

**DECEMBER 15, 2016**  
**TOWN COUNCIL MEETING**

The December 15, 2016, Town Council Meeting was called to order by Denise DiFranco, President of the Foster Town Council, at the Foster Town House, Foster, Rhode Island, at 7:05 p.m.

The following members were present:

**Denise DiFranco, President**  
**Chris Stone, Vice President**  
**Gordon Rogers**  
**Michael Dillon**  
**Cheryl Hawes**

Also present:

Asst. Solicitor, Atty. Joanna Achille  
Police Chief William Ziehl  
Kelli Russ, Treasurer  
Joe Carey, Planning Board Chair  
Guenter Bay, Assistant EMA Director

- I. PLEDGE OF ALLEGIANCE** The Pledge of Allegiance was recited.
- II. ANNOUNCEMENTS** Denise DiFranco requested that if you would like to make a comment to please step forward to the microphone, state your name and address before speaking.
- III. PUBLIC COMMENT** There was no public comment.
- IV. WARRANTS** Gordon Rogers moved, Chris Stone seconded, to approve Payroll Warrant # 22 for \$41,680.73
- Denise DiFranco, aye; Chris Stone, aye; Cheryl Hawes, aye; Gordon Rogers, aye; and Michael Dillon, aye; Motion carried 5-0.
- Gordon Rogers moved, Mike Dillon seconded, to approve General Warrant #11 for \$59,089.06
- Denise DiFranco, aye; Chris Stone, aye; Cheryl Hawes, aye; Gordon Rogers, aye; and Michael Dillon, aye; Motion carried 5-0.
- V. OLDBUSINESS**
- A. Appointment of Non-Standard Employees**
- i. Sealer of Weights and Measures** Gordon Rogers moved, Chris Stone seconded, to approve Kenneth Knight as Sealer of Weights and Measures.  
Denise DiFranco, aye; Chris Stone, aye; Cheryl Hawes, aye; Gordon Rogers, aye; and Michael Dillon, aye; Motion carried 5-0.
- ii. Corder of Wood** Gordon Rogers moved, Chris Stone seconded, to approve Robert Thurber as Corder of Wood.  
Denise DiFranco, aye; Chris Stone, aye; Cheryl Hawes, aye; Gordon Rogers, aye; and Michael Dillon, aye; Motion carried 5-0.
- iii. Fence Viewer** Gordon Rogers moved, Cheryl Hawes seconded to approve Thomas D'Agostino as Fence Viewer.  
Denise DiFranco, aye; Chris Stone, aye; Cheryl Hawes, aye; Gordon Rogers, aye; and Michael Dillon, aye; Motion carried 5-0.
- iv. Recreation Director** Gordon Rogers moved, Chris Stone seconded, to approve Mike Polouski as Recreation Director.

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Denise DiFranco, aye; Chris Stone, aye; Cheryl Hawes, aye; Gordon Rogers, aye; and Michael Dillon, aye; Motion carried 5-0.

- v. Keeper of the Keys** Gordon Rogers moved, Cheryl Hawes seconded, to approve Aden Restivo as Keeper of the Keys.  
Denise DiFranco, aye; Chris Stone, aye; Cheryl Hawes, aye; Gordon Rogers, aye; and Michael Dillon, aye; Motion carried 5-0.
- vi. Town Historian** Gordon Rogers moved, Chris Stone seconded, to approve Stanley Hopkins as Town Historian. Chris Stone stated that he needed to recuse himself as he is related to Stanley Hopkins. Chris removed his second, and Michael Dillon seconded.  
Denise DiFranco, aye; Chris Stone, recused; Cheryl Hawes, aye; Gordon Rogers, aye; and Michael Dillon, aye; Motion carried 4-0. 1 recusal
- vii. Civil Preparedness** Gordon Rogers moved, Michael Dillon seconded, to approve Guenter Bay for Civil Preparedness (EMA).  
Denise DiFranco, aye; Chris Stone, aye; Cheryl Hawes, aye; Gordon Rogers, aye; and Michael Dillon, aye; Motion carried 5-0.
- viii. Tree Warden** There were no applicants / motions for appointment for the position of Tree Warden.
- ix. Constables** Gordon Rogers moved, Chris Stone seconded, to approve Chief Aaron Marsland, Chief Gordon Brayton, Chief Paul Cunniff, Commander Sharon Cotter, and the five sitting council members as Constables.  
Discussion: Kenneth Knight spoke that he is a Constable in Rhode Island and would like to be added to the list. Gordon Rogers moved, Michael Dillon seconded, to add Kenneth Knight as Sealer or Weights and Measures and Guenter Bay EMA director to the list of Constables.  
Denise DiFranco, aye; Chris Stone, aye; Cheryl Hawes, aye; Gordon Rogers, aye; and Michael Dillon, aye; Motion carried 5-0.

**B. Appointments to  
Boards &  
Commissions**

- i. Planning Board** Gordon Rogers moved, Michael Dillon seconded, to approve Jeff Sheldon to the Planning Board. Chris Stone recused himself because Jeff Sheldon is his brother-in-law.  
Discussion: Ron Cervasio spoke that there was no need for Chris Sone to recuse himself as Jeff Sheldon is a distant family member.  
Lynn Rider quoted the *Code of Ethics* on page 10, stating that Chris Stone is correct by recusing himself.  
Denise DiFranco, nay; Chris Stone, recused; Cheryl Hawes, nay; Gordon Rogers, aye; and Michael Dillon, aye; Motion failed 2-2. 1 recusal
- Gordon Rogers moved, Cheryl Hawes seconded to reappoint Joe Carey to the Planning Board.  
Denise DiFranco, aye; Chris Stone, aye; Cheryl Hawes, aye; Gordon Rogers, aye; and Michael Dillon, aye; Motion carried 5-0.

Gordon Rogers moved, Michael Dillon seconded to approve Ron Cervasio to the Planning Board.

Discussion: Audience members spoke in favor of Julia Parmentier and against Ron Cervasio.

Denise DiFranco, nay; Chris Stone, aye; Cheryl Hawes, nay; Gordon Rogers, aye; and Michael Dillon, aye; Motion carried 3-2.

**ii. Zoning Board**

Gordon Rogers moved, Michael Dillon seconded to move Thomas DiRaimo from an alternate to a full member of the Zoning Board.

Denise DiFranco, aye; Chris Stone, aye; Cheryl Hawes, aye; Gordon Rogers, aye; and Michael Dillon, aye; Motion carried 5-0.

Gordon Rogers moved, Michael Dillon seconded to appoint Robert DeLuca as an alternate on the Zoning Board.

Discussion: Denise DiFranco has no issue with Mr. DeLuca being on the Zoning Board but her reservation would be concerning what has been on the Zoning Board agenda and the continuation of their hearings going forward.

Denise DiFranco, aye; Chris Stone, aye; Cheryl Hawes, nay; Gordon Rogers, aye; and Michael Dillon, aye; Motion carried 4-1.

Gordon Rogers moved, Michael Dillon seconded to appoint Holly Regoli as a member of Zoning Board.

Discussion: Cheryl Hawes says that David Paolino wanted to be reappointed.

Michael Dillon removed his second, and Gordon Rogers removed his motion then corrected his motion to move David Paolino from an alternate to a full member of the Zoning Board. Michael Dillon seconded.

Discussion: Cheryl Hawes would like to see Joe Walsh reappointed. David Paolino spoke in favor of becoming a full member of the Zoning Board.

Denise DiFranco, aye; Chris Stone, aye; Cheryl Hawes, nay; Gordon Rogers, aye; and Michael Dillon, aye; Motion carried 4-1.

Gordon Rogers moved, Michael Dillon seconded, to appoint Holly Regoli as an alternate member of the Zoning Board.

Denise DiFranco, aye; Chris Stone, aye; Cheryl Hawes, aye; Gordon Rogers, aye; and Michael Dillon, aye; Motion carried 5-0.

**iii. Recreation Committee**

Cheryl Hawes moved, Chris Stone seconded to appoint John Lewis to the Recreation Committee.

Discussion: Audience members spoke in favor of John Lewis.

Kenneth Knight spoke and asked if the Solicitor could review the charter to see if one person could sit on more than one board.

Denise DiFranco, aye; Chris Stone, aye; Cheryl Hawes, aye; Gordon Rogers, aye; and Michael Dillon, aye; Motion carried 5-0.

There were no reappointments for the following: Land Trust, Conservation Committee, Board of Canvassers.

**iv. Juvenile Hearing Board**

Gordon Rogers moved, Chris Stone seconded, to table an appointment to the Juvenile Hearing Board.

Discussion: Denise DiFranco states that she heard from Michael Chippendale that he doesn't want to be reappointed to the Juvenile Hearing Board. Waiting on letter to withdraw from the Juvenile Hearing Board.

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**C. Bid Award for the  
Recreation Field**

The bid award for the Recreation Field was tabled at a previous meeting so that the new DPW Director could review the bids. Gordon Rogers stated that the only concern he and Mr. Clarkin have is that when you start awarding bids in excess of over \$100,000.00, we would require a performance bond.

Gordon Rogers moved, Cheryl Hawes seconded, to award the bid as presented to Premier Tree Company on the contingency that they have a performance bond to cover the scope of the job. The work would only cover section A, B and C. Section D is not paid for by the grant. (See Exhibit A). Mr. Rogers requested that Section D be put on the agenda for the next meeting.

Discussion: John Lewis clarified that the bid went out in five components A,B,C,D and E. Section D would not be covered under the DEM Grant.

A,B and C are covered in the grant, D is optional.

Denise DiFranco, aye; Chris Stone, aye; Cheryl Hawes, aye; Gordon Rogers, aye; and Michael Dillon, aye; Motion carried 5-0.

**D. Resignation/New  
Appointment to  
Police Bldg.  
Committee**

John Restivo submitted a letter resigning from the Police Building Committee.

Gordon Rogers moved, Michael Dillon seconded, to except the letter with regret from Mr. Restivo.

Denise DiFranco, aye; Chris Stone, aye; Cheryl Hawes, aye; Gordon Rogers, aye; and Michael Dillon, aye; Motion carried 5-0.

Michael Dillon moved, Chris Stone seconded to appoint, Gordon Rogers to the Police Building Committee.

Discussion: Lynn Rider stated that she is not in favor of appointing Gordon Rogers to the Police Building Committee. Kenneth Knight stated that no sitting council member should be appointed to another board. We need clarification from the solicitor. A request was made to table the appointment. Chris Stone removed his second and Michael removed his motion.

**E. Resignation/New  
Appointment to the  
Board of  
Canvassers**

Mary DiLibero submitted a letter of resignation from the Board of Canvassers.

Gordon Rogers moved, Cheryl Hawes seconded, to accept Mary DiLibero's letter of resignation from the Board of Canvassers.

Denise DiFranco, aye; Chris Stone, aye; Cheryl Hawes, aye; Gordon Rogers, aye; and Michael Dillon, aye; Motion carried 5-0.

Bruce Campbell, Republican Committee Chair, submitted an email recommending Heidi Rogers as a candidate for appointment to the Board of Canvassers.

Michael Dillon moved, Chris Stone seconded, to appoint Heidi Rogers to the Board of Canvassers.

Denise DiFranco, aye; Chris Stone, aye; Cheryl Hawes, aye; Gordon Rogers recused; and Michael Dillon, aye; Motion carried 4-0. 1 recusal

**VI. NEW BUSINESS**

**A. Naming of the  
Recreation Field**

Naming of the Recreation Field on Rte. 94. David Tirrell spoke on behalf of the American Legion Post 101 to name the field The Captain Henry R. Phillips Memorial Athletic Field. (See Exhibit B).

Gordon Rogers moved, Chris Stone seconded to move that we honor the American Legion post 101 request to name the ball field, The Captain Henry R. Phillips Memorial Athletic Field.

Discussion: Audience members spoke against naming the entire field after just one person. Bill Fortier spoke in favor of naming the field. He also wanted to thank

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John Lewis all the work that he has done for all the veterans. He also thanked Chief Ziehl for his support.

Denise DiFranco, aye; Chris Stone, aye; Cheryl Hawes, aye; Gordon Rogers, aye; and Michael Dillon, aye; Motion carried 5-0.

**B. Resolution in  
Support Burrillville**

Gordon Rogers moved, Chris Stone seconded, to support the Town of Burrillville's concern with the siting of the Clear River Energy Center in Burrillville (see Exhibit C).

Denise DiFranco, aye; Chris Stone, aye; Cheryl Hawes, nay; Gordon Rogers, aye; and Michael Dillon, aye; Motion carried 4-1.

**C. Additions &  
Abatements**

Gordon Rogers moved, Michael Dillon seconded to honor the request of the Tax Assessor to make the following changes to the tax roll of an abatement for motor vehicle taxes in the amount of \$41.59.

Denise DiFranco, aye; Chris Stone, aye; Cheryl Hawes, aye; Gordon Rogers, aye; and Michael Dillon, aye; Motion carried 5-0.

**VII. EXECUTIVE  
SESSION  
A. 42-46-5a(2)**

Gordon Rogers moved, Michael Dillon seconded, to go into Executive Closed Session pursuant to RIGL 42-42-4 for the reasons stated in RIGL 42-46-5, for the discussions or work sessions regarding collective bargaining, contract negotiations or litigation according to RIGL 42-46-5a(2).

Denise DiFranco, aye; Cheryl Hawes, aye; and Gordon Rogers, aye. Chris Stone, aye; Michael Dillon, aye; Motion carried 5-0.

Executive session began at 8:25 p.m.

**RECONVENE INTO  
OPEN SESSION**

Gordon Rogers moved, Cheryl Hawes seconded, to reconvene into open session to announce any votes taken during executive closed session that must be disclosed as required under RIGL 42-46-4, and 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.

Denise DiFranco, aye; Cheryl Hawes, aye; and Gordon Rogers, aye. Chris Stone, aye; Michael Dillon, aye; Motion carried 5-0.

Gordon Rogers moved, Michael Dillon seconded, to adopt the contracts that were worked on in executive session for Kelli Russ and Robert Clarkin for the three year term starting January 2, 2017 to January 2, 2020. Asst. Solicitor, Joanna Achille read the changes to the contract.

List of changes to the contract for Kelli Russ:

1. \$30.00 phone allowance
2. Will receive no compensation time
3. Only 2 weeks of vacation can be carried over per year
4. Will not be allowed to sell back unused sick time, but will receive 100% of unused vacation time upon leaving.
5. Healthcare will mirror personal policy
6. Contract will begin January 2, 2017 and end January 2, 2020
7. Town council can remove you without pay if charged with a felony

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List of changes to the contract for Robert Clarkin:

1. Town requires a CDL and Operators License within first 6 months of employment from the state of RI
2. A town phone will be provided
3. Weather related compensation time only will be carried over 12 months from the date accrued
4. Vacation time will be 2 weeks the first year and three weeks for second and third year.
5. Health Insurance will mirror personal policy
6. Will not be allowed to sell back unused sick time, but will receive 100% of unused vacation time upon leaving
7. Only 2 weeks of vacation time can be carried over per year
8. Contract will begin January 2, 2017 and end January 2, 2020
9. Town council can remove without pay if charged with a felony

Denise DiFranco, aye; Cheryl Hawes, aye; and Gordon Rogers, aye. Chris Stone, aye; Michael Dillon, aye; Motion carried 5-0

**VIII ADJOURNMENT**

Gordon Rogers moved, Cheryl Hawes seconded, and it was so moved to adjourn the meeting.

Denise DiFranco, aye; Cheryl Hawes, aye; and Gordon Rogers, aye. Chris Stone, aye; Michael Dillon, aye; Motion carried 5-0.

Meeting adjourned at 9:55 p.m.

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

Submitted by

Susan M. Dillon  
Town Clerk