

DECEMBER 8, 2016
TOWN COUNCIL MEETING

The December 8, 2016, Town Council Meeting was called to order by John L. Lewis, Jr., President of the Foster Town Council, at the Foster Town House, 180 Howard Hill Rd., Foster, Rhode Island, at 7:03 p.m.

The following members were present:

John L. Lewis, Jr., President
Denise DiFranco, Vice President
Cheryl Hawes,
Gordon Rogers,
Jon Restivo, excused,
Michael Dillon,
And Chris Stone.

Also present were:

Renee M. Bevilacqua, Town Solicitor
Mark Tourgee, (New) Town Solicitor
Kelli Russ, Town Treasurer
Lillian Jackson, Deputy Treasurer
Nancy Deleare, Tax Collector
Susan Sprague, Deputy Town Clerk
William Ziehl, Police Chief
Robert DePalo, Canvassing Chair
Robert Boyden, Town Moderator

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 noted that Councilman Jon Restivo had contacted him and was excused from the meeting.

Council Vice President Denise DiFranco announced that Bright Night, which was held at the Town Hall on December 2, 2016, was a success. She wanted to recognize the recreation committee and Ethan Rock of Rock's Tree Service, for a job well done and thanked them for all of their work.

III. MINUTES

Denise DiFranco moved, Gordon Rogers seconded, and it was so voted to approve the minutes of **October 13, 2016.**

John L. Lewis, Jr., aye; Denise DiFranco, aye; Cheryl Hawes, aye; Gordon Rogers, aye. Motion passed 4-0.

Denise DiFranco moved, Cheryl Hawes seconded, and it was so voted to approve the minutes of **October 24, 2016.**

John L. Lewis, Jr., aye; Denise DiFranco, aye; Cheryl Hawes, aye; Gordon Rogers, aye. Motion passed 4-0.

Denise DiFranco moved, Cheryl Hawes seconded, and it was so voted to approve the minutes of **October 27, 2016.**

John L. Lewis, Jr., aye; Denise DiFranco, aye; Cheryl Hawes, aye; Gordon Rogers, aye. Motion passed 4-0..

Denise DiFranco moved, Cheryl Hawes seconded, and it was so voted to approve the minutes of **November 10, 2016.**

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John L. Lewis, Jr., aye; Denise DiFranco, aye; Cheryl Hawes, aye; Gordon Rogers, aye. Motion passed 4-0.

Denise DiFranco moved, Cheryl Hawes seconded, and it was so voted to approve the minutes of **November 17, 2016**.

John L. Lewis, Jr., abstained; Denise DiFranco, aye; Cheryl Hawes, aye; Gordon Rogers, aye. Motion passed 3-0 with one abstention.

**IV. SEATING OF
NEW COUNCIL**

Mr. Lewis thanked the assembled Council and residents for the honor and privilege of serving the town in various capacities for nearly twenty years. He went on to thank past and present Council members, the townspeople, department heads, Town Hall employees, and the Police Department for all of their help and support.

Mr. Lewis removed himself from the council table in order for the newly-elected council to proceed with the remainder of the Town Council Meeting.

Michael Dillon and Chris Stone took their places at the table with Denise DiFranco, Cheryl Hawes and Gordon Rogers.

**a.) Swearing-in of
New Council**

Reverend Bob Hollis gave the invocation and led the assembly in prayer.

State Representative Michael Chippendale administered the oath of office to all the Council members.

Council Vice President Denise DiFranco thanked the outgoing Council President John Lewis, Council member Jon Restivo and outgoing Town Clerk Jane Christopher, for their years of service.

**b.) Election of
Town Council
President**

Gordon Rogers moved, Chris Stone seconded, and it was so voted to elect Denise DiFranco as Council President.

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

**c.) Election of
Town Council
Vice President**

Gordon Rogers moved, Michael Dillon seconded, and it was so voted to elect Chris Stone as Council Vice President.

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

**V. SWEARING-IN
OF NEWLY
ELECTED
TOWN CLERK**

State Representative, Michael Chippendale administered the oath of office to the newly-elected Town Clerk, Susan Dillon.

**VI. APPOINTMENT
OF TOWN
OFFICIALS**

Chris Stone moved, Michael Dillon seconded, to appoint Mark Tourgee as Town Solicitor for the Council and Town of Foster for 2017 and 2018.

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**APPOINTMENT
OF TOWN
OFFICIALS
*CONTINUED***

Discussion: Councilwoman Cheryl Hawes spoke in favor of keeping Renee Bevilacqua as Town Solicitor, stating that she had done a great job.

Cheryl Hawes moved to amend the motion to appoint Mark Tourgee as Solicitor for meetings and general business and to appoint Renee Bevilacqua for prosecution and the committees that she sat on.

There was no second. No vote was taken.

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

Council President Denise DiFranco thanked Ms. Bevilacqua for her years of service to the town.

Chris Stone moved, Gordon Rogers seconded, to appoint Jane Gurzenda from Gorham & Gorham as Probate Judge for the Town of Foster.

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

Gordon Rogers moved, Chris Stone seconded, to reappoint Kelli Russ as Treasurer for the Town of Foster.

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

Michael Dillon moved, Gordon Rogers seconded, to reappoint Nancy Deleare as Tax Collector for the Town of Foster.

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

Gordon Rogers moved, Cheryl Hawes seconded, to reappoint Patti Moreau as Tax Assessor for the Town of Foster.

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

Gordon Rogers moved, Chris Stone seconded, to reappoint Juliana King as Town Planner for the Town of Foster.

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

Cheryl Hawes moved to re-appoint Joe Cardillo as Director of Public Works for the Town of Foster.

Discussion: Ms. Hawes spoke in favor of keeping Joe Cardillo as the Director of Public Works. She spoke of her concerns regarding a new

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**APPOINTMENT
OF TOWN
OFFICIALS
*CONTINUED***

DPW Director and the learning curve he would face. She suggested a plan for keeping Joe as an interim director for a year with a review after a year to possibly avoid the need for the town to pay unemployment benefits.

There was no second. No vote was taken.

Denise DiFranco moved to appoint Robert Lohr as Director of Public Works for the Town of Foster. There was no second. No vote was taken.

Gordon Rogers moved, Michael Dillon seconded, to appoint Robert Clarkin, starting January 1, 2017, as Director of Public Works for the Town of Foster.

Discussion: Councilwoman Hawes asked if the Town had the money to pay Mr. Cardillo's unemployment and where that money would come from. She also asked if there had been any advertisements placed for the DPW position. Ms. DiFranco stated that the Town did have the money at the moment, and that it would come from the contingency fund. She also stated that there had been no ads placed.

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

Michael Dillon moved, Gordon Rogers seconded, to re-appoint Carol Mauro as Director of Human Services for the Town of Foster.

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

Gordon Rogers moved, Cheryl Hawes seconded, to re-appoint Rhett Bishop as Building and Zoning Official for the Town of Foster.

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

Gordon Rogers moved, Michael Dillon seconded, to re-appoint Jeff Lowe as Plumbing and Mechanical Inspector for the Town of Foster.

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

Michael Dillon moved, Chris Stone seconded, to appoint Michael Paolucci as Electrical Inspector for the Town of Foster.

Gordon Rogers recused.

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

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**APPOINTMENT
OF TOWN
OFFICIALS
*CONTINUED***

Gordon Rogers moved, Chris Stone seconded, to appoint Mike Caprarelli as Animal Control Officer and Appraiser of Dog Damages for the Town of Foster.

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

This concluded the appointment of town officials.

**VII. APPROVAL OF
DEPUTIES**

Approval of Deputies: Council President Denise DiFranco stated that the Deputy Town Clerk and the Deputy Treasurer appointments are recommended to the Council by the Town Clerk and the Treasurer for their consent.

Denise DiFranco stated that the Council had a letter from the Town Clerk (see "Exhibit A") to re-appoint Susan Sprague as Deputy Town Clerk.

Michael Dillon moved, Gordon Rogers seconded, to approve the Town Clerk's recommendation to reappoint Susan Sprague as Deputy Town Clerk.

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

Ms. DiFranco stated that the Council also had a letter from the Treasurer (see Exhibit B) requesting that Lillian Jackson be re-appointed as Deputy Treasurer.

Cheryl Hawes moved, Michael Dillon seconded, to approve the Town Treasurer's recommendation to reappoint Lillian Jackson as Deputy Treasurer.

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

State Representative Michael Chippendale administered the oath of office to the reappointed Deputy Town Clerk, Susan Sprague, and the reappointed Deputy Treasurer, Lillian Jackson.

**VIII. APPOINTMENT
OF NON-
STANDARD
EMPLOYEES**

Chris Stone moved, Gordon Rogers seconded, to table the appointment of non-standard employees until the next meeting.

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

**IX. APPOINTMENT
TO BOARDS
AND
COMMISSIONS**

Chris Stone moved, Gordon Rogers seconded, to table the appointment to Boards and Commissions until the next meeting.

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

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X. WARRANTS

Gordon Rogers moved, Chris Stone seconded, and it was so voted to approve **Payroll Warrant #18**, in the amount of \$32,539.57.

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

Gordon Rogers moved, Chris Stone seconded, and it was so voted to approve **Payroll Warrant #19** in the amount of \$34,572.84.

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

Gordon Rogers moved, Chris Stone seconded, and it was so voted to approve **Payroll Warrant #20** in the amount of \$34,115.80.

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

Gordon Rogers moved, Chris Stone seconded, and it was so voted to approve **Payroll Warrant #21** in the amount of \$35,636.76.

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

Gordon Rogers moved, Chris Stone seconded, and it was so voted to approve **General Warrant #10** in the amount of \$181,865.09.

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

**XI. OLD BUSINESS
a.) Resolution
2016-09
concerning
voter-approved
Charter
Amendments
To General
Assembly**

Denise DiFranco read the proposed resolution (Exhibit C).

Gordon Rogers moved, Cheryl Hawes seconded, to move the resolution as read, to our State Senator and State Representative to ratify at the State level, the voter-approved Charter amendments by the General Assembly.

Discussion: Town Moderator Robert Boyden addressed the Council with his concerns regarding Article X of the resolution, "Financial Town Meeting". Mr. Boyden referred to Title 42 of Rhode Island General Law and asked to have the section of the Resolution pertaining to voting at a financial Town Meeting removed from the resolution.

After receiving advice from the Solicitor, as well as State Representative Michael Chippendale, it was decided that legal council at the State level would catch any potential problems and Councilwoman Denise DiFranco moved the question forward for a vote.

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

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- XII. NEW BUSINESS:** Gordon Rogers moved, Cheryl Hawes seconded, to accept the request from the Tax Assessor for:
- a.) Additions & Abatements Tax Assessor** Real Estate Abatements (should have been Additions) of \$772.00
Motor Vehicle Abatements of \$1367.44
Motor Vehicle Additions of \$166.31
- Denise DiFranco, aye; Gordon Rogers, aye; Cheryl Hawes, aye; Michael Dillon, aye; and Chris Stone, aye. Motion passed 5-0.
- b.) Class F Liquor License Request Thornton Beagle Club** Gorgon Rogers moved, Chris Stone seconded, to approve the Class F, Liquor license request for the Thornton Beagle Club for December 11, 2016.
- Denise DiFranco, aye; Gordon Rogers, aye; Cheryl Hawes, aye; Michael Dillon, aye; and Chris Stone, aye. Motion passed 5-0.
- c.) Bid Award Heating Oil** Gordon Rogers moved, Cheryl Hawes seconded, to accept the bid award for heating oil as recommended by the DPW Director to the low bidder, Rambone and Sprague Oil Company, at a locked-in price of \$1.79 per gallon with a mark up of .10 per gallon over cost.
- Denise DiFranco, aye; Gordon Rogers, aye; Cheryl Hawes, aye; Michael Dillon, aye; and Chris Stone, aye. Motion passed 5-0.
- d.) Bid Award Natural Hazard Mitigation Plan Grant** Gordon Rogers moved, Michael Dillon seconded, to award the Natural Hazard Mitigation Plan Grant, as suggested by Town Planner Juliana King, to Vanasse Hangen Brustlin, Inc., for the amount of \$15,000.
- Denise DiFranco, aye; Gordon Rogers, aye; Cheryl Hawes, aye; Michael Dillon, aye; and Chris Stone, aye. Motion passed 5-0.
- e.) Bid Award Recreation Field** Gordon Rogers moved, Chris Stone seconded, to table the award of the bid for the recreation field until it could be reviewed by the new Director of Public Works.
- Discussion: Denise DiFranco noted that there was only one bid received.
- Past Council President John Lewis spoke of his concerns of losing the grant if there was too much delay in the process. He stated that if completion of the project were to go beyond the completion date of November of 2018, the Town could possibly forfeit the \$400,000 State grant. He stated that the bid was \$40,000 below the amount that was estimated by the engineer and \$70,000 below the grant amount.
- Denise DiFranco, aye; Gordon Rogers, aye; Cheryl Hawes, nay; Michael Dillon, aye; and Chris Stone, aye. Motion to table passed 4-1.

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**f.) Town Council
Articles in the
*Foster Home
Journal***

Denise DiFranco moved, Gordon Rogers seconded, to have Denise DiFranco and Cheryl Hawes continue to write the articles for the *Foster Home Journal*.

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

**XIII. PUBLIC
HEARINGS**

The public hearing for license renewals was called to order at 8:14 p.m. Denise DiFranco asked for anyone who was in favor of any of the licenses to speak. There were no comments. Ms. Denise DiFranco asked if anyone wanted to speak in opposition to the licenses. Again, No comments. Public Hearing closed at 8:36 pm.

**a.) Town of Foster
License
Renewals**

December 31, 2016-2017 Secondhand License Renewals

Gordon Rogers moved, Chris Stone seconded, to approve the following Second Hand Licenses upon receipt of annual licensing and advertising fees and approvals from the Building Official, Tax Collector, and Police Chief where applicable:

- Abby A. Gosselin, d/b/a A Bee's Buzz, 114 Danielson Pike
- Russell J. Smith, d/b/a Chelsea's Trading Post, 151 Danielson Pike
- Aniello V. Calise, d/b/a Danny's Auction Barn, 1 Snagwood Road
- Joseph Osmanski, d/b/a Foster Auto LLC, 40 Mill Road
- Henry Chabot, Danielson Pike Realty, LLC, d/b/a Foster Bear Arms and Trading Post, 52 Danielson Pike
- Certified Automotive Inc., d/b/a Steve's Gun Shop, 66 Central Pike
- Newell W. Wright II, d/b/a Hemlock Brook Auto, 37A Mill Rd.
- MCC, Inc., d/b/a Mike's Auto Repair, 45 Anthony Road
- Paul Hayhurst, d/b/a GCC Auto Sales LLC, 175 Danielson Pike
- Morris Maglioli, d/b/a Wright's Auto Salvage, 37 Mill Road
- Keith LaFazia, d/b/a Rhody Outdoors, 2 Goldmine Rd.

Denise DiFranco asked for anyone who was in favor of any of the licenses to speak. There were no comments. Ms. Denise DiFranco asked if anyone wanted to speak in opposition to the licenses. Again, no comments. She then asked if there was anyone who wished to speak at all and again, there were no comments.

December 31, 2016-2017 Victualing Licenses

Gordon Rogers moved, Chris Stone seconded, to approve the following Victualing License renewals upon receipt of annual licensing and advertising fees, and approvals from the Building Official, Tax Collector, and Police Chief where applicable:

- Reichert Energy Corp., d/b/a Reichert Energy Corner Store,

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**PUBLIC
HEARINGS
CONTINUED**

- 189 Hartford Pike
- Aniello V. Calise, d/b/a Danny's Auction Barn, 1 Snagwood Road
- Drake Petroleum Company Inc., d/b/a Foster Xtra Mart, 188 Danielson Pike

Denise DiFranco asked for anyone who was in favor of any of the licenses to speak. There were no comments. Ms. Denise DiFranco asked if anyone wanted to speak in opposition to the licenses. Again, no comments. She then asked if there was anyone who wished to speak at all and again, there were no comments.

December 31, 2016-2017 Gun Shop License Renewals

Gordon Rogers moved, Chris Stone seconded, to approve the following Gun Shop License renewals upon receipt of annual licensing and advertising fees and approvals from the Building Official, Tax Collector, Police Chief, and Fire Chief, where applicable:

- Laurence Costa Mello, d/b/a Alarry Farm Firearms, 7 Rickard Road
- Keith LaFazia, d/b/a Rhody Outdoors, 2 Goldmine Rd.
- Henry Chabot, Danielson Pike Realty, LLC, d/b/a Foster Bear Arms, 52 Danielson Pike
- Certified Automotive, d/b/a Steves Gun shop, 66 Central Pike
- Leon DeFranco, d/b/a LJD Gun & Supplies, 9 King Road

Denise DiFranco asked for anyone who was in favor of any of the licenses to speak. There were no comments. Ms. Denise DiFranco asked if anyone wanted to speak in opposition to the licenses. Again, no comments. She then asked if there was anyone who wished to speak at all and again, there were no comments.

December 31, 2016-2017 Holiday Sales License Renewals

Gordon Rogers moved, Chris Stone seconded, to approve the following Holiday Sales License renewals upon receipt of annual licensing and advertising fees and approvals from the Building Official, Tax Collector, Police Chief, and Fire Chief, where applicable:

- Reichert Energy Corp., d/b/a Reichert Energy Corner Store, 189 Hartford Pike
- Aniello V. Calise, d/b/a Danny's Auction Barn, 1 Snagwood Road
- Henry Chabot, Danielson Pike Realty, LLC, d/b/a Foster Bear Arms & Trading Post, 52 Danielson Pike
- Star Petro, Inc., d/b/a Foster Quick Stop, 173 Danielson Pike
- Bonita Lambert, d/b/a Lladyllove Llama, 82 Cucumber Hill Road
- Drake Petroleum Company, Inc., d/b/a Foster Xtra Mart, 186 Danielson Pike
- Abby A. Gosselin, d/b/a A Bee's Buzz, 114 Danielson Pike

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PUBLIC
HEARINGS
CONTINUED

- Russell J. Smith, d/b/a Chelsea's Trading Post, 151 Danielson Pike

Denise DiFranco asked for anyone who was in favor of any of the licenses to speak. There were no comments. Ms. Denise DiFranco asked if anyone wanted to speak in opposition to the licenses. Again, no comments. She then asked if there was anyone who wished to speak at all and again, there were no comments.

December 31, 2016-2017 Campground Licenses

Gordon Rogers moved, Chris Stone seconded, to approve the following Campground License renewals upon receipt of annual licensing and advertising fees and approvals from the Building Official, Tax Collector, Police Chief, and Fire Chief, where applicable:

- Virginia Bassett, d/b/a Ginny B. Campground, 7 Harrington Road
- Legacy Land Preservation LLC, d/b/a Dyer Woods Campground, 114 Johnson Road

Denise DiFranco asked for anyone who was in favor of any of the licenses to speak. There were no comments. Ms. Denise DiFranco asked if anyone wanted to speak in opposition to the licenses. Again, no comments. She then asked if there was anyone who wished to speak at all and again, there were no comments.

December 31, 2016-2017 Private Investigator's License

Gordon Rogers moved to approve the following Private Investigator license renewal upon receipt of annual licensing and advertising fees and approvals from the Building Official, Tax Collector, Police Chief, and Fire Chief, where applicable:

- Alan Pittman, d/b/a Alan Pittman Investigations, 117 Central Pike

Denise DiFranco asked for anyone who was in favor of any of the licenses to speak. There were no comments. Ms. Denise DiFranco asked if anyone wanted to speak in opposition to the licenses. Again, no comments. She then asked if there was anyone who wished to speak at all and again, there were no comments.

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

**XIV. FUTURE
AGENDA ITEMS**

- Department liaisons
- Resignation from Police Station Building Committee
- Director of Emergency Management

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XV. ADJOURNMENT Gordon Rogers moved, Michael Dillon seconded, and it was so moved to adjourn the meeting. All in attendance were invited to stay for refreshments.

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

The Meeting adjourned at 8:39 p.m.

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

Submitted by

Susan E. Sprague
Deputy Town Clerk