

At a meeting of the Town Council holden in and for the Town of Gloucester on May 5, 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; Susan Harris, Deputy Town Clerk; Tim Kane, Town Solicitor; Joseph DelPrete, Chief of Police; Diane Brennan, Finance Director; Gary Treml, Director of Public Works; Ken Johnson, Building/Zoning Official; Anthony Parrillo, Recreation Director; and Diane Wrona, Planning Clerk

III. Pledge of Allegiance

The Pledge of Allegiance was recited.

IV. Open Forum - For Agenda Items

- A. Mike DeGrange, of the Kent Property Committee, stated that FM Global has offered to donate \$10,000 in materials for the building on the property. M. DeGrange also spoke regarding the bid for fireworks which is on the agenda. Councilor G. Steere asked when we can expect to receive the donation from FM Global. M. DeGrange replied that it will be forthcoming, soon.

V. Public Hearings

A. Gloucester Home Repair

1. CDBG 2016 (2nd of 2 Public Hearings) - Discussion and/or action

Councilor W. Steere stated that this is the 2nd Public Hearing for the Grant application to be submitted for 2016. This Public Hearing was advertised in the Valley Breeze on April 27, 2016.

Councilor W. Steere DECLARED the Public Hearing OPEN.

Councilor W. Steere stated that the application was before the Planning Board to ensure consistency with the Comprehensive Plan, the motion made was as follows:

At the Planning Board meeting on May 2, 2016, a recommendation to the Town Council was made on the Agenda Item for **Review of Community Development Block Grant Program/Application**. The Planning Board reviewed the proposed activities, as identified in the letter dated 4/22/16 from Diane Wrona, Planning Clerk, to George Charette, Planning Board Chairman, for consistency with the Gloucester Comprehensive Community Plan. The motion by the Board is as follows:

MOTION was made by Vice-Chairman Calderara to advise the Town Council that the activities proposed for the 2016 Community Development Block Grant Program are not inconsistent with the Gloucester Comprehensive Community Plan.

MOTION was seconded by Member Furney.

DISCUSSION: None

VOTE: Ayes - Unanimous (Charette, Calderara, Furney, Pitocco, Gross)
(end of motion)

Councilor W. Steere stated that the application includes the following requests and the recommended prioritization:

Housing Rehabilitation/Mobile Home Replacement	\$	122,500.00
Glocester Food Pantry		4,000.00
Administration/Operating		23,500.00
Total Proposed Activities	\$	150,000.00

Councilor W. Steere explained that once this public hearing is closed the Council needs to authorize the signing of the application and approve the prioritization order of requests included on the application.

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

Discussion: None.

Councilor W. Steere DECLARED the Public Hearing Closed.

MOTION was made by Councilor Burlingame to APPROVE the 2016 CDBG Application with activities prioritized as follows:

Housing Rehabilitation/Mobile Home Replacement	\$	122,500.00
Glocester Food Pantry		4,000.00
Administration/Operating		23,500.00
Total Proposed Activities	\$	150,000.00

and to AUTHORIZE the Town Council President to sign the grant application to be submitted by Glocester Home Repair; seconded by Reichert.

Discussion: None.

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

MOTION PASSED

- B. New Victualing License - Discussion and/or action
 - 1. Tavern on the Water, LLC

Location: 121 Wentworth Avenue, Gloucester Country Club

Councilor W. Steere stated that this Public Hearing was advertised on April 21st, 28th, and May 5th, 2016 in the Valley Breeze/Observer.

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

Linda Marchioni, applicant, stated that she is applying to be the kitchen manager at the Gloucester Country Club.

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

MOTION was made by Councilor Sette to GRANT a Victualing license to Applicant: Tavern on the Water, LLC; Location of business: 121 Wentworth Avenue, Gloucester Country Club contingent upon: 1) payment of all Town taxes; 2) Fire inspection approval as needed; 3) Health Department approval; 4) Food Manager Certificate; 5) Rhode Island Permit to Make Sales; 6) copy of current menu to remain on file in Clerk's Office; this license shall be for the interior of the premise only and is valid to November 30, 2016; seconded by Councilor G. Steere.

Discussion: None.

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

MOTION PASSED

VI. Consent Items - Discussion and/or action

- A. Approval of Town Council Reg. meeting minutes of April 21st & Special Meeting of April 25, 2016

MOTION was made by Councilor G. Steere to TABLE the Town Council minutes of April 21, 2016 and to APPROVE the minutes of April 25, 2016; seconded by Councilor Reichert.

Discussion: None.

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

MOTION PASSED

VII. Unfinished Business - Discussion and/or action

- A. Approval of Town Council Public Hearing minutes of April 16, 2016

MOTION was made by Councilor Burlingame to APPROVE the Town Council Public Hearing minutes of April 16, 2016; seconded by Councilor G. Steere.

Discussion: None.

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

MOTION PASSED

B. Noise/dirt complaint: Old Quarry Road - Discussion and/or action

Councilor W. Steere stated that there has been ongoing discussion since last Fall regarding a situation on Old Quarry Road. Councilor W. Steere stated that there are residents of the area present tonight to speak regarding the issue.

1. Cassy Heneault, of 283 Snake Hill Road, stated that her property directly abuts the Robertsons' property at 16 Old Quarry Road. C. Heneault stated that the exterior track is 50 feet from her property line according to a survey done two weeks ago. C. Heneault stated that she and her husband moved to Gloucester in search of peace and quiet, but there are people riding on the tract relentlessly, causing excessive noise pollution. C. Heneault noted that her husband only hears out of one ear and it is impossible to have a conversation with him when this is occurring. C. Heneault commented that this situation is causing her much stress.

C. Heneault stated that she has researched other communities regarding similar situations and discovered that they are able to stop them due to zoning laws and noise ordinances which are in place. C. Heneault stated that Gloucester's Zoning Ordinance lists a "motor vehicle track" as a prohibited use. C. Heneault stated that she also believes that our Noise Ordinance could be enforced to eliminate this problem.

C. Heneault stated that many of the neighbors are in agreement and asked that the Council form a subcommittee to examine the current Noise Ordinance in comparison to those of surrounding towns.

2. Ed Lennon, of 28 Old Quarry Road, stated that his property also borders 16 Old Quarry Road. E. Lennon expressed agreement with statements made by Cassy Heneault and stated that he has an audio recording of the noise generated by the motocross bikes, which also generate dust and dirt in the air. E. Lennon noted that the Robertsons do not reside at the property. E. Lennon stated that he feels the wording of the Ordinance is very clear and asked why it is not being enforced. E. Lennon commented that this issue will reduce property values in the area.
3. Richard Ventrone , of 94 Old Quarry Road, noted that although his property does not abut the property in question, the noise is similar to somebody constantly operating a chainsaw. R. Ventrone stated his opinion that our Noise Ordinance is pretty straightforward but the Police feel that it is unenforceable because the term "unreasonable" is subjective. R. Ventrone noted that 15 people have joined forces in signing a letter of complaint.

R. Ventrone played a video which depicted the sound of the motocross bikes and four-

wheelers from several of the abutting properties. R. Ventrone stated that the Noise Ordinance should be enforced and asked for a commitment from the Council to do so.

Councilor Reichert asked who is riding on the property. R. Ventrone replied that the Robertsons' purchased the property as a foreclosure and immediately began building this giant track. R. Ventrone further stated that the owner's son is living there and uses the track along with other people. Councilor Reichert stated that he understands what they are going through because it also takes place where he lives.

4. Joe Galvin, of 88 Old Quarry Road, expressed the same concerns, adding that he believes the Town can issue a cease and desist order regarding this activity.
5. Tanya Johnson, of 66 Old Quarry Road, agreed with the previous speakers, stating that the noise is horrendous. T. Johnson stated that she is a cousin of the owner and has an access road to their property, adding that when the owners are away people use the path to get to the track which is creating a liability concern. T. Johnson respectfully asked the Town Council to address this issue.
6. Joseph DelPrete, Chief of Police, stated that the Police have responded to many calls regarding this matter. Chief DelPrete stated that the Noise Ordinance is geared toward large parties that cause noise late at night. Chief DelPrete stated that we do not have a decimeter to measure noise level, therefore there is not much the Police can do to enforce the Ordinance.
7. Tim Kane, Town Solicitor, stated that he has researched the matter and is taking a close look at Zoning. T. Kane stated that perhaps this has morphed into more than it was last Fall when it was just a father and son riding bikes in their back yard and not a full-blown race track. T. Kane noted that he takes direction from the Town Council and will discuss this with them and the Zoning Official. T. Kane stated that it is a major concern and the Town is ready to take action, but we must make sure that it is done right.
8. Councilor Burlingame stated that he has looked at the Noise Ordinance and feels that it has enough substance to address the concerns. Councilor Burlingame stated that it must be stopped, even if it takes going to Court.
9. Councilor Sette pointed out that the Zoning Ordinance prohibits "cart tracks and motor vehicle race tracks" and asked if this could be used to stop the activity. Tim Kane replied that this is something that we are leaning toward.
10. Councilor G. Steere stated that the Council takes this matter very seriously and is working on a solution, but they must "cross all the t's and dot all the i's" to make sure that it will stick.
11. Councilor Reichert asked if anyone has called DEM regarding the dust. R. Ventrone replied

in the affirmative, stating that they were told it was not under their jurisdiction.

12. Chief DelPrete stated that he will sit down with the Town Solicitor to review the documentation before taking action.
13. Richard Ventrone thanked Ken Johnson, Zoning Official, stating that he has been extremely helpful and supportive, giving his number to call on weekends when the activity would occur.

VIII. New Business

A. Boards & Commissions

1. Resignations - Discussion and/or action
 - a. Conservation Commission
One 3-year term to expire 1/2017

Councilor W. Steere stated that the Council has received the resignation of John Andrade from the Conservation Commission.

MOTION was made by Councilor Sette to ACCEPT the resignation of John Andrade from the Conservation Commission for the unexpired three year term to expire 1/2017; seconded by Councilor G. Steere.

Discussion: None.

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

MOTION PASSED

2. Appointments - Discussion and/or action
 - a. Conservation Commission
One 3-year term to expire 1/2017

Councilor W. Steere stated that the Chair of this Board, Mike Anhrud, has forwarded a recommendation to fill this position with James Houghton. Council has previously received a talent bank application for this volunteer.

MOTION was made by Councilor G. Steere to APPOINT James Houghton to the Conservation Commission to fill an unexpired three year term to expire 1/2017; seconded by Councilor Sette.

Discussion: None.

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

MOTION PASSED

B. Kent Property Pavilion: Update, Discussion and/or action

Councilor G. Steere stated that we have been busy with Budget matters, but we must move ahead with this project since FM Global has agreed to pay for the first \$10,000 of building materials. Councilor G. Steere further stated that we have the grant of matching funds and a local contractor in Town is willing to erect the pavilion.

Councilor W. Steere stated that one of the concerns was the total cost, but having a contractor volunteer added to the donation from FM Global puts us in a position where we would be okay. Councilor G. Steere noted that we don't even know what other donations we will receive. Councilor W. Steere stated that a project plan would be a good way to start. Jean Fecteau, Town Clerk, noted that the grant deadline has been extended to December 31, 2016.

Councilor Sette asked if we are subject to any restrictions with regard to the grant. Tim Kane, Town Solicitor, replied that he will check on that. Councilor Sette stated that if there are no restrictions he agrees that the project should move forward.

MOTION was made by Councilor Burlingame to ask the Kent Property Oversight Committee for a project plan for the completion of the construction of the building on the Kent Property; seconded by Councilor Sette.

Discussion: It was noted that the State will not extend the grant deadline again, therefore this project must at least get started before the deadline.

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

MOTION PASSED

C. Board of Contracts & Purchases - Discussion and/or action

1. RFP 2016-02 Fireworks Display (Independence Day celebration)

Councilor W. Steere read the following recommendation from the Finance Director regarding this RFP:

To: Honorary Town Council Members
From: Diane L. Brennan, Finance Director
Re: Award of **RFP 2016-02 Fireworks for July 2, 2016**
Date: May 5, 2016

The bid for **RFP 2016-02** for Fireworks was advertised in the Providence Journal on April 11, 2016. The sealed bids were opened by the Board of Contracts on Monday, April 27, 2016. Two bids were received. The bids were both for the amount of \$15,000. The Board of Contracts met on May 4, 2016. The recommendation is to award the bid to **Ocean State Pyrotechnics, Incorporated of Hope Valley, RI** for the amount of \$15,000. This is the same vendor that provided the fireworks last year and has been recommended by the Parade Chair, Mike DeGrange. (END OF MEMO)

Discussion: None.

MOTION was made by Councilor Reichert to AWARD the bid for RFP 2016-02 Fireworks to Ocean State Pyrotechnics, Incorporated, of Hope Valley, RI for the bid amount of \$15,000; seconded by Councilor G. Steere.

Discussion: None.

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

MOTION PASSED

2. IFB 2016-03 Mobile Home (Glocester Home Repair)

Councilor W. Steere read the following recommendation for IFB 2016-03 Mobile Home:

To: Honorary Town Council Members
From: Diane L. Brennan, Finance Director
Re: Award of **IFB 2016-03 Mobile Home**
Date: May 5, 2016

The bid for **IFB 2016-03** for a Mobile Home was advertised in the Providence Journal on April 11, 2016. Notices were sent to three vendors as well. The sealed bids were opened by the Board of Contracts on Monday April 27, 2016. One bid was received. The bid amount is \$44,000. The Board of Contracts met on May 4, 2016. The recommendation is to award the bid to **Nu-Way Mobile Home Supplies, Inc., of Palmer, MA** for the amount of \$44,000. The mobile home is to be funded using Community Development Block Grant funds. The bid met all specifications. (End of memo)

Discussion: None.

MOTION was made by Councilor Sette to AWARD IFB 2016-03 Mobile Home to Nu-Way Home Supplies, Inc. of Palmer, Mass. for the bid price of \$44,000; seconded by Councilor Burlingame.

Discussion: Councilor W. Steere noted that this mobile home will count toward our affordable housing requirement.

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

MOTION PASSED

IX. Council Correspondence/Discussion

A. Councilor W. Steere stated that an invitation to the Chepachet Memorial Day Parade was received from the Gloucester Light Infantry.

- B. Councilor W. Steere stated that correspondence was received regarding a General Assembly Bill that deals with regionalizing of different services, in particular, emergency services.
 - C. Councilor W. Steere stated that we received an environmental legal notice from Rhode Island Housing.
 - D. Councilor W. Steere stated that the Council received the Trust's annual report.
 - E. Councilor G. Steere spoke about plans to use taxpayer dollars to refurbish the Superman Building in Providence. Councilor G. Steere recommended that the Council prepare a Resolution urging our representatives to stay out of it, stating that we don't want it to turn into a "Superman Studio 38". There was Council consensus to put this on the next agenda.
- X. Department Head Report/Discussion
- A. Jean Fecteau, Town Clerk, stated that the Financial Town Referendum will take place on May 17th at the Senior Center from 8:00 a.m. to 8:00 p.m. There was discussion concerning the ad which will be placed. Councilor W. Steere stated that the ad should explain what would happen if the Budget is not approved. Councilor Burlingame expressed concern about saying what the consequences would be, as opposed to just stating what the increase is and that the bulk of it is due to the Regional School Budget, which has already been approved.
 - B. Councilor Burlingame addressed Anthony Parrillo, Recreation Director, regarding a situation at Gloucester Memorial Park where the building was used before the water was turned on. There was discussion regarding who has keys to the building. A. Parrillo noted that keys cannot be copied. Councilor Burlingame asked A. Parrillo to look into the matter and make sure the keys are under control.
- XI. Bds. and Commissions/ Discussion
- A. Councilor Sette asked Walter Steere, Jr., School Committee member, about an item on the School Building Authority prioritization of projects, \$1,147,000 for Ponaganset Middle School fast track repairs. W. Steere, Jr. replied that this is for the five-year plan.
- Councilor G. Steere asked Walter Steere, Jr. if the School Department is going ahead with refinancing bonds. W. Steere, Jr. replied in the affirmative, stating that the interest rate will be lower, saving approximately 3 million dollars, half of which will go to the State.
- XII. Open Forum
- A. Dan Ribeiro, of the Purple Cat Winery, appeared on behalf of the Gloucester Business Association. D. Ribeiro stated that the Association is trying to bring back the

Chepachet River Park project. D. Ribeiro stated that 40 members of the association along with former Town Planner Ray Goff had a meeting where a presentation was given. D. Ribeiro stated that he has some information for the Council members and hopes that this can be placed on a future agenda for discussion.

Councilor W. Steere asked D. Ribeiro if anyone from the Town Council was invited to the afore-mentioned meeting. D. Ribeiro replied that he could not answer that but stated that no Councilors were in attendance. Councilor W. Steere expressed concern that the Council was not consulted prior to the GBA posting about the project on Facebook, which is where he first found out about it. Councilor W. Steere stated that the Association is trying to get people excited about something which will put pressure on the Town Council. D. Ribeiro disagreed stating that the GBA has been discussing the project for the past year and he is here to ask the Council to take another look at it. D. Ribeiro suggested that a Town Council liaison be designated to attend the GBA meetings. Councilor W. Steere suggested that the GBA come to the Council with their ideas before posting on social media.

Councilor Burlingame pointed out that the voters overwhelmingly rejected any investment in this project. Councilor Burlingame expressed concern regarding private investment on Town property. Councilor Burlingame agreed with Councilor W. Steere that the Council should have been given some consideration when the GBA first discussed the matter. D. Ribeiro stated that is why he is here tonight, to which Councilor Burlingame replied, "it's too late". Councilor Burlingame stated that he will not support private investment for this project nor will he go back to the voters for funding.

There was discussion concerning the property and D. Ribeiro stated that it has historical value but has been neglected. Councilor Burlingame objected to that statement and Councilor W. Steere noted that there was some cleanup of contaminants on the property several years ago. Councilor W. Steere stated his opinion that this would be great but we have to think about cost which has probably doubled since the project was first proposed in 2003.

After further discussion, Councilor W. Steere stated that this is not a good time for this project because we are without a Town Planner and whoever comes in for that position will have to get up to speed regarding other big projects that are going on in Town.

Councilor Sette pointed out that we have already had a vote against this and before doing anything, we would have to have another vote where people would approve it, adding that this could not take place until the next Referendum, at the earliest.

Councilor W. Steere stated that he understands that the GBA is trying to make Gloucester better but again objected to the fact that proper processes were not

followed.

- B. Lorraine O’Connors, co-chair of the Ponaganset Education Foundation, stated that there will be a golf tournament, on May 22nd at the Foster Country Club, to support the scholarship fund.

L. O’Connors inquired whether absentee ballots will be available for the Financial Town Referendum. L. O’Connors stated that last year she was told that there was no provision for voting by mail. L. O’Connors asked that this be considered for this year because everybody is not always present on one particular day.

- C. George Charette, Planning Board chair, asked if the Council has any objection to him meeting with Ken Johnson, Building/Zoning Official, with regard to the State’s requirement for affordable housing. The Council members advised G. Charette to go ahead with the meeting.

XIII. Adjourn

MOTION was made by Councilor G. Steere to ADJOURN at 9:39 p.m.; seconded by Councilor Burlingame.

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

MOTION PASSED