

GLOCESTER LAND TRUST & GLOCESTER TOWN COUNCIL
WORKSHOP MEETING
October 22, 2019

The Gloucester Land Trust and the Gloucester Town Council workshop meeting took place on October 22, 2019 at the Gloucester Town Hall. Land Trust Chairman Stephen Mitchell and Town Council President George O. (Buster) Steere, Jr., called the meeting to order at 7:00 p.m.

Roll Call

Land Trust Trustees in attendance: Chairman Stephen Mitchell, Vice-Chairman Steven St. Pierre, Members Roy Najecki, David Piccirillo and Janine Pitocco (arrived after Pledge of Allegiance). Also, in attendance: Legal Counsel John J. Bevilacqua, Sr. and Recording Clerk Judi Rix.

Land Trust Trustees Absent: One member to be appointed by Town Council and Gene Cavaliere

Town Council Members in attendance: President George O. (Buster) Steere, Jr., Vice-President Walter M. O. Steere, III, Councilors William E. Reichert (arrived after Pledge of Allegiance); Patricia Henry; and Julian (Jay) Fogue. Also, in attendance: Town Solicitor Timothy Kane (arrived after Pledge presentation) and Town Clerk Jean Fecteau.

Town Council Members Absent: None

Guests: Pare Corporation engineers J. Matthew Bellisle and David Matheson, Representative Michael Chippendale (District 40), Senator Jessica De la Cruz (District 23), Representative Bernie Hawkins (District 53), Representative David Place (District 47), Boy Scout Troop 44 members and leader and several Gloucester residents.

Pledge of Allegiance

Workshop Agenda Items

- a. a) Hawkins Pond Dam Project: Chairman Stephen Mitchell began by stating that the Gloucester Land Trust's stewardship is to oversee various properties and maintain them; one of those properties is the Hawkins property on the west end of town. It is on this property that the dam is located which will be the focus of this evening's discussion. The RI Department of Environmental Management has classified this dam as a "high hazard" dam due to the possibility of significant loss of life and/or property damage if the dam were to fail. The 2016 D.E.M. inspection showed significant decay of the dam walls and the dam was given a structurally deficient status. Chairman Mitchell and Vice-Chairman St. Pierre met with members of the D.E.M. prior to taking any action to move this project forward, to ensure they were fully informed on what the Board's options were.

Pare Corporation has extensive experience in dam repair and is familiar with the Hawkins Dam specifically through their work for RI D.E.M., so the Land Trust reached out to them regarding this project. Chairman Mitchell then introduced Pare Corporation engineers J. Matthew Bellisle and David Matheson who prepared a PowerPoint presentation that summarized and provided a comprehensive overview of the proposed project.

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The dam is over 100 years old, 250 feet long and over 20 feet high. The 2012-2013 repairs the Land Trust made to the low-level outlet were a good investment and necessary; those repairs will help with the remainder of the repairs needed now. Each identified deficiency (hydraulically deficient and inadequate spillway, stumps and root issues, accumulating flocculate, elevated phreatic surfaces and deficient walls and slopes) has a proposed resolution (upgrade spillway, remove stumps and roots, construct new 4 foot wide by 2 foot deep toe drain system and fill and regrade areas). The new spillway will be able to handle approximately ten times more water, but FEMA requires the flow stream from the dam to remain unchanged. Repairs done prior to any new D.E.M. requirements will not be grandfathered in; the town would be required to do whatever remaining work necessary to the dam to meet the new standards.

The unanimous decision by the Land Trust Board was that the repairs to the dam should be to the impending 1.5pmf standard soon be implemented by RI D.E.M. for “high hazard” dams. These repairs will cost an estimated \$1,350,799.00, with half of those costs being used to fix the spillway. The estimated total has contingencies built in for unexpected costs that may arise; as the project progresses, and if issues are minimal, the overall cost will decrease. The Land Trust is hoping to secure funding, with help from the legislative delegation and the Town Council, from sources such as grants and possibly bonds before looking to the town for help.

After hearing the presentation from the engineers, the Town Council members had questions regarding the project and the options available in how the project can proceed. Councilor Henry asked if there should be concerns about where the water will go and if it will negatively impact any property owners when the pond is drawn down for the repairs. Mr. Bellisle stated that the draw down would be slow and would not have a negative impact on anyone. Councilor Henry was also asked if either the Land Trust or Pare Corporation had gotten a legal opinion that said the town could not be grandfathered in for repairs done prior to the new D.E.M. standards. Land Trust attorney John Bevilacqua said that if the D.E.M. says they are going to impose new and more restrictive standards that will not allow anyone to be grandfathered in, then that is the case and no legal opinion is necessary. The D.E.M. is a state regulatory agency and their requirements are not something you can challenge.

Councilor W. Steere is concerned about the environmental impact and specifically the wetlands and current D.E.M. permits while the repairs are being done. How will this project affect the D.E.M. permits in place? Mr. Bellisle indicated that the safety regulations put in place during the repairs help to streamline the entire process and the existing permits will not be impacted. Councilor W. Steere asked how the design of the repairs would be altered if they were not looking to meet anticipated higher standards and could have been grandfathered in; the 2010-2011 storm was before the low-level outlet repairs, was close to 1.5pmf and the dam held. Mr. Bellisle indicated the repairs would have been focused on repairing the dam as is, but once the new spillway standards were implemented the dam would be labeled structurally deficient again. This would require two projects instead of one and it is not financially practical to do it twice.

Councilor W. Steere asked if the impending 1.5pmf standard soon be implemented by RI D.E.M. is just an arbitrary date, or could it possibly not happen at all? What other options are available for the town to consider; such as can the dam level be lowered? Mr. Bellisle stated that D.E.M. is actively working on the new standards and does believe they will be implemented soon. The dam

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level could be lowered, but that would alter the existing D.E.M. permits. The first alternative option would be to remove the dam entirely. Vice-Chairman St. Pierre said the Board had discussions about removing the dam, but because it was purchased with D.E.M. grant money removing it is prohibited. The Board was also concerned with exposing the bottom of the pond and the possible contaminants that would then have to be dealt with; that could cost millions of dollars to clean up. The second alternative option would be to overtop and armor the spillway with downstream improvements. Both options would be very expensive and still result in a structurally deficient dam once the new standards were implemented. Councilor G. Steere asked if the repair calls for raising the spillway by one foot, why not just lower the weir by one foot? Mr. Bellisle indicated that lowering the weir would not increase the width of the spillway and they are hesitant to disturb the bottom of the pond due to the unknown nature of its contents.

Councilor W. Steere asked if the dam were to be repaired under the current regulations, would the project be smaller, and the cost be less? Mr. Bellisle said that it may reduce the cost by approximately \$100,000, which is not much of a savings, would require a second project once the new standards were implemented and may even involve removing some of the repairs made in the first round which is not cost effective. Councilor W. Steere said this sounds like a no win/no choice situation. Trustee Najecki believes the repairs should be done once and done right so that these repairs don't need to be done again in their lifetime, and hopefully for at least another 100 years. Chairman Mitchell shared that the Land Trust had the same concerns that have been expressed this evening and took all of that into consideration when making their decision to present this option to the Town Council. The objective of these repairs is to limit the liability to the town now and in the future and believes that \$1.3 million dollars is not a significant amount for the town in comparison to a catastrophic event. Councilor G. Steere disagrees that the total cost isn't a significant amount for the town, but he does agree with the approach being presented. Trustee Najecki and Councilor Forgue believe obtaining grants would help considerably with the funding.

Councilor Henry asked what the timeframe for the project would be. Mr. Bellisle provided a timeline of design and planning wrapping up in the next six months, with an estimate of an 18-month construction phase. They could be ready for July or August 2020 if the town was ready. Councilor W. Steere asked if this could be a five-year plan, and Mr. Bellisle said he couldn't say for sure. Hypothetically, is there time to get funds before bringing it to the voters? Councilor Henry said it would have to be on the 2020 ballot. Attorney Bevilacqua mentioned that all four legislative representatives for Gloucester are here tonight and as the legislative delegation for the town, they can request legislation to help obtain funding for this project. Trustee Najecki said it would be very helpful to make bonds available for municipalities to apply for. Attorney Bevilacqua restated that there is severe liability attached to this project; if something goes wrong, the town will own it.

Representative Michael Chippendale came up to the podium to speak. Representative Chippendale wanted to assure both the Land Trust and the Town Council that this is a situation that will not and can not be ignored on the state level. The legislative delegation is committed to assisting the town of Gloucester with obtaining funding of the project, and will work with D.E.M., the House and Senate, and any other state, federal or community agencies that might potentially be able to assist with the project. They will explore potential sources for funding such as grants, bonds and any other options that might appear to provide financial assistance and will work as hard as they can to help get funding. From everything he has heard this evening, he believes the only way to handle

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these repairs is to make the repairs to satisfy the impending 1.5pmf standard soon be implemented by RI D.E.M. for “high hazard” dams. Representative Chippendale asked the Gloucester Town Council to pass a resolution that will request that the delegation 1) enact legislation that will allow for grant money to be used on town-owned dams, not just state-owned dams and 2) to try and obtain a grant for the entire estimated amount of the project. He would also like the Land Trust to pass a supporting resolution to the town council's request. Both the Land Trust and Town Council said they would put that on the agendas of their next scheduled meetings.

Councilor G. Steere was able to share with the group information Town Clerk Jean Fecteau had located online regarding various funding sources for dam repair; Clerk Fecteau will forward that link to Chairman Mitchell for him to look at in more detail. Chairman Mitchell thanked the engineers for their comprehensive presentation and the legislative delegation for attending this evening’s meeting and asked for a brief recess so Mr. Bellisle and Mr. Matheson could gather their belongings and then the rest of the meeting could proceed.

b) Maintenance of Land Trust Properties: Chairman Mitchell was wondering what questions the Town Council had regarding the maintenance of Land Trust properties that it needed to be on tonight’s agenda. The Land Trust has a well-defined process in place to handle trail inspections and maintenance and the information is available on their website. When an issue is identified, it is addressed immediately. Councilor W. Steere stated that the Town Council had been notified of several trail and tree issues on both town and Land Trust properties that needed attention; and those issues were raised by more than one person. Vice-Chairman St. Pierre maintains Steere Hill and Trustee Najecki handles Sprague Farm; there are approximately five miles of trails at Steere Hill and it is always an ongoing process. In the Spring, Phillips Farm had many trees down, and Vice-Chairman St. Pierre took down 42 trees without assistance from anyone. Councilor W. Steere stated that it has been more than two years since some of the Land Trust fields have been mowed and Vice-Chairman St. Pierre acknowledged that the field mowing in the past couple of years has been lax, but that was due primarily to the declining health of Trustee Russell Gross who used to take that task on. The first 100-150 feet of the trail needs cutting back now, and they did ask the Town’s DPW for assistance, but nobody has been able to help so they are exploring other options.

Councilor Henry wanted to know if the Board had ever considered hiring someone to help with the land maintenance. Chairman Mitchell responded by saying that they have hired people to do some maintenance already and are not opposed to hiring someone to help. They have hired professionals to help with tree removal at various properties, mowing the grass at the dam and now with removal of a tree at Steere Hill to accommodate the installation of a new sign. The Board has several maintenance projects going right now including getting the mowing done at Steere Hill and addressing the issues at the Clarkville Schoolhouse. Trustee Najecki has plans to have the tractor delivered to Steere Hill next week by the DPW and he will be mowing the trails and fields; he will then move on to other properties. Vice-Chairman St. Pierre pointed out that even when maintenance is done, it gets undone. There is a foot bridge at Steere Hill that he has removed three times, and somebody keeps putting it back in the old spot. The recent bridge project proposed by an outside group was not pursued due to the excessively high estimated costs. Councilor Henry asked about getting signs at the trailheads to remind hikers to check for ticks. Trustee Najecki said he already has signs for that and can see about getting them installed.

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Chairman Mitchell asked that if one of the Councilors has an issue, that they bring it directly to the Board. Councilor W. Steere asked several times if Chairman Mitchell understood what a liaison was. Councilor W. Steere did not believe he was fairly represented in the Land Trust minutes recently. He did not send the Chair an email, it was from the Clerk and he can only recall being invited twice to Land Trust meetings/events and he was unable to attend so he notified the Chair. Chairman Mitchell did not intend to be adversarial; he wants to work together. Councilor Henry asked the Land Trust Board what they thought their perception is with the Gloucester residents. There used to be a group called “Friends of the Gloucester Land Trust”, and maybe that is a void that exists right now. Chairman Mitchell responded by saying that he thinks the perception of the public is that they love the properties and the properties are well used. He would like to see other properties opened for trails, but that is just not on the Board’s radar right now.

c) Land Trust Volunteer Procedure: The Land Trust has a policy in place regarding volunteers and the information is available on their website. Each volunteer is approved by the Board and asked to fill out a form for liability purposes and so they are covered under the Land Trust’s insurance policy. It has been easy to get volunteers, but then when it comes time to participate, they are not available. Chairman Mitchell believes the group has not been used as effectively as they could have been, but Vice-Chairman St. Pierre has sent out email blasts asking for assistance and has had no responses from any of the volunteers. Trustee Najecki is trying to reinvigorate the group by sending out an email notifying them of weekend trail work that will take place from next week until the end of the year; he is hoping to get some participation from at least a few volunteers.

Adjournment

MOTION was made by Land Trust Trustee David Piccirillo to Adjourn at 9:26 p.m.; seconded by Land Trust Trustee Janine Pitocco.

VOTE: AYES- Mitchell, St. Pierre, Cavaliere, Najecki, Piccirillo and Pitocco; NAYS-0

MOTION PASSED

Minutes Approved: November 14, 2019 meeting.

Respectfully Submitted,
Judi Rix