

At a meeting of the Town Council holden in and for the Town of Gloucester on February 4, 2016:

I. Call to Order

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

II. Roll Call

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

Also present: Jean Fecteau, Town Clerk; Tim Kane, Town Solicitor; Susan Harris, Deputy Town Clerk; Joseph DelPrete, Chief of Police; Diane Brennan, Finance Director; and Gary Treml, Director of Public Works

III. Pledge of Allegiance

The Pledge of Allegiance was recited.

IV. Open Forum - For Agenda Items

None.

V. Resolution

A. #2016-01 Opposition to Governor's Toll Proposal

Councilor Burlingame read the following Resolution into the record:

**Resolution #2016-01
In Opposition to the Governor Proposed Truck Toll Gantries**

WHEREAS: The Governor's Proposal will add additional financial burdens to families by increasing the already high cost of goods and services in Rhode Island; and

WHEREAS: The Governor's Proposal will place additional burdens on all Rhode Island Businesses resulting in more direct/indirect loss of jobs in Rhode Island; and

WHEREAS: This "tolling" proposal will create an additional burden to Routes 44, 102, 6, & 101 which are all the main arteries in and through the Town of Gloucester, thereby, creating additional traffic and safety issues on roadways which are already overburdened; and

WHEREAS: The Governor's Proposal will likely be viewed nationwide as yet another Rhode Island anti-business/anti-consumer tax; and

WHEREAS: The Governor's Proposal ignores other alternative, and substantially more fiscally sound, pay-as-you-go proposals; and

WHEREAS: The Governor's Proposal increases our state's already high bonded debt by at least

another \$1.3 billion; and

WHEREAS: The Governor's Proposal is widely regarded as a "gateway" tax that will eventually lead to the tolling of ALL vehicles; and

NOW, THEREFORE BE IT RESOLVED that the Gloucester Town Council views the Governor's Proposal as an unwarranted encroachment on intrastate commerce & transportation that places additional, significant and unnecessary burdens on Rhode Island & Gloucester Businesses and Consumers, and we strongly encourage all cities and towns of the State of Rhode Island to oppose it and any other similar plans; and

BE IT FURTHER RESOLVED that a copy of this resolution be forwarded to our State Delegation, the RI League of Cities and Towns and to all Rhode Island municipalities requesting support in **OPPOSITION to the Governor's Proposed Truck Toll Gantry Plan.**

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

Jean M. Fecteau, CMC,
Town Clerk

seconded by Councilor G. Steere

Discussion: Councilor Burlingame stated that he sent a letter to Speaker Mattiello regarding the proposal, as follows:

Mr. Speaker,

I heard your comments regarding the truckers accepting the fines for going over the Pawtucket River Bridge and they are as preposterously idiotic as are the Governor's saying the same thing. I heard one lawyer who also represented these truckers who were ticketed and he said none of them did so intentionally, they just missed the warning signs. No trucker in their right mind would accept a \$3000 fine intentionally. Your premise that they did or would is a false one. You have also taken the exception out for local truckers which will increase the goods and services to all Rhode Islanders. Yours and the Governor's proposal to have passenger cars exempted by legislation requiring a vote is also a ruse. Any subsequent legislation could repeal that provision. As to the puddle jumping by the truckers to avoid the toll: They will avoid Rhode Island all together. Get on 395 in Connecticut and go around Rhode Island completely. That or use Rt. 6 and Rt. 44 which will absolutely clog my village, Chepachet in the Town of Gloucester. The shame of this proposal is that when fees for licenses and registrations were raised a few years ago, the money was supposed to go for bridge repair but the legislature went back on its word is it does so many times. If you used that plus the Federal money and a little belt tightening you could get this job done without the tolls. I intend to send a copy of this memo to the Governor as well because she is just as complicit.

Sincerely,
Ted Burlingame
Chepachet, RI

cc: Governor Gina Raimondo
(End of letter)

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

MOTION PASSED

VI. Public Hearing - Discussion and/or action

A. Exception to the Ordinance Regulating the Issuance of a Building Permit

1. Applicant: Peter Fiore
Location: A.P. 10, Lot 33

To obtain a building permit on a right of way off Pine Orchard Road

Councilor W. Steere stated that this Public Hearing was advertised in the Valley Breeze the week of January 21, 2016 and notices were sent to abutters.

Councilor W. Steere DECLARED the Public Hearing OPEN and read the draft minutes of the Planning Board meeting of January 4, 2016:

Following testimony by the applicant, Peter Fiore, and discussion by the Board members, Mr. Fiore requested withdrawal without prejudice of his application to the Town Council for an Exception to the Ordinance Regulating the Issuance of Building Permits.

MOTION was made by Vice-Chairman Calderara to allow Mr. Fiore to withdraw his application for an advisory opinion to the Town Council for the Exception to the Ordinance Regulating the Issuance of Building Permits, without prejudice.

MOTION was seconded by Member DeGrange.

DISCUSSION: None

VOTE: Ayes - Six (6) (Calderara, DeGrange, Furney, Pitocco, Folcarelli, Gross)
 Nays - Zero (0)
 Recusal - One (1) Chairman Charette recused himself prior to the hearing.

(End of minutes)

Councilor W. Steere read into the record a memo from the Public Works Director to the applicant:

December 7, 2015

Re: Request for exception to construct a dwelling on AP 10 Lot 33 Pine Orchard Rd

Mr. Fiore:

I have visited the proposed site and reviewed the information submitted for the Exception to the Ordinance Regulating the Issuance of Building Permits to construct a dwelling on AP 10 Lot 33 Pine

Orchard Rd.

There is a driveway staked off to access the proposed site. An asphalt apron will be required at the entrance to the property off of Pine Orchard Rd. Based on the material submitted and viewing the proposed site I have no objections to constructing a dwelling on AP 10 lot 33.

Sincerely,

Gary Treml, Public Works Director

(end of memo)

Councilor W. Steere read a memo from the Fire Chief into the record:

December 9, 2015

Re: Request for exception to install a driveway through Assessors Plat 10 Lot 24 to Assessors Plat 10, Lot 33 located at 254 Pine Orchard Road.

I have reviewed the documents submitted for the above mentioned. The information provided is minimal at best. Recommendations in this document for the proposed driveway do not constitute authority to implement any alterations, it is the sole responsibility of the applicant to obtain clearances necessary to move forward with these recommendations from individuals, state, local and federal agencies.

The following are recommendations by this department to allow for adequate fire and rescue access to your property/house.

1. All hummus material, stumps, brush and rocks in proposed road bed must be removed and a suitable gravel base installed suitable to support the weight of emergency apparatus. Typically, one (1') foot of three inch (3") minus gravel.
2. The driveway appears to be around 700' in length (there is no driveway length provided).The driveway should be 14' wide. Brush and trees cleared to a minimum of 4' each side of the driveway with no overhead obstructions within 16' of the ground.
3. The entrance of the driveway should be larger than the width of the driveway and have a radius large enough on both sides to accommodate the turning of large apparatus into and out of the driveway.
4. All turns in the driveway shall have a radius large enough to accommodate fire and rescue apparatus.
5. Due to the length of the driveway there should be sufficient area at the end of the driveway to turn fire and rescue apparatus around.

Should you have any questions, concerns or need additional information to comply with the above recommendations you may contact the office with the phone number above.

Robert G. Dauphinais, Chief
(end of memo)

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

Discussion:

Howard Tucker stated that he represents the owner of Lot 34, which abuts lot 33, the lot in question. H. Tucker stated that he wanted to make the applicant aware of a survey line map which was done when H. Tucker's father acquired the property. H. Tucker noted that he has no objection to Mr. Fiore's plans, but suggested that he review the maps which are on file in the Town Clerk's office.

Tim Kane, Town Solicitor, stated that there is no recommendation from the Planning Board regarding this application. T. Kane explained that there was consensus of the Planning Board members that because the applicant owns the front lot, he could create frontage for the back lot. T. Kane stated that the applicant withdrew his request before the Planning Board, but then decided to come before the Town Council, which is his right.

Councilor G. Steere addressed the applicant, stating that because he owns the front lot, it would be cleaner to go to the Zoning Board to deed 30 or 50 feet to the back lot to give it frontage.

Peter Fiore, applicant, stated that he was told that he has the right to use the deeded right of way since it is there. P. Fiore stated that he was advised to record the right of way in the Assessor's Office so that there is no argument. P. Fiore commented that he has been in contact with several departments during this process and has received different stories along the way. P. Fiore stated that he already has an easement with National Grid to go in. P. Fiore stated that by the time he sells the front lot, he may hire a surveyor to put in a permanent bound.

Councilor W. Steere asked if there are plans for only one house on the back lot. P. Fiore replied in the affirmative, stating that he has no desire to subdivide the lot. Councilor W. Steere expressed concern that a future owner may wish to do so. P. Fiore expressed his opinion that it would not be feasible to subdivide due to a pond on the property. Councilor W. Steere stated that we have not gone through the normal process of obtaining advisory opinions from Planning and Zoning. P. Fiore noted that he did have a meeting with the Building Inspector and the Town Planner, adding that they both told him that it would not be a problem. Councilor W. Steere stated that the Council has not received any advisory opinions from the Building Official or the Planner. Jean Fecteau, Town Clerk, stated that the Planner sent the applicant to her office to get the application for exception to the ordinance. Councilor G. Steere stated that the Council would usually get an advisory opinion from the Planning Board.

Tim Kane, Town Solicitor, stated that the Planning Board was not going to give the application a positive opinion, but advised the applicant to create a 50 foot strip to access the back lot. T. Kane stated that the Town Council has the ultimate authority to grant the petition or not. T. Kane stated that there are several gray areas in the application; the Fire Department recommendation is greater

than the standard in the Ordinance, which calls for 14 foot gravel driveway with 2 foot shoulders on each side. T. Kane recommended several options for the Town Council. They could deny the application without prejudice, which would allow the applicant to go before the Zoning Board for a dimensional variance. Another option would be to continue the matter for a month or two and the Council could send it back to the Planning Board to see what they officially have to say.

Councilor Reichert asked the applicant if he is willing to make the right of way according to what the Fire Department wants. P. Fiore replied in the affirmative. Councilor Reichert stated his opinion that he has no objection. P. Fiore stated that the people on both sides of his property have been granted a right of way and he only wants to do the same as his neighbors have done.

T. Kane commented that what makes this application different from what the Planning Board is used to seeing is that the applicant controls the front lot. T. Kane stated that normally a right of way is over somebody else's property, but it is not needed in this case since the applicant owns both lots. T. Kane stated that when the applicant goes to sell the front lot, he can make it subject to the right of way, and when he sells the rear lot, it will be together with the right of way.

Councilor W. Steere stated that he would prefer to create something now to avoid problems in the future. Councilor Burlingame concurred, stating that when the applicant sells the back lot, the right of way will have to be identified clearly in the deed.

T. Kane advised the Council that if they see fit to grant the petition, he would recommend that the right of way be surveyed and recorded before a certificate of occupancy is issued.

Councilor G. Steere stated that the Zoning process would take a couple of months, but if the applicant has the time, it would be a cleaner way to do it. Councilor G. Steere stated that if someone other than the applicant owned the front lot, we would be looking at this differently. Councilor G. Steere commented that we have a Planning Board for a reason and this is what their recommendation would have been if the applicant had not withdrawn the application.

P. Fiore stated that he has the right to use the right of way. Councilor W. Steere pointed out that when it becomes somebody else's property, it will be a different story. P. Fiore stated that he was led to believe that he has to have the property surveyed before going to Zoning and stated that if it is denied, he will have wasted his money.

Tim Kane, Town Solicitor, explained that this could be an Administrative Subdivision which would not create a lot, but would take area from the front lot to add to the back lot. T. Kane stated that there would definitely be some survey work needed. Councilor G. Steere asked if the land survey could be subject to approval. T. Kane replied that if the applicant is going to do an Administrative Subdivision, he will have to spend some money.

Howard Tucker stated that a right of way is subject to closure by persons who own the property. H. Tucker gave an example of a situation on Indian Trail where the owner of the right of way placed trees across it.

T. Kane stated that this comes down to whether the back lot is accessed by a 14 foot gravel driveway which goes over what will eventually be someone else's property or having 50 feet of frontage, which is what the Planning Board is looking for.

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

Discussion: Councilor W. Steere expressed his concern that this type of request typically goes through the mechanism of being researched by people who provide an advisory opinion to the Town Council. Councilor W. Steere stated that he wants to avoid problems in the future.

Councilor Reichert stated that if the applicant did not own the property in the front, and had a deeded right of way to the rear lot, we would be giving it to him.

Councilor G. Steere asked how wide is the right of way. T. Kane replied that it just says "right of way" in the deed, adding that the Fire Chief's recommendation would be 22 feet at a minimum. Councilor Burlingame suggested that the motion specify a width of 22 feet. Councilor Reichert reiterated that if the applicant's name was not what it is, the Council would be giving it to him.

Councilor G. Steere stated that we would have to define where the right of way is, to avoid problems ten years down the road.

MOTION was made by Councilor Burlingame to GRANT the Exception to the Ordinance Regulating the Issuance of Building Permits for Owner & Applicant, Peter Fiore; Location: Assessor's Plat 10 Lot 33; Application #2015-02; To obtain a Building Permit on an unnamed right of way, off Pine Orchard Road, contingent upon:

- 1) Prior to any construction of a building on this site, an official plan shall be submitted to the Chepachet Fire Department. The plan submitted shall show the exact location of the house and other structures on a site plan along with building plans.
- 2) The right of way shall be a minimum of 25 feet wide and shall be improved to a consistent 14 foot wide gravel right of way with four foot shoulders on either side. Tree limbs shall be cleared to the height of sixteen (16) feet above the right of way for the entire length and width of the right of way. The right of way shall be constructed in accordance with the recommendations as contained in a letter from the Chepachet Fire Chief to Peter Fiore, dated 12/9/15.
- 3) The Town of Glocester will not be responsible for maintenance of any nature to this private right of way inclusive of snow and ice control and the owner/applicant shall cause a deed acknowledging the same to be recorded in the Land Evidence Records prior to issuance of a building permit. A copy of this deed shall be presented to the Town Solicitor for his approval prior to recording.
- 4) Improvements to the right of way and turn around shall 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.

5) That all improvements are to be completed to the satisfaction of the Public Works Director prior to the issuance of an occupancy permit.

6) A plan prepared and stamped by a professional surveyor showing the exact location and dimensions of the right of way shall be recorded prior to the issuance of an occupancy permit.

7) That any future deed conveying Assessor's Plat 10, Lot 33 shall expressly state that said lot is being conveyed together with said right of way and said deed shall make reference to the plan showing said right of way as referenced above.

8) That any deed conveying Assessor's Plat 10, Lot 24 shall expressly state that said lot is being conveyed subject to said right of way and said deed shall make reference to the plan showing said right of way as referenced above.

9) Let the record reflect that Lot 33 does not abut Pine Orchard Road.

Seconded by Councilor Reichert.

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

MOTION PASSED

VII. Consent Items - Discussion and/or action

A. Approval of Town Council Reg. meeting minutes of January 21, 2016

MOTION was made by Councilor Sette to APPROVE Town Council minutes of January 21, 2016; seconded by Councilor G. Steere.

Discussion: None.

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

MOTION PASSED

VIII. Unfinished Business

A. R.I. EBT (Electronic Benefit Transfer) Card - Eligibility Waiting Period - Discussion and/or action

Councilor Burlingame stated that Representative Mike Chippendale is present to discuss this matter.

Discussion: Councilor Burlingame stated that Connecticut and Massachusetts have longer waiting times for EBT card eligibility, making Rhode Island a magnet for undocumented people coming in. Councilor Burlingame stated that this is a problem and asked what could be done.

Representative Chippendale stated that he agrees with Councilor Burlingame. Rep. Chippendale stated that unlike some of our neighbors, Rhode Island funds the majority of social programs with Federal money and there is no waiting period by the Federal government's guidelines. Rep. Chippendale stated that his office is researching what programs are strictly funded with Rhode Island funds (with these we could have a waiting period) Rep. Chippendale stated it appears we are ball and chained with federal money. Rep. Chippendale stated that he will keep the Council informed with updates.

B. Personnel

1. Appointment: Public Works

a. Driver/Laborer I position - Discussion and/or action

Gary Treml, Director of Public Works, stated that interviews were conducted and he recommends the appointment of Todd Lewis to the position of Driver/Laborer I.

Diane Brennan, Finance Director, stated that seven (7) applicants were interviewed and she would like to keep the remaining applications on file for future job openings.

MOTION was made by Councilor Reichert to APPOINT Todd Lewis to the position of Driver/Laborer I at a pay rate of \$19.41 per hour, effective date to be determined after a required physical has been completed; seconded by Councilor Burlingame.

Discussion: None.

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

MOTION PASSED

C. Boards & Commissions

a. Conservation Commission - Discussion and/or action

1. One alternate 1-year term to expire 2/2017

Councilor W. Steere stated that there is no recommendation from the Chairman at this time.

MOTION was made by Councilor Burlingame to TABLE the appointment to the Conservation Commission for one alternate term to expire 2/2017; seconded by Councilor G. Steere.

Discussion: None

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

MOTION PASSED

IX. New Business

A. Foster/Glocester Legislators & Town Council - Proposal of Legislation
Re: Regional School District as a taxing authority - Discussion and/or action

Councilor W. Steere stated that Senator Fogarty, Senator Kettle (Foster), Rep. Chippendale, Rep. Winfield, & Rep. Keable were all invited this evening. Councilor W. Steere noted that Rep. Keable and Sen. Fogarty notified the Council that they would be unable to attend but are willing to meet with the Council at another time. Councilor W. Steere stated that Rep. Chippendale is present.

Discussion: Councilor Sette stated that he had asked for this agenda item partly because we have been having an issue trying to get the School District to meet with Foster and Gloucester Town Councils to discuss the Region's budget. Councilor Sette commented that as time goes on, the increases that keep getting passed down are not going to be sustainable by either town. Councilor Sette stated that one way to make the Regional District more responsible is to make them their own taxing authority versus everything being passed through the Town.

Councilor Sette explained that the Regional School District presents their Budget at a meeting in March and if approved by the voters, the Budget gets passed down to the two towns, and nothing can be done to adjust the Budget. Councilor Sette stated that the Town cannot levy more than 4% over the previous year's amount to be raised by taxes. Councilor Sette stated that if the Regional increase to the Town of Gloucester is over that amount, we would have to cut on the municipal side of the Budget.

Councilor Sette stated that there is precedent in other states where School Districts, similar to Fire Districts, are their own special taxing authority. Councilor Sette stated that to go forward with this, a Resolution from the Gloucester Town Council is needed, according to our legislators. Councilor Sette stated that there are several other regional school districts in Rhode Island, such as Chariho, who may wish to get involved.

Councilor Burlingame agreed with Councilor Sette, stating that we have three Fire Districts in Gloucester who send out their own tax bills. Councilor Burlingame stated that it really makes sense when you look at the scope of the dollars involved in the Regional School District, as opposed to the Fire Districts which are only a small percentage of that. Councilor Burlingame expressed his opinion that we should move forward because we are at risk now that anyone can vote on the Budget without hearing the explanations. Councilor Burlingame stated that if we did have to lay some people off, when we go to rehire, people will not want to work where there is unpredictability for future employment.

Councilor W. Steere stated that nobody wants to see 4% increases every year because many people cannot afford it.

Rep. Mike Chippendale stated that there would have to be an enabling Resolution from the towns of Foster and Gloucester as well as from the Region. Rep. Chippendale stated that legislation is being drafted at this time and will be done shortly. Rep. Chippendale stated that he believes that we will not get a Resolution from the Region, but we will proceed without it. Rep. Chippendale stated that he is on board and feels that this would get wide support from other regional districts in the State.

Councilor G. Steere stated that he does not know why a Resolution is required from the Regional

District since it is the two Towns that are paying the tab. Rep. Chippendale replied that it is not absolutely required, and nothing in the law would prohibit it from passing without it.

Councilor Burlingame stated that we have six (6) members on the Gloucester School Committee and he hopes that they would support this, and he feels that we could get the Foster Town Council to go along.

Rep. Chippendale stated that we will get the legislation in this year and suggested that the Town Council testify. Rep. Chippendale further stated that it should be publicized to the School Committee to join and listen in so they can understand the struggles the towns are dealing with every year. Rep. Chippendale stated that he and Representatives Keable and Winfield will fight for it.

The Council members thanked Rep. Chippendale.

John Pitocco, of Tourtellot Hill Road, expressed concern regarding the creation of a new taxing district. J. Pitocco asked if this would mean that the Town could raise taxes by 4% and the new district also could raise their taxes by 4%, putting us on the hook for 8%. Councilor Sette pointed out that there is a much smaller base on the Town side. Tim Kane, Town Solicitor, stated that we cannot increase the levy over 4%, Town and school combined. J. Pitocco stated that he does not see the benefit. Councilor G. Steere stated that the benefit is that it would put the onus on the School Committee. Councilor G. Steere stated that their meeting takes place before our Referendum and they vote that Budget through and just hand us the bill. J. Pitocco also asked if this will build in additional costs, such as personnel and computer equipment. Councilor Sette replied that in other states, the assessment of taxes is done through the municipality instead of having a separate office. J. Pitocco noted that the three (3) Fire Districts collect separately and do not go through the Town. Councilor Burlingame explained that, with an additional computer program, we could very easily send out two (2) separate tax bills. J. Pitocco stated that he understands the problem, but does not see how this would save us money, and feels that it will cost us more in the long run.

Councilor Reichert stated we are trying to place the responsibility where it actually lies. Councilor Reichert pointed out the lowering student population.

Councilor G. Steere stated that after about three (3) years of having the tax bills separate, there would be overwhelming attendance at the Regional Financial Meeting and people would vote down the Budget. Councilor G. Steere stated that now people come to Council a month after the budget is approved, complaining, and it is too late to do anything about it.

Councilor Sette stated that on tonight's agenda, there will be discussion regarding renovations at the Gloucester schools, adding that almost 5 million dollars of renovations are needed between the two (2) elementary schools because they were neglected for years. Councilor Sette stated that we spent 60 million on new a new middle school and renovations to our high school, and they will need more capital items. Councilor Sette stated that after much discussion, if we are commit to the 600 thousand dollars a year for this renovation and get a 4% increase in the Region's Budget each year, there isn't enough money to go around. Councilor Sette stated everyone needs to understand there

is only one pot of money. Councilor Sette stated that it won't be long before we have to cut municipal services in the Town because the increases are not sustainable.

B. Budget & Financial Town Referendum Scheduling Formula - Discussion and/or action

MOTION was made by Councilor Burlingame to REMOVE from the Table IX. New Business, B. Budget & Financial Town Referendum Scheduling Formula; seconded by Councilor Reichert.

Discussion: Jean Fecteau, Town Clerk, explained that we want to make sure that the Financial Town Referendum goes smoothly this year before adopting a formula.

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

MOTION PASSED

C. Transfer Station: Electronic Waste - Discussion and/or action

Gary Treml, Director of Public Works, asked for a moratorium on accepting any kind of e-waste at this time. G. Treml explained that he has no place to store the items at the Transfer Station and stated that residents can call RI Resource Recovery to make an appointment to dispose of them. G. Treml stated that once we get a contractor that will take our electronic waste on a regular basis, we can go back to accepting the items for a \$5.00 charge.

Councilor Burlingame asked G. Treml what date he would like this to take effect. G. Treml replied "right away" and stated that we can place an ad in the Bargain Buyer listing other options for people to use during this time.

Councilor W. Steere clarified that it is not the Department of Public Works that is causing this, it is Resource Recovery. G. Treml explained that Resource Recovery had set up contractors to take the waste free of charge, but when the price of commodities went down, these companies went out of business. Therefore the cities and towns are on their own until this gets worked out.

MOTION was made by Councilor Reichert that effective March 1, 2016, no electronic waste, including televisions or computers will be accepted at the Transfer Station until further notice; seconded by Councilor Burlingame.

Discussion: It was stated that a comment should be included stating that residents can make an appointment at Resource Recovery to dispose of these items.

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

MOTION PASSED

D. Gloucester School Building Renovation - Financial Commitment for Stage II Submission to RIDE - Discussion and/or action

Councilor Sette explained that at a meeting with the School Committee, the Town Council stated that they would formalize a motion to enter into an agreement regarding renovation projects.

MOTION was made by Councilor Sette that the Gloucester Town Council support the application to the Rhode Island Department of Education (RIDE) for Stage II school renovation projects. The renovation projects are part of a five year plan submitted to RIDE for the eligibility for housing aid reimbursements. In addition, the Town agrees to fund \$300,000 annually to the capital fund toward these school renovation projects for each of the five years as a match to the School Department's funding of \$300,000/year covering the same five year period. The Town also agrees to encumber \$975,000 from current surplus towards the cost of the projects. Terms of this motion are contingent upon RIDE approval of application;

Seconded by Councilor Burlingame.

Discussion: Councilor Burlingame stated that one of the concerns was that this may put us at risk with regard to our 12% surplus, but the answer was no. Councilor Burlingame stated that the reason for the \$975,000 was that they took into consideration the 35% reimbursement from the State. Councilor Burlingame further stated that the \$975,000 meets the requirement by being well over 50% of the total cost of the renovations. Councilor Burlingame stated that the projects have been identified. Councilor Burlingame stated that by giving this commitment to the School Committee, we hope that we can reach out to the School Committee for help with the Region. Councilor Burlingame stated that the Council toured the elementary schools and it was apparent that there are many repairs needed.

David Steere stated that it looks like \$3,000,000 will be raised for renovations. Councilor Burlingame replied that it will be \$1,500,000 each year. D. Steere stated that Councilor Sette had stated that there are \$5,000,000 worth of repairs and asked what is happening with the other \$2,000,000. Councilor Burlingame replied that we will receive 35% back on the expenditures.

D. Steere asked if the \$975,000 will be taken from our unrestricted surplus. Councilor Burlingame replied in the affirmative. D. Steere asked if it is the same for the Gloucester schools. Councilor Burlingame replied that they have a fair surplus so in the near term, they are covered, but we will see what happens. D. Steere asked if the Council is requiring that the \$1,500,000 be put in a restricted account so it cannot be used for anything else. Councilor G. Steere stated that they promised that they would do that.

Councilor Burlingame spoke about the school funding formula by which State Aid was to be reduced by \$80,000 per year for ten (10) years. Councilor Burlingame stated that it did not materialize to that extent and the student population has decreased, therefore the Schools have been able to control their costs and are running a surplus. Councilor Burlingame commented that we don't know what will happen in year 3, 4 or 5.

Dave Steere stated that the last audit he saw shows a surplus of \$2,900,000 and they anticipate putting in \$444,000 in the 2015 Budget, reducing the surplus. D. Steere further stated that in the

current budget year, they will use \$540,000 of their surplus to offset operating expenses, and when you consider the \$1.5 million that they will set aside, that will leave \$416,000 in their surplus. D. Steere stated that we will see a 4% increase for the Gloucester schools the year after because they will no longer have a surplus. Councilor Burlingame stated they generated a surplus last year and D. Steere stated he heard otherwise. D. Steere pointed out that when the schools are level-funded, the Town does not have control over their budget, but if they ask for a 4% increase, the Town gets to look at how they spend their money.

Councilor Burlingame stated that the repairs must be done one way or another. Councilor Burlingame noted that if we decide to participate in the 5-year program to receive a 35% reimbursement, the application must be submitted by March 1st with a plan and a commitment to do it. Councilor Burlingame stated along with the Finance Director that the reimbursement comes back to the Town's general fund, therefore our risk or exposure is not the full \$3,000,000. D. Steere stated he does not disagree with what the town is trying to do but he wants to understand. Councilor Burlingame stated this is one of those dammed if you do and dammed if you don't. Councilor Burlingame stated he has always felt this is just a gimmick by the governor and administration to get shovel ready project going. Councilor Burlingame commented that there are some "hooks" in the plan, such as having to file by March 1st, having to have a 5-year plan and having to complete 50% of the plan before receiving reimbursement.

Councilor G. Steere stated that Gary Treml, Director of Public Works is on the Renovation Committee and has been working with resident, Anthony Autiello. Councilor Burlingame stated that A. Autiello has provided engineering input and has stated that the estimates are extremely high and we will be able to have lower costs than what has been projected. It was stated that A. Autiello will oversee the construction.

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

MOTION PASSED

E. Kent Property Oversight Committee - Update & plan going forward
 Discussion and/or action

George Charette, member of the Kent Property Oversight Committee, distributed information to the Council members regarding the different options for the Kent Property. G. Charette noted that there are five (5) pictures of the pavilion and one (1) of the administrative building, which is no longer in the proposal. G. Charette stated that when the figures were originally drawn up, the pavilion was 40 feet by 50 feet, however the Committee decided that 40 by 60 would be more rectangular looking. G. Charette stated that the previous quote was for an all-wood building, which would require primer and one or two coats of finish. Charlie Wilson, chair of the Historic District Commission, has notified the Committee that composite material will now be accepted in the Historic District. G. Charette displayed samples of material from Scituate Lumber, with whom he is working on getting pricing.

Councilor W. Steere stated that FM Global had expressed interest in helping with this project and

asked if we have engaged them. G. Charette replied that he has spoken to Janine Pitocco who stated that they do not have the manpower to have a crew full-time but would possibly be able to help on weekends or at night.

Councilor W. Steere inquired whether the State has been contacted with regard to the status of the grant. G. Charette replied that Tim Inacio, Town Planner has spoken with somebody at the State and the grant has been extended. G. Charette noted that the State has requested a projection of what the project is all about and T. Inacio has forwarded this information.

G. Charette stated that he will have all of the pricing information prior to the next Town Council meeting. The Council members thanked G. Charette for his work.

Bud Leonhardt asked what the pavilion will be used for. G. Charette replied that there will be many uses, such as concerts, picnics and gatherings. B. Leonhardt asked if restrooms have been considered. G. Charette replied that a septic design and well location have already been approved, but it would depend on whether there is enough money to add restroom facilities. B. Leonhardt commented that the Committee has done a wonderful job and this project will be good for the Town.

F. Comprehensive Community Plan Update - Options proposed for submittal to state
Discussion and/or action

Councilor W. Steere read the following into the record:

Date: 2/3/2016
To: Town Council
From: Tim Inacio, Town Planner
Subject: Letter of Recommendation
Comprehensive Plan State Submission

The Planning Department will need until March 11, 2016, to prepare the Draft edits, after which I respectfully recommend the following option with regards to soliciting State comments:

Form A: DRAFT COMPREHENSIVE PLAN OR PLAN AMENDMENT SUBMISSION
Type 2: Review by Division of Planning Staff and Staff of other State agencies

Form A is used if a municipality seeks to have State comments PRIOR to Adoption (State First), and FORM B is used if a municipality seeks to have State comments POST Adoption (Council First).

Form A was created after municipalities complained that by receiving comments “Post Adoption”, it created confusion as to whether they needed to re-adopt the adopted plan, or even hold additional public hearings.

For instance, with Form A, the Draft version of the plan could be sent to the Division of Planning Staff and other State agencies by Mid-March, in which the Division of Planning would have 120 days to provide comments. Using Form B would mean that the Adopted version of the plan would

be sent to the Division of Planning Staff and other State agencies, in which the Division of Planning would have 150 days to provide comments.

Simply put, Form A cuts down the State's allowed review period, while eliminating the need to re-adopt a previously adopted plan.

Once decided, prior to the public hearing date, the Town must advertise, at least once a week, for three consecutive weeks, in a newspaper of general circulation.

Respectfully,
Tim Inacio, Town Planner
(end of memo)

Discussion: Councilor W. Steere stated that the Council must make a decision and his opinion is to go with the Planner's recommendation, which is Form A.

George Charette, Planning Board chair, expressed his opinion that the Comp Plan should be heard at a Public Hearing at which the Planning Board and the Town Planner can answer questions. G. Charette stated that it should not go to the State first.

Councilor G. Steere stated that he agrees with G. Charette, adding that the Council and the public should have the opportunity to review the Plan before it is sent to the State. Councilor W. Steere stated his concern that this would give the State an extra 30 days to provide comments. Councilor W. Steere further stated that the Planner and Planning Board have put a lot of time and effort into the Comp Plan, but when it goes to the State, you never know what will happen.

Tim Kane, Town Solicitor, stated that there are points to be made on both sides. Councilor Burlingame stated that he relies on the Planning Board and Planner to have done their thing and feels that we should let the State look at it and have it come back to us.

MOTION was made by Councilor Burlingame to AUTHORIZE the Town Planner to submit the proposed updated Comprehensive Plan to the R.I. Division of Planning utilizing Form A; seconded by Councilor Reichert.

Discussion: Councilor Burlingame stated that he wishes to expedite this matter and would rather see what the State has to say and then take issue on that.

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

MOTION PASSED

G. Building Office - Approval of Well Application & Fee - Discussion and/or action
Councilor W. Steere read the following memo into the record:

TO: Town Council

FROM: Ken Johnson
RE: New Well Permit for Town of Gloucester
DATE: February 2, 2016

Recently the State of Rhode Island has required that all well drilling contractors doing business in the state be registered with the R.I. Contractors Registration Board. The State is looking to cities and towns to keep track and monitor the activity of these Contractors.

Currently we do not have a well drilling permit process in place, but we have put together a permit form (copy attached) for Council to approve. A nominal fee of \$10.00 will be charged for administrative costs per permits issued. This permit form will allow the Town to keep a record of all wells being drilled and by whom. The permit will also supply the information needed for issuing building permits relating to the location in proximity to septic design and a well completion report. This information will be filed in the property folders they pertain to and be included into the monthly reports.

(End of memo)

Discussion: Councilor G. Steere stated that he does not know why we have to get into this since the State already keeps track of all wells. Councilor G. Steere stated that it is up to the Licensing Board to make sure that the well-drillers are licensed.

Ken Johnson, Building Official, explained that this would only happen when a building permit is applied for, adding that it would make things easier in his office. K. Johnson stated that occasionally someone will come into his office who is having problems with a well drilled ten years ago, adding that there is no way to know who the contractor was. K. Johnson stated that this permit process would allow him to keep track of who drilled the well. Councilor G. Steere stated that a property owner should not have to pull a permit to drill a well on his property. Councilor G. Steere commented that it seems foolish to add more workload to the Building Office. K. Johnson replied that it would hold the well-drillers responsible in the event that there are complications.

Councilor Reichert expressed agreement with Councilor G. Steere, stating that this should be left up to the State. K. Johnson stated that the \$10.00 administrative fee is no big deal and it would be a tool that would allow his office to keep track. K. Johnson noted that State has suggested this process for towns without public water and the only reason he is bringing it up is to determine if the Council wants his office to implement the process.

Councilor Burlingame stated that since there is no requirement and there doesn't seem to be any significant benefit, he feels that the Council should ignore it.

MOTION was made by Councilor Burlingame NOT to AUTHORIZE the Building Department to establish a well drilling permit process and to collect an administrative fee of \$10.00 per well permit; seconded by Councilor Reichert.

Discussion:

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

MOTION PASSED

H. Boards & Commissions - Discussion and/or action

1. Land Trust

a. One Five year regular term to expire 2/2016

Councilor W. Steere stated that this is the expired term of Steven St. Pierre. Councilor W. Steere stated that Steven has expressed his interest, to the Town Clerk, that he would like to be reappointed and the Chair has asked that he be considered for this appointment.

MOTION was made by Councilor Reichert to REAPPOINT Steven St. Pierre to the Land Trust for a five year term to expire 2/2021; seconded by Councilor G. Steere.

Discussion: None.

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

MOTION PASSED

b. Two Members At Large

1. Chair or designee of Planning Board

Councilor W. Steere stated that per the Planning Office, The Planning Board voted at the meeting of February 1, 2016 to recommend Janine Pitocco as the Planning Board designee to the Land Trust.

MOTION was made by Councilor Burlingame to APPOINT Janine Pitocco to the Land Trust as the Planning Board designee for the Member at Large one year term to expire 2/2017; seconded by Councilor G. Steere.

Discussion: None.

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

MOTION PASSED

2. Chair or designee of Conservation Commission.

Councilor W. Steere stated that the Chair notified Council, at the last meeting, that the Conservation Commission voted to recommend Roy Najecki to the Land Trust as their designee.

MOTION was made by Councilor Reichert to APPOINT Roy Najecki to the Land Trust as the Conservation Commission designee for the Member at Large one year term to expire 2/2017;

seconded by Councilor G. Steere.

Discussion: None.

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

MOTION PASSED

I. Receipt of Audit: Year ending 2015- Discussion and/or action
Councilor W. Steere stated that the Council has received the Audit Report for fiscal year ending 2015.

Discussion: None.

MOTION was made by Councilor Burlingame to ACCEPT the Town of Gloucester, Comprehensive Annual Financial Report for the Fiscal Year ending June 30, 2015 as submitted by Diane Brennan, Finance Director; seconded by Councilor Reichert.

Discussion: It was noted that the Town of Gloucester is solvent and finished “in the black”.

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

MOTION PASSED

X. Council Correspondence/Discussion

- A. Councilor W. Steere stated that a budget request was received from C.A.S.T. (Citizens and Students Together). The request will be forwarded to the Budget Board.
- B. Councilor W. Steere stated that an e-mail was received from Barbara Goodrich, Assistant to Lt. Governor Daniel McKee, regarding a website for small business and residential consumers to research competitive energy sources.
- C. Councilor W. Steere stated that a request for funding was received from the Northern RI Conservation District. This correspondence will be forwarded to the Budget Board.
- D. Councilor W. Steere stated that correspondence was received from the Governor with regard to the revised Rhode Works plan for bridges and tolls.

XI. Department Head Report/Discussion

- A. Diane Brennan, Finance Director, spoke regarding the schedule for the adoption of the Budget. D. Brennan mentioned several potential workshop dates for the Council to consider. D. Brennan noted that we will not yet have the actual numbers

from the Region, however we will have the proposed figures.

XII. Bds. and Commissions/ Discussion

- A. Greg Agnone, Budget Board chair, spoke regarding the Budget process, stating that the Board has met with all departments and commissions of the Town. G. Agnone stated that the Region is proposing an increase of \$332,000 which is 3.3%. G. Agnone stated that he has the commitment from Cindy Joyce, who will be chairing the Financial Meeting on March 15th, that a paper ballot will be used.

To demonstrate how inefficient the Regional School system is, G. Agnone stated that if we sent all of our students to school in another town, we would save \$4,000,000 a year in the Budget.

Councilor G. Steere asked if the increase has anything to do with a shift in student population. Greg Agnone replied in the negative, stating that we do not know if that information is available yet.

XIII. Open Forum

- A. Mary Ann Carroll, attorney for Harmony Hill School, and Patrick Lacedo from Youth Core were present to discuss recent complaints regarding runaways from the facility. Councilor W. Steere asked if there is anything the facility could do to increase security for the safety of the students as well as the people in the neighborhood.

Mary Ann Carroll stated that Harmony Hill School has been there for about 50 years and want to be good neighbors. M. Carroll stated that they have met with the Chief of Police and will continue to do so. M. Carroll noted that it is not a lock-down facility but will work with the Chief regarding notification of the residents and securing the students.

Councilor Burlingame stated that this issue had come up last June and at that time, things were started, such as notification plans and call lists, but were not completed. M. Carroll stated that they will continue to talk things through. Councilor Burlingame stated that he followed up with the resident who contacted him, and since he is not present tonight, he must be satisfied with the answer.

M. Carroll stated that if there are any further concerns, residents can call the facility.

- B. George Charette spoke regarding the Region, stating that it has been a runaway train for the last ten (10) years. G. Charette stated that he understands that education is important, but we are paying \$16,680 per student while other towns are paying \$13,500. G. Charette commented that the municipality is doing a fantastic job in keeping its head above water, but soon we will be under water. G.

Charette suggested that a flyer be sent to residents regarding the Regional School Budget. Councilor Burlingame suggested that G. Charette make some phone calls urging people to attend the Regional Financial Meeting.

XIV. MOTION was made by Councilor Burlingame to Convene to Executive Session pursuant to R.I.G.L. 42-46-5(a)(5) Land Acquisition; seconded by Councilor Reichert.

Discussion: None.

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

MOTION PASSED

XV. Reconvene Open Session

MOTION was made by Councilor Burlingame to DISCLOSE that two (2) votes were taken in Executive Session & to SEAL the minutes of Closed Executive Session pursuant to R.I.G.L. 42-46-5; seconded by Councilor G. Sette.

Discussion: None

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

MOTION PASSED

XVI. Adjourn

MOTION was made by Councilor Burlingame to ADJOURN at 10:28 p.m.; seconded by Councilor G. Steere.

Discussion: None

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

MOTION PASSED