

**JANUARY 14, 2016**  
**TOWN COUNCIL MEETING**

The January 14, 2016 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 7:04 p.m.

The following members were present:

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

Also present:

Renee M. Bevilacqua, Town Solicitor  
Kelli Russ, Treasurer,  
Joe Cardillo, DPW Director  
Juliana King, Planner  
Police Chief William Ziehl

- I. PLEDGE OF ALLEGIANCE** The Pledge of Allegiance was recited.
- II. ANNOUNCEMENTS** John L. Lewis, Jr. stated that the notice of the meeting was properly posted on the Secretary of State's web site.
- III. PUBLIC COMMENT** None.
- IV. MINUTES** Gordon Rogers moved, Jon Restivo seconded, to approve the minutes of December 10, 2015.
- Discussion: John Lewis mentioned two corrections, the first on Page 3 under old business, reject all the bids for the Johnson Rd. Headwall Project in order to put the project on hold and revisit it in the spring. The second amendment was on page 4, section D, Reappointment of Zoning Board Alternate, where Jon Restivo had recused and the minutes should have shown that the motion carried 3-0 with one recusal.
- John Lewis moved, Gordon Rogers seconded, to amend the minutes of December 10, 2015.
- John L. Lewis, Jr., aye; Gordon Rogers, aye; and Jon Restivo, aye. Motion to amend carried 3-0.
- John L. Lewis, Jr., aye; Gordon Rogers, aye; and Jon Restivo, aye. Main motion carried 3-0.
- V. WARRANTS** Gordon Rogers moved, Jon Restivo seconded, to approve Payroll Warrant #23 for \$34,175.44.
- John L. Lewis, Jr., aye; Gordon Rogers, aye; and Jon Restivo, aye. Motion carried 3-0.
- Gordon Rogers moved, Jon Restivo seconded, to approve Payroll Warrant #24 for \$39,011.33.
- John L. Lewis, Jr., aye; Gordon Rogers, aye; and Jon Restivo, aye. Motion carried 3-0.

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**WARRANTS,**  
**Cont.**

Gordon Rogers moved, Jon Restivo seconded, to approve Payroll Warrant #25 for \$32,145.35.

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

Gordon Rogers moved, Jon Restivo seconded, to approve Payroll Warrant #26 for \$32,184.70.

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

Gordon Rogers moved, Jon Restivo seconded, to approve Payroll Warrant #27 for \$36,044.04.

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

Jon Restivo moved, John L. Lewis Jr. seconded, to approve General Warrant #11 for \$404,343.56.

Discussion: Mr. Rogers stated that he would like to amend General Warrant #11 to remove the CDBG Grant in the amount of \$140,000.00 on page 10 because he had been voting against Rhode Map RI / CDBG all along.

Gordon Rogers moved, John Lewis Jr. seconded, to amend General Warrant #11, to remove the CDBG payment in the amount of \$140,000.00 so that the rest of the Warrant could be approved.

John L. Lewis, Jr., aye; Gordon Rogers, aye; and Jon Restivo, aye. Amended motion carried 3-0.

John Lewis stated that the Main motion was to approve General Warrant #11, minus \$140,000.00 CDBG.

John L. Lewis, Jr., aye; Gordon Rogers, aye; and Jon Restivo, aye. main motion carried 3-0.

Gordon Rogers stated that he would be recusing himself from the next warrant, at which point John Lewis noted that they would not have a quorum to handle General Warrant #11A for \$200.00 and it would be carried forward to the next agenda.

Treasurer Kelli Russ spoke to the fact that Councilwoman DiFranco usually recused herself from voting on anything to do with CDBG because it pertains to Hemlock Village. It was discussed that the vote on that matter may have to wait until after the Special Election. Kelli stated that there was a signed contract for a roof repair that had already been completed and the payment had already been made.

John Lewis Jr. stated that it hadn't been rejected, it had just been set aside

along with General Warrant #11A.

**VI. OLD  
BUSINESS  
a.) Federal  
Railroad  
Administration,  
NEC Future  
Tier 1 Draft**

John L. Lewis, Jr. referred to a letter that had been received from the Federal Railroad Administration, outlining their intentions for improvements to the Northeast corridor rail line from Washington D.C. to Boston. Mr. Lewis stated that the Planning Board had looked at the information and had provided a map of the proposed routes. It was noted by Mr. Lewis that the High School and Middle School would be on the North side of the proposed route and the town and the children would be on the South side and that to use one of the already existing, abandoned routes for the tracks would be a better alternative.

The Solicitor stated that to worry about this issue at this time would not be a good use of time.

Mr. Lewis stated that the comments would be forwarded to the Federal Railroad Administration.

**VII. NEW  
BUSINESS  
a.) Recognition  
of Police Officer  
Domingos and  
EMT Bejma**

John Lewis recognized Police Chief Ziehl and Chief Cuniff of the Moosup Valley Fire Co. Chief Ziehl and Chief Cuniff commended Officer Domingos and EMT Bejma for their outstanding service and professionalism in assisting in the delivery of a baby on October 16, 2015. Chief Ziehl also took the time to thank all of the volunteer first responders for the Town of Foster.

**b.) Request for  
use of Town  
Grounds,  
Northern RI 4H  
Horse Show,  
May 8, 2016**

Gordon Rogers read a letter from Lisa Tourgee, requesting use of the town grounds for the Northern Rhode Island 4-H Horse Show on Sunday, May 8, 2016.

Gordon Rogers Moved, Jon Restivo seconded, to approve the request for use of the Town Grounds by the Northern RI 4H Horse Show on May 8, 2016.

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

**c.) Donation of  
Bench in  
Memory of  
Roger Hawes**

John Lewis Jr. recognized Kelli Russ to make a presentation of a Bench in memory of Council Member, Roger Hawes. Ms. Russ stated that after the passing of Councilman Hawes, the employees at the Town Hall as well as members of the community, had put together some money and had purchased a Memorial Bench that they would like to place on the front lawn of the Town Hall in his honor. She referred to a map showing where the bench would be placed and stated that a plaque with the words, "In loving memory of Roger Hawes, a man who stood strong for what he believed" would be placed on the bench.

Jon Restivo moved, Gordon Rogers seconded, to approve the memorial bench and install it as proposed.

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

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**NEW**  
**BUSINESS, cont.**

**d.) FY 2016-17**  
**Budget**  
**Calendar**

John Lewis Jr., presented the proposed budget calendar that was prepared by Treasurer Kelli Russ.

Ms. Russ pointed out that two options were presented for the initial meeting and one had to be selected. She went on to explain how she came up with the rest of the dates on the schedule and how they define and guide the department heads and Council through the process so no deadlines would be missed.

Discussion followed as to which would be better, a Thursday evening or a Saturday.

Jon Restivo moved, Gordon Rogers seconded, to accept the Saturday, February 27<sup>th</sup> schedule option.

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

**e.) Sale of State**  
**Property,**  
**31 Kennedy**  
**Road**

John L. Lewis, Jr. referred to a letter from the State regarding disposition of surplus state property located at 31 Kennedy Road. The property was formerly used as a community residence for people with developmental disabilities but has been vacant for some time. The State was offering the property to the Town first, for a price of \$116,000.

Jon Restivo moved, Gordon Rogers seconded, that the Town waive their option to buy the property at 31 Kennedy Road.

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

**VIII. PUBLIC**  
**HEARING**  
**Secondhand**  
**License**  
**Renewal,**  
**Price Auto**

Mr. Lewis read aloud the advertisement that was published for the Second Hand license renewal for Peter Wilson d/b/a Price Auto Sales. The public hearing was called to order at 7:29 p.m. Mr. Lewis asked for anyone who was in favor of the license to speak. There were no comments. Mr. Lewis asked if anyone wanted to speak in opposition to the license. Again, no comments.

The public hearing closed at 7:30 p.m.

**Secondhand Sales license**

Gordon Rogers moved, Jon Restivo seconded, and it was so voted to approve the Second Hand License renewal for Peter Wilson d/b/a Price Auto Sales.

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

**New  
Victualing  
and Holiday  
Sales  
Licenses,  
Reichert  
Energy**

Mr. Lewis read aloud the advertisement that was published for the Victualling and Holiday Sales licenses for Reichert Energy Corp, d/b/a Reichert Energy - The Corner Store. The public hearing was called to order at 7:30 p.m. Mr. Lewis asked for anyone who was in favor of any of the license to speak. There were no comments. Mr. Lewis asked if anyone wanted to speak in opposition to the licenses. Again, no comments.

Mr. Lewis asked for any comment from the audience and The Sealer of Weights and Measures, Mr. Ken Knight spoke in favor of granting the license and stated that they were in compliance and had really cleaned up the place.

Another member of the audience asked if oil trucks would be stored there and was assured that they would not.

The public hearing closed at 7:31p.m.

**Victualling and Holiday Sales Licenses**

Gordon Rogers moved, Jon Restivo seconded, to approve the Victualling and Holiday Sales License for Reichert Energy Corp., d/b/a Reichert Energy – The Corner Store.

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

**Ordinance  
Amendments**

John L. Lewis, Jr. stated there were six zoning amendments to be reviewed this evening.

The public hearing began at: 7:33

**GBM  
Dimensional  
Regulations**

Mr. Lewis read the summary for the General Business Mixed Use Dimensional Regulations Amendment and asked for comments in favor or against; there were none.

**Description of  
Uses Table**

Mr. Lewis read the summary for the Description of Uses Table and asked for comments in favor or against; there were none.

**GBM  
Development  
Standards**

Mr. Lewis read the summary for the third amendment, General Business Mixed Use Development Standards and asked for comments in favor or against; there were none.

Members of the audience asked questions and discussion followed. Town Planner Juliana King clarified that this ordinance would only affect the General Business Mixed Use Zone. Mr. Rogers pointed out that all of the businesses on Route 6 from the Connecticut State line to Route 94 are in the General Business Mixed Use Zone. When asked what prompted the ordinance change, Ms. King stated that there were clarifications that needed to be made. The development standards were vague with respect to expansion of existing uses. The ordinance as it stands leaves much to interpretation. The ordinance amendment was meant to make things more clear.

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HEARINGS  
Ordinance  
amendments,  
cont.**

Discussion followed: Members of the audience voiced concerns over the ordinance amendment.

Joe Carey, Planning Board Chair stated that the ordinance amendment was never intended to hinder existing businesses in town and that it is something that should be worked on, that it wasn't set in stone. He stated that it would have been helpful to get input from members of the community at meetings where the amendment was being worked on.

**Stone Wall  
Protection and  
Preservation**

Mr. Lewis read the Zoning Ordinance Amendment Summary for Stone Wall Protection and Preservation, and asked for comments in favor of the ordinance.

A member of the audience spoke to the fact that stone walls in Foster add to the rural character of the town. She pointed out that the ordinance wouldn't stop landowners from doing what they want to do with their own property. It was noted that the ordinance wouldn't prevent landowners from removing their stone walls. It would make any person that is subdividing their property to show the stone walls on a plan so that the walls can be a part of the conversation at the land development process. The planning board would encourage the developer to protect the walls.

More discussion followed in favor of and in opposition to, the Stone Wall Protection and Preservation ordinance amendment.

**Sewerage  
Disposal,  
Distance to  
Waterbodies**

John Lewis read the Sewerage Disposal, Distance to Waterbodies ordinance amendment. He asked for comments in favor of the amendment; there were none. He then asked if anyone wanted to speak against the ordinance. A member of the audience stated that she knew there was no choice but that it was bothersome.

**Sign Regulations**

Mr. Lewis read the final Ordinance Amendment Summary, for Sign Regulations and asked for comments in favor of the amendment. There were none. A member of the audience asked for clarification on neon signs in windows of a business. Discussion followed, regarding internally lit signs versus signs with a light shining on it, existing signs, new signs, dilapidated signs and billboards. Temporary and political signs were also discussed.

Town Planner Juliana King was commended on her work on the sign ordinance.

Mr. Lewis asked for any final comments on any of the ordinances and seeing no hands, closed the public hearing at 9:02.

John Restivo moved, John Lewis seconded, to continue discussion and vote on these ordinances at the next council meeting.

Discussion: John Restivo also stated that in the meantime a meeting with the Planner to go over some changes to address the concerns that were brought up, in particular, the General Business Mixed Use and put together some alternative language for the stone wall ordinance. Mr. Lewis agreed that they

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amendments,  
cont.**

should hold off and address the concerns and bring them back for a vote at the next meeting.

John L. Lewis, Jr., aye; Gordon Rogers, nay; and Jon Restivo, aye. Motion failed 2-1.

Gordon Rogers moved, Jon Restivo seconded, to accept General Business Mixed Uses Dimensional Regulations.

Discussion: Mr. Rogers spoke to his support of the ordinance. Mr. Restivo also spoke in support of the ordinance, but was concerned about the drive through portion of the ordinance. Ms. King made clarifications.

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

Gordon Rogers moved, Jon Restivo seconded, to accept the Addition of Description of Uses Table as presented by the Planning Board.

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

Gordon Rogers moved, Jon Restivo seconded, to accept the General Business Mixed Use Development Standards as written and presented by the Planning Board.

Discussion: Gordon Rogers Stated that he has a problem with the amendment as it stands.

John Restivo withdrew his second.

Jon Restivo moved, John Lewis seconded, to refer the General Business Mixed Use Development Standards back to the Planning Board in light of the concerns that were raised at the meeting.

John L. Lewis, Jr., nay; Gordon Rogers, nay; and Jon Restivo, aye. Motion failed 2-1.

Gordon Rogers moved, Jon Restivo seconded, to defeat the General Business Mixed Use Development Standards as presented by the Planning Board.

Discussion: The Council asked the Town Planner if the ordinance would be picked up again by the Planning Board and she stated that it may take a while but that they would bring it back.

Mrs. Parmentier of the Planning Board stated for the record, that the way it reads in the ordinance at this time, is that if anybody wants to do any modifications to their property they would go through the entire site review process. That it would be at the discretion of the Building Inspector and that we would see how it would play out.

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Ordinance  
amendments,  
cont.**

Mr. Rogers stated that the Town should be pro business.

Planning Board member Joe Carey stated that the ordinance as it stands is more restrictive than the one we proposed.

John L. Lewis, Jr., nay; Gordon Rogers, aye; and Jon Restivo, aye. Motion failed 2-1.

Gordon Rogers moved, Jon Restivo seconded, to refer GBM Development back to the planning board, get some local businesses to show up to their meeting and work on something that works for both parties.

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

Gordon Rogers moved, Jon Restivo seconded, to approve the Stone Wall Protection and Preservation as presented by the Planning Board.

John L. Lewis, Jr., aye; Gordon Rogers, nay; and Jon Restivo, aye. Motion failed 2-1.

Gordon Rogers moved, Jon Restivo seconded, to defeat the Stone Wall Protection and Preservation as presented by the Planning Board.

John L. Lewis, Jr., aye; Gordon Rogers, aye; and Jon Restivo, nay. Motion failed 2-1.

Gordon Rogers moved, Jon Restivo seconded, to accept the Sewerage Disposal, Distance to Waterbodies Ordinance as presented by the Planning Board.

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

Gordon Rogers moved, Jon Restivo seconded, to accept the Sign Regulations Ordinance Amendment as presented by the Planning Board and give special thanks to John, Renee, Juliana and everyone who did a lot of work on this and stated that he appreciated the work that was done on this amendment.

Discussion: There was discussion about who would enforce whether or not a sign should be removed because of a threat to the safety of the public. It was decided that the Building official would have to direct the police chief to take action.

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

**IX. FUTURE  
AGENDA  
ITEMS**

- Police Station Update
- Charter Review Commission Report
- EMA/Foster Center Fire Department
- Estimate for Repair, Police Station Barn

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- Policy for Use of Town Grounds
- Joint Meeting, Town Council and Foster/Glocester Regional School Committee on January 28th
- 42-46-5A(2) Collective Bargaining/Contract Negotiations,  
1.) Police Chief, and 2.) RI Laborers District Council, Local Union  
1322

**X. EXECUTIVE  
SESSION**

There was none

**XI. ADJOURN-  
MENT**

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

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

Meeting adjourned at 9:47

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

Submitted by

Susan E. Sprague  
Deputy Town Clerk