

GLOCESTER LAND TRUST
REGULAR MEETING
January 14, 2020

The regular meeting of the Gloucester Land Trust took place on January 14, 2020 at the Gloucester Town Hall. Chair Stephen Mitchell called the meeting to order at 7:05 p.m.

Members in attendance: Stephen Mitchell, Steven St. Pierre, Gene Cavaliere, James Giarrusso, Roy Najecki, David Piccirillo, Janine Pitocco and Legal Counsel John J. Bevilacqua, Sr.

Members Absent: Two arrived after roll call due to accident in town.

Minutes: Judi Rix

Guests: None.

Pledge of Allegiance

Chairman Stephen Mitchell asked the board if two Old Business agenda items could be combined with two agenda items in New Business to save time. He asked for Old Business agenda item B be combined with New Business agenda item E, and Old Business agenda item D be combined with New Business agenda item K. Member Janine Pitocco made a motion to combine the agenda items as requested; Roy Najecki seconded the motion and it passed unanimously.

Open Forum Agenda Items Only: No one present wished to speak.

Approval of minutes of previous meetings (discussions and /or action):

- a.. Roy Najecki made a motion to accept the minutes of the December 10, 2019 meeting; it was seconded by Janine Pitocco and passed unanimously.

GLT Treasurer's Report (discussions and /or action): Treasurer Roy Najecki provided an updated report with all the expenses for December incorporated. There were no remarkable charges and the Board is expecting the real estate tax transfer to be deposited into the account in February. Janine Pitocco made a motion to accept the report as presented; it was seconded by David Piccirillo and passed unanimously.

Approval of Bills (discussions and /or action):

- a. Janine Pitocco made a motion to pay Judi Rix a total of \$203.00 for December 10, 2019 Minutes; it was seconded by David Piccirillo and passed unanimously.
- b. Janine Pitocco made a motion to pay John J. Bevilacqua, Sr. a total of \$1,000.00 for Legal Services for January 14, 2020 meeting; it was seconded by David Piccirillo and passed unanimously.
- c. Janine Pitocco made a motion to pay Norfolk Power Equipment a total of \$49.62 for a chainsaw 12" bar and chain; it was seconded by David Piccirillo and passed unanimously.

Old Business (discussion and/or action):

- a. Hopkins Woodlands Encroachment: Former GLT Chair Bruce Payton was able to locate a letter to the landowners from 2009 regarding the encroachment; this letter was eventually revised and the revised letter was the one that was actually sent via certified mail to the landowners a year and a half later in 2011. Member David Piccirillo believes this is a civil issue that will need to go through the

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court system. Legal Counsel John J. Bevilacqua does not believe that to be the case if the Board can access the items in question without going onto the landowner's property. The landowner has been notified several times by the Board and has spoken with Attorney Bevilacqua about a timeline. Roy Najecki indicated that the last time he went out there it appeared the landowner was taking steps to remove the items. The second issue with this property is that someone took a large portion of trees down on the GLT property. It needs to be determined who took down those trees and when; Member Najecki will measure the square footage of the area to get an estimate of the value of the loss incurred by the Board. Member Najecki suggested that the Board monitor the situation until Spring to see if more progress is made, but many members expressed that they felt the landowner had been given more than enough time to comply with the Board's request.

Steven St. Pierre is concerned about it being a liability for the Board. Attorney Bevilacqua does not want to see it become an "attractive nuisance" and appeal to anyone that may see it and want to go in.; that would be a huge liability. Attorney Bevilacqua recommended that the landowner be given one more notice giving him 14 days to dismantle the shed and if no further progress is made then the Board will take action to dismantle it. Gene Cavaliere made a motion to follow Attorney Bevilacqua's recommendation that the landowner be given one more notice giving him 14 days to dismantle the shed and if no further progress is made then the Board will take action to dismantle it; it was seconded by Roy Najecki and passed unanimously.

b. Meeting with Ponaganset HS Principal and FFA Advisor: Chairman Mitchell and Member Giarrusso went to the high school for the meeting, but the principal was out that day, so they had a preliminary meeting with the FFA Advisor. Member Giarrusso is willing to work with the students in the program to build structures to raise quail and partridge in that would then be released into the wild on GLT properties. This is a pilot program ND THE Board will evaluate its success before committing to it again. The teachers of the school will supervise the students, and at no time will a GLT member be alone with the students. Chairman Mitchell will set up a follow up meeting with the principal, but he is hoping to start this project in April.

c. Rental of Nu-Look truck: The cost would be \$95 per hour to use for transporting gravel to Steere Hill parking lot, but the Board is exploring other options so this item will be tabled for now. Currently Member Giarrusso is working with the DPW to fix the Steere Hill parking area free of charge.

d. Hawkins Pond Dam Project Update: Chairman Mitchell went to Pare Corporation and picked up project information including cost estimate for the project and conceptual maps. The estimated cost is 1.6 million dollars, and that does not include the construction phase services being provided by Pare Corporation. Steven St. Pierre asked why that amount was not included in what was provided to the Board; they were asked to incorporate that into their budget estimate a few meetings ago. Chairman Mitchell will follow up with the engineers to see if that can be provided immediately.

Member Piccirillo asked why the design of the dam had changed from flat to arched; an arch design requires more material and also costs more to construct. Chairman Mitchell stated that the engineers changed the design because it was a better design to handle a 500-year storm event and the impending 1.5pmf standard that will likely be imposed. Chairman Mitchell would be happy to invite the engineers back if the board has additional questions for them. Chairman Mitchell also would like to explore obtaining a grant writer to help the Board apply for grants that could possibly help with the funding of the project; he will look into what that would cost and possibly invite a potential candidate to the next Board meeting for approval. There are not many people who do this, and he and Attorney Bevilacqua think they may have identified a highly qualified and recommended candidate.

New Business (discussions and/or action):

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- a. Oversight responsibilities of Trails and Maintenance Managers: Chairman Stephen Mitchell provided the board members with a draft document. Attorney John Bevilacqua will be reviewing and looking closely at the policies relating to volunteers; having more volunteers do work puts the Board at higher risk than ever before. The Board must let the Interlocal Trust know immediately if a problem comes up. The policy the Board has now makes it clear that a Board member can be held responsible in a civil action. Attorney Bevilacqua is exploring options regarding separate insurance that would cover Board members in a civil action. Chairman Mitchell suggested having a workshop on this topic, and the Board agreed they would like to do that; it will be held on Tuesday, February 4, 2020 at 7pm in Town Hall.

Attorney Bevilacqua recommended outlining the scope of activities the volunteers will be allowed to perform and requiring them to sign waivers prior to doing any work on Land Trust properties. Enforcing those guidelines and ensuring all volunteers have signed the waiver will be the responsibility of the Land Trust trustees on the project. Ideally, completed waivers would be on file for the volunteers before they arrive to work on the project; since the Board now wants all volunteers to have a completed waiver before they even get accepted as a volunteer, this should be easier to regulate. Chairman Mitchell asked the Board members to review the document and get any concerns/suggestions to him in writing by Friday, January 17, 2020 so Attorney Bevilacqua can look at those as well prior to the workshop meeting.

- b. Trail Maintenance Procedures: This was covered in item "A". Roy Najecki made a motion to delete this agenda item; seconded by David Piccirillo and it passed unanimously.

- c. Sprague Hill Ponding: Member Roy Najecki took photos of a current flooding issue. Roy Najecki would like to complete a D.E.M. regulatory applicability form requesting to raise the causeway to its original elevation. Once the form is prepared, the Chair will need to sign, and the cost would be \$150 to submit. As soon as permission is given by D.E.M. the work to fix the area can proceed.

- d. Kilmartin Woodland Sheds: Member Roy Najecki provided pictures of the sheds to the Board and would like to see the three buildings dealt with. They would be classified as an "attractive nuisance" and certainly are a liability at this point since they are all in various stages of disrepair. Member Najecki suggested contacting the fire department to see if they would be interested in using them as a fire training exercise and then the Board would clean up the remaining pieces. Chairman Mitchell will reach out to the fire department to see if they would be interested.

- e. Rabbit and bird habitats: Combined with Old Business B.

- f. Warning Signs entering Land Trust: Signs are up at the entrance to all publicly accessed GLT properties regarding various topics. Roy Najecki would like to see more signage posted about wearing orange during hunting season. Steven St. Pierre would prefer to not allow for other uses on the properties that allow for hunting (which currently only applies to Sprague Farm); he would like to see the property shut down for the hunting season if people are on the property with guns. Janine Pitocco would like to see better signage relating to keeping dogs on leashes at the trail entrances. Chairman Mitchell will ensure that this topic is addressed again when the hunting regulations are being discussed for next year. Member Najecki will draft something to bring back to the next meeting.

- g. Volunteer Applications: The board feels strongly that all volunteers need to have completed paperwork on file prior to them being allowed to help on the properties; this includes a completed waiver. Since two of tonight's applicants have not submitted that yet, they will not be voted upon tonight. Roy Najecki made a motion to approve and accept the five volunteer applications submitted to become GLT volunteers; seconded by James Giarrusso and it passed with a vote of 4 Ayes (Pitocco, Piccirillo, Najecki, Giarrusso) and 2 Nays (St. Pierre, Cavaliere). Member St. Pierre stated that he voted Nay because he believes that for a volunteer to be approved, they should have a face-to-face meeting with the Board prior

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to the vote. Member Cavaliere stated he was uncomfortable with the whole volunteer thing but agreed with Member St. Pierre on his point too. Volunteer applicants:

- g.1. Jeffrey Rielly: Included in the vote.
- g.2. Susan Sloan Rielly: Included in the vote.
- g.3. Kimberley Justham: Included in the vote.
- g.4. Max Girouard: Not voted upon due to no waiver submitted yet.
- g.5. Lauri Girouard: Not voted upon due to no waiver submitted yet.
- g.6. Warren Cummins: Included in the vote.
- g.7. Bruce Payton: Included in the vote.

h. Replacement of storage building at Steere Hill: There was a building at the summit of Steere Hill and the concrete pad for it is still there. Roy Najecki would like to see something like the newly built open-air pavilion at Kent Field. James Giarrusso would like to rebuild it as an enclosed structure that would be able to store the bigger equipment. Member Giarrusso will explore the possible costs of replacing the building to its original form and bring back the information to the Board. Roy Najecki made a motion to authorize Member Giarrusso to explore the possible costs of replacing the building to its original form; seconded by Steven St. Pierre and it passed with a vote of 5 Ayes (Pitocco, St. Pierre, Cavaliere, Najecki, Giarrusso) and 1 Nay (Piccirillo). Member Piccirillo doesn't like the idea of storing the equipment up on the top of the hill where it cannot be monitored, and he also believes it will be more difficult to retrieve the equipment from that location.

i. Conex box purchase: James Giarrusso and Steven St. Pierre investigated the cost of the boxes to put at both the Steere Hill and Sprague Farm locations to store tools and smaller equipment. The board could also have a workbench inside of each box to provide a place to repair things. After looking at the various vendors and choices, they are recommending the Board purchase the 8ft x 9ft box offered by MobileMod at the cost of \$2860.00 per box and that includes delivery. The box would come with a five-year warranty.

a. Steere Hill: James Giarrusso made a motion to order the 8ft x 9ft Conex box from MobileMod for \$2860.00; seconded by Roy Najecki and it passed unanimously.

b. Sprague Farm: James Giarrusso made a motion to order the 8ft x 9ft Conex box from MobileMod for \$2860.00; seconded by Roy Najecki and it passed unanimously.

j. Tractor repairs and three-point hitch for tractor: Chairman Stephen Mitchell and James Giarrusso went to Padula Brothers in Massachusetts yesterday to discuss repairing the tractor and possibly purchasing the hitch. The board received an estimate of \$4,700 to make all the necessary repairs and include the new hitch. Chairman Mitchell believes this is a reasonable estimate and would like to cap the spending at \$5,000 and require any additional funds be approved by the Board. Roy Najecki made a motion to approve the tractor repairs by the Padula Brothers with the max expenditure not to exceed \$5,000; seconded by Steven St. Pierre and it passed unanimously.

k. Grant writer consultant for Hawkins Pond Dam: Combined with Old Business D.

l. UTV purchase and acquisition: James Giarrusso got a quote from Norfolk Power Equipment, Inc. to purchase a new Kubota UTV (RTVX1100CW) for \$18,316.65. By purchasing through the state bid list, the Board would be saving approximately \$3,200. David Piccirillo made a motion to approve the purchase of the Kubota UTV from Norfolk Power Equipment, Inc. for a total cost of \$18,316.65; seconded by James Giarrusso and it passed unanimously.

m. Appointment of liaison to Gloucester Town Council: Chairman Mitchell would like to appoint Member Roy Najecki to this position; in this role Member Najecki would be required to attend Town Council meetings on a bi-monthly basis and report back to the GLT Board any pertinent information. Member Najecki accepted the appointment.

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n. Bridges to be constructed on Land Trust properties: Steven St. Pierre and James Giarrusso walked the properties to see where pedestrian bridges are needed; they identified at least five locations. Member Giarrusso and Vice-Chairman St. Pierre presented several designs for the Board to review, including one of a US Forest Service bridge design that is used by the Town of Groton MA Trails Committee. It is always an issue trying to get any plan stamped by an engineer and that has not changed; no one they spoke was willing to do that. A plan a few years back was explored, but the cost would have been approximately \$66,000 per bridge and that did not include construction/installation. The Board feels it is important to address the five identified sites for safety reasons and to help provide emergency services access to the GLT properties. Heritage Park has a bridge in place that has been used for years.

Member Giarrusso and Vice-Chairman St. Pierre have agreed upon a design that they feel is very safe, secure and can be easily assembled on site. Member Giarrusso has come up with a design, that places double 4x6 pressure treated beams (bolted together horizontally) 1 foot on center and like the USFS design, the decking will be 3 inches thick. Gordon Brayton from Scituate Lumber is willing to give the Board a 10% discount on the building materials and this would bring the cost of the bridge to approximately \$825.00 each. These would be pedestrian bridges only, and signs would be put up stating that. Attorney Bevilacqua stated that if the signs posted say "For pedestrian use only", then equestrians would be taking their own risk using. Janine Pitocco asked why not build bridges that can accommodate equestrians as well, why only for pedestrians? Vice-Chairman St. Pierre would like to start with replacing the bridge on Steere Hill's Field Trail that the Interlocal Trust had suggested removing. Roy Najecki made a motion to approve the plan to build trail bridges on GLT properties with the cost not to exceed \$1,000 per bridge; seconded by Janine Pitocco and it passed unanimously.

Correspondence

- a. Town Required Annual Report: Chairman Mitchell received the annual report from Recording Clerk Judi Rix for submission to the Town Clerk's office and has already submitted it.
- b. 2019 Cooperative Agricultural Pest Survey: Chairman Mitchell received a letter of appreciation from the RI D.E.M. for allowing the use of GLT property to conduct the survey.
- c. Land and Water Conservation Summit: Chairman Mitchell received an email with information regarding this annual meeting and shared it with the Board members.

Trail Inspection(s) and Maintenance Work Reports: Nothing significant to report.

Monthly GLT Activities/Reports: None.

Open Forum: No one present wished to speak.

Executive Session: There was no executive session held at the meeting this evening.

There being no further business before the Land Trust, Steven St. Pierre made a motion to adjourn at 9:47p.m.; it was seconded by David Piccirillo and passed unanimously.

Minutes Approved: February 04, 2020 meeting.