

At a meeting of the Town Council holden in and for the Town of Gloucester on November 17, 2022

I. Call to Order

The meeting was Called to Order at 7:30 P.M.

II. Roll Call

Members present: William E. Reichert , President; Walter M. O. Steere, III, Vice President; William A. Worthy, Jr.; Stephen W. Arnold; David Laplante

Also Present: Jean Fecteau, Town Clerk; David Iglizzi, Town Solicitor; Christine Mathieu, Deputy Town Clerk; Adam Muccino, Finance Director ; Ken Johnson, Building/Zoning Official; Gerald Mosca, EMA Director; Gary Treml, Director Public Works; Karen Scott, Town Planner ( arrived at 7:50 pm)

III. Pledge of Allegiance

All stood for the Pledge of Allegiance

IV. Open Forum - For Agenda Items

Councilor Reichert stated anyone wishing to speak on an agenda item please step to the podium and state your name for the record.

K. Lamontagne, resident, requested the Council postpone a decision on authorizing the signing of the SNEP Watershed Implementation Grant , in order to , in her opinion, make sure the effects of the grant were fully understood.

L. Gaddes-Barret, resident, spoke as to agenda item VIII. D. New Business and asked the Council to consider waiving the fee for her multiple requests for Access to Public Records, as in her opinion, the requests have a significant public interest and a significant public benefit.

V. Public Hearings - Discussion and/or Action

A. VICTUALING LICENSE RENEWALS- Discussion and/or Action

1. Aegean Pizza, 1195 Putnam Pike
2. Assados Kitchen & Bar, 102 Putnam Pike
3. Burrillville/Glocester Youth Soccer Association, 1407 Putnam Pike (Concession Stand)
4. Cady's Tavern, 2168 Putnam Pike
5. Chepachet Deli and Catering, 842 Putnam Pike
6. Chepachet Farms, 226 Tourtellot Hill Road
7. Chepachet Gas & Market, LLC, 1163 Putnam Pike
8. DePetrillo's Pizza & Bakery, 1153 Putnam Pike
9. Dinos Park N Shop, 1020 Putnam Pike
10. Dunkin Donuts, 1006 Putnam Pike
11. Gentleman Farmer Restaurant, 617 Putnam Pike
12. Gloucester Little League, 1011 Putnam Pike ( Concession Stand)

13. Harmony Corner Store, 365 Snake Hill Road
14. Hill's Tavern and Grill, 417 Putnam Pike
15. Mr. Z's By The Lake, 2400 Putnam Pike
16. Knight Farm, Farmers Omelette, 1 Snake Hill Road
17. Melody Hill Country Club, 55 Melody Hill Lane
18. Pinewood Pub & Pizza, 16 Terry Lane
19. Purple Cow Ice Cream Company, Approximate Location 1-5 Money Hill Road
20. Tavern on Main, 1157 Putnam Pike
21. The Village Bean, 15 Money Hill Road
22. Who Cut the Cheesecake, LLC, 1195 Putnam Pike

Councilor Reichert stated that this Public Hearing was advertised in the Valley Breeze/ Observer on October 27<sup>th</sup> , November 3<sup>rd</sup> & November 10<sup>th</sup> , 2022 .

Councilor Reichert DECLARED the Public Hearing OPEN

Councilor Reichert asked if anyone wished to be heard for or against the renewal of any of these licenses.

Discussion: None

Councilor Reichert DECLARED the Public Hearing CLOSED.

Discussion: None

MOTION was made by Councilor Worthy to GRANT the RENEWAL of a Victualing License **to all applicants named above** contingent upon: 1) payment of all Town taxes; 2) Building/Zoning approval as needed; 3). Fire and/or Police approval as needed; 4) current Health Department approval; 5) current Food Manager Certificate; and 6) current Rhode Island Permit to Make Sales; these licenses shall be for the interior of the premise only and are valid from December 1, 2022 to November 30, 2023; seconded by; Councilor Laplante

Discussion: None

VOTE: AYES- Arnold, Worthy, Laplante, Steere and Reichert  
NAYS-0

MOTION PASSED

**B. LIQUOR LICENSE RENEWALS-** Discussion and/or action

1. CLASS A - RETAILER

- a. Christy's Liquors, Inc., Kevin J. Kitson, d/b/a Chepachet Village Wine & Spirits, 1116 Putnam Pike
- b. Kitson's Liquors, Inc., Lisa Kitson, d/b/a Kitson's Liquors, 677 Putnam Pike

Councilor Reichert stated that this Public Hearing was advertised in the Providence Journal Legal Ads on October 27<sup>th</sup>, & November 3<sup>rd</sup>, 2022.

Councilor Reichert DECLARED the Public Hearing OPEN.

Councilor Reichert asked if anyone wished to speak regarding these license renewals.

Discussion: None

Councilor Reichert DECLARED the Public Hearing CLOSED.

Discussion: None

MOTION was made by Councilor Worthy to GRANT the RENEWAL of a Class A - Retailer Liquor License to:

1. Christy's Liquors, Inc., Kevin J. Kitson, d/b/a Chepachet Village Wine & Spirits, 1116 Putnam Pike
2. Kitson's Liquors, Inc., Lisa Kitson, d/b/a Kitson's Liquors, 677 Putnam Pike

contingent upon: 1) payment of all Town taxes; 2) Building/Zoning approval as needed; 3) Fire and/or Police approval as needed; 4) current Rhode Island B.C.I. check; 5) current Rhode Island Certificate of Good Standing; 6) current Alcohol Service Certification for all employees; 7) current Rhode Island Permit to Make Sales; 8) Per R.I.G.L., a Certificate of commercial, general-liability and property damage insurance for a minimum amount of \$300,000. These licenses shall be for the interior of the premises only and are valid from December 1, 2022 to November 30, 2023; seconded by; Councilor Arnold

Discussion: None

VOTE: AYES- Arnold, Worthy, Laplante, Steere and Reichert  
NAYS-0

MOTION PASSED

2. CLASS B-V VICTUALER BEVERAGE LICENSE - Discussion and/or action
  - a. Assados, Inc., Jorge Diogo, Ryan Diogo, d/b/a Assados Kitchen & Bar, 102 Putnam Pike
  - b. Tri State Golf, LLC, Jonathan Hoenig, Donald Hoenig, d/b/a Melody Hill Country Club, 55 Melody Hill Lane
  - c. Agios, Inc., Panagiota Arsoniadis, d/b/a Gentleman Farmer Restaurant, 617 Putnam Pike
  - d. Prickly Pear, Inc., William J. Kapanakis, d/b/a Pinewood Pub & Pizza, 16 Terry Lane, Units #9-13
  - e. Tyo Ristaino, Corp., Stephen & Robin Tyo & Robert Ristaino, d/b/a Cadys Tavern, 2168 Putnam Pike
  - f. Hill's Tavern and Grill, LLC, Albert L. Hill, Sr., Albert L. Hill, Jr., d/b/a

- g. Hill's Tavern and Grill, 417 Putnam Pike  
RAJNI, LLC, Balwinder Singh, d/b/a Mr. Z's By The Lake, 2400 Putnam Pike

Councilor Reichert stated that this Public Hearing was advertised in the Providence Journal Legal Ads on October 27<sup>th</sup>, & November 3<sup>rd</sup>, 2022.

Councilor Reichert Declared the Public Hearing OPEN.

Councilor Reichert asked if anyone wished to speak regarding these license renewals.

Discussion: None

Councilor Reichert Declared the Public Hearing CLOSED.

Discussion: None

MOTION was made by Councilor Worthy to GRANT the Renewal of a Class B-V Victualer Beverage License to **all applicants named above**, contingent upon:

1) Issuance of a valid Victualing License; 2) payment of all Town taxes; 3) Building/Zoning approval as needed; 4) Fire and/or Police approval as needed; 5) current Rhode Island Certificate of Good Standing, 6) current Rhode Island Permit to Make Sales, 7) current Alcohol Service Certification for all employees, 8) copy of current menu, 9) current Rhode Island B.C.I. check; 10) Per R.I.G.L. a Certificate of commercial, general-liability and property damage insurance for a minimum amount of \$300,000; these licenses shall be for the **interior of the premise only with the exception of:**

- a. Assados, Inc., Jorge Diogo, Ryan Diogo, d/b/a Assados Kitchen & Bar, 102 Putnam Pike
- d. Prickly Pear, Inc., William J. Kapanakis, d/b/a Pinewood Pub & Pizza, 16 Terry Lane, Units #9-13
- e. Tyo Ristaino, Corp., Stephen & Robin Tyo & Robert Ristaino, d/b/a Cadys Tavern, 2168 Putnam Pike
- f. Hill's Tavern and Grill, LLC, Albert L. Hill, Sr., Albert L. Hill, Jr., d/b/a Hill's Tavern and Grill, 417 Putnam Pike

**Stipulations of any outdoor consumption, service, and/or sales remain as previously granted;**

these licenses are valid from December 1, 2022 to November 30, 2023; seconded by Councilor Arnold

Discussion: None

VOTE: AYES- Arnold, Worthy, Laplante, Steere and Reichert  
NAYS-0

MOTION PASSED

3. CLASS BT-TAVERN- Discussion and/or action
  - a. DLUM, LLC , David Lumnah, d/b/a Tavern on Main, 1157 Putnam Pike

Councilor Reichert stated that this Public Hearing was advertised in the Providence Journal Legal Ads on October 27<sup>th</sup>, & November 3<sup>rd</sup>, 2022.

Councilor Reichert DECLARED the Public Hearing OPEN.

Councilor Reichert asked if anyone wished to speak regarding these license renewals.

Discussion: None

Councilor Reichert DECLARED the Public Hearing CLOSED.

Discussion: None

MOTION was made by Councilor Worthy to GRANT the RENEWAL of a Class BT-Tavern License to: DLUM , LLC, David Lumnah, d/b/a Tavern on Main, 1157 Putnam Pike contingent upon: 1) Issuance of a valid Victualing License; 2) payment of all Town taxes; 3) Building/Zoning approval as needed; 4) Fire and/or Police approval as needed; 5) current Rhode Island Certificate of Good Standing, 6) current Rhode Island Permit to Make Sales, 7) current Alcohol Service Certification cards for all employees, 8) copy of current menu, 9) current Rhode Island B.C.I. check; 10) Per R.I.G.L., a Certificate of commercial, general-liability and property damage insurance for a minimum amount of \$300,000; this license shall be for the interior of the premise only and is valid from December 1, 2022 to November 30, 2023; seconded by Councilor Arnold

Discussion: None

VOTE: AYES- Arnold, Worthy, Laplante, Steere and Reichert  
NAYS-0

MOTION PASSED

4. CLASS B-V LIMITED- Discussion and/or action
  - a. Knight Farm, LLC, Joseph Iacofano, d/b/a Knight Farm, Farmers Omelette, 1 Snake Hill Road
  - b. M & B Variety, Inc., Brian Rea, Michelle Rea, d/b/a Harmony Corner Store, 365 Snake Hill Road

Councilor Reichert stated that this Public Hearing was advertised in the Providence Journal Legal Ads on October 27<sup>th</sup>, & November 3<sup>rd</sup>, 2022.

Councilor Reichert DECLARED the Public Hearing OPEN.

Councilor Reichert asked if anyone wished to speak regarding these license renewals.

Discussion: None

Councilor Reichert DECLARED the Public Hearing CLOSED.

Discussion: None

MOTION was made by Councilor Worthy to GRANT the RENEWAL of a Class B-V Limited License to **all applicants named above**; contingent upon: 1) Issuance of a valid Victualing License; 2) payment of all Town taxes; 3) Building/Zoning approval as needed; 4) Fire and/or Police approval as needed; 5) current Rhode Island Certificate of Good Standing; 6) current Rhode Island Permit to Make Sales; 7) current Alcohol Service Certification cards for all employees, 8) copy of current menu, 9) current Rhode Island B.C.I. check; 10) Per R.I.G.L., a Certificate of commercial, general-liability and property damage insurance for a minimum amount of \$300,000; this license shall be for the interior of the premise only and is valid from December 1, 2022 to November 30, 2023; seconded by Councilor Arnold

Discussion: None

VOTE: AYES- Arnold, Worthy, Laplante, Steere and Reichert  
NAYS-0

MOTION PASSED

C. **ENTERTAINMENT LICENSE RENEWALS** - Discussion and/or action

1. Assados, Inc., d/b/a Assados Kitchen & Bar, 102 Putnam Pike
2. Prickly Pear, Inc., d/b/a Pinewood Pub & Pizza, 16 Terry Lane, Units #9-13
3. Tyo Ristaino Corp., d/b/a Cady's Tavern 2168 Putnam Pike
4. Hill's Tavern and Grill, LLC, d/b/a Hill's Tavern and Grill, 417 Putnam Pike
5. RAJNI, LLC, d/b/a Mr. Z's By The Lake, 2400 Putnam Pike

Councilor Reichert stated that this Public Hearing was advertised in the Valley Breeze/Observer on October 27<sup>th</sup>, 2022

Councilor Reichert DECLARED the Public Hearing OPEN

Councilor Reichert asked if anyone wished to speak regarding the license renewals.

Discussion: None

Councilor Reichert DECLARED the Public Hearing CLOSED.

Discussion: None

MOTION was made by Councilor Worthy to GRANT the RENEWAL of an Entertainment License to **all applicants named above**: contingent upon 1) Payment of all Town taxes; 2) Building/Zoning approval as needed; 3) Fire and/or Police approval as needed; these licenses are valid from December 1, 2022 to November 30, 2023 and are subject to the following stipulations:

1. That all entertainment be confined to the inside of the building except for those establishments in stipulation #5.

2. That all windows on the premises are kept closed when there is amplified entertainment, but not permanently, and that doors are only opened for normal ingress and egress from the premises.
3. That all live indoor 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):
5. Establishments with current outdoor service areas, for alcohol, may have non amplified acoustical music and non amplified vocals, ceasing at 9:00 p.m.  
This use shall be rescinded upon determination by the licensing board with no further public hearing.
6. Any other reasonable conditions and restrictions as the Town Council may require; seconded by Councilor Arnold

Discussion: None

VOTE: AYES- Arnold, Worthy, Laplante, Steere and Reichert  
NAYS-0

MOTION PASSED

**D. SPECIAL EVENT LICENSE RENEWALS - Request for 2023 Outdoor Special Events**

1. Robin Tyo, Tyo Ristaino Corp d/b/a Cadys Tavern  
2168 Putnam Pike

Councilor Reichert stated that this Public Hearing was advertised in the Valley Breeze/Observer on Nov 3<sup>rd</sup>, 2022.

Councilor Reichert DECLARED the Public Hearing OPEN.

Councilor Reichert asked if anyone wished to speak regarding the license renewals.

B. Payton, resident, stated his opinion that this agenda item and the abutter notice he received as to this matter were confusing because they differed as to outside amplified music. B. Payton stated that agenda included outside amplified music for all three places and the abutter notice stated outside amplified music for just one, Mulberry Vineyards. B. Payton stated his opinion that due to these differences that the notice was improper. D. Igliazzi, Town Solicitor, asked for time to review. J. Fecteau, Town Clerk stated that Mulberry Vineyards put outdoor amplified music on their application and the others did not. R. Tyo, Cady's Tavern applicant, stated that all of the applications for her establishment include outside amplified vocals and that this request was the same as her license request last year. B. Payton also stated that he would like a police officer at the motorcycle events for safety reasons and commended Cady's for the great job they have done at their place.

MOTION was made by Councilor Steere to **SUSPEND** the public hearing on the three Special Event licenses until after Item VI. ; seconded by Councilor Arnold

Discussion: None

VOTE: AYES- Arnold, Worthy, Laplante, Steere and Reichert  
NAYS-0

MOTION PASSED

VI. Consent Items - Discussion and/or Action

- A. Approval of Town Council Minutes: Regular Meeting of November 3, 2022
- B. Pole Grant- Lake Drive- install Poles 37 and 38
- C. Tax Assessor's Additions & Abatements - October 2022
- D. Finance Director's Report- October 2022

MOTION was made by Councilor Worthy to TABLE the Town Council minutes of November 3, 2022; **APPROVE** the **POLE GRANT** to install poles # 37 & 38 on Lake Drive for service to a new customer; to **APPROVE** the **ADDITIONS** to the 2022 Tax Roll in the amount of \$125.48; **NO ABATEMENTS** to the 2022 tax roll; and to **ACCEPT** the Finance Director's report of October 2022 seconded by Councilor Steere

Discussion: None

VOTE: AYES- Arnold, Worthy, Laplante, Steere and Reichert  
NAYS-0

MOTION PASSED

VII. Unfinished Business

- A. Boards and Commissions
  - 1. Appointments- Discussion and/or Action
    - a. Tax Assessor Board of Review - Position #1, One unexpired 6 year term to expire 12/31/26

Councilor Reichert stated that the Clerk has received a recommendation from the Chair of the Tax Assessor Board of Review, Henry Gold.

MOTION was made by Councilor Arnold to APPOINT Henry Gold to the Tax Assessor's Board of Review, Position #1, for the term to expire 12/31/26; seconded by Councilor Steere

Discussion: None

VOTE: AYES- Arnold, Worthy, Laplante, Steere and Reichert  
NAYS-0

MOTION PASSED

B. Vehicle Damage Claim Appeal- Discussion and or Action

Councilor Reichert stated this item is for a previous request from a resident that reached out to Council after a denial of payment by the Town for alleged motor vehicle rim damage. Councilor Reichert stated that this matter was tabled from November 3, 2022 in order to give the Town Solicitor time to review.



Discussion: Attorney Iglizzi asked the Council to table this matter and he would report to them about it at the next meeting.

MOTION was made by Councilor Steere to TABLE Vehicle Damage Claim appeal to the December 1<sup>st</sup> meeting; seconded by Councilor Arnold

Discussion: None

VOTE: AYES- Arnold, Worthy, Laplante, Steere and Reichert  
NAYS-0

MOTION PASSED

### VIII. New Business

- A. Authorization for signature:  
2022 SNEP Watershed Implementation Grants - Subrecipient Agreement  
Between Restore America's Estuaries and Town of Glocester, RI  
Grant Agreement #SWIG22-1-GLO - Discussion and/or Action

Councilor Reichert stated that Council has received a request from the Town Planner for authorization regarding an agreement between the Town of Glocester and Restore America's Estuaries under the 2022 SNEP Watershed Implementation Grants which he read as follows:

To: Town Council Members  
From: Karen Scott, Town Planner  
Date: November 16, 2022  
RE: Authorization for Signature – 2022 Watershed Implementation Grant

The Town received a Watershed Implementation Grant from the Southern New England Partnership for \$250,000 for an Implementation Plan for Chepachet Village Wastewater Improvements.

Using RIDEM wastewater permit data, the Town has identified the locations of known and suspected cesspool locations and the locations and sizes of holding tanks. These types of wastewater management systems are likely to be pollution discharge points, impacting the drinking water in the Village and the surface water quality in the Chepachet River. In cooperation with local and state partners, the Town will conduct a vigorous outreach and communication program to target the parcels noted above to establish reliable wastewater management systems within the Village area. This project will establish a financial incentive for participation, monitoring parameters, covenants and a third party monitoring entity to ensure long term success.

This grant requires a 33% match which is being satisfied by \$200,000 in ARPA funds and limited staff time. There is no cash contribution to this grant from the Town. I am requesting authorization for the Town Council President to sign the grant agreement.

(End of memo)

Discussion: K. Scott, gave a detailed explanation as to how she has successfully received grants and then found matching grants for projects in order for the town to have little to no monetary responsibility in many projects. K. Scott described several projects that are part of the thirty year old Comprehensive Community Plan that have benefitted from her successful obtaining of grants and

matching funds. K. Scott described that the water feasibility study is for \$125,000 of which \$40,000 was a Commerce grant and the remaining \$85,000 was a grant from the RI Infrastructure Bank. K. Scott stated that the item before the Council tonight has to do with the wastewater in the village. K. Scott stated that this grant is for \$250,000 with an additional match of \$200,000 of federal American Rescue Plan Act (ARPA) funds that were approved by the Council at a previous meeting. K. Scott stated that the only in kind match is for her time which averages to about one and one half hours per week. Council thanked K. Scott for her hard work as did a number of the audience in attendance.

MOTION was made by Councilor Arnold to Authorize the Town Council President to sign the 2022 SNEP Watershed Implementation Grant- Subrecipient Agreement between Restore America's Estuaries and Town of Glocester, RI Grant Agreement #SWIG22-1-GLO ; seconded by Councilor Laplante

Discussion: None

VOTE: AYES- Arnold, Worthy, Laplante, Steere and Reichert  
NAYS-0

MOTION PASSED

- B. Approval (if needed) for Bid process - Pavilion at Glocester Memorial Park (to be purchased with Grant funds) - Discussion and/or Action

Councilor Reichert stated that the Council has received the following request which he read as follows:

TO: Town Council Members  
From: Karen Scott, Town Planner  
Date: November 16, 2022  
RE: Request to Initiate Bidding Process

The Town received a Placemaking grant from RI Commerce Corporation for \$150,000 to initiate Phase II of improvements to Glocester Memorial Park. These improvements include a cover picnic pavilion and parking improvements. I would like to go out to bid for a pavilion structure complementary to the Kent Pavilion structure. I think its important for visual continuity and future maintenance to have these structures be the same or vary similar. This is a no match grant and requires no cash contribution from the Town.

(End of memo)

Discussion: K. Scott stated that this is a no match grant and that the grant is for \$150,000 from RI Commerce. K. Scott described how the pavilion structure will complement the structure at Glocester Memorial Park for continuity.

MOTION was made by Councilor Arnold to AUTHORIZE the Town Planner and Finance Director to initiate the bid process to seek bids for a pavilion structure to be purchased with a Placemaking grant from RI Commerce Corporation; said pavilion to be located at GMP; seconded by Councilor Worthy

Discussion: None

VOTE: AYES- Arnold, Worthy, Laplante, Steere and Reichert  
NAYS-0

MOTION PASSED

- C. Council consideration/approval of Code Red narrative - Trash control - Discussion and/or Action

MOTION was made by Councilor Arnold to TABLE the consideration/approval of Code Red narrative - Trash control, to the Town Council meeting of December 1, 2022; seconded by Councilor Worthy

Discussion: None

VOTE: AYES- Arnold, Worthy, Laplante, Steere and Reichert  
NAYS-0

MOTION PASSED

- D. Resident request for consideration of waiver of fees for Access to Public Records request- Discussion and/or action

Discussion: Councilor Worthy requested this item on behalf of resident L. Gaddis Barrett who has requested multiple Access to Public Records (APRA ) requests through the Town Clerk's office. When asked how these fee requests have been handled in the past, J. Fecteau , Town Clerk, stated that she has not had to charge any one for an APRA request in over a year because the answer(s) have been readily available. J. Fecteau stated that some of the requests from this individual may be readily answerable but that over half of the requests would require her to interpret what someone meant in a statement which is not something she should do. J. Fecteau stated that the request may result in none or minimal fees but it could also cost a lot due to time, so she was just preparing for that possibility when she sent the request for fees. J. Fecteau suggested, if the Town Council was in agreement, to not ask for a down payment of the fees and trust that L. Gaddis Barrett would pay the fee, if any, that was owed . L. Gaddis Barrett stated she deliberately structured her requests for a no answer. J. Fecteau stated that over half of the requests were too vague and were asking for interpretation of what another person "meant" by their statements. L. Gaddis Barrett stated she was asking for communication items such as emails, text messages and social media posts. J. Fecteau stated she could not research social media posts as she does not go on social media and she could try to get the information, if available, from the appropriate public body . J. Fecteau stated she is trying to help L. Gaddis Barrett but needs clarification as to the vague requests . L. Gaddis Barrett stated her opinion that she feels J. Fecteau just said she would ignore a public records request. J. Fecteau stated she did not say that she would ignore a request but that she will pass the request on to the Solicitor. Attorney Igliazzi explained that public document requests come from the public body who possess them. Attorney Igliazzi stated that some of the requests from L. Gaddis Barrett are vague and that she can't ask for interpretation but rather APRA requests are for documents. D. Igliazzi recommended that the requests be clarified and then we can determine the appropriate public body to answer. D. Igliazzi offered to work with L. Gaddis Barrett to clarify her requests and report back to the Council at which time the Council may consider the waiver of fees request.

No Action taken by Council

MOTION was made by Councilor Steere to go back to Item D ,Special Events; seconded by Councilor Arnold

Discussion: None

VOTE: AYES- Arnold, Worthy, Laplante, Steere and Reichert  
NAYS-0

MOTION PASSED

**RETURN TO ITEM D. SPECIAL EVENT LICENSES PUBLIC HEARING**

D. **SPECIAL EVENT LICENSE RENEWALS** - Request for 2023 Outdoor Special Events

1. Robin Tyo, Tyo Ristaino Corp d/b/a Cadys Tavern  
2168 Putnam Pike

Discussion: D.Igliozi, Town Solicitor, stated the issue is whether the advertisement and the abutter notice adequately provide notice of what is being requested. D. Igliozi stated that the issue of outdoor amplified music is a substantive part of this special event license and there are enough discrepancies between the ad and the abutter notice to raise the question of whether sufficient and adequate notice was provided. D. Igliozi recommended that this matter be continued to December 15<sup>th</sup> in order to clarify the advertisement and the abutter notice . D. Igliozi also recommended that the clarified ad and abutter notices be re sent and re advertised. D. Igliozi stated that Mulberry Vineyards did have the proper notice as to outdoor amplified music so that request could be heard tonight.

D. D'Agostino , attorney for Hill's Tavern ; and, Robin Tyo of Cady's stated that they had no objection to continuing the public hearing to a date certain.

MOTION was made by Councilor Worthy to Continue the Public Hearing to a date certain of December 15<sup>th</sup> with new advertisement and new notice to abutters for Cady's and Hill's Tavern; seconded by Councilor Arnold

Discussion: None

VOTE: AYES- Arnold, Worthy, Laplante, Steere and Reichert  
NAYS-0

MOTION PASSED

2. Albert Hill, Jr., Hill's Tavern and Grill LLC d/b/a Hill's Tavern and Grill, 417 Putnam Pike.

See Discussion under Item D.1.

3. David Wright, Mulberry Vineyards  
95 Pound Road

Councilor Reichert stated that this Public Hearing was advertised in the Valley Breeze/Observer on November 3<sup>rd</sup>, 2022.

Councilor Reichert DECLARED the Public Hearing OPEN

Councilor Reichert asked if anyone wished to speak regarding the license renewals.

Discussion:

D. Colantonio, resident, stated that the music is still too loud; that it is becoming an event venue not a vineyard and he would like the Council to deny the special event license as it is a residential neighborhood.

R. Rogers, resident, questioned the number of events being requested as well as the time frames for the events and type of events. R. Rogers stated that there is not enough information for a decision to be made.

D. Wright, stated that he is requesting 18 events; that he has made changes regarding moving the stage; added signs for parking; has people helping with parking.

D. Wright described the noise analysis he performed at various events and gave the Council a printout of the decibel readings. D. Wright stated that the decibel readings did not go over 60 decibels and averaged at 39 decibels. D. Wright stated that all of the police reports stated that the music was low and issues as to loudness were unfounded. Councilor Arnold feels that D. Wright needs to be clearer as to the specifics of the requested events especially as D. Wright had failed to disclose a wedding event. D. Wright stated they could not specify dates and times of bookings as they have not made any yet. Councilor Worthy asked if any weddings were scheduled. D. Wright stated no.

D. Igliazzi stated that what was approved by Zoning Board is different from what the Town Council, acting as the Licensing Board, can consider and approve. Councilor Laplante would like the applicant to clarify the application with more specific dates, times and details as to each event and music. Councilor Laplante stated he went out to Mulberry Vineyard when called and listened to the music and it was loud. Councilor Laplante stated that Mulberry needs to try and work with the neighborhood to find a resolution just like Cady's and Hill's have both done successfully. Councilor Arnold recognizes the difficulty of actual dates but time frames can be specified.

D. Wright stated that he understood the licensing process to be a general request for the number of events and then be more detailed on the individual actual application for the specific event. D. Wright stated they are asking for a couple more events from last year. J. Fecteau stated that no applicant gives specific days and times but they do describe the events being proposed with more details. Councilor Worthy stated that this vineyard is in a residential neighborhood for producing crops and not to make a profit with alcohol. Councilor Worthy described his opinion of the inability of Mulberry to control the noise on the property and that the neighbors continue to complain. Councilor Worthy stated he would like to deny the special event license. Councilor Laplante stated

that more information describing the events as to time, day, and type but not necessarily the exact dates was needed. Councilor Steere stated that this problem has been experienced at other locations and they have worked out the issue. Councilor Steere stated that without more clear information on the application it is difficult for the Council to make a decision. D. Wright stated he would be happy to clarify the application and re submit it. Attorney Igliazzi stated that based on the testimony that the application is insufficient recommended the Council continue Mulberry special event license application to a date certain . Councilor Arnold suggested to continue to Dec 15<sup>th</sup> to include with Cady's and Hill's applications. J. Fecteau stated that the application would need to be done before Dec 15<sup>th</sup> . J. Fecteau stated that she could include Mulberry Vineyard on the ad she is sending out tomorrow for Cady's and Hill's.

K. Lavoie, Pound Road, stated that Mulberry Vineyard has developed into an event venue in the middle of a residential neighborhood. K. Lavoie suggested that the special event license be denied and for the applicant to stick to the original intent. H. Stanley stated that the noise issue has not been addressed and that many events are no problem. D. Colantonio complained again that this is a business in a residential neighborhood and then extolled on what the vineyard can or cannot grow ; what they may or may not have grown and that there is no middle ground as far as a compromise.

D. Wright described the steps the vineyard has taken in the actual growing of grapes for wine.

Councilor Arnold feels that more specific information regarding the request is needed for the Council to be able to make a decision as to the special event license.

Attorney Igliazzi stated that the applicant should demonstrate he is in compliance with the law as to a winery because the issue was raised by the public; that the compliance as a winery does not give the applicant a license for amplified music; that the applicant should demonstrate compliance with zoning requirements but that compliance has nothing to do with licensing for music. D. Igliazzi stated the Council is the proper authority to grant or deny the license as to outdoor music in this particular location if they feel it is appropriate. D. Wright stated that the Vineyard is in compliance with the RI Division of Taxation and that they have received their renewal license as a winery.

MOTION was made by Councilor Steere to continue the public hearing to a date certain ,December 15<sup>th</sup>, with notice to abutters and advertisement and to amend the application to address the issues raised by the Council; seconded by Councilor Arnold

Discussion: None

VOTE: AYES- Arnold, Worthy, Laplante, Steere and Reichert  
NAYS-0

MOTION PASSED

RETURN TO REGULAR AGENDA ITEMS

IX. Town Council Correspondence/ Discussion

1. Councilor Reichert stated that the Council received correspondence from a developer requesting use of a paper road owned by the Town for a private development. D. Igliazzi, Town Solicitor, stated he had spoken with Attorney Raheb regarding this matter. D. Igliazzi stated that he needs to meet with the Highway Director and possibly the Town Planner in order to obtain facts about this matter. D. Igliazzi is asking the Council to refer the matter to him and that he will report back to the Council on December 15<sup>th</sup>. D. Igliazzi stated that the letter was insufficient and that the proper way to submit this request is by a petition.
2. Councilor Arnold stated that the Code Red, as to trash, was tabled and will be on an agenda at a later date. Councilor Arnold thanked J. Colaluca for her persistence regarding the trash /litter matter.
3. Councilor Arnold stated he was waiting for more information as to a matter regarding Bella Vista and he described some potential for issues that may or may not come to the Council's attention at a later time.

X. Department Head Reports/Discussion

Councilor Reichert asked if any Department Heads wished to speak.

None

XI. Bds. and Commissions Reports/ Discussion

Councilor Reichert asked if any Board or Commission Chairs wished to address Council or if any Councilors had questions for Chairs.

None

XII. Open Forum

Councilor Reichert asked if anyone signed up to speak and when called to the podium, state your name for the record.

1. M. Rizzo, resident, asked if a decision had been made regarding the vacancy in the School Committee. D. Igliazzi stated that he and the Town Clerk had done a great deal of research into this matter. D. Igliazzi stated that the Gloucester Charter is accurate as written because all amendments have been properly ratified by the General Assembly including the ballot question in 2000 which changed the language in case of a tie from the school committee choosing to the town council choosing. D. Igliazzi explained that the ballot question was a bit vague but that it basically asked if the Charter shall be amended to be in conformity with state law. D. Igliazzi stated that state law does not have any language about how the seat is to be filled or what happens in the event of a tie. D. Igliazzi stated that the state law does have the language of the Council filling the seat. D. Igliazzi explained that the Gloucester Charter prior to 2000 authorized the school committee to fill the vacancy in the event of a tie and that the 4<sup>th</sup> vote getter would take the vacant seat if there was no tie. D. Igliazzi further stated that in 2000, because of the approved ballot question, the Charter was changed to authorize the

town council to fill a vacancy if there was a tie and not the school committee. D. Igliazzi stated that the Charter as written can be verified in five ways: 1) a comparison of the old and new language in the charter ; 2) all amendments have been ratified by the General Assembly; 3) a memo dated 7/20/2000 by the former town solicitor ; 4) there was a quote by the current town clerk in a newspaper report stating that the only two words being changed in the charter were school committee to town council ; and, 5) the minutes from the public hearing. Based on all of this evidence, D. Igliazzi stated that the Charter as written is clear that the fourth vote getter is the successor to the seat that becomes effective upon a resignation and upon certification of the placement by the Board of Canvassers. D. Igliazzi also stated that it is the results from the November 8 , 2022 election that applies.

J. Fecteau stated that the highest vote getter in the race for Town Sergeant by write in votes is Albert Aubin and he is to be certified by the Board of Canvassers on Tuesday.

XIII. Seek to Convene to Executive Session Pursuant to:

A. R.I.G.L. 42-46-5 (a)(2) Any discussions , considerations, vote or other actions by Town Council related to Sessions pertaining to collective bargaining or litigation or work sessions pertaining to collective bargaining or litigation - Discussion and/or Action

B. R.I.G.L. 42-46-5 (a)(5) Any discussions , considerations, vote or other actions by Town Council related to the acquisition or lease of real property for public purposes, or of the disposition of publicly held property wherein advanced public information would be detrimental to the interest of the public;

MOTION was made by Councilor Steere to Convene to Executive Session Pursuant to: A. R.I.G.L. 42-46-5 (a)(2) Any discussions , considerations, vote or other actions by Town Council related to Sessions pertaining to collective bargaining or litigation or work sessions pertaining to collective bargaining or litigation - Discussion and/or Action and item B. R.I.G.L. 42-46-5 (a)(5) Any discussions , considerations, vote or other actions by Town Council related to the acquisition or lease of real property for public purposes, or of the disposition of publicly held property wherein advanced public information would be detrimental to the interest of the public; seconded by Councilor Worthy

Discussion: None

VOTE: AYES- Arnold, Worthy, Laplante, Steere and Reichert  
NAYS-0

MOTION PASSED

Councilor Reichert asked for the doors to be open and anyone remaining outside to be admitted back in.

XIV. Reconvene Open Session - Disclosure of votes taken in Executive Session & Consideration of the Sealing of Minutes - Discussion and/or Action Councilor Reichert stated that we now need a motion to reconvene Open Session.

MOTION as made by Councilor Steere to Reconvene Open Session; Disclose zero (0) votes were taken in Executive Session and to Seal the Minutes of Closed Session; seconded by Councilor Worthy



Discussion: None

VOTE: AYES- Arnold, Worthy, Laplante, Steere and Reichert  
NAYS-0

MOTION PASSED

XV. Adjourn

MOTION was made by Councilor Worthy to ADJOURN at 10:35 p.m.; seconded by Councilor Arnold

Discussion: None

VOTE: AYES- Arnold, Worthy, Laplante, Steere and Reichert  
NAYS-0

MOTION PASSED

