

APRIL 28, 2016
TOWN COUNCIL MEETING

The April 28, 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 7:09 p.m.

The following members were present:

John L. Lewis, Jr., President
Denise DiFranco, Vice President
Cheryl Hawes,
Jon Restivo, and
Gordon Rogers.

Also present:

Juliana King, Town Planner,
Police Chief William Ziehl
Joe Cardillo, DPW Director
Kelli Russ, Treasurer
Patti Moreau, Tax Assessor
Joe Carey, Planning Board Chair
Bob DePalo, Board of Canvassers Chair
Guenter Bay, Assistant EMA Director

- 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. Mr. Lewis gave congratulations to the Board of Canvassers for the successful running of the Presidential Primary on April 26. Denise DiFranco congratulated Ron Cervasio on his appointment as a member to the State Executive Board of Schools. Ms. DiFranco also reported that in speaking to ambulance corps commander Sharon Cotter, the life of a resident was saved on April 1st, through the team efforts of the ambulance corps, fire and police departments.
- III. PUBLIC COMMENT** There was none.
- IV. MINUTES** Denise DiFranco moved, Gordon Rogers seconded, to approve the minutes from March 31, 2016, as presented.
- John L. Lewis, Jr, aye; Denise DiFranco, aye; Cheryl Hawes, aye; Gordon Rogers, aye; and Jon Restivo, aye. Motion carried 5-0.
- V. WARRANTS** Denise DiFranco moved, Gordon Rogers seconded, to approve Payroll Warrant #41 for \$31,778.44.
- 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, Cheryl Hawes seconded, to approve Payroll Warrant #42 for \$29,423.68.
- 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 #18 for \$50,594.21.
- Discussion: Ms. DiFranco asked about an expenditure in the DPW budget.

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

VI. MONTHLY REPORTS

Denise DiFranco moved, Gordon Rogers seconded, to accept the March 2016 monthly reports from the Building and Zoning Department, the Department of Public Works, the Finance Department, Human Services Department, Planning Department, Police Department, and RIRRC, as presented.

Discussion: Denise DiFranco pointed out that the Assessor's report was missing. Ms. DiFranco also mentioned that the town had again seen an increase in the recycling volume for the year.

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

VII. QUARTERLY REPORTS

Denise DiFranco moved, Gordon Rogers seconded, to accept the third quarter reports from the EMA, Engineering Board, Foster Center Volunteer Fire Company, Foster Home Repair, Foster School Committee, Moosup Valley Fire Department, Planning Board, South Foster Volunteer Fire Company, and Zoning Board of Review.

Denise DiFranco remarked that the school Superintendent and the Principal will be submitting bimonthly articles to the Foster Home Journal to inform the public of school activities, accomplishments and undertakings.

Assistant EMA Director Guenter Bay asked the Council to change his department's quarterly report name from "Civil Preparedness" to "EMA".

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

VIII. OLD BUSINESS
a.) Bid Award, Town Hall Carpet Replacement Project

John L. Lewis, Jr, read a short letter from Joe Cardillo, DPW Director, recommending awarding the bid for the carpet replacement to Domenic and Sons Floor Covering, at a cost of \$6,150.00, the low bid for the project.

Denise DiFranco moved, Gordon Rogers seconded, to accept the recommendation of the DPW Director, and award the Foster Town Hall Carpet Replacement Project to Domenic and Sons Floor Covering, for a total cost of \$6,150.00.

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

b.) Bid Award, Town House Emergency Lighting

John L. Lewis, Jr., stated that three bids for this project had been opened at 3:30 at the Town Hall. In attendance were Mr. Lewis, DPW Director Joe Cardillo, and Town Clerk Jane Christopher. There had only been one bid for the Town House Emergency lighting project, as follows:

Universal Electric, Foster, RI

- Bid for the Town House Emergency Lighting Project
\$5,500.00

**b.) Bid Award,
Town House
Emergency
Lighting,
cont.**

Mr. Lewis asked, what was the pleasure of the Council?

Denise DiFranco moved, Gordon Rogers seconded, to accept the recommendation of the DPW Director, and award the Town House Emergency Lighting Project to Universal Electric for the sum of \$5,500.00.

Mr. Lewis reiterated a conversation from the last meeting wherein it was determined that this money would come from the special Town House fund.

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

**c.) Bid Award,
Woody
Lowden
Recreation
Center Fire
Alarm**

John L. Lewis, Jr. stated there were three bids, as follows:

Bid #1 – Universal Electric, Foster, RI

- Bid for the Woody Lowden Fire Alarm System
\$9,500.00

Bid #2 – Kenney Electric, Scituate, RI

- Bid for the Woody Lowden Fire Alarm System
\$6,975.00

Bid #3 – AFA, Warwick, RI

- Bid for the Woody Lowden Fire Alarm System
\$9,000.00

Mr. Lewis told the Council that the DPW Director had asked to table this bid decision until he had had an opportunity to review references and qualifications of the applicants, as there was such a disparity in the quotes.

Gordon Rogers moved, Cheryl Hawes seconded, to table the award for the Woody Lowden Recreation Center as recommended by the DPW Director and move it to the next Council meeting.

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

**d.) Bid Award,
Woody
Lowden
Recreation
Center ADA
Compliant
Door**

No bids were submitted for the ADA Compliant door at the Woody Lowden Recreation Center. The Solicitor was also discussing the need for this door with the Fire Marshal's office.

**e.) Appoint-
ments to
Police Station
Building
Committee**

John L. Lewis, Jr. stated that there had been thirteen applicants for seven slots on this committee, and read the names of the applicants, as follows: from the Council, Denise DiFranco and Jon Restivo; Police Chief Bill Ziehl, Gordie Brayton, Michael Dillon, Jed Dixon, Brendan Mara, Walter May, Anthony Renzi, Jeff Sheldon, David Tirrell, Tom Walden, and Joe Walsh. Councilman Rogers asked to add his name as a Council member.

Mr. Lewis reported that Chief Ziehl had spoken with all the applicants.

**e.) Appoint-
ments to
Police Station
Building
Committee,
cont.**

John L. Lewis, Jr. moved, Cheryl Hawes seconded, to form a committee consisting of the following people, all of whom have credentials that bring something to the committee that would result in a qualified, multi-partisan group. The motion was to appoint Chief Ziehl, with his law enforcement background; Mr. Restivo, because of his legal background and experience in contracts, Brendan Mara, as a licensed structural engineer with significant building experience; Gordie Brayton, as a builder and supplier of building materials; Joe Walsh, a builder/electrician with zoning experience, Tom Walden, experienced in emergency management, public safety, and the Foster radio communications system; and Anthony Renzi, who, as a businessman, has built numerous buildings for his own businesses.

Discussion was held amongst the Council and the public regarding the various applicants.

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

**IX. NEW
BUSINESS**
**a.) Request from
Assistant
EMA
Director to
Write Grant
Proposal for
Office Trailer**

Assistant EMA Director Guenter Bay explained his reasoning for writing a grant request for a trailer that could be utilized as an office for the EMA team, which could be parked next to the Foster Center Fire Station. The grant would have 100% funding if the total amount did not exceed \$20,000.000.

Gordon Rogers moved, Jon Restivo seconded, to accept the request of the Assistant EMA Director to go out for a grant for a trailer to be used as an Emergency Operations Center (EOC).

Discussion: Mr. Bay stated he had already discussed zoning regulations with the Town building inspector and Town Planner. Town solicitor Renee Bevilacqua said that a municipal body/town agency placing a trailer on town property was exempt from some regulations.

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

**b.) Fairgrounds
Request, Old
Home Days
Committee**

Denise DiFranco read a letter from Barbara Ahlquist of the Old Home Days Committee, requesting use of the fairgrounds on July 29, 30 and 31, for Old Home Days.

Gordon Rogers moved, Cheryl Hawes seconded to grant permission for these dates for Old Home Days to the Old Home Days Committee.

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

**c.) Request for
F-1 liquor
license,
Thornton
Beagle Club**

Denise DiFranco moved, Gordon Rogers seconded, to give permission for the Thornton Beagle Club to have a beer and wine beverage class F license for May 19, 2016.

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

- d.) Proclamation,
Women's
Lung Health
Week**
- John L. Lewis, Jr. read a letter from Nicole DeVito, on behalf of the American Lung Association, requesting that the Council issue a proclamation declaring the second week in May Nation Women's Lung Health Week. The Council had issued a similar one in 2015.
- Denise DiFranco moved, Gordon Rogers seconded, to allow John Lewis to sign the proclamation for Women's Lung Health Week, the second full week in May.
- Mr. Lewis read the Proclamation.
- John L. Lewis, Jr, aye; Denise DiFranco, aye; Cheryl Hawes, aye; Gordon Rogers, aye; and Jon Restivo, aye. Motion carried 5-0.
- e.) Proclamation,
Tom Hall**
- Mr. Lewis explained that the request for this proclamation honoring Mr. Hall had come to the Town Clerk from the family of Mr. Hall.
- Denise DiFranco read the proclamation.
- Cheryl Hawes moved, Gordon Rogers seconded, to approve the proclamation (Exhibit A) for Tom Hall, as written.
- John L. Lewis, Jr, aye; Denise DiFranco, aye; Cheryl Hawes, aye; Gordon Rogers, aye; and Jon Restivo, aye. Motion carried 5-0.
- f.) Financial
Town
Meeting
Budget
Presentation**
- Mr. Lewis asked if anyone wanted to give input to Treasurer Kelli Russ for the presentation for the Financial Town Meeting on May 3rd, 2016, at the Paine School.
- Cheryl Hawes expressed appreciation for the work Ms. Russ had put into the budget. There were no comments, additions or suggestions regarding the presentation.
- X. PUBLIC
HEARINGS**
- a.) GBM Zoning
Ordinance
Amendment**
- John L. Lewis, Jr. stated that there were two public hearings being held this evening, the first being on the zoning ordinance, General Business/Mixed Use Development Standards.
- Mr. Lewis read the summary (Exhibit B) and opened the public hearing at 7:58 p.m., and asked for comments in favor of the ordinance. Some people spoke in favor of the ordinance.
- Mr. Lewis asked for comments in opposition. Two people spoke.
- The public hearing closed at: 8:20 p.m.
- Denise DiFranco moved, Cheryl Hawes seconded, to accept the amended ordinance as presented.
- John L. Lewis, Jr, aye; Denise DiFranco, aye; Cheryl Hawes, aye; Gordon Rogers, aye; and Jon Restivo, aye. Motion carried 5-0.

**PUBLIC
HEARINGS,**
cont.

**b.) Tax
Stabilization
Ordinance**

John L. Lewis, Jr. stated there were three tax ordinances to discuss and that they would be handled separately. The public hearing opened at 8:34 p.m.

John L. Lewis, Jr. explained that this Tax stabilization ordinance was an entirely new ordinance providing tax stabilization to qualifying businesses, based on a sliding schedule as shown in the ordinance.

Mr. Lewis asked for comments in favor of the ordinance. Three people spoke in favor.

Mr. Lewis asked for comments in opposition. No one spoke.

**c.) Tax Relief
for Elderly
and Totally
Disabled
Persons,
amendments**

Mr. Lewis went on to the second ordinance. Mr. Restivo explained that the ordinance as it currently reads is a financial threat to the town, particularly in light of the aging baby-boomer population. This first amendment preserves the tax freeze to those already on the freeze, but will not accept new applications under the current guidelines after December 31, 2016.

Mr. Lewis read the ordinance amendment, and explained that the passage of this ordinance would pave the way for the third ordinance. Mr. Restivo explained that third ordinance.

Mr. Lewis asked for comments in favor of amending the existing ordinance, wherein no new applicants for the existing tax freeze would be accepted after December 31.

Several people spoke, and discussion both for and against both the first amendment and the proposed new ordinance ensued.

The public hearing closed at 10:22 p.m. Mr. Lewis asked for a motion on the first tax stabilization ordinance.

Mr. Lewis went back to the first, tax stabilization ordinance and asked for a motion.

Gordon Rogers moved, Cheryl Hawes seconded, to approve the Tax Stabilization plan as presented.

Discussion: Jon Restivo pointed out that two changes were suggested and were significant enough to merit a vote. The first change, to page 3, section D, involving multiple lots; the second, to page 4, section E, striking the word “may” with “shall” on the second line of the first .

Jon Restivo moved, Gordon Rogers seconded, to amend the motion to approve the ordinance as amended with the two changes made this evening by the Council.

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

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**PUBLIC
HEARINGS,**
cont.

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

Mr. Lewis took the next two ordinances out of order, and take the third ordinance, where there were suggestions to amend the ordinance: specifically to request tax freeze applicants to

Gordon Rogers moved, Cheryl Hawes seconded, to amend the ordinance to add the requirement that the applicant provide documentation of residency when reapplying each year.

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

Cheryl Hawes stated she would like to have an increase in the exemption as people get older. Treasurer Kelli Russ suggested staggering the exemption to increase with age; \$500 initially, with greater amounts awarded incrementally up to a \$1,000.00 maximum.

Jon Restivo moved, Cheryl Hawes seconded, to add a second paragraph in Section 1., under subsection (a), to read: any owner of a owner-occupied, single family dwelling that has attained the age of 77 years or more, shall be entitled to a tax credit equal to the lesser than (i) One Thousand Dollars (\$1,000) or (ii) any increase in the “dollar amount” required to be paid by such owner on the said property above the “dollar amount” required to be paid in taxes during the tax assessment next following such owner’s sixty-seventh (67th) birthday.

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

Mr. Restivo stated that he believed another motion was required to approve the amendments that were previously done to this ordinance.

Jon Restivo moved, Cheryl Hawes seconded to amend the ordinance in the manner as provided to the public this evening.

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

Jon Restivo moved, Cheryl Hawes seconded, to adopt the ordinance as amended.

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

It was confirmed that this ordinance would be taken to the Financial Meeting for approval, rejection or further amendments.

John L. Lewis, Jr. asked the Council if they wished to suspend the existing ordinance, or wait to see what the public says on the proposed ordinances?

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**PUBLIC
HEARINGS,
cont.**

Gordon Rogers moved, Jon Restivo seconded, to table the vote on the existing ordinance.

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**

- Charter Review Commission Report, 6/26/16 Public Hearing in June
- Review of Gloucester Resolutions, May 26, 2016
 - Creation of Regional Tax District
 - Removing Capital Expenditures from Maintenance of Effort
- LESO Program
- Financial Statements and Standard Policies and Procedures, From Non-Town Entities Receiving Appropriations
- Minutes of April 7 and April 14, 2016
- CDBG Grant
- Recreation Field
- Bond for Police Station
- Council Awards for Foster Old Home Days

**XII. EXECUTIVE
SESSION**

There was none

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

Meeting adjourned at 10:52 p.m.

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

Submitted by

Jane Christopher
Town Clerk