

FEBRUARY 11, 2016
TOWN COUNCIL MEETING

The February 11, 2016 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,
Gordon Rogers,
Jon Restivo, and
Cheryl Hawes, newly elected Council
Member

Also present:
Renee M. Bevilacqua, Town Solicitor
Kelli Russ, Treasurer,
Police Chief William Ziehl
Guenter Bay, Asst. EMA Director
Tom Gentz, PRISM
Aaron Marsland, Foster Center Fire Chief
Robert Thurber, Corder of Wood

**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.

**III. PUBLIC
COMMENT**

Resident Ron Cervasio spoke to the attendance records of specific Planning Board members, and the need for Foster to increase local businesses.

IV. MINUTES

Denise DiFranco moved, Gordon Rogers seconded, to approve the minutes for January 14, 2016, as submitted; and remarked that as she was absent from that meeting she would be abstaining from the vote.

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

Denise DiFranco moved, Gordon Rogers seconded, to approve the minutes for January 28, 2016, as submitted.

John Lewis moved, Gordon Rogers seconded, to add two names (superintendent Barnes and Mr. Grist) to the list of people present at the top of the minutes.

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.

**V. SWEARING-IN
OF NEW
COUNCIL
MEMBER
CHERYL
HAWES**

John L. Lewis, Jr. called newly-elected Council member Cheryl Hawes forward from the audience.

The Town Clerk swore in Ms. Hawes, who then took her seat at the Council table.

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VI. WARRANTS

Denise DiFranco moved, Gordon Rogers seconded, to approve Payroll Warrant #30 for \$35,791.97.

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

Denise DiFranco moved, Gordon Rogers seconded, to approve Payroll Warrant #31 for \$31,990.00.

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

Denise DiFranco moved, Jon Restivo seconded, to approve General Warrant #13 for \$129,055.81.

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

Cheryl Hawes moved, Gordon Rogers seconded, to approve General Warrant #11B for \$140,000.00.

John L. Lewis, Jr, aye; Denise DiFranco, recused; Cheryl Hawes, aye; Gordon Rogers, nay; and Jon Restivo, aye. Motion carried 3-1, with one recusal.

VII. MONTHLY REPORTS

Denise DiFranco moved, Gordon Rogers seconded, to accept the December 2015 monthly reports from the Planning Department, as submitted.

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

VIII. QUARTERLY REPORTS

Denise DiFranco moved, Gordon Rogers seconded, to accept the Quarterly reports due for October through December from the Foster school Committee and Moosup Valley Fire Department.

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

IX. OLD BUSINESS
a.) Hazard Mitigation Grant Application Request

As an update, Assistant EMA Director Guenter Bay reported that Town Planner Juliana King had contacted the agency that could finish Foster's Emergency Management plan; and their response was that \$15,000.00 would be more than adequate to complete Foster's plan. Mr. Bay reminded the Council that completion of the plan would allow the town the advantage of qualifying for future grants and assistance from FEMA and RIEMA.

Denise DiFranco moved, Gordon Rogers seconded, to allow the EMA to proceed with the Hazard Mitigation grant request.

John L. Lewis, Jr. further outlined that the grant award to write the Natural Hazard Mitigation plan was a total of \$20,000.00, of which \$5,000.00 would need to be made up from the town as matching funds, and as indicated that could be in-kind donation of people's time.

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**OLD
BUSINESS
(cont.)**

Discussion: Solicitor Bevilacqua asked what employees from the town would participate in making up the volunteer working hours? Mr. Bay referenced the Town Planner and the DPW department; other volunteers would be the various fire chiefs, police department, and other emergency personnel.

The potential for group meetings, compliance with the rules of the Open Meetings Act and the Access to Public Records Act, the amount of time required, were discussed.

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

**b.) Decision/
Disposition
of Police
Station Barn**

Denise DiFranco read a letter (Exhibit A) from Preservation Society President Ed Robinson agreeing to accept the transfer of the barn to the Society, if the Council so voted.

Denise DiFranco moved, Jon Restivo seconded, to transfer ownership of the historic barn building located at the current police station on Howard Hill Road, with the Town retaining ownership of the land on which the barn is located.

The Town Clerk was asked to make note that the town would draw up a legal document for the transaction. Various issues were discussed; insurance, historical preservation, end use for the building.

John L. Lewis, Jr, recused; Denise DiFranco, aye; Cheryl Hawes, aye; Gordon Rogers, aye; and Jon Restivo, aye. Motion carried 4-0, with one recusal.

**c.) PRISM
Streetlight
Initial Report**

Tom Gentz from PRISM reviewed his company's phase one report and outlined the associated costs and savings the Town would realize (Exhibit B). Mr. Gentz further explained phase two of the project.

Gordon Rogers moved, Jon Restivo seconded, to accept the PRISM proposal to include the dimming of street lights from 11:00 p.m. to 5:00 a.m., with the LED and Intel controller, to include the proposed phase one, and purchasing phase 2.

John L. Lewis, Jr. moved, Gordon Rogers seconded, to amend the motion to include the authorization of the Council president to sign the agreement letter.

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

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

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**X. NEW
BUSINESS
a.) RIHPHC
Program-
matic
Agreement**

Town Planner Juliana King explained this pro forma RI Historical Preservation & Heritage Commission Programmatic Agreement. The agreement requires the town to provide an Environmental Review Report and notice to the state HPHC office, and the Narragansett Indian Tribal Preservation Office (if applicable) when any homeowner, either with an historic site or with an historic structure, has applied for grant funds for property rehabilitation under this particular program.

Jon Restivo moved, Denise DiFranco seconded, to approve the RI Historical Preservation & Heritage Commission agreement.

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

**b.) Report
On Develop-
ment of
Recreation
Field**

John L. Lewis, Jr. gave a brief timeline of the evolution of the recreation field, dating back to 2008 when the Town purchased 7+ acres of land diagonally across from the Paine school. The purchase was approved at the Financial Town Meeting, and the total cost of \$130,000.00 was covered as follows: \$55,000.00 paid by the Town, and \$75,000.00 paid through a DEM grant.

Mr. Lewis handed out maps of the DEM-approved plans for the field that were originally created in 2009 and subsequently updated. Mr. Lewis completed his timeline review through to the present; and stated that the DPW department has begun opening up an entrance to the site.

Councilman Rogers handed out photos he had taken of the site, showing the partial clearing the DPW department had begun. Mr. Rogers expressed his objections to the manner in which the work had been started, without the knowledge of the entire Council; and was critical of the methods being used to create an entrance to the proposed recreation field. Mr. Rogers spoke in detail about proper construction procedures.

Councilwoman DiFranco asked questions regarding the engineering firm's plans for the field, the placement of silt fences, and compliance with DEM.

Bob Thurber, Corder of Wood, spoke to the proper manner of clearing trees on the recreation site.

Several residents spoke for and against the site. There were no motions and no votes.

**c.) Disposition of
Timber from
Phase One,
Recreation
Field**

The council engaged in discussion regarding the best way to dispose of the downed trees on the recreation field property.

John L. Lewis, Jr. moved, Gordon Rogers seconded, to have the DPW cut up the trees that were already down and offer it up to residents of the town for free as firewood.

Discussion: Mr. Rogers felt that the DPW workers would be put at risk trying to untangle the existing pile of wood without the appropriate machinery. He also suggested chipping the wood and cautioned against giving away any pine as firewood.

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Ms. DiFranco asked for assurance that the DPW workers take every safety precaution possible.

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

**d.) Disposition
of Timber
from Phase
Two,
Recreation
Field**

Mr. Rogers suggested that the Town have a licensed forester survey the site and report on the potential value of the wood before determining the dispensation of the standing trees on the property as a whole.

Gordon Rogers moved, Jon Restivo seconded, to contact a licensed forester and get a price for that individual to go to the site and assess the value of the wood for phase one and phase two of the field.

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

**XI. FUTURE
AGENDA
ITEMS**

- Refuse/removal contract
- Proclamation for Carolyn Kerttula
- Police Station Update
- Policy for Use of Town Grounds
- EMA/Foster Center Fire Department
- Charter Review Commission Report
- LESO Program

**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; Cheryl Hawes, aye; Gordon Rogers, aye; and Jon Restivo, aye. Motion carried 5-0.

Open session ended at 9:08 p.m. Executive session convened at 9:22 p.m.

**RECONVENE
TO OPEN
SESSION**

Jon Restivo moved, Gordon Rogers 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; Cheryl Hawes, aye; Gordon Rogers, aye; and Jon Restivo, aye. Motion carried 5-0.

Open session reconvened at 9:39 p.m.

John L. Lewis, Jr. announced that one vote had been taken in executive session: to approve a new three-year contract for police chief William Ziehl.

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**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; Chery Hawes, aye: Gordon Rogers, aye; and Jon Restivo, aye. Motion carried 5-0.

Meeting adjourned at 9:40 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