

**AUGUST 27, 2015**  
**TOWN COUNCIL MEETING**

The August 27, 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 7:12 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  
Mr. Gentz, PRISM

**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 stated that Attorney Bevilacqua was running a few minutes late.

**III. PUBLIC  
COMMENT**

None

**IV. MINUTES**

Gordon Rogers moved, Roger Hawes seconded, to approve the minutes from August 13, 2015 as presented.

Councilwoman DiFranco stated she would abstain from this vote as she had not been present at that meeting.

John L. Lewis, Jr, aye; Denise DiFranco, abstained; Roger Hawes, aye; Gordon Rogers, aye; and Jon Restivo, aye. Motion carried 4-0, with one abstention.

**V. WARRANTS**

Denise DiFranco moved, Roger Hawes seconded, to approve Payroll Warrant #6 in the amount of \$28,610.76.

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 #7 in the amount of \$34,652.28.

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 #27 in the amount of \$14,219.41.

**AUGUST 27, 2015**  
**TOWN COUNCIL MEETING**

**WARRANTS,  
cont.**

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 #4 in the amount of \$80,721.57.

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 July 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  
(Past Due July)**

There were none

**VIII. OLD  
BUSINESS  
a.) EMA Job  
Description**

John L. Lewis, Jr. stated that councilman Rogers had asked that this description be updated, now that this is a paid position, and that most of the wording regarding job duties had been submitted by assistant director Guenter Bay. The wording was then formatted to match the existing Foster job descriptions, and was before the council for approval or discussion.

Denise DiFranco moved – for the purpose of discussion -, Roger Hawes seconded, to accept the job description for the EMA director as presented.

A discussion of the job description as written took place.

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

**b.) PRISM  
Streetlight  
Management  
Agreement**

Denise DiFranco moved, Roger Hawes seconded, to table discussion on this topic until the solicitor arrived.

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

**c.) Charter  
Review  
Commission  
Appointment**

Roger Hawes moved, Denise DiFranco seconded, to appoint Jane Christopher to the Charter Review committee.

Discussion: Councilman Rogers asked if anyone had asked the two applicants previously not chosen, if they were still interested? Comments regarding conflict of interest and the lack of contact with the two earlier applicants were heard. Pros and cons were considered.

John L. Lewis, Jr, aye; Denise DiFranco, nay; Roger Hawes, aye; Gordon Rogers, nay; and Jon Restivo, aye. Motion carried 3-2.

**AUGUST 27, 2015**  
**TOWN COUNCIL MEETING**

**IX. NEW  
BUSINESS**

**a.) Additions &  
Abatements,  
Tax Assessor**

Denise DiFranco moved, Roger Hawes seconded, to accept the recommendations of the Tax Assessor for **prorated** additions and abatements to the 2014 tax roll as follows: Tangible abatements, \$0.12; Real Estate abatements, \$5,123.66; and Motor Vehicle abatements, \$1,985.48; Motor Vehicle additions in the amount of \$173.92.

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

**b.) Abatements,  
Tax Collector**

Denise DiFranco moved, Roger Hawes seconded, to accept the recommendation of the Tax Collector for the Motor Vehicle abatements; 2009, \$79.55; 2010, \$348.88 ; 2011, \$352.87; 2012, \$36.84; for a total of \$818.14.

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

**c.) Bid Opening,  
Project 2015-  
07, Johnson  
Rd. Culvert  
Repair  
Project**

John L. Lewis, Jr. opened three bids for this project and read them as follows: CLH & Son, Inc., Maine: \$32,327.00; New England Building and Bridge Co., Greenville, RI: \$48,500.00; and R.T. Nunes & Sons, West Warwick, RI: \$78,870.00.

Roger Hawes moved, Denise DiFranco seconded, to give the bids to the DPW Director for review and recommendation.

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

**OLD  
BUSINESS  
(continued)**

**b.) PRISM  
Streetlight  
Management  
Agreement**

John L. Lewis, Jr. stated that he and solicitor Renee Bevilacqua had communicated with Jeff Broadhead and Mr. Gentz from PRISM, resulting in a revised agreement addressing the solicitor's liability concerns. Ms. Bevilacqua stated her previous concerns re: the Town of Foster participating on the board of Prism, which could increase the Town's liability in the event of a lawsuit against PRISM, and the proper disposal of old streetlights. It was decided that the town would strictly utilize PRISM as a vendor and utilize their services without taking a seat on the board. She further recommended the Council sign the revised agreement.

Denise DiFranco moved, Roger Hawes seconded, that the Council accept this agreement at the recommendation of the solicitor.

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

**NEW  
BUSINESS,  
continued  
d.) Pole Petition,  
Balcom Road**

John L. Lewis, Jr. stated that the town had received a joint letter from Verizon New England and Narragansett Electric Company requesting permission for the placement of three new joint poles (35, 36 and 37) on Balcom Road. (see Exhibit A)

DPW Director Joe Cardillo had provided a letter of approval for the project.

**AUGUST 27, 2015**  
**TOWN COUNCIL MEETING**

Denise DiFranco moved, Roger Hawes seconded, to accept the petition for the placement of three new joint poles (35, 36 and 37) on Balcom Road with a four-foot setback from the road shoulder.

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

**e.) Resolution  
Removing  
Tax  
Exemption  
for Brown  
University  
Professors**

Mr. Lewis read proposed Resolution 2015-07, prepared by the Town Clerk, in support of a change in state law removing the tax exemption on the first \$10,000.00 of property value in Foster for owners who happen to teach at Brown University (Exhibit B).

Discussion: the Tax Assessor confirmed that this resolution does not affect any resident in town.

Denise DiFranco moved, Roger Hawes seconded, to approve Resolution 2015-07 for the Foster Town Council, in opposition to RIGL 44-3-3 (9), Taxation.

Gordon Rogers moved, Jon Restivo seconded, to amend the motion and exclude the second paragraph in the resolution reading “Whereas, in 1966, the Board of Directors of the University voted to require newly appointed professors to waive their right to this exemption and at that time there were nine professors ‘grandfathered in’”.

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  
Zoning  
Ordinance  
Amendments**

John L. Lewis, Jr. stated that the Planning Board had forwarded updates to two Ordinances, and indicated that copies were available for the audience, (See Exhibits) and would also be available on the Town website. Mr. Lewis read the summary of the *Corner Lots* amendment and the *Description of Uses/Prohibited Uses* amendment.

**a.) Corner lot –  
Amendment  
to Clarify  
Frontage and  
Side Yards**

Mr. Lewis opened the public hearing at 7:48 p.m.

Mr. Lewis asked for comments in favor of any of these amendments.

There were questions from various members of the audience regarding the difference between a brewery and distillery and the ability to have a home brewery.

**b.) Prohibited  
Uses –  
Description  
of Uses**

Mr. Lewis asked for comments in opposition. There were none.

Mr. Restivo questioned Juliana King about the changes on the corner lots/side lots ordinance and how the number of sides on any lots might affect it.

Mr. Restivo also suggested that hydrofracking for the purposes of extracting gas, oil or minerals be added to Prohibited Uses.

**AUGUST 27, 2015**  
**TOWN COUNCIL MEETING**

**PUBLIC  
HEARING  
Zoning  
Ordinance  
Amendments,  
continued**

The public hearing closed at 7:56 p.m.

Mr. Lewis asked the Council if there were any amendments from them.

Jon Restivo moved, Denise DiFranco seconded, to amend the proposed Corner Lot ordinance to read: "For the purposes of complying with Article IV, Section 13, the minimum lot frontage on both roads shall comply with the minimum lot width for the district of location. All other dimensional regulations of Article IV shall apply except that, in the case of a corner lot with two yards not fronting on a road but adjacent to the front yards, those two yards shall be side yards and comply with the side yard depths for the district of location".

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

Gordon Rogers moved, Roger Hawes seconded, to adopt the Corner Lots ordinance as amended.

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

Jon Restivo moved, Denise DiFranco seconded, to amend the Prohibited Uses ordinance to include hydrofracking for the purpose of oil or gas extraction.

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 adopt the Prohibited Uses ordinance as amended this evening.

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 Description of Uses ordinance as presented.

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

**XI. FUTURE  
AGENDA  
ITEMS**

- Tannerite Binary Exploding Rifle Targets, Use of
- Policy for Use of Town Grounds
- Police Station Update
- Providence Water Supply Board Agreement

**XII. EXECUTIVE  
SESSION**

None.

**XIII. ADJOURN-  
MENT**

Gordon Rogers moved, Roger Hawes seconded, and it was so moved to adjourn the meeting.

**AUGUST 27, 2015**  
**TOWN COUNCIL 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 8:06 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