

Town Council Meeting
January 11, 2018

The January 11, 2018, Town Council Meeting was called to order by Denise L. DiFranco, President of the Foster Town Council, at the Benjamin Eddy Building, 6 South Killingly Road, Foster, Rhode Island, at 7:00 p.m.

The following members were present:	Also present:
Denise L. DiFranco, President	Solicitor, Joanna Achille
Chris Stone, Vice President	Kelli Russ
Gordon Rogers	Chief Ziehl
Michael Dillon	
Cheryl Hawes	

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| I. | PLEDGE OF ALLEGIANCE | The Pledge of Allegiance was recited. |
| II. | ANNOUNCEMENTS | Denise L. DiFranco thanked the EMA Director, Heidi Rogers, for doing a great job during the storm, and the new DPW director who was baptized by fire after being appointed. |
| III. | PUBLIC COMMENT | Julia Parmentier and Helen Hardy held comments until later. Ron Cervasio spoke. |
| IV. | MINUTES | Gordon Rogers moved, Chris Stone seconded, to accept the Meeting Minutes for December 28, 2017, as presented with the corrections.
Denise L. DiFranco, aye; Chris Stone, aye; Cheryl Hawes, aye; Gordon Rogers, aye; and Michael Dillon, aye. Motion carried 5 – 0.. |
| V. | WARRANTS | Gordon Rogers moved, Chris Stone seconded, to approve Payroll Warrant #25 for \$34,649.98.
Denise L. DiFranco, aye; Chris Stone, aye; Cheryl Hawes, aye; Gordon Rogers, aye; and Michael Dillon, aye. Motion carried 5 – 0.

Gordon Rogers moved, Chris Stone seconded, to approve Payroll Warrant #26 for \$37,316.51.
Denise L. DiFranco, aye; Chris Stone, aye; Cheryl Hawes, aye; Gordon Rogers, aye; and Michael Dillon, aye. Motion carried 5 – 0.

Gordon Rogers moved, Chris Stone seconded, to approve General Warrant #13 for \$27,921.34.
Denise L. DiFranco, aye; Chris Stone, aye; Cheryl Hawes, aye; and Michael Dillon, aye; Gordon Rogers, recused. Motion carried 4-0-1 recusal. . |
| VI. | NEW BUSINESS | |
| | A. Request for use of Town Grounds | Gordon Rogers moved. Chris Stone seconded, to approve the request from the Northern RI 4-H Horse show on the date of May 13, 2018.
Denise L. DiFranco, aye; Chris Stone, aye; Cheryl Hawes, aye; and Michael Dillon, aye; Gordon Rogers, aye. Motion passed 5 – 0. |
| | B. Bid Award – Tree Removal | Denise L. DiFranco said there were two bids and there was a recommendation from the former DPW Director (see Exhibit A).

Gordon Rogers moved, Mike Dillon seconded, to award the bid for Tree Removal Service to Malec Tree Service for the amount of \$125.25/hr, \$1002/day, or \$5,010/week with an 8-hour day, 5 days per week, which is lower than the second bidder.
Discussion: Gordon Rogers, Kelli Russ,.
Gordon Rogers amended his motion to include the wording that if the original bidder was not available to use the second bidder as requested by the DPW Director. Mike Dillon seconded.
Denise L. DiFranco, aye; Chris Stone, aye; Cheryl Hawes, aye; and Michael Dillon, aye; Gordon Rogers, aye.
Amendment passed 5 – 0.
Discussion Chief Ziehl, Cheryl Hawes.
Denise L. DiFranco, aye; Chris Stone, aye; Cheryl Hawes, aye; and Michael Dillon, aye; Gordon Rogers, aye. Main motion passed 5 – 0. |
| | C. Appointment to Zoning Board | Gordon Rogers recused himself from this topic. Denise L. DiFranco said there is a request from Bryan D. Coppola to be appointed to the Zoning Board. |

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Mike Dillon moved, Chris Stone seconded, to appoint Bryan D. Coppola to the Zoning Board.
Discussion: Lynne Rider.
Denise L. DiFranco, aye; Chris Stone, aye; Cheryl Hawes, aye; and Michael Dillon, aye. Motion passed 4 – 0 – 1 with one recusal.

D. Appointment of Part-Time Zoning Official
Gordon Rogers moved, Chris Stone seconded, to appoint Mark Horner to the part-time position as a Zoning Official.
Discussion: Cheryl Hawes, Kelli Russ, and Denise DiFranco.
Gordon Rogers withdrew his motion, Chris Stone withdrew his second.

Gordon Rogers moved, Chris Stone, seconded, to have the liaison to Zoning, Mike Dillon, and Cheryl Hawes, Rhett Bishop, and Joanna Achille to meet with Mr. Horner to hammer out any questions from both sides and return to the council with a recommendation.
Discussion: Lynne Rider, Ron Cervasio.
Denise L. DiFranco, aye; Chris Stone, aye; Cheryl Hawes, aye; and Michael Dillon, aye; Gordon Rogers, aye. Motion passed 5 – 0.

E. Scrivener’s Error on Secondhand License
Gordon Rogers moved, Chris Stone seconded, to accept the application for Danny’s Auction Barn, LLC, secondhand license, new vs. transfer.
Discussion: None.
Denise L. DiFranco, aye; Chris Stone, aye; Cheryl Hawes, aye; and Michael Dillon, aye; Gordon Rogers, aye. Motion passed 5 – 0.

F. Resignation – Town Planner
Gordon Rogers read the letter of resignation from Cheryl Maynard..
Gordon Rogers moved, Mike Dillon seconded, to accept the resignation of the Town Planner with regrets and welcome her assistance with the transition.
Discussion: Denise DiFranco, Kelli Russ, Chris Stone, Joe Carey, Julia Parmentier, and Lynne Rider.
Denise L. DiFranco, aye; Chris Stone, aye; Cheryl Hawes, aye; and Michael Dillon, aye; Gordon Rogers, aye. Motion passed 5 – 0.

G. Town Planner Position
Gordon Rogers moved, Cheryl Hawes seconded, to use the same sources of advertising to seek a Town Planner.
Discussion: Cheryl Hawes, Denise DiFranco, Ron Cervasio, Anthony Renzi, and Kelli Russ.
Denise L. DiFranco, aye; Chris Stone, aye; Cheryl Hawes, aye; and Michael Dillon, aye; Gordon Rogers, aye. Motion passed 5 – 0.

H. Charter Amendment for Capital Transfer
Denise L. DiFranco stated that in November of 2016 during the election there were 15 or 16 amendments for the Charter. One was for financial procedures for the capital reserve, changing it from 2 percent of the total to the equivalent of 4 percent. Ms. DiFranco wanted to bring it forward and questioned whether it could be brought before a Financial Town Meeting or if it had to be a Charter change. Joanna Achille stated that it could be brought forward at a Financial Town Meeting.

Gordon Rogers moved, Chris Stone seconded, to move forward with a single Charter Amendment and present it to the taxpayers.
Discussion: Gordon Rogers, Cheryl Hawes, Lynne Rider, Kelli Russ, and Helen Hardy.
Denise L. DiFranco, aye; Chris Stone, aye; Cheryl Hawes, aye; Gordon Rogers, aye; and Michael Dillon, aye. Motion carried 5 – 0.

- VII. FUTURE AGENDA ITEMS**
- Financial Statements and Standards Policies and Procedures for Non-Town Entities Receiving Appropriations
 - Resignation of Probate Judge
 - Letter from the International Association of Firefighters union Local #3422 to open negotiations
 - Zoning Official
 - Town Planner
 - Roadside Litter

VIII. EXECUTIVE OPEN SESSION

Denise L. DiFranco clarified the procedure with the solicitor. Ms. DiFranco stated that the session was a result of having received two letters regarding the Planning Board and Chair, and that Mr. Carey requested open session, which he stated that he still desired.

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Discussion: Mike Dillon stated that he received two verbal complaints from planning board members regarding the conduct of other members of the board at Planning Board meetings, both between themselves and towards applicants. These complaints were also written and distributed to the council. The complaints questioned the Chair’s ability to control the meetings. The complaints addressed all meetings in general but did specifically reference a particular meeting in December. Mr. Dillon said he had the opportunity to listen to the recording of that meeting and that he has spoken to the solicitor who was present at that meeting. At that meeting members told applicants’ expert witnesses that their documents were wrong and had errors. Members also berated applicants at the meeting and discussed matters beyond the scope of the board. There were continuing discussions concerning an application after the agenda item was completed and the applicant had left. These issues raise concerns regarding potential litigation if the meetings are not brought under control. Mr. Dillon asked Mr. Carey as chair of the Planning Board what he could do differently to address these concerns moving forward.

Mr. Carey stated that he has not had a complaint in the three years he has been chair prior to the addition of the board members who are now complaining and who are creating a hostile environment. Mr. Carey also explained the requirements the Planning Board must meet. He did not think the meetings have gotten out of hand. He further stated that this current procedure is a little above and beyond because he is always available for discussion. He stated that he would make sure the meetings were under control in the future.

Denise L. DiFranco stated that she has attended many Planning Board meetings. She feels that Mr. Carey handles it professionally. Ms. DiFranco said that in the future she would prefer to meet with individuals informally. Ms. DiFranco reviewed the Planning Board bylaws regarding election of officers which indicated they were followed, a vote had been taken, and it stands.

Cheryl Hawes stated that she has not attended the Planning Board meetings because she works but has watched them and has never seen Mr. Carey lose control. She noted that two new members are the ones who wrote the letters and it did not have to be handled this way and agreed with Ms. DiFranco.

Mr. Dillon asked if he understood why he suggested it be in closed session. Mr. Carey stated he didn’t want to have to repeat over and over what happened.

Mr. Carey asked how it came about. Ms. DiFranco said it was because she was open to anyone putting something on the agenda. Mr. Dillon said that he had asked that it be put on the agenda because he wanted the entire council to participate. Ms. Achille said that Mr. Dillon could not speak for the council and it would have to be brought forward.

Ms. Achille noted that the procedure was correct and asked if there was a motion to come forward. Ms. DiFranco said there was never an intention to remove Mr. Carey from the board.

Ms. DiFranco asked if Mr. Carey was satisfied. He said, yes, if she was. Further discussion: Julia Parmentier, Lynne Rider, Ron Cervasio, Helen Hardy, Anthony Renz, Joanna Achille.

IX. ADJOURNMENT

Motion to adjourn was passed unanimously. Meeting adjourned at 7:50 p.m.

A digital sound file is made a part of the record for a complete account of the council meeting.

Submitted by

Susan M. Dillon
Town Clerk