  
REPAIR/REPLACEMENT OF THE FOGARTY ELEMENTARY SCHOOL ROOF  
AND THE ISSUANCE OF NOT MORE THAN \$750,000 BONDS AND NOTES  
THEREFORE INCLUDING, BUT NOT LIMITED TO, BONDS AND NOTES ISSUED  
PURSUANT TO FINANCING AGREEMENTS WITH THE RHODE ISLAND  
HEALTH AND EDUCATIONAL BUILDING CORPORATION**

RESOLVED, That:

SECTION 1. In accordance with the vote of the Financial Town Meeting held on May 6, 2006 at which the electors of the Town approved the issuance of not more than \$750,000 bonds and/or notes for the repair/replacement of the Fogarty Elementary School Roof (the "Project"), an amount not to exceed \$750,000 is hereby appropriated for the Project.

SECTION 2. Pursuant to Rhode Island General Laws § 45-12-2, the Town 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 Seven Hundred Fifty Thousand Dollars (\$750,000) bonds of the Town for the Project, including but not limited to, any bonds or notes issued pursuant to financing agreements with the Rhode Island Health and Educational Building Corporation 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 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. The Town may enter into a financing and/or other agreements with the Rhode Island Health and Educational Building Corporation pursuant to Title 45, Chapter 38.1 of the General Laws.

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 Town Finance Director, 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 Town 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, all in such form and with such provisions as such officer shall deem advisable; (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 Town 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 Town 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 note holder 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 9. The Town Finance Director and the President of the Town Council are hereby authorized to take all lawful action necessary or desirable under the Internal Revenue Code of 1986, as amended (the "Code"), to insure that the interest on the bonds and notes will remain exempt from federal income taxation to the extent provided in Section 103 of the Code, and to refrain from taking any action which will cause interest on the bonds and notes to lose the benefit of exclusion from gross income provided by Section 103(a) of the Code. The Town Finance Director and the President of the Town Council are further authorized to take all lawful action necessary or desirable to designate

the bonds and notes as "qualified tax-exempt obligations" within the meaning of Section 265(b)(3) of the Code.

SECTION 10. This resolution is an affirmative action of the Town Council of the Town toward the issuance of bonds or notes in accordance with the purposes of the laws of the State. This resolution constitutes 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 of this resolution but prior to the issuance of the bonds or notes. Such amounts to be reimbursed shall not exceed \$750,000 and shall be reimbursed not later than eighteen (18) months after (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 11. This resolution shall take effect upon its passage.

Steven A. Sette, President  
Glocester Town Council

Seconded by Councilor Joyce.

Discussion: Councilor Joyce stated that when this was originally proposed to the Budget Board with the figure of \$750,000.00, it was supposed to be done in increments. Councilor Joyce stated that it was then discussed that if it were to be done all at once, it may cost less than \$750,000.00. Councilor Joyce asked where the extra monies would go if it came in under \$750,000.00. T. Mainville, Finance Director, replied that it is restricted to this use and cannot be applied to anything else.

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

MOTION PASSED

C. Personnel: Request for salary adjustment

Councilor Sette read the following request for a salary adjustment for a part time employee at the Meal Site:

January 3, 2007  
To: Town Council  
From: Fran Ballou, Senior Center Director  
Re: Wage increase for Catherine Pereira, Meal-site Kitchen Aide

On January 1, 2007, minimum wage in the State of Rhode Island increased from \$7.10 to \$7.40 per hour. Catherine Pereira is presently earning \$7.50 per hour, which is now \$.10 above minimum wage.

I am requesting that her wage rate be increased to \$8.00 per hour at this time in order for her to not only maintain the previous per hour difference above minimum wage, but also as a reflection of her increased responsibilities in our new kitchen. This difference will amount to approximately \$400 for the remainder of the fiscal year, which can be absorbed in my budget.

Thank you for your consideration.  
Fran Ballou  
(end of memo)

Discussion: None.

MOTION was made by Councilor Walsh to increase the salary of Catherine Pereira to \$8.00 per hour; seconded by Councilor Reichert.

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

MOTION PASSED

#### D. Noise Ordinance Discussion/Future Action regarding Ordinance

Councilor Sette stated that a Public Hearing opened on May 4, 2006 at which time discussion was held and the Public Hearing was continued to allow the ordinance to be “looked at further before consideration”.

Discussion: Councilor Sette stated that he had requested that this item be placed on the agenda in order to set a date to reopen the Public Hearing, adding that there is a need to have an enforceable Noise Ordinance in place. There was consensus to reopen the Public Hearing at the meeting of February 1st and to advertise the hearing again since so much time has passed since it was discussed. Jean Fecteau, Town Clerk, stated that since the Public Hearing was not closed but only continued, a legal ad would not be required, but stated that she will run a press release to notify the public.

Bruce Payton, of Lake Washington Drive, stated that in the proposed amendments to the Zoning Ordinance, there are several vague terms which should be looked at. Mr. Payton also suggested that the Council send the proposed amendments to all of the Department Heads and Committees, which may cut down on the process. Councilor Sette stated that this is a good suggestion and thanked Mr. Payton.

#### E. Reimbursement Ethics violation: Board member

Councilor Sette stated that it has been discussed at previous meetings that the Council would reimburse a former Zoning Board member who had been fined by the Ethics Committee. After attempts to rectify this situation with the Ethics Commission this person has paid the fine but now a motion is needed for the Finance Director to expend the funds for the reimbursement. This reimbursement was a consensus of the Council on 9/21/2006.

MOTION was made by Councilor Reichert to AUTHORIZE the expenditure of funds to reimburse Richard Barrows, former Zoning Board Member, in the amount of \$550 for an Ethics filing penalty paid by Mr. Barrows on September 19, 2006; seconded by Councilor Walsh.

Discussion: Councilor Sette explained that there are much larger violations throughout the State which have amounted to \$20,000 or more and are not collected. Councilor Sette pointed out that Board and Commission members are volunteers who are willing to spend time without being paid for their services. Councilor Sette stated that the Council sent a letter to the Ethics Commission asking for the fine to be waived which was denied. Councilor Sette added that there was also conflicting information regarding whether or not Mr. Barrows had filed the paperwork.

Consequently, the Town Council has decided to pay the fine as a way to support the Board member. Councilor Poirier added that of the 240 violators, Mr. Barrows was one of 13 that the Ethics Commission fined. Councilor Poirier stated that most of them were local officials such as our Zoning Board member, which seems out of proportion with what is going on statewide.

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

F. Authorization: Police Cruiser

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

To: Honorable Town Council  
From: Jamie A. Hainsworth, Chief of Police  
Date: January 3, 2007  
Re: Budget Adjustment Police Car

On December 18, 2006 a 2001 Police Car driven by Officer Manuel was involved in a single car accident with no injuries. I have just heard from our insurance carrier the Inter-local TRUST the appraiser has declared the car a total loss.

The TRUST will be paying \$6,875.00 for the car, additionally \$1,718.95 for damaged equipment (8,593.95) less \$2,500.00 deductible leaving \$6,093.95. The salvage value on the car is \$650.00 after speaking to the Town's mechanic he recommends we pay the salvage value and keep possession of this car as the parts use value far exceeds the \$650.00 costs.

That would leave \$5,443.95 payment to the Town of Gloucester for the car.

I am requesting your permission to purchase a new cruiser as soon as possible using the payment from the TRUST and some unused funding from this FY 06-07 budget. The funding I have is a result of a retirement position that has not yet been replaced. I estimate the costs of the new car to be \$21,683.00 plus some equipment that is not transferable from the demolished car.

Thank you for your time and consideration in this matter.  
(End of memo)

Discussion: Councilor Reichert stated that Jamie Hainsworth, Chief of Police, was unable to attend the meeting, but he has spoken with him regarding this matter. There was agreement among Council members that the value of the parts exceeds the \$650.00 value of the vehicle.

MOTION was made by Councilor Reichert to AUTHORIZE the Chief of Police to purchase a new Police car to replace a vehicle that was damaged as a result of an automobile accident; seconded by Councilor Poirier.

Discussion: None

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

G. Request for assistance: Echo Lake Water District  
This item was moved to earlier on the Agenda.

IX. Department Head Report/Discussion

1. Raymond Goff, Town Planner, stated that the Planning Board is working on Conservation Development, and a workshop is scheduled for Monday, January 22<sup>nd</sup> at 7:00 p.m. if the Council members would like to attend. R. Goff stated that the Planning Board is also working on the Comprehensive Plan 5-year update. R. Goff stated that he received a memo from Blackstone River Valley Heritage Corridor regarding the River Walk project, which is still moving forward.
2. Councilor Sette questioned Anthony Parrillo, Recreation Director, regarding the status of the situation at the skate park. A. Parrillo replied that at this time the park is temporarily closed while some safety measures which are required by the Trust are being implemented. A. Parrillo stated that signs have been placed indicating that the park is closed for construction, but some individuals are still using it. There was discussion regarding the possibility of fencing in the park.

A. Parrillo stated that various estimates have been obtained ranging from \$2,000 up to \$5,000 or \$6,000 for fencing. A. Parrillo noted that some of the plans from the fence companies did not look very solid. A. Parrillo stated that Alan Whitford, Director of Public Works, has come up with a design that he feels would work, but would be a little more costly. T. Mainville, Finance Director, stated that the Council has allocated money for this but now there is this new cost which has come up after the Recreation Director had discussed it with the Trust. T. Mainville added that if the fence is not installed, the park will not be insured. T. Mainville stated that if we want to keep the skate park as a viable recreational resource, we will have to install the fence at a cost of about \$6,000.

3. Virginia Peters, Director of Human Services, stated that Chepachet Chatter will be featuring the Senior Center this week.

X. Boards/Commissions  
None.

XI. Council Correspondence/Discussion

1. Councilor Sette stated that he has received correspondence regarding appraising the value of signage. Councilor Sette referred this to Councilor Walsh who is the liaison to the Historic District Commission.
2. There was discussion regarding the meeting of the RI League of Cities and Towns which is scheduled for January 25<sup>th</sup>. T. Mainville, Finance Director, stated that he will be in attendance along with several other Department Heads.
3. There was discussion concerning a request for support for legislation known as the "Madeline Walker Bill" which was received from RI Housing. The consensus was to



prepare a Resolution for the February 1<sup>st</sup> meeting.

4. Councilor Sette stated that there was correspondence from Dan Beardsley of the RI League of Cities and Towns regarding a conference on February 14<sup>th</sup>. The subject of the conference is "Procedures for Levy Cap Compliance". Councilor Sette stated that this may be something of interest to Town officials as well as School Committee members.
5. Councilor Sette stated that the Council has received a letter from Judith Branch asking to be considered for a position on the Senior Center Board of Directors. Councilor Sette stated that Ms. Branch should submit a Talent Bank Application to the Town Clerk's Office.
6. Councilor Sette stated that the Council has received correspondence from the Audubon Society Wildlife Rehabilitators requesting an appropriation of \$200.00 to cover the operating costs for the caring of wildlife.
7. Councilor Sette stated that there is correspondence from the RI Labor Relations Board.
8. Councilor Sette stated that the Council has received correspondence regarding the "Relay for Life". Councilor Poirier stated he will participate.

## XII. Open Forum

1. Tom Sanzi, of Dorr Drive, stated that the Chepachet Village Planning Committee at this time has four members and two vacancies, one for a regular member and the other for an alternate. Mr. Sanzi stated that he has a couple of considerations but has yet to hear back from them. Mr. Sanzi asked the Council if the Committee can move forward with the members they have or must they wait until they fill the two vacant positions. Councilor Sette stated that the Committee can hold meetings because three members would constitute a quorum and that the Council would call the meeting for Committee, as there currently is no chairman.
2. Bruce Payton spoke regarding the noise issue in West Glocester. Mr. Payton stated that the Dirt Bike Riders had a cease and desist order and their appeal was denied. Mr. Payton asked what the Town is doing about the situation, pointing out that the dirt riders are advertising that they have a new track. Mr. Payton stated that noise is the main problem, but that the riders are also going on to other people's property. Mr. Payton further stated that he has reviewed the complaint list from the Police Department and it is two inches thick. Mr. Payton stated that the Dirt Riders have so many violations that he cannot see how the Town can put up with it.
3. Rose Lavoie, of Wilmarth Road, spoke regarding the Chepachet Village Planning Commission, asking the Council if they support this Committee and if so, how would the Council support the Committee financially. Councilor Poirier replied that the first thing to do is to see if there is life in the Committee. Mrs. Lavoie pointed out that they cannot call a meeting because there is no Chairperson. Councilor Sette stated that the procedure would be for the Council to call a meeting for the Committee at which time they would elect a Chair. Mrs. Lavoie expressed her concern that by the time this takes place, the budget process may be over. Councilor Sette stated that the Town has many boards and commissions that have no budget, but if there was a

viable thing that was needed, they would request it through the Council.

Mrs. Lavoie stated that the Gloucester Heritage Society will be requesting an additional \$125,000 from the Budget Board and asked the Council for their support. Mrs. Lavoie explained that this year they need \$315,000 to do the inside of the Rueben Mason House.

Mrs. Lavoie stated that there is an article in today's paper regarding DOT projects which are on hold, one of which is detention basin improvements in Gloucester. Mrs. Lavoie expressed her intent to contact her senators and stated that a letter from the Town Council may be in order also.

Mrs. Lavoie stated that she has heard a rumor that the Texaco gas station has been sold and another gas station will be located there. Councilor Reichert stated that the deed indicates that a gas station cannot be located on the site for forty years. Mrs. Lavoie suggested that the Town consider acquiring the property for a parking lot or other use.

Mrs. Lavoie inquired about the roof on the school which is under construction. Mrs. Lavoie stated that originally the school was not going to have a flat roof, but because of cost, the roof will be flat. Mrs. Lavoie expressed her concern because there were many problems with the flat roof at the West Gloucester Elementary School. Councilor Reichert stated that the leaking problems at West Gloucester were a result of the roof not being installed correctly.

4. Tom Sanzi stated that he has spoken with business owners in Town regarding projects and events involving the Gloucester Light Infantry. Mr. Sanzi expressed concern regarding the current condition of the sidewalks in the village. Councilor Sette stated that at some point there will be a Public Hearing with the Department of Transportation at which time the public will have the opportunity to comment.

### XIII. Executive Session

- A. RIGL 42-46-5(a)5 (Acquisition or disposition of property)

MOTION was made by Councilor Walsh to ADJOURN to Executive Session, pursuant to RIGL 42-46-5(a)5 (Acquisition or disposition of property); seconded by Councilor Reichert.

Discussion: None

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

MOTION PASSED

After Executive Session: No votes taken

### XIV. Adjourn

MOTION was made by Councilor Walsh to ADJOURN at 9:33 p.m.; seconded by Councilor Poirier.

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

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Jean M. Fecteau, Town Clerk

Approved at the February 1, 2007 Town Council Meeting.

At a meeting of the Town Council holden in and for the Town of Gloucester on **February 1, 2007**.

- 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; Susan Harris, Deputy Town Clerk.
- III. Pledge of Allegiance  
The Pledge of Allegiance was led by Councilor Reichert.
- IV. Open Forum for Agenda Items  
None
- V. Public Hearing
  - A. Victualing License
    - 1) Cady's Inn Inc., d/b/a Cady's Tavern, Location of Business: 2168 Putnam Pike

Councilor Sette DECLARED the Public Hearing Open and asked if anyone wished to speak for or against the Victualing License for Cady's Inn Inc., d/b/a Cady's Tavern.

Discussion: None

Councilor Sette CLOSED the Public Hearing.

MOTION was made by Councilor Poirier to GRANT a Victualing License to Cady's Inn Inc., d/b/a Cady's Tavern, Location of Business: 2168 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, 2007; seconded by Councilor Walsh.

Discussion: Councilor Reichert recused himself from voting on the Victualing, Liquor and Entertainment Licenses for Cady's Inn Inc. d/b/a Cady's Tavern.

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

MOTION PASSED

- B. Liquor License Transfer: Class B-V Beverage License
  - 1) FROM: Cady's Inn Inc., d/b/a Cady's Tavern, Location of Business: 2168 Putnam Pike

- 2) TO: Cady's Inn Inc., d/b/a Cady's Tavern, Location of Business: 2168 Putnam Pike

Councilor Sette DECLARED the Public Hearing Open and asked if anyone wished to be heard.

Discussion: None

Councilor Sette CLOSED the Public Hearing.

MOTION was made by Councilor Walsh to GRANT the TRANSFER of a Class BV - Retailer Liquor License to: Cady's Inn Inc., d/b/a Cady's Tavern, Location of Business: 2168 Putnam Pike, contingent upon: 1) Issuance of a valid Victualing License; 2) payment of all Town taxes; 3) Building/Fire Inspectors approval; 4) Rhode Island Certificate of Good Standing; 5) Rhode Island Permit to Make Sales; 6) Diagram of the complete service area submitted; 7) list of all employees with Alcohol Service certification (said list to be kept current); this licenses shall be for the interior of the premise only, and is valid to November 30, 2007; seconded by Councilor Poirier.

Discussion: None

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

MOTION PASSED

C. New Entertainment License

- 1) Cady's Inn Inc., d/b/a Cady's Tavern, Location of Business: 2168 Putnam Pike

Councilor Sette DECLARED the Public Hearing Open and asked if anyone wished to be heard.

Discussion: Bruce Payton, 26 Lake Washington Drive, stated that the noise has decreased in the last month or so, but stated that when he calls to ask them to tone it down, he cannot even hear them on the phone over the noise. Mr. Payton also noted that the doors to the establishment are opened often due to the no-smoking regulations, causing the noise to increase.

Councilor Sette CLOSED the Public Hearing.

MOTION was made by Councilor Joyce to GRANT the issuance of an Entertainment License to Cady's Inn Inc., d/b/a Cady's Tavern, Location of Business: 2168 Putnam Pike contingent upon: 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 to November 30, 2007 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 be kept closed and that doors only be 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: Regarding Item #4, Councilor Walsh asked if the Town can assign a police officer even if there is no advance notice that live entertainment will be taking place. J. Bevilacqua, Town Solicitor, replied that if the Town or the Police Chief are not notified in advance, an officer can be assigned at the establishment's expense.

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

MOTION PASSED

D. CONTINUATION (Opened 1/4/07):  
Application for the Exception to the Ordinance Regulating the Issuance of Building Permits:

1. Owner & Applicant: Vincent & Darlene Gieck  
Location: 180 Old Snake Hill Road, further described as AP 5, Lots 52, 124 & 125A

Councilor Sette stated that this Public Hearing was advertised on December 21, 2006 in the Providence Journal legal ads and after the Hearing on January 4, 2007, there was a motion of the Council to CONTINUE this public hearing pending more information from the Fire Chief.

Councilor Sette DECLARED the Public Hearing open.

Councilor Sette read the following correspondence from the West Gloucester Fire Chief:

Glocester Town Council  
Re: Vincent & Darlene Gieck  
Old Snake Hill Road  
AP 5, Lots 52, 124 & 125A

Honorable Town Council:

In response to your request for a formal recommendation from the West Gloucester Fire District, regarding Fire & Rescue (Life Safety) requirements, related to the above referenced hearing on a proposed sub-division. We would like the council to know that; we have serious concerns about requests of this nature. Allowing the creation of what essentially will be a private road generates all sorts of immediate and long-term concerns for the Fire District and its ability to provide safe and adequate fire and rescue protection to homes built on roads of this type. For the Fire District to feel comfortable with such a request, we have the following requirements and recommendations:

1. With respect to the proposed right of way and the access requirements for that right of way. If approved by the council, it would be creating private road that would be serving as a Fire District access road to the existing home and two new proposed house lots. NFPA 1 (attached) provides the necessary guidance for such a right of way or private road. You should also be aware that NFPA 1 was adopted by the State

of Rhode Island, as law, in 2003 and remains in effect now, for all such situations as this one.

- A. 18.2.2.5.1.1 of NFPA 1, requires that the road be not less than 20 feet wide with a vertical clearance of 13 ft. 6 in. The West Glocester Fire District would require that the proposed road meet this requirement.
  - B. 18.2.2.5.2 requires that the road be designed (engineered) to support the imposed loads of fire apparatus and be provided with a surface suitable for all weather driving capabilities. From our experience with gravel roads in this area, we would require that this road be provided with an asphalt surface.
  - C. 18.2.2.5.3 addresses turning radius, this should not be less than 26 ft. on the road as well as the driveways going off of it.
  - D. 18.2.2.5.4 addresses "dead end" roads and that they must be provided with approved provisions for the turning around of fire apparatus. In this case, the required turning radius would be not less than 50 ft.
2. With respect to this new proposed right of way, NFPA 1, Section 18.3, addresses water supplies in such cases and the West Glocester Fire District has its own regulation that requires the developer to provide a private water source, as specified in the District's regulation.

The council should also know that all three town fire chiefs and members of the three district boards met recently with respect to situations such as this and all three concur with the recommendations, requirements and guidance rendered above in all such situations similar to this one. If you should need any other information, please feel free to contact me at any time.

Sincerely,  
Chief Larry Goodnough  
West Glocester Fire District

(end of memo)

(NOTE: When referenced to NFPA guidelines attached, see copy on file)

Councilor Sette read the following letter into the record:

January 23, 2007

Town of Glocester  
Town Clerk's Office  
Putnam Pike PO Box B  
Chepachet, RI 02814

RE: Application for the exception to the Ordinance regulating the issuance of Building Permits: Owner & Applicants Vincent & Darlene Gieck, Location - 180 Old Snake Hill Road, further described as AP 5 Lots 52, 124 & 125A.

Dear Ms. Fecteau:

I received a notice of a public hearing by the Town Council in a letter dated December 14, 2006, regarding our neighbors seeking approval for a 35 foot wide right-of-way.

This letter was sent to me because we abut this property, our lot is #125. I couldn't have been more surprised to find that plans had been underway since June or 2005 to reconfigure lots as part of a proposed administrative subdivision.

As an abutter to the property described above, I would have thought I'd have received notification from the Planning Board regarding the changes being made to this property. I was told at the Town Council meeting that I should have received notification (in the form of a registered letter) from the Office of the Town Planner. That would have been the time for myself and other abutters to come forward with our questions and concerns. We were not afforded the opportunity to have a voice and neither were any of the other neighboring property owners.

I am sending a copy of this letter to the Town Council and also the Planning Board in hopes that there will be an investigation into why we were not notified prior to the Town Council meeting.

Respectfully,  
Albert Miller  
cc: Town Council President  
Office of the Town Planner  
File

(end of letter)

Discussion:

1. Tom Bazalak of 204 Old Snake Hill Road stated that he wished to remind the Council that all the back land in that area was not allowed to be built on back in the 1970's. Mr. Bazalak added that he is not in favor of any development of back land.
2. Timothy Kane, attorney for the applicants, questioned whether the West Gloucester Fire District has adopted NFPA Standards, which were referenced in the letter from the Fire Chief. Mr. Kane stated that it is his understanding that fire districts in Rhode Island are exempt from these standards. Mr. Kane noted that his clients have undergone a process for approximately two (2) years seeking a total of two new lots which either meet or exceed the four-acre requirement. Mr. Kane reminded the Council that the applicants worked with the Planning Board for over a year in order to obtain a positive recommendation.

Mr. Kane pointed out that because these were existing lots of record which are merely reconfigured, notice to abutters was not required, but added that each meeting was advertised and posted on the Town's website as well as the Secretary of State's website. Mr. Kane referred to the letter from the Fire District which was introduced at the previous meeting, specifically Option 2 which addressed the width of the driveway and a turnaround for fire apparatus. Councilor Sette noted that the abutters were notified by certified mail and Mr. Miller received a notice which was signed for by a member of his family. Councilor Sette also referred to the letter from the Fire Chief, adding that Option 1 recommended an underground water tank of at least 10,000 gallons, adding that he feels that this is a bigger issue than the width of the road.

3. Vincent Gieck, owner and applicant, stated that there are actually two ponds across the street



from his house. Mr. Gieck added that the driveway would be wide enough to accommodate emergency vehicles and the cul-de-sac would have a fifty foot radius, noting that a truck could park in the cul-de-sac and run a hose down the road to the pond. Mr. Gieck stated that this is what is normally done in West Glocester.

4. Larry Goodnough, Chief of the West Glocester Fire Department, stated that fire laws were amended as a result of the fire in West Warwick in which 100 people were killed. Chief Goodnough stated on January 4, 2004, Governor Carcieri signed into law the adoption of the Uniform Fire Code NFPA1 and Life Safety Code 101. Chief Goodnough stated that when he made his first recommendations, he had not yet researched the NFPA 1 in its entirety.

In reference to the two ponds which Mr. Gieck mentioned, Chief Goodnough stated that there is no access to these ponds. Regarding underground water storage tanks, Chief Goodnough noted that this requirement was adopted by the West Glocester Fire Department in 1991 before the new West Glocester Elementary School was built, adding that the Town was required to install two (2) 10,000 underground water storage tanks at that time. Chief Goodnough stated that one of the West Glocester fire trucks weighs 64,000 pounds and would require a paved road rather than a gravel road. In summary, Chief Goodnough stated that the applicants must meet the requirements of the law.

5. John Bevilacqua, Town Solicitor, stated that he checked the NFPA 1, Chapter 18 more specifically, and also called the State Fire Marshal's Office. J. Bevilacqua stated that this is a recommendation which has not been adopted nor has it been made a requirement. J. Bevilacqua concurred with Chief Goodnough regarding the type of road which would withstand the weight of emergency vehicles as well as the minimum width of twenty feet. J. Bevilacqua expressed his concern regarding the application of a recommendation which has not been applied in the past. J. Bevilacqua stated that the only concern the State had was that the owner of the private road had the strict responsibility of maintaining the road to the standard that these vehicles would require in the event of an emergency. J. Bevilacqua stated that if the Town is going to place restrictions and standards on people, then those standards should be made known to the public before an applicant presents a petition.

Councilor Walsh asked Mr. Kane if this is a road or a driveway. Mr. Kane stated that it could be called either a right-of-way or a private road. J. Bevilacqua pointed out that one of the recommendations of the Planning Board was that it would not be a Town road. There was discussion regarding planting a buffer between the road and the abutting property. Councilor Reichert stated that he would like to see a portion of the driveway paved to prevent problems with dust. Councilor Reichert also recommended that the applicant install a water tank on the property.

Mr. Kane stated that his client would be willing to pave 200 feet of the driveway. Darlene Gieck, owner/applicant, stated that they have obtained estimates from three different companies for the road surface. Mrs. Gieck further stated that in 2001, her parents died in a house fire in East Providence even though the house was located only 25 feet from a Town road equipped with fire hydrants. Mrs. Gieck added that they have a 13,000 gallon swimming pool in their yard which could serve as a water source in case of a fire.

MOTION was made by Councilor Reichert to CLOSE the Public Hearing; seconded by Councilor Poirier.

Discussion: There was discussion regarding the driveway requirements. J. Bevilacqua, Town Solicitor, stated that he will draft a motion to be voted upon at the next meeting.

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

MOTION was made by Councilor Reichert to CONTINUE until February 15, 2007 the Application for the Exception to the Ordinance Regulating the Issuance of Building Permits to: Owner & Applicant: Vincent & Darlene Gieck; Location of property: 180 Old Snake Hill Road, further described as AP 5, Lots 52, 124 & 125A; seconded by Councilor Poirier.

Discussion: None.

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

- E. CONTINUATION (Opened 5/4/06)
  - 1. Amendment to Gloucester Code of Ordinance Chapter 217, Section 1- 20: Noise

Councilor Sette stated that this Public Hearing was duly advertised in the Providence Journal and was opened in May, 2006. Copies have been available in the office of the Town Clerk.

Councilor Sette stated that in May, the Public Hearing was continued after a consensus was reached that the ordinance needed to be looked at further before consideration.

Councilor Sette DECLARED the Public Hearing open.

Discussion:

1. Jeffrey Spring of Absalona Hill Road stated that he thought that this was dealt with eight months ago and that the Council was going to study the Ordinance further and perhaps make some changes. Mr. Spring asked if this is the best the Council could do right now for an Ordinance for the Town of Gloucester. J. Bevilacqua replied that the music issues addressed in the Ordinance pertain to automobiles and boom boxes, adding that there is an Ordinance in Town which states that any type of concert which congregates more than fifty (50) people would require a permit.

Mr. Spring expressed his opinion that this type of Ordinance is not necessary in a rural community such as Gloucester. Mr. Spring asked for a definition of "light residential outdoor power equipment" which is referenced in Section 217-8. J. Bevilacqua replied that this would include lawn mowers, chain saws and other things which would be used around one's yard. Mr. Spring stated that the proposed Ordinance is overly broad, to which J. Bevilacqua replied that it is rather specific and honors the laws which are already in existence.

Mr. Spring asked why the Town could not go after the particular activity which is causing the noise problem, such as all-terrain vehicles or motorcycles. J. Bevilacqua responded that, according to the US Constitution and the Rhode Island Constitution, laws are to be equally applied and are supposed to be fair. Mr. Spring stated that he feels that if this Ordinance is passed, it will cause people to complain about their neighbors instead of working out an agreement among themselves.

2. Deborah Charron, 2399 Putnam Pike, spoke in favor of the proposed Noise Ordinance not for

specific reasons but on a general basis. Mrs. Charron stated that on occasion 150 Harley Davidson Motorcycles can pass her house and while it is very loud, it is over in a couple of minutes. Mrs. Charron stated that the problem is sustained noise which lasts for four or five hours. Mrs. Charron noted that this type of noise makes people angry, sick and forces them into their houses. Mrs. Charron pointed out that good neighbors can address a problem without calling the Police, but this type of Ordinance is needed to have some type of control. Mrs. Charron stated that she would appreciate the Council passing this Ordinance.

3. Odette McMahon of 77 Pine Orchard Road stated that she moved to Gloucester 28 years ago for the peace and quiet. Mrs. McMahon added that for the last four years they have not had that due to people who moved into the neighborhood who crank up their radios. Mrs. McMahon stated that the Police have responded but the offenders would turn off their music until after the Police left. Mrs. McMahon stated that her elderly father occupied the room which is adjacent to the neighboring property, causing them to keep the windows closed without air conditioning.

Mrs. McMahon stated that she wished to remind the Council members of their promises to "keep Gloucester rural". Mrs. McMahon inquired about the meter which is referred to in the proposed Ordinance. J. Bevilacqua replied that this Ordinance is required to purchase the meter and to provide the appropriate training. Mrs. McMahon stated that loud music is not only from boom boxes and cars, but from homes as well. Mrs. McMahon stated that she applauds the Town Council for going from the vague half-page Ordinance which is presently in place to this proposed Ordinance and asked the Council to keep Gloucester rural.

4. Dave Carrara, 46 Caron Way, expressed his opinion that the proposed Ordinance is difficult and the measure is vague (5 decibels over ambient sound). Mr. Carrara feels that this Ordinance is a good idea, but had concerns regarding its extent.
5. Mark Bonn of 447 Durfee Hill Road expressed his opinion that it is not necessary to go to this depth at this stage. Mr. Bonn stated that there are specific problems in Town with specific people which should be addressed without painting a broad stroke and making every resident of Gloucester have to comply with it. Mr. Bonn spoke favorably regarding the New England Dirt Riders, stating that it is much safer to ride there as opposed to the State forest. Mr. Bonn added that the options for recreation in this Town are very limited. Mr. Bonn expressed his concern regarding the penalties imposed for violation. Mr. Bonn questioned how it would be determined if a person knowingly violated the Ordinance. Mr. Bonn stated that the Ordinance is somewhat complex.
6. Walter Steere, 1318 Putnam Pike, stated that many residents of Gloucester have old backhoes or tractors and only have Saturdays or Sundays to work around their property. Mr. Steere stated that long-time neighbors do not object, but pointed out that many properties are sold and a new neighbor may not be so understanding. Mr. Steere stated that he feels that this Ordinance would be a way for somebody to get at a neighbor with whom they already have a problem or disagreement. Mr. Steere indicated that he opposes this Ordinance.
7. John Andrade of Durfee Hill Road stated that this law is not intended to stop somebody from cutting their grass. Mr. Andrade spoke regarding a situation on his street where a neighbor works on cars in the driveway and then races them up and down the road. Mr. Andrade stated that if the Town does not adopt some sort of law, this activity will continue. Mr. Andrade feels that this proposed Ordinance is better than what we had before.
8. Bill Cahill of Gold Mine Road stated that he lives on a farm and his son rides his dirt bike on

the property. Mr. Cahill feels that his son should be allowed to ride freely without the concern of a neighbor filing a complaint for noise. Mr. Cahill pointed out that a chain saw generates twice as much noise, but is allowed under this Ordinance. Mr. Cahill stated that in certain circumstances, such as late at night, noise should be prohibited.

9. Kenneth Law of 245 Old Snake Hill Road, owner of New England Dirt Riders, stated that he wished to apologize for any disturbance or disruption which may have occurred in the neighborhood of his business. Mr. Law stated that he is neither for nor against this Ordinance, but he is in favor of keeping peace in the neighborhood and of his business which is his livelihood. Mr. Law further stated that he wished to thank the Town Council for working with him over the years, adding that he has been in business for six years. Mr. Law stated that part of his property is zoned Highway/Commercial, the other part is zoned Agricultural/Residential. Mr. Law agreed that the noise generated by his business is loud, but in certain areas it is not so bad due to the wooded nature of the location. Mr. Law stated that he is willing to do whatever is necessary to keep the peace, including the installation of noise walls and the requirement of noise caps on some of the louder bikes.
10. Rose Lavoie, 31 Wilmarth Road, stated that she has lived in Town for 60 years and has listened to a lot of noise, but has never called to complain. Mrs. Lavoie stated that she is not in favor of an Ordinance of this type, adding that there are too many rules and regulations which somebody has to enforce. Mrs. Lavoie stated that if people were a little more tolerant, we would all be better off.
11. Bill Rainone of 345 Chopmist Hill Road stated that he has a commercial landscaping company and asked how the decibel levels would affect his business if he does several properties in the same neighborhood and somebody complains. J. Bevilacqua, Town Solicitor, replied that this activity would be allowed unless it is performed on a Sunday or late in the evening.
12. William Salvas, of 49 Airy Acres Drive, spoke in favor of the Ordinance. Mr. Salvas stated that although he agrees that the New England Dirt Riders facility is a safe, well-run place for our youth to go, he feels that the location is not appropriate. Mr. Salvas added that the people who use the facility do not realize the amount of noise that is generated in the neighborhood because they do not have to listen to it on a daily basis. Mr. Salvas stated that if the Ordinance is in place, and the business owner is willing to put walls up, that is what has to be done.
13. Ryan Siedzik, 832 Durfee Hill Road, inquired about Section 217-6 of the proposed Ordinance regarding exceptions from article provisions. Mr. Siedzik pointed out that “unamplified human voices” could apply to loud voices outdoors, meaning that this would not be a violation. Mr. Siedzik also suggested that an appendix be added to the Ordinance which would give examples of certain decibel levels. Mr. Siedzik stated that he understands the intent of the Ordinance, but does not agree with its implementation at this time.
14. Melissa Tabares, 1370 Putnam Pike, stated that she and her husband purchase logs and use a chain saw and wood splitter, sometimes on a Sunday. Mrs. Tabares stated that this would be a violation of the Ordinance and asked what they should do. Councilor Sette stated that the Ordinance is complaint-driven, so if the activity does not take place in the early morning hours or on a weekly basis, there should not be a problem. J. Bevilacqua, Town Solicitor, added that if there is a necessity and this is the only time that the work could be performed, permission could be obtained from the Police Department.

15. Bruce Payton, 26 Lake Washington Drive, stated that back in August, the Town Council said they would take steps to enable Gloucester to be a pleasurable place to live, work and raise a family. Mr. Payton further stated that in 2000, certain conditions were imposed on the license for the New England Dirt Riders, including no bike racing or rallies that would be of significant noise or issues with the neighbors. Mr. Payton stated that his residence is a mile away and the noise can be heard all day on Saturdays and Sundays and in the evening when he comes home from work. Mr. Payton expressed his support for this Ordinance.
16. Dave Carrara of Caron Way spoke again regarding the situation on Durfee Hill Road which was discussed earlier. Mr. Carrara pointed out that there are other laws in place which prohibit the operation of a business on a Sunday and the speeding and racing of cars on Durfee Hill Road. Mr. Carrara stated that when the Police respond to these complaints, the offenders go inside until the Officers leave, and then resume these activities. Mr. Carrara stated that the Noise Ordinance will be no different. Mr. Carrara also stated that the proposed Ordinance deals with what is deemed acceptable as opposed to the decibel levels of the activities. Mr. Carrara expressed his opinion that this is not the way to solve the problem with the dirt bike track. Mr. Carrara added that this proposed Ordinance is vague and unenforceable.
17. Mark Bonn of Durfee Hill Road stated that he empathizes with the people who have concern regarding noise generated by New England Dirt Riders and he commends Mr. Law for his efforts to alleviate the situation. If these measures are not successful, Mr. Bonn asked if there was a possibility of Mr. Law leasing a portion of the 100 acre parcel on Reynolds Road which was donated to the Town by FM Global.
18. Leslie Poitras of 25 Airy Acres Drive stated that she is in favor of the Noise Ordinance, adding that the decibel level is multiplied by the number of dirt bikes using the track at one time.
19. Odette McMahon stated that this Ordinance is not just about Mr. Law's business, but also applies to the other end of Town, where there are also noise issues. Mrs. McMahon asked the Council to consider passing this Ordinance.
20. Deborah Charron of 2399 Putnam Pike stated that if a noise barrier is installed at the bike track, it will abut her property. Mrs. Charron expressed concern regarding the owner of the property behind the track, stating that he is in a wheelchair and cannot escape the noise. Mrs. Charron wondered if the barrier would channel the noise in the direction of this person's property. Mrs. Charron pointed out that they do not want to harm Mr. Law's business, but wish to save their sanity.

Councilor Sette read the following paragraph from the existing Noise Ordinance:

"It is hereby declared to be a public nuisance and it shall be unlawful for any person to make, cause, or suffer or permit to be made or caused upon any premises owned, occupied, or controlled by him/her, or upon any public property, public roadway or thoroughfare in the Town, loud and unreasonable noise by means of the human voice, or by any other means or methods which, under the circumstances, would disturb a person of average sensibilities, or which are so harsh, or so prolonged or unnatural, or unusual in their use, time and place as to disturb a person of average sensibilities or which are injurious to the lives, health, peace and comfort of the inhabitants of the Town."

Councilor Sette pointed out that this paragraph would indicate that any and all noises apply.

Councilor Sette explained that situations arise which demonstrate the need for certain laws to be created and enforced, such as the barking dog who keeps a neighbor awake, and the recent Light Ordinance. Councilor Sette stated that the Council has received much input tonight, on both sides, thanking those who spoke.

Councilor Reichert commented that it is a sad situation when somebody must ask their neighbor or notify the Police if they wish to cut wood on a weekend. Regarding Factory Mutual, Councilor Reichert stated that he has had several calls concerning noise generated by fans being used on the property. Councilor Reichert expressed his concern regarding where do we go from here?

Councilor Poirier asked what this Ordinance is patterned from. J. Bevilacqua, Town Solicitor, stated that the Ordinance is patterned after several rural communities, with additions which are appropriate for the Town of Gloucester. J. Bevilacqua added that in order to make such an Ordinance effective, it has to have a universal application and the standards have to be adopted according to the schedule of Zoning which exists in the Town. J. Bevilacqua pointed out that this Ordinance is not directed specifically toward dirt bike use nor any commercial enterprise.

Councilor Poirier stated that he feels the Ordinance is overly technical. Councilor Poirier stated that he does not feel that a comparison to the Light Ordinance is fair, adding that it is not difficult to shield a light to point in one direction.

J. Bevilacqua noted that the figures in the proposed Ordinance are subject to change because a study has not yet been conducted using the decibel meter.

Councilor Walsh stated that he is unfamiliar with the subject of decibel levels, and without technical expertise, he would not be able to pass the Ordinance. J. Bevilacqua recommended that the Council have somebody who operates the equipment come in to speak to the Council and conduct a demonstration. J. Bevilacqua stated that he will arrange for the demonstration along with the Chief of Police.

MOTION was made by Councilor Walsh to CONTINUE until March 1<sup>st</sup> the proposed amendment to the Gloucester Code of Ordinance, Chapter 217, Section 1-20: Noise; seconded by Councilor Joyce.

Discussion: None

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

VI. Consent Items  
A. Minutes of January 18, 2007

MOTION was made by Councilor Poirier to APPROVE the minutes of January 18, 2007; seconded by Councilor Walsh.

Discussion: None

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

- VII. Unfinished Business
  - A. Appointments
    - 1. Conservation Commission
      - One (1) expired terms three year term

MOTION was made by Councilor Poirier to TABLE the appointment to the Conservation Commission for a three year term to expire 1/2010; seconded by Councilor Walsh.

Discussion: Councilor Sette stated that if the Council does not receive any recommendations from the Conservation Commission by the next meeting, this item will be removed from the agenda until such time that a recommendation is received.

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

- VIII. New Business
  - A. Resignation
    - Senior Center Board of Directors

Councilor Sette stated that we have received the resignation of Debra Rogala from the Senior Center Board of Directors, adding that Debbie would like to stay on as the Board's recording secretary. Councilor Sette stated that the appointment as recording secretary can be placed on the next agenda.

Councilor Sette noted that once this resignation is accepted no further action is necessary as the Charge of the Board of Directors states there will be 5 members, and the Council had been advised accidentally to appoint 6. The Board's charge remains at 5 members.

MOTION was made by Councilor to ACCEPT the resignation of Debra Rogala from the Senior Center Board of Directors (with no replacement necessary); seconded by Councilor Poirier.

Discussion: None

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

- B. Resolution:
  - Support Chepachet Fire District (Legislative process)

Councilor Sette stated that the Chepachet Fire District has submitted proposed legislation to Senator Fogarty after a vote of a majority of their members. This proposed legislation is in regard to amending the Fire District's Charter. Senator Fogarty's office has asked the Council to support the Fire District's right to this process.

Councilor Sette read the following Resolution:

#### RESOLUTION

WHEREAS, the Town Council of the Town of Glocester would like to support Senate Bill S 0091 An Act In Amendment of Sections 3 and 4 of Chapter 905 of

the Public Laws of 1912, Entitled “An Act to Incorporate the Chepachet Fire District,” as Amended; and

WHEREAS, the Chepachet Fire District held a Special Meeting on December 20, 2006 where taxpayers along with the Board voted to propose this Amendment to the Senate; and

WHEREAS, this Public Hearing was duly advertised in the Bargain Buyer according to State Law as well as being posted on the State website; and

WHEREAS, while the Chepachet Fire District serves as a separate entity from the local government, the Town Council supports their efforts in the legislative process; and

NOW THEREFORE BE IT RESOLVED: that the Town Council of the Town of Gloucester would like to again acknowledge their support of Senate Bill S 0091 An Act In Amendment of Sections 3 and 4 of Chapter 905 of the Public Laws of 1912, Entitled “An Act to Incorporate the Chepachet Fire District,” as amended.

Steven A. Sette, President  
Gloucester Town Council

seconded by Councilor Joyce.

Discussion: None

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

MOTION PASSED

C. Public Safety Department- Animal Control  
Assistant Animal Control Officer: Increase in hours

Councilor Sette read the following into the record:

January 29, 2007

To: Honorable Town Council  
From: Jamie A. Hainsworth, Chief of Police

Re: Increase Hours Asst. A.C. O. Burrill - Part Time

As you may recall at the October 5, 2006 Council Meeting I addressed the Council about the issue of increasing the hours for the Assistant Animal Control Officer James Burrill and at that time, I did in fact increase his hours to at least twenty four (24) hours per week.

I have been instructed by Tom Mainville to have the Council take an official action on this matter.

I am requesting you take action on increasing Mr. Burrill's hours to a regularly scheduled work week of twenty four hours (24) effective Jan. 28, 2007.



Thank you for your time and consideration in this matter.  
(End of memo)

Discussion: None.

MOTION was made by Councilor Walsh to AUTHORIZE the Assistant Animal Control Officer, James Burrill, to work a regularly scheduled work week of twenty four hours per week effective January 28, 2007; seconded by Councilor Reichert.

Discussion: None

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

NAYS: 0

MOTION PASSED

D. Appointments

1. Gloucester Land Trust

One (1) five year expired term to expire 2/2007

Two (2) expired Member At Large Terms to expire 02/2007

MOTION was made by Councilor Poirier to REAPPOINT Bruce Peterson to the Gloucester Land Trust to a five year term to expire 2/2012 and to REAPPOINT Walter M.O. Steere III & Roy Najecki to the Member At Large positions for terms to expire 2/2008; seconded by Councilor Joyce.

Discussion: None

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

NAYS: 0

MOTION PASSED

IX. Department Head Report/Discussion

Jean Fecteau, Town Clerk, stated that she hopes to have the Town Council paperwork computerized by the first meeting in April.

J. Fecteau stated that she has made a list of repairs which need to be performed at the Town Hall and has forwarded the list to the Director of Public Works.

X. Boards/Commissions

None

XI. Council Correspondence/Discussion

None

1. Councilor Sette read the following letter from the Recreation Director into the record:

TO: Town Council

FROM: Anthony Parrillo, Recreation Director

DATE: January 23, 2007

SUBJECT: Request to use Capital Project Fund for Gloucester Memorial Park

There is currently \$6,460 in the Capital Fund Project for Gloucester Memorial Park. I would like to use \$4,600 to purchase the materials for an outfield fence and foul poles for Leja Field. The Gloucester Little League would provide the installation of the fence and poles. Currently, the Gloucester Little League is requesting this additional money through the Grants-In-Aid, along with the usual \$3800. However, I feel that the balance in the Capital Fund for Gloucester Memorial Park should be used to cover this expense. This project would be a necessary improvement to the condition and safety of Leja Field.

Currently, there is neither an outfield fence nor foul poles at Leja Field, which are now requirements for any little League team to host an All-Star game. So, when the 13-16 year old Gloucester Little League All-Stars have a scheduled home game, they will be unable to play that game in Gloucester. Also, the absence of an outfield fence poses a safety issue. Any ball chased to the back of the outfield will roll down the slope and into the trees, brush, and poison ivy. Players are instructed not to chase these balls, however in the heat of a game many do.

I spoke to Tom Mainville, and he feels that this Capital Fund is an appropriate source for the project. Please consider approving this request. Thank you.

Respectfully,  
Anthony Parrillo  
(End of memo)

There was consensus to place this on the next agenda.

2. Councilor Sette stated that correspondence has been received from the Tax Collector regarding legislation concerning tax sales. Councilor Sette stated that he will contact the Tax Collector to determine if she wishes to place this on a future agenda.
3. Councilor Joyce read the following letter into the record:

92 Dexter Saunders Road  
Gloucester, RI 02857  
January 31, 2007

Mr. Steven Sette  
Town Council  
1145 Putnam Pike  
Gloucester, RI 02814

Dear Mr. Sette:

The Bucci family has lived on Dexter Saunders Road for 58 years. Upon my marriage, I moved away. Upon retirement I returned and built a home on the family farm. During the two-year construction period a serious inconvenience appeared. Contractors and delivery personnel complained of difficulty finding Dexter Saunders Road. My wife and I occupied the home on June 1, 2005. Merchants and visitors, also, complained of difficulty finding our road.

Many who were instructed to come via Snake Hill Road missed the turn onto Anan Wade Road. There is no road sign at the corner of Snake Hill and Anan Wade.

Many who were instructed to come via Route 101 and Anan Wade missed the turn onto Dexter Saunders Road. The road sign is on a telephone pole 75 feet away from the side of Anan Wade, and three seasons of the year is obliterated by foliage.

I am impressed with the signage throughout the town and trust you will authorize the two signs to be installed as soon as possible.

Thank you for your attention to this matter.

Sincerely yours,  
Frank A. Bucci  
cc: Michael Joyce

Councilor Reichert stated that he will speak to the Director of Public Works and refer this matter to that department.

4. Councilor Sette stated that correspondence was received from Joseph Dias of the Department of Environmental Management regarding the 2004 Rhode Island Open Space Grant Award - Kwandrans Acquisition. Councilor Sette congratulated Bruce Payton, Land Trust Chair, for receiving this award.
5. Councilor Reichert read the following letter into the record:

January 24, 2007  
The Gloucester Town Council  
Town Council President Sette  
1145 Putnam Pike  
Gloucester, RI 02814

Dear Council President Sette:

As Chairman of the Historic District Commission, I am writing in regards to a sign issue that I believe has been addressed by the Council without adhering to zoning ordinance Article V, Sign Regulations. Recently several signs advertising one business, "The Computer Store," have been improperly erected within the Historic District, without application to the Historic District Commission, and without permit by the Zoning Office. Not only have they been erected without a permit, but they also violate several sections of the zoning ordinance. Specifically, the signs are in violation of sections 350-23, 350-25, 350-27-D, 350-33-A, 350-33-B, 350-33-C, 350-33-D2, and 350-33-D4. In this same building there is also another business, "Aegean Pizza," whose sign was removed and it is my understanding that it is going to be replaced imminently. If it is to follow the same construction techniques as the other signs as was described in a Town Council Meeting of October 2006, then this sign also needs to follow the zoning ordinances and permit process governing signs in the Historic District.

All newly erected signs within the Historic District require an application to and approval from the Historic District Commission, in addition to requiring a building permit (sections 350-25 and 350-33-C). None of these requirements have been met by the signs advertising the "Computer Store" and should be disallowed on this issue alone.

In addition to this, however, the signs are replacing obsolete signs of a previous business that has been out of existence for more than six months. The owner of the property was

aware of the obsolescence of the signs and was given written notice that the old signs needed to be removed. He failed to do this. The signs therefore are in violation of sections 350-27-D and 350-33-D4. Regardless of the age of the sign, the overall size of the main sign has been increased substantially and has had a new frame and wiring in addition to a new, larger face. These changes to the sign have caused any repairs to exceed fifty percent of its replacement cost. This clearly places the sign in violation of section 350-33-D2.

The new signs placed by the “Computer Store” are made of plastic and internally lit, thus placing them in violation of sections 350-33-A and 350-33-B.

The “Computer Store” also has four internally lit signs that have been hung in the windows of the shop specifically designed to be seen by the public outside of the building in addition to the signs previously questioned. These signs are also regulated by the sign ordinance, specifically section 350-23, but no application has been submitted for these signs either.

As Chairman of the Historic District Commission, I am requesting that the Town Council take this matter into consideration and require this business to follow the same rules and regulations as every other business in town. Furthermore, I am requesting that the Town Council hold this business and all other involved parties responsible for its flagrant and egregious actions until the very clear and unambiguous zoning ordinances pertaining to signs have been met. This business was told that proper permits and applications were required to be filed for signage in town and it deliberately chose not to follow these requirements. There should be no question that the signs previously mentioned are in violation of the zoning ordinances.

It is not difficult to follow the sign ordinance as set forth for the Historic District, and the Council must take a dim view of businesses completely ignoring town ordinances. When other businesses that are either out of the Historic District or are not required to follow the regulations set forth by the District, such as Dunkin Donuts and CVS, voluntarily subjected themselves to those rules and regulations the wrong message is sent by allowing unnecessary variances to the ordinance for other businesses.

This matter was placed on the agenda without my knowledge and only one side of the issue was presented to the Council. There were certain factual errors and contradictions to the relevant ordinances in this presentation that may not have allowed the Council to make an informed decision. I trust that the Council will find the additional facts previously laid forth to be correct and that this issue will be placed on the Council agenda for discussion and resolution.

Sincerely,  
Daniel Romani, Chairman  
Historic District Commission  
(End of letter)

There was consensus to place this item on the next agenda and to direct the Building/Zoning Official to look into the matter beforehand.

6. Councilor Sette stated that the audit for the Town was delivered last week and it was favorable on the Town side, however, there were several issues on the School portion which still need to be resolved. Councilor Sette stated that it appears that the Schools were over-

expended by \$152,000.00, but when looking deeper, there was a transfer from surplus which covered this amount. Councilor Sette stated that also coming out this week were the testing numbers for the Schools, adding that both the region and the local level have taken a step back. Councilor Sette expressed his opinion that the problems start at the top, and suggested that a letter be sent to the School Committee voicing the concerns of the Council and perhaps recommending the removal of the Superintendent of Schools.

Councilor Sette stated that this is a bold step, but he does not see any other way around the situation. Councilor Sette pointed out that the \$314,000.00 which was added back to the School Budget last year was spent on Central Administration and not used for the students. John Bevilacqua, Town Solicitor, stated that this should be made an agenda item. Councilor Sette also expressed his concern regarding whether the State bidding process is being followed with the new school construction. Councilor Sette stated that the School Committee meeting next week will be an important meeting to attend.

XII. Open Forum

XIII. Executive Session

A. RIGL 42-46-5(a)2 Litigation

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

Discussion: None

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

NAYS: 0

MOTION PASSED

After Executive Session: No votes taken.

XIV. Adjourn

MOTION was made by Councilor Walsh to ADJOURN at 11:10 p.m.; seconded by Councilor Reichert.

Discussion: None

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

NAYS: 0

MOTION PASSED

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Jean M. Fecteau, Town Clerk

Approved at the March 1, 2007 Town Council Meeting.

At a meeting of the Town Council holden in and for the Town of Gloucester on **February 15, 2007**.

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; Brian Lombardi, Building/Zoning Official; Jamie Hainsworth, Chief of Police; Thomas Mainville, Finance Director; Raymond Goff, Town Planner; Susan Harris, Deputy Town Clerk; David Fecteau, Housing Specialist and Elinor Tetreault, Western RI Home Repair Program Director.

III. Pledge of Allegiance

The Pledge of Allegiance was led by Councilor Joyce.

IV. Open Forum for Agenda Items

Beth Groleau, Principal of Fogarty Memorial School, stated that she represents the principals of the schools both in Gloucester and the Region. Ms. Groleau read a statement of support for Dr. Cirrillo, Superintendent of Schools.

V. Public Hearing

- A. Western Rhode Island Home Repair (1<sup>st</sup> Hearing)  
Community Development Block Grant 2007

Councilor Sette stated that this Public Hearing was advertised on September 1, 2007 and is the first of two public hearings, as required..

Councilor Sette declared the Public Hearing open and stated that the Council has received two requests:

- 1) Gloucester Food Pantry \$4,500., Virginia M. Peters:

February 1, 2007  
Gloucester Town Council  
Mr. Steve Sette, President  
C.D.B.G. Grant

I am requesting \$4500.00 for the Gloucester Food Pantry from C.D.B.G. Block Application. We presently have as of December 31, 2006, 92 families and 207 individuals who receive food. Of these families 54 are single mothers, 44 are

handicapped and 44 are elderly. Now that my office has been moved to the new Gloucester Senior Center these numbers may increase especially in the amount of elderly. The Food Pantry is open every Wednesday from 9 a.m.- 1 p.m., however if someone is unable to come on a Wednesday, I am usually there every afternoon so that I can give them food. I keep accurate records of all recipients, plus accurate records of what is spent on food and how much we receive in donations. I also hold many food drives during the year especially at Holiday times.

The Town of Gloucester has allotted me \$ 6500.00 for the fiscal year 2006-2007, and I am requesting an increase of \$ 2000.00 this year for a total of \$ 8500.00 for the fiscal year 2007-2008. I have not received my C.D.B.G. Grant from 2005 and 2006 as yet due to some unexpected delays. I do continue to receive many monetary donations from Gloucester Residents and Businesses, however the cost of food has risen. Over \$10,000.00 was spent on food and vouchers during the calendar year of 2006.

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

Sincerely,  
Virginia M. Peters

(end of memo)

- 2) Community Housing Land Trust of RI Inc., \$3,000.,  
Jeffrey Gofton & Jeanne M. Tracey-McAreavey

26 January 2007

Steven A. Sette, President  
RE: CDBG Application  
FY 2007-08 Submission

Dear Mr. Sette:

Kindly be advised that the Community Housing Land Trust of Rhode Island (CHLT) intends to seek CDBG funding in the amount of \$3,000 from your community to continue to provide services related to assisting small communities implement their mandated Affordable Housing Plans.

Since the last funding cycle, CHLT has developed a land lease approved by Fannie Mae as well as condominium documents for housing developments that are 100% affordable. In addition, CHLT has been providing direct technical assistance to communities implementing their Affordable Housing Plans.

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

I would appreciate the opportunity to address the Town Council at its CDBG hearing scheduled for February 15<sup>th</sup>. If you have any questions, please do not hesitate to contact me at or Jeanne Tracey-McAreavey, CHLT Executive Director.

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

(End of memo)

Councilor Sette also read the request of the Program Manager for Western Rhode Island Home Repair:

- 3) 1/31/2006  
Town Of Glocester  
Council Members  
RE: Program Performance Home Repair Program/Community Development Block Grant 1<sup>st</sup> Public Hearing

Dear Town Council Member and Interested Parties,

The Western RI Home Repair Program has completed 10 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 and lead inspections.

There are 6 projects currently pending.

One of the pending projects is the replacement of a 1974 Mobile Home located at Hemlock Estates. We are currently working out the particulars on this project.

The Home Repair Program has fewer applications this year due to the program changing from an outright grant program to a loan program. Other agencies have had the same problem for the first few years when they changed from outright grants to loans.

The Western RI Home Repair Program will request funding through the Community Development Block Grant as we did FY 06 in the amount of \$205,000.00.

All proposals need to be delivered to the Western RI Home Repair Programs office by 3/5/07.

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 Towns comprehensive plan.

The 2<sup>nd</sup> Public hearing is scheduled for 4/19/2007 .



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

(end of memo)

Councilor Sette stated that the Clerk has received two requests from the Town Planner, which were read into the record as follows:

4a) February 12, 2007

Elinor Tetreault  
Western RI Home Repair Program

Dear Ellie,

Please accept this letter on behalf of the Town to request funding from this year's CDBG Small Cities program. The Town needs assistance in implementing an Affordable Housing Plan. We are seeking \$10,000 to use for implementation of the Affordable Housing Plan and encouraging the development of affordable housing in Glocester. Funding could be used to underwrite some of the costs of developing and rehabilitating affordable housing options.

Any assistance the CDBG Program can provide will be appreciated and will greatly benefit this population. Thank you for your consideration of this request.

A follow-up fund request will be forthcoming with further details of this request.

Sincerely,  
Raymond Goff  
Town Planner

(End of memo)

4b) February 12, 2007

Elinor Tetreault  
Western RI Home Repair Program

Dear Ellie,

On behalf of the Senior Center Executive Board, I am writing to request funding from the Community Development Block Grant Small Cities Program. An application will be submitted for kitchen equipment to be used at the Glocester Senior Center. The equipment includes service utensils, pots and pans, flat ware, platters and associated

items. We estimate that an application will be for \$7,000 to fully furnish the needed items. The recently completed Senior Center is open to all seniors of Gloucester and provides daily activity and meals Monday thru Friday.

Any assistance the CDBG Program can provide will be appreciated and will greatly benefit this population. Thank you for your consideration of this request.

A follow-up fund request will be forthcoming with further details of this request.

Sincerely,  
Raymond Goff  
Town Planner

(End of memo)

Councilor Sette read the following letter from William Bernstein, Attorney, for Echo Lake Water District.

5) February 14, 2007

Elinor Tetreault, Program Director  
Western RI home Repair

RE: CDBG Grant

Dear Elinor:

Please be advised that this office represents the Echo Lake Water District (“ELWD”), a quasi-municipal water supply system in the Town of Gloucester. ELWD has completely replaced the former Brandy Acres archaic and decrepit water supply system, and the residents of the 50 ± homes are now receiving a top quality supply of water.

This was a four year project, yet there is more to be done. Specifically, ELWD needs to install security features such as fencing around its pump and treatment facility. It needs to purchase liability and other insurances. Other expenses include the creation of a capital/reserve fund, routine maintenance, testing, and the cost of audits to be submitted to USDA. There is, or course, significant debt service now.

In conclusion, ELWD is in financial need in order to continue to provide a clean and safe supply of water to its residents and future generations thereof. Any assistance that the Town can provide through the grant of CDBG funds will be welcomed and appreciated by the rate payers of the District.

Very Truly Yours,  
William L. Bernstein

(End of memo)

1. Brian Bicki, Chairman of the Echo Lake Water District, stated that they are requesting approximately \$20,000. to assist in work which still needs to be done, much of it mandated by the USDA and the State Department of Health. Mr. Bicki added that any help would be appreciated. Councilor Walsh asked Mr. Bicki if there was any sort of breakdown of the \$20,000 request. Mr. Bicki replied that this is in the process of being done by the district's legal counsel and engineer.
2. Jeff Gofton, consultant for the Community Housing Land Trust, thanked the Council for last year's inclusion of CHLT in the application for the Block Grant. Mr. Gofton explained that the CHLT assists communities in meeting the 10% low/moderate income housing requirement. Mr. Gofton stated that this is done by selling a structure to a low/moderate income family and keeping the land in trust, either with CHLT or a local Land Trust or non-profit. Mr. Gofton stated that the request is \$3,000.

Councilor Sette asked if there were any other requests. Hearing none, Councilor Sette declared the Public Hearing closed.

Councilor Sette stated 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. Councilor Sette stated the requests will then be prioritized by a motion of the Council on March 15, 2007, and the second public hearing, to review the completed application, will be held on April 19, 2007.

- B. Code of Ordinance, Proposed amendment: Chapter 350, Zoning 2<sup>nd</sup> Hearing  
Revisions proposed to the following sections:
1. Chapter 350, Zoning, § 350-11, "Table of Use Regulations."
  2. Article 1, 350-8.E.(3)(e)(2)
  3. Article 1, 350-8.E.(3)(a)
  4. Article III, 350-13
  5. Article VII, 350-49

Councilor Sette stated that this Public Hearing was advertised January 31, February 7, & February 14, 2007 and is the second public hearing to be held on proposed amendments to the Zoning Matrix.

Councilor Sette read the following correspondence from the Building/Zoning Official and the Town Planner:

January 12, 2007

To: Gloucester Town Council  
From: Brian Lombardi, Building/Zoning Official  
Raymond Goff, Town Planner  
Re: Proposed Zoning Ordinance Amendments

Per the request of the Council, we have reviewed the proposed amendments relative to the discussion at the December 7, 2006, Town Council meeting. We have incorporated changes as recommended by Councilor Walsh, added the AFDU proposal to the *Table of Use Regulations*, and hopefully have been able to provide clarification to other concerns of the Council. Although not specifically requested by the Council, we have taken another look at the proposed amendments.

As a result of further review, we believe that some amendments should not occur. These changes will add unnecessary steps and/or prohibit currently allowed uses. In the last revision by the Planning Board some changes were added which complicate the Zoning Ordinance. Specifically, we are recommending that Sections 7-2, 9-5, and 13-3, remain as currently listed in the Ordinance. Upon further review we believe that these changes make the Ordinance excessively restrictive and could generate additional and unnecessary applications to the Zoning Board of Review. We do not feel that this is the intent of the proposed amendments, but it should serve to update and clarify the Table of Use Regulations.

Finally, the recommended amendments by the Solicitor's office and requirements relating to AFDU's cannot be incorporated into the Table of Use Regulations, as they are already located in different sections of the ordinance. Additionally, any references to the 'Industrial' Zoning District in the entire body of the Ordinance must be changed to reflect the proposed new change to 'Business Park', including the new definition. It is not necessary to show all these changes, since this can be done as part of this amendment and be reflected in the revised document. We will be available to discuss the proposed amendments and any concerns at the January 18, 2007, Town Council meeting.

(end of memo)

Discussion: John Bevilacqua, Town Solicitor, stated that he would like an opportunity to meet with the Building Official and Town Planner to discuss this matter further as there are deviations from the original amendments proposed.

MOTION was made by Councilor Poirier to CONTINUE until March 15, 2007 the Public Hearing on the Proposed Amendment to the Code of Ordinance, Chapter 350, Zoning; seconded by Councilor Reichert.

Discussion: None

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

MOTION PASSED

C. CONTINUATION 2/1/07 (Public Hearing Closed)  
Application for the Exception to the Ordinance Regulating the Issuance of Building Permits

1. Owner & Applicant: Vincent & Darlene Gieck  
180 Old Snake Hill Road, further described as AP 5, Lots 52, 124 & 125A

Councilor Sette stated that this Public Hearing was advertised on December 21, 2006, opened on January 4, 2007 and after discussion was continued for more input from the West Glocester Fire Chief. Councilor Sette stated this hearing was again heard on February 1<sup>st</sup> and after further discussion was closed. Councilor Sette stated the Council now has to determine if this application is to be granted and if so what stipulations are to be placed on the applicant.

Council discussion: Councilor Reichert stated that the West Glocester Fire Department has requested that the Town Council decision be continued for two weeks until they receive a letter from legal counsel listing the stipulations which are to be followed. Councilor Reichert added that the road must be looked at more closely to determine if the new fire truck will be able to negotiate the dip in the grade.

Councilor Walsh asked if all applicants will have to meet the fire truck standards. Councilor Reichert replied that, according to the Fire District, a thousand foot driveway with access to a couple of dwellings must sustain the fire apparatus. J. Bevilacqua, Town Solicitor, stated that he has informed the petitioners and their attorney that there will be some discussion between the Fire District and himself regarding the final motion.

MOTION was made by Councilor Reichert to TABLE the application for the Exception to the Ordinance regulating the Issuance of Building Permits for Owner & Applicant: Vincent & Darlene Gieck; Property location: 180 Old Snake Hill Road, further described as AP 5, Lots 52, 124, & 125A until the Town Solicitor has an opportunity to meet with the attorney for the Fire District to resolve the outstanding issues; seconded by Councilor Walsh.

Discussion: None

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

NAYS: 0

MOTION PASSED

#### D. Victualing License

- 1) Let's Party Extreme Inc. d/b/a Three Amigos Café,  
Location of Business 11 Money Hill Road, Glocester, RI

Councilor Sette stated that this Public Hearing was advertised on January 31<sup>st</sup>, February 7<sup>th</sup>, & February 14<sup>th</sup>, 2007.

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

1. Russell Scharf, owner of Let's Party Extreme, explained that he has complied with most of the items on the Town's checklist, adding that he is waiting for an inspection from the Department of Health.

Councilor Sette again asked if anyone wished to speak. Hearing none, Councilor Sette closed the Public Hearing.

MOTION was made by Councilor Joyce to GRANT the Victualing License to Let's Party Extreme Inc., d/b/a Three Amigos Café; Location of Business: 11 Money Hill Road contingent upon: 1) payment of all Town taxes & advertising fees; 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, 2007; seconded by Councilor Reichert.

Discussion: None

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

- VI. Unfinished Business
  - A. Appointments
    1. Senior Center Board of Directors:  
Recording Secretary

Councilor Sette stated that the Council has not received a recommendation from the Board of Directors at this time.

Discussion: None

MOTION was made by Councilor Poirier to TABLE the appointment of the Senior Center Board of Directors Recording Secretary; seconded by Councilor Walsh.

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

2. Conservation Commission  
One (1) expired three year term

MOTION was made by Councilor Poirier to TABLE the appointment to the Conservation Commission for a three year term to expire 1/2010 ; seconded by Councilor Walsh.

Discussion: None

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

- VII. Consent Items
- A. Council minutes of February 1, 2007 Regular Session
  - B. Finance Director's Report: January, 2007
  - C. Tax Assessor's Additions & Abatements

MOTION was made by Councilor Reichert to TABLE the minutes of February 1, 2007; to ACCEPT the Finance Directors Report of January 2007; and to APPROVE the Tax Assessor's Abatement to the 2006 Tax Roll in the amount of \$186.43; seconded by Councilor Joyce.

Discussion: None

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

- VIII. New Business
- A. Update: School Building Committee

Councilor Sette stated that this is not a Public Hearing, but discussion between the Committee and the Town Council, and if anyone in the audience has questions or comments, Councilor Sette suggested that they speak during Open Forum.

Discussion:

Greg Laramie, of the School Building Committee, thanked the Council for the opportunity to provide an update on the process of the Building Committee as well as the progress made on the energy services contract, which has gotten state and national attention as a model for how school districts should handle this complicated issue. Mr. Laramie distributed photographs of the Middle School on Rustic Hill Road which is under construction.

Mr. Laramie noted that the building project is coming in at 29% less than the State average for school buildings under construction. Mr. Laramie stated that the High School component is about to go out to bid in approximately three weeks, adding that as was done with the Middle School, the construction manager will break down the project into about 38 different sub-packages, each of which is bid on separately. Mr. Laramie reported that they hope to begin construction in early to late spring, with completion expected by December of 2008.

Mr. Laramie stated that a \$25,000 Challenge Grant was received from Rhode Island Foundation to set up the Ponaganset Fund.. Mr. Laramie stated that the challenge was met, resulting in the establishment of the Ponaganset Foundation with \$50,000 as a start-up. Mr. Laramie further stated that the Committee was successful in obtaining a \$1,000,000 federal appropriation in the last budget, which has not passed yet because the federal budget has not been finalized.

Mr. Laramie explained that this was the result of Congressional support for our energy savings program. Mr. Laramie stated that the School Committee has passed the Esco contract which allows us to realize an investment in energy conservation measures that we would not otherwise be able to make. Mr. Laramie explained that the virtue of the project is that it is paid for with savings, meaning that instead of paying higher electric bills, we actually pay for the investments that will save us on our energy bills. Mr. Laramie added that these are guaranteed energy savings; if we do not make those energy savings, they are actually paid for by the contractor, Con-Ed.

Raymond Fogarty, member of the School Building Committee, compared electric and oil rates to the price of wood chips. Mr. Fogarty stated the electric rate is \$45 which is 15 times more than the cost of wood chips, and the oil rate is 5 times more than the wood chip rate. Mr. Fogarty also stated we still heat a portion of the school with electric and that would be converted and a majority of the middle school & high school will be converted to wood chips which will represent between 80 to 90% of the burning. Mr. Fogarty stated we will still have an oil system for a redundant system.

Mr. Fogarty stated having these savings on top of other energy efficient items will enable us to pay for what would have been the price of the increased energy we would have had to pay by putting the 150 thousand more square feet on the new middle school as well as the small addition to the High school. Mr. Fogarty stated that we will be the first in Rhode Island to receive 59-60% reimbursement from the State and one of a few across the country to receive ESCO reimbursement for a school. Mr. Fogarty noted that the system will pay for itself, with just the energy savings, which would strung out with the bond over a twenty year period. Mr. Fogarty stated with the state reimbursement there is a 12-13 year payback period.

Mr. Fogarty stated the district will own another 12 to 13 million in assets the district will own at the end of the lease purchase, which we will pay for with energy savings. Mr. Fogarty pointed out the million dollar federal grant, which will probably not come in 2007 but is slated to come in 2008, has not been put into any calculations. Mr. Fogarty stated any calculations we presently have will then be reduced by the amount designated for the ESCO, which is approx. 400,000.

Mr. Fogarty stated we are also intending to put an energy lab and other alternative energy projects within the high school which total up at \$568,000, and then about \$400,000 savings from the taxpayers that will be used for the bio-mass project in 2008. Mr. Fogarty stated this did pass the Senate budget but all appropriations were frozen to 2007, but the President has stated wood chips are a priority for an alterative energy source. Mr. Fogarty stated that the Committee will continue to update the Town Council concerning the progress at both the Middle School and the renovations at the High School. Mr. Fogarty noted that the Committee will present an elaborate display of the Esco system at their meeting on March 13<sup>th</sup>.

Councilor Poirier asked what the anticipated energy savings would be annually. Mr. Laramie replied that if we average it out over twenty-five years, without housing aid, it would be just over thirteen million dollars. Mr. Laramie stated that we have a guaranteed savings of about \$80,000 the first year and it increases each year after, partly due to our estimates of what oil and



electricity prices will do. Mr. Laramie noted that, upon the recommendation of the State Energy Office, the Committee retained the advice of Celtic Energy of Glastonbury, Connecticut, who reviewed the contract with ConEdison as a third-party independent reviewer.

Mr. Laramie stated that most of the savings will be realized when the High School project is completed because it is a larger building and is not as well insulated as the new Middle School will be. Mr. Fogarty reminded the Council that we should get the 60% back from the state for housing reimbursement. Councilor Reichert asked why this wasn't included in the bond issue. Councilor Reichert stated because it wasn't you now need another \$13 million to complete the project. Mr. Laramie stated the project does not need \$13 million to finish the project and further the project could continue and be finished with the bond awarded by both communities.

Mr. Laramie stated none of us knew about the bio-mass component when the feasibility study was done in late 2002-2003, and that this was brought to the committee after the bond issue was passed. Mr. Fogarty stated this concept was brought up by an individual who researched across New England and presented his findings that wood chips work. Mr. Fogarty stated after meetings with the State Energy Office, Narragansett Grid and others it was determined this was a viable way to eliminate higher energy costs. Councilor Reichert agreed that the High School will benefit from the Esco system because of the electric use and the heating system in place now is very inefficient.

Councilor Reichert added that the district has been paying approx. 1.65 per gallon for the last three years last year at a cost approximately \$43,000 to heat the Middle School and another \$50,000 was spent to heat the High School. Councilor Reichert expressed his concern when he realized more funds were needed and questioned how many employees the system will require to operate it. Councilor Reichert stated he does not believe that this system will run itself remotely, and sited there could be freezing and equipment malfunction. Mr. Laramie stated that the amount of additional maintenance for these systems is minimal and further stated the biggest job would be removing the ash approximately once a week.

Mr. Laramie added that the maintenance staff will visit another operation which is similar in size. Mr. Laramie stated the augers that move the chips are just conventional agricultural equipment. Councilor Reichert questioned what fires the wood chips. Mr. Laramie stated he would defer that question. Councilor Reichert stated his main concern is that if the committee was "sold" on the electric bill, he believes we are going to win at the high school because of the inefficiencies that are there now. Mr. Fogarty stated he does not believe the cost of oil will continue to go up.

Councilor Reichert stated the cost of wood chips will go up also. Councilor Reichert stated again you will need people who can run this system. Councilor Reichert asked where the product would be stored. Mr. Laramie replied that the wood chips will be contained in a building. Councilor Reichert stated this has been in the plan for the new school and questioned where this would go. Mr. Laramie stated it will go further north of the current tanks. Councilor Reichert questioned if this system makes electricity also. Mr. Laramie stated the system just makes heat. Councilor Reichert asked if the system would emit smoke from the burning wood. Mr. Laramie

replied that they have an application at the Department of Environmental Management, adding that all of the emissions meet DEM requirements.

Councilor Walsh asked if the \$13,000,000 contract has already been signed. Mr. Laramie responded that the contract was approved by the School Committee and it is now up to the lawyers to work out the signing mechanism. There was discussion regarding the bid process which was followed. Councilor Walsh questioned whether a bond will be taken out for this purpose. Mr. Laramie stated that it is a lease purchase agreement signed by the School Committee.

Ray Fogarty stated that bond ratings go up for municipalities that use Esco systems. Mr. Fogarty added that we are fortunate to be receiving the reimbursement from the State.

Councilor Walsh stated that it is unfortunate that the Council had to read the paper to find out that an extra thirteen million dollars is involved of which the members were not aware. Mr. Fogarty stated that the Committee could have done a better job communicating with the Council, but added that this matter has been on School Committee and School Building Committee agendas which are posted publicly.

Councilor Reichert again voiced his concern regarding the maintenance of the system and who will operate it. Councilor Reichert stated that he feels the State may require a fireman on duty. Mr. Laramie disagreed, adding that the company will make four visits per year and will monitor the equipment from their office. Councilor Reichert expressed his opinion that if the building had been heated with oil instead of electricity for all these years, the savings realized with the new system would not be so great. Mr. Laramie replied that since oil is still five times more expensive as wood chips, it would still be feasible. Mr. Laramie pointed out that the back-up system will be oil.

Councilor Walsh stated that energy saving lights, windows and fans can all be operated without a biomass wood-burning boiler. Councilor Walsh added that some of the savings are not totally contributed by the boiler plant. Ray Fogarty noted that the State is paying 60% of the bill and there will be cost savings beyond that by paying for wood chips versus other types of fuel. Steven Winsor, Business Manager for the School Department, stated that the projected figures for the current year are \$228,000 for electricity and \$155,000 for oil.

Councilor Sette stated that his only concern is the financial part of it, specifically how it would affect our bond rating. Mr. Laramie stated that the financial advisor can provide information in regard to this.

John Bevilacqua, Town Solicitor, stated that he had several questions. J. Bevilacqua asked if the bid specs were inclusive of the audit study and the construction and supplying of materials for this biomass project. J. Bevilacqua also questioned whether the 60% reimbursement by the State is already committed. Ray Fogarty replied that we have preliminary approval and it will be presented in March. J. Bevilacqua asked if the funds would be received up front or if they would have to be expended by the taxpayers in order to receive the grant. R. Fogarty replied that the 13

million dollars would be expended over a ten-year period. J. Bevilacqua noted that this would be \$1.3 million per year that the two towns would have to expend. R. Fogarty stated that the energy savings would be factored in. J. Bevilacqua stated that he is concerned with the Town of Gloucester being incurred a liability over a period of ten years. J. Bevilacqua stated that according to the Charter, any liability or indebtedness has to be approved at the Regional Financial Meeting. Mr. Laramie replied that their legal advice was different. Mr. Laramie added that the School Committee asked the Building Committee to act as their agents, but the School Committee is the vehicle which is approving that, based on their study.

J. Bevilacqua asked if a Regional Financial Meeting has been called to allow the residents of both towns to know exactly what they are indebting themselves to. Mr. Fogarty replied that it was explained at the Regional Financial Meeting as electrical expenses. J. Bevilacqua stated that this is not a mere expenditure such as an electric bill, adding that this falls within the guidelines which are specifically provided by the Regional School Building Committee section of the Regional School Charter. J. Bevilacqua wondered why nobody is concerned about this. J. Bevilacqua stated that it is his job to advise the Council that there may be a problem here.

J. Bevilacqua pointed out that he has not seen the contract. R. Fogarty replied that the contract is still being worked on, but he will ask the Solicitor for the School Department to forward a copy of it to Mr. Bevilacqua. J. Bevilacqua asked if more conditions will be added to this contract, or is it complete. Mr. Fogarty responded that it is substantially complete. J. Bevilacqua again asked if the bid went out as a package for both the audit and the supplying of materials and consultants over a period of time. Mr. Fogarty replied that it was consistent with how Esco bidding has been done all over the country, which is why they brought in a third party to review the bids.

J. Bevilacqua requested a copy of the bid specs or proposal. Mr. Laramie stated that he would see that Mr. Bevilacqua receives this information. Councilor Sette confirmed that the next meeting of the Building Committee will be held on March 13<sup>th</sup> at 6:30 p.m. at the High School library.

B. Authorization:  
Correspondence to Gloucester School Committee

Councilor Sette stated that Councilor Joyce is recusing himself from this discussion.

Discussion: Councilor Sette stated that at the last meeting there was discussion regarding layoff notices which were sent to teachers, correspondence that the Council had received regarding the \$314,000 which was added to the budget at the Regional Financial Meeting, and several other issues. Councilor Sette stated that, at the time, he made comments questioning the leadership within the Gloucester School Department which translated up to the Regional School Department.

Councilor Sette stated that he wished to reiterate that this is a Gloucester issue and he looks upon the School Department as he would any other department within the Town. Councilor Sette stated that he feels that we have the obligation and the right to question leadership within any department. Councilor Sette pointed out that the taxpayers are shareholders in this business, the

Town Council is the Board of Directors and the Superintendent is the CEO of the corporation. Councilor Sette stated that the Council has a responsibility to the taxpayers to make sure that they get what they pay for with respect to education. Councilor Sette stated that the Gloucester Co-Chair of the Regional School Committee was quoted in the newspaper as stating that Councilor Sette's comments were baseless and without facts. Councilor Sette stated the following facts as well as reference where each fact comes from:

**FACT #1:** Last year layoff notices were not sent out on time resulting in an additional \$300,000 expenditure in last years Gloucester School Department budget. (Widely reported and acknowledged by the Gloucester School Committee). This has contributed to this Fiscal Year budget being over expended by \$157,000 (Letter from business manager 12/06 and correspondence to Auditor General's office). The plan to correct this is to ask the voters for their approval to move money from the School Department fund balance as per Charter. The plan has not yet been approved by the Auditor General's office to date.

**FACT #2:** The recent Town of Gloucester audit showed a system wide over expenditure of \$135,701 and \$25,463 in Central Office Administration, this coupled with other deficiencies in revenues resulted in a net variance from the final budget of \$152,411. (Page 57-FY 2006 Gloucester Town Audit)

**FACT #3:** During the past calendar year two (2) votes of no confidence in the Superintendent were taken: one by the Gloucester Teachers Union and the second by the Regional Teachers Union. Both have not yet been resolved. (Various newspaper reports)

**FACT #4:** Test scores on state administered tests at both the elementary and regional level have decreased throughout the past two years. (RIDE web site) Schools have been designated as making insufficient progress and have a "Watch" status. Both School Districts previously had been recognized as High Performing schools.

**FACT #5:** Since the 2004 school year, the salaries in the Central Office Administration have increased by \$239,257, while at the same time the department budgets just at the High School for Math, English, Music, Science, Library and Athletics have decreased by \$51,132. Often in budgets there is the "Rob from Peter to pay Paul" approach, but clearly here is a shift directly from the students. (Foster-Glocester regional school budgets, Gloucester School Department)

**FACT #6:** The current salary of the Superintendent is \$132,590 (F-G Budget) #5 in the state. As compared on the MUNI-INFO.RI.gov web site to the following communities Coventry - 9 schools @ \$120,000; Johnston - 9 schools @ \$115,000; Cumberland - 9 schools @ \$108,885; Smithfield - 6 schools @ \$108, 675; Burrillville -5 schools @ \$105,000; North Smithfield - 3 schools @ \$105,000. Each of these districts has been rated as making adequate progress.

**FACT #7:** It has been reported (various newspapers) that the rating of insufficient progress was due to a lack of progress within students with special needs. However the districts that have made progress also possess these student populations and continue to improve year on year. At

the Elementary school level special ed teachers have been cut last year and proposed in this year's budget and a special ed teacher cut at the Middle school.

Councilor Sette stated that there are other facts which he could bring up, but his point was to bring these to the attention of the other members of the Town Council. Councilor Sette asked the Council to consider forwarding a letter to the Gloucester School Committee citing the above facts, and at that point it would be up to the School Committees to decide what to do. Councilor Sette asked if any Council members had any questions or comments.

Councilor Walsh stated that lay-off notices were sent to teachers with 25 to 30 years experience, who in Councilor Walsh's opinion, should at most be getting notices that they will be moved to a different department. Councilor Walsh feels that the School Department sent notices to people they should not have, and did not send notices to those who should have received them. Councilor Walsh asked who is responsible for these mistakes. Councilor Walsh stated that they only have fifteen days to fix the situation, so we should send a letter soon.

Councilor Poirier agreed with Councilor Walsh that time is of the essence and we do not want to get into the same situation we were in before.

MOTION was made by Councilor Reichert to AUTHORIZE the Town Council President to forward correspondence to the Gloucester School Committee regarding the issuance of layoff notices and various other items as stated by the Council President, to be forwarded by February 20, 2007.

seconded by Councilor Walsh.

Discussion: None

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

MOTION PASSED

C. Resolution: Sand Dam Reservoir Association  
(Proposed amendment to Tax Exemption status)

Councilor Sette read the following Resolution:

#### RESOLUTION

WHEREAS the Town Council of the Town of Gloucester would like to amend Senate Bill 83-S 838 "An Act Authorizing The Sand Dam Reservoir Association To Hold Property Exempt From Taxation; and

WHEREAS this bill allows Sand Dam Reservoir Association, a non-profit organization with federal tax exemption, to be exempt from taxation on the dam and flowage rights in the Town of Gloucester for as long as town residents have free access to Sand Dam Reservoir also called Smith and Sayles Reservoir; and

WHEREAS the exemption value is \$300,000.00 and this bill became effective December 31, 1983; and

WHEREAS, the Town Council would like to amend this bill to have no stated amount of exemption as long as the residents would still have free access to the Sand Dam Reservoir; and

WHEREAS, this exemption would be effective December 31, 2006; and

NOW THEREFORE BE IT RESOLVED that the Town Council supports amending “An Act Authorizing The Sand Dam Reservoir Association To Hold Property Exempt From Taxation.

Steven A. Sette, President  
Gloucester Town Council

seconded by Councilor Poirier.

Discussion: Councilor Walsh explained that this is a 1983 legislation which we are updating to meet 2007 standards.

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

MOTION PASSED

D. Amend Procedures:

Exception to the Ordinance Regulating the Issuance of Building Permits

Councilor Sette stated that the Road Committee met last week and there was discussion regarding a hand out that is currently given out with each application for an Exception to the Ordinance Regulating the Issuance of Building Permits.

Councilor Poirier explained that road guidelines were given out to applicants as part of the Planning Board rules and regulations. Councilor Poirier stated that because so much is undecided regarding possible changes in the definition of a private road, the Road Sub-Committee felt it would be better to omit these conditions. Councilor Reichert added that now each road will have to be reviewed before a building permit can be issued.

Ray Goff, Town Planner, stated that these rules were put into place at a time when we had no rules. The intent was to set a standard. J. Bevilacqua, Town Solicitor, stated that applicants have to meet at least a minimum standard. J. Bevilacqua added that there are modifications as to what the Planning Board feels is necessary to the particular project that is presented to them. R. Goff stated that he would not want to remove these guidelines entirely because the Planning Board would not have anything to refer to regarding minimum standards. Councilor Reichert stated that the Fire Districts want the roads to be suitable for access by fire apparatus, which can weigh up to seventy thousand pounds. R. Goff pointed out that the Fire District makes a recommendation on each of these applications. Councilor Reichert stated that the Fire District wants to be more involved in the process.

E. Appointments

1. Full Time Custodian Position - Department of Public Works

Councilor Sette read the following recommendation from the Public Works Director:

February 15, 2007

To: Honorable Town Council  
From: Alan Whitford  
Public Works Director  
Re: Custodian Position

On January 16, 2007 an ad was placed in the Bargain Buyer (Burrillville Edition) for a Custodian. We received 65 applications, 24 of which were Gloucester residents. After reviewing all of the applications seven candidates of the 24 residents were interviewed. I did not feel it was necessary to go out of Town based on the qualifications of the 7 applicants I interviewed.

I'm recommending Gary Rogala be appointed to the Custodian Position. His starting date will be February 26, 2007 providing all pre employment information is completed. He will work 40 hour per week at the rate of \$14.40 per hour with the hourly wage scale step process. Monthly written evaluations will be performed for the first six months of employment (probationary period).

A. Whitford  
(end of memo)

Discussion: None.

MOTION was made by Councilor Reichert to APPOINT Gary Rogala to the position of Custodian Full-time at an hourly wage of \$14.40, effective 2/26/07; seconded by Councilor Joyce.

Discussion: None

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

F. Request for expenditure from Capital Project Fund: Gloucester Memorial Park

Councilor Sette stated that the following letter was read into the record at the last meeting and the Council must now authorize this expenditure.

To: Town Council  
From: Anthony Parrillo, Recreation Director  
Date: January 23, 2007  
Subject: Request to use Capital Project Fund for Gloucester Memorial Park

There is currently \$6,460 in the Capital Fund Project for Gloucester Memorial Park. I would like to use \$4,600 to purchase the materials for an outfield fence and foul poles for Leja Field. The Gloucester Little League would provide the installation of the fence and poles. Currently, the Gloucester Little League is requesting this additional money through the Grants-In-Aid, along with the usual \$3800. However, I feel that the balance in the Capital Fund for Gloucester Memorial Park should be used to cover this expense. This project would be a necessary improvement to the condition and safety of Leja Field.

Currently, there is neither an outfield fence nor foul poles at Leja Field, which are now requirements for any Little League team to host an All-Star game. So, when the 13-16 year old Gloucester Little League All-Stars have a scheduled home game, they will be unable to play that game in Gloucester. Also, the absence of an outfield fence poses a safety issue. Any ball chased to the back of the outfield will roll down the slope and into the trees, brush, and poison ivy. Players are instructed not to chase these balls, however in the heat of a game many do.

I spoke to Tom Mainville, and he feels that this Capital Fund is an appropriate source for the project. Please consider approving this request. Thank you.

Respectfully,  
Anthony Parrillo  
(end of memo)

Discussion: None.

MOTION was made by Councilor Poirier to AUTHORIZE the expenditure from the Capital Fund Project for Gloucester Memorial Park for improvements to Leja Field in the amount of \$4,600; seconded by Councilor Joyce.

Discussion: None



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

G. Historic District Commission:  
Sign Issue

Councilor Sette stated that the Council read into the record a letter from Dan Romani at the February 1, 2007 meeting. Mr. Romani has requested discussion of this issue.

Daniel Romani, Chair of the Historic District Commission, stated that six (6) signs have been installed at a business in Town which are in violation of the existing Town ordinance. On behalf of the members of the HDC, Mr. Romani respectfully requested that the Council enforce the sign ordinance with regard to this issue.

John Bevilacqua, Town Solicitor, stated that the owner of the building has indicated that once the project is completed, the signs will all be in conformance. J. Bevilacqua added that this commitment was in writing and submitted to the Clerk. J. Bevilacqua stated that there is a provision in the Ordinance which allows a period of five (5) years after the completion of the project, and all the Council did was to extend that courtesy to the new business.

Mr. Romani stated that the provision in the Ordinance does not provide for five (5) years after the improvements down town, but is a five-year period after the passage of the Ordinance. J. Bevilacqua disagreed, stating that it is his interpretation that if it takes five or ten more years to complete this project, the Ordinance will be in effect at the time, and the property owners would have five years to comply. Mr. Romani pointed out that this disagreement has nothing to do with the situation at the computer store.

Mr. Romani noted that this is a new business and we welcome new businesses, however rules must be followed, or the next business to come to Town will question why they have to conform to the Ordinance. There was discussion regarding the amortization period. Councilor Sette stated that it is his recollection that as long as the business owner signed a waiver that they would comply within the specified amount of time, it would be acceptable.

Councilor Walsh stated that the question is, are we going by the standards that we have, or are we making new standards until the road gets done? Councilor Sette wondered if we should have the Building Official go out and inspect every sign in the Historic District to determine if it is in conformance. Mr. Romani stated that existing signs are able to stay non-conforming for five (5) years after the passage of the Ordinance, but this issue pertains to new signs.

Councilor Sette stated that we don't often get new businesses and if they are willing to conform within a reasonable amount of time, he does not understand why we can't give them some leeway. J. Bevilacqua stated that the business owner petitioned for relief from the sign regulations because they did not know if they would be successful in Gloucester, adding that the Council subsequently decided to give them a break. J. Bevilacqua noted that the electric sign

may have been a 50% or more refurbished sign and asked who will make that determination, the Building Inspector or the Historic District Commission.

J. Bevilacqua stated, just to set the record straight, the Building Official, on the advice of the Solicitor's Office, stopped the replacement of those signs. J. Bevilacqua added that the building owner and the business owner came to the Council and a compromise was reached. Councilor Sette recommended that the Council review the minutes from the meeting when the Ordinance was discussed. Mr. Romani stated that the Ordinance was adopted on 5/20/04 to take effect on 6/17/04.

J. Bevilacqua explained the Acknowledgment which was signed by George Moragemos, owner of the building which houses the computer store. J. Bevilacqua stated that it gave the businesses in that building an opportunity to put their signs back up, but does not relieve them of the responsibility of the Ordinance. Councilor Walsh stated that the minutes from May, 2004 will be reviewed and he will be in contact with Mr. Romani.

#### IX. Department Head Report/Discussion

1. Jamie Hainsworth, Chief of Police, stated that he has scheduled three sessions regarding Incident Command Training/NIMS System. J. Hainsworth stated that this training is mandated for the Police, Fire and Public Works Departments, and is highly recommended for other employees. J. Hainsworth stated that he will give the sign-up list to the Town Clerk.
2. Tom Mainville, Finance Director, spoke regarding the Town's bond rating. T. Mainville stated that for the year which just ended, the school debt was approximately 3 million dollars. T. Mainville stated that when we add in the new school, it will increase the debt to 16 million dollars. T. Mainville pointed out that debt is one of four items that bond rating companies look at. Councilor Reichert asked if, at the Financial Meeting, the taxpayers could refuse to pay. T. Mainville stated that the taxpayers cannot vote on specific line items. J. Bevilacqua stated that his main concern is whether the rules are followed.

#### X. Boards/Commissions

1. David Fecteau, Senior Center Board of Directors, reported that there have been 120 memberships issued.

#### XI. Council Correspondence/Discussion None

#### XII. Open Forum

1. Mark Baker, Gloucester School Committee member, stated that this is the first time he has heard of any of the issues discussed tonight regarding the School Department and its

leadership. Mr. Baker stated that the Town Council has never approached the Gloucester or Regional Committees concerning any of these specific issues.

Regarding layoff notices, Mr. Baker pointed out that if a school program is cut, and the teacher has been there twenty-five years, unfortunately that teacher may be cut, and by law, everyone must be notified of the potential of layoffs. Mr. Baker stated that, although the Town Council has identified themselves as leaders of this community, he has not seen that when it comes to education. Mr. Baker stated that he would like to work with the Council and hear their concerns addressed to the full Committee as opposed to a letter to the local paper calling for the dismissal of the Superintendent.

Mr. Baker invited the Council members to the next Gloucester School Committee meeting scheduled for next Tuesday where the concerns can be addressed and answered specifically. Regarding the salaries for school superintendents, Mr. Baker noted that our superintendent is such for two districts, unlike any of the other people listed earlier. Councilor Sette replied that the number of schools was also listed for each of the superintendents. Mr. Baker added that the number of schools does not predicate the number of union contracts or the number of State or Federal reports the Superintendent is responsible for.

Councilor Walsh responded to Mr. Baker by stating that when he arrived home from work this evening, he spoke to at least five people who were irate about receiving layoff notices. Councilor Walsh further stated that he did not believe Mr. Baker when he said he wishes to work with the Town Council, adding that the School Committee always goes back and spends more money.

Mr. Baker responded that the expenditure of funds for education happens every day and asked Councilor Walsh to be more specific. Mr. Baker further stated that he would like the opportunity to discuss why those expenditures were first proposed and why they were adopted by the Committee. Councilor Sette stated that one week after the Financial Town Meeting a number of bonuses were given out above and beyond reported salaries.

Mr. Baker stated that he would like to review the minutes of that meeting because he voted against the bonuses and even spoke out that the Committee was being very free with money when they should not be. Councilor Sette stated that whenever he sees Mrs. Dahlquist, School Committee member, he asks her if the Spanish class has received the books she requested. Mr. Baker stated that the people developing the new curriculum for Spanish withdrew the request for books pending their review because the books they originally wanted were not going to fit their new curriculum.

Councilor Reichert asked Mr. Baker if there is still enough money to put new windows in the school, to which Mr. Baker replied yes. Regarding the Esco system, Mr. Baker stated that the School Committee voted to allow them to go ahead with a contract pending legal review. Mr. Baker pointed out that they did not expend any of the thirteen million dollars at that time because it has to go out to bid and the Committee must vote on every expenditure, which has not occurred.

Councilor Reichert stated that the voters approved “X” amount of dollars, and shouldn’t that be it? Mr. Baker stated that he voted against the new school because he feels that it will cost money which we do not have. However, Mr. Baker stated that the voters approved it. Mr. Baker pointed out that the Esco was not even conceived at that time, adding that Esco’s are something that is done by the State and Municipalities regularly to purchase energy savings they would otherwise not be able to afford. Mr. Baker stated that we have to place our trust in the Building Committee and the attorney for the School Committee. There was discussion regarding State aid to education and ways to have more funding go to the small towns as opposed to big cities.

2. Chris Hebert, School Committee member, stated that hopefully the details can all be worked out so we can be a model for the State, New England and the Country as far as energy savings are concerned. Mr. Hebert stated that there is a new School Committee, five new members at the Region and two new members on the Gloucester Committee, Mr. Skeffington and himself. Mr. Hebert expressed his hope that the School Committee and Town Council can work together to ensure that we have a great educational system that is efficient, cost effective and provides the best education possible.

Mr. Hebert stated that we have to organize in order to get our fair share from the State. Mr. Hebert spoke concerning test scores of our schools. Mr. Hebert feels that we are not going backward, we are improving, just not at the rate that “No Child Left Behind” wants us to. Mr. Hebert stated that he respects that the Council is going to send the Committee a letter, but all he is asking is that in the future, we could have more open communication and less media attention. Mr. Hebert stated that the bottom line is to get these kids educated.

3. Jack Anderson, resident of Gloucester, stated that Mr. Bevilacqua had brought up the key question; it is more than are they following the rules, is it legal? Mr. Anderson stated that he was at the meeting last week and asked if it was done legally to which he never got an answer. Mr. Anderson asked what the Town Council will do if it is determined that the procedure followed was illegal. Councilor Sette replied that the Council will take whatever action the Town Solicitor suggests. Mr. Anderson asked if that could include an injunction to stop them. Mr. Bevilacqua replied that he cannot comment on that.

Mr. Anderson expressed that he hopes that the Town Council will take some type of action. Mr. Anderson stated that this thirteen million dollars is a loan for which we are on the hook. Mr. Anderson reported that he attended one of the Building Committee meetings and was escorted out by the Police. Mr. Anderson stated that he subsequently filed a complaint that the Committee was not in compliance with the Open Meetings Law. Mr. Anderson spoke regarding the term “value engineering,” stating that as the money runs out, certain items are removed, such as reducing the insulation from three inches to two.

4. Rose Lavoie, spoke regarding the Sign Ordinance, stating that the Ordinance should be enforced. No sign should go up in the Historic District without going before the Historic District Commission. Mrs. Lavoie also expressed her disagreement with the regulations concerning the width of roads to accommodate large fire trucks. Mrs. Lavoie stated that we don’t need to be protected from everything.

5. Tom Sanzi, Village Planning Committee member, questioned how to go about submitting his Committee's budget request. Councilor Sette stated that it will be difficult to fund many things in this budget. Councilor Sette recommended that the Committee come up with some ideas and then funding will be discussed. Mr. Sanzi replied that he has some ideas, but is waiting until the Committee holds a formal meeting.
6. John Devine of Pound Road stated that none of the signs discussed tonight are his. Mr. Devine added that if a contractor installs an electrical sign without a permit will lose his license forever. Mr. Devine also spoke regarding the new school and the wood chip heating system. Mr. Devine questioned where the wood pellets would come from, noting that there is not enough wood in Rhode Island or Connecticut to supply them. Mr. Devine also questioned the smoke which will be generated by the heating system. Mr. Devine feels that we must concern ourselves with the health problems of children, such as asthma.
7. Walter Steere, School Committee member, agreed with Mrs. Lavoie's comment that we are getting carried away with driveway requirements. Mr. Steere stated that we are making people put in a driveway that is better than the road in front of their house. Mr. Steere pointed out that the trucks which bring in the building materials and gravel weigh much more than a fire truck. Mr. Steere stated that he knows we must have some regulations, but feels that we are making the property owner spend a lot of money.

Mr. Steere spoke regarding the Esco, stating that it is a great way to do things which we wouldn't otherwise be able to afford. Mr. Steere stated that he was not aware of the problem with the Charter, adding that this must be solved right away. Mr. Steere further stated that if the Esco project was not approved, the new Middle School would not open on time, which would result in the loss of about \$750,000 in State aid next year. Mr. Steere stated that with the ConEdison Company, there is a risk of responsibility matrix, which means that if we have a warmer than normal year, that will cause us not to have the savings they projected.

In closing, Mr. Steere stated that overall he likes the project, but has some questions and concerns. Councilor Reichert expressed his concern that we will have to hire at least two new employees to maintain the new heating system. Councilor Walsh asked Mr. Steere when ConEd would be coming in with their pricing. Mr. Steere replied that it better be soon, adding that the energy audit took seven months to complete and time is running out.

8. Gary King, Glocester resident, taxpayer and former School Committee member, stated that he received a decision from the Ethics Commission indicating that, due to his employment, he could not participate in the discussion pertinent to picking the Esco system. Mr. King asked if he could now discuss the matter since he is no longer on the School Committee. J. Bevilacqua, Town Solicitor, replied that Mr. King is free to say whatever he wishes. Mr. King stated that if the Council has any questions, he not only works for an Esco, but he is an installer of the equipment which has been discussed.

Mr. King stated that the RFP that went out for the Esco was not followed in the selection process. Mr. King further stated that the vote that took place to pick the Esco was based upon

the fact that it was a smaller project than all the others and included wind power. Mr. King stated that in the proposal which came forward with Con Edison, there is no wind power and the bid was \$1,200,000 over the bid which was submitted by Chevron, which the School Committee never saw. Mr. King stated that the total project cost without the Esco, as advertised by the proposal put forward by Con Edison, is 9.753 million dollars. Mr. King noted that the total project cost including the Esco is 13.373 million dollars, meaning that \$3,620,667 to call that project an Esco, which is a 37% markup to hire Con Edison.

Mr. King pointed out that the electric heat has been there for years, and there are now controls that regulate it, so it does work but needs to be upgraded. Mr. King stated that the reason we started to consider Esco was because of a recommendation by the mechanical engineer who said we would not have enough money to do that building. The engineer suggested using an Esco because the existing buildings could be upgraded to make them energy efficient and it would not have to go in the bottom line of the 46 million dollar budget.

Mr. King stated that he discussed with the Building Committee that if we went with an Esco, we could put in a biomass unit. Mr. King stated that the State Energy Office and four other school districts have praised the work of Chevron and its top-notch subcontractors. Mr. King expressed his opinion that we are going to use a contractor who is already labor-challenged to get the job done. Mr. King stated that due to the increase in the cost of building materials, an Esco is the only way to fund the things which need to be done. Mr. King wished to make the Council aware that when representatives from Chevron showed up at the meeting at which Esco's were to be discussed, the Superintendent and Mr. Laramie of the Building Committee put them out in the hall.

Mr. King stated that the Committee went from a 5.5 million dollar project to a 13 million dollar project without a bid. Councilor Reichert questioned why we are spending 13 million dollars when the stove itself costs 2 million dollars. Mr. King stated that the unit itself is about \$612,000. Mr. King noted that this is what he does for a living and it is unfortunate that he cannot tell the School Committee, but at this level, he believes they can hear him. Mr. King explained how the wood chip heating system operates.

9. Nick Gorham, State Representative, stated that if there is any legislation the Council would like help with, he is always there to help.
10. Jack Anderson spoke again regarding unethical and possibly illegal activity which should be looked at very carefully.

### XIII. Adjourn

MOTION was made by Councilor Reichert to ADJOURN at 11:35 p.m.; seconded by Councilor Joyce.

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

NAYS: 0

MOTION PASSED

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Jean M. Fecteau, Town Clerk

Approved at the March 15, 2007 Town Council Meeting.

At a meeting of the Town Council holden in and for the Town of Gloucester on **March 1, 2007**:

- 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; David Fecteau, Housing Specialist; Viviane Valentine, Tax Assessor, Karen Emond, Administrative Aide; and David Steere, Budget Board member.
  
- III. Pledge of Allegiance  
The Pledge of Allegiance was led by Councilor Poirier.
  
- IV. Open Forum for Agenda Items  
None.
  
- V. Public Hearing  
A. CONTINUATION 2/1/07 (Public Hearing Closed)  
Application for the Exception of the Ordinance Regulating the Issuance of Building Permits  
  
1. Owner& Applicant : Vincent & Darlene Gieck  
180 Old Snake Hill Road, further described as AP 5, Lots 52, 124 & 125A

Councilor Sette stated that this Public Hearing was advertised on December 21, 2006, opened on January 4, 2007, continued to February 1 and then February 15. After further discussion the Public Hearing was closed.

Discussion: Councilor Reichert stated that this matter should be continued because the West Gloucester Fire Chief has not yet had an opportunity to speak with the Town Solicitor regarding the stipulations.

MOTION was made by Councilor Reichert to CONTINUE until March 15, 2007 the Application for the Exception of the Ordinance Regulating the Issuance of Building Permits, for Owner& Applicant : Vincent & Darlene Gieck 180 Old Snake Hill Road, further described as AP 5, Lots 52, 124 & 125A; seconded by Councilor Walsh.

Discussion: None.

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

MOTION PASSED



2. CONTINUATION (Opened 5/4/06)  
Amendment to Gloucester Code of Ordinance Chapter 217, Section 1- 20: Noise

Councilor Sette stated that this Public Hearing was duly advertised in the Providence Journal and was opened in May, 2006.

Councilor Sette stated that in May, the Public Hearing was continued after a consensus was reached to research further. At the last Council meeting, 2/15/07, after a lot of input from residents, it was agreed to continue until the Chief of Police and the Solicitor could make arrangements to bring in experts that have worked with sound metering equipment. It is our understanding that this has been arranged for the March 15<sup>th</sup> meeting, therefore we could entertain a motion to continue to that time. Since the Public Hearing is still open, Councilor Sette asked if anyone wished to speak regarding this amendment.

MOTION was made by Councilor Reichert to CONTINUE the amendment to Gloucester Code of Ordinance, Chapter 217, Section 1-20: Noise to the March 15, 2007 meeting; seconded by Councilor Joyce.

Discussion: John Bevilacqua, Town Solicitor, stated that the Town of Burrillville currently has an ordinance which they enforce and they have the noise meters which they will demonstrate for us. Councilor Sette noted that the presentation will take approximately twenty (20) minutes, and suggested that the meeting convene at 7:00 p.m. Councilor Walsh agreed, but recommended that regular business be conducted until 7:30 p.m., followed by the noise meter presentation at that time.

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

MOTION PASSED

VI. Unfinished Business

A. Appointments

1. Senior Center Board of Directors:  
Recording Secretary

Councilor Sette stated that the Council has received a request from the Senior Center Board of Directors:

February 19, 2007

TO: Gloucester Town Council  
FROM : Karen J. Emond, Co-Chair  
Senior Center Board of Directors

RE: Recording Secretary

At the February 14, 2007, meeting of the Gloucester Senior Center Board of Directors, we voted unanimously to request that the Town Council appoint Debra Rogala as Recording Secretary, effective immediately, at the rate of \$75.00 per meeting. The duties of the Recording Secretary are as follows:

- Attend Board meetings (minimum one per month).
- Take and transcribe minutes of meetings.
- Assist in preparation of monthly meeting Agendas.

- Post Agendas as required.
- Prepare correspondence and documents as needed.
- Record approved minutes in Town Hall.
- Maintain and update database including donation list, letters of thanks, plaques, etc.
- Must have PC and Word Processing Software (compatible with that used at Town Hall).

Thank you for your consideration of this appointment. If you have any questions, please do not hesitate to contact a member of the Board of Directors.

(End of memo)

MOTION was made by Councilor Poirier to APPOINT Debra Rogala as recording secretary to the Senior Center board of Directors, effective March 1, 2007, at a rate of \$75.00 per meeting; seconded by Councilor Walsh.

Discussion: Councilor Walsh asked if the \$75.00 rate includes everything else which goes along with recording a meeting. The response was that the rate is inclusive.

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

MOTION PASSED

2. Conservation Commission
  - One (1) expired three year term to expire 2010

MOTION was made by Councilor Walsh to TABLE the appointment on the Conservation Commission for one expired three year term to expire 1/2010; seconded by Councilor Poirier.

Discussion: None.

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

MOTION PASSED

- VII. Consent Items
  - A. Council minutes of February 1, 2007 Regular Session

MOTION was made by Councilor Joyce to APPROVE the Town Council minutes of February 1, 2007; seconded by Councilor Poirier.

Discussion: None.

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

MOTION PASSED

- VIII New Business
  - A. Bid Award: RFP 2007-03  
Statistical Reappraisal & Revaluation of Taxable Real Property

Councilor Sette read the following recommendation from the Board of Contracts & Purchases;

February 26, 2007

To: Town Council  
From: Board of Contracts & Purchase (BoC)

Re: Award of RFP 2007-03 ~ Statistical revaluation

- I. RFP 2007-03 was advertised in accordance with current rules and procedures.
- II. One proposal (from Certified Revaluation Company, Inc. [CRC]) was received and subsequently evaluated by the Board. The proposal was from a qualified firm. It was noted during the discussion that CRC had been awarded the bid for the 2004 Statistical Revaluation (for a [low] bid price of \$100,000) and had done a very good job for the Town.

The bid specifications allowed for three bid options. The BoC was persuaded that appropriate value would be received by the Town for the additional \$3,000 for option # 3.

Tax Assessor Valentine informed the BoC that the Town will be reimbursed by the State for up to 80% of the cost (\$82,500) or up to \$16 per parcel, whichever is lower.

$$\begin{array}{rcl} 80\% \times \$82,500 \text{ bid amount} & = & \$66,000 \\ \text{versus} & & \\ \$16 \times 4,730 \text{ parcels} & = & \$75,680 \end{array}$$

The Town's net cost should be \$16,500 (\$82,500 - \$66,000) for this statistical revaluation.

- III. The Board recommends the bid be awarded to the lone bidder for the bid price (which includes Options #2 and #3) of \$82,500:

Certified Revaluation Company, Inc. (CRC)  
1800 Mineral Spring Avenue, # 194  
North Providence, RI 02904

Bid price:

\$ 79,500 Statistical revaluation of all taxable real estate, land, buildings and improvements, including mobile homes on leased land as of December 31, 2007.  
500 Option (#2) to include final valuation info available on-line via CRC web site.  
2,500 Option (#3) to include in-field data entry equipment.

\$ 82,500 Total bid price

Respectfully submitted,

Jean M. Fecteau ~ Town Clerk  
Jane Steere ~ Tax Collector  
Thomas P. Mainville ~ Director of Finance

(End of memo)

MOTION was made by Councilor Reichert to AWARD RFP 2007-03: Statistical Reappraisal & Revaluation of Taxable Real Property to Certified Revaluation Company, Inc. (CRC) for the bid award price of \$82,500; seconded by Councilor Joyce.

Discussion: None.

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

Councilor Sette asked Viviane Valentine, Tax Assessor, if letters would be generated to the residents. Mrs. Valentine replied that homeowners will be notified and explained the difference between a statistical reevaluation and a full revaluation. Councilor Sette asked the Tax Assessor to inform the Council when the notices are due to go out.

#### B. GIS Consultant Expense Authorization

Councilor Sette stated that the Council has received a request from the Planner regarding an expenditure for a GIS consultant. Councilor Joyce read the following letter into the record:

TO: Town Council, Steven Sette, President  
FROM: Raymond Goff, Town Planner  
DATE: February 22, 2007  
cc: Tax Assessor  
SUBJECT: GIS Consultant Budget

I am requesting that the Town Council authorize the additional \$7,980.00 for the GIS Consultant wages for FY 2007. Over the past two (2) years, the Town has employed a GIS Consultant. Heidi Paskov has been working for the Town through the Planning Department. Heidi works about twelve (12) hours per week and performs computerized digitizing of maps and GIS application development, work that no one else in Town Hall can do. This is work I just do not have time to learn and then do.

My 2006-2007 budget is \$10,600.00 for the GIS Consultant. This line item will be over the budget by the additional amount requested (\$7980.00). We had a difficult time finding a qualified person for the position in the past. If we do not fund this position for the rest of the year, we may not get Heidi back. In my opinion, the Town needs this position and will benefit from keeping her on a regular schedule.

This work is important, now and in the future. In the past, I have been asked what we save by having GIS. I cannot measure the savings of better information. The key to good information is consistency; we benefit by being consistent with this position. Heidi revises the Town Tax Assessor maps. She has edited and converted the maps to be placed on the Internet as well as working on a counter application for the public to use in Town Hall. She has been digitizing the E-911 maps so we have one consistent, composite map. Heidi has been developing more accurate base maps, consistent with the revised Tax Assessor plat maps. This has been a very important undertaking to replace the numerous paper maps originally used for numbering. She is also updating all of the Comprehensive Community Plan maps in conjunction with the Comprehensive Community Plan five year update.

In the past three (3) years, my budget request has been for \$22,000.00; each year it is cut.

My entire budget is very small as I try to keep expenses low. I typically will not put on a hard press for budget items, but I think that this one is important for the Town.

I have made a request for the coming fiscal year of \$22,000.00, however, I believe this will be reduced by the Budget Board. I do not believe the Budget Board fully realizes the importance of this position and, therefore, has underfunded it.

Please consider authorizing an additional \$7,980.00 to continue funding the GIS Consultant through the end of FY 07 and establish a \$22,000.00 budget for the GIS Consultant in the fiscal year 2007-08 Budget.

I am sorry, but I will not be in attendance at the March 1, 2007 Town Council meeting to discuss this issue as I had previously scheduled a vacation for that week.

(End of memo)

Viviane Valentine, Tax Assessor, spoke in favor of this request, adding that this is very important to her. V. Valentine explained the benefits of the GIS program and compared the old assessor's maps to the new GIS maps, which are much easier to use. V. Valentine noted that another important aspect is the E-911 project, adding that she has been working with Karen Emond, E-911 Coordinator, to get it up to date. K. Emond stated that they are in the process of creating a digitized 911 base map in house for the first time since they originally numbered the Town in the mid-1980's, adding that this work is being done by the GIS Consultant. K. Emond stated that this has enabled them to develop a more accurate base map to utilize for 911 purposes. K. Emond showed the Council an example of what is currently used in comparison to the GIS maps. V. Valentine stated that if the Town had hired an outside consultant just to do the parcel mapping and annual updates, it would cost between \$4500.00 and \$5000.00 per year. K. Emond stated that she called the database manager for the State to inquire if there are any grants available to assist in this project, but unfortunately, there are no grants at this time or in the near future.

Councilor Walsh asked if anyone operates the system besides Heidi. V. Valentine replied that she can use the system but is not qualified to do changes. Councilor Walsh asked what would happen if Heidi decided to leave. V. Valentine responded that anyone trained in the program could serve as the GIS consultant. Councilor Walsh inquired if anyone in the Town Hall is qualified. V. Valentine replied not that she knows of. K. Emond stated that, regarding the 911 aspect, the consultant will write out instructions for future use. Councilor Poirier asked if there are any training courses available to which K. Emond replied that the University of Rhode Island and other associations offer training. V. Valentine added that the University of Massachusetts also offers classes, but it is just basic instruction. V. Valentine added that it takes a professional to make line changes. Councilor Poirier asked if the area of a parcel can be determined from these maps. V. Valentine replied in the affirmative. V. Valentine further stated that GIS is now integrated with CAMA (Computer Assisted Mass Appraisal) which allows her to do statistical analyses visually, adding that this is an excellent tool for her to use.

V. Valentine stated that previously, we had a retired gentleman come in periodically to make changes to the mylar maps. V. Valentine stated that this individual had to resign due to ill health. V. Valentine stated that we do have a cartographer on call to assist us in reading old deeds.

Councilor Walsh stated that last year we had \$7,800.00 and went over by \$8,600.00. Councilor Walsh pointed out that this year's budget request is \$22,000.00 in addition to a full-time clerk in the Planning Office. Councilor Walsh commented that the budget for the department has increased dramatically in one year's time. Councilor Walsh stated that this has nothing to do

with how good the system is, but we have to look at the numbers. V. Valentine stated that if she knew of any way to obtain funding for this she would have pursued it. V. Valentine commented that possibly in the future there will be some funding available under Homeland Security.

Councilor Sette stated that the Council is still dealing with expenses for the current fiscal year, and are not even getting into next year's budget. Councilor Sette asked if anyone else had any discussion or questions. Hearing none, Councilor Sette called for a motion.

MOTION was made by Councilor Joyce to AUTHORIZE the additional \$7,980.00 for the GIS Consultant wages for Fiscal Year 2007; seconded by Councilor Reichert.

Discussion: None

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

C. Appointments

1. Planning Board

Two (2) expired five year terms to expire 3/2012

Councilor Sette stated that this is for two expired terms and noted that both members have letters on file indicating their desire to stay on for another term.

MOTION was made by Councilor Poirier to REAPPOINT Walter M.O. Steere III & Susan Tremblay Shuster to the Planning Board for five year terms to expire 3/2012; seconded by Councilor Reichert.

Discussion: None.

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

D. Response to Correspondence: F/G Regional School meeting request

Council has received an invitation to meet with the Regional School Committee, the Foster Town Council and the School Building Committee.

Councilor Sette read the following into the record:

February 23, 2007

TO: Foster Town Council  
Glocester Town Council  
Building Committee

The Co-chairs of the Region would like to invite the Town Council, Building Committee and ConED to a joint Region Executive Session. The purpose will be to put out a joint communication in bullet point format concerning the extra 13 million dollars. Hopefully, we will move quickly away from things we cannot agree on and stress points of agreement. A statement like "It is in the best interest of the U.S. and its citizens to move

away from dependence on foreign oil.”

Our concern is that there will be a move to defeat the bottom line at the Region Financial Meeting. This will cause the Region to cut additional teachers to the eleven already slated, or to drop athletics. Decisions that will belong to all of us if we cannot agree.

At the end of this session, the Building Committee and ConEd may leave. The Council and School Committee will stay to discuss the call for the superintendent’s removal. It is time this is done face to face and not in the newspaper.

Date: March 13, 2007

Time: 6:00 p.m.

Place: Ponaganset High School Cafeteria

Please respond to Anita Grist (568-4175) and bring your points of agreement for discussion to the meeting.

Kelly Hunter, Co-Chair  
Regional School Committee

Ronald Cervasio, Co-Chair  
Regional School Committee

(End of letter)

Discussion: Councilor Walsh stated that he has no problem with meeting with the other groups, but does not agree that it should be in Executive Session, explaining that it belongs to the Town and its people and that is the only way he will attend. Regarding discussion concerning the superintendent, Councilor Walsh expressed his opinion that this is not the Council’s position or business; it is up to the School Committee.

Councilor Sette agreed that the meeting must be open to the public for discussion. Councilor Sette stated that the public has always been invited to meetings of the Building Committee and this is part of the Building Committee. With respect to the superintendent, Councilor Sette stated that the Council was asked by the Gloucester School Committee to submit a letter and the School Committee is supposed to respond which they have not done yet. Councilor Sette stated that until a response is received, discussion should not take place.

Councilor Reichert concurred with Councilors Walsh and Sette and asked why programs and teachers will be cut if we don’t get 13 million dollars for the school, asking what one thing has to do with the other. Councilor Sette stated that this could be discussed at the meeting.

John Bevilacqua, Town Solicitor, stated that he has reviewed the Open Meetings Law, and there is no provision which allows a meeting of this type in Executive Session. Councilor Sette agreed, stating that it would not fall under Personnel, Litigation, or Collective Bargaining, which are the three areas where Executive Session is allowed.

David Rose stated that he feels that the Town cannot be obligated to pay that type of money without it coming before the people of Gloucester to vote on it. Mr. Rose stated that the Town Council approves the budget, and the School Committee cannot spend our money without approval. Mr. Rose stated that he does not understand how this could have gone out to bid without the Council’s approval first. Councilor Reichert expressed his agreement that a special meeting for the Region should have been called for the voters to approve it before it went out to bid.

Councilor Walsh stated that we are not exactly sure what has been done until the Council attends

the meeting on March 13<sup>th</sup>. Mr. Rose noted that there is a notice posted regarding a bid opening on March 16<sup>th</sup>. Councilor Sette replied that the bid opening could possibly be for the Fogarty School roof. Mr. Rose stated that Gloucester has no industry to speak of and to obligate us to 13 million dollars more without our approval is unfair. Mr. Rose asked if the meeting on the 13<sup>th</sup> will be an open meeting. Councilor Sette stated that Mr. Cervasio has agreed to an open meeting. Mr. Rose inquired whether the meeting will be advertised to notify the taxpayers. J. Bevilacqua replied that the meeting has to be advertised and posted by law.

Councilor Sette stated that the Council's response to the invitation is that they will attend and listen to discussion regarding the 13 million dollars, but they are still waiting for a response from the School Committee concerning the superintendent. There was discussion with David Steere, member of the Budget Board, regarding their meeting which is also scheduled for March 13<sup>th</sup>. There was consensus to change the Budget Board meeting to March 12<sup>th</sup>. Councilor Sette also noted that there is a meeting of the Regional School Committee on March 6<sup>th</sup> at the High School auditorium.

Councilor Walsh asked J. Bevilacqua if he could check the legality of the Warrant for the Regional Financial Meeting. Councilor Walsh questioned the paragraph which reads "And for any or all other purposes authorized by law, and to transact such other business as may legally come before said meeting." J. Bevilacqua replied that under the Open Meetings Act, a certain amount of specificity is required to deal with a particular item. J. Bevilacqua commented that the wording is vague and uncertain. Councilor Walsh stated that he would like to get a legal opinion and forward it to the Region. J. Bevilacqua stated that he will research the matter.

#### E. Status: School Building Committee's Bio-mass Project

Discussion: Councilor Reichert stated that he requested this item because he was accused of collusion due to the fact that he is in the oil business and questioned how many people would be required to operate the Esco system. Councilor Reichert stated that his only concern was how much the operating cost would be in the future. Councilor Poirier expressed his agreement that there was no collusion and that Councilor Reichert only had the same concerns as the other Council members.

Ronald Cervasio admitted that he made the accusation of collusion and stated for the record that he voted against building the new school and has abstained from voting on this project. However, Mr. Cervasio added that the reason he has asked this committee to come forward in discussion is because he is hearing and reading in the paper all kinds of comments and would like to clarify the truth for everyone.

J. Bevilacqua, Town Solicitor, stated that since the collusion allegation was also directed to him, he wished to respond that his questions to the Building Committee and the Region were specifically on a legal interpretation of the Charter and the authority that they had to approve this action. J. Bevilacqua stated that the accusation of collusion was uncalled for and unnecessary because the impression that people got was that if you disagree with what they want, and you ask questions and expect answers, they are not going to give you answers and will accuse you of wrong-doing.

J. Bevilacqua stated that he is not asking for an apology because he has been in the public eye most of his life and is used to comments from people who have emotional feelings, but he doesn't expect it from people who have been elected to responsible positions to do a job and criticize people who are also elected to do a job, part of which is to ask questions. J. Bevilacqua added that the questions which were asked were reasonable, fair, and should have been answered



in a timely fashion. Councilor Sette asked if the legal counsels for the School Committees will be present at the meeting on the 13<sup>th</sup> to which Mr. Cervasio replied yes, adding that the purpose for this meeting is so that we can open discussion so we don't have a war on the 20<sup>th</sup> at the Regional Financial Meeting.

IX. Department Head Report/Discussion

1. Jean Fecteau, Town Clerk, stated that she will send calendars to the Council members noting the extra meetings which have been scheduled.

X Boards/Commissions  
None.

XI. Council Correspondence/Discussion

1. Councilor Sette stated that he has looked at the Budget and suggested that we move \$28,238.00 from the Police/Public Safety budget to the Capital side. Councilor Sette also recommended that we cut the fuel cost increase for Public Works as well as a 20% cut for both the Parade and Fireworks. Councilor Sette noted that the total of these cuts is \$51,328.00. Councilor Sette stated that there are only two things he would like added to the Budget which amount to \$4,045.00; \$2,800.00 to Animal Control and \$1,245.00 for the salary for the Human Services Director, bringing it to \$10,000 annually.

Councilor Sette noted that the level of responsibility for the Human Services Director has increased with the opening of the new senior center which is up to 135 members. Councilor Sette stated that whether this becomes an appointed position or if it remains elected, there should be reasonable compensation. Councilor Sette stated that the net result of the above changes results in a reduction in the Budget is \$47,283.00. Councilor Sette asked if any other Council members had any suggestions.

Councilor Joyce noted that when looking at the Municipal Analysis website, the Finance Director's salary is the third lowest in the State. Councilor Joyce pointed out that our Finance Department is responsible for Gloucester's AA rating, adding that the raise which was promised the Finance Director last year was cut in half. Councilor Joyce noted that there is \$7,000.00 in Public Works for recycling and suggested that this amount be directed to the Finance Director. David Steere, Budget Board member, stated that this has been discussed and they have not forgotten the promise made to the Finance Director last year.

Councilor Sette asked how much more would have to be cut to get from 9.3% to 5.25%. Mr. Steere replied that it depends on how many exceptions we are able to obtain, such as energy costs at the regional level. T. Mainville, Finance Director, stated that he will attend a meeting on Monday at CCRI which will deal with this subject. It was stated that the Auditor General has indicated that a budget must be approved before we could get an exception. T. Mainville stated that this will come up at Monday's meeting and he will report back to the Council. Walter Steere, School Committee member, stated that the Council will use their base to determine the Region's 5.25%, but the Region is going to use another base.

Councilor Sette stated that he has a transcript from the Regional Financial Meeting, a copy of which was sent to Steve Winsor, Business Manager. Councilor Sette read a paragraph from the transcript as follows: "So it has been resolved that the \$314,000 additional dollars that were increasing the regional budget will not be required to be paid by either the Town of Gloucester nor the Town of Foster, that the Region has indicated

that they have sufficient resources in order to supply those necessary funds if they become necessary, and that they will absorb those funds.” Walter Steere, School Committee member, commented that there is going to be a disagreement on this issue and the sooner it is solved, the better. Councilor Sette pointed out that when this was read at the Regional Financial Meeting, there were School Committee members present, and no one spoke up in disagreement.

J. Bevilacqua, Town Solicitor, stated that school committees, both regional and regular, must communicate with the taxing authority as to the financial condition of each prior to any budget being adopted. J. Bevilacqua added that this is required by State Law. J. Bevilacqua stated that at last year’s Regional Financial Meeting, it was mentioned that communication should remain open at all times to ensure that this situation does not exist again. J. Bevilacqua further stated that it is incumbent upon the Regional School Committee to communicate with both towns to discuss the future budget and the 5.25% cap.

2. Councilor Sette stated that we have correspondence from the Department of Transportation, Environmental and Intermodal Planning which indicates that we are able to take \$70,000 that was originally planned for a welcome center and apply it to sidewalk amenities, which are more costly than anticipated. Councilor Sette stated that DOT will be here on the 21<sup>st</sup> to present the Main Street improvements, which will include sidewalks from Pine Meadow to the Senior Center.
3. Mark Bonn, 447 Durfee Hill Road, submitted to the Council an article which he read in the Providence Journal on February 12, 2007, adding that this information should be going to the Foster/Glocester School Committee. Mr. Bonn noted that his wife is a dean of undergraduate admissions at the University of Rhode Island. Councilor Reichert read the article into the record as follows:

More Are Opting for AP Exams

The state already pays for most Rhode Island students to take the College Board’s PSAT exam, which helps prepare seniors for the SAT exam, a requirement for most colleges. Rhode Island Department of Education budgeted \$195,000 for districts that require participation in the PSAT last year, just Warwick and Foster-Glocester did not require students to take the test.

Educational officials noted that about 4,000 Rhode Island students are taking advantage of dual-enrollment courses, which are another way that high school students can take challenging courses and receive college credit, giving them a jump-start on a bachelor’s degree. Several local colleges offer classes to high school juniors and seniors at a low cost. High school teachers receive extra training to teach the college courses. The state plans to set aside money next year for low-income students who want to take the college courses.

(End of article)

Mr. Bonn stated that the State is offering a preparatory course for students who are interested in going on to college, and that is known as the PSAT. Mr. Bonn added that the School Committee has to accept the offer and if they do, the State will pay for the high school students to take the PSAT course. Mr. Bonn noted that this course prepares students to take the SAT exam which will determine which colleges they will get into, and is also an opportunity for the students to self-diagnose their weaknesses. Mr. Bonn

questioned why Foster-Glocester has opted out of the opportunity to have this paid for by the State and wished to put the Town Council on notice regarding this matter. Mr. Bonn stated that he intends to bring this to the attention of the School Committee also.

## XII. Open Forum

1. Howard Franklin Tucker III spoke regarding his appeal to establish a Lyme Disease Committee with the purpose of initiating Lyme Disease awareness in Glocester. Mr. Tucker read the following letter into the record:

March 1, 2007

To: The Glocester Town Council  
From: Howard Franklin Tucker III  
210 Putnam Pike  
Glocester, RI  
RE: Lyme Disease Committee

This is an appeal to establish a Lyme Disease Committee, the purpose being to initiate Lyme Disease Awareness in the Town of Glocester. In the past year I became aware of this problem during my own encounter with this debilitating tick borne disease and since, have become aware of the widespread impact it has had throughout this and neighboring communities. It inspired further research on the subject through books, articles and web sites. As a candidate for Town Council, in a statement of purpose to a Journal Bulletin Reporter, Lyme Disease was a priority concern. The reporter seemed surprised by the originality of the response. Perhaps this prompted further investigation culminating in front page news articles. Consequently, letters were written to political leaders addressing this matter. One letter sent to Governor Carcieri was delegated to the Health Department, which responded in written reply, stating prevention is the best solution. In follow up, liaison was established with this office in voice and text dialogue, seeking to realize an awareness program to which prevention measures can be applied. At issue, there is no awareness program because there is no funding for it. This will continue to be the case. While budgets have schedules and time clocks, the ticks have the time. Additionally, I have discussed this matter with Professor Tom Mathers at URI's Lyme Disease Research Laboratory, in e-mail and phone exchange. Concurrently, it is believed the best strategy in achieving Lyme Disease awareness, is through local grassroots efforts. The proposal is to establish a Lyme Disease Committee in Glocester for such purpose. This is about the well being of the community in addressing an environmental health threat. In founding this committee, the council will be motivating awareness to this problem in and of itself. The Committee will recommend dispatch of the following:

- This proposal be faxed or e-mailed to Town Clerks and Managers of neighboring towns for approval by their respective Town Councils.
- These neighboring towns then forward this to other neighboring towns for endorsement.
- Contact the School Administration to:
  1. Review Lyme Disease Awareness in Health Education.
  2. Challenge students to an interactive research discussion by Lyme Disease through; essay assignments and presentations; and by developing power point presentations in computer labs. This then can be used in furthering the Health Education curriculum regarding Lyme Disease, or other civic address in that

regard.

- Report back to the Council's next session to debrief on progress and problems encountered in this discovery process.

This committee does not request funding. It makes use of resources currently available in realizing Lyme Disease Awareness, for the purpose of reducing the rate of Lyme Disease infection in Gloucester.

(End of letter)

Mr. Tucker also stated that he will be going to URI to speak to Professor Tom Mathers and his staff next week. Mr. Tucker stated that he has been in contact with the Observer and other outlets to raise awareness since Spring is approaching and the ticks will be prevalent. Mr. Tucker noted that his disease was mis-diagnosed which is one of the primary problems with this very treatable illness.

Councilor Sette replied that he is aware of the complications of lyme disease because he worked as part of a national team regarding a lyme disease vaccine. Councilor Sette went on to say that residents of Nantucket, Martha's Vineyard and Block Island were vaccinated and the cases of lyme disease decreased dramatically. Councilor Sette expressed his agreement that lyme disease is a major problem and suggested that Mr. Tucker set up an informational kiosk at the next Public Safety Day which is held each summer. Councilor Sette also recommended that this issue can be brought to the attention of the School Committee with the intention of creating an awareness program at the schools. Regarding the establishment of a Lyme Disease Committee, Councilor Sette stated that this will be taken under advisement. Mr. Tucker thanked the Council for their time and cooperation.

2. Rose Lavoie, 31 Wilmarth Road, spoke regarding the Henry Hawkins house. Mrs. Lavoie attended a Land Trust meeting and discovered that the Land Trust has been working on the property but that the house could not be saved. Mrs. Lavoie stated that she wished that someone could have informed her sooner since she has been expressing concern for several years.

### XIII. Adjourn

MOTION was made by Councilor Reichert to ADJOURN at 9:20 p.m.; seconded by Councilor Poirier.

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

MOTION PASSED

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Jean M. Fecteau, Town Clerk

Approved at the March 15, 2007 Town Council Meeting.

At a meeting of the Town Council holden in and for the Town of Gloucester on **March 15, 2007**:

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; Kevin Walsh, Charles Poirier & Michael Joyce (arrived at 7:20 p.m.)

Also Present: Jean Fecteau, Town Clerk; John Bevilacqua, Town Solicitor; Thomas Mainville, Finance Director; Brian Lombardi, Building/Zoning Official; Raymond Goff, Town Planner; Jamie Hainsworth, Chief of Police; Anthony Parrillo, Recreation Director and Susan Harris, Deputy Town Clerk.

III. Pledge of Allegiance

The Pledge of Allegiance was led by Councilor Sette.

Councilor Sette stated that this meeting was called to order at 7:00 p.m. this evening to allow time for a sound metering presentation, but Council was just informed the presentation has been postponed until a later date. Councilor Sette noted that the Public Hearing regarding the Noise Ordinance is still open, so testimony can still be taken. However, Councilor Sette added, Council will not address public hearings until 7:30 p.m. to allow for residents who may not be aware of the early start, as advertised.

Councilor Sette stated that a motion is needed to move agenda items to this point.

MOTION was made by Councilor Walsh to MOVE Items VI Unfinished Business; VII Consent Items and VIII New Business, A. Western Rhode Island Home Repair Community Development Block Grant 2007, Prioritization of Grant Requests to this point on the agenda; seconded by Councilor Reichert.

Discussion: None.

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

MOTION PASSED

VI. Unfinished Business

A. Appointments

1. Conservation Commission

One (1) expired three year term to expire 2010

MOTION was made by Councilor Walsh to TABLE the appointment to the Conservation Commission for one expired three year term to expire 1/2010; seconded by Councilor Poirier.

Discussion: Councilor Poirier stated that there is a candidate and the Council is waiting to receive an application.

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

- VII. Consent Items
- A. Council minutes of February 15, 2007 & March 1, 2007 Regular Sessions
  - B. Finance Director's Report: February, 2007
  - C. Receivable Tax Roll, 1996
  - D. Tax Assessor's Additions & Abatements
  - E. Pole Grants
    - 1. Ada Drive: 3 new Joint poles P. 6,7,& 8
    - 2. Rustic Hill Road & Bungy Road
      - P. 12 3/4 & P. 12 1/2

MOTION was made by Councilor Reichert to APPROVE the minutes of February 15, 2007 & March 1, 2007; to ACCEPT the Finance Directors Report of February 2007; and to APPROVE the Tax Collector's abatement of 1996 Tax Roll Receivables in the amount of \$25,993.89; Assessor's Abatement to the 2006 Tax Roll in the amount of \$121.46; additions to the 1996 Tax Roll in the amount of \$147.19; the 1997 Tax Roll in the amount of \$151.34; the 1998 Tax Roll in the amount of \$156.12; the 1999 Tax Roll in the amount of \$157.36; the 2000 Tax Roll in the amount of \$162.21; the 2001 Tax Roll in the amount of \$168.27; the 2002 Tax Roll in the amount of \$118.98; the 2003 Tax Roll in the amount of \$119.88; the 2004 Tax Roll in the amount of \$125.46; the 2005 Tax Roll in the amount of \$146.45 & the 2006 Tax Roll in the amount of \$275.25; to APPROVE the Pole Grants to Ada Drive, Poles 6, 7, & 8 and Rustic Hill & Bungy Roads, Poles 12 3/4 & 12 1/2; seconded by Councilor Poirier.

Discussion: None.

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

- VIII New Business
- A. Western Rhode Island Home Repair  
Community Development Block Grant 2007  
Prioritization of Grant Requests

Councilor Sette stated that the first Public Hearing for the Community Development Block Grant 2007 was held on February 15, 2007 and at that time interested parties were heard and proposals for inclusion on the grant application were presented.

Councilor Sette stated that the Council now has to decide which requests should be included and then prioritize those requests.

Councilor Sette read the following opinion on Comprehensive Plan consistency from the Planning Board:

A motion was made by Susan Shuster that the activity proposed for the Community Development Block Grant application outlined in a letter to the Town Planner from Elinor Tetreault of Western Rhode Island Home Repair, dated February 28, 2007 is consistent with the goals and spirit of the Comprehensive Community Plan. Specifically Section 3.2.3 "To take steps that enable Gloucester to be a pleasurable place in which to

live, work and raise a family”; Section 4.2.2 “To allow a full range of housing options, including style, setting, cost and location”; and Section 4.2.3 “To encourage the provision of innovative housing layout, design and living arrangements that allow afford ability, choice and compliance with the state building codes for accessibility”. Motion was seconded by Anthony Autiello.

Vote: Ayes-6, Nays-0 Motion carried on a unanimous aye vote.

(End of motion)

Councilor Sette read the following correspondence from the Home Repair Manager:

3/8/2007

Town of Gloucester Town Council Members

RE: 2007 CDBG Proposed Activities

The Western RI Home Repair Program has made the following recommendations for the FY 07 Community Development Block Grant.

The proposed activities are as follows:

**Housing Program:**

Housing Rehabilitation	\$149,400.00
Foreclosure Assistance Program	\$10,000.00
Septic Pumping Oil Burner Cleaning Operations	\$5,000.00
Administration	\$45,000.00
*Mobile Home Replacement	\$8,000.00
Food Bank	\$175,000.00
Senior Center	\$3,375.00
Town of Gloucester Affordable Housing Plan	\$4,500.00
Echo Lake Water District	\$7,500.00
Community Housing Land Trust	\$15,000.00
	\$2,225.00

**Total Proposed Activities not to include Mobile Home Replacement \$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. The total proposed activities received to date are \$262,500.00.

Each proposed activity was cut by 25% in order to keep within the allowable guidelines.

To date I have not received any completed proposals for the above mention activities.

A letter of intent has been received for each proposed activity.

Each activity must have a complete proposal delivered to my office by March 19<sup>th</sup>.

Any activity that does not have a complete application will be eliminated at that time.

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

The activities were reviewed by the Planning Board on 3/5/2007. 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 2<sup>nd</sup> Public hearing is scheduled for, April 19, 2007; at that time the application will be complete and available for public review.

Sincerely,

Elinor C. Tetreault  
Program Manager

**\* The amount request for the Mobile Home Replacement Program does not impact the allowable \$250,000.00 Grant Cap.**

(End of memo)

Discussion: Jean Fecteau, Town Clerk, stated that the completed application from the Echo Lake Water District has been submitted. The Town Clerk further stated that she received an update today from Mrs. Tetreault indicating that the third item on the list "Septic Pumping Oil Burner Cleaning" is not to be considered. Ms. Tetreault has discussed with the State and they have stated this is an ineligible activity, therefore, Ms. Tetreault suggests adding that \$5,000 back to the Echo Lake Water District. Councilor Reichert stated that he would like to see the Echo Lake Water District moved up in the prioritization. Councilor Walsh concurred. There was consensus to place this item fifth on the list of activities.

MOTION was made by Councilor Walsh to Prioritize the proposed activities to be included on the Community Development Block Grant application for 2007 as follows:

Housing Rehabilitation	149,400.00
Foreclosure Assistance Program	10,000.00
Operations	45,000.00
Administration	8,000.00
Echo Lake Water District	20,000.00
Food Bank	3,375.00
Senior Center	4,500.00
Town of Gloucester Affordable Housing Plan	7,500.00
Community Housing Land Trust	2,225.00 (total \$250,000)
and to include: Mobile Home Replacement	\$175,000.00

Seconded by Councilor Reichert.

Discussion: None.

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

MOTION PASSED

#### IV. Open Forum for Agenda Items

Brian Bicki was present on behalf of the Echo Lake Water District. Mr. Bicki thanked the Town Council for increasing the amount of the request to \$20,000. Mr. Bicki outlined the breakdown of projects to be completed for a total cost of \$22,000, noting that the \$20,000 from the Community Development Block Grant will be very helpful.



Councilor Joyce left the meeting at this time, due to illness.

V. Public Hearing

B. **CONTINUATION 2/1/07 (Public Hearing Closed)**

Application for the Exception of the Ordinance Regulating the Issuance of Building Permits

1. Owner & Applicant : Vincent & Darlene Gieck  
180 Old Snake Hill Road, further described as AP 5, Lots 52, 124 & 125A

Councilor Sette stated that this Public Hearing was advertised on December 21, 2006, opened on January 4, 2007, and after public hearing was closed. Councilor Sette further stated the decision has been continued pending further input from the Fire Chief.

Discussion: Councilor Reichert read the following memo from the West Glocester Fire Chief:

March 7, 2007  
Glocester Town Council

Re: Vincent & Darlene Gieck application  
180 Old Snake Hill Road  
PR 5, Lots 52, 124 & 125A

Honorable Glocester Town Council:

As you know, I recently appeared before the council on behalf of the West Glocester Fire District, to review the fire code requirements, as they related to the application referenced above. During that hearing, I was both surprised and deeply concerned about several comments made by the Town Solicitor, to the Council, relative to the above application, that I firmly believed to be incorrect and grossly misleading to the Council. I left that meeting with serious concerns relative to the misinformation given to the Council and its impact on the Council's deliberations on this matter. I immediately reported my concerns to the Fire District's Board of Directors and requested their input on the situation.

Upon hearing my concerns, the Board voted unanimously to request a formal legal opinion from the District's solicitor and they suggested that I immediately confer with the state Fire Marshall's office. Since that District meeting, I have conferred with the state Fire Marshall's office and I have received the legal opinion from the District's solicitor (attached).

Be advised that the State Fire Marshall's Office has confirmed to me that NFPA 1 is the Law in the State of Rhode Island and therefore is applicable to the application referenced above. You will also note from the attached Fire District legal opinion that the District's solicitor also concluded that NFPA 1 code requirements must be met by any applicant similar to the one referenced above.

With respect to the above referenced application and after having had more time to review in detail, the information provided to me relative to that application, I have now concluded that the proposed design drawing submitted by the applicant does not provide sufficient and accurate enough information for the Fire District, to be able to provide the

Council with a complete and comprehensive list of fire code requirements that must be met by the applicant, before the Council should render its decision on this matter.

In closing, I would be more than happy to meet with the Council at a work session and or with the applicant at the fire station, to discuss and review his application, his plan drawing and the applicable NFPA 1 requirements that he will need to meet.

I would like to make it perfectly clear that the Fire District's sole concern here is the welfare and safety of the residents who live within the boundaries of the West Gloucester Fire District. We take seriously the trust and responsibility we have been given by the State of Rhode Island and the residents of our Fire District. Experience has shown us that we can never let our guard down for one minute when the lives and the safety of the general public are in question. NFPA 101 and NFPA 1 is the Law in the State of Rhode Island and it was adopted in 2004 after the station house fire for a reason. The District's job and responsibility is to see to it that all applicable fire codes are enforced and interpreted properly and we intend to do just that. Anyone, including the Town Solicitor, who disagrees with any form fire code interpretation issued by the West Gloucester Fire District, can appeal that interpretation to the state Fire Safety Code Board of Appeals and Review.

Sincerely,  
Chief Larry Goodnough  
West Gloucester Fire District  
(end of letter)

Councilor Reichert read the following legal opinion into the record:

February 15, 2007  
William J. Flynn, Director  
West Gloucester Fire District

Re: West Gloucester Fire District ("District")/ Town of Gloucester ("Town") Fire  
Safety/Compliance Issue

Dear Mr. Flynn:

This letter will confirm our previous discussions relative to the District's inquiry regarding the National Fire Protection Association, Inc., 2003 Ed. ("NFPA") and whether NFPA has been adopted by the State of Rhode Island relative to fire safety issues. Title 23, Chapter 28.01 et seq. (entitled the "Comprehensive Fire Safety Act" or "the Act") was passed by the General Assembly and became the law of this state effective January 1, 2004. The Act specifically vests in the State Fire Marshal's office the authority and jurisdiction to enforce the standards set forth in the Uniform Fire Code (NFPA1) and the Life Safety Code (NFPA 101).

RIGL Section 23-28.1-2(b)(3) and (4) permits cities and towns to enact ordinances and orders relating to fire safety provided those ordinances and orders impose requirements equal to, additional to, or more stringent than those contained in the Act. Jurisdiction for the interpretation of any city or town ordinance or order relating to fire safety is vested in the Fire Safety Code Board of Appeal and Review (the "Board"); provided, however, that the responsibility for the enforcement of the ordinance or order shall be with the local authorities. Thus, it is clear that the Code applies to all matters involving fire safety that

may come before the Town and that the Fire District, as the local authority, has jurisdiction to enforce the Code.

While Town ordinances require a written comment from the District relative to review of petitions for major subdivisions, they are silent as to minor or administrative subdivisions (See Section 300-27(9) of the Town of Glocester Town Ordinances). The Town, however, may issue a permit subject to conditions that will assure adequate access for fire-fighting equipment, ambulance and other emergencies (See Section 145-2 of said Ordinances).

It would, therefore, be prudent for the Town to seek the opinion of the District, as the local authority responsible for the enforcement of the State Fire Code, regarding issues of Code compliance as they relate to any subdivision petition before it. RIGL Section 23-28.1-2(b)(4) provides that any person aggrieved by the decision of the local authority may appeal that decision to the Fire Safety Code Board of Appeal. If such subdivisions are granted without the District's opinion regarding compliance with the Code, the District would be within its authority to notify the appropriate Town official that it would withhold signature/approval of a building permit for the project based on the non-compliance. The Town would be left with a result which permitted the creation of a subdivision that failed to be in compliance with the Code and the property owner/developer would have a delay of an unknown time period before it could put the development into compliance or obtain appropriate relief from the Board.

This opinion does not address the further issues of liability of the Town or the District should a matter be subdivision be approved without appropriate review of Code compliance. Please do not hesitate to contact the undersigned if you require any further clarification or information in this matter.

Very truly yours,  
Daniel J. Archetto

(end of letter)

John Bevilacqua, Town Solicitor, stated that he has reviewed this legal opinion and feels that the opinion lacks statutory provisions which apply to this particular circumstance. J. Bevilacqua stated that he finds it disheartening that this opinion would pinpoint one individual at a time when this petition has gone through two years of hearings during which the subject of fire code violations was never addressed. J. Bevilacqua added that his conversation with the State Fire Board was specific to the road which is an issue here. Atty. Bevilacqua stated the Board has recommended a 20-foot wide road constructed of sufficient material to handle traffic that is necessary for modern day fire trucks, with an appropriate turn-around.

Atty. Bevilacqua stated the Council within the last year has approved exceptions allowing certain roads to be developed for access to back lots which did not meet this standard. J. Bevilacqua stated he finds it unusual that an opinion of this type from the District Solicitor does not include the appropriate section nor the date this, (the section that relates to roads) was adopted by the State of Rhode Island. J. Bevilacqua stated the district's attorney should inform the town of what ordinances it feels should be adopted by the Town of Glocester. J. Bevilacqua stated it is his opinion that the Council's requests and conditions which they are proposing to be placed on the applicants for this particular road are more that satisfactory to satisfy whatever concerns the Fire Marshal has.

J. Bevilacqua further stated that he would be more than willing to meet with fire officials and anyone else involved and through the appropriate process bring to a public hearing the proposal that they feel is necessary. J. Bevilacqua stated all the residents should be able to speak and to be informed before these rules are brought forward and further, to invoke this on an applicant who has been working for two years towards this application is not appropriate.

Councilor Walsh expressed concern regarding the last paragraph of the legal opinion which states that the opinion does not address further issues of liability to the Town or the District. Councilor Walsh stated that the legal opinion is an answer, but we do not know what the question was. Councilor Reichert, who serves on the West Gloucester Fire Board, replied that the main concern was that the road that is built will support fire apparatus. Councilor Reichert instructed the applicant to have an engineer design the road and to submit the design to the Council. J. Bevilacqua suggested that the motion stipulate a 3% grade for the road. Atty. Bevilacqua stated that stipulation is in the Planning Board motion.

MOTION was made by Councilor Reichert to APPROVE the Exception to the Ordinance Regulating the Issuance of Building Permits to Vincent and Darlene Gieck, applicant and owner, lots adjacent to Old Snake Hill Road, further described as AP 5 Lots 52, 124 and 125A pursuant to the following conditions based upon the recommendation of the Gloucester Planning Board:

1. That the new re-configured lots will require a 969 foot long private right-of-way with a turn around at the end of said right-of-way.
2. That the deed be modified to include the easement through proposed lot 52 for access to existing lot 125A and the reconfigured lot 124.
3. That the private way cannot be extended to any abutting properties and that the road be limited in length (969 feet) to its description in the plan submitted.
4. That the road shall be 20 feet wide and be constructed with pavement for first 200 feet from Old Snake Hill Road and the remaining surface shall be of a type of gravel material to allow heavy emergency vehicles to travel upon said road. The preparation of the road bed - all stumps, stones and subsoil shall be removed and the road bed should consist of at least six (6) inch gravel plus or minus stone. A 3% grade would be included and also a vegetive barrier in front of the Millers house to be constructed to block headlights from going in their windows, and also have an engineered plan submitted to the Town stating the 3% grade going into the property along with the capacity for vehicles in excess of 80,000 pounds.
5. That any road improvements or upgrade and turn around be substantially completed prior to the issuance of a building permit, and that a written recommendation on construction of this private way be received from the Director of Public Works as well as the standard driveway permit application approval prior to the issuance of a building permit.
6. That all improvements be completed to the satisfaction of the Public Works Director prior to the issuance of an occupancy permit.
7. That this un-named private right-of-way remain as a private way and that the Town not take any responsibility for maintenance and that the deed of record for each of these properties include language that the Town of Gloucester will not be responsible for maintenance of any type or nature to this private right-of-way, inclusive of snow

and ice control and that this language shall remain part of the restrictions of record contained in each deed for the above related lots.

8. That a sign be installed prior to the issuance of a building permit on this un-named right-of-way indicating that this is a private way and that consideration be given to naming this right-of-way as properties located adjacent to it are using a Putnam Pike address for mail collection and E-911.
9. That complete drainage plans which will take into consideration the drainage of the 969 foot long road shall be submitted.
10. That it is the applicants sole responsibility to seek and receive all permission clearings or approvals from owners of this right-of-way prior to making any alterations or using this right-of-way for access to these properties.
11. That a copy of these modified deeds be presented to the Building Official, Town Solicitor and Director of Public Works prior to the issuance of a building permit.

Seconded by Councilor Walsh.

Discussion: None.

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

MOTION PASSED

C. CONTINUATION (Opened 5/4/06)  
Amendment to Gloucester Code of Ordinance  
Chapter 217, Section 1- 20: Noise

Councilor Sette stated that this Public Hearing was duly advertised in the Providence Journal and was opened in May, 2006. Councilor Sette stated public input has been received on numerous occasions and then the hearing was continued until tonight. Councilor Sette stated there was to be a presentation regarding noise meters, but the demonstrator was unable to attend the meeting. Councilor Sette stated that, if possible, he would like to have the demonstration rescheduled for the next meeting. As the Public Hearing is still open, Councilor Sette asked if anyone wished to be heard regarding the amendment to the Gloucester Code of Ordinance.

Bruce Payton, West Gloucester resident, stated that he has recorded the sound from the New England Dirt Riders facility and played the tape for the Council members, adding that this noise is what they have to listen to all day. Mr. Payton stated the owner of the establishment has admitted that the noise is annoying.

Councilor Sette stated, as a result of a previous question, that there have been no complaints concerning hunters with regard to noise. However, Councilor Sette pointed out that there have been nuisance complaints regarding loud music and parties at people's homes. Councilor Sette added that certain things are within reason and certain neighbors are reasonable to each other. However, Councilor Sette stated, noise has to be addressed and the Police need something to address it with. Councilor Sette expressed his hope that the presentation we will have will allow us to establish a standard for enforcement.

Bruce Payton stated that in the Zoning Ordinance Chapter 350-11, "Table of Use Regulations", there is a cart track and motor vehicle race track listed. Mr. Payton stated, in his opinion, that if the word "race" were deleted, the problem in West Gloucester would be eliminated. John Bevilacqua, Town Solicitor, disagreed, stating that State law allows anyone to give permission to have riders on their property. J. Bevilacqua explained the difference between sustained noise, such as the dirt bikes on Mr. Payton's audio tape, and a hunter's gunshot which is not a sustained noise.

J. Bevilacqua stated that if the Town wants an ordinance which prohibits sustained, disturbing noises, it must apply universally through the Town. Councilor Poirier spoke regarding the legal action which was taken against the New England Dirt Riders several years ago, adding that they now call it a "club". Councilor Poirier pointed out that he has seen advertisements for the bike track which, in his opinion, is not like inviting somebody to ride a dirt bike on their property. J. Bevilacqua replied that when they were charging \$20.00 a person to ride at the facility, the Court viewed that this was in violation of the Zoning Ordinance because the property was not zoned for a commercial enterprise. Councilor Poirier asked if a fee could be charged for club membership. J. Bevilacqua replied that this has nothing to do with the actual use of the property. Councilor Poirier replied that he is confident that the Town would prevail on that issue as well.

Mrs. Poitras, of West Gloucester, noted that the advertisement stated that family memberships were available, therefore she assumed that there is a fee. J. Bevilacqua replied that an assumption is not considered proof that a fee is charged. Councilor Sette stated that the point is that there is an advertisement which mentions a family membership. Mrs. Poitras stated that she will obtain more information.

Bruce Payton stated that the Zoning Official has on file the application for membership in this club, which clearly states that a fee is charged and members have use of the track. Mr. Payton added that there are unregistered vehicles at the location, adding that the Police have seen them and stopped them, but have not checked for the registrations nor have they fined the riders.

Mark Bonn, of 447 Durfee Hill Road, stated that he concurs with J. Bevilacqua that to zero in on one piece of property is arbitrary and capricious. Councilor Sette replied that this is not focusing on one piece of property; we have one issue in front of us, but sustained noise could be a number of things such as jet skis on a lake, loud stereos and parties. Councilor Sette added that this would allow the Police to go out immediately and take action. Mr. Bonn spoke regarding the requirement for registration of all terrain vehicles, stating that there are some types which do not have to be registered.

J. Bevilacqua stated that if somebody owns an ATV which is used on their own property, registration is not required. Mr. Bonn stated that the piece of equipment which is necessary to enforce a noise ordinance will cost approximately \$2500.00. Mr. Bonn expressed his concern that this ordinance will become a weapon for neighbors to use against each other. Mr. Bonn further stated that if a person is cited for violation, he could state that since he does not own a noise meter, he was not aware that he was in violation. J. Bevilacqua replied that the ordinance will allow the Police to give fair warning and if the noise is sustained, the Police would return and issue the citation.

Councilor Poirier expressed his concern that the noise monitor's accuracy may come into question if a violator asks when it was calibrated last. Councilor Poirier stated that we need to have the experts here to explain the technical aspect of the equipment.

J. Bevilacqua stated that the noise ordinance gives us a mechanism which law enforcement can utilize to rectify a serious problem. J. Bevilacqua noted that the noise meters are calibrated regularly, no different than an intoxilizer or any other test mechanism used by law enforcement.

Councilor Poirier expressed his opinion that this is not the only means of dealing with the facility in West Gloucester, adding that a violator might not object to a \$100 fine if he was collecting fees. Councilor Poirier stated that we owe it to the residents of the area to attempt to shut down the business by virtue of zoning violations. J. Bevilacqua responded that the burden of proof is on the Town to demonstrate that people are being charged a membership fee.

Russell Carpentier, of 19 Richardson Clearing Trail, stated that an occupancy permit was issued with the condition that there would be no riding or testing of motorcycles on the property. Mr. Carpentier agreed with Councilor Poirier that the zoning issues may be sufficient to close the business. Mr. Carpentier commented that this has been going on for six years.

Councilor Reichert stated that the problem is not exclusive to the New England Dirt Riders facility. Councilor Reichert noted that there are numerous trails throughout the woods in the area of Willie Woodhead Road and Old Snake Hill Road. Mr. Carpentier commented that the vehicles which pass through are not a big deal; it is those circling the track which are bothersome.

Bruce Payton stated that in Title 31(RIGL), he cannot locate where it indicates that if you are operating a vehicle on your own property, registration of the vehicle is not required. John Bevilacqua responded that the Department of Environmental Management representative he spoke to stated that the Department does not require registrations in these cases. Mr. Payton read the law which states that any operator of a vehicle not registered shall be deemed guilty of a civil violation and subject to a fine of \$100.00 for each offense. Councilor Sette asked that the discussion pertains to the noise issue, not vehicle registration.

Odette McMahan, of Pine Orchard Road, stated that although she sympathizes with the property owners in West Gloucester, she has problems with other types of noise, such as stereos and air horns. Mrs. McMahan stated that she has tried to speak to the neighbor regarding the noise, but was treated cruelly. Mrs. McMahan stated that she has called the Police, but the noise would always cease before the Police arrived. Mrs. McMahan pointed out that the problem of noise is not just in West Gloucester, but throughout the Town, and asked the Council to pass the ordinance.

George Charrette, 312 Chopmist Hill Road, Vice-Chair of the Planning Board, stated that when the New England Dirt Riders appeared before the Planning Board with their application for a sales/repair shop, the minutes reflect that they were asked by a Planning Board member if any testing would be conducted. Mr. Charrette stated that the reply was that there would not be any testing. Mr. Charrette expressed his opinion that a property owner should be able to do what they want on their own land, but when outsiders are brought in this applicant is going against his application.

Mark Bonn spoke again saying that the focus seems to be on the bike track when the real issue here is the noise ordinance which will apply to the entire Town. Councilor Poirier pointed out that when Mr. Bonn spoke at a previous meeting, it was in favor of the New England Dirt Riders facility. Mr. Bonn responded that at that time he was speaking in context to the conversation which was occurring, adding that the conversation went from the general (Noise Ordinance) to the specific (New England Trail Riders).

MOTION was made by Councilor Poirier to CONTINUE the hearing on the proposed Noise Ordinance; seconded by Councilor Walsh.

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

MOTION PASSED

- A. Code of Ordinance, Proposed amendment: Chapter 350, Zoning 2<sup>nd</sup> Hearing  
Revisions proposed to the following sections:
1. Chapter 350, Zoning, § 350-11, "Table of Use Regulations."
  2. Article 1, §350-8.E.(3)(e)(2)
  3. Article 1, §350-8.E.(3)(a)
  4. Article III, §350-13
  5. Article VII, §350-49

Councilor Sette stated that this Public Hearing was advertised January 31, February 7, and February 14, 2007 and is the second public hearing to be convened for the consideration of proposed amendments to the Zoning Matrix.

Councilor Sette stated that at the last Public Hearing, the Town Solicitor stated that he would like an opportunity to review further as the Council was presented with further changes from the Building Official and Planner.

Discussion: John Bevilacqua, Town Solicitor, stated that there are four (4) sections of this proposed amendment that the Council is prepared to act upon. They are as follows:

1. Article VII Section 350-49 which clarifies the application for Accessory Family Dwelling Unit.
2. Article I Section 350-8.E(3)(e)(2) which deletes certain language that will conform to the Zoning Enabling Act, RIGL 45-24-41.
3. Article I Section 350-8.E.(3)(a) which conforms with the physical disabilities and defines what those really are by State Law.
4. Article III Section 350-13 footnote #2 deleting the word "frontage" and reword sentence to read "Corner lots shall be required to provide the minimum front yard depth along all streets."

J. Bevilacqua asked that these be enacted for consistency with state laws. Regarding Chapter 350, Zoning Section 350-11, "Table of Use Regulations", J. Bevilacqua stated that this item is still being reviewed to determine justification for the modifications.

Councilor Sette asked if anyone wished to be heard for or against the proposed amendments. Hearing none, Councilor Sette declared the Public Hearing Closed.

MOTION was made by Councilor Poirier to TABLE the proposed amendment to the Code of Ordinance, Chapter 350, Zoning, Section 350-11, "Table of Use Regulations"; seconded by Councilor Reichert.

Discussion: None



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

MOTION was made by Councilor Poirier to ADOPT the proposed amendments to the Code of Ordinance, Chapter 350, Zoning, Article I Section 350-8.E.(3)(e)(2), Article I Section 350-8.E.(3)(a), Article III Section 350-13 and Article VII Section 350-49; seconded by Councilor Reichert.

Discussion: None.

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

2. Memorandum of Agreement  
Town of Gloucester & Rhode Island Historical Preservation & Heritage  
Commission

Jean Fecteau, Town Clerk, explained that this has been requested by Elinor Tetreault, Director of the Western RI Home Repair Program. Ms. Fecteau stated the Program Manager is trying to help a young family stay in their home, but they have discovered that the home is part of the National Historic Register. Ms. Fecteau stated Western Home Repair has sent the necessary letters to Washington and the State of Rhode Island, and part of the process is a Memorandum of Agreement which is to be signed by the Town. J. Fecteau stated that she has forwarded the Memorandum to the Town Solicitor for review. J. Bevilacqua, Town Solicitor, stated that he has reviewed the MOA and sees no problem with it. After discussion, there was consensus to authorize the signing of the Memorandum.

MOTION was made by Councilor Walsh to AUTHORIZE the Town Council President to sign a Memorandum of Agreement between the Town of Gloucester and the Rhode Island Historic Preservation and Heritage Commission for property on Tanyard Lane; seconded by Councilor Reichert.

Discussion: None.

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

B. Foster/Glocester Regional School Budget 2007/08

Councilor Sette stated that he had requested this agenda item to address the budget which was adopted at the recent School Committee meeting. Councilor Sette stated that there is an issue regarding the biomass project, first of all whether or not people are in favor of the project and, secondly, would people feel more comfortable if it was a debt service item versus an item in the operation side of the budget. Councilor Sette expressed concern regarding the financial aspect, adding that he feels it should be on the debt service side of the budget. Councilor Sette explained that this would make it easier to stay within the cap of 5.25%. Councilor Sette noted that this would allow more money to go back towards educational programs.

Councilor Sette stated that there are rumors that six or more teaching positions are going to be cut and the bottom line is the kids will suffer from these cuts. Councilor Sette pointed out that if this money is taken out of the operation budget, there is an opportunity to avoid these situations and have a stable staff with no threat of program cuts. Councilor Sette stated that if there was a move to support the project provided the money is moved to the debt service side, he believes that the School Committee would agree to do so.

Councilor Sette stated that he does not know how this could be done prior to next Tuesday's Regional Financial Meeting. Councilor Sette expressed his opinion that the meeting should be adjourned to a later date to allow people an opportunity to obtain hard and fast numbers. Councilor Sette stated that if we do not support the ESCO project, the budget will go through as is with the ESCO project in the budget as a capital revenue line item and also where the utility costs are grouped together.

Councilor Sette explained that by moving this to the debt service side of the budget, the Paiva-Weed bill allows for that new money to not count against the cap. Councilor Sette stated the debt would still have to be paid, but it does not count against the operating cap.

Councilor Reichert stated that the School Department is in violation of the Charter by doing this on a no-bid basis. Councilor Reichert added that they are going to spend 17 million dollars instead of 8 million. Councilor Reichert referred to the lawsuit for the \$200,000 which was not paid, asking where this will stop. Councilor Reichert asked who gave the work orders to not install furnaces in a brand-new school and to put an under-sized boiler in. Councilor Reichert spoke regarding the biomass system, noting that it will have to be monitored. Councilor Reichert stated that in the long run, we will end up paying more for this.

Councilor Poirier stated that we assumed that the building was designed to be as energy-efficient as possible. Councilor Walsh stated that it is all based on money and you must work within the budget. Councilor Walsh asked the Town Solicitor if we back this program, are we going to be tied into it legally if the School Department did not follow rules and procedures. J. Bevilacqua, Town Solicitor, replied that the Town has no standing to give the School Department authorization as the Charter clearly indicates.

J. Bevilacqua further stated that the charter is very specific regarding what can be included in operating costs. T. Mainville, Finance Director, explained that at the last Financial Town Meeting, there was approval for the roof at Fogarty Memorial School and that was considered bonded debt because the Town's Charter gives permission to get bonded debt without having to put it out to referendum. T. Mainville added that it counts against the 3% limit the Town has by not going out to referendum. T. Mainville questioned whether it says in the School's Charter that they can get bonded debt without going to referendum.

John Bevilacqua read the following excerpt from the Regional School District Charter:

**Powers and Duties:** The Regional District School Committee shall have all the powers and duties conferred by law upon the School Committee generally including but not restricted to the following: (a) to issue bonds when and if authorized by the Regional School District Financial Meeting as hereinafter provided and approved by the General Assembly, and (b) to apply for and receive, accept and use any state or federal funds or assistance, or both, as may be provided whether in the form of a grant or a loan, or both. To receive, accept and use any gift from private sources. To receive and disburse funds for any Regional School District purpose."

Councilor Sette asked if there is a difference if it is a capital lease versus a bonded debt. J. Bevilacqua stated that this lease purchase is a capital expenditure, a construction cost. T. Mainville expressed agreement.

J. Bevilacqua read the following from the Regional School Charter: "Operating cost shall include all costs of the district not included in the preceding of definition of construction costs." J. Bevilacqua stated that the definition of construction costs includes remodeling, new buildings, and consultant fees. J. Bevilacqua explained that the way the Town of Gloucester would have to pay for this is different than the way you would pay operating costs and their assessment is done by real estate property evaluation, whereas the operating costs come under a formula involving the percentage of students each town has.

J. Bevilacqua read the following from the Charter under "Building Committee - Powers and Duties":

"To make all contracts and agreements that may be necessary for the exercise of the powers vested in said district school building committee by sub-paragraphs (A) and (B) hereof, provided, however, that said regional district school building committee shall not make any expenditure or incur any liability unless the necessary appropriations have been authorized by the Regional School District Financial Meeting as hereinafter provided in Section V of this agreement." J. Bevilacqua went on to say that Section V of the agreement clearly indicates that the Regional School District Financial meeting has to approve it.

There was discussion concerning Senate Bill 3050 which addresses emergency exceptions. Councilor Sette explained that if the cost is moved to debt service, it reduces the operation cost by a significant amount, which makes it easier to fit into the cap. Councilor Sette stated that the regional schools are simply pass-throughs to the towns which make up the region, so if you want to apply for the exception, you must go through the towns within 60 days prior to your Financial Town Meeting.

Councilor Walsh stated that the School Department has already spent money, so whether or not the budget is approved is a moot point. J. Bevilacqua stated that the school project was approved by the voters and the additional costs were the result of unanticipated increases. J. Bevilacqua further stated that the ESCO pertained to insulation, windows, doors, lighting and things of that nature which were not done at the original planning stage of the project. J. Bevilacqua stated the initial savings that result may be substantial but it is the process and procedure which was followed that he initially questioned. J. Bevilacqua spoke of the problems which occur when there is a regional school committee that does not meet with the taxing authorities, which are the Towns, to discuss their expenditures so that the Towns would be able to meet their demands, resulting in this eleventh hour situation.

Councilor Sette stated that Collette Matarese, Foster Town Council President, appeared to be in agreement with the idea of moving the biomass cost to debt service and perhaps the rest of the Foster Town Council may agree as well. Councilor Sette pointed out that the decision must be made within a day or so because the Regional Financial Meeting is next Tuesday.

Councilor Walsh stated that a certain amount of money is expected, but it is based on guesses, and if the guesses are not accurate, they will have to pay the difference. Councilor Sette pointed out that, regarding the ESCO system, the savings are guaranteed. Councilor Walsh noted that the savings are based on the prices of oil and wood chips. J. Bevilacqua agreed that there are a lot of assumptions.

Councilor Sette expressed that he would support the money being moved to the debt service side of the budget, and in turn, support the program going forward. Councilor Sette added that it is the right thing to do. Walter Steere, School Committee member, agreed with Councilor Sette, adding that our biggest enemy right now is time. Mr. Steere stated that he would like to see a compromise between the Town and the Region because if the ESCO is defeated for any reason, there will be financial problems. Mr. Steere pointed out that if the new school does not open on schedule, we will lose a million dollars in housing aid. Mr. Steere also feels that if we can get next Tuesday's meeting continued, we would have more time. Councilor Sette agreed.

George Charrette, 312 Chopmist Hill Road, stated that when the 45 million dollars was voted upon, it was to be split up between the new middle school and the repairs to the existing school. Mr. Charrette stated that he had asked the School Committee and the Business Manager if they had obtained bids from various contractors and if they had a set of construction blueprints and a spec book, to which he was answered in the affirmative. Mr. Charrette stated that he is hearing tonight that there are no lights, etc. Mr. Charrette stated that the education department is a mess, adding that Council members, Planning Board members, and Zoning Board members come and go, but the education department hasn't changed. Mr. Charrette stated that we must stop this insanity.

Councilor Reichert stated that the old middle school will not be needed because the new building is going to be twice as large as necessary. Councilor Reichert suggested using the money planned for renovations at the old school to finish the new structure.

Mr. Charrette stated that Gloucester is becoming too expensive for some people to reside in due to high taxes. Mr. Charrette commented that education is very important but not at the expense of the taxpayers.

Anne Ejnes, Jeffrey Drive, spoke regarding a letter she had sent to the Council. Mrs. Ejnes stated the Building Committee has been under attack which she feels is unfair because they are doing their best and have not intentionally deceived anyone. Mrs. Ejnes expressed her opinion that the ESCO will cost more initially, but will save money in the long run.

IX. Department Head Report/Discussion  
None

X. Boards/Commissions

Thomas Mainville, Finance Director, pointed out that on the front page of the budget, there is a difference between what was requested by the Foster-Glocester Region and what the Budget Board recommended. T. Mainville explained that this means that the Foster-Glocester budget must be cut by \$330,000 to make Gloucester's share of the budget equivalent to what the Budget Board recommends.

XI. Council Correspondence/Discussion

Councilor Sette stated that the Council has received a letter from Rhode Island Resource Conservation Development Area Council, Inc. which supports the proposed wood-fired biomass heating system for the Foster-Glocester School System.

Councilor Sette stated that the Council has received correspondence from the Rhode Island Rural Development Council which also expresses support for alternative energy, more specifically the biomass project.

Councilor Sette stated that a number of essays have been received from students at the Middle School as part of a writing course they are taking. Councilor Sette stated the students are suggesting ideas such as street lights at Winsor Park and the possibility of a Family Movie Night for students and their parents.

Councilor Sette stated that correspondence was received from Rhode Island Clean Water Finance Agency regarding a wastewater bond issue. Raymond Goff, Town Panner, stated that he also received a copy of the letter.

## XII. Open Forum

1. Rose Lavoie of the Gloucester Heritage Society stated that she will be out of town on April 5<sup>th</sup> and will be unable to attend the Budget Hearing. Mrs. Lavoie stated that she went before the Budget Board with a request for \$25,000 which was not put into the budget. Mrs. Lavoie asked if the request could possibly come out of the Council's discretionary fund since it will benefit the cultural aspect of the Town. Mrs. Lavoie distributed copies of the letter she had submitted to the Budget Board.

Mrs. Lavoie suggested that residents be made aware of the importance of the Regional Financial Meeting on Tuesday night, because once the budget is approved, it will be put in our Town budget to be voted on in May.

2. Councilor Sette questioned Walter Steere, School Committee member, about an agenda for a meeting on March 20<sup>th</sup> at 7:15 p.m. Mr. Steere explained that this is a School Committee meeting to take place immediately prior to the Regional Financial Meeting. Mr. Steere further stated that there is a bid to revisit the possibility of full regionalization. Councilor Walsh pointed out that there is no mention of regionalization on the warrant which must be posted seven (7) days prior to the meeting.
3. Gary King stated that if the Town Council wanted to look further into ESCO's, there is a company called American Development which write contracts for ESCO's for the State of Massachusetts. Mr. King stated this company is also the consultant for ESCO's for the Boston Housing Authority as well as Worcester and throughout Massachusetts. Mr. King provided the Council members with a contact phone number.
4. Howard Tucker, 210 Putnam Pike, spoke regarding his proposal to establish a Lyme Disease Commission. Mr. Tucker noted that he has spoken to Officer D'Amato of the Gloucester Police Department, who coordinates the Public Safety Day event each year. Mr. Tucker stated that he will have an information booth at this year's event in order to promote public awareness of the dangers of Lyme Disease. The possibility of educational programs at the High School was also discussed.

Councilor Joyce returned.

## XIII. R.I.G.L. 42-46-5(a)2 Litigation

MOTION was made by Councilor Walsh to ADJOURN to Executive Session per RIGL 42-46-5(a)2 Litigation; seconded by Councilor Reichert.

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

MOTION PASSED

The Clerk asked the Council to withdraw their motion into Executive Session and to make a motion to ADD the Executive Session to the agenda for discussion only per R.I.G.L.

Councilor Walsh withdrew his motion, Councilor Reichert withdrew his second.

MOTION was made by Councilor Walsh to ADD to the Agenda Executive Session per RIGL 42-46-5(a)2 Litigation; seconded by Councilor Reichert.

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

MOTION was made by Councilor Walsh to ADJOURN to Executive Session per RIGL 42-46-5(a)2 Litigation; seconded by Councilor Reichert.

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

MOTION was made by Councilor Walsh to ADJOURN Executive Session per RIGL 42-46-5(a)2 Litigation; seconded by Councilor Reichert.

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

#### XIV. Reconvene Open Session

After Executive Session; it was stated that no votes were taken in Executive Session.

#### XV. Adjourn

MOTION was made by Councilor Reichert to ADJOURN at 11:23 p.m.; seconded by Councilor Walsh.

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

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Jean M. Fecteau, Town Clerk

Approved at the April 5, 2007 Town Council Meeting.

At a meeting of the Town Council holden in and for the Town of Gloucester on **April 5, 2007**:

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; Jamie Hainsworth, Chief of Police; Thomas Mainville, Finance Director; Alan Whitford, Public Works Director; Susan Harris, Deputy Town Clerk; David Steere, Budget Board Chair; Dr. Mario Cirillo, Superintendent of Schools; Steven Winsor, Business Manager; Wynette Dahlquist, Kelly Hunter and Walter Steere, School Committee members.

III. Pledge of Allegiance

The Pledge of Allegiance was led by Thomas Mainville, Finance Director.

IV. Open Forum for Agenda Items

None.

V. Public Hearing

A. Budget Fiscal Year 2007-2008

Councilor Sette DECLARED the Public Hearing for the Town of Gloucester's 2007-2008 Budget open:

Discussion: Councilor Sette asked David Steere, Budget Board Chair, and Thomas Mainville, Finance Director, to present the budget. D. Steere stated that he wished to thank the members of the Budget Board for their time and effort. D. Steere also thanked the Finance Director and his staff for their assistance and guidance. D. Steere stated that Steve Winsor, Business Manager for the School Department, would present the Gloucester School portion of the budget at this time.

Mr. Winsor began by stating that the budget which was recently adopted by the Gloucester School Committee provides for a 5.25% increase, which is in line with the Paiva-Weed legislation. Mr. Winsor noted several highlights from the budget, including the transfer of \$50,000 from the fund balance as a revenue item to help fund the budget, as was done last year and the year before. Mr. Winsor pointed out that the figure listed under State Aid includes a 3% increase which was proposed by the Governor, but may not come to pass. Mr. Winsor explained the detail sheets on pages 1 through 14 of the budget. Mr. Winsor referred to the last page which lists \$66,500 in Capital Improvements, adding that this list is always much longer at the start of the budget process, but the School Committee has pared it down. Mr. Winsor noted that there is a 4% increase in teacher salaries for the last year of the contract. Mr. Winsor added that a half-time

kindergarten teacher may have to be added, which is not in the budget, but this will not be known until later.

David Steere asked if anyone had any questions on the Gloucester School budget.

Councilor Poirier asked if the reduction of 3.9 full-time equivalents includes the instructional coaches. Mr. Winsor replied that the instructional coaches are in the budget. Mr. Winsor added that part of these salaries, \$25,000, is paid for by Title 2 Funds.

Edward Burlingame, Tourtellot Hill Road, asked how much is budgeted for teacher salary increases as a contingency, noting that the 4% in the budget is contractual. S. Winsor replied that there are spreadsheets which identify salaries, step increases, longevity and educational credits, but they do not add anything on top of that.

Mr. Burlingame questioned the item entitled “Legal Professional Technical Services” for contract negotiations, asking if this will be the same solicitor that will be doing this job. S. Winsor replied that the last time there were contract negotiations, they did not use their solicitor, but another individual, adding that he presumes it will be along the same lines this time. Mr. Burlingame expressed his opinion that this would be an opportunity to flat-fund it based upon what we are seeing out of the individual in that position.

Mr. Burlingame commented on the \$124,000 for Professional Development, stating that it was his understanding that when an Assistant Superintendent was hired, part of that would be Curriculum Development, and that this \$124,000 has the appearance of an overhead position which does not contribute to the teaching of students directly. Dr. Cirillo, Superintendent of Schools, replied that these instructional coaches will be spending part of their day in the classroom with teachers. Mr. Burlingame suggested that this is an overhead position which is suspect, adding that we need to show the total expense for salary and fringes.

Mr. Burlingame expressed his concern that the way the budget stands right now will possibly result in a 9% tax increase.

Councilor Joyce questioned the increase in Blue Cross insurance premiums. Mr. Winsor responded that the program that we are in, along with a number of other school districts and municipalities, is basically a self-insured program where what we pay for Blue Cross corresponds with our paid claims. Mr. Winsor explained that some years, if the paid claims are steady and there are no significant illnesses, there are good budget results. Mr. Winsor stated that this past year there was a very healthy fund balance, but there were several serious illnesses among teachers which resulted in a large increase in paid claims.

Councilor Sette stated that the Council has received correspondence which indicates that the school budget will be overextended this year and asked if there is a defined amount of the overage. Mr. Winsor replied that it is approximately \$94,000, adding that the voters at the Town Financial Meeting will be asked to allow the School Department to use fund balance to cover the deficit. Councilor Sette stated that an amount will have to be stated on the warrant for the



Financial Meeting. Mr. Winsor stated that he will get a number to the Council prior to their meeting of April 19<sup>th</sup>.

David Steere, Budget Board Chair, stated that when the Board was going through the process of reviewing the budget, they had requested that the Gloucester School Budget be reduced by \$100,000. D. Steere stated that he does not see that reflected in the budget presented. S. Winsor replied that the School Committee considered the request but voted to stay with the 5.25% budget. Mr. Winsor further explained that if the maximum amount is not requested, there will be a base problem going forward.

Ted Burlingame stated that he understands the issue of the base, but if you totally focus on that, it has no bearing on what your true requirements are. However, as a taxpayer, Mr. Burlingame wants to keep his taxes as low as possible or reduce the rate of increase on those taxes. Mr. Burlingame pointed out that with a projected decline in enrollment, why do we have to maintain the base that we have. Mr. Winsor stated that he is also a taxpayer, but as a budget manager he wants to make sure that we have enough for future years. D. Steere, Budget Board Chair, stated that they did not just cut \$100,000 from the school, but also cut \$231,000 from the Town's side. Wynette Dahlquist, School Committee member, stated that when they first started meeting, the increase was 12.9%, but they worked through the budget over and over again to bring it down as far as possible.

Walter Steere, School Committee member, stated that a janitor position will have to be reinstated at a cost of \$34,000. W. Steere further stated that they are budgeting an \$85,000 increase in State Aid which is 3%, but is not sure that we will get that amount. Regarding the instructional coaches, W. Steere stated that this is one place we could look to cut where we would not be losing classroom teachers. W. Steere also stated that the teacher contract allows three professional development days as a cost of approximately \$25,000 each and suggested that the number of days be reduced to cut the budget.

Kelly Hunter, School Committee Chair, expressed her disagreement with W. Steere, noting that professional development days are important to build a feeder system for students going to the middle and high school. Ms. Hunter stated that her concern is that if the professional development days are cut, we will never get them back.

Dr. Cirillo, Superintendent of Schools, stated that we have an obligation to prepare all of our students to meet or exceed high standards as measured by the New England Common Assessment Program, and in order to do that, we must continue formal curriculum review and revisions. Dr. Cirillo further explained the different textbooks used by the elementary schools, adding that many of them need to be updated. Dr. Cirillo stated that we have given a lot of benefits to teachers over the last twenty years, but the students have been neglected.

Scott Tancrede, 112 Pray Hill Road, asked who is responsible for setting curriculum. Dr. Cirillo replied that it comes under the purview of the Superintendent and Assistant Superintendent.

Walter Steere stated that whenever the budget is in trouble, the first place cuts are made is in supplies, books and materials. W. Steere feels that these can only be cut for so long and that is why our books are so outdated. W. Steere added that if money was not taken from these accounts to pay for other things, we would be in better shape.

Kelly Hunter concurred with W. Steere, adding that this can only be ignored for so long before there is a negative effect.

David Steere stated that since the Budget Board gave the budget to the Council, two things have happened that are not reflected in the budget: the Business Manager delivered a letter to the Finance Director indicating that an error had occurred in the determination of the proration and the adjustment in the allocation of operating expenses. D. Steere stated that this amounted to a \$154,183 swing in the allocation between the Towns of Foster and Glocester, which will be added to Glocester's share. D. Steere also stated that \$40,827 in Regional Debt Service which is not available for an exemption to debt service. D. Steere pointed out that the base that we are using is \$212,709 less than what the Region is using, adding that this will have financial consequences for either the Region or the Town. Tom Mainville, Finance Director, explained that, adding the afore-mentioned amounts, we have a \$466,956 issue to deal with.

David Steere stated that he will first provide an overview of the budget and go through the rest of the budget, hitting just the highlights and questions will be taken afterward. D. Steere stated that the Municipal Budget will be increasing by \$355,328, which is a 5.87% increase over the previous year and there is a projected decrease of \$55,747 in municipal revenues which is indicated on Page 2 of the Budget. D. Steere stated that the projection for the operation of the Foster-Glocester Region is \$7,219,810 and the Debt Service is \$789,915 which is a \$275,498 increase.

D. Steere noted that, by Charter, there must be a Capital Reserve Fund of 2% which amounts to \$465,202. D. Steere pointed out that on Page 19, there is a reconciliation of the Debt Service numbers which appear on Page 1. D. Steere noted that the increase of \$102,932 under Debt Service is for the new Senior Center. D. Steere mentioned that the new roof at the Fogarty School will also result in an increase in Debt Service. Referring to Page 1, D. Steere stated that the Total Expenditure in this budget is \$25,531,156.

D. Steere stated that the sub-total for Municipal Department Revenues is projected at \$1,100,921, which is a decrease of \$55,747. D. Steere further stated that the projection for Other Revenues is \$1,596,426 which reflects an increase of \$86,261. D. Steere stated that the amount to be raised by taxes before adjustments is \$19,141,721. D. Steere listed the adjustments and stated that the amount raised by taxes in this proposed budget is \$17,941,721 for an increase of \$1,365,422 or 8.2%.

D. Steere went through the budget, mentioning the highlights such as the removal of the position of Executive Assistant to the Town Council, which resulted in a cut of \$28,629. D. Steere noted that the salary increases are basically at 3%, with two exceptions. D. Steere explained that the decrease in budget for the Board of Canvassers is because there are limited elections during the

budget period. Regarding Probate Court, there is a reduction in microfilming and restoration expense, but \$2,000 has been added for consulting services. In the Planning Department, there is an increase of \$5,900 for the GIS Consultant.

D. Steere noted that the projected amount for the Comprehensive Plan 5-Year Update has been cut by \$3,000. D. Steere stated that under Economic Development, Chepachet Village Planning and Main Street Beautification allocations have been eliminated from the budget, resulting in a decrease of \$2,750. Legal Services is being held to the same amount as last year.

Regarding the increase in salary for the Finance Director, D. Steere explained that the Personnel Board reviewed Department Head salaries and it was determined that the Finance Director's salary was well below the average for the State.

Under Police Department, D. Steere explained that the request for a new vehicle was taken out of operations and placed in the Capital Budget. For Public Works expenses, D. Steere noted that there are increases in gasoline, diesel fuel and repair parts, due to the uncertainty of fuel prices in the next year.

D. Steere pointed out that the budget for expenses for the Meal Site has been reduced due to the fact that the Meal Site is now located at the Senior Center. Regarding the Senior Center, D. Steere expressed that it was difficult to determine a budget with no history to refer to, but it is a major increase to Gloucester's budget with a proposed amount of \$104,156.

Under Other Operational Expenses, D. Steere referred to the line item "Salary negotiations and step increases", explaining that both the Police and Clerks are currently in negotiation. Assuming that those contracts will be settled, the Budget Board needed to have some funds for this purpose.

Regarding the Capital Budget, D. Steere stated that there were many requests, some of which could not be accommodated. D. Steere stated that he will now take questions.

Steve Hunter asked how this budget can be presented to the people before we know the outcome of the \$212,000 that the Region is attempting to collect from the Town of Gloucester for last year's budget. Councilor Walsh replied that we are not basing our budget on a court case which has not yet happened, but rather on actual numbers. Mr. Hunter questioned why Miscellaneous Revenues exceeds the amount requested each year. Tom Mainville, Finance Director, replied that this item deals with open space property, which when sold, a penalty gets paid to the Town, as we can't count on this, a lower number is requested.

Regarding FM Global Payment in Lieu of Taxes, Mr. Hunter asked how much they would have paid in taxes. T. Mainville responded that this was a negotiated agreement several years ago, so we do not have valuations on that property. Councilor Reichert further explained that when Factory Mutual did an eighty million dollar expansion in 2001, some of the funding was through the State of RI Economic Development which would have allowed Factory Mutual to be tax-exempt as a state entity if this agreement had not been made. Mr. Hunter commented on the line

items for Storm Related Services, Salt and Sand, asking what happens to those materials which are not used when we have a winter such the last one. Councilor Sette replied that they are kept from year to year. D. Steere added that the funds which are not used in that category are placed in a restrictive fund for future use.

Regarding the Capital Budget item entitled "Road Work", Mr. Hunter asked if this includes private roads. Councilor Reichert replied that 50% of the roads in Gloucester are private roads which have to be maintained to a certain level of safety for school buses, adding that part of this proposed amount will be for that purpose. Mr. Hunter questioned the request for an F550 with sander body and plow, asking if perhaps an F350 would be sufficient. Alan Whitford, Public Works Director, responded that the smaller truck would not withstand the type of plowing that is done.

Anne Ejnes, Jeffrey Drive, stated that the Town Council and School Committee once again seem to be at an impasse and the voters are stuck in the middle. Mrs. Ejnes stated that the taxpayers need more information and need to see more leadership from our elected officials. Mrs. Ejnes asked the Town Council to begin looking for solutions and will also ask the members of the School Committee to do the same. Councilor Sette pointed out that every town is going through budget issues this time of year, noting that the fundamental problem is that the State is not funding education the way they should.

Odette McMahon commented that the request for aid to the Dora Howard Adult Day Care is well worth the money, stating that her father has been a client of that facility for seven years. Mrs. McMahon stated that the services provided are worth the money and she would like to see the amount increased from the \$1,000 proposed to the \$2,500 which was requested. Mrs. McMahon further stated that the salary increases for Town employees are worth it because they are fantastic workers and do a good job.

Chris Hebert, School Committee member, asked what is the ratio of residential property compared to commercial. T. Mainville, Finance Director, stated that Gloucester is comprised of approximately 90% residential and 10% commercial real estate. Mr. Hebert stated that he would support any efforts to increase the commercial revenue as a way of easing the tax burden.

Robert Van Herpe, Pray Hill Road, inquired about the restricted fund for the snow removal budget, asking if only this item is placed in the account. T. Mainville replied that snow removal has its own account. T. Mainville explained that there is also an account for Accrued Compensated Absences, which is used for vacation and sick time payout when an employee retires.

Nick Gorham stated that he is Representative in the General Assembly for approximately half of the residents of Gloucester. Mr. Gorham stated that he has always tried to increase the amount of State aid through amendments to the budget. Mr. Gorham stated that the Governor's budget this year proposes a 3% increase in school aid for Gloucester, but when you consider the amount of the pension contribution which has to be made, it almost becomes a wash. Mr. Gorham promised to continue doing whatever he can to help Gloucester.

Steve Hunter asked how much is kept in the fund balance. Councilor Sette replied that, by Charter, we have to keep 12% of the total budget. Mr. Hunter asked if any of these funds could be used. Councilor Sette replied that if we had taken the \$212,000 from these funds last year, we would have endangered our bond rating.

Maureen Van Herpe, Pray Hill Road, asked if the Senior Center will be used for other community groups and if it will ever be rented, which could bring revenue to the Town. Councilor Sette responded that at this time, there are no plans for any rentals, but non-profit groups will be allowed to use the facility. Councilor Sette stated that renting the building is something that could be considered in the future.

Councilor Sette stated that a budget has to be submitted by April 19<sup>th</sup>. David Steere, Budget Board Chair, stated that the budget still has to be cut by a minimum of \$32,602. T. Mainville, Finance Director, stated that the Public Works Director has requested additional custodial help. Councilor Sette added that there has also been a request from the Meal Site Director for additional help 3.5 hours per day Monday through Friday. Councilor Sette stated that these requests will be considered at the next meeting.

There was discussion concerning the Regional Financial Meeting which has not yet been rescheduled. John Bevilacqua, Town Solicitor, stated that it would be difficult to approve a Town budget prior to the approval of the Regional School budget. J. Bevilacqua stated that on April 19<sup>th</sup>, the Town Council could make a tentative approval of the Town budget and the Gloucester School budget and leave the provisions of the Regional budget open.

MOTION was made by Councilor Walsh to CONTINUE the Public Hearing for Budget Fiscal Year 2007-2008 until April 19<sup>th</sup>; seconded by Councilor Reichert.

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

MOTION PASSED

B. CONTINUATION (Opened 5/4/06)  
Amendment to Gloucester Code of Ordinance  
Chapter 217, Section 1- 20: Noise

Councilor Sette stated that this Public Hearing was opened May 4, 2006. Public input has been received on numerous occasions and continued until tonight. Councilor Sette stated there is to be a presentation regarding noise meters.

Jamie Hainsworth, Police Chief, stated that Lt. John Connors of the Burrillville Police Department is present to demonstrate a decibel reader and to discuss Burrillville's experience with this type of ordinance.

Lt. Connors stated that he oversees the general use of the noise meter in Burrillville, adding that all of the Officers are certified to operate the meters. Lt. Connors explained that it is a point-and-

shoot device similar to a radar gun. Lt. Connors stated that the meter is certified and calibrated annually. J. Bevilacqua asked who certifies the device. Lt. Connors replied that the meters are sent back to the manufacturer in New Hampshire. J. Bevilacqua asked who trains the officers in the operation of this particular implement. Lt. Connors stated that originally there was a four-hour class conducted at the Local Trust, the insurance agency for the Town, and from there, Lt. Connors stated that he trains any new officers who come on board.

J. Bevilacqua asked what happens when a call comes in regarding a noise problem. Lt. Connors stated that when complaints are received regarding loud music, dirt bikes, etc., the dispatcher will send a police car to the location of the complaint, and the officer will notify the person that there has been a complaint and ask the person to cease and desist. Lt. Connors noted that in the majority of cases, this will solve the problem. Lt. Connors stated that in the four to five years that Burrillville has had this Ordinance, there have been very few cases which have been prosecuted. J. Bevilacqua asked where the reading is taken. Lt. Connors replied that, in a residential neighborhood, the reading is taken at the residence of the complainant. Lt. Connors explained how a reading is taken and passed the device around for the Council members to view.

Councilor Sette asked if the reason Burrillville has had so few prosecutions is because residents are aware of the Ordinance and do not wish to be fined for a violation. Lt. Connors replied that he believes that this has made a difference. Councilor Walsh asked how the Ordinance affects homeowners who use chain saws or lawn equipment. Lt. Connors responded that Burrillville is a rural community much like Gloucester where many residents have equipment such as this and there are provisions in the Ordinance for this type of noise.

Councilor Reichert stated that our big concern is the dirt bikes at the New England Dirt Riders track. Councilor Reichert asked Lt. Connors if a reading is taken at the home of the complainant or at the property line of where the motorcycles are running. Lt. Connors replied that they typically go to the source of the complaint. Councilor Poirier asked if the numbers on the meter have ever been used to assess a fine. Lt. Connors replied in the affirmative, stating that there were speed boats with high powered motors on Echo Lake and the operators were warned yet they continued to cause the offensive noise. Lt. Connors stated that the noise meter was used from the shoreline and a decibel reading of 115 was obtained. Lt. Connors stated the individual was cited for the violation, appeared in Burrillville Municipal Court and paid a \$100.00 fine. Councilor Poirier asked if there have been any challenges to the decibel level readings, to which Lt. Connors replied in the negative.

Councilor Sette asked if anyone had any further questions for the Lieutenant. Councilor Reichert asked if the decibel level for the dirt bikes exceeds the limit from 400 or 500 feet away. Lt. Connors replied that it depends on the type of dirt bikes being used. Bruce Payton, Lake Washington Drive, stated that the noise generated by the bikes is not loud, but is constant and annoying. B. Payton asked if it is the property owner or the operator who would be cited for a violation. Lt. Connors replied that the landowner would be cited if he is condoning the activity.

Councilor Joyce asked if a jet ski circling in a cove would be considered offensive. Lt. Connors responded that it would be similar to the dirt bikes in that it would depend on the type of

machine and how much noise it produces. Councilor Joyce expressed his concern that with so many lakes in Town, would people be fined for just being out on a lake with their jet ski or motorboat. Lt. Connors stated that Burrillville also has several lakes and they have had only the one incident mentioned earlier.

Councilor Joyce commented on the proposed Noise Ordinance which prohibits normal maintenance activities on Sunday, stating that most people do their yard work on Sunday. J. Bevilacqua, Town Solicitor, stated that this pertains to construction, demolition and earth moving. Lt. Connors pointed out that a permit can be obtained from the Town to perform these activities on a Sunday. J. Bevilacqua also pointed out that if a person is in the agricultural business, they are exempt from this requirement.

Steve Aldous expressed his opinion that this Ordinance which will affect the whole Town is being considered because of one business. Councilor Sette stated that this is the reason that a light ordinance was adopted as well as a barking dog ordinance.

Councilor Poirier stated that he is concerned with the wording of the Ordinance in Section 217-6(b), which refers to “construction and demolition, earthmoving, utilizing internal combustion engines, motors, and normal maintenance activities”. Councilor Joyce agreed, stating that the wording could cause serious issues.

Councilor Sette suggested that this Public Hearing be closed and if we don’t come to a conclusion this evening, we could continue the discussion until we do.

Councilor Poirier asked Jamie Hainsworth how many noise complaints are received on average. Chief Hainsworth replied that more complaints are received in the summer, approximately a couple of complaints are made per week.

Councilor Sette thanked Lt. Connors for his demonstration and discussion.

MOTION was made by Councilor Walsh to CLOSE the Public Hearing on the proposed amendment to the Gloucester Code of Ordinance, Chapter 217, Section 1-20: Noise; seconded by Councilor Poirier

Discussion: None.

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

MOTION PASSED

MOTION was made by Councilor Poirier to TABLE further action regarding the proposed amendment to the Gloucester Code of Ordinance, Chapter 217, Section 1-20: Noise until the meeting of May 3<sup>rd</sup>; seconded by Councilor Reichert.

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

NAYS: 0  
MOTION PASSED

MOTION was made by Councilor Reichert to move VIII. A., Pray Hill Road to this point on the agenda; seconded by Councilor Poirier.

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

VIII New Business  
A. Pray Hill Road

Councilor Sette stated that the Council has received numerous phone calls and e-mails regarding an eleven-acre site on Pray Hill Road which has been cleared recently. Councilor Sette stated that Anthony and Velma Schadone, via e-mail, has stated that the Town has approved the site for a tree farm, but has heard that this site is being cleared for a gravel company. Councilor Sette further stated Mr. and Mrs. Schadone expressed concern that this will affect their neighborhood in a negative way. Councilor Sette stated that this matter has been referred to the Building/Zoning Official. Councilor Sette stated that the owners of the property have stated that they are willing to come before the Council at a later date.

Brian Lombardi, Building/Zoning Official, stated that the owner has presented a proposal but at this point there are no plans in the office. B. Lombardi stated that the biologist's report was finished last week and submitted to the surveyor. B. Lombardi reported that everything that has been done at the site so far is consistent with what was presented to him several months ago. Regarding earth removal activity, B. Lombardi stated that there is an exemption under the Earth Removal Ordinance for agricultural uses and they are allowed to take out up to 25,000 cubic yards of material in a three-month time frame within one given year. Councilor Poirier stated that there would have to be some kind of assurance that this is an agricultural pursuit. B. Lombardi replied that his office will be monitoring the activity. Councilor Sette asked how we could prevent a property owner from removing 25,000 cubic yards, leave the land as it is and not plant any trees, and return in a year to remove another 25,000 cubic yards of material. B. Lombardi replied that the Zoning Ordinance is in place and if they are not pursuing an agricultural use, a cease-and-desist order can be issued.

Anthony Schadone stated that, according to the Town's Ordinance, the property owners were supposed to obtain a permit before removing any earth from this project. Mr. Schadone further stated that, before they started, they should have had a plan for drainage and groundwater which they have not. Mr. Schadone showed the Council members pictures of the area. Mr. Schadone stated that the property owner intends to remove 25,000 cubic yard every three months, adding that this would entail 20 trucks per day traveling on Pray Hill Road.

Mr. Schadone is concerned about the condition of the road as well as the noise which would be generated. Mr. Schadone reported that there was heavy equipment operating before 7:00 am on a



recent Saturday. Mr. Schadone asked how the Town can say that this is a legitimate tree farm when they have done nothing right so far. Mr. Schadone further stated that according to the Ordinance, notices were supposed to be sent to abutting property owners within 200 feet. Mr. Schadone stated that Reo Properties, the owner of the property in question, has stated that the Department of Agriculture is involved in this project, but when Mr. Schadone contacted the State, (he stated) they had no record of it.

Peter Schuyler, Joe Sarle Road, stated that he lives directly across from this project and agrees that the owners are not being honest. Mr. Schuyler stated that there has been two months of continuous excavation. Mr. Schuyler stated that he wonders why there has not been a cease-and-desist order placed yet.

Councilor Sette stated that this discussion is getting to the point of being similar to a public hearing and asked J. Bevilacqua, Town Solicitor, how it should proceed. J. Bevilacqua replied that notice should be given to the owners of the property to allow them to respond to these complaints. J. Bevilacqua added that to continue this discussion would be unfair. J. Bevilacqua stated that if a violation is in fact taking place, the appropriate cease-and-desist order will be issued by the Building/Zoning Official and backed up by the Solicitor's Office. J. Bevilacqua stated that a date and time should be scheduled for the Town Council to receive a report and conduct a hearing. B. Lombardi stated that he will visit the site tomorrow morning accompanied by J. Bevilacqua.

Bruce Despres, Pray Hill Road, stated that he was informed that a silt fence is in place. Mr. Despres stated that he accessed the property today and discovered that the silt fence came to a point and then stopped where there are hay bales, and then there were no hay bales nor fence going towards Route 101. Mr. Despres stated, (in his opinion) that this is a violation and they should not be allowed to work for another week. Councilor Sette assured Mr. Despres that the Building Official and Town Solicitor will visit the site tomorrow.

There was discussion regarding the fact that this property has the tax designated of Farm, Forest and Open Space. J. Bevilacqua stated that by applying for this tax status, there is an obligation and requirement to maintain the agricultural status and the activity that is alleged on the application.

Councilor Sette asked, if there is a violation, how soon can a cease-and-desist order be issued. J. Bevilacqua replied that the order can be issued immediately.

Al Grant, 55 Pray Hill Road, stated that he had many questions, and he respects the Council's wishes not to turn this into a public hearing, but expressed his concern that the Council was unaware of this activity for so long.

## VI. Unfinished Business

### A. Appointments

#### 1. Conservation Commission

One (1) expired three year term

MOTION was made by Councilor Walsh to REMOVE FROM THE TABLE the appointment to the Conservation Commission for one expired three year term to expire 1/2010; seconded by Councilor Poirier

Discussion: None.

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

NAYS: 0

MOTION PASSED

VII. Consent Items

A. Council minutes of March 15, 2007, Regular Session

B. Pole Grants

1. Rustic Hill Road: Two new joint poles P.13 ½ & 13 ¼  
Relocate two joint poles P. 13 & 14

MOTION was made by Councilor Reichert to APPROVE the minutes of March 15, 2007 and to APPROVE a pole grant request for Rustic Hill Road: two new joint poles P.13 ½ & 13 ¼ and relocate two joint poles, P.13 & 14; seconded by Councilor Poirier.

Discussion: None

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

NAYS: 0

MOTION PASSED

VIII New Business

A. Pray Hill Road

(See above.)

B. Authorization: Statistical Revaluation Program Contract

Councilor Sette stated that the Tax Assessor has requested the signing of the Statistical revaluation contract which results from the awarding of a bid for this work on March 1, 2007, RFP 2007-03.

Councilor Sette stated that the contract has been forwarded to the Town Solicitor for his review.

MOTION was made by Councilor Poirier to AUTHORIZE the Town Council President to sign the contract between Certified Revaluation Company Inc. and Town of Gloucester for the Statistical Revaluation program of taxable real estate for the Tax Roll as of December 31, 2007 in an amount not to exceed \$82,500; seconded by Councilor Walsh.

Discussion: None.

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

- C. Authorization: Medical Emergency Distribution System (MEDS) Contract Between the Rhode Island Department of Health, Center for Emergency Preparedness & Response and the Town of Gloucester

Councilor Sette stated that we have received the Medical Emergency Distribution System (MEDS) contract from the Department of Health. Councilor Sette stated this program will provide support for municipalities to develop their distribution plan and their Point of Dispensing Plan (POD) for mass antibiotic dispensing or mass administration of vaccines. Councilor Sette stated this contract has been forwarded to the Town Solicitor and the Emergency Management Director for their review.

MOTION was made by Councilor Joyce to AUTHORIZE the Town Council President to sign the MEDS agreement between the Rhode Island Department of Health, Center for Emergency Preparedness and Response and the Town of Gloucester, FEIN #05 6000168, dated April 5, 2007; seconded by Councilor Reichert.

Discussion: None

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

- D. Authorization: Letter in support - Meals on Wheels Senior Services, Inc.

Councilor Sette stated that the Clerk has been contacted by Woonsocket Senior Services and correspondence was also received. Senior Services is requesting the town express its support of the Meals on Wheels program that currently services our community.

Discussion: None.

MOTION was made by Councilor Poirier to AUTHORIZE the Town Council President to forward a letter in support of the Senior Services Inc. and the Meals on Wheels program; seconded by Councilor Walsh.

Discussion: None

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

- E. Authorization: Use of building request (non-town entity) Gloucester Senior Center

Councilor Sette stated that the Senior Center Board of Directors received a request for use of the Senior Center. Councilor Sette stated the request was forwarded to the Council because the group is a non-town group, therefore, it is the Council's decision whether to grant the use.

Councilor Sette advised the Council the group is the Rhode Island Advisory Commission on Historical Cemeteries and the contact person in Gloucester for that group is Edna Kent.

Discussion: Councilor Sette asked Edna Kent, Town Historian, what type of event this would be. Mrs. Kent replied that she serves on the RI Advisory Commission on Historical Cemeteries and they felt that at this time they needed to have a place to meet which would be open to the public, particularly elderly people who may be interested in the subject. Ms. Kent stated the group meets four times a year, usually in the South County area. Mrs. Kent felt it would be nice to have our building showcased for Providence County. Mrs. Kent added that since there are 136 cemeteries right here in Gloucester, this would be appropriate. Councilor Sette asked if this would be for this one meeting and Mrs. Kent replied in the affirmative.

MOTION was made by Councilor Reichert to GRANT the use of the Gloucester Senior Center to the Rhode Island Advisory Commission on Historical Cemeteries for June 27, 2007, 7:00 p.m. to 9:45 p.m. for the purpose of a public meeting to discuss statewide historical cemeteries; seconded by Councilor Poirier.

Discussion: None.

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

NAYS: 0

MOTION PASSED

#### F. Foster/Glocester Regional Financial Budget

Councilor Reichert stated that Jack Anderson, (resident of Gloucester) spoke with Ron Cervasio, School Committee Co-Chair, regarding the ESCO project and asked Mr. Cervasio if this cost would have a separate vote. Councilor Reichert stated he was told that Mr. Cervasio's response was that the School Committee cannot do so because the money has already been spent. Councilor Reichert stated that this was a direct quote.

George Steere, Jr. stated that the Building Official should stop construction on the school because the Building Committee is spending money without authorization. Councilor Sette noted that in the Resolution which was passed by the Foster and Gloucester Town Councils, they did ask for an accounting of all expenditures. Councilor Reichert recommended that a mailing be done from the Town to update residents on the status of this matter. Councilor Reichert further suggested that the Council send a letter to ConEd questioning the legality of this project being funded by the taxpayers.

Councilor Sette stated that it was obvious at the Regional Meeting that the people want an opportunity to have questions answered. Councilor Walsh stated that work should be stopped at

the high school and existing middle school until a full accounting is submitted, but we cannot stop the new middle school. Councilor Reichert asked Walter Steere, School Committee member, if anyone oversees the expenditures. W. Steere stated that they were told by the Building Committee that there would not be a penalty if this project is not done on time. W. Steere further stated that the School Committee met last night and were to be given an update, but no one from the Building Committee was present.

Councilor Sette stated that there is a meeting of the Building Committee scheduled for Tuesday at 6:30 pm at the High School library. J. Bevilacqua, Town Solicitor, stated that the Building Committee is an independent body created by the Regional Charter, but is under the authority of the Councils from each Town, and should be reporting to the Town Councils as to their progress.

J. Bevilacqua questioned how the School Committee had the authority to approve a consultant contract for an energy saving analysis. J. Bevilacqua stated that the Charter, which was drafted in 1958, is very specific regarding powers and responsibilities. J. Bevilacqua stated that the Building Committee is the only one empowered to contract, provided that the voters at a Regional Financial meeting have approved it. J. Bevilacqua added that the voters approved a 45.7 million dollar project which they can spend in accordance with the schedule provided, and if there is a problem, another Regional Financial meeting would be called for.

Anne Ejnes asked if this could be done at a Regional meeting, or would it have to be done town by town. J. Bevilacqua stated that both towns would meet together at a Regional School District Financial meeting. Mrs. Ejnes expressed her fear that there is so much controversy over how this is being done that a good project which will save us money is going to get derailed.

Councilor Sette stated that it was made clear in the Resolution passed by the Gloucester and Foster Town Councils that they are in support of the ESCO going to a vote of the people.

Councilor Walsh stated that he would like the Council to send a letter to the Building Committee asking them to appear before the Council with a financial report, as was stated in the Resolution passed by the Foster and Gloucester Town Councils.

MOTION was made by Councilor Walsh to transmit correspondence to the Building Committee requesting that they appear before the Council on April 19<sup>th</sup>; seconded by Councilor Reichert.

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

NAYS: 0

MOTION PASSED

#### G. Landfill Capping: Expense Authorization

Councilor Sette stated that we have received the following request from the Public Works Director:

4-5-07

To: Honorable Town Council  
Subject: Landfill Closure Contract

When we requested approval of the contract with Fuss & O'Neill we indicated the contract amount for approval but forgot to add the 4% annual escalation as indicated in the contract for approval. We are currently over the contract amount as calculated without the annual escalation by \$624.84. This phase of the contract is nearly complete. We may have to have an additional meeting with DEM when our wetlands application is finally reviewed by their office.

It is unlikely that any significant costs remain on this existing contract except as indicated above. Therefore I am requesting that you officially approve an additional amount not to exceed \$4,000 which is less than the impact of the annual 4% escalation.

Currently, we have accomplished all of the preliminary work involved prior to actual construction and are awaiting DEM approvals. We will need to effect a new contract when we are finally approved for the construction phase of the project.

Sincerely  
Alan Whitford, Director

(end of memo)

MOTION was made by Councilor Reichert to APPROVE the expenditure of an amount not to exceed \$4,000 to Fuss & O'Neill per a contract awarded 8/19/2004 (RFP 2003-3 Landfill Closure) seconded by Councilor Poirier.

Discussion: None

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

MOTION PASSED

#### H. Rural District Legislation (H5990)

Councilor Sette stated that the Council has received a request for support of House Bill 5990, regarding Rural District Legislation, from the Chair of the Planning Board:

TO: Town Council  
FROM: David Calderara, Planning Board Chair  
DATE: March 13, 2007

SUBJECT: Rural District Legislation (H5990)

The Planning Board, at the March 5, 2007 meeting, met with Representative Nicholas Gorham regarding the proposed Rural Conservation District Legislation. Our understanding of the proposed law is that it would provide the Town an opportunity to partake in the special zone. Towns identified in the law can enact five acre zoning which will exempt these properties from the 10% affordable housing requirement.

After discussing the merits of the legislation, the Planning Board voted to forward a motion to the Town Council to recommend support for this legislation.

(End of memo)

MOTION was made by Councilor Poirier to remove from the agenda Rural District Legislation (H5990) until the meeting of May 3, 2007; seconded by Councilor Joyce.

Discussion: None

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

MOTION PASSED

IX. Department Head Report/Discussion  
None.

X. Boards/Commissions  
None.

XI. Council Correspondence/Discussion  
A. Councilor Sette stated that there was correspondence received from Daniel Nardelli as follows:

March 19, 2007  
Mr. Steve Sette, President  
Glocester Town Council  
1145 Putnam Pike  
Chepachet, RI 02814

RE: Assessor's Plat 2 Lot 11, Killingly Road

Dear Mr. Sette and Members of the Council:

I am writing to you in follow up on a request I made to the Council in July of 2006 to obtain an easement to access the above captioned property. The subject property is landlocked, and the shortest route to access the lot is across land owned by the Town at AP 2 Lot 12. Please see the attached maps.

At the July 20, 2006 town council meeting, we discussed the issue and it was determined by the solicitor that since there was no formal process for the council to follow, he would

need to do some research and it would need to be discussed in the next executive session. I have made many calls to his office since and spoke in the open session at subsequent council meetings and have been unsuccessful in getting any response on this matter. To the best of my knowledge, no discussions have taken place on this in executive session.

While I can appreciate that the council is very busy with other matters such as the noise ordinance, conservation development ordinance, and others, I feel I have been patient and deserve some type of response on this matter. As a last resort, I am prepared to pursue the matter in Superior Court, however, I would much prefer to resolve this without going that route, as I believe it would be much easier for both parties. I respectfully request a response from the council by the next meeting on April 12, 2007.

Thank you,  
Daniel T. Nardelli (l.s.)

(End of letter)

Councilor Sette noted that the next meeting is April 19<sup>th</sup> and stated that Council will attempt to have a response to Mr. Nardelli by that date.

- B. Councilor Sette spoke regarding the Resolution in Support for the Coalition of Communities Improving Rhode Island, stating that he would like respond by the next meeting on April 19<sup>th</sup>.
- C. Councilor Sette stated that a letter was received from the Gloucester Light Infantry regarding the Memorial Day Parade.
- D. Councilor Sette stated that the Council has received correspondence from Christine Brassard concerning drainage in the village.
- E. Councilor Sette stated that several Resolutions were received from various cities and towns.

XII. Open Forum  
None.

XIII. Executive Session  
A. RIGL 42-46-5(a)1 Personnel  
B. RIGL 42-46-5(a)2 Litigation

MOTION was made by Councilor Walsh to ADJOURN to Closed Executive Session pursuant to RIGL 42-46-5(a)1 Personnel & 42-46-5(a)2 Litigation; seconded by Councilor Reichert.

Discussion: None.



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

After Executive Session

The following Motion was made and recorded in Executive Session:

MOTION was made by Councilor Reichert that as a result of the evidence presented to the Council; correspondence from Alan Whitford, Public Works Director; and testimony between Town Officials and the Town's Solicitor: Richard E. Bernardin, 47 Aldrich Road, is hereby terminated from his employment with the Town of Gloucester, Public Works Department, effective April 5, 2007; seconded by Councilor Poirier

Vote: Ayes: Sette, Reichert, Walsh, Poirier & Joyce  
Nays: 0  
MOTION PASSED

XIV. Adjourn

MOTION was made by Councilor Walsh to ADJOURN at 12:15 a.m.; seconded by Councilor Joyce.

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

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Jean M. Fecteau, Town Clerk

Approved at the May 3, 2007 Town Council Meeting.

At a meeting of the Town Council holden in and for the Town of Gloucester on **April 19, 2007**:

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; Thomas Mainville, Finance Director; Anthony Parrillo, Recreation Director; Susan Harris, Deputy Town Clerk; Jane Steere, Tax Collector 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. Resolutions

A. Earth Day

Councilor Sette stated that each year the Town Council acknowledges Earth Day, which this year is April 22. Councilor Joyce read the following 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, The Land Trust will be cleaning up Sprague Farm this year and also hopes to do roadside cleanup at all Land Trust sites. It is our common responsibility to clean up our environment and protect it from harm; and

WHEREAS, in 2007 Earth Day is on April 22<sup>nd</sup> 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 37<sup>th</sup> 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 Land Trusts efforts, and celebrations of Rhode Island Earth Day.

Dated this 19<sup>th</sup> Day of April, 2007.

Steven A. Sette, President  
Gloucester Town Council

Jean M. Fecteau, Town Clerk  
seconded by Councilor Reichert.

Discussion: None.

VOTE: AYES: Walsh, Reichert, Joyce & Sette

NAYS: 0

MOTION PASSED

B. Arbor Day

Councilor Sette stated that the Council also acknowledges Arbor Day each year, which this year is April 27, 2007. Councilor Walsh read the following Proclamation:

#### 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, this year the Gloucester Land Trust will be spreading new mulch on the trees at Gloucester Memorial Park; and

WHEREAS, the State Forestry Division in Rhode Island is over 100 years old and the first State Forestry Commissioner was Jesse B. Mowry from Chepachet; and

NOW THEREFORE BE IT RESOLVED that the Town Council and Town Clerk of the Town of Gloucester do hereby proclaim April 27<sup>th</sup> as

Arbor Day

in the Town of Gloucester, and urge all citizens to celebrate by supporting efforts to protect our trees and woodlands, and

Further, we urge all citizens to plant trees and promote this celebration of nature to future generations.

Dated this 19<sup>th</sup> Day of April, 2007.

Steven A. Sette, President  
Glocester Town Council

Jean M. Fecteau, Town Clerk

seconded by Councilor Reichert.

Discussion: None.

VOTE: AYES: Walsh, Reichert, Joyce & Sette

NAYS: 0

MOTION PASSED

C. In Support of the Coalition of Communities Improving Rhode Island

Councilor Sette stated that the Council has received numerous requests from other communities in Rhode Island asking for the Council's support of the Coalition of Communities Improving Rhode Island.

Councilor Sette read the following Resolution:

R E S O L U T I O N

BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF GLOCESTER AS FOLLOWS:

WHEREAS, From January, 2007 to the present time a large number of cities and towns in the state of Rhode Island have joined together to form the Coalition of Communities Improving Rhode Island ("the Coalition"); and

WHEREAS, The mayors, administrators and top executives of each city and town have joined to make a concerted effort to address a myriad of issues common to all members of the Coalition; and

WHEREAS, the goal of the Coalition is to seek to have the Rhode Island General Assembly address certain issues that are causing economic hardships in all communities; and

WHEREAS, These hardships include, but are not limited to, unfunded state mandates and declining state aid for education to the Coalition communities; and

WHEREAS, The Glocester Council is totally supportive of the efforts of the top Coalition members.

NOW THEREFORE BE IT RESOLVED THE TOWN COUNCIL OF THE TOWN OF GLOCESTER, RHODE ISLAND will continue their efforts along with the Coalition members to ask the Rhode Island General Assembly to address those issues causing economic hardship to the cities and towns by:

- a. Reducing unfunded state mandates
- b. Providing relief from state mandates that exceed federal mandate
- c. Maintaining the present funding of city and town schools at an amount equal to the existing percentage of funding until a new school funding formula is adopted
- d. Reviewing the state housing aid formula
- e. Enacting a school governance policy that provides for open accountability of school departments and school districts
- f. The Coalition is asking our General Assembly Members to increase the community's share of the real estate conveyance tax. This local revenue needs to stay local to provide each community's taxpayers with tax relief.

SECTION 2: That Gloucester and the Coalition continue to seek relief from the State Fire Code which has mandated costly fire prevention/warning systems more appropriate for larger residential buildings and night clubs as well as the reduction or elimination of excessive administrative review fees; bring state special education mandates to federal standards; and change mandated revaluation schedules.

SECTION 3: That Gloucester and the Coalition continue in their effort to maintain the present percentage of state aid for education and work to insure a fair and equitable distribution of state aid.

SECTION 4: That the Town Council of the Town of Gloucester urges the Coalition to support Senate bill 2007-S0409 sponsored by Senators Paiva-Weed, Alves, C. Levesque, Goodwin and McCaffrey which would provide for a revaluation every ten (10) years instead of nine (9) years and an update of real property every five (5) years instead of three (3) years.

SECTION 5: That the Town Council of the Town of Gloucester further urges the Coalition to support any legislation presently pending or to be proposed in the General Assembly that would require city and town school committees to attach fiscal notes to all labor contracts that are to be reviewed by the municipal finance director prior to the execution of the contract.

SECTION 6: That the Town Council of the Town of Gloucester directs that a copy of this Resolution be sent to its Senators and Representatives including Senator Paul W. Fogarty and Representatives Nicholas Gorham, Thomas J. Winfield and Edwin R. Pacheco, Speaker of the House William J. Murphy, President of the Senate Joseph A. Montalbano, and Governor Donald L. Carcieri and that these officials be urged to support all Coalition endeavors.

SECTION 7: That the Town Council of the Town of Gloucester urges all communities not presently a member of the Coalition to consider joining with present members to address those issues common to all and that present members of the Coalition consider adopting a similar resolution asking their respective senators and representatives to support the Coalition in attaining its goals.

Approved at the April 19, 2007 Town Council Meeting.

Steven A. Sette, President  
Gloucester Town Council

seconded by Councilor Reichert.

Discussion: None.

VOTE: AYES: Walsh, Reichert, Joyce & Sette

NAYS: 0

MOTION PASSED

VI. Public Hearing

A. Community Development Block Grant Application, 2007  
2<sup>nd</sup> & Final Public Hearing

Councilor Sette stated that the first Public Hearing for the 2007 Block Grant was held on February 15, 2007 and once received all requests were prioritized on March 15, 2007.

Councilor Sette stated the application was completed and will be submitted to the State after this final public hearing.

Councilor Sette DECLARED the Public Hearing OPEN and asked if anyone wished to speak regarding the Community Development Block Grant Application, 2007.

Discussion: None.

Councilor Sette DECLARED the Public Hearing Closed.

MOTION was made by Councilor Walsh to forward the application for the 2007 Community Development Block Grant to the Department of Administration, State of Rhode Island, with requests as prioritized on March 15, 2007:

Housing Rehabilitation	149,400.00
Foreclosure Assistance Program	10,000.00
Operations	45,000.00
Administration	8,000.00
Echo Lake Water District	20,000.00
Food Bank	3,375.00
Senior Center	4,500.00
Town of Glocester Affordable Housing Plan	7,500.00
Community Housing Land Trust	2,225.00
Total	<b>\$250,000.00</b>
and to include:	
Mobile Home Replacement	\$175,000.00

; seconded by Councilor Reichert.

Discussion: Elinor Tetreault, Western RI Home Repair Program manager, stated that the Town Planner has withdrawn the request for the Affordable Housing Plan and other adjustments were subsequently made.

Councilor Reichert WITHDREW his second.

Councilor Walsh restated a MOTION as follows:

MOTION was made by Councilor Walsh to forward the application for the 2007 Community Development Block Grant to the Department of Administration, State of Rhode Island, with requests as prioritized on March 15, 2007:

Housing Rehabilitation	155,000.00
Foreclosure Assistance Program	10,000.00
Operations	45,000.00
Administration	8,000.00
Echo Lake Water District	20,000.00
Food Bank	4,500.00
Senior Center	4,500.00
Community Housing Land Trust	3,000.00
Total	<b>\$250,000.00</b>
and to include:	
Mobile Home Replacement	\$175,000.00

; seconded by Councilor Reichert.

VOTE: AYES: Walsh, Reichert, Joyce & Sette

NAYS: 0

MOTION PASSED

#### VII. Consent Items

- A. Council minutes April 5, 2007
- B. Finance Director's Report: 2007
- C. Tax Assessor's Additions & Abatements

MOTION was made by Councilor Reichert to TABLE the Council minutes of April 5, 2007; to ACCEPT the Finance Director's report of April 5, 2007; to APPROVE the abatement to the 2005 Tax Roll in the amount of \$256.37; the 2006 Tax Roll in the amount of \$228.10; the additions to the 1996 Tax Roll in the amount of \$70.86; the 1997 Tax Roll in the amount of \$72.87; the 1998 Tax Roll in the amount of \$75.17; the 1999 Tax Roll in the amount of \$75.77; the 2000 Tax Roll in the amount of \$78.10; the 2001 Tax Roll in the amount of \$80.13; the 2002 Tax Roll in the amount of \$39.66; the 2003 Tax Roll in the amount of \$39.96; the 2004 Tax Roll in the amount of \$41.82; the 2005 Tax Roll in the amount of \$48.82; and the 2006 Tax Roll in the amount of \$51.26; seconded by Councilor Walsh.

Discussion: None.

VOTE: AYES: Walsh, Reichert, Joyce & Sette

NAYS: 0

MOTION PASSED

#### VIII. Unfinished Business

- A. Pray Hill Road: residents complaints

Councilor Sette stated that Joe DiBiase, owner of property on Pray Hill Road, is present to discuss the operation of a tree farm on his property.

Mr. DiBiase apologized for not being present at the meeting two weeks ago when this subject was initiated, stating that he had a prior commitment. Mr. DiBiase stated the goal his company has for Pray Hill Tree Farm is to develop a conservation plan which will clean and prepare thirty acres for the planting of Christmas trees. Mr. DiBiase went on to say that the ecological concerns of the remaining fourteen acres will be taken care of by following a forestry plan which has already been developed with the Department of Agriculture.

Mr. DiBiase stated that the land will eventually be all Christmas trees. Mr. DiBiase conducted a slide show to demonstrate what has been done and what will be done in the future. Mr. DiBiase stated that the property is located on Pray Hill Road approximately five or six house lots in from Route 101. Mr. DiBiase stated that they have met with the Department of Forestry, have obtained a logging permit and the trees which have been cut down have been sent to a paper mill in Canada. Secondly, Mr. DiBiase stated that the remaining smaller trees and branches have been shredded, with the third step being mulching. Mr. DiBiase reported that this has been done on the lower fifteen acre portion of the lot and the next thing planned is the excavation and grading to prepare the area for the planting of trees.

Mr. DiBiase stated that there is a six-year projection regarding how the trees will be planted: in the spring of 2007, ten acres with approximately 10,000 trees will be developed; in the fall, another 10,000 trees are planned on another ten acres. Mr. DiBiase stated that also in the spring of 2007, they have a ten-acre conservation forestry plan for the southern side of the land. Mr. DiBiase stated that they plan to start harvesting Christmas trees in 2013. Mr. DiBiase stated that a mechanical planter has been purchased which will automatically plant the trees six feet apart. Mr. DiBiase pointed out that the trees will be harvested for wholesale only with no retail sales. Mr. DiBiase stated that they have taken courses at the University of Rhode Island regarding the operation of this type of business. Mr. DiBiase noted that the Department of Agriculture has been at the farm to advise them how they should proceed. Mr. DiBiase showed a picture of an existing tree farm, adding that the Pray Hill Tree Farm will look like that in ten years. Mr. DiBiase stated that this concludes his presentation.

Councilor Sette asked the Council members if they had any questions. Councilor Reichert asked Mr. DiBiase if he was aware that he had been cited by the Department of Environmental Management. Mr. DiBiase replied that he met with DEM this week and stated that there is a cease and desist order placed on the wetlands. Mr. DiBiase explained that when the property was clear-cut, the area was frozen, so they were not aware that there was water coming down in that particular area. Mr. DiBiase noted that the violations were not pertaining to clear-cutting the wetlands, but were because bales of hay that were placed along the brook were not dug into the ground since they were placed in the winter when the ground was frozen. Mr. DiBiase reported that this was corrected over the weekend.

Councilor Reichert asked Mr. DiBiase if he intends to remove 25,000 cubic yards of material. Mr. DiBiase responded that what he meant was that they plan on taking out whatever materials they need to in order to put in this particular tree farm. Councilor Reichert stated that the assumption among the neighbors is that a gravel bank is planned under the guise of a tree farm. Mr. DiBiase responded that, honestly, he is putting in a tree farm. Councilor Reichert pointed out that the original plan indicated that they would remove 25,000 yards every 90 days. Mr. DiBiase replied that this was an error on his part and has since been corrected by the Building Official. Councilor Reichert asked Mr. DiBiase when clearance will be given by DEM for the work to continue. Mr. DiBiase replied that the work can continue as long as they stay away from the wetlands and the buffer of the wetlands.

Chris Hebert, resident of Pray Hill Road and Route 101, asked if the heavy machinery is violating the Noise Ordinance. Councilor Sette replied that the Noise Ordinance is currently being reviewed and is not yet in place. Mr. Hebert asked that the operators of the trucks be careful as there are many children who ride their bikes on Pray Hill Road.



John Lynch, attorney representing several residents of the Pray Hill Road area, stated that this operation has the appearance of a gravel pit and is frightening some of the residents. Mr. Lynch stated that, if Mr. DiBiase intends to undertake this monumental project, the residents wish to see evidence of his experience and what else he has done in this regard. Mr. Lynch further stated there are many concerns among the neighbors, including that a stream on the property has been filled in.

Councilor Sette asked if anything has been presented to the Zoning Board. J. Bevilacqua, Town Solicitor, replied that, to his knowledge, nothing has been submitted. J. Bevilacqua stated that the Building/Zoning Official has issued a cease and desist order based on the fact that a soil erosion plan had not been filed. J. Bevilacqua added that no activity will be allowed until such plan is filed and approved by the Building/Zoning Official. J. Bevilacqua further stated that, from his experience in dealing with DEM, certain requirements will have to be met. Mr. DiBiase stated that he was told by DEM that he could continue to work his land but must stay away from the wetlands. Mr. DiBiase noted that Scituate Surveys is working with the Building/Zoning Official to get the erosion and sediment control plan filed. J. Bevilacqua noted that, in order for the plan to be approved, the Northwest Soil Conservation Commission must review the plan and make recommendations.

Mr. DiBiase stated that the only reason a stone crusher was brought in was because the road going in was so bad that stone was necessary. Mr. DiBiase added that no materials have left the property other than wood chips.

Peter Schuyler, of Joe Sarle Road, stated after the Town issued the cease and desist order, work continued for two days. Mr. Schuyler stated that there has been a pattern of continued work without proper permits and surveying. Mr. Schuyler also expressed concern that there are two school bus routes that travel on Pray Hill Road, stating that the road is not wide enough to accommodate school buses and construction equipment. Mr. Schuyler reported that for the last three months machinery has been running from 7:00 a.m. almost until dark each day.

Councilor Sette stated that until we receive what is required, no work should be done, and if any of the neighbors hear any, they should contact the Police Department.

Bob Cardente, of Old Snake Hill Road, stated that he feels this is an excavation site in disguise. Mr. Cardente expressed concern regarding the truck traffic which will be generated during the three-month period when excavation starts. Councilor Sette pointed out, in the past, there have been restrictions placed on the hours that trucks could run. Councilor Reichert stated that, to remove 25,000 yards of material, it would take five trucks a day for 3 ½ weeks straight.

Al Grant, Pray Hill Road, stated that his property abuts the property in question. Mr. Grant read a portion of the Erosion and Sediment Control Ordinance as follows: "It shall be unlawful for any person to disturb any existing vegetation, grades and contours of land in a manner which may increase the potential for soil erosion without first applying for a determination of applicability from the Building Official". Mr. Grant asked if this determination of applicability has been applied for. Brian Lombardi, Building Official, was not present, however, J. Bevilacqua stated that he would imagine it was because there was a requirement for a plan to be submitted before excavation commenced. Mr. Grant stated that something was done totally inappropriately, rules were not followed, and now the Town is just telling the property owner to file the report and continue with his project.

Councilor Reichert replied that we are assuming that there is no guilt on their part, adding that until they begin hauling material out, we have no reason to say that it is really a gravel operation. Mr. Grant asked, if and when material is removed from the property, who is counting the 25,000 yards within the 90-day period? Mr. Grant wondered how we would keep track. Councilor Reichert replied that a surveyor could measure the material that is there and it could be monitored that way. Mr. Grant

asked if zoning allows any processing of material on the site. J. Bevilacqua replied that if they were processing material for the purposes of furthering the tree farm, it would be permitted, but not for a commercial purpose. Mr. Grant asked what are the allowable hours of operation. J. Bevilacqua replied that there is no limitation in an agricultural zone. J. Bevilacqua noted that if a Noise Ordinance is enacted, Sundays would be prohibited without a special permit. Councilor Walsh stated that once the plans are submitted, the Council will be able to answer these questions.

Mr. Grant thanked the Council and Solicitor for their efforts and quick response with the issuance of the cease and desist order. Mr. Grant stated that his concern is that what has been done was not done properly, and feels that they should not be able to file plans after the fact and continue along. Mr. Grant asked if there are any fines imposed for doing work prior to submitting a plan. J. Bevilacqua replied that if the cease and desist order is violated, there is a fine of \$100.00 per day of violation. Mr. Grant asked if this type of work, if done properly, requires notice to abutting property owners. J. Bevilacqua replied that this is a permitted use and there is no requirement for notice. J. Bevilacqua added that the property is zoned agricultural and if the proper procedures were filed, the plans would be public record.

Ray Watts, resident of the area, voiced his objection to the activity that has taken place without approval. Councilor Sette stated that the cease and desist order has been issued. Mr. Watts stated that his concern is that if this didn't start off right, how are they going to continue in the future. J. Bevilacqua responded that the Building/Zoning Official calls him regularly to keep him informed on the situation on Pray Hill Road. J. Bevilacqua further stated that the Building Official asked for a legal opinion whether a preliminary plan would be acceptable if one was filed. J. Bevilacqua's legal opinion is that it would not be acceptable unless it was certified and approved.

Mark Foster, twenty-five year resident of Pray Hill Road, stated that there has been procedural misconduct, if not criminal misconduct, regarding the activity which has occurred at the property on Pray Hill Road. Mr. Foster expressed his objection that Mr. DiBiase stated that no harm was done other than killing trees. Mr. Foster asked the Council to add to the minutes some correspondence he has received from Mr. Hank Ellis, Supervising Environmental Scientist of the Wetland Compliance Program, who notified Mr. Foster on April 5<sup>th</sup> that there is no record of an intent to cut on this site. Mr. Foster stated that he was also notified by the Department of Environmental Management that there has been unauthorized alteration of wetlands. Mr. Foster stated that the Emergency Management Services is concerned about the impact to the protected water supply.

Russell Chaufy, of 186 Pray Hill Road, stated that he has lived there for forty years. Mr. Chaufy stated that he is all for farmers, but to him, this is abuse. Mr. Chaufy stated that some people take advantage of the protection afforded to farmers when they are actually contractors selling material.

Ed McNamara, of Pray Hill Road, stated that he lives directly across the street from what is going on at that property. Mr. McNamara stated that he is from New Hampshire, and anything you wanted to do there required a permit. Mr. McNamara stated that he originally was told that high-end houses were to be built at the site of the tree farm. Mr. McNamara had no objection because this would help the property values in the area but, recently, some concerned neighbors of Mr. McNamara's informed him of what was really taking place. Mr. McNamara stated that the noise generated by the heavy machinery causes his dogs to bark, and he is concerned that there will be complaints regarding his dogs, due to the Noise Ordinance which was discussed at the last meeting. Mr. Chaufy expressed his concern regarding the safety of the neighborhood children.

Councilor Sette asked if anyone else wished to speak. Hearing none, Councilor Sette stated that with the cease and desist order in place, this will be continued until the proper plans are filed. Councilor

Sette urged the residents of the area to notify the Police if there is any activity on the site until that time.

Councilor Sette called for a five-minute recess.

## IX. New Business

### A. Adopt Gloucester Budget 2007/08 (Public Hearing: Continuation)

Councilor Sette stated the Public Hearing was held last meeting where the public was invited to speak.

Councilor Sette also stated the Council may now speak to any portion of the budget and once closed the budget will be adopted and then will be heard at Financial Town Meeting on May 5, 2007.

Discussion: David Steere, Budget Board Chair, addressed the Council and explained the new numbers which include a level funding for the region, and the accounting services for the Gloucester schools to be taken over by the Town's Finance Director.

Tom Mainville, Finance Director, requested and received from the Regional Business Office a breakdown of those services provided by persons and dollars. T. Mainville stated the information received was somewhat inaccurate, with a gap of \$17,000, but those numbers were reconciled. T. Mainville stated the cost to the Town to have the Region's Business Office provide financial management was estimated to be \$56,963 and the cost to have the Town's Finance Department provide the same services was estimated at \$50,154, which would consist of one full-time clerk with family benefits provided.

D. Steere stated that this results in a small savings of \$6,809, which is reflected in the budget. D. Steere stated that by having the Finance Office provide their services, in addition to the small savings realized, hopefully deficit spending will not occur, and more importantly, it is in the Town Charter that the Finance Department will oversee the financial records of the Gloucester Schools. Councilor Sette asked if this will result in a corresponding reduction in salary for employees at the Region. D. Steere replied that the Region will obviously have to reduce their revenues.

D. Steere stated that the other change in the budget pertains to the funding of the Region. Since the Region does not yet have a budget, the Town must level-fund the Region at the same rate as the previous year. J. Bevilacqua, Town Solicitor, concurred, adding that at the Town Financial Meeting, the Town cannot approve a budget which does not exist.

D. Steere stated that the Budget Board has come up with a number which would meet the 5 1/4% that the Town should fund the Region, and that is \$7,219,811. D. Steere noted that this is significantly less than what was requested, partly because the school is starting with a different base than the Town is. D. Steere stated that at some point this will all come to a head.

Councilor Sette referred to an article in the Woonsocket Call regarding the Town of Cumberland which states "Town's tax levy comes in lower than expected." Councilor Sette pointed out that the Town of Cumberland has more schools than Gloucester and they also have a building project going on. Councilor Sette stated that if this can be done in other places, Gloucester should be able to do the same.

D. Steere stated that there are two other changes that he would like to point out. There was a request for additional custodial hours and additional meal site hours. D. Steere stated that these are not in the budget.

Councilor Walsh asked what is the number for the level-fund for the schools. D. Steere replied \$6,871,479, adding that the total budget is \$25,292,788, which is a 4.39% increase. D. Steere noted that the overall increase after revenues is 6.8%. Councilor Sette asked what the tax rate increase would be if this budget is approved. D. Steere replied 98 cents per thousand. J. Bevilacqua asked if this rate increase reflects the level-funding for the Region, to which D. Steere replied in the affirmative.

Councilor Reichert asked if we could calculate what the budget would be if legal services was removed from the Regional budget along with the financial services. T. Mainville stated that there will be legal services anyway so it does not matter.

Councilor Sette asked if anyone had any questions or comments.

Rose Lavoie, of Wilmarth Road, stated that she had submitted a request on behalf of the Gloucester Heritage Society, which is in the process of restoring the Ruben Mason House and establishing the Dorr Rebellion Museum. Mrs. Lavoie asked the Council to find a place in the budget for \$25,000 to go towards the establishment of the Dorr Rebellion Museum.

Chris Hebert, School Committee member, stated that he would like to address the subject of the Gloucester School Department. Mr. Hebert congratulated the Council for joining the Coalition of Communities Improving Rhode Island, adding that it is a good idea to start looking at the unfunded mandates within the State. Mr. Hebert stated, with regard to the Gloucester elementary schools, parents are expressing concerns with the Kindergarten classes. Mr. Hebert stated that they are budgeting for five classes, but they are probably going to need six. Mr. Hebert stated that he realizes that relationships between the Town Council and the School Committee are not good, but we need to find a way to work together. Mr. Hebert stated that the educational system in this town has the reputation of being one of the best in the state and he wishes to continue that. Mr. Hebert expressed his concern that budget cuts will hurt the elementary schools. Mr. Hebert asked the Council to consider the students.

Councilor Sette stated that last year, there was a \$300,000 error which Gloucester had to absorb because letters did not go out to teachers. Councilor Sette stated that this presents a problem in the budget going forward. Councilor Sette told Mr. Hebert that if he wanted to help, he and the other members of the School Committee should vote to withdraw the lawsuit for \$212,000. Mr. Hebert replied that this is not Gloucester schools, but the Region. Councilor Sette asked how much is in the fund balance. T. Mainville replied that as of June 30, 2006, the was \$312, 886.

Councilor Sette pointed out that \$90,000 has been moved to cover the over-expenditure from last year, and an additional \$50,000 will be moved this year, leaving a balance of \$172,886. If that is the case, Councilor Sette suggested moving the remaining amount back into the budget. Mr. Hebert stated that this would take care of this year, but next year we will be right back where we are now. Mr. Hebert stated that the bottom line is that it would still affect our base, and next year we will be laying off teachers. Councilor Sette stated that there is the potential for significant savings concerning health care costs both at the Region and at the local level.

Councilor Sette stated that a bond was approved for a new roof at Fogarty Elementary School in the amount of \$750,000, and money was appropriated several years ago for the roof at West Gloucester Elementary School. Councilor Sette feels that the Town has done right by the School Department. Councilor Walsh pointed out that 80 cents of every tax dollar goes to the schools, leaving 20 cents for the rest of the Town. Mr. Hebert stated that many other school districts are going through the same budget problems and will have to lay off teachers. Mr. Hebert added that if we continue on our

current course, we are headed for disaster. Councilor Sette pointed out that the financial accounting will now be handled by the Town, so we will have a better idea of what is happening.

Walter Steere, School Committee member, expressed his disagreement with the idea of transferring the remaining fund balance. W. Steere pointed out that last year the Town had to use \$600,000 of its fund balance and it is causing a problem this year. W. Steere stated that in his opinion, fund balance should be used for a one-time problem, so that the next year it does not have to be in the budget and the taxpayers do not have to pick up that amount. Councilor Joyce asked W. Steere if it is his experience that every time additional money is kicked in at the Regional level, it is the Gloucester side that absorbs the hit. W. Steere stated that Gloucester's financial meeting is held after the Regional Financial Meeting, so the Region gets what they want and Gloucester has to live with it.

Councilor Joyce stated that we are in a unique situation where we have proposed level funding for the Region and the meeting has not been set yet for the Region. Councilor Joyce stated that, as an elected official, his primary responsibility is to look out for the municipal side of this budget, however, as a father whose children will be attending Gloucester schools he sees this from both vantage points. Councilor Joyce expressed his concern about the rate in which we are funding the Gloucester schools, noting that we have asked the schools to operate under a 5.25% cap, and we are only giving them a 2.6% increase.

Walter Steere stated, at the present time, we must follow the teachers' union contract to the letter. However, after this year, W. Steere noted that there will be another contract coming due and there will have to be some major changes. At that time, W. Steere stated, that is one way we may be able to cut the budget, along with changes in health care. W. Steere stated that we should go with the budget we have this year. W. Steere pointed out that whether or not the fund balance is used, the taxpayers will have to pay. Councilor Sette stated that if we were to add \$50,000 to this budget, that would result in cutting aid requests.

Councilor Sette stated that the fund balance is there in case a special ed student moves into town, but those are emergency situations where you would go to the voters for approval. W. Steere pointed out that the real villain in this case is the State by giving us less money every year. Wynette Dahlquist, School Committee member, reiterated the comments made by C. Hebert and W. Steere, stating that we need to be fiscally responsible. Ms. Dahlquist asked the Council to consider not cutting the Gloucester budget \$100,000, adding that she disagrees that it would have to be cut elsewhere. Ms. Dahlquist suggested that if the Council does not fund the full amount requested, the Town could meet the School Department partway.

T. Mainville, Finance Director, stated that currently there is \$4 million available in the fund balance, and the required 12% works out to \$3 million. T. Mainville explained that although this sounds like quite a bit of money, in July, before we have collected any taxes, we have to spend \$2 million, two-thirds of which goes to the schools. T. Mainville stated that even though it appears that there is \$1 million left, the problem is that the debt for the schools alone will grow to eight times what it was a year ago. T. Mainville pointed out that the landfill will have to be capped shortly which will cost up to \$2 million. T. Mainville further stated that using the fund balance would negatively affect our AA-bond rating.

Councilor Joyce asked if the bond rating will be affected by the lack of a conclusion regarding the Regional Financial Meeting. T. Mainville replied that he has been honest with the Bond Counsel concerning all the factors which have been affecting the town and they appreciated his honesty and there should be no affect on the bond rating.

Councilor Joyce asked how many teachers would have to be cut if the \$100,000 is removed from the budget. Wynette Dahlquist replied that it would not necessarily mean that teachers would be cut, adding that the Committee will have to review the budget again.

Jack Anderson stated that most taxpayers do not separate the Regional from Elementary schools. Mr. Anderson added that he feels that we could obtain money for Gloucester schools if the School Committee saved money on the Region.

Councilor Sette asked if anyone else wished to speak before the Public Hearing is closed.

Councilor Sette closed the Public Hearing.

Councilor Sette asked if there is any further discussion among the Council members. Councilor Walsh asked if this budget is adopted, and the Regional Schools subsequently come up with their budget, will another financial meeting have to take place. J. Bevilacqua, Town Solicitor, replied in the affirmative.

MOTION was made by Councilor Walsh to ADOPT the proposed Operating Budget, including debt service, \$25,292,788 for Fiscal Year 2007/08 for presentation at the Town Financial Meeting on May 5, 2007; seconded by Councilor Reichert.

Discussion: None.

VOTE: AYES: Walsh, Reichert, & Sette

NAYS: Joyce

MOTION PASSED

MOTION was made by Councilor Walsh to ADOPT the Proposed Capital Improvement Budget of \$460,738 for Fiscal Year 2007/08 for presentation at the Town Financial Meeting on May 5<sup>th</sup>, 2007; seconded by Councilor Reichert.

Discussion: None

VOTE: AYES: Walsh, Reichert, Joyce & Sette

NAYS: 0

MOTION PASSED

#### B. Foster/Glocester Regional Building Committee

Councilor Reichert stated that many people are dissatisfied with what is going on with the Building Committee. Councilor Reichert stated that he attended a meeting today at the site of the new middle school and was asked to leave by Mr. Laramie of the Building Committee. Councilor Reichert pointed out that this took place in front of approximately 18 people. Councilor Reichert stated that he would like to see Mr. Laramie removed from the committee and suggested a replacement. Councilor Walsh asked if, as a representative of the Town of Gloucester, do the Council members have a right to monitor things that are going on in town.

J. Bevilacqua, Town Solicitor, replied that elected officials have a responsibility to the public to make inquiry at any time and to inspect. Councilor Reichert asked Walter Steere, School Committee member, if there was any reason why Councilor Reichert could not be present at the meeting. Councilor Reichert pointed out that he went out of his way to go to the site due to numerous phone calls he has received from residents. W. Steere stated that he was accompanied by an individual who was knowledgeable in the subject and that person was not allowed to stay either. Councilor Sette

asked if this was a posted meeting. W. Steere replied that it was a meeting between the contractors and the Building Committee. Councilor Reichert stated that the Building Committee is appointed by the Town Council, and he could have been a mediator of sorts, but his being asked to leave only gave the appearance of more lies and secrecy.

Councilor Walsh asked how many members of the Building Committee were present at the meeting. W. Steere replied that there were two members in attendance.

Councilor Sette stated that, after the last Council meeting, he was instructed to send a letter to the Building Committee. Councilor Sette read the letter into the record:

“At the April 5, 2007 Town Council meeting, I was instructed by the Council to forward a letter to the Gloucester members of the Foster-Glocester Regional Building Committee reminding them of their responsibilities in accordance with the Regional District Charter and as members of the Committee appointed by the Gloucester Town Council. In that regard, you are asked to provide the following to the Council as soon possible:

“On March 27, 2007 a Resolution was unanimously approved by both the Foster and Gloucester Town Councils which supports the expenditure for the ESCO contract to be voted on as a Capital Expense by the voters of both towns prior to any monies for this purpose being expended for any items related to this project. The Resolution further stated that you as a Building Committee abdicated your responsibilities conferred on you by the Regional School District Charter, Chapter 109, Section 4, items A, B and C, and demanded an update from the Committee on any and all financial expenditures to date. It is expected that this information be available to the Council prior to the May 3, 2007 Town Council meeting and that you will be available to answer questions regarding these expenditures at that time. Please forward all document to the Town Clerk’s office prior to that meeting. If you have any further questions please contact me prior to the meeting.”

(End of letter)

Councilor Reichert reiterated that he went to the meeting with good intentions to let people know what is going on. J. Bevilacqua, Town Solicitor, stated that in order to remove a member from a committee, notice must be given. Councilor Sette asked if this meeting should have been posted in accordance with the Open Meetings law since it pertained to a publicly funded project. J. Bevilacqua replied that it would depend on the purpose of the meeting. Walter Steere stated that the meeting was convened because there is a problem with hazardous material on the site. W. Steere stated that he was asked to attend because he has knowledge of the subject.

J. Bevilacqua asked W. Steere if the meeting was called to avoid legal litigation or was it to discuss a schedule for removing the material. W. Steere responded that it was mostly to get a schedule to solve the problems in order to go ahead with the leach field. J. Bevilacqua stated that there was no reason that he could conceive of that any member of the Council or the public could not be present to listen to the discussion regarding the removal of hazardous material. J. Bevilacqua added that the Building Committee’s responsibility is for the project, but they are also responsible to the Town.

J. Bevilacqua asked if there was legal counsel present at the meeting. W. Steere responded that there was not. J. Bevilacqua asked if the Building Committee utilizes legal counsel. W. Steere replied that Greg Piccirilli represents the Committee. W. Steere spoke on behalf of Greg Laramie, stating that he has put in a lot of time on this project and although mistakes have been made, W. Steere asked the Council to think twice about removing Mr. Laramie from the Committee.

George Charette referred to a budget meeting a year and a half ago where he stated that they would not be able to build the school for \$25 million, even though it was for \$45.7 million dollars there was a percentage that was for the Ponaganset school repairs and the middle school repairs. Mr. Charette stated, at that time, that Gary King said we could build the school for \$25 million and not a penny more. Mr. Charette stated he had disagreed, saying that it could not be done, and they would be asking the taxpayers for at least 20% to 30% and possibly more money to put into a school that we really don't need. Mr. Charette expressed his opinion that all members of the Building Committee should be removed.

Jack Anderson asked what the Council is going to do about this situation. Mr. Anderson asked if the Council can stop this project and get control of it. Mr. Anderson read an excerpt from the Building Committee minutes from August 8, 2006 as follows:

“Mrs. O’Connors reminded the committee that the School Committee authorized the ESCO to perform an audit only.”

Mr. Anderson stated that on that same night, at that same meeting, Mr. Manwell from ConEd asked the committee how his company should proceed on the biomass project. Mr. Fogarty moved, and Mrs. O’Connors seconded, that the Building Committee approve the initial work for the biomass and other energy saving items. Mr. Anderson asked what the citizens could do to assist the Council. Mr. Anderson stated that if the Council does not do anything we will suffer. Mr. Anderson expressed his agreement with Councilor Reichert regarding the removal of Mr. Laramie from the Building Committee, as well as the other members.

John Devine stated that he and Mr. Anderson were removed from a meeting at the Middle School which pertained to the construction of the new school. As a 48-year resident of Gloucester, Mr. Devine stated that he cannot believe what is going on. Mr. Devine recommended that the people of Gloucester get rid of the Building Committee.

Councilor Sette addressed the four School Committee members present at the meeting, asking them to take back to the remaining members the comments and concerns they have heard tonight. Councilor Sette told Jack Anderson that he takes offense to the comments he made about the Council lack of action.

Buster Steere stated that he was present at the meeting today at which Councilor Reichert was asked to leave, adding that he was also asked to leave. B. Steere offered his opinion regarding the septic system at the site, stating that five years from now, the voters will be asked to appropriate \$6 million for a new septic system.

Rose Lavoie, of Wilmarth Road, stated that she has heard that the design of the school has been changed to a flat roof because there is not enough money for the gabled roof. Councilor Sette replied that the Council has asked the Building Committee for a full accounting of expenditures to date, so we will know more at that time.

John Bevilacqua, Town Solicitor, stated that based on the Charter, the Building Committee is independent and is not under the jurisdiction of the Regional School District Committee. Mr. Bevilacqua also stated any actions by the Building Committee must be approved at a financial town meeting and any approval by the School Committee on any construction project is in contradiction to the dictates of the Charter.

Councilor Sette stated, at this point, Councilor Reichert has a request on the table, asking Councilor Reichert if he would like that as an agenda item at the meeting of May 3<sup>rd</sup>. Councilor Reichert replied



in the affirmative. Councilor Walsh pointed out that the Council cannot just begin removing people; we have a system which must be followed. Councilor Walsh went on to say that the first step is to obtain the information requested of the Building Committee. Councilor Walsh stated that this should be discussed at the next meeting to determine what the next step should be.

J. Bevilacqua stated that, in cases where an individual's conduct is felt to be inappropriate, the Council would first notify the individual to give him an opportunity to be heard, either in executive session or public session, whichever he chooses.

Jack Anderson inquired whether a letter has been sent to any of the parties stating that the contract may be illegal and may not be honored by the Town. Councilor Sette replied that no correspondence has been sent.

Bob Lyons from Harmony asked who is writing the checks for these things and could the Council gain control of the checkbook. J. Bevilacqua replied that the Building Committee has the authority as per the Charter.

Councilor Sette stated that we need to add an item to the agenda for the next meeting with respect to reviewing the expenditures, and at that point, further action can be taken.

#### C. Foster/Glocester Regional Financial Meeting/Budget 2007-08

Councilor Sette stated that the continuation of the Regional Financial meeting has not been scheduled at this time. Councilor Walsh asked Chris Hebert, School Committee member, to try to expedite the scheduling of the meeting.

#### D. Bid Award

1. IFB 2007-05 Chip Sealing
2. IFB 2007-06 Crack Sealing

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

At a meeting of the Board of Contracts and Purchases was held on April 11, 2007 the following were present:

Jean Fecteau – Town Clerk  
Jane Steere- Tax Collector  
Raymond Goff- Town Planner

Also present was: Alan Whitford-Public Works Director

The following items were bid:

#### **IFB 2007-05 Chip Sealing**

Two bids were received for IFB 2007-05 Chip Sealing from the following companies:

**All State Asphalts** Primary Bid - \$1.74 per square yard Chip Seal delivered  
Secondary Bid - \$12.50 per square yard Chip Seal for applications less than 2,000 sq. yds.

**Comer Contracting Inc** Primary Bid- \$1.68 per square yard Chip Seal delivered  
Secondary Bid – none

Alan Whitford, Public Works Director, recommended that the primary bid go to the low bidder and secondary to the only bidder All State Asphalts.

MOTION was made by Ray Goff to recommend Comer Contracting low bidder for the primary bid of \$1.68 per yard and if necessary use All State Asphalts for the secondary bid of \$12.50 per square yard, was seconded by Jean Fecteau and unanimously approved.

### **IFB 2007-06 Crack Sealing**

Two bids were received two bids for IFB 2007-06 Crack Sealing from the following companies:

**Crack Sealing Inc.**-\$6.06 per gallon of crack sealant

**Sealcoating Inc.**- \$6.17 per gallon of crack sealant

Alan Whitford stated that both bids were on fiberglass reinforced material which does not split as quickly as rubber.

Motion was made by Jean Fecteau to recommend low bidder, Crack Sealing Inc. at \$6.06 per gallon of crack sealant. Ray Goff seconded and was unanimously approved.

Respectfully submitted,

Jane A. Steere  
Tax Collector

(end of memo)

MOTION was made by Councilor Reichert to AWARD IFB 2007-05 Chip Sealing to Comer Contracting, low bidder, for the primary bid of \$1.68 per yard and if necessary use All State Asphalts for the secondary bid of \$12.50 per square yard, seconded by Councilor Walsh.

Discussion: None.

VOTE: AYES: Walsh, Reichert, Joyce & Sette

NAYS: 0

MOTION PASSED

MOTION was made by Councilor Joyce to AWARD IFB 2007-06 Crack Sealing to Crack Sealing Inc. at \$6.06 per gallon for crack sealant; seconded by Councilor Reichert.

Discussion: None

VOTE: AYES: Walsh, Reichert, Joyce & Sette

NAYS: 0

MOTION PASSED

### **E. Tax Status (Davis property)**

Councilor Reichert explained that this situation arises each year when Mr. Davis receives a tax bill for property he claims is not his.

Jane Steere, Tax Collector, asked Councilor Reichert what he would like her to do in this case. T. Mainville, Finance Director, stated that there was a similar situation in Burrillville, adding that the property went up for tax sale and was purchased. T. Mainville stated that he cannot understand why Mr. Davis gets a pass regarding paying the taxes. T. Mainville recommended placing the property up for tax sale. Councilor Sette stated that the Council should support the Tax Collector doing her job. J. Bevilacqua, Town Solicitor, cautioned that the Council should not take possession of the property in the event that it is not purchased at tax sale.

F. Discussion/Action:

1. Interpretation of Town Charter for legal counsel

J. Bevilacqua, Town Solicitor, stated that this pertains to a question asked of him as to whether or not his office represents the Gloucester School Department. In review of the Charter, J. Bevilacqua stated that there is no provision which gives the School Department the authority to appoint legal counsel. J. Bevilacqua stated that the School Department is a department of Town government, therefore the Solicitor's office is the appropriate legal counsel to which they must refer. J. Bevilacqua also stated in the event that this poses a conflict it is up to the Town Council to decide who will represent the School Department.

X. Department Head Report/Discussion

Tom Mainville, Finance Director, stated that he gave testimony at a hearing and wished to apprise the Council of a few of the details.

T. Mainville distributed a portion of the Towns Financial Statement, Managements Discussion Analyst , concerning fund balance and explained it, page by page, to the Council members.

Mr. Mainville referred to a newspaper article in the Journal where he feels there is a mis-quote or a mis-use of the Town's fund balance, and pointed out that a portion of the Town's fund balance belongs to the school. Mr. Mainville stated the amount quoted is a total from various unreserved fund balances and these funds are unavailable to the general fund. T. Mainville stated we make an estimate on what those variances will be at the end of the fiscal year and that is part of the formula on determining the amount to come from the fund balance. T. Mainville stated that people tend to look at the 12% (required by Town Charter) set aside as the target when in fact it is the minimum, based on operating funds at the beginning of the year and the debt load you are about to carry. T. Mainville stated he calculates that number at currently approx. 15% and this year if we maintain that percentage we will not have to get a T.A.N.

T. Mainville explained the auditors summary which is comprised of several funds, two of which contain school funds. T. Mainville stated perhaps he should have advised, at the hearing, the school can use their own fund balance.

T. Mainville continued to explain his calculations and summarized by stating it is not as simple as saying the Town has an approx. \$6 million dollar fund balance.

T. Mainville referred to page 4: Fund financial statement- (description)" a fund is a grouping and self balancing set of related accounts that is used to maintain control over resources that have been segregated for specific activities or objectives. The Town uses Fund Accounting to insure and demonstrate compliance with finance related legal requirements". Governmental fund financial statements focus on current sources and uses of spendable resources as well as on balances of spendable resources available at the end of the fiscal year, such information may be used in valuating

a governments near term financing requirements. T. Mainville stated that is why separate funds are maintained.

T. Mainville stated he does not have the luxury of just thinking in a current year financially, and the job we have done is reflected in our bond rating.

T. Mainville stated he believes the amount, currently being discussed at a hearing, was not just the result of taxpayers adding more money to the regions budget and that there was discussion at a regional meeting (prior) regarding lay off notices not being sent out.

XI. Boards/Commissions  
None.

XII. Council Correspondence/Discussion

1. Councilor Joyce updated the Council on his meeting with members from the School Committee, the Superintendent of Schools, the Assistant Superintendent of Schools, the Business Manager, and the Finance Directors of the Towns of Foster and Glocester. Councilor Joyce stated the meeting was regarding the ESCO project and the possibility of moving this item to the Capital Expense side of the budget to be voted by the people. Councilor Joyce asked for approval to allow the Finance Directors to forward a letter of request to the Auditor General to settle a difference of opinion as to whether the ESCO project can be moved to the capital side of the budget as a lease agreement, still qualify for the exemption and still be listed as debt service.
2. Councilor Sette stated that correspondence was received from the Emergency Management Agency concerning public assistance regarding damage from the storm event of April 15<sup>th</sup> through the 17<sup>th</sup>. This will be referred to the Director of Public Works.

XIII. Open Forum

1. Bob Lyons informed the Council that the work performed last fall on the roads within the Waterman Lake Plat has not held up.
2. George Charette asked the Council to try to stop the situation with the new school construction. Mr. Charette stated that if these occurrences happened in business it would have been stopped by now.
3. Rose Lavoie, on behalf of the Heritage Society, asked if the Town Hall could be left open on Saturday, June 23, 2007 for the use of facilities and the use of the Town Hall lawn. Mrs. Lavoie was asked to submit her request in writing.
4. Edna Kent stated that the land across the street from the Davis property addressed earlier has a cemetery with no access.

XIV. Executive Session  
A. RIGL 42-46-5(a)2 Litigation

MOTION was made by Councilor Walsh to ADJOURN to Executive Session RIGL 42-46-6(a)2, Litigation; seconded by Councilor Reichert.

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

MOTION PASSED

XV. Reconvene Open Session

After Executive Session: no votes taken.

XVI. Adjourn

MOTION was made by Councilor Walsh to ADJOURN at 11:57 p.m.; seconded by Councilor Reichert

VOTE: AYES: Walsh, Reichert, Joyce & Sette

NAYS: 0

MOTION PASSED

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Jean M. Fecteau, Town Clerk

Approved at the May 3, 2007 Town Council Meeting.

At a meeting of the Town Council holden in and for the Town of Gloucester on **May 3, 2007**:

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; David Steere, Budget Board Chair; Raymond Goff, Town Planner; Alan Whitford, Director of Public Works; and representatives from the School Committee.

III. Pledge of Allegiance

The Pledge of Allegiance was led by Councilor Joyce.

IV. Open Forum for Agenda Items

1. Bruce Payton, 26 Lake Washington Drive, discussed the noise ordinance and, regarding the demonstration of the equipment, questioned why a five minute interval is necessary with a meter that measures so quickly. B. Payton stated that bars should have to adhere to the same stipulations that a homeowner has to, such as stopping noise at 11:00 p.m. as opposed to 1:00 a.m. B. Payton recommended passage of the Noise Ordinance.

V. Public Hearing

A. CONTINUATION (Opened 5/4/06)

Amendment to Gloucester Code of Ordinance Chapter 217, Section 1- 20: Noise

Councilor Sette stated that this Public Hearing was closed on April 5, 2007, after much public input as well as a demonstration on the use of noise meters.

Councilor Sette stated that, contrary to the opinion of many residents, this Ordinance is not being proposed because of one situation in Town, adding that there have been noise complaints in other areas. Councilor Sette stated that he is in favor of passing the Ordinance in order to give the Police Department tools that they can use for enforcement.

Councilor Poirier stated that he has questions regarding the Ordinance. Regarding Section 217-6(b), Councilor Poirier stated that it is worded in such a way that would exclude from consideration any motorized vehicle. Councilor Joyce expressed his concern that this section prohibits any activity on Sunday, and recommended removing this statement from the Ordinance.

Councilor Reichert stated for the record that he will vote against the passage of this Ordinance, explaining that there are enough restrictions in Town and does not wish to have something which, in his opinion, could pit neighbor against neighbor. Councilor Poirier stated that he was

also concerned about problems with neighbors, but after listening to the Officer from Burrillville, Councilor Poirier stated that he feels this would not be the case.

Councilor Joyce commented that he feels the language in section 217-6(b) is too general. Councilor Poirier suggested adding the phrase “and in such activities” to the exceptions. Councilor Joyce added that he does not want to prohibit people from using a backhoe or a bulldozer on their own farm or land on a Sunday, adding that he would feel more comfortable if this were stricken from the Ordinance.

Councilor Poirier expressed concern that if a resident was in violation for another reason, but not by virtue of noise, the ordinance would okay other activities.

MOTION was made by Councilor Walsh to CONTINUE the Code of Ordinance Chapter 217, Section 1-20: Noise until May 17, 2007; seconded by Councilor Reichert.

Discussion: None.

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

NAYS: 0

MOTION PASSED

## VI. Unfinished Business

### A. Rural District Legislation (H5990)

Councilor Sette stated that the Council has received a request for support of House Bill 5990, regarding Rural District Legislation, from the Chair of the Planning Board, which was read at a previous Council meeting:

TO: Town Council  
FROM: David Calderara, Planning Board Chair  
DATE: March 13, 2007  
RE: Rural District Legislation (H5990)

Planning Board, at the March 5, 2007 meeting, met with Representative Nicholas Gorham regarding the proposed Rural Conservation District Legislation. Our understanding of the proposed law is that it would provide the Town an opportunity to partake in the special zone. Towns identified in the law can enact five acre zoning which will exempt their properties from the 10% affordable housing requirement.

Discussing the merits of the legislation, the Planning Board voted to forward a motion to the Town Council to recommend support for this legislation.

(End of memo)

It was voted at that time to address this issue at tonight’s meeting.

Discussion: None

MOTION was made by Councilor Walsh to TABLE until May 17, 2007, House Bill #5990, Rural District Legislation; seconded by Councilor Poirier.

Discussion: None

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

VII. Consent Items

A. Council Minutes of April 5 & April 19, 2007

MOTION was made by Councilor Joyce to APPROVE the Town Council minutes of April 5 & April 19, 2007 Regular Sessions; seconded by Councilor Walsh.

Discussion: none

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

VIII. New Business

A. Resignations

1. Building/Zoning Official

Councilor Sette stated that the Personnel Director has received a resignation from Brian Lombardi, Building/Zoning Official, effective June 1, 2007.

Discussion: None.

MOTION was made by Councilor Walsh to ACCEPT the resignation of Brian Lombardi from the position of Building/Zoning Official effective June 1, 2007; seconded by Councilor Joyce.

Discussion: Councilor Sette commented that we are losing a very good Building Official who was an asset to the Town, noting that this can be a frustrating position.

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



- B. Award Bid:
  - 1. Fogarty School Roof

Thomas Mainville, Finance Director, asked that this be postponed until the next meeting.

Discussion: None

MOTION was made by Councilor Walsh to TABLE the Award Bid for the Fogarty School Roof until May 17, 2007; seconded by Councilor Poirier.

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

NAYS: 0

MOTION PASSED

- C. Ratify: Town Hall Clerk's Contract July 1, 2006- June 30, 2009

Councilor Sette stated that the Council has received correspondence from Karen Emond, on behalf of the Clerk's union which outlines the changes to the current contract.

Discussion: Councilor Sette explained that this Contract includes salary increases as well as the addition of a co-pay for health insurance, which means that now all Town employees will be contributing toward their insurance. Councilor Sette also stated that a 15-minute paid break has been added which can be incorporated with the employees lunch break, which is currently a half-hour break. Councilor Sette stated that the only other change is that when an employee must attend a conference, a Town vehicle will be provided for transportation.

MOTION was made by Councilor Joyce to RATIFY the Town Hall Clerk's Contract July 1, 2006-June 30, 2009 as agreed upon by representatives from the Council: Councilors Sette & Poirier and Town Hall Clerk's Union representatives Karen Emond & Jaclynn DiPietro; seconded by Councilor Poirier.

Discussion: None.

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

NAYS: 0

MOTION PASSED

- D. Foster/Glocester Regional Building Committee
  - 1. Response to request for financial accounting  
(School construction/renovations): Discussion/Action

Councilor Sette stated that Greg Laramie, along with other members of the Building Committee, are present this evening. Councilor Sette explained that this issue came up at the last meeting, when there was discussion regarding who the Building Committee reports to as well as

authorization for contracts. Councilor Sette stated that at the Regional Meeting, the School Committee said that they have no jurisdiction over the Building Committee.

Councilor Sette stated that the Council has received the following correspondence from School Building Committeeman Laramie:

May 1, 2007

Steven A. Sette, President  
Dear Mr. Sette:

Please find the attached Consolidated Budget and Treasurer's reports, per your request, updating the Town Council on the financial expenditures of the Foster Gloucester Regional Building Committee. In addition, you have requested that Building Committee members be present at the May 3 Town Council meeting to answer questions regarding these expenditures, and representatives of the Committee will be present at that time. If you have any questions prior to then, please do not hesitate to call me.

Sincerely yours,  
Gregory Laramie, Chairman  
(end of memo)

Discussion: Councilor Sette cautioned that this will be discussion between the Council members and the Building Committee and there will be time for comments from the public afterward. Councilor Sette thanked Mr. Laramie for submitting the report which the Council had requested. Councilor Sette reviewed the expenditures which are listed on the accounting submitted by the Building Committee.

Greg Laramie, of the Building Committee, stated publicly that the Committee will make a presentation any time that they are asked to. Mr. Laramie stated that a representative from H. V. Collins is present to answer any questions regarding the construction of the new school. Mr. Laramie reported that the expenditures to date are 1.4 million dollars, which includes a new roof, asbestos abatement, and design fees. Councilor Sette asked if we are on track for a completion date of June 30<sup>th</sup>, to which Mr. Laramie replied "yes." Mr. Laramie added that there have been some delays concerning the bio-clear sewage treatment system, but the contractors have committed to staying with the completion date.

Councilor Walsh asked how the site conditions were obtained. Mr. Laramie responded that there were several fundamental site issues: one was that improper tainted soil was brought to the site and will be removed by next week and another issue pertained to the gravel cover. Councilor Walsh stated a third issue was concerning the removal of nitrates, which was mandated by DEM after they originally agreed to the preliminary design. Councilor Walsh asked who is performing the testing to ensure that all contaminants are removed from the soil. Mr. Laramie replied that there are three testing agencies; DEM, HV Collins, and Crossman Engineering.

Councilor Sette stated that the controversial issue still is the ESCO. Councilor Sette stated that the accounting indicates that \$43,000 has already been expended in relation to the ESCO. Mr. Laramie explained that this was for the consultant hired to review the audit and the terms of the contract.

Councilor Reichert asked what was the big secret when he tried to attend the meeting at the building site. G. Laramie replied that the meeting was called by H. V. Collins, which has construction meetings frequently. Mr. Laramie added that he was asked to attend because he had heard about the contaminated material and the stop work order that was issued. Mr. Laramie noted that the construction manager had asked him to invite Mr. Steere, who is also a member of the Building Committee.

Mr. Laramie stated that his concern at that point was any potential legal issues which may come up. Mr. Laramie stated that this was a preparatory meeting to the public meeting which was held the following Monday. Mr. Laramie noted that the construction company has a sign at the site instructing visitors to check in, adding that the company made a specific request that day that committee members or others at the site must follow the proper procedures.

Councilor Reichert stated that he went to the site on Council business, as requested by Councilor Walsh, pointing out that it was the Council which appointed the Building Committee. Mr. Laramie apologized to Councilor Reichert for asking him to leave the meeting, noting that he did not realize at the time that Councilor Reichert was upset. Councilor Reichert asked Mr. Laramie why he spoke with Tony Seane of the Teachers Union regarding Councilor Reichert's occupation as an oil supplier.

Greg Piccirilli, Counsel for the School Department, stated that this agenda item pertains to the financial report, asking how Councilor Reichert's questions are relevant to this discussion. John Bevilacqua, Town Solicitor, pointed out that there is a second item on the agenda regarding membership of the Building Committee at which time this discussion could take place. J. Bevilacqua asked Mr. Piccirilli in what capacity is he is representing Mr. Laramie. Mr. Piccirilli replied that Mr. Laramie is the chair of the Building Committee, which is represented by Mr. Piccirilli.

Councilor Walsh questioned the amount which has been paid to date regarding the project. Mr. Laramie stated that, as of the last Building Committee meeting, the figure spent is \$13,859,520. Councilor Walsh pointed out that this leaves over \$12,000,000, asking if this amount will be paid in the one month left until completion. Mr. Laramie replied yes, adding that this amount includes contingencies, furnishings, owner expenses, and other things which will come during the summer.

Councilor Walsh asked what is the building construction cost percentage complete. Bill Abt, Vice-Chair of the Building Committee, stated that the cost-to-date is representative of invoices only through March, adding that another invoice for 1.5 million was just approved. Mr. Abt pointed out that they are always sixty days behind in the actual expenditures versus the work in place.

Councilor Walsh asked what is the percentage complete? A representative from H. V. Collins replied that the project is approximately 79% complete. Councilor Walsh asked if there are any outstanding change orders. Mr. Abt replied that this accounting includes change orders approved to date and change estimates, which are change orders that have not been fully executed. Councilor Walsh asked how many change orders have been approved. The response was that there are ten (10) change orders to date, with another five (5) pending, and quite a few yet to be submitted.

Councilor Reichert asked who eliminated the other boiler in the school. Rick (last name not stated) replied that this was part of the implementation of the ESCO changes to include the wood-fired boiler. It went from two boilers to one boiler of equal capacity. Councilor Reichert stated that Ron Cervasio has said that he would not support the ESCO because he feels that it doesn't work. Councilor Reichert again asked whose idea it was to eliminate one of the boilers. Rick replied that the Building Committee made the decision because, at that time, there was the understanding that the ESCO would be moving ahead.

Ray Fogarty, Building Committee member, stated that this is the first time he has heard that comment regarding Mr. Cervasio's position. Regarding the issue of the boiler, Rick pointed out that the existing middle school has only one boiler. Councilor Reichert pointed out that the boiler is double the size. Rick stated that they are fairly reliable pieces of equipment. Councilor Reichert expressed his opinion that there should be two (2) units.

Councilor Sette asked if the Committee is going forward with the completion date of June 30<sup>th</sup> if we have not had a Regional Financial meeting where we approve the budget or make a decision on the ESCO project. Ray Fogarty replied that they will not proceed unless the voters approve the concept. Councilor Sette asked if there is a signed contract in place regarding the ESCO. The response was that there is a signed contract. Councilor Walsh asked who signed the contract, the Building Committee or the School Committee. R. Fogarty replied that it was signed by the School Committee with the knowledge that the State funds must pass through the Board of Regents. R. Fogarty added that ESCO's throughout the country are done through a lease, and the School being on the operating side would have the right to sign such a contract.

Councilor Walsh asked who will secure the financing. Greg Piccirilli replied that Steve Winsor, School Department Business Manager, is working on that. Steve Winsor explained that there are two (2) funding options: ConEdison could put together the RFP and lending institutions around the country would bid on it. However, S. Winsor stated that the best way to do this would be to go through RI Health and Educational Building Corporation. S. Winsor pointed out that it is not a general obligation bond, but a lease revenue bond. Councilor Walsh asked if they would give a bond to a non-taxing authority. S. Winsor stated that he would have to check with RI Health and Educational Building Corp.

Jack Anderson, of Glocester, asked the Council President if the citizens who are present will have the opportunity to ask questions of the Building Committee. John Bevilacqua, Town Solicitor, stated that this is not a Public Hearing, adding that according to the agenda, this is listed as a response to the request for financial accounting. J. Bevilacqua stated that this is

discussion between the Town Council and the Building Committee and to allow public comment would be contrary to the rule.

Ray Fogarty stated that over thirty meetings have been held and they have all been public. R. Fogarty went on to say that the Committee has met with many people individually to answer any questions they may have. R. Fogarty stated that he wished to go on record, as a member of the Building Committee, that they are committed to keep within the 45.7 million dollars regardless of the expenses incurred to date on the ESCO. Regarding Mr. Anderson's questions, R. Fogarty stated that the Committee will meet with any individual or group to answer any questions to the best of their ability.

R. Fogarty stated that the bio-mass project was recommended by the State to encourage alternative energy projects. R. Fogarty also stated that the Town of Glocester is paying 27% of the new Middle School, Foster is paying 13%, and the State is paying the remaining 60%, adding that this is a pretty good deal when compared with other communities. R. Fogarty stated that the Committee is made up of seven (7) people who are working to the best of their ability. R. Fogarty pointed out that Mr. Abt has volunteered to work with the Treasurers from both towns and the Business Manager of the School Department to go over any details regarding the financing.

Councilor Sette suggested that, at a minimum, a quarterly update be submitted from this point forward.

Councilor Walsh asked Robert Grzyb, of H. V. Collins, if the project is 79% complete. R. Grzyb replied "approximately". Councilor Walsh asked if they were on schedule. R. Grzyb replied that there are some areas where they are ahead and some where they are behind. Councilor Walsh asked what are the hours of operation. R. Grzyb stated that they are working nine (9) hours per day during the week, and six (6) to eight (8) hours on Saturday. R. Grzyb stated that this has been a very positive environment in which to work on a project. Councilor Walsh asked how the bio-mass project affects the project. R. Grzyb stated that it should not affect the opening of the school because the existing boiler is capable of running into the heating season. Regarding the high school and the existing middle school, Councilor Walsh asked if Mr. Grzyb is part of the group that comes up with cost value engineering items. R. Grzyb replied that he is part of the team.

Ray Fogarty, Building Committee member, stated that Chairman Laramie has taken the position as a Clerk of the Works or Owner's Rep, which would have been an expense if someone was hired to do this job. R. Fogarty stated that he wished to make a public statement that Mr. Laramie has put his heart and soul into this project. Regarding the contaminated soil, R. Fogarty stated that the Cardi Corp. will take care of 100% of the removal of the soil as well as any testing costs incurred due to this mistake.

Councilor Walsh stated for the record that ESCO's in general are a good idea, but the problem is spending 17 million dollars and not knowing what is going on and where it's going. R. Fogarty

agreed with Councilor Walsh and stated that in hindsight, there would have been better communication between the Council and the Building Committee.

Councilor Reichert asked how much the add-ons for the leach field will cost. R. Grzyb replied that it will be one million dollars extra, adding that we had a septic system and now we have a sewage treatment plant. Councilor Reichert asked if the existing boilers at the high school are being replaced with new boilers. G. Laramie replied in the affirmative.

R. Fogarty stated that there has been legislation submitted under the energy act and if we obtain the grant, half will be credited to the taxpayers for the bio-mass system, and the other half will be put into the space within the high school which will be retrofitted as an alternative energy lab. Councilor Sette inquired, in the event that the voters approve the ESCO, if there will be any action required from the Foster and Gloucester Town Councils or if anything must be submitted to the State legislature for approval of the housing aid. R. Fogarty replied that the Resolution which was adopted by both councils would be sufficient.

Councilor Walsh reiterated to Mr. Laramie the list of items requested by the Council from the Building Committee and asked when the list would be submitted. Mr. Laramie stated that it would be dropped off to the Town Clerk by next Friday at the latest.

Councilor Walsh asked how the Council could verify if the contract between ConEdison and the Regional School Committee is valid. J. Bevilacqua responded that he would need a copy of the contract in order to evaluate its validity, adding that if he obtains the copy immediately, he will have an answer by the May 17<sup>th</sup> meeting.

Councilor Walsh pointed out that at the Town Financial Meeting on Saturday, no funds will be given to the school other than what was allotted last year.

## 2. Membership of Committee: Discussion/Action

Discussion: Councilor Sette stated that the Building Committee is comprised of eight (8) members; three (3) appointed by the Foster Town Council, three (3) appointed by the Gloucester Town Council, and a member from each School Committee. Councilor further stated that the Committee recently held an Executive Session in which someone was allowed in and others were denied. Councilor Sette stated that, according to the Open Meetings law, this constitutes a violation. Ray Fogarty stated that he will contact the Ethics Commission and ask that question. R. Fogarty noted that the person who attended the Executive Session was Lorraine O'Connors who has been involved with the school project since day one.

### E. Authorization: Blackstone/Chepachet Wastewater Storm water Contract (R.I. Dept. of Environmental Management & Town of Gloucester)

Councilor Sette stated that the Council has received a request from the Town Planner to authorize Council President to sign the grant contract between R.I. D.E.M. and the Town of Gloucester.

MOTION was made by Councilor Reichert to AUTHORIZE the Council President to sign the grant contract between the State of Rhode Island, Department of Environmental Management and the Town of Glocester in the amount of \$621,513 for the contract period, May 1, 2007 to April 30, 2009, for the Purpose of Designing and Building Wastewater and Stormwater Treatment Systems after final review by the Town Solicitor; seconded by Councilor Poirier.

Discussion: John Bevilacqua, Town Solicitor, stated that this is the contract which deals with the \$621,513, adding that they have asked to see the previous contract which was initiated in the first stage of development. Ray Goff, Town Planner, concurred, stating that they were not satisfied with some of the language. R. Goff stated that essentially, the project remains the same, but the language is being changed.

Councilor Poirier WITHDREW his second. Councilor Reichert WITHDREW his MOTION.

MOTION was made by Councilor Reichert to TABLE the Authorization: Blackstone/Chepachet Wastewater Stormwater Contract; seconded by Councilor Poirier.

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

NAYS: 0

MOTION PASSED

F. Planning Department

1. Set Meeting Date/Discussion:

Draft Conservation Development Ordinance

Councilor Sette stated Council has received a request from the Planner regarding the following document:

TOWN OF GLOCESTER, RHODE ISLAND  
PROPOSED AMENDMENTS TO THE COMPREHENSIVE PLAN  
CONSERVATION DEVELOPMENT  
Draft No. 4, May 2007

In August, 2005, Scott Millar from R.I. D.E.M. gave a presentation on Conservation Development. At the February 2<sup>nd</sup>, 2006 Council meeting the Council President was authorized to sign a cooperative agreement between R.I.D.E.M. and the Town of Glocester for financial assistance of \$2,500 in preparing the Conservation Development Ordinance. The Planning Board has worked on this issue and would now like to set a meeting date to further discuss draft #4.

Discussion: A workshop with the Planning Board on May 21<sup>st</sup> at 7:00 p.m. was discussed.

G. Appointments

1. Gloucester Economic Development Commission

Three (3) expired three year terms to expire 5/2007

Councilor Sette stated there is three expired terms for the Economic Development Commission:

MOTION was made by Councilor Reichert to TABLE the appointments to the Gloucester Economic Development Commission for a three year term to expire 5/2010; seconded by Councilor Poirier.

Discussion: Councilor Sette stated that the Commission has not met in quite a while and suggested that the members be contacted to see if they wish to be reappointed.

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

MOTION PASSED

Two (2) expired one year terms to expire 05/2007

Councilor Sette stated there is also have two expired alternate on year terms:

MOTION was made by Councilor Reichert to TABLE the appointments to the Gloucester Economic Development Commission for a one year alternate term to expire 5/2008; seconded by Councilor Poirier.

Discussion: See above.

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

MOTION PASSED

- H. Authorization for correspondence:
  - 1. Notification to Superintendent  
Re: Transfer of Financial Accounting Records

Councilor Sette stated the Council adopted a budget last meeting that allows for the Town's Finance Office to take over the fiduciary accounting of the Gloucester School District as of July 1<sup>st</sup>. Councilor Sette stated that the Council now needs to forward correspondence to the Superintendent's office to affect the transfer of necessary information.

Discussion: None.

MOTION was made by Councilor Reichert to AUTHORIZE the Town Council President to forward correspondence to the Foster/Glocester Superintendent of Schools requesting the necessary transfer of records to enable the Gloucester Finance Office to assume all financial accounting for the Gloucester School System; seconded by Councilor Poirier.

Discussion: None.



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

2. Letter of Appreciation: R.I.D.E.M. (Sustainable Watershed Office)

Councilor Sette stated that the Council has received a request from Ray Goff, Town Planner:

TO: Town Council, Steve Sette  
FROM: Raymond Goff, Town Planner  
DATE: May 2, 2007  
RE: Letter of Appreciation to R.I.D.E.M.

I have drafted a letter to the R.I.D.E.M. Director which I would like to come from the Town Council. The reason for the letter is to support the Sustainable Watershed Office who has been under some financial pressure this past year. Scott Millar has put in many hours helping the Town with the EPA Grant. Without his help, I don't think we would have received the funding.

He has also been instrumental in bringing conservation development to Rhode Island communities. We are benefitting from Scott's work with the development of a Conservation Development Ordinance for Gloucester.

Please authorize the Town Council President to sign this letter on behalf of the Town.

Thank you for your support.  
(end of memo)

Discussion: None

MOTION was made by Councilor Poirier to AUTHORIZE the Town Council President to forward correspondence in the form of a letter of appreciation to R.I.D.E.M. Sustainable Watershed Office; seconded by Councilor Reichert.

Discussion: None

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

3. Regional School Emergency Response Plan: Discussion/Action

Councilor Sette stated that the Council has received this week a plan prepared by the Superintendent's office titled "Regional School Emergency Response Plan" with a request for any input, changes, or suggestions before it is adopted by the Regional School Committee. The

Town Clerk has forwarded a copy of this plan to the Town's Emergency Management Director, Charlie Miller, to have him advise as to consistency with existing Town of Gloucester Emergency Plans.

Councilor Sette recommended that we receive input from the Emergency Management Director prior to acting on this matter. Councilor Sette stated that he believes that the Police Chief and Fire Department Chiefs were included in the development of the plan, adding that he would like to check with them before approval. There was consensus to notify the School Department that the Council is waiting for input from the above mentioned individuals and will provide a response at the meeting of May 17<sup>th</sup>.

#### IX. Department Head Report/Discussion

1. Jean Fecteau, Town Clerk, reported that Gloucester was one of only two communities that had no discrepancies regarding the last election. J. Fecteau also stated that she recently attended a conference regarding Ethics in Government and will pass on the information.
2. Alan Whitford, Public Works Director, stated that he has met with the engineer who is working on the Gieck property which was granted an Exception to the Ordinance Regulating the Issuance of Building Permits. A. Whitford expressed concern that the driveway will cause runoff and other problems to the neighboring property. Councilor Reichert reported that the problem has since been corrected.

A. Whitford stated that the employee who has been doing the seasonal grass cutting for the past few years is now the driver for the Senior Van but will still be available for grass cutting as often as possible. A. Whitford stated that he would like to pay the employee the same rate for both positions. Regarding the vacant position at the Highway Department, A. Whitford stated that he would like to move a person internally and then replace that person. Since there are recent applications on file, A. Whitford stated that he would like to revisit them and eliminate the advertising process.

A. Whitford stated that he has been notified by the State that the plans to repair Tourtellot Hill Road are about 90% complete. A. Whitford warned that the work might cause traffic problems this summer.

3. Councilor Sette stated that Brian Lombardi, Building Official, had received a complaint on April 30<sup>th</sup> that activity was taking place at Pray Hill Farms which is under a cease-and-desist order. B. Lombardi went to the property with the Gloucester Police and discovered that a bulldozer was operating on the site. B. Lombardi stated the operator of the equipment was aware of the cease-and-desist order but stated that, due to the location of stockpiled material, a pocket of water was collecting and causing a nuisance, and it was his intention to create an opening in the area to alleviate the situation by allowing the water to drain. The following day, May 1<sup>st</sup>, there was no activity and the site was empty.

4. Tom Mainville, Finance Director, stated that a 7-year arrangement with Delta Dental is coming up for renewal, adding that this a pooled arrangement with the Town of Foster, the Region and Glocester Schools. T. Mainville stated that if all four parties agree, this arrangement can continue. T. Mainville stated that unless anybody has any concerns, he will go ahead with the renewal.
5. Councilor Poirier asked R. Goff to explain the installation of a fiberglass bridge at the Chepachet River Park. R. Goff replied that the reason they are moving ahead with the engineering is because there are some grants in place and we are trying to get our permitting from DEM. Mr. Goff stated the idea for the fiberglass bridge is that it requires less land-clearing and less disturbance because it can be hand-carried in and set in place. Councilor Poirier asked R. Goff if he is confident that DEM will not shut this down due to the soil. R. Goff stated that he has had conversations with DEM and they do not indicate that they would shut us down

X. Boards/Commissions  
None.

XI. Council Correspondence/Discussion

1. Councilor Joyce stated that there has been drafted a request from the Regional School Department and the towns of Foster and Glocester to the Auditor General, Office of Municipal Affairs and the Senate Fiscal Advisor. Councilor Joyce stated this is a request to begin the process to bring the Regional School District in line with the towns of Foster and Glocester's Resolution regarding the ESCO project. Councilor Joyce stated if there are any questions regarding this, he will try to answer them. There was discussion regarding to whom should be sent this correspondence.
2. Councilor Sette stated that two e-mails were received from residents of Indian Trail regarding the poor condition of the road. Councilor Sette stated that we do the best we can with private roads, patching them when necessary. With the current budget concerns, Councilor Sette stated that nothing more can be done. Councilor Poirier stated that the Road Committee, on which he serves along with Councilor Reichert and the Director of Public Works, has prioritized roads such as this, which lead to other roads and are in poor condition.
3. Councilor Reichert stated that Ed Brennan of Lake Drive would like to start a dam association, which will not cost the Town anything, but Mr. Brennan would like the support of the Town in order to apply for grants.
4. Councilor Sette stated that a Public Hearing will be held on June 6<sup>th</sup> at CCRI in Warwick regarding Proposed Rule-Making Pursuant to RIGL 44-5-2. Councilor Sette stated that it would be a good idea for a representative from the Town Council attend as well as somebody from the School Department.

5. There was a discussion regarding a request from Harry Anderson of the Gloucester Heritage Society for \$8,000 to assist in the Dorr March which is scheduled for June 23<sup>rd</sup>. Councilor Poirier stated that he would like to support this effort if possible because the Dorr Rebellion is a big part of Gloucester's history. Councilor Sette asked T. Mainville how the contingency fund stands at this point. T. Mainville stated that he will see what is available and will report to Councilor Poirier.
6. Councilor Sette stated that a letter was received from Anne Ejnes in support of the members of the Foster-Glocester School Building Committee.

## XII. Open Forum

1. Dante Marinaro spoke in opposition to the school building project in general.
2. George Charette spoke regarding the School Building Committee, cautioning the Council not to believe everything reported to them by the Committee. G. Charette called for the resignation of all members of the Committee. G. Charette stated that the Town Council represents the taxpayers of the Town and should do something about the situation with the schools. Mr. Charette stated that he does not believe that the school will be completed within the next sixty days as promised, adding that if the project is completed on time, there will be millions of dollars needed for repairs later.

Regarding the removal of a member of the Building Committee, Councilor Sette asked if there is a procedure which must be followed. J. Bevilacqua, Town Solicitor, replied that the dictates of the Open Meetings Law must be adhered to, as well as the requirements of the Constitution to give people due process. J. Bevilacqua stated the individual must be notified and has certain rights to a hearing, either in public or in Executive Session, whichever they choose.

3. Rose Lavoie stated that she has visited the site of the new school and noticed that it has a flat roof. Mrs. Lavoie expressed her concern because of the problems at the two elementary schools regarding flat roofs. Mrs. Lavoie added that she is disappointed that with all the money involved, we could not get the type of building we were promised. R. Lavoie stated that she feels that the School Committee has received poor legal advice over the years.

Rose Lavoie stated that there was an article in Sunday's paper about her niece who sailed around the world solo. Mrs. Lavoie added that there will be a float in the Bristol 4<sup>th</sup> of July Parade honoring this young woman for her accomplishment.

4. Beverly Thomas of Indian Trail spoke regarding the condition of the road. B. Thomas stated that she has spoken with most of the residents and they are frustrated with the lack of response they have received from the Town over the years. B. Thomas presented a petition signed by residents asking that this matter be placed on the agenda for an upcoming meeting.

5. Tom Sanzi, of Dorr Drive, spoke regarding the Dorr March which will be held by the Heritage Society in June, noting that there will be news coverage of the event.
6. Walter Steere, School Committee member, stated that the Committee was unable to vote on Councilor Joyce's draft letter because it was not on the agenda for their last meeting. W. Steere suggested that Councilor Joyce go ahead with the Towns of Foster and Gloucester and exclude the School Committee since it will be another month before they hold another meeting. W. Steere also asked if there would be a separate vote on the ESCO or will it be incorporated in the vote on the budget. Councilor Joyce replied that in his discussions with the Building Committee, they are in agreement regarding the Resolution that it should be put before the voters as a separate vote.
7. Kim Beauvais asked if the Towns of Foster and Gloucester could put together a document which explains the budget issues in layman's terms. Ms. Beauvais is concerned that the voters do not understand what they are voting for or against. Councilor Sette stated that before the Regional Financial meeting takes place on May 29<sup>th</sup>, there will be something that everyone can understand.
8. Jack Anderson stated that if the Building Committee decided a year ago to eliminate one of the boilers, as Mr. Laramie stated this evening, they would have had to have a change order. Mr. Anderson pointed out that this would have had to occur without a contract because the contract was not signed until March. Mr. Anderson strongly advised that the Building Committee members be removed. Mr. Anderson stated that the taxpayers look to the Council as their leadership, adding that it is in the Council's power to instruct the Town Solicitor to take the necessary legal steps to ensure that the Charter is enforced.  
  
J. Bevilacqua, Town Solicitor, stated that he wished it were that simple. J. Bevilacqua pointed out that the Building Committee has ceased expenditures and has taken the position that they want the people to decide on the ESCO project. J. Anderson suggested that we get in writing what the Building Committee really means and what they really are doing. Mr. Anderson further stated that very few tough questions were asked of the Building Committee tonight, and feels that the Committee has not defended themselves regarding the issues that Mr. Anderson has advertised in the papers. Mr. Anderson again asked the Council to remove the Committee members.
9. Gary King, former School Committee member, stated that the taxpayers voted to build the new school and there was nothing he could do about it. G. King went on to say that the Regional School Committee Charter is written by educators for educators. Mr. King stated that he is well-versed on ESCO's due to his occupation, and stated that what we have in front of us works as an ESCO only if we capture the housing aid reimbursement at 60%. Mr. King pointed out that local contractors were not allowed to bid on the project. Mr. King stated that he has been trying to tell people for a year and a half that "this thing is bad."

10. George Charette stated that he had attended a meeting of the Building Committee where some people were allowed to address the Committee, but others, including himself, were told that they did not have the right to speak. Mr. Charette stated that when he continued to ask questions, he was asked to leave the meeting.
11. There was discussion among the Council members and several residents regarding the possibility of conducting an audit on the School construction, as well as amending the Charter of the Regional School District. J. Bevilacqua explained that in order to change the Charter, there has to be a petition from one or both towns with the signatures of 10% of the registered voters. J. Bevilacqua stated at that point, the Regional School Committee would notify both Town Councils who would set up a Financial Town Meeting for each Town to consider the Charter changes.
12. Tom Sanzi asked that when fraud is committed against the taxpayers, if that is grounds for impeachment or removal. T. Sanzi stated that we should remove all members of the Building Committee.
13. Rose Lavoie asked what part of the school budget will be voted on at the Town Financial meeting on Saturday. Councilor Sette replied that we will be voting on the local Gloucester schools and we have level-funded the Regional budget. Councilor Sette explained that by law, we must give them at least what we gave them last year, but no less.

XV. Adjourn

MOTION was made by Councilor Walsh to Adjourn at 11:11 p.m.; seconded by Councilor Poirier.

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

NAYS: 0

MOTION PASSED

Jean M. Fecteau, Town Clerk

Approved at the May 17, 2007 Town Council Meeting.

At a meeting of the Town Council holden in and for the Town of Gloucester on **May 17, 2007**:

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; Jamie Hainsworth, Chief of Police; and Susan Harris, Deputy Town Clerk.

III. Pledge of Allegiance

The Pledge of Allegiance was led by Councilor Poirier.

IV. Open Forum for Agenda Items

Bruce Payton spoke regarding the Rural District Legislation (H5990) stating that the Land Trust is in unanimous support of this legislation. B. Payton added that it helps meet our goal to maintain Gloucester as a rural community and asked that the Council give this legislation a favorable opinion.

Roy Najecki, representing the Conservation Commission, concurred with Mr. Payton, stating that the Conservation Commission also voted to support the Rural Conservation District, as they feel that it will help Gloucester meet its goals as stated in the Comprehensive Plan.

V. Public Hearing

A. CONTINUATION (Opened 5/4/06)  
Amendment to Gloucester Code of Ordinance  
Chapter 217, Section 1- 20: Noise

Councilor Sette stated that this Public Hearing was opened on May 4, 2006 and was closed on April 5, 2007. Councilor Sette stated that the amendment to the Code of Ordinance is now in Council discussion.

Discussion: Councilor Poirier stated that he has read the document in its entirety and had several questions, most of which were answered by police officers and attorneys he has spoken to regarding this issue. Councilor Poirier stated that he has no further questions.

Councilor Joyce stated that he had concerns regarding activity on Sunday but this was stricken from the text at the last meeting.

Councilor Walsh stated that he is not convinced that this Ordinance will do everything it is intended to do and expressed that it may hurt the rural character of the Town.

Councilor Reichert reiterated that he is in opposition to this amendment.

Councilor Sette stated his opinion that this is a tool which the Police Department can use to enforce an excessive noise problem. Councilor Sette added that this Ordinance is not being considered for just one situation, but for the whole Town. Councilor Sette stated that this would

be similar to the barking dog ordinance and the light ordinance which were enacted as ways to alleviate a situation.

It was noted that there are changes in Section 217-6 (b)(3).

At this time, Councilor Sette passed the chair to Councilor Reichert.

MOTION was made by Councilor Sette to ADOPT the Code of Ordinance Chapter 217, Section 1-20 with the changes to section 217-6 (b) as follows;

Councilor Sette read the following from the meeting of May 3, 2007:

“Councilor Joyce commented that he feels the language in Section 217-6(b) is too general. Councilor Poirier suggested adding the phrase “and in such activities” to the exceptions. Councilor Joyce added that he does not want to prohibit people from using a backhoe or a bulldozer on their own farm or land on a Sunday, adding that he would feel more comfortable if this were stricken from the Ordinance.”

Councilor Poirier read the following from the proposed Ordinance:

“The emission of sound relative to permitted construction, demolition, earth moving, utilizing internal combustion engines, motors and normal maintenance activities.” and suggested that it be changed to “The emission of sound relative to permitted construction, demolition, earth moving, the use of internal combustion engines, motors, and normal maintenance procedures for such permitted activities.”

; seconded by Councilor Poirier

Discussion: Councilor Poirier stated that, upon his review of the document, it attempts to quantify something but does not remove the subjectivity of enforcement. Councilor Poirier stated that he does not see this Ordinance as a solution.

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

B. Chepachet Deli and Catering / Gregory J. Doura  
Location of Business: 842 Putnam Pike  
24-Hour Victualing License

Councilor Sette stated that this Public Hearing was advertised on May 2, 9 and 16, 2007 per Rhode Island General Law. Councilor Sette explained that this request is for an existing restaurant that wishes to obtain a 24-hour victualing license, and approvals have been received from Police, Fire, as well as taxes being current.

Councilor Sette DECLARED the Public Hearing Open and asked if anyone wished to be heard regarding this application.

Discussion: Gregory Doura, applicant, explained that he wishes to open on Friday and Saturday nights until 2:00 a.m. during the summer months, from June through Labor Day. Mr. Doura noted that the deli would close at its normal time of 7:00 p.m. and reopen at 10:00 p.m. Mr. Doura further stated that the full menu would not be available during these hours, only quick



items such as wieners and fries for take-out. Councilor Sette asked if anyone had any questions for the applicant.

Councilor Walsh asked if the Council could stipulate certain days and hours on a 24-hour license.

J. Bevilacqua, Town Solicitor, replied that the license could be limited as the Council deems appropriate.

Councilor Sette DECLARED the Public Hearing Closed.

MOTION was made by Councilor Walsh to AWARD a 24-Hour Victualing License to: Chepachet Deli and Catering; Applicant: Gregory J. Doura; Location of Business: 842 Putnam Pike, contingent upon all stipulations pertaining to a Victualing License, including approval by the Chief of Police; extended hours of operation are Friday and Saturday nights until 2:00 a.m. during the months of May through September; seconded by Councilor Reichert.

Discussion: None

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

NAYS: 0

MOTION PASSED

## VI. Unfinished Business

### A. Rural District Legislation (H5990)

Councilor Sette stated that this item was tabled at the last meeting per Councilor Walsh's request.

Discussion: State Representative Nicholas Gorham explained that this district would include Burrillville west of Route 102, Glocester west of 102, all of Foster, Coventry west of 102, West Greenwich west of 102, and Hopkinton. N. Gorham stated that by endorsing this legislation, it would not mean that Glocester would have to do anything, but it would give Glocester the breathing room should we want to use this legislation. Representative N. Gorham added that this has the potential to relieve Glocester of a significant amount of the 10% mandates regarding low/moderate income housing. Representative N. Gorham stated that minimum lot area is a benchmark for density. Representative N. Gorham asked the Council if they had any questions.

Councilor Sette stated that the Council will be addressing Conservation Zoning soon and asked if Conservation Zoning could still be enacted. Roy Najecki of the Conservation Commission replied in the affirmative. Councilor Sette expressed concern that the low/mod income housing would all have to be located west of Route 102, in the Harmony section of Glocester. Representative N. Gorham explained that Laurel Crest and Pine Meadow already qualify for LMI, leaving a requirement for 62 additional units.

Councilor Reichert stated it is his opinion that this will create a burden for property owners who wish to subdivide to give land to their children. Councilor Reichert further stated that he feels that five-acre zoning is a poor plan which splits everything up and destroys more land.

Representative Nicholas Gorham pointed out that this Act would do no harm, but allow options. Councilor Poirier expressed concern that whatever areas we designate as 5-acre zone would then become exempt to the mandate. Representative N. Gorham stated that this is true only if we

wish. Councilor Poirier stated that he would like to find a way to reduce the number of mandated low/moderate income units.

Councilor Reichert asked if mobile home parks would ever be considered. Representative N. Gorham replied that the definition of subsidized would have to be changed.

Councilor Sette stated that his biggest concern is how this legislation would affect the eastern part of Town, adding that it would be incumbent on the Planning Board to control growth in this area.

Representative N. Gorham stated that if used properly, this legislation would actually protect the village of Harmony.

MOTION was made by Councilor Poirier to SUPPORT Rural District Legislation (H5990); seconded by Councilor Walsh.

Discussion: None.

VOTE: AYES: Poirier, Walsh & Sette

NAYS: Joyce and Reichert

MOTION PASSED

B. Award Bid:

1. Fogarty School Roof

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

May 15, 2007

To: Town Council

From: Board of Contracts & Purchase (Board)

Re: Award of RFP for the Fogarty School roof

- I. RFP for the Fogarty School roof was advertised in accordance with current rules and procedures.
- II. Seven (7) proposals, all from qualified firms, were received.

The bids were evaluated by Laszlo Siegmund, P.E., President of Siegmund & Associates (Consultant to the Schools for this bid); Joe McGovern ~ Superintendent of Buildings & Grounds, Gloucester Schools; Alan Whitford ~ Director of Public Works; Robert Dauphinais ~ Supervisor of Buildings and Grounds; Steve Winsor ~ Business Manager, Gloucester Schools; and Thomas P. Mainville ~ Director of Finance.

The two lowest bids were deemed non-compliant and were not considered.

The bids consisted of a base bid and unit pricing in the event additional work would be required.

Based on advice from Segmund & Associates, a 5% contingency amount was added to the Board's recommendation.

III. Based on review of submitted bid documents, discussions with the various vendors, and checking vendor references, the Board recommends that, should the Town Council choose to award this bid, it be awarded to the lowest qualified bidder:

Prime Roofing Corp. (603) 878-3550 Tel  
P.O. Box 478 878-4646 Fax  
New Ipswich, NH 03071

for:

- a) a base bid price of \$588,020,
- b) anticipated additional costs, only if needed, of:  
\$5,500 [2,000 sq. ft. @ \$.275/sq. ft.] for rehabilitation of metal decking,  
\$3,800 [19 @ \$200 ea] for replacing drain strainers and clamping rings, and  
\$ 500 [2 @ \$250 ea] for removing antennas and mounting hardware, and
- c) a contingency amount, **only if needed**, of \$29,891.

Total amount of a, b and c is \$627,711.

- d) if additional rehabilitation of the metal decking is needed, it would be done at the price of \$2.75 per sq. ft.
- e) if additional replacement of drain strainers and clamping rings is needed it would be done at a price of \$200 each.

Also, any additional funds needed above \$627,711 would have to be approved by the Town Council.

Respectfully submitted,  
Thomas P. Mainville ~ Director of Finance  
Robert Dauphinais ~ Supervisor of Buildings and Grounds  
(representing Alan Whitford, Director of Public Works)

Discussion: None.

MOTION was made by Councilor Reichert to AWARD the bid for the repairs to the Fogarty Elementary School roof to: Prime Roofing Corp for the bid amount as follows:

- a) a base bid price of \$588,020.00
- b) anticipated additional costs, only if needed, of:  
\$5,500 [2,000 sq. ft. @ \$.275/sq. ft.] for rehabilitation of metal decking,  
\$3,800 [19 @ \$200 ea] for replacing drain strainers and clamping rings, and  
\$ 500 [2 @ \$250 ea] for removing antennas and mounting hardware, and
- c) a contingency amount, only if needed, of \$29,891.

Total amount of a, b and c is \$ 627,711.00.

- d) if additional rehabilitation of the metal decking is needed, it would be done at the price of \$2.75 per sq. ft.
- e) if additional replacement of drain strainers and clamping rings is needed it would be done at a price of \$200 each.

Also, any additional funds needed above \$627,711 would have to be approved by the Town Council.

; seconded by Councilor Poirier.

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

NAYS: 0

MOTION PASSED

C. Appointments

1. Gloucester Economic Development Commission

Three (3) expired three year terms to expire 05/2007

Two (2) expired one year terms to expire 05/2007

Councilor Sette stated that this item was tabled until the members are contacted and the status of the committee is known.

Discussion: None

MOTION was made by Councilor Joyce to TABLE the appointments to the Gloucester Economic Development Commission; seconded by Councilor Reichert.

Discussion: None

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

NAYS: 0

MOTION PASSED

D. Authorization: Blackstone/Chepachet Wastewater Storm water Contract  
(R.I. Dept. of Environmental Management & Town of Gloucester)

Councilor Sette stated that this item was tabled at the last meeting until further review of the final contract language.

Discussion: None.

MOTION was made by Councilor Walsh to TABLE the Authorization: Blackstone/Chepachet Wastewater Storm Water Contract between the R.I. Dept. of Environmental Management and the Town of Gloucester; seconded by Councilor Poirier.

Discussion: None

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

NAYS: 0

MOTION PASSED

VII. Consent Items

A. Finance Director's Report

B. Tax Assessor's Additions & Abatements

C. Council Minutes of May 3, 2007

MOTION was made by Councilor Walsh to APPROVE the Finance Director's Report of April 2007; to APPROVE the Abatements to the 2006 Tax Roll in the amount of \$171.20, (there are no ADDITIONS to Tax Roll for the month of April, 2007), and to APPROVE the Town Council minutes of May 3, 2007; seconded by Councilor Reichert.

Discussion: None

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

NAYS: 0

MOTION PASSED

VIII. New Business

A. Foster/Glocester Regional Building Committee Update/Action

Councilor Sette stated that at the last Town Council meeting, the Foster/Glocester Regional Building Committee was asked to submit a copy of the contract to the Council. At this time, nothing has been received. Councilor Walsh asked if it is the Building Committee or the School Committee that has the responsibility regarding the contract.

J. Bevilacqua, Town Solicitor, replied that, under the Regional Charter, it is the Building Committee's responsibility. J. Bevilacqua added that the ten (10) days allowed to submit a public record expires tomorrow. Councilor Walsh asked what is the next step. J. Bevilacqua replied that, under the Public Records requirement, he would have to file a complaint with the Attorney General. J. Bevilacqua stated that this is a public document and the public should be able to obtain it at any time.

Councilor Sette stated for the record that Greg Laramie called to say that he could not be here this evening but Mr. Laramie did provide other documents which were requested.

Councilor Walsh asked J. Bevilacqua if the ten days go by without receiving the contract, and we go to the Attorney General to request it, who will it be requested from; the Building Committee that is supposed to have it, or the School Committee that does have it? J. Bevilacqua replied that it is the School Committee that signed the contract, and they and their attorney have possession of it.

There was discussion concerning a turning lane which was recommended by the Planning Board but was not constructed. Councilor Sette read the following excerpt from a letter from Gregory Laramie which was in response to the Council's request for information:

The right turn lane was eliminated at the recommendation of the traffic engineer and civil engineer from Crossman Engineering, Inc., the engineering team retained by Aharonian & Associates, architects for the project. The engineers reported to the Regional Building Committee and also the Architecture & Engineering (A&E) sub-committee that there would be a potential safety hazard with a turning or climbing lane originally proposed. They described a scenario where buses -- heading south along Rt. 102 and climbing the hill towards Rustic Hill Road in a right lane -- would obstruct the view and reduce the sight-line distances of vehicles exiting Rustic Hill Road. Furthermore, they indicated that it was better to slow down the traffic along Rt. 102 (with buses in the travel lanes), rather than encourage speed by providing a travel lane to pass buses entering the school property.

Revisions to the site plan (along with a host of other revisions) were first raised at the 7:00 PM, January 10, 2006 Building Committee meeting (minutes attached). The engineers were

directed to look into this further, confirm their recommendation with RIDOT, and report back to the A&E Sub-committee. The A&E Sub-Committee met on January 31, 2006 and again on February 9, 2006, and developed, along with the Architects and Construction Managers, a proposal to present to the full Building Committee at the February meeting, that included, among many other items, the elimination of the turning lane on Rt. 102.

The Building Committee approved the package presented at the 6:30 PM, February 15, 2007 meeting (minutes and reports attached).

The Building Committee was advised by the Engineers that the turning lane was not required by the Rhode Island Department of Transportation on Rt. 102, a state highway, and therefore assumed the state's approval of this plan was sufficient. The Building Committee was not aware that any waiver or further action was required. We will direct the traffic engineer to submit to the Planning Department the appropriate documentation of any revisions to the site plans required by the state. There will be a slight delay in this, however, as this gentleman is currently on vacation (which is why he was unable to attend the Safety Commission meeting on May 15, 2007).

The Physical Alteration Permit Application approved by RI Department of Transportation, and the revised submission plans, (Revision #1, dated 3/17/06, incorporating RIDOT comments) are attached to this package.

(End of memo)

Councilor Sette stated that these items were presented to the Safety Commission, which tabled any action and will meet again on May 30<sup>th</sup> for further discussion. Councilor Reichert stated that he feels it is more about money rather than safety issues. Councilor Reichert added that it is difficult to turn a school bus at that intersection without going into oncoming traffic and suggested that the corner be taken out.

Walter Steere, Planning Board member, stated that these are the same engineers that came before the Planning Board and recommended that there be a turning lane and never mentioned any of the concerns noted in Mr. Laramie's letter. Councilor Sette stated that he believes that the Building Committee will have to appear before the Planning Board again with site plan revision. Councilor Walsh stated that the only way a Planning Board recommendation can be overturned is to file an appeal with the Zoning Board of Review. W. Steere noted that since the Planning Board approved the plan, a number of things have been changed, such as the roof.

Councilor Sette stated that next Saturday at 8:00 AM and 10:00 AM at the High School, there will be, per the Building Committee, information sessions regarding the ESCO contract. Councilor Sette stated this will be the only opportunity for people to ask questions prior to the Regional Financial Meeting on May 29<sup>th</sup>.

J. Bevilacqua suggested that the Council request that copies of the contract and bids be available to the public.

There was discussion regarding whether or not the State will guarantee the housing aid. Councilor Sette stated that he has received notice that, based on the nature of the project, it does not need legislative approval. Councilor Sette stated that he is waiting for clarification. Councilor Reichert stated that if anything has to be cut, it should be something like the atrium connecting the two schools as opposed to the work on the intersection to make it safer for school buses. Councilor Reichert further stated that new leadership is needed regarding the Building Committee.

Councilor Walsh asked if we could get a State Inspector to inspect the building in the event that we do not have a replacement for the Building Official. J. Bevilacqua, Town Solicitor, replied that he believes that we could use the Building Official (B. Lombardi) on an as-needed basis.

Walter Steere, Planning Board member, is concerned that the Building Committee may put pressure on the Planning Board to approve their amended plan by stating that it would cost the taxpayers more money if it is not approved.

Councilor Walsh suggested that a turning lane could be installed to the right of the telephone poles on the School's property instead of moving the poles, which would be very expensive. Councilor Walsh went on to state that this probably would not be completed by the June 30<sup>th</sup> deadline, but could be a stipulation in the Certificate of Occupancy.

Councilor Walsh stated that the Council has been told that there will be no new work performed on the High School or the existing Middle School until this is straightened out.

J. Bevilacqua stated that on January 9<sup>th</sup> the Planning Board approved the plan for the site. J. Bevilacqua added that the next day, January 10<sup>th</sup>, is when the Building Committee decided not to include the turning lane. J. Bevilacqua stated that when these changes were made, the site plan should have gone back to the Planning Board for approval.

#### B. Transfer of Gloucester Schools Financial Accounting Records Update/Action

Tom Mainville, Finance Director, stated that the Council sent a letter to the School Department asking for certain documents in preparation for the transfer of financial accounting from the School Department to the Finance Director's Office. T. Mainville stated that a meeting was scheduled for yesterday with the Business Manager and others from the Business Office, but the meeting was cancelled at the request of Dr. Cirillo, Superintendent. T. Mainville explained that the School Department has concerns regarding some of the documents requested. T. Mainville stated that time is critical and has reworded the request to indicate the dates that each item is needed.

T. Mainville pointed out that this information is necessary in order to pay the teachers and other employees accurately, correctly and on time. T. Mainville stated that the School Department is concerned about transferring personnel records due to sensitivity issues.

Councilor Sette stated that the voters gave the Council the right to ask for this information by virtue of a change to the Charter several years ago. Councilor Sette added that we have proceeded very professionally all along. As the Finance Office needs some of these documents by Wednesday, May 23<sup>rd</sup>, Councilor Sette recommended that this be restated in a letter of demand.

Councilor Sette asked if the Finance Director is unable to get the payroll system set up on time, could this constitute a delay in the opening of the elementary schools. J. Bevilacqua replied that this could result in a delay, because employees would not come in to work unless they knew they were going to get paid, which would be a breach of the collective bargaining agreement.

T. Mainville stated that he needs to order a workstation for the new accounting clerk but is reluctant to do so, not knowing if this is going to happen. Councilor Sette stated that it is going to happen, directing T. Mainville to enter into the licensing agreements and obtain the workstation. J. Bevilacqua also suggested that a waiver be prepared for all employees of the School Department. T. Mainville stated that he does not even have a list of employees. T.

Mainville expressed concern that when the new fiscal year begins, there are certain dollar changes in salary and so forth, and he needs to get this information ahead of time.

J. Bevilacqua stated that the refusal to turn over these documents is a violation of the Charter. Councilor Sette asked how do we proceed at this point. J. Bevilacqua replied that we could go to Court which could take months, adding that there is no immediate remedy. Councilor Walsh suggested that we send a certified letter to the School Department stating that their employees will not get paid because we do not have the necessary information. J. Bevilacqua added that a copy should be sent to each of the schools as well. Councilor Joyce stated that the School Committee has the authority to overrule the Superintendent and the Council should notify them of the situation.

T. Mainville stated that Dr. Cirillo, Superintendent, told him that he wanted to have Steve Winsor and the other employees of the Business Office write up what they do to see if it meshes with the Finance Director's request. At that time, T. Mainville asked Dr. Cirillo when they would meet, to which Dr. Cirillo replied "next week", but no date was set.

Councilor Sette reiterated that the Council needs to reword the original letter, changing it from a request to a demand, and send it to the chair of the School Committee. J. Bevilacqua, Town Solicitor, stated that this action should be in the form of a motion.

MOTION was made by Councilor Walsh that the Town Council send correspondence to the Gloucester School Committee relating to Mr. Mainville's letter of May 17, 2007, a second request of a letter dated May 4<sup>th</sup>, regarding the dates on which we require information, and that if said information is not given to us on the dates requested, payment of funds for employees will be in jeopardy as of July 1<sup>st</sup> 2007; seconded by Councilor Reichert.

Discussion: None

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

NAYS: 0

MOTION PASSED

C. Licensing Board Action

1. Sticks Tavern violation discussion/action

Councilor Sette stated that the Council has received a violation report from the Chief of Police regarding underage service to a minor at Sticks Tavern and read into the record the following agreement:

Agreement Between the Town of Gloucester and Vincent Iannuzzi d/b/a Sticks Tavern

On March 29, 2007 the bartender/employee at Sticks Tavern served alcohol to a person under the age of twenty-one (19).

After a discussion dealing with this violation, the following was agreed to:

- a. The owner Mr. Vincent Iannuzzi will accept a Two Hundred and Fifty Dollar (\$250) fine on his license to be paid at the office of the Town Clerk by May 31, 2007.
- b. Additionally he will display proper warning signs throughout the building, announcing proper identification will be required.



- c. At the time of the annual renewal of this liquor license the owner will supply a current list of all employees that have the duty to serve alcohol along with a copy of their certification in accordance with State Law. These certifications will be included with the application for renewal to the Town Clerk.
- d. Mr. Iannuzzi would accept this penalty without a formal hearing.

In addition, Mr. Iannuzzi understands that the above agreement had to have the advice and consent of the Local Licensing Authority, at the regular Town Council Meeting on May 17, 2007.

Signed (legal signature of Vincent Iannuzzi)

Title: President, Putnam Properties, Inc.

Dated: May 3, 2007

(Witness signature included)

(end of report)

Discussion: Councilor Walsh stated that he spoke with Mr. Iannuzzi and was informed that the bartender in question was let go due to this incident. Mr. Iannuzzi would like to see the Council sponsor legislation which would hold the bartender liable in cases like this.

MOTION was made by Councilor Joyce to CONSENT to the fine recommended by the Chief of Police imposed on, Owner: Vincent Iannuzzi; President: Putnam Properties, Inc. d/b/a Stick's Tavern; said fine is the payment of \$250 payable to the Town Clerk by May 31, 2007; the placement of proper warning signs throughout the establishment announcing identification will be required; at the time of the annual renewal of this liquor license the owner will supply a current list of all employees that have the duty to serve alcohol along with a copy of their certification in accordance with State Law, these certifications will be included with the application for renewal to the Town Clerk. Owner of said establishment waives the right to a formal hearing; seconded by Councilor Poirier.

Discussion: Councilor Walsh asked if this is the same procedure which has been followed for other establishments. Jamie Hainsworth, Chief of Police, replied in the affirmative.

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

NAYS: 0

MOTION PASSED

D. Summer Recreation Employment/Appointments:

1. Lifeguards (8) - (1) Subs
2. Water Safety Instructor (2)
3. Water Safety Aide (6)
4. Arts and Craft Instructor (1)
5. Tennis Instructor (1)
6. Tennis Aide (5)
7. Parks and Grounds (2)
8. Parking Lot Attendant (6)

Councilor Sette stated that the Council has received a recommendation from the Recreation Director for positions 1 through 7, noting that there is a lottery for the Parking Lot Attendants.

Councilor Walsh recused himself from any discussion involving this matter due to the fact that he knows several of the applicants.

MOTION was made by Councilor Poirier to APPOINT:

1. Rachel Graham, 2. Michael Sherman, 3. Patrick Walsh to the position of Lifeguards at an hourly rate of \$10.75;
4. Ben Boisclair, 5. Molly Goodier, 6. Joseph Hannon, 7. Kathleen Musumeci, and 8. Andrew Walsh to the position of Lifeguards at an hourly rate of \$10.00;
1. Katherine Sherman to the position of Substitute Lifeguard at an hourly rate of \$10.00;
1. Ashley Leja and 2. Justyna Barlow to the position of Water Safety Instructors at an hourly rate of \$13.75;
1. Julie Barrows, 2. Eric Beltram, 3. Dan Fogarty, 4. Katherine Sherman, 5. Dan Sherman & 6. Ethan Walsh to the position of Water Safety Aides at an hourly rate of \$8.00;
1. Sara Martin to the position of Arts and Crafts Instructor at the hourly rate of \$9.75;
1. Richard Lawrence to the position of Tennis Instructor at an hourly rate of \$18.00;
1. Alexandra Lawrence, 2. Meryl Lawrence, 3. Jesse Tucker to the position of Tennis Aide at an hourly rate of \$8.00; Aaron Dupuis to the position of substitute Tennis Aide at an hourly rate of \$8.00; 4. Chris Brown and Ashley Winsor to the position of Tennis Aide, Adult Tennis League, at an hourly rate of \$8.00;
1. Alexander Healy & 2. Robert Barrows to the position of Parks and Grounds at an hourly rate of \$8.50; seconded by Councilor Reichert.

Discussion: None.

VOTE: AYES: Poirier, Reichert, Joyce & Sette

NAYS: 0

RECUSED: Walsh

MOTION PASSED

A lottery was conducted for the positions of Parking Lot Attendant.

MOTION was made by Councilor Walsh to APPOINT, in numerical order as follows: 1. Jessica Beaulieu, 2. George Waterman, 3. Jay Coutu, 4. Davis Jacques, 5. Jack Despres, 6. Ariel Richardson, 7. Lucas McCarthy, 8. Michael Morgan, 9. Samantha Guilmette, 10. Nathan Harris, 11. Brian Rounds, 12. David Pereira, 13. Alixandra Choquette and 14. Jennifer Olsen to the position of Parking Lot Attendant at an hourly rate of \$7.40; seconded by Councilor Reichert.

Discussion: None

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

NAYS: 0

MOTION PASSED

E. Exception to the Ordinance Regulating the Issuance of Building Permits

1. Amend Stipulations:

Adopted by Town Council on March 15, 2007

Owner & Applicant : Vincent & Darlene Gieck

180 Old Snake Hill Road, further described as AP 5, Lots 52, 124 & 125A

Councilor Sette read the following recommendation from the Public Works Director:

The recommendation was made to alleviate a potential drainage situation. The recommendation would be to change #4, replace 3% grade with a maximum of 5% and to change the sentence in that stipulation that states “along with the capacity for vehicles in excess of 80,000 pounds” to read “along with the capacity for heavy equipment, oil delivery trucks, and fire apparatus.”

Discussion: Councilor Reichert stated that he has visited the site and the road has been completed, adding that there is a full 100' radius. Councilor Reichert stated that the grade that was there was cut down and moved forward to allow water to run off the back.

MOTION was made by Councilor Reichert to AMEND stipulation #4 of the granted Exception to the Ordinance Regulating the Issuance of Building Permits for Owner & Applicant: Vincent & Darlene Gieck; 180 Old Snake Hill Road, further described as AP 5 Lots 52, 124 & 125A as follows: replace 3% grade with a maximum of 5% and to change the sentence in that stipulation that states “along with the capacity for vehicles in excess of 80,000 pounds” to read “along with the capacity for heavy equipment, oil delivery trucks, and fire apparatus.” Said Exception was adopted March 15, 2007 by a vote of the Gloucester Town Council; seconded by Councilor Poirier.

Discussion: Councilor Walsh asked if the Planning Board and/or Zoning Board should be notified of this amendment. J. Bevilacqua, Town Solicitor, stated that this amendment would have to be recorded and copies forwarded to both boards.

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

F. Resignation  
1. Parade Committee

Councilor Sette stated that the Council has received the resignation of Patti Lavoie from the Parade Committee, effective immediately. The resignation is on file in the Clerk's Office.

MOTION was made by Councilor Joyce to ACCEPT the resignation of Patti Lavoie as a voting member of the Parade Committee; seconded by Councilor Poirier.

Discussion: None

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

G. Appointment  
1. Parade Committee

Councilor Sette stated that the Clerk has supplied the Chair of this committee with a talent bank application and a recommendation will be forwarded to the Council by the Chair of that Committee before the next meeting.

MOTION was made by Councilor Walsh to TABLE the appointment to the Parade Committee; seconded by Councilor Joyce.

Discussion: None

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

NAYS: 0

MOTION PASSED

#### IX. Department Head Report/Discussion

Tom Mainville, Finance Director, stated that a Search Committee should be formed to interview applicants for the Building Official position, adding that Brian Lombardi is willing to participate. Councilors Reichert and Poirier both stated that they would like to serve on the Committee.

#### X. Boards/Commissions

None.

#### XI. Council Correspondence/Discussion

1. Councilor Sette stated that the Council has received correspondence from Lori Blanchflower of Douglas Hook Road in regard to the Gloucester Light Infantry. Councilor Sette stated it was stated in the letter that the Gloucester Light Infantry conducts meetings on property at the corner of Douglas Hook Road and Dorr Drive at which time fires are burning, and drum and fife music is played loudly. Ms. Blanchflower also noted that the property is unkempt with overgrown grass and debris. Ms. Blanchflower's letter also referred to the group using the property for other events, such as birthday parties and cookouts. Councilor Sette stated it was further stated in the letter that CVS has resumed having their trash emptied at 3:00 am, waking many of the neighbors and included with the letter was a petition signed by residents of the Douglas Hook Road area.

Regarding CVS, Councilor Sette stated that this issue has been addressed previously, but another request should be sent asking the company to have their trash picked up at a later time. Councilor Sette recommended that, when CVS moves to their new location, this should be incorporated in their Certificate of Occupancy.

In reference to the complaint against the Gloucester Light Infantry, Tom Sanzi, Infantry member, stated that this has been an on-going complaint by one person. Councilors noted that there are at least twenty (20) names on the petition. Councilor Walsh asked if there could be a time limit concerning the music. Mr. Sanzi replied that the music stops when it gets dark, but they could stop at 8:00 pm if the Council wishes. Regarding the birthday parties, Councilor Reichert pointed out that the property is quasi-public and others may feel they can use the property for such events if the Gloucester Light uses it for that purpose. Mr. Sanzi stated that he would report to his commanding officer these requests. Councilor Sette stated that if the commanding officer has any questions or concerns, he could contact the Council.

2. Councilor Sette stated that there is correspondence from Bacon and Company who will be conducting the Town audit.
3. Councilor Sette read correspondence from National Grid regarding power outages caused by tree contact with wires. Councilor Sette stated the letter indicates that Gloucester has been identified as an area often impacted by tree-related outages and states that National Grid will be conducting an investigation looking for trees with the potential of causing these outages.

4. Councilor Sette stated that correspondence was received from the Town of Westerly regarding the elimination of straight party ticket ballot, asking for our support.
5. Councilor Sette read correspondence from the State Traffic Commission concerning the following requests from RIDOT:

No Parking Anytime between Pole #'s 201 and 197 south side of US Rt. 44  
Rescind No Parking Anytime in front of the Stagecoach Tavern

The letter states that these items will be on the agenda for the State Traffic Commission meeting and they will notify the Town of the outcome.

6. Councilor Sette stated that a meeting notice was received from the RI Department of Environmental Management. The meeting will address underground storage tank self-certification.
7. Councilor Sette stated that the Council is in receipt of a petition signed by residents of Indian Trail regarding the condition of the road.
8. Councilor Sette stated that a letter of concern was received from several families who reside near the Gloucester Land Trust property on Pine Orchard Road regarding gunfire during hunting season. This will be forwarded to the Gloucester Land Trust.

## XII. Open Forum

1. T. Mainville referred to a request made by the Gloucester Heritage Society at the last meeting for \$8,000 to help defray costs relating to the Dorr March Day which is planned for June 23<sup>rd</sup>. T. Mainville suggested that if the Council wishes to honor this request, it should be on the agenda for the next meeting.
2. Councilor Sette stated that he would like an item on the next agenda addressing the summer schedule for Town Council meetings.
3. Bob Lyons, of Harmony, stated that he heard a rumor that the Road Committee has disbanded and asked if there was any truth to this. Councilor Poirier replied that the Road Sub-Committee is intact. Mr. Lyons stated that Barry King wishes to build at the bottom of Coniston Street. Mr. Lyons asked if the Town has a road policy that Mr. King should follow and if the Council would like it to be a road, a right-of-way, or just a driveway. Mr. Lyons pointed out that Coniston Street is a non-existent, paper road.

Councilor Reichert stated that a new policy is being developed to ensure that fire apparatus and other large vehicles can access the property. Councilor Sette explained that Mr. King would have to petition the Council for an Exception to the Ordinance Regulating the Issuance of Building Permits and the road would be addressed at that time. Mr. Lyons asked for clarification regarding the removal of the roads within Waterman Lake Shores from the Official Town Road List in October of 1994.

J. Bevilacqua, Town Solicitor, replied that there was no evidence that these roads were ever approved as Town roads by the Council, therefore they were removed from the list. Mr. Lyons stated that back in September, the Council was petitioned to accept these roads, but no action has been taken. Mr. Lyons requested that an answer be given to allow the Waterman Lake Shores Association to take the matter to the next step, if necessary. There was consensus to place this matter on the agenda for June 7<sup>th</sup>.

4. Rose Lavoie stated that she is sorry that Brian Lombardi is leaving his position of Building Official. Mrs. Lavoie expressed her opinion that B. Lombardi has been an asset to the Town and will be missed.

R. Lavoie referred to an article which states that Rhode Island's average public schoolteacher's salary is the ninth highest. Mrs. Lavoie further stated that she noticed that the Police Department budget exceeds that of the Public Works Department, adding that she feels that this is not a good trend.. Mrs. Lavoie expressed concern that the roof at the new school has been changed from gabled to flat, pointing out that the flat roofs at both elementary schools have had to be repaired.

5. John Devine stated that he attended the recent School Committee meeting at Fogarty School. Mr. Devine stated that he and Jack Anderson were not allowed to speak so they left the meeting. J. Devine stated that he will not attend any further School Committee meetings. Mr. Devine suggested that the Building Committee be removed before they do any more damage.
6. Tom Sanzi stated that a while ago there was a request to impose a speed limit on Douglas Hook Road. T. Sanzi asked if there has been any traffic monitoring since that time. Councilor Sette stated that Chief Hainsworth is not present to respond, but Councilor Sette believes that if there have been complaints of speeding, the Police must be responding. T. Sanzi stated that this is a continuing problem along with cars cutting through Dorr Drive.

### XIII. Executive Session

- A. RIGL 42-46-5(a)2 Litigation
- B. RIGL 42-46-5(a)2 Collective Bargaining

MOTION was made by Councilor Walsh to ADJOURN to Executive Session; seconded by Councilor Poirier.

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

NAYS: 0

MOTION PASSED

### XIV. Reconvene Open Session

No votes were taken in Executive Session.

XV. Adjourn

MOTION to ADJOURN was made by Councilor Walsh at 11:02 p.m.; seconded by Councilor Reichert.

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

NAYS: 0

MOTION PASSED

Jean M. Fecteau, Town Clerk

Approved at the June 21, 2007 Town Council Meeting.

At a meeting of the Town Council holden in and for the Town of Gloucester on **June 7, 2007**:

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: Susan Harris, Deputy Town Clerk; John Bevilacqua, Town Solicitor; Thomas Mainville, Finance Director; Anthony Parrillo, Recreation Director

III Pledge of Allegiance

The Pledge of Allegiance was led by Aaron Dupuis.

IV Open Forum for Agenda Items

None.

V Unfinished Business

A. Appointments

1. Parade Committee

The Deputy Clerk stated that the Parade Committee chair will be recommending a name but the Clerk's office has not yet received that recommendation.

MOTION was made by Councilor Walsh to TABLE the appointment to the Parade Committee; seconded by Councilor Reichert.

Discussion: none

VOTE: Ayes: Sette, Reichert, Walsh, & Joyce

Nays: 0

MOTION PASSED

2. Economic Development Commission

Three (3) expired three year terms to expire 5/2010

Two (2) expired one year terms to expire 5/2008



MOTION was made by Councilor Walsh to TABLE the appointments to the Economic Development Commission; seconded by Councilor Reichert.

Discussion: none

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

MOTION PASSED

- B. Authorization: Blackstone/Chepachet Wastewater Storm water Contract (R.I. Dept. of Environmental Management & Town of Gloucester)

Councilor Sette stated this item was tabled for further review of the Contract. J. Bevilacqua stated this contract is now acceptable for signing if Council chooses and that the changes previously recommended were included.

MOTION was made by Councilor Reichert to AUTHORIZE the Blackstone/Chepachet Wastewater Storm water Contract between the R.I. Dept. of Environmental Management & Town of Gloucester dated in the amount of \$621,513 for the contract period, July 1, 2007 to June 30, 2009, for the Purpose of Designing and Building Wastewater and Storm water Treatment Systems after final review by the Town Solicitor; seconded by Councilor Walsh.

Discussion: None

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

MOTION PASSED

## VI Consent Items

- A. Minutes: Meeting of May 17, 2007, Regular Session

MOTION was made by Councilor Joyce to TABLE the May 17, 2007 Town Council meeting minutes; seconded by Councilor Walsh

Discussion: None

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

MOTION PASSED

## VII New Business

- A. Gloucester Budget 2007-08
  - 1. Discussion & Action

Councilor Sette noted that the Financial Town Meeting which was scheduled for June 16<sup>th</sup> has been rescheduled for June 23<sup>rd</sup>.

David Steere, Budget Board chair, distributed copies of the Budget which was adopted at the May 5<sup>th</sup> Financial Town Meeting as well as a spreadsheet which indicates how the budget was arrived at for the Region. D. Steere noted that the Region and the Town have different starting points.

D. Steere pointed out that on the first page, the amount which has been put into the budget for operations for the Region for Fiscal Year 2007/2008 is \$7,180,806., which is an increase of \$309,327 or 4.5%. D. Steere stated that this results in total expenditures of \$25,608,301. D. Steere stated that there were no changes to revenue or any of the adjustments. D. Steere stated that the amount to be raised by taxes is \$18,018,866. for an increase of \$1,442,567, or 8.7%. D. Steere noted that with the approved exemptions we have received, we are at 5.25%.

Councilor Sette asked what would be the effect if the Esco expense is moved to the Capital side of the Regional budget as opposed to the operational side. D. Steere replied that it is still unclear whether the expense would be leased debt or bonded debt, so that item was not changed. J. Bevilacqua stated that the Esco is still under operational expenses and the only way it could be changed would be to have a special Regional Financial Meeting. J. Bevilacqua added that the Regional Charter dictates that the assessment to the Towns for construction expenses are prohibited from being placed under operations costs. J. Bevilacqua stated that the Charter was not followed nor were the procedural rules.

Councilor Sette asked if there would be housing aid reimbursement to operational funds or is it only reimbursed for Capital expenditures. J. Bevilacqua responded that correspondence was received from the Office of Municipal Affairs indicating that this should have been bonded debt which would have been automatically exempt. J. Bevilacqua stated that the contract is valid, but a condition was created which postdates the contract, which is not enforceable nor valid.

Councilor Reichert asked what the tax increase would be according to this budget. D. Steere replied that taxes would increase \$1.24 per thousand.

Councilor Sette stated that there will be further discussion at the Town Council meeting of June 21<sup>st</sup>.

- B. Gloucester School Committee
  - 1. Financial Accounting records
  - Discussion & Action

J. Bevilacqua, Town Solicitor, stated that the agenda which was publicly posted listed "Foster/Glocester School Committee," therefore, there can be no discussion regarding the Gloucester School Committee. T. Mainville, Finance Director, stated he has discussion regarding the School committee subject as part of his Department Head report.

T. Mainville requested items be moved on the agenda to facilitate his reporting.

MOTION was made by Councilor Walsh to MOVE items E1, 2 and 3, item I, and Finance Director's Department Head Report to this point on the agenda; seconded by Councilor Joyce.

Discussion: None

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

NAYS: 0

MOTION PASSED

E. Appointments:

1. Litter Corp.

a. One (1) Supervisor

Motion was made by Councilor Walsh to APPOINT Marie Howard to the position of Litter Corp Supervisor for the 2007 summer season, not to exceed the budgeted amount; seconded by Councilor Reichert.

Discussion: None.

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

NAYS: 0

MOTION PASSED

b. Two (2) Workers

Tom Mainville, Finance Director, stated that a lottery will be conducted to select these workers.

MOTION was made by Councilor Walsh to APPOINT Mark Howard and Russell Morin to the Litter Corp for the 2007 summer season, not to exceed the budgeted amount of hours at an hourly rate of \$8.00; seconded by Councilor Joyce.

Discussion: It was noted that Erica Levesque and Kristen Strickland were selected as alternates, in that order.

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

NAYS: 0

MOTION PASSED

2. Finance Office
  - a. Clerk I, Full-time

Tom Mainville, Finance Director, stated that he is close to hiring a candidate for this position and asked the Council if he could do so and have it ratified at the next meeting. T. Mainville added that it is critical that this position be filled before the Fiscal Year begins on July 1<sup>st</sup>.

MOTION was made by Councilor Walsh to AUTHORIZE the APPOINTMENT of a Finance Office Clerk I, Full-time, the appointment of a specific individual to be ratified at the Town Council meeting of June 21, 2007; seconded by Councilor Reichert

Discussion: None

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

NAYS: 0

MOTION PASSED

3. Building/Zoning
  - a. Current Building/Zoning Official  
Extension of resignation date: Discussion/Action

Councilor Sette stated the resignation of Brian Lombardi, Building/Zoning Official is to be extended until a replacement can be found.

T. Mainville stated he would like to retain Mr. Lombardi with all benefits to remain intact but the compensation would be an hourly rate. There was discussion and consensus that when a new employee is hired, Mr. Lombardi would transition into a different role until the completion of current building projects with the Town.

MOTION was made by Councilor Walsh to EXTEND the date of resignation for Gloucester Building/Zoning Official to July 15, 2007 or until a successor is appointed; seconded by Councilor Reichert.

Discussion: None

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

NAYS: 0

MOTION PASSED

- b. Building /Zoning Official Full Time

MOTION was made by Councilor Joyce to TABLE the appointment to the position of Building/Zoning Official full time; seconded by Councilor Reichert.

Discussion: None

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

MOTION PASSED

- I. Authorization of Contract
  1. Fogarty Elementary School Roof

T. Mainville stated the contract was included in the bid specs which were previously approved. T. Mainville also stated the Solicitor needs to review and acknowledge the savings of \$100,000 due to the Solicitor's request to postpone at last year's bid process.

MOTION was made by Councilor Joyce to AUTHORIZE the Town Council President to sign the contract between Prime Roofing Corp. and the Town of Gloucester, date June 7, 2007, for the necessary repairs to the Fogarty Elementary School Roof, after review by the Solicitor. Said contract is the result of a bid award granted at the Town Council meeting of May 17, 2007; seconded by Councilor Reichert

Discussion: None

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

MOTION PASSED

#### VIII Department Head Report/Discussion

1. T. Mainville discussed the records needed for the assumption of the Gloucester School's financial records. T. Mainville stated he has ordered the work station for a new clerk but currently has no room for the installation. T. Mainville stated they have taken care of the software licensing, upgrades to service, and other mechanical aspects. T. Mainville spoke, regarding financial records, that the Town will be required to be compliant with the GASB 45 requirements as they relate to post-employment benefits. T. Mainville stated that census data will be needed from the schools and to date that data (demographics) has not been received. J. DiPietro stated she has forwarded an e-mail to the School Business Manager requesting this information, but has received no response.

Councilor Sette requested T. Mainville to pass on to the school two publications regarding financial accounting and stated these books explain the need for all records previously requested relating to financial accounting. Councilor Sette asked the Solicitor to pass these publications on to the School Department. The Solicitor also

stated the Auditor General issues a directive to state agencies as to the systems that are to be employed with very clear procedures for accounting services.

J. DiPietro stated that the Finance Office is allocating funds for the payroll service set up, installing e-time, and questions are being asked as to data needed. J. DiPietro stated without this information she would not be able to pay employees on July 1, 2007.

Councilor Walsh reiterated with the Finance Director that no one could be paid as of July 1, 2007. T. Mainville stated the School cannot continue to pay Gloucester payrolls if the Council instructs him not to allocate the funds to the School Department. T. Mainville also stated the Council could send correspondence to that effect. Councilor Sette stated we have previously forwarded two requests. Councilor Walsh recommended forwarding a third correspondence which states that the Town cannot pay employees unless the information is forwarded.

The Solicitor asked for Council authorization to forward correspondence to the Chair of the Gloucester School Committee requesting a meeting to discuss the ramifications of Charter violations. There was Council consensus to the affirmative.

T. Mainville stated the Solicitor is also trying to obtain records through the access to public records laws. T. Mainville stated it would be less costly and more time-effective to receive these records electronically, but at minimum we may be able to obtain the hard copies through the access to public records law.

Councilor Sette questioned if these records could be obtained by subpoena. J. Bevilacqua stated the Council can create a sub-committee and grant the authority to subpoena.

T. Mainville reiterated that these records are critical.

Councilor Walsh questioned School Committeeman Walter Steere as to who was responsible for the withholding of these records. School Committeeman Steere stated the Gloucester School Committee has not discussed this issue and he believes it may be on an upcoming agenda. Mr. Steere stated he believes it may be the School's attorney.

J. Bevilacqua stated he is the attorney for the Gloucester School Committee as it is a Town department, and if there is an issue as to interpretation of the Town Charter, he would be the only one authorized to give an opinion on that interpretation. Mr. Bevilacqua stated he does not understand why the school has not contacted him for an opinion. Committeeman Steere stated he believes Mr. Piccirilli has given his advice, to which Mr. Bevilacqua stated Mr. Piccirilli has no authority to give advice to the Gloucester School Committee.

T. Mainville stated these Gloucester records are being withheld by non-town employees who are employed by the regional district.

Councilor Walsh stated previous communications have gone to the Gloucester School Committee (and the Superintendent) and the result will be incurring overtime costs if these records are not received.

The Solicitor stated that he will deliver the financing publications along with another correspondence requesting this information. There was discussion regarding the use of Room #7 and it was agreed that correspondence should note that all the school's storage items should be removed from that room by June 22 and the Finance Office can begin using that space as of the 25<sup>th</sup> of June.

Councilor Sette asked the Public Works Director to arrange to have staffing available on the 25<sup>th</sup> to move equipment. T. Mainville requested the Council include in their correspondence the fact that employees will not be paid as of July 1, 2007 if these records are not received as the School Department will not have access to the checkbook at that point. T. Mainville stated perhaps Foster should be informed that they will be paying for accounting services provided by the Town of Gloucester.

Councilor Sette stated he has received communications from the General Treasurer regarding the year-end retirement system. T. Mainville explained that his office has communicated with the General Treasurer's Office and the information requested cannot be submitted by the posted deadlines because the payrolls have not been paid. It was discussed that the School Department should receive a copy of this correspondence because this could affect housing reimbursement.

C. Foster/Glocester School Building Committee

1. Request for records  
Discussion & Action

No action (see Dept. Head Reports - Finance Director, above).

2. Status updates  
Discussion & Action

Councilor Walsh stated that he requested this agenda item to determine the status of the school construction project. Councilor Walsh noted that the Esco project passed, but to his knowledge the money still cannot be spent until the General Assembly approves it. Councilor Walsh suggested that a letter be forwarded to the Building Committee reminding them of this. Councilor Walsh added that the Foster Town Council should also be notified concerning Gloucester's plans and to obtain their concurrence. John Bevilacqua, Town Solicitor, recommended a motion reiterating what was already approved at the F/G Regional Financial meeting.

MOTION was made by Councilor Walsh to send a letter to the Foster Town Council regarding Gloucester's plans not to expend any additional funds at the existing high school

and the existing middle school until a full accounting has been made of the new middle school, and to send a copy sent to the Building Committee; seconded by Councilor Reichert.

Discussion: Councilor Sette stated that the reason the Town Financial Meeting cannot be held on June 16<sup>th</sup>, 2007 at the High School gymnasium is due to the tarps having been moved to the Middle School in preparation of the emptying of the classrooms. It was noted that this does not constitute construction expenses.

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

NAYS: 0

MOTION PASSED

MOTION was made by Councilor Walsh to forward correspondence to the School Building Committee reminding them not to expend any further funds on the ESCO project until approval of funds by the R.I. General Assembly, per the voters at the F/G Regional Financial Meeting of May 29, 2007; seconded by Councilor Reichert

Discussion: None

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

NAYS: 0

MOTION PASSED

#### D. Town Council Meeting Schedule (Summer 2007)

Councilor Sette stated that this item is on to discuss and if so, vote, to eliminate the first meeting in July as it falls on the day after the fourth of July.

MOTION was made by Councilor Walsh to Amend the Town Council Meeting Schedule for the month of July, 2007 by eliminating the meeting of July 5<sup>th</sup>, 2007, said amendment to be advertised in advance; seconded by Councilor Reichert.

Discussion: Councilor Sette stated this is a past practice in the summer months.

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

NAYS: 0

MOTION PASSED

#### 4. Local Board of Appeals Building Code One (1) expired five year term

Councilor Sette stated at this time he will recuse himself from this item and removed himself as Chair before leaving the chambers. (Family member)



MOTION was made by Councilor Walsh to REAPPOINT Donald Norris to the Local Board of Appeals Building Code for a five year term to expire 6/2012; seconded by Councilor Joyce.

Discussion: None

VOTE: AYES: Reichert, Walsh, & Joyce

NAYS: 0

RECUSED: Sette

MOTION PASSED

Councilor Sette returned and resumed the Chair.

5. Wastewater Management District Board  
Three (3) expired five year terms

Councilor Walsh stated he has spoken with the Chair who had indicated the present individuals desire to remain on the board.

MOTION was made by Councilor Walsh to REAPPOINT Linda Nichols, William Drexel, & Lou Cadwell to the Wastewater Management District Board for a five year term to expire 6/2012; seconded by Councilor Reichert.

Discussion: None

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

NAYS: 0

MOTION PASSED

6. Safety Commission

Councilor Sette stated the charge of the Safety Commission allows for a ten member committee. Councilor Sette also stated an application has been received and an interest expressed in serving on that commission.

MOTION was made by Councilor Joyce to APPOINT Russell Gross to the Safety Commission as the tenth member (at large); seconded by Councilor Reichert

Discussion: None

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

NAYS: 0

MOTION PASSED

7. Conservation Commission  
One (1) expired three year term

MOTION was made by Councilor Reichert to APPOINT Cheryl Cadwell to the Conservation Commission for one expired three year term to expire January, 2010; seconded by Councilor Walsh.

Discussion: None

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

MOTION PASSED

F. Historic District:  
1. Sign Ordinance discussion

Councilor Sette stated this is regarding a past issue with the signage of a business (computer store) in the village. Councilor Sette stated Mr. Romani, Chair of the Historic District Commission, is looking for ratification from the Town Solicitor as the owner (of the structure) refuses to apply to the Historic District Commission for approval.

Councilor Walsh stated the Code of Ordinance specifically states any work done in the Historic District whether pre 1900's or post 1900 must apply to the HDC for a recommendation of compatibility or conformance.

J. Bevilacqua stated the business owner was allowed to establish his business but was still to comply with the Code. J. Bevilacqua stated he spoke with the Chairman of the Historic District Commission and it was agreed that an acknowledgment indicates, without question, that the regulations must be complied to. J. Bevilacqua stated he informed the Chair to notify the Building Official to follow the violation procedure.

Councilor Walsh stated, at a past Council Meeting, it was agreed to allow a grace period until enhancement work has begun in the village.

The consensus was that no Council action was necessary, and the Solicitor will notify Mr. Romani to work with the Building Official.

G. Wilmarth Road:  
1. Authorization:  
Property Transfers/Easements

Councilor Sette stated that this transfer of small sections of the property on Wilmarth to and from the Town, as well as a Drainage easement to the Town were approved in 1998 by the Town Council and it has been found the documents were never recorded. After review by the Planner, Public Works Director and the Town Solicitor, Councilor Sette stated the Clerk

believes we may now need to authorize the current Town Council President to sign the documents.

J. Bevilacqua stated they have been authorized for execution but they were not executed. J. Bevilacqua stated it may now be necessary for the Council to re-adopt to allow the present administration to sign the deeds transferring property and easements.

J. Bevilacqua stated the deeds should reflect the authority being granted to the present Council and may have to be redrafted. Councilor Walsh asked if the survey should be checked for accuracy. J. Bevilacqua stated the plan was to be re-certified.

MOTION was made by Councilor Walsh to AUTHORIZE the Town Council President to sign the transfer of property known as parcel A & B, also know as property located on Wilmarth Road; said documents to be recorded in the Gloucester Land Evidence Records along with the survey map depicting said transfers (as signed by the Technical Review Committee); said transfer contingent upon re-certification of survey; seconded by Councilor Joyce.

Discussion: None

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

NAYS: 0

MOTION PASSED

#### H. Killingly Road

##### 1. Easement Request

Councilor Sette stated that the Council has received a request, from a Killingly Road property owner, for the granting of an easement by the Town.

Discussion: Mr. Nardelli stated that his request to the Town is to grant a right of way to access Assessor's Plat. 2, lot 11, 225' in length off Killingly Road, crossing property owned by the Town at Assessor's Plat 2, lot 12.

Mr. Nardelli stated the proposed location is an existing cart path, heavily used by four wheelers, shown on the assessors map as a right of way, and previous deeds reflect a right of way across Town property to gain access to a burial ground. Mr. Nardelli stated that he wishes to build a single family home on this property, and an exception to the ordinance would have to be obtained, but in order to do so, Mr. Nardelli stated he must have control over the right way for access.

Councilor Sette asked Mr. Nardelli if he was looking to go through the middle of the Town's lot, which consists of 130 acres. Mr. Nardelli stated it was not exactly the middle except for a small portion. Mr. Nardelli stated that some limited development might make it more difficult for individuals with four wheelers to gain access to the Town's substantial acreage.

Councilor Reichert questioned how big the lot was. Mr. Nardelli replied approximately 8 acres. Councilor Reichert stated Factory Mutual had given this property to the Town approximately 5 years ago.

Councilor Walsh questioned how long Mr. Nardelli has owned the property. Mr. Nardelli stated that he has a financial interest in the property subject to obtaining the access and that he does not own the property currently. Mr. Nardelli further stated that the property has been in the Smith family for several generations, adding that the current owners may wish to pursue this if Mr. Nardelli does not.

Councilor Reichert stated “if you purchased the property and had it engineered to the end of the property” would be more to consider but “cutting the town’s property in half” is not. Mr. Nardelli stated he considered moving the line but in reading the deeds from Factory Mutual to the Town he believes it specifically prohibits the sale of that portion. J. Bevilacqua stated he believes the transfer of any interest is in violation of the agreement. Councilor Reichert questioned if giving a right of way across the land is in violation of the agreement. J. Bevilacqua stated that would be encumbering that property.

Mr. Nardelli stated there is a deeded right of way for access across that property to a burial ground. J. Bevilacqua stated that is a historical cemetery that has access by State law, similar to access to a beach.

J. Bevilacqua stated Mr. Nardelli knew the property was landlocked at the time he sought an interest in the property. The owners knew it was landlocked, Mr. Nardelli wants for no remuneration and in contradiction to the grant the Town received the property from Factory Mutual.

Mr. Nardelli spoke regarding the grant and stated in gaining an “easement by necessity” the courts would look at three criteria, regardless of conditions in the deed of transfer from F.M. Global to the Town of Gloucester: shortest access; access of least encumbrance on any adjacent property; and last property to be transferred to landlock that property. Mr. Nardelli stated in all three instances that would be the piece the Town owns.

Mr. Bevilacqua questioned if the current owners had full knowledge that they had no access when they purchased that property and present intended purchaser has knowledge of the lack of access.

After discussion, J. Bevilacqua stated that the granting of this easement could be an incumbrance that could interfere with the grant from FM Global. Mr. Nardelli was advised to speak to FM Global and if they came up with something, he could return to the Council for further discussion.

J. R.I. Resource Recovery Contract  
1. July 1, 2007 to June 30, 2008

Alan Whitford, Public Works Director, stated that every city and town in Rhode Island has this contract. A. Whitford noted that the tipping fees are not being raised, but the cap is being raised slightly due to population adjustments. Councilor Walsh asked how Glocester is doing regarding recycling. A. Whitford replied that last year, we were one of the few municipalities that reached their goal.

MOTION was made by Councilor Walsh to sign the contract between the Town of Glocester and R.I. Resource Recovery for the period of July 1, 2007 to June 30, 2008; seconded by Councilor Reichert.

Discussion: None.

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

MOTION PASSED

K. Heritage Society Donation

Councilor Sette stated that the Council was asked during the last budget preparations to donate to the Heritage Society's work on the Rueben Mason House. Councilor Sette stated that the Council has previously expressed a consensus, but the Finance Director would like a motion of the Council to authorize this payment.

MOTION was made by Councilor Joyce to AUTHORIZE the expenditure of \$8,000 to the Heritage Society for the restoration work on the Rueben Mason House; seconded by Councilor Reichert.

Discussion: None

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

MOTION PASSED

VIII Department Head Report/Discussion

1. Jamie Hainsworth, Chief of Police, reported that applications are being accepted for the position of Police Officer, adding that the application period closes on June 22<sup>nd</sup>.

Chief Hainsworth stated that the Safety Commission has reviewed the plan submitted regarding the intersection of Snake Hill Road and Route 102 (new middle school) and has made their recommendation, which is to widen the radius to allow school buses to

turn more easily. Chief Hainsworth added that a motion was also passed to recommend a 500' turning lane.

2. Alan Whitford, Public Works Director, distributed correspondence regarding Indian Trail. A. Whitford also spoke regarding the exception which was granted on Old Snake Hill Road, noting that the building permit can now be issued. A. Whitford added that the Building Official should not issue a Certificate of Occupancy until all requirements are complied with.

IX Boards/Commissions  
None.

X Council Correspondence/Discussion

1. Councilor Sette stated that there was discussion at a previous meeting concerning a letter received from citizens urging the Land Trust to ban hunting at Sprague Farm. A letter was subsequently received from Ted Burlingame stating that the hunting should remain in place since the taxpayers are partly responsible for the acquisition of the property.
2. Councilor Sette stated that the Council has received a response from the Gloucester Light Infantry regarding the noise complaint which was previously discussed.
3. Councilor Sette stated that there is correspondence from the State Department of Revenue, Division of Taxation regarding promoter permits which will now be required for all fairs and festivals.
4. Councilor Sette stated that the Council has received correspondence concerning 2007 Safe Routes to School, which pertains mostly to students who walk or bike to school. Councilor Sette noted that this would probably not apply in our community.
5. There was discussion regarding the wells at the Sunset Cove mobile home park.
6. Councilor Sette stated that he has received correspondence from Bob Lyons requesting that the status of the roads in the Waterman Lake Plat be placed on the agenda for June 21<sup>st</sup>.

XI Open Forum

1. Aaron Dupuis requested a Resolution for Mr. Tessier, 8<sup>th</sup> Grade Social Studies teacher, who is retiring from the Middle School after thirty (30) years of service. Councilor Sette stated that this will be done at the meeting of June 21<sup>st</sup>.
2. Bob Lyons stated that there is construction taking place on Parker Street. Mr. Lyons stated that the developer, Ed Warner, had submitted a bond, but the corner has been

torn up to install the foundation and had not been repaired. Mr. Lyons pointed out that the bond was valid for a year and will expire this month. Mr. Lyons recommended that the Town Council enforce these bonds and if construction is not completed within the year, the money could be used to repair any damage which has occurred.

3. Chris Hebert expressed his concern regarding the tree farm on Pray Hill Road, stating that there is heavy truck traffic which interferes with the school bus schedule. Councilor Sette stated that the owners of the farm have been instructed not to travel on Pray Hill Road when the school buses are in the area, and the Police should be called if there are any problems.
4. Tom Sanzi expressed interest in the vacant position on the Parade Committee. Mr. Sanzi stated that he has served on the Committee for four years as a non-voting member and would like to be considered for the open position. Mr. Sanzi stated that several other members support him, but the Chair of the Committee refuses to put Mr. Sanzi's name forward for appointment.
5. Councilor Walsh asked Councilor Joyce if he had asked former students and their parents to support the Esco project at the Regional Financial Meeting. Councilor Joyce replied that he spoke to approximately thirty people over a four-week period urging their attendance at the meeting, adding that he provided them with his own opinion on the project.

Councilor Walsh asked Councilor Joyce if he spoke as a Councilor or as a teacher. Councilor Joyce replied that he expressed his opinion as a private citizen. Councilor Joyce stated that he has supported the Esco project from the beginning and explained several reasons for his opinion. Councilor Joyce stated that he has never used his Council status in a public forum to support the project.

Councilor Walsh stated his concern that Councilor Joyce's position as a Town Council member as well as a teacher who has spoken to former students regarding this matter may give the impression of impropriety. Councilor Joyce stated that he wished to go on record that he did not contact former students. Councilor Walsh stated that he brought this up in order to straighten out any confusion. Councilor Joyce also went on record to state that he never said to anyone that they should support the School Budget.

## XII Executive Session

### A. Personnel: RIGL 42-46-5(a)1

MOTION was made by Councilor Walsh to ADJOURN to Executive Session: Personnel RIGL 42-46-5(a)1; seconded by Councilor Reichert.

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

MOTION PASSED

XIII Reconvene Open Session

No votes were take in Executive Session

XIV Adjourn

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

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

NAYS: 0

MOTION PASSED

Jean M. Fecteau, Town Clerk

Approved at the June 21, 2007 Town Council Meeting.



At a meeting of the Town Council holden in and for the Town of Gloucester on **June 21, 2007**:

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 (arrived at 7:30 p.m.)

Also present: Jean Fecteau Town Clerk; Thomas Mainville, Finance Director; John Bevilacqua, Town Solicitor; Alan Whitford, Public Works Director; Jane Steere, Tax Collector; David Steere, Budget Board Chair; Anthony Parrillo, Recreation Director; Raymond Goff, Town Planner; Susan Harris, Deputy Town Clerk.; and David Tessier, Ponaganset Middle School retiree.

III Pledge of Allegiance

The Pledge of Allegiance was held to after Executive Session

IV Executive Session

A. Pursuant to RIGL 42-46-5(a)1 Personnel

Motion was made by Councilor Walsh to ADJOURN to Closed Executive Session pursuant to RIGL 42-46-5(a)1 Personnel; seconded by Councilor Reichert.

Discussion: None

VOTE: AYES: Walsh, Reichert, Joyce & Sette

NAYS: 0

MOTION PASSED

V Reconvene Open Session @ 7:30 p.m.

No votes taken

III Pledge of Allegiance

The Pledge of Allegiance was led by David Tessier.

VI Open Forum for Agenda Items

George Charette, Planning Board member and Road Committee member, spoke regarding the agenda item which addresses the acceptance of private roads. G. Charette cautioned the Town Council concerning acceptance of these roads, noting that there are many factors to consider.

VII Resolution

A. Years of Service:

(Teacher) Richard Tessier

Councilor Sette stated that this item was placed on the agenda after a request was made by a student, Aaron Dupuis. Councilor Sette stated Aaron has asked the Council to acknowledge this former teacher on the occasion of his retirement. Councilor Sette read the Resolution as follows:

RESOLUTION

WHEREAS, the Town Council and Town Clerk of the Town of Gloucester would like to take this opportunity to congratulate Social Studies Teacher, Mr. David Tessier, on his retirement from teaching; and

WHEREAS, David was hired May 17, 1977 and worked until the end of this school year; and is now retiring from the Foster/Glocester Regional School System after teaching for thirty (30) years; and

WHEREAS, David has, with enthusiasm and effectiveness, made an excellent and constructive contribution to our children and to the community; and has been a leader serving school activities, as well as being part of the National Educators Association and coaching High School Basketball. Although David's civic activities take up an enormous amount of his time, he remains devoted to his family; and

WHEREAS, David has won the highest regard of his fellow teachers and the admiration of the community for his hard work and his dedication to his students; and

NOW THEREFORE BE IT RESOLVED that the Town Council and Town Clerk express appreciation to Mr. David Tessier for his services of outstanding leadership and dedication to the Foster/Glocester Regional School System and extend to him sincere best wishes for a long and happy retirement.

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

Seconded by Councilor Walsh.

Discussion: Mr. Tessier thanked the Council as well as Aaron Dupuis for this honor.

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

NAYS: 0

MOTION PASSED

B. Support: Dam Management District  
Pascoag Upper Dam Association

Kevin Menard, President of the Pascoag Upper Dam Association, explained that the Department of Environmental Management is preparing new safety regulations which will require strict actions from dam owners across the state. Mr. Menard stated that the Pascoag Lake is located in both towns of Burrillville and Glocester, adding that the Town of Burrillville has authorized the creation of a Dam Management District by way of an ordinance. Mr. Menard stated that they are here tonight to request support for the creation of a Dam Management District in conjunction with Burrillville.

Councilor Sette stated that he and Councilor Poirier had the opportunity to meet with the group and they are far along in the process and are looking for support from the Town of Glocester.

Councilor Sette read the following:

RESOLUTION

WHEREAS, Title 45, Chapter 45-62 of the Rhode Island General Laws authorizes cities and towns of the state to adopt ordinances creating dam management districts; and

WHEREAS, the Pascoag Upper Dam Association has engaged with the Burrillville Town Council to establish a dam management district that would accept title to the Dam and the land under the Pascoag Reservoir and this dam district would be responsible for maintaining the Dam and would have the ability to protect the interests of land owners abutting the lake; and

WHEREAS, this corporation would also be able to create a fair and equitable system for sharing the cost of dam maintenance among the residents who benefit from the enjoyment of the Reservoir; and

WHEREAS, the Board of Directors of the Pascoag Upper Dam Association unanimously urges the Town Council of the Town of Glocester to engage with the Town of Burrillville in order to establish a common Dam Management District, specifically for the Pascoag Reservoir, pursuant to Title 45, Chapter 45-62 Dam Management District and the Board of Directors believes that such an action will be in the best interests of both Towns and of their residents whose properties abut the Pascoag Reservoir; and

NOW THEREFORE BE IT RESOLVED that the Town Council of the Town of Glocester fully supports the Board of Directors of the Pascoag Upper Dam Association in their efforts to establish a dam management district.

Steven A. Sette, President  
Glocester Town Council

seconded by Councilor Poirier.

Discussion: None

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

NAYS: 0

MOTION PASSED

## VIII Unfinished Business

### A. Appointments

#### 1. Parade Committee

Councilor Sette stated that we have received a recommendation from the Parade Committee Chair and the talent application is on file in the Clerk's Office. Councilor Sette pointed out that, with the parade scheduled so soon, the Council could table this appointment until after July 4<sup>th</sup>.

MOTION was made by Councilor Joyce to TABLE the appointment of a voting member of the Parade Committee; seconded by Councilor Poirier.

Discussion: None.

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

NAYS: 0

MOTION PASSED

#### 2. Economic Development Commission

Three (3) expired three year terms to expire 5/2010

(Michael Deignan, Molly Harrington, & Beverly Thomas)

Two (2) expired one year terms to expire 5/2008

(Susan Monaghan & Alan Smith)

Councilor Sette stated that these appointments have been continued until input was received from the Commission. Councilor Sette recommended that this item be removed from the table until September.

MOTION was made by Councilor Joyce to REMOVE FROM THE TABLE until the September 20, 2007 Town Council meeting the appointments to the Economic Development Commission; seconded by Councilor Poirier.

Discussion: None

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

NAYS: 0

MOTION PASSED

3. Building/Zoning Department
  - a. Building /Zoning Official Full Time

MOTION was made by Councilor Walsh to TABLE the appointment of the Building/Zoning Official, Full time; seconded by Councilor Poirier.

Discussion: None.

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

MOTION PASSED

4. RATIFICATION
  - a. Finance Office  
Clerk I, Full-time

Councilor Sette stated that permission was given to the Finance Director to appoint a Clerk 1, Full time for the Finance Office in light of the Town assuming the financial accounting of the local school district. Tom Mainville, Finance Director, stated that he has not appointed anyone at this time.

MOTION was made by Councilor Walsh to TABLE the appointment of the position of Finance Office, Clerk 1, Full time; seconded by Councilor Joyce.

Discussion: None.

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

MOTION PASSED

#### IX Consent Items

- A. Minutes: Meeting of May 17 & June 7, 2007 Town Council Regular Sessions

MOTION was made by Councilor Joyce to APPROVE the Minutes of May 17 & June 7, 2007 Town Council Regular Meetings; seconded by Councilor Walsh.

Discussion: None.

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

MOTION PASSED

X New Business  
A. Credit Card/Convenience Pay Services  
Discussion & Action

Councilor Sette stated that the Council has received a memo from the Tax Collector regarding Credit Card services for the Tax Collections office. Jane Steere, Tax Collector, explained that last year, she proposed an agreement with EDS Company to implement a system to pay tax bills by credit card.

J. Steere stated that at the time, there were questions concerning the contract. J. Steere stated that our software provider, Opal Data, is now offering a service whereby taxpayers can pay their taxes with a credit card by using a website which would allow a taxpayer to assign a PIN number to their account. J. Steere noted that there would be a 3% surcharge paid to the software company by the taxpayer, but there would be no cost to the Town.

Councilor Reichert questioned the legality of this, since businesses are not allowed to charge a fee. J. Steere replied that the law allows for municipalities as well as the State to do so.

Councilor Walsh asked what happened with the first company that we were looking at last year. J. Steere replied that there was a paragraph in their contract which caused some concern and a legal opinion was sought but never obtained.

MOTION was made by Councilor Joyce to ADOPT the Credit Card/Convenience Pay Services through the Town's collection software provider Opal Data, said arrangement will incur no cost to the Town; seconded by Councilor Reichert.

Discussion: Councilor Walsh asked John Bevilacqua, Town Solicitor, to review the contract with Opal Data. J. Steere stated that as soon as the contract is ready, she will provide a copy to the Town Solicitor.

Councilor Reichert withdrew his second.

Councilor Joyce amended his motion as follows:

MOTION was made by Councilor Joyce to ADOPT the Credit Card/Convenience Pay Services through the Town's collection software provider Opal Data, said arrangement will incur no cost to the Town and will take effect after review by the Town Solicitor; seconded by Councilor Reichert.

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

NAYS: 0

MOTION PASSED

B. Gloucester Budget 2007-08  
Discussion & Action

Councilor Sette stated that the Town Financial Meeting is to be held on Saturday, June 23, 2007 at 1:00 p.m. for the purpose of discussion and / or voting on the Regional School Budget. Councilor Sette stated the Town budget and the local school budget have already been set.

Councilor Sette noted that Tom Mainville will be presenting the budget as David Steere, Budget Board chair, will not be available. T. Mainville, Finance Director, explained that he has made a request to the Office of Municipal Affairs for an exception to the cap to be given to the Town of Gloucester on behalf of the schools. T. Mainville stated that there will be two different numbers presented at the Town Financial Meeting, representing the two possible scenarios.

C. Schools  
1. F/G Regional School Committee  
Discussion & Action

None.

2. Gloucester School Committee  
a. Request for records  
Discussion & Action

Tom Mainville, Finance Director, stated that he attended the School Committee meeting and had an opportunity to speak to Chris Hebert, School Committee member, regarding the transfer of records from the School Department to the Finance Department. T. Mainville stated that the School Department is receptive to turning over the records, but they have several concerns, such as the privacy of some personnel discipline records.

T. Mainville stated that the Town has no interest in this type of information; our concern is to make sure that employees get paid accurately and timely. John Bevilacqua, Town Solicitor, stated that he and the Finance Director have met with members of the School Committee to answer their concerns.

Councilor Sette stated, for the record, that the Town has never intended to perform Human Resource functions for the School Department, adding that disciplinary records have nothing to do with financial accounting.

J. Bevilacqua, Town Solicitor, further stated that there was never an intention to usurp any authority or policy-making authority that is dictated in Charter or Title 16 of the General Laws.

Councilor Walsh asked if we have enough materials to get the bills paid on time. T. Mainville stated that he has not received anything at this time, but feels that we have “turned a corner” and will be able to get around that. J. Bevilacqua added that the communication is open and the School Department has a general acceptance that the records will be transferred.

- D. Foster/Glocester School Building Committee
  - 1. Status updates
    - a. Discussion & Action

Councilor Sette stated that letters have been transmitted to the Building Committee requesting that no further expenditures be made on the ESCO project until all approvals are received.

Councilor Sette read the following correspondence from the Planning Board regarding the Middle School development plan, request for amendment of the previous motion:

TO: Town Council  
Steve Sette, President  
FROM: David Calderara, Planning Board Chair  
DATE: June 20, 2007  
CC: Zoning Board of Review, Planning Board  
SUBJECT: Ponaganset Middle School, Development Plan Review  
Request for Amendment of Previous Motion

Please be advised that at our June 18, 2007 meeting, the Planning Board amended a previous approval of the Development Plan Review for the new Ponaganset Middle School, located at 7 Rustic Hill Road. The Board accepted the proposed revision of removing the turning lane on Chopmist Hill Road. The applicant has agreed to increase the turning radius to 50' on the corner of Chopmist Hill and Rustic Hill Roads. This will allow the buses to have adequate area to make a turn into Rustic Hill Road.

The Board discussed the Safety Committee's recommendation and more than four (4) different options to improve the traffic safety for the new school. It was presented that by keeping the buses on Chopmist Hill Road in the travel lane until the turn onto Rustic Hill Road is made, traffic speed will be controlled. Testimony was presented that a turning lane would encourage increased speeds on Chopmist Hill Road and create a blind spot for traffic leaving Rustic Hill Road. The option of creating a separate turn lane into the site was also discussed and eliminated for a number of reasons. These reasons included that it would complicate the on-site traffic pattern and lead to numerous on-site conflict points. During the two (2) meetings held, testimony and careful questioning took over three (3) hours before this decision was reached.

The Planning Board decision was not unanimous, (5-2), but a majority of the Board concluded that this option is the safest for traffic coming and leaving the new school.  
(End of letter)

Councilor Walsh asked Walt Steere, Planning Board member, if the Board discussed the recommendation of the Safety Committee. W. Steere (Jr.) stated that it was not discussed, and further stated he felt that it did not make a difference in the vote which took place. W. Steere (Jr.) stated that he feels that a disservice was done to both Towns and the School District due to what happened that night. W. Steere (Jr.) noted that the Planning Board did not have the luxury



of looking over all of the options. W. Steere (Jr.) expressed his disappointment in what happened, adding that the problem was that the Building Committee came in at the last minute and pushed things through.

Councilor Reichert stated that there will be problems with buses turning the corner, and that oil trucks and dump trucks cannot make the turn.

George Charette, Planning Board member, spoke but was inaudible on the tape.

Councilor Walsh asked, if the Building Committee changed the turning lane, why doesn't it have to be reviewed. J. Bevilacqua explained that a petition was filed to modify the plan which was again reviewed by the Planning Board, who makes the final decision.

There was discussion regarding the installation of a traffic light to be operational only during school hours. W. Steere (Jr.) stated that, in his recollection, this was mentioned but was deemed unfeasible.

There was discussion regarding the appeal process. J. Bevilacqua stated that private citizens could file an appeal.

#### E. Veterans Day Celebration

Councilor Sette stated that Bev Goulet from the Harrisville, Post 88 Desjaulets has requested that the Town of Gloucester hold their Veterans' Day Celebration on Sunday, November 11<sup>th</sup> of that holiday weekend, instead of Monday, November 12<sup>th</sup>. Councilor Sette stated the Harrisville Post holds a rather large celebration on the Monday and would like to offer their participation in the Gloucester celebration.

Councilor Sette stated that last year there was a Veterans' Day celebration in front of the Town Hall. Councilor Sette pointed out that any veterans who wished to participate in both Gloucester's and Burrillville's celebrations had a conflict. There was consensus that Gloucester will hold their ceremony on Saturday, November 10<sup>th</sup> at 10:00 or 11:00 in the morning.

#### F. Private Road Acceptance Discussion/Action

Councilor Sette stated that it is important that the Road Sub-Committee resume meeting. Councilor Sette stated that the first thing to do is to get the roads up to what will be set for a standard. Councilor Walsh pointed out that a good job was done on Phillips Lane where Town equipment was used, but the residents paid for the materials.

Bob Lyons of Waterman Lake addressed the Council regarding the roads in his area, stating that he first brought this subject up last September. B. Lyons asked if his situation is being grouped in with the town-wide issue of private roads, noting that his original intention was to deal only with roads in Waterman Lake Shores. Mr. Lyons read from the 1994 Road Policy as follows: "It

is also recommended that the minimum design and maintenance agreement requirements not be imposed on any previously approved Suitably Improved Roadways...”.

Mr. Lyons also pointed out that in the paragraph before, it states that the Town has the power to perform whatever work is required to protect the public health, safety and welfare and that the Town may place a lien on the roadway’s owner(s)’ property in the amount of the roadway repair or maintenance expenses incurred by the public. Mr. Lyons stated that the Town took ownership of the roads in 1988 when the Council accepted the Official Road List. In 1994, some of the roads were removed from the list, nine (9) of which are in the Waterman Lake plat. Mr. Lyons is asking the Council to reinstate the roads in respect for the decision of the 1988 Town Council. Mr. Lyons pointed out that in 1994 when the roads were removed from the list, proper notification procedures were not followed.

Councilor Sette asked Mr. Lyons what he thinks will change if the roads are accepted. Mr. Lyons responded that if the roads were accepted, the Public Works Department would be able to make repairs without approval from the Council. Mr. Lyons stated that the work which was performed last year is slowly deteriorating, adding that the Director of Public Works has stated that resurfacing may be more economical than continuing to patch and re-patch.

Councilor Sette stated that when we had a road bond in place, we were able to do more repairs. B. Lyons noted that at this time, the side roads in Waterman Lake Plat are not even considered for repair. B. Lyons suggested that if residents offered to pay for part of the cost, their roads might move up on the priority list. Councilor Sette noted that this is how the repairs to Phillips Lane took place.

Alan Whitford, Director of Public Works, spoke but was inaudible on the tape.

Councilor Reichert stated that the Road Sub-Committee can have meetings and talk, but if there is no money, they might as well not have any meetings. Councilor Reichert added that if a bond issue is not put through, it is a waste of time. Councilor Walsh pointed out that if the residents were told how much it would cost to repair the roads using the Town’s equipment and labor, at least it is a starting point. Councilor Sette stated that there is still a need for the Road Sub-Committee to meet and at least reach some closure regarding what the Town intends to do. Mr. Lyons pointed out that the longer we wait, the higher the cost of materials will be.

Bob Lyons asked if the Council will be voting on this matter tonight, adding that he has attended nearly every meeting since this came up last September. Mr. Lyons stated that he feels that these roads were taken off the list illegally. There was consensus to discuss this matter further at the meeting of July 19<sup>th</sup>.

## XI Department Head Report/Discussion

1. Jean Fecteau, Town Clerk, stated that the fireworks this year will be held at the Burrillville-Glocester soccer field instead of Glocester Memorial Park. J. Fecteau noted that in the past, the Public Works Department would clean up the area after the event.

Councilor Sette asked Alan Whitford, Director of Public Works, if his department would be responsible for the clean-up this year. A. Whitford replied in the affirmative.

Jean Fecteau, Town Clerk, stated that she has received a request that the food pantry allow clients to have twice-monthly distribution instead of monthly which is the policy at this time. J. Fecteau stated that she has forwarded a copy of the memo to the Director of Human Services. Councilor Sette stated that he is the liaison to that department, so he will speak with Mrs. Peters.

2. Tom Mainville, Finance Director, informed the Council that he is about to sign a check for the School for their services for the last six (6) months.
3. Ray Goff, Town Planner, spoke regarding the Blackstone Valley Grant, asking the Council if they wished to set up a formal committee or something less formal such as an ad-hoc committee. Councilor Sette suggested the informal ad-hoc committee comprised of members of existing committees, stating that it is difficult to recruit full-time volunteers. R. Goff stated that he has several people from other committees who are interested in serving on this committee.

R. Goff spoke regarding the lighting at the new CVS building. R. Goff noted that there will be seven (7) period lights which have not yet been received. It was noted that the store will be open for business before July 4<sup>th</sup>.

Councilor Reichert asked if the reconstruction project on Route 44 will take place this year. R. Goff replied that this project has been broken up into several portions, the first of which will be the detention basin on Tourtellot Hill Road. R. Goff added that the village project will begin in a year to eighteen months.

R. Goff stated that he has received an e-mail from the Department of Transportation regarding Sherman Lane, asking the Town to participate in some corrections. R. Goff stated that he has forwarded the correspondence to the Director of Public Works. Councilor Walsh asked if the State will make the corrections if the Town does not participate, noting that the problem was caused by the State dumping silt from Route 44. R. Goff replied that he does not know where the State stands on the issue. There was consensus to send a letter to the Department of Transportation putting them on notice.

## XII Boards/Commissions

None.

## XIII Council Correspondence/Discussion

1. Councilor Sette stated that the Council has received correspondence from Chris Hebert, of Pray Hill Road, regarding the school bus schedule. Mr. Hebert has asked the Superintendent's Office to forward an updated schedule to the Town Council.

2. Councilor Sette stated that the Council has received a draft of proposed changes to the septic system rules and regulations from the Department of Environmental Management. Councilor Sette stated that this should be forwarded to the Wastewater Management District Commission.
3. Councilor Walsh stated that the Wastewater Management District Commission has requested a workshop with the Town Council. Councilor Sette stated that the Council members will determine if they can attend the Commission's regular meeting on Tuesday, August 14<sup>th</sup>.

#### XIV Open Forum

1. Walter Steere, School Committee member, stated that he wished to thank John Bevilacqua, Town Solicitor, and Tom Mainville, Finance Director, for attending the recent School Committee meeting. There was discussion of Senate Bill S-3050 and how it relates to the suggestion of moving the ESCO money from operating expense to debt service.

#### XV Adjourn

MOTION was made by Councilor Walsh to ADJOURN at 9:45 p.m.; seconded by Councilor Reichert.

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

MOTION PASSED

Jean M. Fecteau, Town Clerk

Approved at the July 19, 2007 Town Council Meeting.

At a meeting of the Town Council holden in and for the Town of Gloucester on **July 19, 2007**:

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; Anthony Parrillo, Recreation Director; Connie Leathers, Parade Committee Chair; and Lawrence Desormier. (Bldg. Zoning Official as of 8/1/07)

III. Pledge of Allegiance

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

Councilor Sette announced the birth of Councilor Joyce's third son. Council expressed their congratulations to Mike & Cindy Joyce.

IV Open Forum for Agenda Items

1. Nicholas Gorham spoke representing Mr. Grant, an abutter to the property, regarding Pray Hill Farms. Mr. Gorham stated that the owners of Pray Hill Farms are seeking relief from a stay which was imposed regarding the removal of gravel from the property. Mr. Gorham stated that he will speak later in the meeting.
2. Ken Mitchell, Gloucester Light Infantry, expressed concern regarding recent events involving the Light Infantry. Councilor Sette noted that this is not on the agenda and informed Mr. Mitchell that he may speak during Open Forum at the end of the meeting.
3. Jack Anderson, Winchester Drive, stated that he and many others are disappointed in the fact that there will be a 9 to 10 percent increase in taxes this year. Mr. Anderson questioned Council leadership as it applied to speaking out at the Regional Financial Meeting. Mr. Anderson expressed hope that the Council will now take action regarding the membership of the School Building Committee.

Councilor Poirier spoke in response to Mr. Anderson's comments, stating that discussion was curtailed in the budget portion of the Regional Financial Meeting and there was not an opportunity for any of the Council members to speak to that issue.

4. Lorraine O’Connors, 62 Tucker Street, stated that she wished to remind the Council that the item regarding Waterman Lake Shores was tabled until August, as Mr. Lyons was unable to attend this evening.

V Resolution

- A. Senate Bill S-461  
House Bill H-5661

Councilor Sette stated that recent legislation was before the House and Senate which appears to give local schools the authority to hire their own legal service separate from the cities and towns. Councilor Sette stated this is on the agenda because of the wording “and notwithstanding any contrary provision of any city or town charter or ordinance” and he felt this could be construed as diminishing the validity or importance of our Home Rule Charter.

After consensus of the Council, Councilor Sette asked the Council if they wished to go forward with a Resolution asking for the repeal of this legislation, which was passed without the Governor’s signature, and forward it to the 38 other cities and towns. Councilor Sette stated that he has inquired as to the rationale behind this bill and was told that it was in response to a problem which occurred in the town of Johnston.

Councilor Sette stated his objection that the whole state will be affected because of a situation in one town. Councilor Sette asked the Council members to review this legislation and, perhaps, by the next meeting draft language for a Resolution.

State Representative Nicholas Gorham stated that this bill came up twice within the last two years and both times Mr. Gorham had to recuse himself from voting because his law firm represents the town of Scituate. Mr. Gorham stated that if he could have voted against it he would have done so.

Councilor Sette made note that this bill was originally sent to the House Judiciary Committee which would not pass it, and then it was referred to the Finance Committee, which approved the bill.

Nicholas Gorham stated that he believes that Senator Blais, who represents Foster, did vote against the legislation.

VI Unfinished Business

- A. Appointments
  1. Parade Committee

MOTION was made by Councilor Reichert to APPOINT Vikki Cunningham as a voting member of the Parade Committee; seconded by Councilor Walsh.

Discussion: None.

VOTE: AYES: Poirier, Walsh, Reichert & Sette

NAYS: 0

MOTION PASSED

2. Building/Zoning Department  
Building /Zoning Official Full Time

Councilor Sette stated that the Council has received the following recommendation from the Personnel Director:

July 19, 2007

To: Town Council

Re: Building and Zoning Inspector Appointment

This position was advertised in the Providence Journal on Sunday, May 6, 2007 and the Gloucester edition of the Bargain Buyer on May 8, 2007.

Eleven (11) applications were received. Six (6) interviews were conducted on May 31.

Interviewers were:

Karen Emond - Administrative Aide, Building/Zoning Office

Jean Fecteau - Town Clerk

Michael Joyce - Gloucester Town Council member

Brian Lombardi - Building and Zoning Inspector, Town of Gloucester

Thomas Mainville - Director of Personnel

Joseph Raymond - Building/Zoning Official - Town of Burrillville

The individual considered (by the interviewers) to be the best candidate was taken on a field inspection the next day by Brian Lombardi and Joseph Raymond to evaluate his knowledge of residential construction.

Lawrence G. Desormier, Jr. is being recommended for the position of Building and Zoning Inspector, effective August 1, 2007, at an annual salary of \$57,623 to be prorated for the fiscal year July 1, 2007 through June 30, 2008.

Mr. Desormier has experience in residential, commercial and industrial construction, repairs and maintenance. He has held responsible positions requiring site supervision, ordering and staging building materials, planning site work, hiring subcontractors, drafting, septic design and testing, and operating heavy equipment.

Tom Mainville  
Director of Personnel  
(end of memo)

MOTION was made by Councilor Walsh to APPOINT Lawrence Desormier, Jr. to the position of Building/Zoning Inspector at an annual salary of \$57,623 to be prorated for the fiscal year July 1, 2007 through June 30, 2008, effective August 1, 2007; seconded by Councilor Poirier.

Discussion: Councilor Reichert asked Lawrence Desormier if he realized that this position serves at the pleasure of the Town Council and must be reappointed every two years. Mr. Desormier replied in the affirmative.

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

3. Ratification of Appointment  
Finance Office  
Clerk I, Full-time

MOTION was made by Councilor Poirier to TABLE the ratification of the appointment to the position of Finance Office, Clerk 1, Full time; seconded by Councilor Walsh.

Discussion: None.

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

## VII Consent Items

- A. Minutes: Meeting of June 21, 2007 Town Council Regular Session

MOTION was made by Councilor Reichert to APPROVE the Town Council minutes of the June 21, 2007 Regular Session; seconded by Councilor Walsh.

Discussion: None.

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

## VIII New Business

- A. Appointments
  1. Chepachet Village Planning Committee



One (1) expired three year term to expire 07/2007  
One (1) expired one year term to expire 07/2007

Councilor Poirier stated that he has met with the Chepachet Village Planning Committee to discuss the future role of the Committee. Councilor Poirier stated that he feels that the Committee should be kept intact but they should meet and redefine their mission.

MOTION was made by Councilor Reichert to REAPPOINT Walter Bienieki to a 3 year term to expire 7/2010 and Elizabeth Tetreault to a 1 year term to expire 7/2008; seconded by Councilor Poirier.

Discussion: None.

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

2. Gloucester Housing Authority  
One (1) expired five year term to expire 07/2007

MOTION was made by Councilor Walsh to REAPPOINT Bonnie J. Cotter to the Gloucester Housing Authority for a 5 yr. term to expire 7/2012; seconded by Councilor Walsh.  
Discussion: None.

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

3. Western RI Home Repair Program Executive Board  
One (1) expired two year term to expire 07/2007

MOTION was made by Councilor Walsh to REAPPOINT Michelle L. Ryan for a 2 year term to expire 7/2009; seconded by Councilor Poirier.

Discussion: None

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

4. Gloucester Police Department
  - a. Intern, Part-time

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

To: Honorable Town Council  
From: Jamie A. Hainsworth, Chief of Police  
Date: July 1, 2007  
Re: Appointment of Intern Summer 2007

I request you appoint Ashley Doven as a part time intern position no more than twelve hours per week from a rate of 12.00 per hr. from July 1, 2007 to September 1, 2007.

Ashley is a Town resident and a third year Law Enforcement student at the University of New Haven. Ashley will be receiving training in all aspects of law enforcement during this program as well as working on some policy and planning issues.

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 Reichert to APPOINT Ashley Doven to the position of Police Department Intern from July 1, 2007 to September 1, 2007 at an hourly rate of \$12., not to exceed twelve hours per week; seconded by Councilor Poirier.

Discussion: None.

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

##### 5. Building Official (Consultant status)

Councilor Sette read the following recommendation from the Personnel Director:

July 19, 2007  
To: Town Council  
Re: Appointment: Building and Zoning Consultant

Former Building and Zoning Inspector Brian Lombardi has agreed to offer assistance to the Town in matters concerning the Building/Zoning Office.

It is recommended that Brian Lombardi be appointed as a Building and Zoning Consultant effective August 1, 2007 at an hourly rate of \$29.77 to work as needed and requested. He would be paid as a consultant and not an employee and receive no benefits.

As it is unknown how much, if any, or for how long, assistance will be needed, the term for this position could be left open and terminate at the end of the current Council's term.

Tom Mainville  
Director of Personnel  
(end of memo)

MOTION was made by Councilor Reichert to APPOINT Brian Lombardi to the position of Building and Zoning Consultant effective August 1, 2007 at an hourly rate of \$29.77 to work as needed and requested; seconded by Councilor Poirier.

Discussion: Councilor Walsh asked who would be requesting these services. Tom Mainville, Finance Director, replied that this request would come from the (new) Building Official. Councilor Poirier asked what Brian Lombardi's status would be until August 1st. Councilor Sette replied that Mr. Lombardi is the Building/Zoning Official until that date.

Councilor Poirier stated that an appeal has been filed regarding the Pray Hill Tree Farm and asked if Mr. Lombardi would ultimately rule on this matter if the stay were lifted. John Bevilacqua, Town Solicitor, replied that the appeal is scheduled to be heard at the July 26th Zoning Board meeting at which time the new Building Official's term will not yet be in effect.

VOTE: AYES: Poirier, Walsh, Reichert & Sette

NAYS: 0

MOTION PASSED

B. Licensing Board: Liquor License

1. Discussion regarding eligible license/Action necessary

Councilor Sette stated that the Town Clerk recently forwarded a letter to the owner of the Purple Cat reminding them they had received an exception (six months) to the stipulations regarding their liquor license on November 16, 2006 and that their license was now expired.

Councilor Sette asked if the Council now wants to declare this license vacated. John Bevilacqua, Town Solicitor, stated that some action must be taken by the Town Council as this extension has expired. Discussion followed that the owner is out of town and as a courtesy it was felt Council should wait until next month to address this issue.

MOTION was made by Councilor Walsh to EXTEND the liquor license for the Purple Cat until August 16, 2007; seconded by Councilor Reichert.

Discussion: None.

VOTE: AYES: Poirier, Walsh, Reichert & Sette

NAYS: 0

MOTION PASSED

- a. Number of available licenses  
Discussion /Action necessary to set number

No Action.

C. Schools

1. Foster/Glocester School Building Committee  
Status updates (Construction & Financial)
  - a. Discussion & Action

Greg Laramie, Chair of the Foster-Glocester Regional Building Committee, distributed photos which show the progress of construction at the new middle school. Mr. Laramie stated that the furniture is to be delivered on August 1st and they have scheduled August 6th for the relocation of equipment from the current school to the new building. Mr. Laramie noted that there will be a pre-opening walk-through for School Committee members, Town Councils, Planning Boards, and others and a public opening for the community is anticipated for Saturday, September 15th.

Mr. Laramie explained that regarding reimbursement by the Department of Education, for interest payments, it is a three-step process and the School Department has submitted an application on July 15, 2006. Mr. Laramie also explained that correspondence was sent from the architects to the School Department on June 29th and the final application was to go out on July 15, 2007. Mr. Laramie pointed out that the key to reimbursement is the students occupying the building on August 30th, which will take place.

Mr. Laramie reported that the high school project is underway with asbestos abatement of the north building and plans and specs for that project are currently out to bid, due back the end of August, which includes the bidding on the ESCO components for both the high school and the biomass building for the middle school. Mr. Laramie stated that the completion date for the high school project has been pushed back until May of 2009 “fundamentally because we have lost the summer building period.”

Mr. Laramie stated that the Building Committee has retained the services of Strategic Building Solutions of Old Saybrook, CT, as the owner/representative for the high school project. Mr. Laramie noted that this company has extensive experience in school construction projects of all different sizes, most recently for Bryant University and the East Greenwich School Department. Mr. Laramie stated this company is coordinating the phasing of the construction and the construction managers have phased the construction into four phases. Mr. Laramie explained that in each phase temporary partitions and security systems have to be put in place.

Mr. Laramie stated that as of July 10th, the construction manager for the Middle School has been paid \$18,862,252 for work performed, and, in addition, they have been paid \$709,054 for work at the High School. Mr. Laramie added that the Committee has expended an additional \$3,925,194 for fees, land purchase, printing, permits, legal consultants, moving expenses, advertising, testing, phone system, and things of that sort, as well as items which are not purchased through our construction manager. Therefore, Mr. Laramie stated, that as of July 10th, the total expenses for the Committee were \$23,496,500.

Councilor Sette stated that June 30th was supposed to be the date that a Certificate of Occupancy was needed, and an extension was given until July 13th. Councilor Sette noted that we are now at the end of the month and Mr. Laramie is now explaining a three-step process. Mr. Laramie replied there are two parts to that: keeping the contractors to a June 30 completion date and a temporary Certificate of Occupancy. Mr. Laramie explained the Department of Education defines it as “substantially complete” by June 30th which was the case. Mr. Laramie again stated that the key is that the students occupy the building on August 30<sup>th</sup>.

Mr. Laramie stated they have been working with the contractors who were under the assumption that June 30 would be the date for a temporary certificate of occupancy date. Councilor Walsh asked if the \$750,000 reimbursement will be received, to which Mr. Laramie replied yes. Mr. Laramie stated there were two issues: the building code of completion dates and the Department of Education’s substantial completion dates and the submission of the July 15. Mr. Laramie stated the form F105 which the architect submits to the superintendent of schools and the superintendent signs is the second step and state law is that they will reimburse them once the building is occupied.

Councilor Sette stated that when the June 30th deadline came and went and an extension was given, blame was cast on the Town of Gloucester due to the fact that the Building Official had resigned. Mr. Laramie replied that the local Building Office has been exemplary to work with and Brian Lombardi was cooperative every step of the way, adding that he does not know where that comment came from. Councilor Sette stated that he would like to know who made the comment, because he feels that an apology is in order as that was not the situation. Councilor Sette stated Gloucester has made the appropriate arrangements for every situation and have been very cooperative. Councilor Sette reiterated that the comment appeared to have been to insinuate that a deadline was missed because of the town.

Larry Desormier questioned if the leach field has been approved. Mr. Laramie did not know the answer to that question. Atty. Bevilacqua stated the Building office has not received that approval from D.E.M. nor have they issued any temporary Use and Occupancy Certificates.

Councilor Reichert asked if the Department of Health has approved the water. Mr. Laramie stated that is a concern and his understanding is that we have nothing in writing, and that they believe it is acceptable to open the school as the water quality and quantity tests have come back fine. Mr. Laramie noted that there is concern regarding the proximity of the water supply to the oil tank, but they are working to resolve the situation. Councilor Reichert asked who was responsible if that system had to be replaced. Mr. Laramie stated he did not know the answer to that question. Councilor Reichert questioned the drop off location and if there would be some sort of “barrier”. Mr. Laramie stated it is steeper than what was designed but that is being worked

on. Mr. Laramie stated there are a number of site jobs that need to be completed. Councilor Reichert asked where the wood chips for the heating system would be stored. Mr. Laramie described the location where the chips will be dumped, (between the loading dock and entrance to mechanical room).

There was discussion concerning the cooking facilities at both the Middle School and High School. Mr. Laramie stated that we will be prepared for central cooking, but it will be the decision of the School Department and the food services vendor.

Councilor Sette referred to a report from the Building Official siting state building codes which prohibits the issuance of a certificate until all work has been completed in accordance with state code, fire safety code (Chapters 28.1-28.39), permits & applicable codes that require permits as required. Councilor Sette stated he has inquired to the Building/Zoning Office if they have been contacted and the Building Office has not been contacted in the last couple of weeks. Councilor Sette suggested that the Building Office be kept informed as things get done. Mr. Laramie expressed his agreement.

Councilor Walsh asked if the boiler permits are all in order and approved by the state. Mr. Laramie replied no they were not and that they are waiting for the operational manuals for the boiler and the Bio-clear system. Mr. Laramie stated they are currently in disagreement with the supplier as to the costs of the start up of that system. (Bio-Clear is the vendor/supplier) Mr. Laramie explained that this company has a monopoly on the servicing of the equipment for a set time, after which we would be required by the state to have a service contract. G. Laramie stated their fee compared to others they have received are considerably higher therefore Bio-clear is not releasing some of the manuals as quickly as they should. Councilor Walsh stated that we are running out of time, noting that a Certificate of Occupancy will not be issued until the boiler and septic system is operating.

Councilor Sette asked Mr. Laramie if the Building Committee is already going out to bid on the ESCO portion of the project. Mr. Laramie replied in the affirmative. Councilor Sette asked Mr. Laramie to discuss the reimbursement for the ESCO system. Councilor Sette stated that he has been told that the project is being broken up into two phases, one for the middle school and one for the high school. Councilor Sette asked if the reimbursement will not begin until 2008, and if this is the case, inquired how we will pay for the project. Mr. Laramie noted that this is how the State works and we are using bond anticipation notes to pay for the work.

Councilor Sette questioned with the state housing aid being frozen we would still get our reimbursement. G. Laramie answered in the affirmative. Councilor Walsh asked if the town is paying interest for the next three years on the ESCO and there is no money coming in. (inaudible answer) Councilor Walsh asked for a copy of the letter from the State which indicates that we will be reimbursed for the ESCO. Mr. Laramie replied that he will forward a copy of the letter. Councilor Sette asked what percentage would be reimbursed. Ray Fogarty, Building Committee member, responded that we will receive 59.57% plus another 3% or 4% from National Grid credits for a total (hopefully) of 63%.

Councilor Walsh asked what the voters approved. J. Bevilacqua, Town Solicitor, replied that, according to the motion drafted by the Regional attorney, the State reimbursement must be no

less than 60% of the project, if it is short of that there is no project, as understood by the voters. J. Bevilacqua stated that it would behoove the School Committee to call a special meeting to amend the motion to the appropriate method by which we are getting the reimbursement. Mr. Laramie replied that he is not prepared to discuss the legal ramifications. J. Bevilacqua stated that it is not a legal ramification, adding that the Building Committee is governed by a specific motion that was made as to a project.

J. Bevilacqua stated that unless 60% is there from State reimbursement, there is a serious question as to whether the project can go forward. J. Bevilacqua questioned the percentage referenced that may come from National Grid. J. Bevilacqua stated there has been no documentation or promise of a reimbursement that extends to the conclusion of the project or is a onetime payment. J. Bevilacqua stated he does not believe the Building Committee has a choice in satisfying the original motion of the taxpayers. J. Bevilacqua stated the vote made also was dependent on a guarantee of 60%, which has not been presented.

Councilor Sette asked if a special meeting will be conducted for this purpose could that also is an opportunity to correct the situation where money was not moved from the operating side of the budget to debt service. J. Bevilacqua replied that this should be corrected and he feels that the voters should have the opportunity to make that decision.

Councilor Sette asked Mr. Laramie to keep the Council (Glocester & Foster) updated regarding any new contracts which are signed to eliminate further confusion.

Councilor Walsh stated that he wants to make sure that we are not spending ESCO money until we get the reimbursement issue straightened out. Councilor Walsh stressed to the Building Committee not to expend funds on the ESCO project until this is worked out.

2. Glocester School Committee & Glocester School Department
  - a. Request for financial records update  
Discussion & Action

Councilor Sette stated that he attended the School Committee meeting along with the Finance Director and Town Clerk. Councilor Sette thanked committee member Hebert for his efforts and stated that there is an agreement in place to provide the necessary records. School Committeeman Hebert concurred that a specific motion was made and approved by the School Committee to transfer the general ledger, anything related to payroll, and anything which is already public knowledge. Councilor Sette suggested the Finance Director and the school's bookkeeper handle the transfer of records without the attorneys involved. J. Bevilacqua stated he would be happy to withdraw from negotiations. Councilor Walsh stated as long as the school's attorney withdraws also.

Councilor Walsh asked Tom Mainville, Finance Director, how much he still needs. T. Mainville explained why all the "elements" are needed to properly maintain the records. T. Mainville replied that he does not have anything at this time and cannot answer the question until he meets with the School Department. T. Mainville stated that, after speaking with Chris Hebert, he feels comfortable that we are "almost there". Councilor Walsh asked T. Mainville when the next

meeting will take place. T. Mainville replied that the meeting has not yet been scheduled. Councilor Walsh stated every deadline has been missed. Committeeman Hebert concurred.

3. Review of state allocations of funds for schools, specifically ESCO reimbursement vs. authorization approved by the electors (May 29, 2007 & June 23, 2007) (above)

D. Waterman Lake Shores

1. Private Road Issues
  - a. Town acceptance  
Discussion and/or Action

Councilor Sette stated that Bob Lyons, who requested this item, is not present and suggesting tabling until the next meeting.

MOTION was made by Councilor Reichert to TABLE the discussion of Private Road Issues - Waterman Lake Shores Plat until August 2, 2007; seconded by Councilor Walsh.

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

MOTION PASSED

- E. Blackstone Valley/Chepachet Village Wastewater / Stormwater Grant  
Technical Advisory Committee
  1. Adopt Charge

Councilor Sette stated that the Town Planner has submitted the following charge:

To: Town Council, Steven A. Sette, President  
From: Raymond Goff, Town Planner  
Re: Blackstone Valley-Chepachet Village Wastewater-Stormwater Grant  
Technical Advisory Committee

Date: July 10, 2007

At the request of the Town Council I am forwarding a charge for the Technical Advisory Committee for the Blackstone Valley-Chepachet Village Wastewater-Stormwater Grant project. In addition, the names of individuals who are interested in serving on the Technical Advisory Committee have been included in this memo.

A Technical Advisory Committee (TAC) is convened to oversee the Blackstone Valley-Chepachet Village Wastewater-Stormwater Grant project (review scope, project drafts and deliverables, etc.). This includes creation and coordination with any subcommittees to the TAC, or other key groups that assist in providing information, development of the wastewater / stormwater options and the installation of these systems.



This project will demonstrate innovative systems that lead to the elimination of wastewater and related stormwater issues in the Village of Chepachet. This is being done to accommodate both existing uses and improve the capacity for potential future in fill development. These new uses must be consistent with the Town of Gloucester's Comprehensive Community Plan and Zoning Ordinance and compliment the historic integrity of the area. Ultimately, this project should eliminate both the wastewater and related stormwater drainage problems in Chepachet's Tanyard Lane - Oil Mill Road area to create a long-term comprehensive integrated water quality and quantity solution.

The TAC will assist with the coordination of key stakeholders of the project; ensure effective public outreach and broad participation in the project. It will ensure the goals and objectives of the grant contract are met and accomplished.

The TAC will coordinate with the Town Planner and the RIDEM to ensure that the project is on schedule and will work to ensure timely completion of the project by the contract completion date. The TAC will seek out and work with individuals/property owners who may wish to participate in the project.

A detailed schedule identifying key project milestones will be prepared at the beginning of the project and revised in coordination with input from the consultants, the public, local officials, advisory committee(s), etc., as necessary and throughout the planning process for this project.

The following individuals have expressed an interest in serving on the TAC:

Mike Joyce, Town Council  
David Calderara, Planning Board  
Lou Cadwell, Wastewater Management Board  
Roy Najecki, Conservation Commission  
Linda Nichols, Wastewater Management Board  
Peter Skeffington, Wastewater Management Board  
George Kain, Wastewater Management Board

(end of memo)

MOTION was made by Councilor Poirier to ADOPT the Charge (as stated) establishing the Blackstone Valley-Chepachet Village Wastewater - Stormwater Grant Technical Advisory Committee; seconded by Councilor Reichert.

Discussion: None

VOTE: AYES: Poirier, Walsh, Reichert & Sette

NAYS: 0

MOTION PASSED

2. Appointment of members (7)

MOTION was made by Councilor Reichert to APPOINT Councilor Michael Joyce; David Calderara; Lou Cadwell; Roy Najecki; Linda Nichols; Peter Skeffington and George Kain to the Blackstone Valley-Chepachet Village Wastewater-Stormwater Grant Technical Advisory Committee for a term to expire June 30, 2009 or until completion of said project; seconded by Councilor Poirier.

Discussion:

VOTE: AYES: Poirier, Walsh, Reichert & Sette

NAYS: 0

MOTION PASSED

#### IX Department Head Report/Discussion

1. Jean Fecteau, Town Clerk, stated that six months ago a list was made of repairs which are needed for the Town Hall. J. Fecteau added that most of the repairs are not cosmetic, but have to be done to maintain the building. J. Fecteau stated that some time again Brian Lombardi, Robert Dauphines, and David Fecteau offered to take on the work of coordinating the needed repairs, with A. Whitford's blessing.

At this time, the front door has been replaced and J. Fecteau would like to see the improvements move forward. J. Fecteau noted that money is set aside for this purpose, and asked for a consensus. J. Fecteau pointed out that our Maintenance Department will do what they can, but some of the projects will have to go out to bid to be awarded by the Town Council. Councilor Reichert stated he believes the Council has already given their approval. There was consensus to move forward with the necessary repairs.

2. Jamie Hainsworth, Chief of Police, announced that the third annual Public Safety Day is scheduled to take place on August 25th at Gloucester Memorial Park and welcomed the Council's input. Councilor Sette stated there is a resident that would like to provide Lyme disease information that day. The Chief will contact that person.

Chief Hainsworth noted that everything went well at the fireworks and 4th of July Parade and commended the parade committees' work as well as their cooperation.

There was discussion regarding a Resource Officer at the High School.

3. Jean Fecteau, Town Clerk, stated that she has received a request from the Laurel Grange regarding their 100<sup>th</sup> Anniversary which will be celebrated in November. There was consensus to place this on a future agenda.
4. Councilor Sette stated that he has received positive comments regarding the swim program at the Town beaches. Councilor Sette asked Anthony Parrillo, Recreation Director, to pass this on to the water safety instructors and other staff members.

X Boards/Commissions

1. Connie Leathers, Parade Committee Chair, thanked everyone (including the staff of the Clerk's Office, Finance Office, & the Police Chief and his department) for their help in making the Fourth of July festivities a success. Ms. Leathers did comment that there was a disagreement on the day of the parade with the Gloucester Light Infantry. Ms. Leathers stated that it is the position of the Parade Committee that the Light Infantry, while a great organization, is acting as paid performers during the parade. Ms. Leathers stated that if an organization is receiving payment, they cannot dictate terms unless clarified up front.

Ms. Leathers noted that the Committee members work hard to make the parade a success. Ms. Leathers stated that there was concern that the politically incorrect parade was disrespectful to veterans. Ms. Leathers expressed her disagreement, noting that the Honorary Grand Marshal, Joe Peters, is a Marine and members of the RI National Guard and the Korean War Veterans were also present.

Ms. Leathers again thanked the Council for all their help. The Council members in turn thanked Ms. Leathers and the rest of the Committee for doing a great job. Jamie Hainsworth, Chief of Police, commented that this was the easiest year for the Police Department because of the Parade Committee. Chief Hainsworth further stated that the Fire Departments also did a good job. Ms. Leathers noted that the Fire Departments are all unpaid volunteers also and wished to thank them for their service, as well as Alan Whitford and the Public Works Department.

XI Council Correspondence/Discussion

1. Councilor Sette stated that the Council has received an invitation to a School Committee meeting to discuss the possibility of a Resource Officer.
2. Councilor Sette read the following letter into the record:

June 26, 2007  
Town of Gloucester  
1145 Putnam Pike  
Chepachet, RI 02814

To: Town Clerk, Gloucester Fire Departments and Gloucester Police Department

RE: Relay for Life  
Ponaganset High School

This past Friday, June 22nd, the American Cancer Society held an annual "Relay For Life" which was to honor those who have had cancer and survived and also for the memory of those who have passed on from cancer.

I myself have a survivor of cancer in our household, therefore I have been doing many Relay's for Life, but not here in Gloucester, but out of state in various states that I have lived

in. I was never so disappointed as I was with this Relay for Life that was sponsored by Burrillville/Glocester.

It was sad to see how our town did not participate in this special event as they should have. I believe I only saw actually two teams from Glocester. Relay for Life's that I have been to in the past, the Town, the Fire Dept.'s do so much for this event. Games for the children, they set up booths to have face paintings, food and much, much more and all of this is to raise money for the American Cancer Society.

It is sad to see that more and more people don't get involved and I'm sure if not one of your own family members, you must know or have known someone who have suffered with cancer.

I just wanted to let you all know that it would have been nice to have seen more of our own town members, municipals participate in such a special event and make it fun.

I do know that they will be doing it again next year and it would be nice to see more people get involved.

Sincerely,  
A Concerned Parent of a Cancer Survivor

(End of letter)

Councilor Sette stated that we should keep this in mind for next year.

3. Councilor Sette stated that the Council has received a thank-you from the Heritage Society for the donation to the Thomas Dorr re-enactment event.
4. Councilor Sette spoke regarding a letter from the Department of Municipal Affairs which indicated that the Town was able to obtain another exemption for the School Department with respect to some funding. Councilor Sette thanked Tom Mainville for his efforts regarding this matter.
5. Councilor Sette stated that a second complaint was received regarding the Gloucester Light Infantry's activities on July 10th with respect to fife and drum practice. Councilor Sette stated that the parties involved should show restraint to prevent the situation from escalating out of control.

Councilor Sette stated if we had a noise ordinance in place it may have addressed some of these issues and asked the Council to consider the recommendation made in the letter to revisit the noise ordinance issue.

6. Councilor Poirier discussed the work of the Town Council Road Sub-Committee. Councilor Poirier distributed copies of a draft road policy prepared by members of the sub-committee in conjunction with the Planning Board. Councilor Poirier asked everyone to review and prepare comments and/or suggestions for the next meeting. Councilor Poirier

also stated the Sub-committee would like the Council to reinforce with the Planner and the Zoning Office a policy set in January, 2006.

Councilor Reichert explained that when a landowner, whose street is listed on the Suitably Improved road list, applied for a building permit they would have to go through the Exception process. Councilor Reichert stated there will be no more building permits issued “carte blanc”. Councilor Poirier referred to the minutes of previous meetings. The Clerk asked if a motion was necessary. Councilor Reichert stated he believed the Council had already given a directive that instructed that land owners applying for a building permit on a road which is currently on the suitably improved roads list must go through the process.

## XII Open Forum

1. Ken Mitchell, of the Gloucester Light Infantry, spoke regarding the parade, stating that the problem started when the Light Infantry was placed at the end of the parade in front of the fire trucks, which is impossible for a small musical unit. The Light Infantry asked to be moved but were refused. Mr. Mitchell stated that comments were made which were unprofessional.

Regarding the situation (noise complaints) with the Fife and Drum Corps, Mr. Mitchell stated that the practices break up around 8 o'clock most of the time. Mr. Mitchell explained that they were training a new member on the evening in question and stated that they will no longer fire blanks. Mr. Mitchell stated that they are trying their best not to aggravate anyone in the neighborhood.

2. Brendan Mitchell, member of the Fife and Drum Corps, stated that in the past, the complainant came over and “got in his face” and told him that they were not playing well.
3. Tom Sanzi stated that he is attempting to stop this problem from going any further. T. Sanzi commented that the Light Infantry is trying to provide a hobby for the kids who will keep them off the streets and away from drugs. Regarding the parade, T. Sanzi stated that the Gloucester Light Infantry has always been at the beginning for the most part.

Councilor Reichert asked Mr. Sanzi if the group was late arriving at the parade, to which Mr. Sanzi replied no, they were there at least an hour before. T. Sanzi further stated that dozens of marchers arrived after them. Councilor Walsh stated that it sounds like there was a lack of communication.

4. George Von Keller, of the Gloucester Light Infantry, stated that the only problem that he was aware of at the parade was a misunderstanding concerning their position in the parade. Mr. Von Keller stated that the Gloucester Light Infantry has participated in the 4th of July Parade since 1974 and has traditionally marched near the front. Mr. Von Keller further stated that his group does not care if they are in front of the veterans or behind them, but wish to be placed with the military people because they are also a military unit.

Regarding the noise complaints from a neighbor, Mr. Von Keller stated that there are closer neighbors who have not complained. Mr. Von Keller stated that his group has discontinued musket firing since the evening of the complaint.

5. Matthew Blanchette, Private with the Gloucester Light Infantry, stated that Connie Leathers does not consider the group a military unit, as she herself stated that they are paid performers. Mr. Blanchette concurred that they were paid for the parade, but added that they also do many things in the Town on a volunteer basis. Councilor Reichert suggested that in the future, they should discuss their placement in the parade prior to the event.
6. Patty Mitchell, Major with the Gloucester Light Infantry, stated that she was present on July 10th when there was a confrontation with the neighbor. Mrs. Mitchell added that she attended the practice because her son, Brendan, who spoke earlier, had told her that this neighbor had screamed at him and other children, and she was afraid that something would happen. Mrs. Mitchell stated that the practice ended at 8 o'clock at which time they adjourned back into the building. Mrs. Mitchell reported that this individual and his son drive by and swear at them in a harassing manner. Mrs. Mitchell asked for the Council's help because it is very disturbing.
7. Peter Ruggieri, Sergeant with the Gloucester Light Infantry, stated that he wished to apologize to Ms. Leathers, the Town Council, and his fellow members. Mr. Ruggieri stated that on the day of the Parade, he had reported to a Parade Committee member that the Light Infantry was placed at the end of the parade. The Committee member agreed with Mr. Ruggieri that this was not right and stated that it must be a mistake. When Mr. Ruggieri asked Ms. Leathers if the Light Infantry could move to the front, he was told that the parade is set up in such a way that volunteers march in the front and paid marchers are toward the rear.

Mr. Ruggieri pointed out that on many occasions in Gloucester as well as throughout Rhode Island, the Light Infantry represents the Town for nothing. Mr. Ruggieri also spoke regarding the incident of July 10th. Mr. Ruggieri explained that they had a new recruit who was to march in a parade before the next meeting, and they had to train him on how to fire a musket. Mr. Ruggieri noted that only two shots were fired from the musket. Mr. Ruggieri stated that he is sickened by the way the unit is treated.

8. Jack Anderson spoke regarding the school building project, stating that he feels that Mr. Laramie was not honest with the Town Council when he spoke earlier. Mr. Anderson stated that one of the keys for the Building Committee not to spend money on the ESCO is not to enter into contracts, adding that the Town Council may want to make this explicitly clear in writing to them. Mr. Anderson stated that it is time to replace the members of the Regional School Building Committee. Mr. Anderson also recommended that the Council call in the Auditor General to conduct an audit.
9. Tom Sanzi asked Councilor Poirier to speak to Ms. Leathers concerning comments she made about him which could be described as defamation of character.

10. Walter Steere, School Committee member, stated that the National Grid percentage which was addressed earlier will not be a percentage of the whole project, so he does not see how this will be part of the 60% reimbursement from the State. W. Steere expressed his concerns. W. Steere also stated that the comment which was made blaming the Building Official for the delay in the School Project was made by a member of the Foster School Committee who also serves on the Building Committee.
11. Anthony Schadone, of Pray Hill Road, asked if there is a stay issued by the Town as far as removing any earth or gravel from the site of the Pray Hill Tree Farm. J. Bevilacqua, Town Solicitor, replied that this is a subject which is before the court and he cannot comment. J. Bevilacqua did state that the original cease and desist order was regarding soil erosion and the failure of the applicant/owner to make an application for a soil and erosion plan in conformance with our Ordinance and with State Law.

J. Bevilacqua went on to say that a phase-one plan was filed at which time the Building Official issued an amended cease and desist order allowing certain activity to occur on the approved certified soil and erosion plan that applied only to the 2.6 acres which were designated as phase-one. J. Bevilacqua stated that the remaining cease and desist order remains in place. J. Bevilacqua stated that there has been a Zoning appeal made which places an automatic stay until the appeal is considered by the Zoning Board on July 26<sup>th</sup>.

J. Bevilacqua stated that at the conference before the Court, the Court would not issue a decision on any relief to the owner/applicant, but would only make certain recommendations. J. Bevilacqua stated that he, on behalf of the Town, made certain assurances to the Court that we would expedite whatever proceedings that the Court asked the parties to do. Mr. Schadone asked if the owners are allowed to haul any gravel from this site. J. Bevilacqua stated there may have been breaches of the agreement which have resulted in Police action.

J. Bevilacqua stated that he has experience with the soil & erosion control laws and as a result of complaints filed he instructed the Building Official to issue a cease and desist if a plan was not filed. J. Bevilacqua stated following the first meeting were these issues were first brought up he and the Zoning Official went to the site and subsequently the cease and desist was placed on the project.

Mr. Shadone reported that they are now hauling stumps and dumping and burying them on the site. Mr. Shadone further stated that he called the Police concerning the trucks traveling past his house at 50 miles per hour and when the Police responded, two of the trucks were towed after being found to be unsafe.

Councilor Poirier stated that a stay is part of the appeal process; when a person files an appeal on a decision, the stay goes into effect.

Mr. Shadone asked if “they are allowed to haul gravel out of there” and if he calls the Police Department will someone respond. J. Bevilacqua stated to the affirmative. Mr. Shadone stated that when he calls the Police regarding the hauling activity, he is referred to the Building Office. Mr. Shadone stated that when he calls that office, his calls go

unreturned. J. Bevilacqua stated that he is in daily contact with the Building Official's office regarding this issue.

Nicholas Gorham, attorney representing Mr. Grant, the abutting property owner who has two appeals pending before the Zoning Board, stated that the General Assembly has passed a law which classifies stumps as solid waste, which means that the stumps must be disposed of at a licensed solid waste facility, unless they are from your own property. N. Gorham pointed out that the owner of the tree farm sought relief from the stay, but was denied by Judge Ruebien. Mr. Gorham stated that the removal of 30 or 40 truckloads per day is a flagrant violation of the law and a criminal offense. Mr. Gorham stated that he and his client will be urging the Town not to give any relief from the stay, adding that there is no relationship between removing gravel and growing pine trees.

Councilor Reichert asked the Chief to watch for this type of dumping.

(woman, inaudible)

Robert Van Herpe, of Pray Hill Road, stated that there is no enforcement by the Town. Mr. Van Herpe stated that he feels that the residents of Pray Hill Road are trying to enforce what is not supposed to be done. Mr. Van Herpe stated that when the Police are called to report a trailer, by the time they arrive, the trailer is gone. Councilor Sette asked Chief Hainsworth if a duty officer could be placed at the location. Chief Hainsworth replied that they are doing the best they can. Mr. Van Herpe stressed how aggravating it is to live in this environment.

Mr. Blanchette asked, if this activity is criminal as Mr. Gorham stated, can the offenders be arrested. Councilor Reichert stated that if they are hauling stumps onto the property, this is a violation of State Law.

Ray Watts, Pray Hill Road area, asked for an explanation of what the sediment and erosion plan is. J. Bevilacqua replied that there are preventive measures required by the Department of Environmental Management when any type of earth is moved, especially in areas which are sensitive to wetlands. J. Bevilacqua stated the state has adopted the soil & sediment erosion program to eliminate major removal of soil where buffer areas were not replaced to avoid serious erosion.

J. Bevilacqua further stated that the town of Gloucester has adopted the plan that the State has implemented which must be done by a licensed and certified engineer who is familiar with this type of soil erosion prevention. J. Bevilacqua stated that once the plan is submitted to the Town, it is sent out to a consultant for review and recommendations. Atty. Bevilacqua stated if there are any objections on the part of the applicant regarding recommendations, their appeal process is to the Zoning Board.

Mr. Watts referred to the footnotes on the sediment and erosion plan, stating that the surveyor said that they could not get a proper elevation on that property because all of the elevations have been changed. Mr. Watts asked how something can be submitted after the destruction of the property had already occurred. J. Bevilacqua replied that the



topographical plan of the area was the existing elevations that had been established. Atty. Bevilacqua stated the readings that were shot in the field are the readings that will dictate how much material is removed from that area.

Mr. Watts noted that in phase one, they wanted to drop an elevation by twelve feet, stating that he cannot understand why twelve feet would have to be taken for a tree farm. Mr. Watts stated he has been here for 43 years and objects to a company from out of town getting away with these violations from the beginning. Mr. Watts objects to taxpayers having to spend their own dollars on attorney fees and felt the operation should have been stopped with the first violation. Councilor Reichert stated the Zoning Ordinance needs to be amended to deal with these situations.

12. James Giarrusso, of Lake Shore Drive, had questions regarding the permits for the biomass boiler, stating that they (the School Building Committee) have nothing in place. Mr. Giarrusso noted that if the boiler is installed and does not meet national or state requirements, there will be a fine of \$500.00 per day.

There was discussion regarding the steam line and whether it will be installed underground. Mr. Giarrusso stated that Ben Anthony, Chief Boiler Inspector for the State of Rhode Island, has attempted to contact our Mechanical Inspector and the Building Official in order to offer advice on the matter. Mr. Giarrusso expressed concern that this boiler has no back-up system. Mr. Giarrusso stated that the Building Committee is not above the law and somebody needs to stop them.

J. Bevilacqua pointed out that a Certificate of Occupancy, temporary or otherwise, has not been issued based primarily on many of the things that are being said now. Mr. Giarrusso stated that if the boiler does not meet the approvals, a certificate will not be issued. Mr. Giarrusso stated the Chief Inspector is very interested in the moisture content as needed. Mr. Giarrusso referred to previous discussions with the Committee that indicated they could easily burn wood chips, to this Mr. Giarrusso stated this is a farce and will cost the town a lot of money. Discussion followed on the inability for the proposed systems to sufficiently work and the costs involved.

MOTION was made by Councilor Walsh to ADJOURN to Executive Session Pursuant to RIGL 42-46-5(a)1 Personnel; seconded by Councilor Reichert.

VOTE: AYES: Poirier, Walsh, Reichert & Sette

NAYS: 0

MOTION PASSED

### XIII Executive Session

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

After Executive Session, Councilor Walsh stated that he would like to send a letter to the Regional School Building Committee which specifically states that no money shall be spent in regard to the ESCO until we receive, in writing, that we will get 60% from the State as mandated at the Regional Financial Meeting. It was stated that the Motion which was made at the

Foster/Glocester Regional Financial meeting should be included in the correspondence. J. Fecteau, Town Clerk, noted that the minutes from the meeting have not been done yet, adding that the thirty-five day requirement for access to public records has expired. Discussion followed on the issue of the need for another Regional Financial Meeting. Councilor Sette stated that the Regional School Committee should receive a copy of the letter. Councilor Walsh suggested that the Foster Town Council should also be notified.

XIV Adjourn

MOTION was made by Councilor Walsh to ADJOURN at 10:55 p.m; seconded by Councilor Reichert.

VOTE: AYES: Poirier, Walsh, Reichert & Sette

NAYS: 0

MOTION PASSED

Jean M. Fecteau, Town Clerk

Approved at the August 2, 2007 Town Council Meeting.