

JUNE 23, 2016
TOWN COUNCIL MEETING

The June 23, 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 7:07 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
Kelli Russ, Treasurer
Patti Moreau, Tax Assessor
Joe Carey, Planning Board Chair
Ron Cervasio, Charter Revision Committee Chair,
Bob DePalo, Board of Canvassers Chair
Guenter Bay, Assistant EMA Director

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| 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 also announced that following a Presidential Proclamation, the town flags were at half mast in honor of the people massacred in Orlando. |
| III. PUBLIC COMMENT | Robert DePalo spoke to his disappointment of the handling of the informational session held on June 21, 2016, on the subject of potential changes of the senior tax freeze; in that he felt a resident was not given appropriate consideration when he spoke. |
| IV. MINUTES | <p>Gordon Rogers moved, Cheryl Hawes seconded, to approve the minutes from June 9, 2016, as presented.</p> <p>John L. Lewis, Jr., aye; Denise DiFranco, aye; Cheryl Hawes, aye; Gordon Rogers, aye; and Jon Restivo, aye. Motion carried 5-0.</p> |
| V. WARRANTS | <p>Denise DiFranco moved, Cheryl Hawes seconded, to approve Payroll Warrant #49 for \$45,171.36.</p> <p>John L. Lewis, Jr., aye; Denise DiFranco, aye; Cheryl Hawes, aye; Gordon Rogers, aye; and Jon Restivo, aye. Motion carried 5-0.</p> <p>Denise DiFranco moved, Cheryl Hawes seconded, to approve Payroll Warrant #50 for \$31,399.24.</p> <p>John L. Lewis, Jr., aye; Denise DiFranco, aye; Cheryl Hawes, aye; Gordon Rogers, aye; and Jon Restivo, aye. Motion carried 5-0.</p> <p>Denise DiFranco moved, Cheryl Hawes seconded, to approve General Warrant #22 for \$187,673.63.</p> <p>John L. Lewis, Jr., aye; Denise DiFranco, aye; Cheryl Hawes, aye; Gordon Rogers, aye; and Jon Restivo, aye. Motion carried 5-0.</p> |

- VI. MONTHLY REPORTS** Denise DiFranco moved, Cheryl Hawes seconded, to accept the May, 2016 monthly reports from the Building and Zoning Department, the Finance Department, Human Services Department, Planning Department, Police Department, and RIRRC, as presented.

Denise DiFranco made note that the DPW and Tax Assessor reports were missing.

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** There were none. The Foster Ambulance Corps was carried to the next meeting.

- VIII. OLD BUSINESS**
a.) Location of Swamp Meadow Community Theater Outdoor Performance Stage John L. Lewis, Jr. reminded the Council that at a previous meeting they had approved a request from Swamp Meadow to build an outdoor theater on town property. The theater would be paid for through a State grant awarded to the theater. The time limit for completing the building project was December 31, 2016.

Kaila Rubin, representing Swamp Meadow, provided handouts to the Council illustrating the possible locations for the theater. Locations under consideration were: the new Recreation field, under construction; the Town Fairgrounds; Woody Lowden Recreation Center; Green Pond in Moosup Valley. The old NIKE site had been ruled out.

There was discussion regarding the pros and cons of each location. The Council advised the Theater group to speak directly to the Old Home Days Committee and get their input on the impact of a theater building on the fairgrounds during their annual event; to speak to the Town Planner, and return to the Council with their findings and exact building specifications.

- NEW BUSINESS**
IX. a.) Additions and Abatements, Tax Assessor

Denise DiFranco moved, Cheryl Hawes seconded, to accept the Tax Assessor's abatements to the 2015 tax roll, in the amount of \$464.82.

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, Audit and Agreed-Upon Procedures Services**

Treasurer Kelli Russ reviewed the three bid proposals that had come in for the Audit, explained how she had ranked the vendors, and gave her recommendation.

Denise DiFranco moved, Cheryl Hawes seconded, to accept the Treasurer's recommendation and award the bid to Bacon and Company, LLC, in the amount of \$73,500.00.

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

NEW

BUSINESS, cont.

**c.) Bid Award,
Recreation
Field
Clearing,
Chipping,
Stumping
and Grading
Project**

Mr. Lewis read a letter from DPW Director Joe Cardillo requesting that the award be tabled to the next meeting to allow him time to finish his review of the bidders.

Denise DiFranco moved, Cheryl Hawes seconded, to honor the DPW Director's request and table the award 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.) Request for
Use of Town
Grounds,
September
10, 2016,
Foster
Clergy
Association**

Mr. Lewis read a letter from the Foster Clergy Association requesting use of the Town Grounds for a volunteer appreciation event.

Denise DiFranco moved, Cheryl Hawes seconded, to grant the request to the Foster Clergy Association to hold a Volunteer Appreciation Day on September 10, 2016, from 12:00 p.m. – 8:00 p.m.

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

**e.) Request for
Use of Town
Grounds,
DHS
Fundraiser,
September
17, 2016**

John L. Lewis, Jr. read a letter from the Department of Human Services Director requesting permission to hold a classic and antique car show, coordinated by RI Cowboy Cruisers, as a fundraiser to benefit the DHS food pantry. This event would be run in conjunction with the annual Recreation Committee Town Yard Sale. Director Carol Mauro stated that the Recreation Committee was in full agreement, and they would take the responsibility of ordering the necessary portable sanitary facilities.

Cheryl Hawes moved, Denise DiFranco seconded, to honor the request of the Human Services Director, to hold the fundraiser on September 17, from 9:00 a.m. to 3:00 p.m.

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

**f.) Pole Petition,
37A Balcom
Road**

Mr. Lewis read a letter from DPW Director Joe Cardillo giving approval for one (1) new jointly-owned pole to be placed at 37A Balcom Road.

Gordon Rogers moved, Denise DiFranco seconded, to accept the recommendation of the DPW Director.

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

**g.) Pole Petition,
Pole 43-84,
S. Killingly
Road**

Mr. Lewis read a second letter from the DPW Director giving approval for one (1) new solely owned pole (Pole 43-84) to be placed at South Killingly Road.

Gordon Rogers moved, Cheryl Hawes seconded, to accept the recommendation of the DPW Director.

**NEW
BUSINESS, cont.**

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

**g.) Unused
Comp Time
Carryover
Request,
Town Hall
Employees**

Mr. Lewis read a letter from Treasurer Russ asking that comp time for Town Hall employees Joe Cardillo, (35 hours), Patti Moreau, (48.25) hours, and Susan Sprague, (35 hours), be allowed to carry over into the next fiscal year.

Cheryl Hawes moved, Denise DiFranco seconded, to grant the request for comp time carryover.

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

**i.) Assistant
EMA
Director
Request,
Letter of
Agreement
with
American
Red Cross**

John L. Lewis, Jr. explained that this had been brought forward by Guenter Bay. Mr. Bay was asking the Council to approve Mr. Lewis's signature on a new agreement with the Red Cross. This agreement would enable the town to receive assistance from the Red Cross, and give higher ranking to the Town when writing grants for the EMA department.

Town Solicitor Renee Bevilacqua stated that she had reviewed the agreement and thought it an excellent, well written agreement.

Cheryl Hawes moved, Denise DiFranco seconded, to accept the agreement and have the Council President sign it.

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

**X. PUBLIC
HEARING
Charter
Review
Recom-
mendations**

John L. Lewis, Jr. opened the public hearing for approval for the Charter Amendments at 7:59 p.m. Mr. Lewis explained that he would read the rationale for each amendment individually, and ask the Council to vote after all had been read and discussed.

Article V, School Committee

Shall the Foster Home Rule Charter be amended as follows;

**Article V, School
Committee,
Section 5.01**

Section 5.01. Membership, Term of Office and Vacancies. *Revised Language*

There shall be a School Committee consisting of three members who shall be elected to serve staggered four (4) year terms. In the November 2018 general election, the two candidates receiving the greatest number of votes will be designated Members one (1) and two (2); each will serve a four (4) year term. The third (3rd) Member elected will serve a two (2) year term. In 2020, there will be an election for one (1) four year term for Member three (3). In every general election held thereafter, one (1) or two (2) Committee positions will be open for election/re-election on an alternating schedule.

Changing the school committee terms from 2 years to four years would put Foster on equal footing with the four year terms of Gloucester's school committee members.

Mr. Lewis asked for comments in opposition. Two people spoke.
Mr. Lewis asked for comments in favor. There were none.

X. PUBLIC
HEARING, cont.
Article VI,
Appointive
Officers, D.H.S.

Article VI, Appointive Officers and Town Sergeant

Shall the Foster Home Rule Charter be amended as follows;

Section 6.01, Director of Human Services Revised Language

There shall be a Director of Human Services appointed by the Town Council to serve at the pleasure of the Council. The Director of Human Services shall administer all welfare statutes of the state or federal government, the administration of which is delegated to the town, and shall have all powers and duties relating to low and moderate income households and those persons in need as shall by law be appropriate to his/her office. The Director of Human Services shall receive such compensation as the Town Council may fix, within the limits of the amount appropriated by the financial town meeting.

These changes in wording replace outdated terminology and reflect greater sensitivity to the populations served.

Mr. Lewis asked for comments in opposition. There were none.

Mr. Lewis asked for comments in favor. One person spoke.

Article VI
Appointive
Officers Section
6.11, Planning
Official

Article VI, Appointive Officers and Town Sergeant

Shall the Foster Home Rule Charter be amended as follows;

Section 6.11, Planning Official Revised Language and moved from Article IX, Planning & Zoning, Section 9.02, to Article VI, Appointive Officers, section 6.11

There shall be a Planning Official appointed by the Town Council to serve at the pleasure of the Council who shall act as Administrative Officer and staff to the Planning Board and Zoning Board of Review and shall be responsible for maintenance of the Zoning Ordinance, the Land Development and Subdivision Regulations, and the Comprehensive Community Plan; annual preparation of the Capital Program, and the Small Cities Community Development Block Grant and other applicable planning grants, in conjunction with the Treasurer; the Road and Bridge Plan in conjunction with the Director of Public Works ; maintenance of the Geographic Information System (GIS) and mapping; long range and short range planning, and such other duties as may be prescribed by Rhode Island law, by town ordinance or by the Town Council or Planning Board. The Planning Official shall receive such compensation as the Town Council shall fix, within the limits of the amount appropriated by the financial town meeting. Any final administrative decision made by the Planning Official is appealable to the Zoning Board of Review.

This language more accurately reflects the responsibilities and practices of the Planning Department.

Mr. Lewis asked for comments in opposition. There were none.

Mr. Lewis asked for comments in favor. Two people spoke.

Article VII,
Public Works
Department,
Section 7.02,
Director;

Article VII, Public Works

Shall the Foster Home Rule Charter be amended as follows;

Section 7.02, Director Revised Language

There shall be a working, properly licensed, Director of the Department of Public Works who shall be the head of the department and shall be responsible for the supervision and administration of the work of the department and shall also have all the powers, rights and duties prescribed by the laws of the state for highway surveyors. The Director shall be appointed by the Town Council for a term of three (3) years, with the first term to commence on January 2, 2017, pursuant to an

**X. PUBLIC
HEARING, cont.**

employment contract setting forth the terms of his or her employment and the compensation for same. The contract shall provide for removal only in the event of the following: conviction of any felony or any misdemeanor involving moral turpitude, violation of any provision of his or her contract, or violation found by the Rhode Island Ethics Commission.

This change provides a three year contract for the DPW Director, beginning January, 2017, and will provide more stability and continuity in the DPW Department

Mr. Lewis asked for comments in opposition. One person asked for clarification on terminology.

Mr. Lewis asked for comments in favor. One person spoke.

**Article VII,
Public Works
Department,
Section 7.03,
Compensation**

Article VII, Public Works

Shall the Foster Home Rule Charter be amended as follows;

Section 7.03, Compensation Revised Language

The Director of the Department of Public Works shall receive such compensation as the Town Council may negotiate by contract, within the limits of the amount appropriated by the financial town meeting, and which shall not be reduced during the period of the contract. The compensation shall be paid from the appropriation for the Department of Public Works.

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

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

**Article IX,
Planning &
Zoning, Section
9.05,
Conservation
Commission**

Article IX, Planning & Zoning

Shall the Foster Home Rule Charter be amended as follows;

Section 9.05, Conservation Commission Revised Language

There shall be a Conservation Commission, which shall act in an advisory capacity to the Town Council in all matters concerning the following: wetlands planning and mapping; environmental planning; open space planning; preservation of farmlands; erosion control; gravel and loam stripping control; recycling programs & practices; energy & resource conservation; renewable energy; such other areas of study as may be requested by the Planning Board.

This new language more accurately reflects the current roles, responsibilities, programs and topics of study covered by the Conservation Commission.

Mr. Lewis asked for comments in opposition. There were none.

Mr. Lewis asked for comments in favor. Two people spoke.

**Article X,
Financial
Procedures,
Financial Town
Meeting**

Article X, Financial Procedures

Shall the Foster Home Rule Charter be amended as follows;

Section 10.02, Financial Town Meeting Revised Language

The electors of the Town Hall shall assemble each year in Financial Town Meeting on the first Tuesday in May at 7:00 p.m. for the purpose of ordering any tax which lawfully may be ordered, making appropriations, and transacting any other business appertaining to the financial affairs of the Town which legally may come before such a meeting.

**X. PUBLIC
HEARING, cont.**

Whenever a ballot vote is called for at any Financial Town Meeting, the vote shall consist of anonymous voting by means of printed or written ballots or by means of voting machines to preserve the privacy of any Foster residents participating in said vote. Any resident who wishes to cast a vote on a ballot vote issue must cast a ballot indicating YES or NO. If an individual chooses not to cast a ballot, they will not have voted on the issue and will not be counted in the total number of voters participating in that particular vote. Only the total number of cast ballots indicating YES or NO will be considered in determining the outcome of said vote.

This change would streamline the voting process and preserve anonymity.

Mr. Lewis asked for comments in opposition. There were none.
Mr. Lewis asked for comments in favor. Five people spoke.

**Article XI,
Treasurer's
Department,
Section 11.01,
Appointment,
Qualifications,
Organization;**

Article XI, Treasurer's Department

Shall the Foster Home Rule Charter be amended as follows;

Section 11.01, Appointment, Qualifications, Organization Revised Language

There shall be a Town Treasurer appointed by the Town Council for a term of three years, with the first term to commence on January 2, 2017, pursuant to an employment contract setting forth the terms of his or her employment and the compensation for same. The contract shall provide for removal only in the event of the following: conviction of any felony or any misdemeanor involving moral turpitude, violation of any provision of his or her contract, or violation found by the Rhode Island Ethics Commission.

This change provides a three year contract for the Treasurer, beginning January, 2017, and will provide more stability and continuity in the Treasurer's Department.

Mr. Lewis asked for comments in opposition. There were none.
Mr. Lewis asked for comments in favor. Two people spoke. Two others asked for clarification on terminology.

**And Section
11.06,
Compensation**

Article XI, Treasurer's Department

Shall the Foster Home Rule Charter be amended as follows;

Section 11.06, Compensation Revised Language

The Town Treasurer shall receive such compensation as the Town Council may negotiate by contract, within the limits of the amount appropriated by the financial town meeting, and which shall not be reduced during the period of the contract. The compensation shall be paid from the appropriation for the Finance Department.

Mr. Lewis asked for comments in opposition. There were none.
Mr. Lewis asked for comments in favor. There were none.

**Article XIV,
General
Provisions,
Section 14.02,
Bidding, and
Section 14.02a,
Cooperative**

Article XIV, General Provisions

Shall the Foster Home Rule Charter be amended as follows;

Section 14.02, Bidding Revised Language

All purchases by the Town involving any expenditure greater than Ten Thousand (10k) Dollars, in the aggregate, for construction or Five Thousand (5k) Dollars for all other purchases shall be made only after such purchases have been advertised for bids or quotations have been solicited by one or more methods requiring advertising

**X. PUBLIC
HEARING, cont.
Purchasing**

in a newspaper of general circulation in the Town as deemed appropriate by the Town Council or School Committee. Contracts for professional engineering and architectural services are exempt here as in the General Laws of the State of Rhode Island [See RIGL Sect. 45-55-8.1)

The Town Council or School Committee shall not be bound to accept the lowest bid or quotation received but shall in each instance have reserved to itself the right to reject any or all bids. In an emergency, the Town Council or School Committee may make purchases or secure services without the necessity of bidding. In each instance labeled an Emergency, the Town Council or School Committee shall enter into its public record a statement of the emergency and the constraints forcing immediate action. Other purchases of less than Ten Thousand (10k) Dollars, in the aggregate, for construction projects and less than Five Thousand (5k) Dollars for all other procurements are considered small purchases within the meaning of RIGL Section 45-55-9 (Award of Municipal Contracts, Small Purchases.) These procurements may be made based upon the recommendation of a Department Head or Town Council/School Committee. No procurements or contracts for services shall be artificially divided so as to constitute a small purchase avoiding the requirements of advertising and bidding.

These changes will align this section with current State law.

Mr. Lewis asked for comments in opposition. There were none.

Mr. Lewis asked for comments in favor. There were none.

**Section 14.02a,
Cooperative
Purchasing**

Article XIV, General Provisions

Shall the Foster Home Rule Charter be amended as follows;

Section 14.02a, Cooperative Purchasing New Section

Any municipality or regional school district of the state may participate in state master price agreement contracts for the purchase of materials, supplies, services and equipment entered into by the purchasing agent as in the General Laws of the State of Rhode Island [See RIGL Sect. 37-2-56]

This new section will afford the town the ability to realize immediate savings for cooperative purchases

Mr. Lewis asked for comments in opposition. There were none.

Mr. Lewis asked for comments in favor. There were none.

Charter Commission chair Mr. Cervasio, and Council President Lewis, each thanked the members of the Charter Commission, the solicitor, and the council for their participation and work on these amendments.

The public hearing for the Charter Committee amendments closed at 8:38 p.m.

**B.) Planning
Board
Recommend-
ation for
Charter
Amendment,
Capital
Reserve
Fund.**

The public hearing for the Planning Board proposed Charter amendment opened at 8:39 p.m.

John L. Lewis, Jr. read the letter from the Planning Board encouraging the council to place their recommendation of the following Charter Amendment on the ballot for November.

**PUBLIC
HEARING, cont.**

Article X, Financial Procedures

Shall the Foster Home Rule Charter be amended as follows;

Section 10.10, Capital Reserve Fund Revised language

There shall be an annual addition to the amount appropriated by the financial Town meeting equivalent to 4% of the total of all other appropriations approved at the meeting, as a capital reserve fund. Such appropriation, and the addition of the same to the amount to be raised by taxation, shall be made by operation of this section of the Charter, without the necessity of any vote or any other action by the Town. Such amount and any accumulations shall be held and invested by the Town Treasurer as a separate fund, and from time to time any amount from such funds may be expended upon authorization by the annual or a special Financial Town Meeting for the purchase of improvements set forth in the capital program.

Increasing the Transfer of Funds from the overall budget to the Capital Reserve Fund from the 2% State mandate, to 4%, will help to replace depleted funds.

Mr. Lewis asked for comments in opposition. One person stated that this would tie the hands of the council; that the town needed a financial board, and means for additional revenues. A second individual suggested the townspeople have the opportunity to vote on this.

Mr. Lewis asked for comments in favor. Four people spoke.

The public hearing closed at 9:02 p.m.

Denise DiFranco moved, Gordon Rogers seconded, to move all Charter Committee amendments, including the Planning Board recommendation, forward to the ballot for November.

Discussion: the Council discussed pros and cons of putting this many amendments on the ballot as opposed to limiting the number; and felt they all had merit and should be put forward to the public, in numerical order.

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**

- LESO Program
- Financial Statements and Standard Policies and Procedures, From Non-Town Entities Receiving Appropriations
- Resolution Concerning Removing Capital Expenditures from Maintenance of Effort/Regional School System
- Recreation Committee Community Yard Sale
- Bid Award, Recreation Field
- Missing Reports
- Request from Mr. Giovanni regarding Barking Dogs
- Unmaintained Bridges and Roads

Open session ended at 9:17 Executive Session began at 9:25 p.m.

JUNE 23, 2016
TOWN COUNCIL MEETING

**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(5), for discussions or work sessions regarding Personnel, according to RIGL 42-46-5a(1), and further to keep the minutes of said meeting closed and the minutes of all Executive Sessions held previous to this meeting be closed and remain to provisions of the General Laws of Rhode Island 42-46-4 & 5.

**RECONVENE
TO OPEN
SESSION**

Jon Restivo moved, Gordon Rogers seconded, 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.

Open session reconvened at 9:36 p.m.

Mr. Lewis announced one vote was taken in Executive Session, nominating the two Citizens of the Year, and to present them with plaques at Foster Old Home Days on July 29. The vote was 5-0 in favor.

**XIII. ADJOURN-
MENT**

Gordon Rogers moved, Denise DiFranco 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 9:37 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