

**MARCH 10, 2016**  
**TOWN COUNCIL MEETING**

The March 10, 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**

Also present:

Renee M. Bevilacqua, Town Solicitor  
Kelli Russ, Treasurer  
Police Chief William Ziehl  
Carol Mauro, Human Services Director  
Juliana King, Town Planner  
Superintendent Michael Barnes  
Guenter Bay, Assistant EMA Director  
Tom Walden, Engineering Board  
Joe Carey, Planning Board Chair

- I. OPEN SESSION**  
**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. Mr. Lewis made mention of the town flags being lowered to half staff to honor former First Lady Nancy Reagan.
- III. PUBLIC COMMENT**      None.
- IV. MINUTES**      Denise DiFranco moved, Gordon Rogers seconded, to approve the minutes for February 25, 2016, as submitted.
- John L. Lewis, Jr, aye; Denise DiFranco aye; Cheryl Hawes, aye; Gordon Rogers, aye; Jon Restivo, aye. Motion passed 5-0.
- V. WARRANTS**      Denise DiFranco moved, Gordon Rogers seconded, to approve Payroll Warrant #34 for \$33,547.97.
- 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 #35 for \$31,743.12.
- 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 General Warrant #15 for \$80,785.91.
- John L. Lewis, Jr, aye; Denise DiFranco, aye; Cheryl Hawes, aye; Gordon Rogers, aye; and Jon Restivo, aye. Motion carried 5-0.

**MARCH 10, 2016**  
**TOWN COUNCIL MEETING**

**VI. MONTHLY  
REPORTS**

Denise DiFranco moved, Gordon Rogers seconded, to accept the following monthly reports, as presented. For the month of January, from the DPW Department, and for the months of November, December and January, from the Tax Assessor's office.

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

**VII. OLD  
BUSINESS**  
**a.) Refuse  
Removal  
Contract  
Renewal**

John L. Lewis, Jr. reminded the Council that at the last budget meeting the option to renew Rambone Disposal's refuse removal contract for either a one-year or three-year term was discussed. The one-year option would hold a 4% increase in cost. The three-year option would carry 3% annual increases over the term of the contract.

Mr. Lewis read a letter from DPW Director Joe Cardillo recommending a three year contract extension for Rambone Disposal with a 3% increase each year.

Denise DiFranco moved, Gordon Rogers seconded, to approve the recommendation of the DPW Department head for an additional three years to the current contract with Rambone Disposal for the terms and conditions currently existing, which would be three percent compounded for the next three years.

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

**b.) Policy for  
Use of Town  
Grounds**

The Town Clerk spoke briefly about the further development of this policy and asked the Council to read the content and offer any suggestions for improvement.

Ms. DiFranco questioned who had the responsibility for the cleaning, repairs and maintenance of the show ring and bleacher seats, and corresponding liability issues. The Town Clerk was asked to consult with DPW and the Old Home Days Committee.

Solicitor Bevilacqua asked to hold off on publishing the document until the fire marshal's office was done with their recommendations.

Denise DiFranco moved, Gordon Rogers seconded, to approve the application and brochure for the policy for the use of Foster Town grounds, as presented.

Councilman Restivo moved, Gordon Rogers seconded, to amend the motion to approve the policy substantially as presented subject to any additional changes the Town Clerk may make.

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.

**MARCH 10, 2016**  
**TOWN COUNCIL MEETING**

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

**c.) Revised  
General  
Business  
Mixed Use  
Ordinance  
Development  
Standards**

John L. Lewis, Jr. stated that this ordinance had been brought forward at a public hearing at the January 14, 2016 meeting, and had been sent back to the Planning Board for further review. Mr. Lewis read the new amendment summary, and asked for questions or a motion to move to public hearing.

Jon Restivo moved, Cheryl Hawes seconded, to move the ordinance to public hearing.

Mr. Lewis said that the earliest the public hearing could be held, to conform to advertising constraints, would be April 14.

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

**d.) Final Action,  
Stone Wall  
Ordinance**

This ordinance had also been heard at the January 14, 2016 public hearing. The motion to approve it then did not pass, nor did a motion to defeat it. It had not been sent back to the Planning Board. Mr. Lewis asked what action the Council wished to take.

Cheryl Hawes moved, Gordon Rogers seconded, to accept the ordinance as presented.

Discussion: Mr. Rogers said that quite a few people were against the ordinance and voiced his concern that the ordinance took away rights from property owners.

It was made known that the ordinance would act as an “awareness” ordinance to help property owners understand the value of retaining their stone walls for the rural character of the town; and was intended to act as a point of discussion for subdivision plans. Several people spoke for and against the ordinance.

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

**e.) Recreation  
Field Update**  
• **Recreation Field  
Timber  
Sale  
Proposal**

Mr. Lewis spoke to the progress being made at the new recreation field – the driveway had been brought up to grade and the corresponding fabric and stone had been put in place. Forester Marc Tremblay had submitted his report with an estimated value of the timber on that tract of land of \$4,695.00. His estimate of the cost of his services going forward, to organize the clearing and sale of the timber would be \$800.00.

It was mentioned that the previously cut wood would be utilized as firewood through the Department of Human Services.

Financing and grant opportunities for the entire project were discussed.

Gordon Rogers moved, Cheryl Hawes seconded, to have Mr. Tremblay get bids on clearing the timber from the entire lot, to include removing the lumber and brush, and give a second price for stumping the entire lot at the same time.

**MARCH 10, 2016**  
**TOWN COUNCIL MEETING**

**OLD**  
**BUSINESS**  
**(cont.)**

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

- **RI DEM  
Recreation  
Acquisition and  
Development  
Grants**

John L. Lewis, Jr. reviewed a letter from DEM indicating applications were available for new Recreation Acquisition and Development Grants. Mr. Lewis offered to write a grant application, due May 27<sup>th</sup>, with permission from the Council.

Denise DiFranco moved, Gordon Rogers seconded, to apply for a Rhode Island Recreation Acquisition & Development grant, specifically the Large Recreation Development grant, requiring a minimum of a 20% match, which could be comprised of 100% in-kind services.

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

**f.) Police Station  
Update**

Chief Ziehl had provided the Council with a proposal containing a preliminary space needs assessment and planning report that had been contracted through DRA Architects from Winsor, Connecticut.

The preliminary plan outlined the current conditions and numerous deficiencies in the existing police building; an analysis and assessment of actual space needs, and gave proposed floor plans that would meet the needs and standards required for a police station.

The Chief also referenced previous discussions on utilizing existing space in town hall or moving to optional empty buildings in Foster as unacceptable.

Mr. Ziehl asked the Council to create a building committee made up of local professionals. Discussion ensued as to desired professional backgrounds, mission statement, and adherence to the rules for public posted meetings.

Denise DiFranco moved, Gordon Rogers seconded, to honor the request of the Chief to appoint or request applicants for a Building Committee to further the process of the police station.

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

**VIII. NEW**  
**BUSINESS**  
**a.) Rhode Kill  
Spring  
Classic  
Bicycle  
Challenge  
Event**

John L. Lewis, Jr. referred to the request from Corey LaFleur to hold this event. Mr. LaFleur was present to describe the event and to answer any questions the Council might have. The police Chief and DPW Director had previously indicated they had no objection to the event.

Denise DiFranco moved, Gordon Rogers seconded, to accept the request of Cory LaFleur to hold the Rhode Kill Spring Classic Bicycle Challenge on May 14, 2016, using the route as shown in the letter of request.

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

**MARCH 10, 2016**  
**TOWN COUNCIL MEETING**

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

**b.) Letter of  
Support for  
Scituate  
Watershed  
Community  
Assistance**

Town Planner Juliana King stated to the Council that Grow Smart RI had approached Scituate/Foster/Glocester regarding the assistance to watershed communities such as providing free training in developing ordinances and promoting agricultural development. Grow Smart RI was seeking a letter of support from the Council which would specify what assistance techniques the town might be interested in.

Denise DiFranco moved, Gordon Rogers seconded, to honor the request of the Planner to submit a letter of support for Scituate Reservoir Watershed Community assistance, to be reviewed by the Solicitor prior to Mr. Lewis signing it.

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

**c.) Requiring  
Financial  
Statements &  
Policies and  
Procedures  
from Non-  
Town  
Entities  
Receiving  
Appropriations**

Mr. Lewis explained that this topic had come up at the last budget hearing, and asked the treasurer to give further explanation.

Treasurer Kelli Russ explained that questions had come up when FEMA and the auditors asked if the town had written agreements and specific reporting requirements with the agencies the Town gives money to. The fact that the town had no formal guidelines for reporting was a concern.

Town solicitor Renee Bevilacqua also expressed concerns about town appropriations and reporting requirements resulting in restrictions of the volunteer organizations that receive money from the town as a major source of their funding.

Mr. Lewis asked if Ms. Russ and Ms. Bevilacqua could work together on this topic and provide a proposed listing of requirements.

There were no motions or votes.

**d.) Tax  
Stabilization  
Ordinance  
Proposal/  
Schedule  
Public  
Hearing**

Council member Restivo outlined this proposed ordinance to provide for tax stabilization for businesses in town. The ordinance would have to be approved at the Financial Town Meeting.

This proposal provides for three different levels of tax relief based on project cost, for business in the GBM zone and commercial zones. The tax relief would work on incremental sliding scales over fluctuating periods of time, again based on project cost. There would be certain exceptions to the types of businesses allowed.

Chery Hawes moved, Gordon Rogers seconded, to move this proposed ordinance to a public hearing on April 28.

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

**MARCH 10, 2016**  
**TOWN COUNCIL MEETING**

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

**e.) Tax Freeze Ordinance/ Revision to Existing Ordinance/ Schedule Public Hearing**

Mr. Restivo explained that this revision would exclude any new applicants after 12/31/2016 under the terms of the existing ordinance. Those already on the freeze would retain their current eligibility.

Cheryl Hawes moved, Jon Restivo seconded, to amend the existing ordinance to allow no new applicants under the existing terms, and move it to public hearing on April 28.

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

**f.) Tax Freeze Ordinance, Newly Proposed/ Schedule Public Hearing**

This ordinance would supplant the previous ordinance and accept new applicants, with changes in the age and residency requirements, and the allowance for certain types of customary home occupation businesses on the property.

Cheryl Hawes moved, Jon Restivo seconded, to move this forward to a public hearing on April 28.

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

**IX. FY2016/2017 BUDGET PREPARATION**

Treasurer Kelli Russ summarized the changes she had made in the budget, indicated in color in the packets she had provided. Ms. Russ gave a brief overview of how each change would affect the corresponding department. Ms. Russ also summarized the figures on the last page of the draft budget, outlining the budgeted revenues and expenditures.

Ms. Russ stated that the budget increase for all departments combined is less than \$14,000.00 – less Public Safety, Providence Water, and the School Department, which are the three major areas affecting the increase in the budget. The council engaged in discussion about different departments and ways of keeping below the cap.

Superintendent Barnes spoke regarding the school budgets.

**X. FUTURE AGENDA ITEMS**

- EMA/Foster Center Fire Department
- Resolution Regarding Taxing Authority for Regional School District
- Charter Review Commission Report
- LESO Program
- Police Station Building Committee Appointments
- GBM Public Hearing April 28
- Tax Ordinance Public Hearing April 28
- Financial Statements and Standards Policies & Procedures for Non-Town Entities Receiving Appropriations

**XI. 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).

**MARCH 10, 2016**

**TOWN COUNCIL MEETING**

**EXECUTIVE  
SESSION, cont.**

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

Open session ended at 10:45p.m. Executive session convened at 10:48 p.m.

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

Open session reconvened at 11:15 p.m.

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

**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 11:16 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