

JANUARY 22, 2015
TOWN COUNCIL MEETING

The January 22, 2015, Town Council Meeting was called to order by John L. Lewis, Jr., President of the Foster Town Council, at the Town House, Foster, Rhode Island, at 7:06 p.m.

The following members were present:

John L. Lewis, Jr., President
Denise DiFranco, Vice President
Roger L. Hawes, excused,
Gordon Rogers, and
Jon Restivo

Also present:

Renee M. Bevilacqua, Town Solicitor
Kelli Russ, Treasurer,
Patti Moreau, Tax Assessor,
Peter Scorpio, Building/Zoning Official,
Police Chief William Ziehl,
Regional School Superintendent Michael Barnes,
Regional School Business Manager, Kathleen
Tschudy Haines,
Members of the Foster/Glocester Regional School
Committee

**I. OPEN
SESSION
PLEDGE OF
ALLEGIANCE**

The Pledge of Allegiance was recited.

**II. ANNOUNCE-
MENTS**

Mr. Lewis announced that Mr. Hawes was ill and unable to attend this meeting.

John L. Lewis, Jr. stated that the notice of the meeting was properly posted on the Secretary of State's web site.

III. MINUTES

Gordon Rogers moved, Denise DiFranco seconded, and it was so voted to approve the minutes of December 11, 2014.

John L. Lewis, Jr, aye; Denise DiFranco, aye; Gordon Rogers, aye; and Jon Restivo, aye. Motion carried 4-0.

IV. WARRANTS

Denise DiFranco moved, Gordon Rogers seconded, to approve Payroll Warrant #27 for \$30,452.49.

John L. Lewis, Jr, aye; Denise DiFranco, aye; Gordon Rogers, aye; and Jon Restivo, aye. Motion carried 4-0.

Gordon Rogers moved, Denise DiFranco seconded, to approve Payroll Warrant #28 for \$27,768.21.

John L. Lewis, Jr, aye; Denise DiFranco, aye; Gordon Rogers, aye; and Jon Restivo, aye. Motion carried 4-0.

Denise DiFranco moved, Gordon Rogers seconded, to approve General Warrant #13 for \$70,433.54.

John L. Lewis, Jr, aye; Denise DiFranco, aye; Gordon Rogers, aye; and Jon Restivo, aye. Motion carried 4-0.

**V. MONTHLY
REPORTS**

Denise DiFranco moved, Gordon Rogers seconded, to accept the December 2014 monthly reports from the Building and Zoning Department, the Dept. of

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Public Works, Finance Department, Human Services Department, Police Department, RIRRC, and Tax Assessor, as submitted.

John L. Lewis, Jr, aye; Denise DiFranco, aye; Gordon Rogers, aye; and Jon Restivo, aye. Motion carried 4-0.

VI. QUARTERLY REPORTS

Denise DiFranco moved, Gordon Rogers seconded, to approve the fourth quarter calendar year reports plus others as noted) from the Board of Canvassers, Engineering Board, Foster Center Volunteer Fire Co., School Committee, Land Trust (3rd & 4th quarters), Libraries, Moosup Valley Fire Co. (2nd, 3rd & 4th quarters) Recreation Committee (3rd quarter), South Foster Volunteer Fire Company, Tax Board of Review and Zoning Board of Review, as submitted.

John L. Lewis, Jr, aye; Denise DiFranco, aye; Gordon Rogers, aye; and Jon Restivo, recused. Motion carried 3-0, with one recusal.

VII. NEW BUSINESS
a. 2015-2016 Regional School Budget/Pre-Budget Meeting

Mr. Lewis stated that Mr. Cervasio had requested this item be placed on the agenda, and that this would be a joint meeting with the Regional School Committee. Mr. Cervasio made note that this joint meeting is required by law, called the Regional School Committee meeting to order and requested the roll be called. The meeting began at 7:15 p.m. Superintendent Barnes handed out copies of the proposed 2015-2016 school budget, totaling \$14,757,145.00. Kathleen Tschudy Haines, new Business Manager for the regional school district, reviewed the budget line items. Educational programs, student enrollment by town, cost distribution and local appropriations were outlined by Dr. Barnes and Ms. Haines for discussion. This was an informational meeting and no votes were taken. A motion was made and seconded to adjourn the meeting at 7:44 p.m. The school committee vote was unanimous.

b.) Budget Meeting Schedule for FY 2016

Treasurer Kelli Russ had asked to place this item on the agenda and had presented the Council with a set of proposed meeting dates to be met to discuss the capital budget with the various department heads. Ms. Russ explained the schedule and asked the Council to make a decision as to the date and time they would like to commence.

Denise DiFranco moved, Gordon Rogers seconded, to schedule the first budget committee work session for Thursday, March 5, at 6:30 p.m. at the Benjamin Eddy Building. (Kelli Russ will check with department heads as to their schedules)

John L. Lewis, Jr, aye; Denise DiFranco, aye; Gordon Rogers, aye; and Jon Restivo, aye. Motion carried 4-0.

c.) Resignation of Building & Zoning official

John L. Lewis, Jr., stated that the Council had received a letter of resignation from Peter Scorpio effective January 29, 2015. Gordon Rogers read Mr. Scorpio's letter aloud.

Gordon Rogers moved, Denise DiFranco seconded, to accept the resignation with regrets.

John L. Lewis, Jr, aye; Denise DiFranco, aye; Gordon Rogers, aye; and Jon Restivo, aye. Motion carried 4-0.

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**VII. d.) Advertise-
cont. ment for new
Building &
Zoning Official**

Mr. Lewis read a draft advertisement for a new building and zoning official.

Denise DiFranco moved, Gordon Rogers seconded, to post the ad as presented.

Gordon Rogers mentioned posting, free of charge, on the RI Builders Association website.

Renee Bevilacqua made the recommendation that having worked closely with the current B&Z official, that it would be advisable to find an individual with expertise in soil and sediment erosion control and waste and storm water issues as these are important current & future issues. Mr. Lewis stated that he hoped that those issues would be addressed by finding an individual with an engineers license.

Mr. Restivo moved, Denise DiFranco seconded, to amend the main motion to accept the advertisement with the insertion at the end of the third sentence “as well as zoning enforcement”.

Discussion: Mr. Rogers said he would have trouble voting for that amendment; there was further debate about the ad.

Denise DiFranco withdrew her main motion, Gordon Rogers withdrew his second. Mr. Restivo withdrew his amended motion, Ms. DiFranco her second.

Jon Restivo moved, Denise DiFranco seconded, to accept the ad for Building & Zoning official as presented with the insertion of “Zoning enforcement experience as well as”, placed before “professional engineers license preferred.”

The timing of the ad placement was discussed and concerns about the lack of a Building and Zoning official was brought up. Mr. Rogers referenced having historically utilized the Building & Zoning Inspector from Scituate, who is a licensed engineer, and suggested using that option again.

John L. Lewis, Jr, aye; Denise DiFranco, aye; Gordon Rogers, aye; and Jon Restivo, aye. Motion carried 4-0.

**e.) Advertise-
ment for
Charter Review
Committee**

Mr. Lewis referenced a past request during the term of the last Council from the Human Services Director to make language changes in the town Charter that pertained to her position and department. It had been suggested at that time to make changes to the section referencing the Capital Fund as well. Ms. DiFranco had asked to put this on the agenda again.

The Council reviewed an older advertisement for Charter Commission volunteers.

Denise DiFranco moved, Gordon Rogers seconded, to place the advertisement for volunteers to serve on a Charter Review Commission. Any Foster resident wishing to volunteer should send a letter of interest to the Town Council by March 9, 2015, at 4:00 p.m.

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**e.) Advertise-
ment for
Charter Review
Committee
(cont.)**

The advertisement would appear in the March Foster Home Journal, on the town web site, and posted on flyers in various places around the Town.

John L. Lewis, Jr, aye; Denise DiFranco, aye; Gordon Rogers, aye; and Jon Restivo, aye. Motion carried 4-0.

**f.) Foster Center
Road Bridge
Update**

John L. Lewis, Jr. stated that Mr. Restivo had asked to have this on the agenda and asked him to outline the situation. Mr. Restivo explained that this was the bridge that crosses Hemlock Brook on Foster Center Road, and that the DOT had arbitrarily reduced the weight load on this bridge and several others in the State. This had resulted in detouring school busses and other large vehicles which in turn was adding wear on some secondary, dirt roads. Mr. Restivo explained that several calls had been made to DOT to reconsider this and that the DOT had prioritized a reevaluation. DPW Director Joe Cardillo had received a letter (see Exhibit A) stating that the State DOT evaluation process should be complete by Friday, 1/23/2015, and the weight limit determination on the bridge would be presented to Mr. Cardillo that day or shortly thereafter. Mr. Cardillo would then present the findings to the Council.

**VIII. OLD
BUSINESS**

**a.) Comprehen-
sive Plan Update**

Mr. Lewis stated that Ms. King, the Town Planner, wished to review details of the proposal with Mason & Associates, Inc., before the Council considers that proposal.

John Lewis moved, Denise DiFranco seconded, to table this item until the planner has the opportunity to complete that review.

John L. Lewis, Jr, aye; Denise DiFranco, aye; Gordon Rogers, aye; and Jon Restivo, aye. Motion carried 4-0.

**b.) Concerned
Citizens/Public
Comments,
Rules**

Jon Restivo reported that he and Ms. DiFranco had worked to draft a set of proposed rules and guidelines for the Concerned Citizens/Public Comment portion of future Council meetings. However, Mr. Hawes had asked that this item be tabled until he was present to discuss and vote on the topic.

Jon Restivo moved, Denise DiFranco seconded, to table this issue until the next Council meeting.

Gordon Rogers requested that this same consideration be given to other Council Members at future meetings if any were unable to attend, and that all Council members be present on this issue.

John L. Lewis, Jr. aye; Denise DiFranco, aye; Gordon Rogers, aye; Jon Restivo, aye. Motion passed 4-0.

**IX. FUTURE
AGENDA
ITEMS**

- Police Station
- Council Rules
- Planning Board Appointment
- Tannerite Binary Exploding Rifle Targets/Use Of
- Foster Center Road Bridge Update

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**X. EXECUTIVE
SESSION**

Jon Restivo moved, Gordon Rogers seconded, to go into Executive Closed Session pursuant to RIGL 42-46-4 for the reasons stated in RIGL 42-46-5a(2), Litigation, Providence Water Supply Board, and 42-46-5a(9) Personnel/ for a Grievance filed pursuant to a Collective Bargaining Agreement Collective Bargaining/Contract Negotiations, and 42-46-5a(1)(9), Litigation for a Grievance filed pursuant to a Collective Bargaining Agreement/Contract Negotiations, and 42-46-5a(2) Collective Bargaining/Contract Negotiations, IBPO Local 637, and 42-46-5a, Personnel, Appeal, Dept. of Labor and Training, and 42-46-5a(2), Litigation, IBPO Local 637 and IAFF Local 3422 vs. State of Rhode Island, Town of Foster, et al, and to reconvene into open session and to further keep the minutes of said meeting closed and the minutes of all executive sessions held previous to this meeting be closed and remain closed in accordance with provisions in RIGL 42-46-4 and 5.

John L. Lewis, Jr. aye; Denise DiFranco, aye; Gordon Rogers, aye; Jon Restivo, aye. Motion passed 4-0.

Executive session convened at 8:49 p.m.

**RECONVENE
TO OPEN
SESSION**

Jon Restivo moved, Gordon Rogers seconded, to approve and to further keep the minutes of said meeting closed and the minutes of all executive sessions held previous to this meeting be closed and remain closed in accordance with provisions in RIGL 42-46-4 and 5.

John L. Lewis, Jr. aye; Denise DiFranco, aye; Gordon Rogers, aye; Jon Restivo, aye. Motion passed 4-0.

Open session reconvened at 11:19 p.m.

John L. Lewis, Jr. announced that one vote had been taken to establish a negotiating committee to open discussions with the Providence Water Supply Board to review their assessed property values.

**XII. ADJOURN-
MENT**

Jon Restivo moved, Gordon Rogers seconded, and it was so moved to adjourn the meeting.

Meeting adjourned at 11:21 p.m.

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

Submitted by,

Jane H. Christopher
Town Clerk