

**JULY 23, 2015**  
**TOWN COUNCIL MEETING**

The July 23, 2015, Town Council Meeting was called to order by John L. Lewis, Jr., President of the Foster Town Council, at the Benjamin Eddy Building, Foster, Rhode Island, at 7:02 p.m.

The following members were present:

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

Also present:

Renee M. Bevilacqua, Town Solicitor  
Kelli Russ, Treasurer,  
Patti Moreau, Tax Assessor  
Juliana King, Town Planner  
Police Chief William Ziehl

**I. OPEN  
SESSION  
PLEDGE OF  
ALLEGIANCE**

The Pledge of Allegiance was recited.

**II. ANNOUNCE-  
MENTS**

John L. Lewis, Jr. stated that the notice of the meeting was properly posted on the Secretary of State's web site. Mr. Lewis also explained that the flags at town hall were at half mast at the order of Governor Raimondo and President Obama, due to the July 16th shootings at two military facilities in Chattanooga.

Mr. Lewis asked for a moment of silence for resident Linda Walden.

Police Chief Bill Ziehl announced there had been several black bear sightings in town and distributed information concerning black bears.

**III. PUBLIC  
COMMENT**

None

**IV. MINUTES**

Denise DiFranco moved, Roger Hawes seconded, to approve the minutes from June 11, 2015 as presented.

John L. Lewis, Jr, aye; Denise DiFranco, aye; Roger Hawes, aye; Gordon Rogers, aye; and Jon Restivo, aye. Motion carried 5-0.

Denise DiFranco moved, Roger Hawes seconded, to approve the minutes from July 9, 2015 as presented.

John L. Lewis, Jr, aye; Denise DiFranco, aye; Roger Hawes, aye; Gordon Rogers, aye; and Jon Restivo, aye. Motion carried 5-0.

**V. WARRANTS**

Denise DiFranco moved, Roger Hawes seconded, to approve Payroll Warrant #1 in the amount of \$34,049.15.

John L. Lewis, Jr, aye; Denise DiFranco, aye; Roger Hawes, aye; Gordon Rogers, aye; and Jon Restivo, aye. Motion carried 5-0.

Denise DiFranco moved, Roger Hawes seconded, to approve Payroll Warrant #2 in the amount of \$34,759.59.

John L. Lewis, Jr, aye; Denise DiFranco, aye; Roger Hawes, aye; Gordon Rogers, aye; and Jon Restivo, aye. Motion carried 5-0.

**JULY 23, 2015**

**TOWN COUNCIL MEETING**

**WARRANTS,  
cont.**

Denise DiFranco moved, Roger Hawes seconded, to approve General Warrant #2 in the amount of \$50,773.15.

John L. Lewis, Jr, aye; Denise DiFranco, aye; Roger Hawes, aye; Gordon Rogers, aye; and Jon Restivo, aye. Motion carried 5-0.

Denise DiFranco moved, Roger Hawes seconded, to approve General Warrant #25 in the amount of \$27,404.86.

John L. Lewis, Jr, aye; Denise DiFranco, aye; Roger Hawes, aye; Gordon Rogers, aye; and Jon Restivo, aye. Motion carried 5-0.

**VI. MONTHLY  
REPORTS**

Denise DiFranco moved, Roger Hawes seconded, to accept the June 2015 monthly reports from the Building and Zoning Department, the Department of Public Works, Finance Department, Human Services Department, Planning Department, Police Department, RIRRC, and Tax Assessor, as presented.

John L. Lewis, Jr, aye; Denise DiFranco, aye; Roger Hawes, aye; Gordon Rogers, aye; and Jon Restivo, aye. Motion carried 5-0.

**VII. QUARTERLY  
REPORTS**

Denise DiFranco moved, Roger Hawes seconded, to accept the Quarterly reports due for April through June from the Engineering Board, Foster Center Fire Co., Planning Board, South Foster Fire Company, and Tax Board of Review.

The town clerk noted that the Board of Canvassers and School Committee had sent in their reports the morning after the packets went out; and that reminders would be sent again to the other Boards and committees.

John L. Lewis, Jr, aye; Denise DiFranco, aye; Roger Hawes, aye; Gordon Rogers, aye; and Jon Restivo, aye. Motion carried 5-0.

**VIII. OLD  
BUSINESS  
a.) Police Station  
Update**

Police Chief Bill Ziehl spoke to his continuing research regarding options for a new police station. He stated his consideration of adding a wing to the existing town hall as an alternative to reconfiguring offices within the building, and outlined his reasons. Chief Ziehl advised the Council of an upcoming meeting with DRA Architects, specialists in police facility planning & design. He suggested the Town form a building committee and ask DRA or other like firms, to give a quote to complete a feasibility study and building cost estimate to the Town for adding a police wing.

Discussion: Councilman Gordon Rogers expressed his support in putting together a building committee. Councilman Jon Restivo asked for pricing in advance. Treasurer Kelli Russ asked for a true estimate for the feasibility study first, to determine how much the Town should spend on the study. Council President Lewis stated that the topic would be on the Council agenda following the August 18<sup>th</sup> meeting if the timing was appropriate.

**b.) Bid Award,  
Project 2015-  
03, Woody  
Lowden Log  
Shell Rehab.**

John L. Lewis, Jr. referenced a letter of recommendation from DPW director Joe Cardillo for this project.

Denise DiFranco moved, Jon Restivo seconded to accept the recommendation of the Public Works Director for the Woody Lowden Rehabilitation Project,

**JULY 23, 2015**

**TOWN COUNCIL MEETING**

**Bid Award,  
Project 2015-  
03, Woody  
Lowden Log  
Shell Rehab.,  
cont.** to use the French Mountain Builders for a total cost, including NBS30 Insect Repellant treatment, of \$15,650.00. Ms. DiFranco noted that this was the only bid made for this project.

John L. Lewis, Jr, aye; Denise DiFranco, aye; Roger Hawes, aye; Gordon Rogers, aye; and Jon Restivo, aye. Motion carried 5-0.

**c.) Bid Award,  
Project 2015-  
04, Paving** John L. Lewis, Jr. asked for a motion based on a letter of recommendation from the DPW director.

Denise DiFranco moved, Roger Hawes seconded to accept the recommendation of the Public Works Director to use Cardi Corporation for street paving for \$73.49 per ton for the leveling course, \$2.00 per linear foot for keyways, and \$.35 per square yard for tack coating.

John L. Lewis, Jr, aye; Denise DiFranco, aye; Roger Hawes, aye; Gordon Rogers, aye; and Jon Restivo, aye. Motion carried 5-0.

**d.) Bid Award,  
Project 2015-  
05, Old DPW  
Garage Roof  
Replacement** John L. Lewis, Jr. asked again for a motion based on a letter of recommendation from the DPW director.

Denise DiFranco moved, Roger Hawes seconded, to accept the recommendation of the Public Works Director for a new roof for the DPW garage by using Giovanni Home Builders, for the total cost for the necessary work to the specifications of the bid in the amount of \$12,100.00.

John L. Lewis, Jr, aye; Denise DiFranco, aye; Roger Hawes, aye; Gordon Rogers, aye; and Jon Restivo, aye. Motion carried 5-0.

**e.) Bid Award,  
Project 2015-  
06, Gravel** John L. Lewis, Jr. asked for a motion based on a letter of recommendation from Mr. Cardillo.

Denise DiFranco moved, Roger Hawes seconded, to accept the recommendation of the Public Works Director and award the 2015-16 gravel bid to J. R. Vinagro Corporation at the price of \$12.00 per ton delivered, \$9.00 per ton picked up.

John L. Lewis, Jr, aye; Denise DiFranco, aye; Roger Hawes, aye; Gordon Rogers, nay; and Jon Restivo, aye. Motion carried 4-1.

**IX. NEW  
BUSINESS**

**a.) Additions &  
Abatements,  
Tax Collector** Denise DiFranco moved, Roger Hawes seconded, to honor the request of the Tax Assessor for **prorated** additions and abatements to the 2014 tax roll as follows: Real Estate additions \$2,414.88; Tangible abatements, \$303.44; Real Estate abatements, \$6,151.83; and Motor Vehicle abatements, \$3,791.92.

John L. Lewis, Jr, aye; Denise DiFranco, aye; Roger Hawes, aye; Gordon Rogers, aye; and Jon Restivo, aye. Motion carried 5-0.

Denise DiFranco moved, Roger Hawes seconded, to accept the recommendation of the Tax Assessor for the **prorated** additions to the 2014 tax roll as follows: Real Estate additions \$2,069.11.

**JULY 23, 2015**

**TOWN COUNCIL MEETING**

- John L. Lewis, Jr, aye; Denise DiFranco, aye; Roger Hawes, aye; Gordon Rogers, aye; and Jon Restivo, aye. Motion carried 5-0.
- b.) Request for F-1 Liquor License, Thornton Beagle Club**
- John L. Lewis, Jr. referenced an application from the Thornton Beagle Club for a wine and beer liquor license for a one day event on August 9, 2015.
- Denise DiFranco moved, Roger Hawes seconded, to approve the request for the beer and wine beverage class F liquor license to Thornton Beagle Club on August 9, 2015.
- John L. Lewis, Jr, aye; Denise DiFranco, aye; Roger Hawes, aye; Gordon Rogers, aye; and Jon Restivo, aye. Motion carried 5-0.
- c.) Request for Woonasquatucket River Watershed Council Bicycle Ride**
- John L. Lewis, Jr. stated that the town had received a letter from the Woonasquatucket River Watershed Council requesting permission for a 6<sup>th</sup> Annual Bike-A-Thon to ride through portions of Foster and use the ball field area at the corner of Moosup Valley and Cucumber Hill Road as a rest stop.
- Denise DiFranco moved, Roger Hawes seconded, to honor the request of the Woonasquatucket River Watershed Council “Woony Ride” on Saturday, September 19, 2015.
- Police Chief Bill Ziehl stated that he had reviewed the request and had no issues with the ride. He also suggested the Town Clerk create a form for these types of requests that require signoffs from Police, DPW, Fire and EMA so that all departments are aware of any upcoming events.
- John L. Lewis, Jr, aye; Denise DiFranco, aye; Roger Hawes, aye; Gordon Rogers, aye; and Jon Restivo, aye. Motion carried 5-0.
- d.) First Reading of Zoning Ordinance Amendments/Schedule Public Hearing**
- John L. Lewis, Jr. stated that the Planning Board had forwarded four updates to the Ordinances, and indicated that copies were available for the audience, (See Exhibits) and would also be available on the Town website.
- Denise DiFranco moved, Roger Hawes seconded, that the Council forego the reading of the Zoning Ordinance Amendments as presented, and attach the amendment updates to the minutes.
- John L. Lewis, Jr, aye; Denise DiFranco, aye; Roger Hawes, aye; Gordon Rogers, nay; and Jon Restivo, aye. Motion carried 4-1.
- John L. Lewis, Jr. read the summaries of each proposed ordinance amendment: Corner Lots, Sign Regulations, Prohibited Uses, and Description of Uses.
- Denise DiFranco moved, Roger Hawes seconded, that the Council place these ordinances for a public hearing at the Council meeting on August 27, 2015, to be held at the Town House.

**JULY 23, 2015**

**TOWN COUNCIL MEETING**

**First  
Reading of  
Zoning  
Ordinance  
Amend  
ments/  
Schedule  
Public  
Hearing, cont.**

Discussion: Jon Restivo spoke to the complexity of sign ordinances and the potential of being questioned regarding the issue of free speech based on a recent Supreme Court case. He asked to postpone the public hearing on this ordinance, offered to work with the planner to refine the ordinance and send the ordinance back to the planning board for another review.

Jon Restivo moved, Gordon Rogers seconded, to amend the main motion; to schedule a public hearing for Corner lots, Prohibited Uses and Description of Uses zoning amendments, and exclude the Sign Ordinance amendment.

Discussion: Mr. Lewis asked if the concerns that Mr. Restivo had were too great to be settled at the public hearing. Mr. Restivo explained his reasoning for taking time to revise the proposed amendment.

Solicitor Renee Bevilacqua referenced the same recent U.S. Supreme court case that might have an effect on local ordinances, and agreed with Mr. Restivo that this is a difficult issue requiring further study.

John L. Lewis, Jr, aye; Denise DiFranco, aye; Roger Hawes, aye; Gordon Rogers, aye; and Jon Restivo, aye. Amended motion carried 5-0.

John L. Lewis, Jr, aye; Denise DiFranco, aye; Roger Hawes, aye; Gordon Rogers, aye; and Jon Restivo, aye. Main motion carried 5-0.

**X PUBLIC  
HEARING  
(continued)  
a.) Zoning  
Ordinance  
Amendment,  
Solar  
Installations/  
Additions to  
Use Table**

John L. Lewis, Jr. called the continued Public Hearing back to order at 7:53 p.m.

John L. Lewis, Jr. outlined the updated revisions that were incorporated in the solar ordinance and offered copies of the ordinance to the audience.

Mr. Lewis asked for comments from the audience in favor of the ordinance.

One person spoke in favor. A second resident asked for clarification as to payment of tangible tax on panels being used for personal use only, as opposed to selling power back to the grid.

Mr. Lewis asked for comments in opposition to the ordinance. There were none.

The public hearing was closed at 8:01 p.m.

Denise DiFranco moved, Gordon Rogers seconded, to adopt the zoning ordinance amendment for the solar installations, revised, as presented by the Planning Board.

John L. Lewis, Jr, aye; Denise DiFranco, aye; Roger Hawes, aye; Gordon Rogers, aye; and Jon Restivo, aye. Main motion carried 5-0.

**XI. FUTURE  
AGENDA  
ITEMS**

- Tannerite Binary Exploding Rifle Targets/Use of
- PRISM Streetlight Management Program
- EMA Director Job Description
- Policy For Use of Town Grounds

**JULY 23, 2015**  
**TOWN COUNCIL MEETING**

Resident Ron Cervasio asked to have a school committee item and the questionnaire that was sent out with the tax bill go on the next agenda.

**XII. EXECUTIVE  
SESSION**

Jon Restivo moved, Gordon Rogers seconded, to go into Executive Closed Session pursuant to RIGL 42-42-4 for the reasons stated in RIGL 42-46-5a(2), for discussions or work sessions regarding Collective Bargaining /Contract Negotiations/Litigation, according to RIGL 42-46-5a(2).

John L. Lewis, Jr, aye; Denise DiFranco, aye; Roger Hawes, aye; Gordon Rogers, aye; and Jon Restivo, aye. Motion carried 5-0.

Open session ended at 8:05 p.m. Executive session convened at 8:14 p.m.

**RECONVENE  
TO OPEN  
SESSION**

Jon Restivo moved, Roger Hawes seconded, to approve, adopt and seal the minutes - with or without corrections – of all prior executive closed session minutes and to close and seal the current executive closed session minutes in RIGL 42-46-4 and 5; and further move to reconvene into public open session to announce any votes taken during executive closed session that must be disclosed as required under Rhode Island General Laws 42-46-4.

John L. Lewis, Jr. aye; Denise DiFranco, aye; Roger Hawes, aye; Gordon Rogers, aye; Jon Restivo, aye. Motion passed 5-0.

Open session reconvened at 8:54 p.m.

John L. Lewis, Jr. announced that no votes had been taken.

**XIII. ADJOURN-  
MENT**

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

John L. Lewis, Jr. aye; Denise DiFranco, aye; Roger Hawes, aye; Gordon Rogers, aye; Jon Restivo, aye. Motion passed 5-0.

Meeting adjourned at 8:55 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