The November 12, 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 7:04 p.m.

The following members were present:

Also present:

John L. Lewis, Jr., President Renee M. Bevilacqua, Town Solicitor

Denise DiFranco, Vice PresidentKelli Russ, Treasurer,Gordon Rogers, andJoe Cardillo, DPW DirectorJon RestivoPolice 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 asked for a moment of silence for Council member Roger Hawes, who had passed away unexpectedly on October 23.

III. PUBLIC COMMENT

None.

IV. MINUTES

Denise DiFranco moved, Jon Restivo seconded, and it was so voted to approve the minutes of October 22, 2015.

Discussion: Denise DiFranco asked about specific wording on page 5; the word "county" will be corrected to read "accounting".

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

V. WARRANTS

Denise DiFranco moved, Jon Restivo seconded, to approve Payroll Warrant #16 for \$31,773.35.

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

Denise DiFranco moved, Jon Restivo seconded, to approve Payroll Warrant #17 for \$30,717.29.

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

Denise DiFranco moved, Jon Restivo seconded, to approve Payroll Warrant #18 for \$30,980.16.

### WARRANTS, Cont.

Denise DiFranco moved, Jon Restivo seconded, to approve General Warrant #9 for \$120,371.09.

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

Denise DiFranco moved, Jon Restivo seconded, to approve General Warrant #9A for \$200.00.

Councilman Rogers recused himself from this vote.

John L. Lewis, Jr, aye; Denise DiFranco, aye; and Jon Restivo, aye. Motion carried 3-0.

Denise DiFranco moved, Jon Restivo seconded, to approve General Warrant #29 for \$4,375.00.

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

# VI. MONTHLY REPORTS, OCTOBER

Denise DiFranco moved Jon Restivo seconded, to accept the October 2015 monthly reports from the Building and Zoning Department, the Dept. of Public Works, Finance Department, Human Services Department, Police Department, RIRRC, and Tax Assessor, as submitted. It was noted that these were being heard early and the Planning Department report would come later.

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

# VII. PAST DUE QUARTERLY REPORTS – JULY

Denise DiFranco noted that reports were still missing from Civil Preparedness, Moosup Valley Fire Department and the Ambulance Corps.

#### VIII. PAST DUE QUARTERLY REPORTS – SEPTEMBER

Denise DiFranco moved, Jon Restivo seconded, to accept the past due quarterly report for September from the Libraries, as submitted.

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

# IX. OLD BUSINESS a.) Reassignment of DPW Capital Equipment

Money

John L. Lewis, Jr. referred to a discussion from the previous Council meeting, regarding the transfer of capital money allocated for a dump truck; to be used for a new backhoe. The Council had received a letter from DPW mechanic Gary Bergstrom outlining all the mechanical issues with the current town backhoe, and the necessary repairs in order for it continue to function.

Mr. Lewis asked for a motion to transfer the money previously designated for a dump truck and allow the DPW director to go out for bid for a new backhoe.

Denise DiFranco moved, Jon Restivo seconded, to honor the request of the

#### **OLD** BUSINESS, cont.

DPW director for the balance of the capital money approved for a new dump truck to be reallocated to a new backhoe.

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

#### b.) Bid Award, Winter Sand

John L. Lewis, Jr. stated that he had a letter from the DPW director with a detailed breakdown of the bids and a couple of recommendations for possible bid award.

Gordon Rogers moved. Denise DiFranco seconded, to accept the second recommendation of the DPW director and award the bid for winter sand to Rawson Material at a price of \$12.99 per ton, delivered, and \$8.99 per ton picked up.

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

#### c.) Solarize Foster Update

Town Planner Juliana King reminded the Council that her application to the state to be a part of the new Solarize Rhode Island program was accepted; and the external review team consisting of herself, DPW director Joe Cardillo and Planning Board member Mike Carpenter had reviewed applications from various solar installers interested in participating in the program. Follow-up interviews were conducted, and the review team had chosen to work with New England Clean Energy from Massachusetts, which utilizes highly efficient glass sun tower panels. The Solarize Foster program had next been opened up to town residents and businesses who could benefit from the introductory pricing. Ms. King described the community kickoff event being held at the Paine school on Monday November 16, where residents could sign up for site assessments with the company.

Discussion was held regarding the distribution of flyers and outreach to the community.

#### **NEW BUSINESS** A. Abatements. **Tax Assessor**

Denise DiFranco moved, Jon Restivo seconded, to honor the request of the Tax Assessor for the motor vehicle abatement in the total amount of \$121.20.

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

#### & Award, Johnson Road Culvert Headwall

b.) Bid Opening

John L. Lewis, Jr. opened and read the bids for this project as follows:

- Replacement **Project** -and-
- New England Building and Bridge Company, of Greenville, RI, in the amount of \$143,000.00.
- CLH & Son, of Auburn, Maine, in the amount of \$72,578.00.

c.) Bid Opening & Award, **Heating Oil** 

Mr. Lewis opened and read the bids for heating oil, as follows:

Superior Plus Energy, of Providence, RI, in the amount of \$2.175 per

#### NEW BUSINESS, cont.

gallon guaranteed.

• Henry Oil Company, of Providence, RI in the amount of \$2.25 per gallon.

Denise DiFranco moved, Jon Restivo seconded, to hand both sets of bids to the DPW Director and Treasurer to review and make their recommendations at the end of the meeting.

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

#### d.) Thanksgiving Proclamation

John L. Lewis, Jr. stated that this was a request from the Clergy Association for a Proclamation to be read at the Thanksgiving Ecumenical service on Sunday, November 22 at 5:00 p.m. at St. Paul's Church on Danielson Pike.

Mr. Lewis read the Proclamation aloud.

Denise DiFranco moved, Jon Restivo seconded, to approve the proclamation as presented.

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

#### e.) Appointment to Juvenile Hearing Board

John L. Lewis, Jr. stated that James Janis had sent an email expressing his wish to remain as an alternate to the Juvenile Hearing Board, for a one year term.

Denise DiFranco moved, Jon Restivo seconded, to reappoint James Janis as an alternate to the Juvenile Hearing Board

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

#### f.) Reappointments to Conservation Commission

John L. Lewis, Jr. stated that three members of the Conservation Commission were up for renewal of their three year terms; and that the Town Clerk had received letters of intent from Brendan Mara, Todd Sholly and Louis Vinagro requesting reappointment.

Denise DiFranco moved, Jon Restivo seconded, to reappoint Todd Sholly, Louis Vinagro and Brendan Mara to the Conservation Commission.

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

#### g.) Appointments to Board of Canvassers

Denise DiFranco moved, Jon Restivo seconded, to appoint Mary DiLibero to the vacant position of full member of the Board of Canvassers for a six year term.

#### NEW BUSINESS, cont.

Denise DiFranco moved, Jon Restivo seconded, to appoint Mary J. Chretien as an alternate member of the Board of Canvassers for a six year term.

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

Mary Jo Chretien was present and was sworn in by the Town Clerk.

#### h.) Street Light & Lighting, Woody Lowden Recreation Center

Denise DiFranco read a letter from BOC Chairman Robert DePalo requesting the installation of two lights at the Woody Lowden Recreation Center, to aid voters during election time.

DPW director Joe Cardillo stated that there would be a \$147.00 annual cost from National Grid for a roadside street light. The second light, to be placed on the Recreation Grounds would cost approximately \$1,400.00.

Discussion ensued on the following topics:

- Placement of the lights
- National Grid vs. PRISM as the supplier of the street light
- Possible glare from the streetlight to neighboring homes
- The ability to have the streetlight turned on only during election times, and any associated fees from National Grid or PRISM to do so.

Denise DiFranco moved, Jon Restivo seconded, to honor request of the Board of Canvassers Chairman for the installation of two lights at Woody Lowden, with the placement and style at the discretion of the DPW director, with the money coming from the contingency fund.

Gordon Rogers asked to amend the motion to include that if there is not enough money in the contingency fund, some or all of the money could come out of the DPW Building & Grounds budget.

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

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

#### i.) Yard Waste Allotment transfer to Cranston

John L. Lewis, Jr. stated that he had a letter from the Clean City Coordinator from the City of Cranston asking that Foster transfer some of their yard waste tonnage allotment to Cranston. DPW Director Joe Cardillo said that he would be willing to give 50 of the 116 tons allotted to Foster to the City of Cranston.

Discussion: it was mentioned that the residents of the City of Cranston are required to bag yard waste for disposal, whereas Foster does not.

Denise DiFranco moved, Jon Restivo seconded, to transfer 50 tons of our allotted yard waste tonnage to Cranston.

NEW BUSINESS, cont.

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

j.) Land Trust Recreational Trails Program Grant Request Mr. Lewis referenced a letter from the Land Trust asking for the Council president's signature on a State of RI DEM grant application for \$412.97, to print recreational trail maps for the Hayfield property.

Denise DiFranco moved, Jon Restivo seconded, to have John Lewis, as Town Council President, sign off on the recreational trails program grant request.

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

k.) Request for Use of Woody Lowden Center for New Year's Eve Party Denise DiFranco read a letter from a resident requesting to rent the Woody Lowden Recreation Center for an 8<sup>th</sup> grade New Year's party, with extended hours to midnight. The letter outlined the rules and conduct being set for the attendees, and the number of chaperones slated to be present.

Denise DiFranco moved, Jon Restivo seconded, to honor the request of Karen Dalton to extend the hours of the rental of Woody Lowden, for New Year's eve 2015-16, to end at midnight.

The resident was not present to speak to any questions. Discussion was held about police presence, traffic, insurance. The topic was tabled to December 10, when the requestor could appear.

The motion and second was withdrawn.

l.) Tax Treaty, Foster Solar, LLC, Solar Installation John L. Lewis, Jr. stated that the Council had a draft proposal for a tax treaty with Foster Solar (see Exhibit). Solicitor Renee Bevilacqua made the observation that no actual "tax treaty" had been in the Council packet, just a proposal request.

Palmer Moore, representing Foster Solar, a solar project under review on Theodore Foster Drive, gave an overview of the project and his company's request/proposal for a tax treaty. (see exhibit)

Discussion: questions were asked about green credits; the financial arrangement between National Grid and Foster Solar; the appropriate rate of reduction of the company's tangible tax bill to the town. Several people spoke and asked questions of Mr. Moore. Assessor Patti Moreau gave details on the tax stabilization treaty, and gave projected figures of the amount of taxes that would be collected with and without a tax treaty.

It was determined to go forward with discussions to include consultations with Ms. Bevilacqua, Jon Restivo, Kelli Russ, Juliana King, Pattie Moreau and Palmer Moore.

# NEW BUSINESS, cont.

m.) First
Reading/
Schedule
Public
Hearing,

**Ordinances** 

Mr. Lewis outlined the six ordinances in the process of being revised, on the agenda for this meeting.

Denise DiFranco moved, Jon Restivo seconded, to read only the summaries as provided by the planner of the proposed ordinance changes, add them to the minutes, put them on the website and set a date for a public hearing.

John Lewis read the summary for General Business, Mixed Use – Dimensional Regulations.

Denise DiFranco read the summary for the Addition to Description of Uses Table.

Mr. Lewis read the summary for General Business Mixed Use – Development Standards.

Denise DiFranco read the summary for Stone Wall Protection and Preservation.

Mr. Lewis read the summary for Sewerage Disposal – Setback Distance to Waterbodies.

Denise DiFranco read the summary for the Revised Sign Regulations Ordinance.

Gordon Rogers moved, Denise DiFranco seconded, to have the public hearing on January 14, 2016.

John Restivo moved, Gordon Rogers seconded, to amend the motion to exclude the consideration of the sign ordinance from that hearing.

John L. Lewis, Jr, nay; Denise DiFranco, aye; Gordon Rogers, aye; and Jon Restivo, aye. Amended motion carried 3-1.

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

#### XI. PUBLIC HEARING Liquor License Renewals

John Lewis stated that there was a Public Hearing on the agenda pertaining to liquor licenses issued in the Town. Mr. Lewis read aloud the advertisement that was published for the liquor licenses.

The hearing for liquor license renewals opened at 8:53 p.m.

John L. Lewis, Jr. asked for anyone who was in favor of any of the licenses to speak. There were no comments. Mr. Lewis asked if anyone wanted to speak in opposition of the licenses. Again, no comments.

Mr. Lewis closed the public hearing at 8:54 p.m. and asked for a motion. The following eleven motions pertaining to liquor licenses were made:

PUBLIC HEARINGS Liquor License Renewals, cont. 1.) Denise DiFranco moved, Jon Restivo seconded, that in conformity with and under the authority of the provisions of Title 3, Chapter 3-5 of the General Laws of the State of Rhode Island, Revision of 1956, as amended, and any and all amendments thereto, the annual fees for:

Class A Package Store Licenses shall be and are hereby fixed at Four Hundred Dollars (\$400.00) each.

That the Annual Fee for Class B Victualers (BV and BVL) shall be and is hereby fixed at Four Hundred Dollars (\$400.00) each.

That the Annual Fee for Class D unlimited shall be and is hereby fixed at Eight Hundred Dollars (\$800.00) each.

That the Annual Fee for extra hour closing shall be and is hereby fixed at Two Hundred Dollars (\$200.00)

That the Annual Fee for an Entertainment License shall be and is hereby fixed at Two Hundred Dollars (\$200.00)

That the Annual Fee for Sunday and Holiday Sales is Twenty-five Dollars (\$25) for each.

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

2.) Denise DiFranco moved, Jon Restivo seconded, that all holders of such licenses hereunder granted except Class A Package Store Licenses are hereby granted permission to hold dances in their respective places so licensed.

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

3.) Denise DiFranco moved, Jon Restivo seconded, and it was so voted to approve that no transfer application or applications that may be made to have one or more granted licenses transferred from one person to another person or persons at the same location will be allowed without a specific consideration and determination by the Town Council.

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

4.) Denise DiFranco moved, Jon Restivo seconded, and it was so voted to approve that the following persons and corporations be granted renewal licenses for their respective places of business pending receipt of Certificates of Good Standing from the Rhode Island Division of Taxation to the Town Clerk, with the approval of the Police Chief, Tax Collector, Building Inspector, Fire Chief and the RI Department of Health Certificate of Server Training program.

PUBLIC HEARINGS Liquor License Renewals, cont.

- A.) Class A Package Store, including Sunday and Holiday Sales
  - License for Healey's Liquor Inc., d/b/a Healey's Liquors, 144 Danielson Pike;
  - License for The Watering Hole, LLC, d/b/a The Watering Hole, 185 Hartford Pike;

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

B.) Denise DiFranco moved, Jon Restivo seconded, and it was so voted to approve that the following persons and corporations be and are hereby granted renewal licenses for their respective places of business pending receipt of Certificates of Good Standing from the Rhode Island Division of Taxation to the Town Clerk, with the approval of the Police Chief, Tax Collector, Building Inspector, Fire Chief and the RI Department of Health Certificate of Server Training program.

#### B.) Class BV

- License for Thomas Breard, d/b/a/ Lucky's Pizza, 143 Danielson Pike;
- License for Tykamac Enterprises, LLC, d/b/a Foster Country Club, Inc., 67 Johnson Road;
- Helen's Place, Inc., d/b/a Helen's Place, 172 Danielson Pike;
- Woodland Meeting House, LLC, d/b/a Woodland Meeting House, 115 East Killingly Road;

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

#### C.) Class BVL

Denise DiFranco moved, Jon Restivo seconded, and it was so voted to approve that the following persons and corporations be and are hereby granted renewal licenses for their respective places of business pending receipt of Certificates of Good Standing from the Rhode Island Division of Taxation to the Town Clerk, with the approval of the Police Chief, Tax Collector, Building Inspector, Fire Chief and the RI Department of Health Certificate of Server Training program.

• License for Shady Acres, LLC, d/b/a Shady Acres Restaurant, 164 Danielson Pike:

PUBLIC HEARING Liquor License Renewals, cont. D.) Class D

Denise DiFranco moved, Jon Restivo seconded, and it was so voted to approve that the following persons and corporations be and are hereby granted renewal licenses for their respective places of business pending receipt of Certificates of Good Standing from the Rhode Island Division of Taxation to the Town Clerk, with the approval of the Police Chief, Tax Collector, Building Inspector, Fire Chief and the RI Department of Health Certificate of Server Training program.

• Club License for Little Rhody Vasa Park, Inc., d/b/a Little Rhody Vasa Park, 10 Boswell Trail;

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

E.) Jon Restivo moved, Gordon Rogers seconded, and it was so voted to approve that the number of liquor licenses to be granted and issued for and during the current term next ensuing and ending December 2, 2015, and ending December 1, 2016, shall be as follows:

Class A Package Store	Two (2)
Class B Victualers	Four (4)
Class BVL Victualers	One (1)
Class D Unlimited	One (1)

And furthermore that the Town Clerk shall not receive any other applications without the approval of the Town Council.

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

#### 9) Entertainment/Ongoing Open Recreational Licenses

Jon Restivo moved, Gordon Rogers seconded, and it was so voted to approve that the following persons and corporations be and are hereby granted Entertainment/Ongoing Open Recreational Event renewal licenses for their respective places of business pending receipt of Certificates of Good Standing from the Rhode Island Division of Taxation to the Town Clerk, with the approval of the Police Chief, Tax Collector, Building Inspector, Fire Chief and the RI Department of Health Certificate of Server Training program.

- License for Thomas Breard d/b/a Lucky's Pizza, 143 Danielson Pike;
- License Tykamac Enterprises, LLC, d/b/a Foster Country Club, Inc., 67 Johnson Road;
- License for Woodland Meeting House, LLC, d/b/a Woodland Meeting House, 115 East Killingly Road
- Helen's Place, Inc., d/b/a Helen's Place, 172 Danielson Pike

#### PUBLIC HEARING Liquor License Renewals, cont.

#### 10.) Game and Amusement Devices Licenses

Jon Restivo moved, Gordon Rogers seconded, and it was so voted to approve the following businesses that have applied for renewal of Game and Amusement Devices Licenses:

- Lucky's Pizza 2 machines, 1 pool table
- Helen's Place 1 pool table
- Woodland Meeting House 1 machine, 2 pool tables

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

11.) Jon Restivo moved, Gordon Rogers seconded, and it was so voted to approve that it is ordered in granting the previously specified and numbered licenses that the provisions of said General Laws of 1956, as amended and all amendments thereof and thereto, and also the provision for any and all laws affecting such licenses shall apply and such licenses are hereby granted subject to such rules and regulations and conditions heretofore established or that may hereafter be established by the Town Council of Foster and that licenses hereby granted shall expire on the first day of December, 2016 at twelve o'clock midnight, unless sooner revoked for cause.

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

#### IX. RETURN TO NEW BUSINESS, Bid awards

DPW Director Joe Cardillo came back in front of the council and made a recommendation to award the heating oil bid to Superior Plus Energy at the cost of \$2.175 per gallon guaranteed and .1125 over cost.

Gordon Rogers moved, Jon Restivo seconded, to accept the DPW Director's recommendation for Superior Plus Energy of Providence for the per gallon price of \$2.175 per gallon.

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

Mr. Cardillo recommended postponing the award of the Johnson Road culvert headwall replacement project to allow more time for consideration.

#### XII. FUTURE AGENDA ITEMS

Police station update

Policy for use of town grounds

All other town licenses, December 10

Request for Woody Lowden Recreation Center, as tabled to December 10 Public Hearing for Ordinances, January 14

# XIII. EXECUTIVE SESSION

None

XIV. 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; Gordon Rogers, aye; and Jon Restivo, aye. Motion carried 4-0.

Meeting adjourned at 9:03 pm

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