

**FEBRUARY 26, 2015**  
**TOWN COUNCIL MEETING**

The February 26, 2015, 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 7:04 p.m.

The following members were present:

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

Also present:

Renee M. Bevilacqua, Town Solicitor  
Kelli Russ, Treasurer,  
Patti Moreau, Tax Assessor,  
Police Chief William Ziehl,  
Joe Cardillo, DPW Director

**I. OPEN  
SESSION  
PLEDGE OF  
ALLEGIANCE**

The Pledge of Allegiance was recited.

**II. ANNOUNCE-  
MENTS**

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 the death of long time resident Robert Poole, and asked for a moment of silence.

**III. PUBLIC  
COMMENT**

Mr. Lewis outlined the parameters of the Public Comment rules which were available on the table. Two residents had placed their names on the sign-up sheet and were called upon in order:

Todd Sholly, a member of the Conservation Commission, extended an invitation to Council members to attend the next Conservation meeting of Monday, March 16, 2015 at 7:00 p.m.

David Hughes thanked the three Council members who had spearheaded the return of the public comment portion of the Council meeting, and inquired about the process of personnel matters being heard in Executive Session of a Council meeting.

**IV. MINUTES**

Denise DiFranco moved, Roger Hawes seconded, and it was so voted to approve the minutes of February 12, 2015.

John L. Lewis, Jr, aye; Denise DiFranco, aye; Roger 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 #32 for \$31,058.90.

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

Denise DiFranco moved, Roger Hawes seconded, to approve Payroll Warrant #33 for \$26,689.52.

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

**FEBRUARY 26, 2015  
TOWN COUNCIL MEETING**

**WARRANTS,  
continued**

Denise DiFranco moved, Roger Hawes seconded, to approve General Warrant #15 for \$103,364.86.

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

**VI. MONTHLY  
REPORTS**

Denise DiFranco moved, Roger Hawes seconded, to accept the January 2015 monthly reports from the Building and Zoning Department, the Dept. of Public Works, Finance Department, Human Services Department, Planning Department, Police Department, RIRRC, and Tax Assessor, as submitted.

Discussion: Mr. Lewis moved, Roger Hawes seconded, to amend the motion to table the Building & Zoning report until it was clarified that outgoing building inspector Peter Scorpio confirmed he had read and approved the report.

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

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

**VII. NEW  
BUSINESS  
a.) Request for  
Use of Town  
House and  
Grounds for  
Wedding on  
9/5/2015**

Denise DiFranco read the request from Leah Hearn and Ryan Grimley asking for permission to hold their wedding and reception at the old Town House and fairgrounds on September 5, 2015.

Denise DiFranco moved, Gordon Rogers seconded, to grant permission for Leah Hearn and Ryan Grimley to have their wedding ceremony and reception at the Foster Fairgrounds and the Foster Town House on September 5, 2015.

Discussion: A resident inquired as to special insurance. Ms. Bevilacqua responded that she had reviewed the details of the event with the Town Clerk earlier that day and had discussed issues of insurance, damage deposits, and other items. We can't add requirements of this individual that haven't been required of others.

Chief Ziehl asked about the number of people in attendance. Mr. Restivo suggested coming up with a standard agreement to be used.

Mr. Lewis mentioned that drafting an agreement was not on the agenda this evening, perhaps the motion and second should be withdrawn. Denise DiFranco withdrew her motion; Gordon Rogers withdrew his second. The Town Clerk would obtain further information from the couple, and begin a list of potential requirements for a policy.

**b.) Personnel  
Rules &  
Regulations/  
Updates**

Mr. Lewis explained that there were proposed changes to two items in the Personnel Rules and Regulations book. The first was to allow non-union employees the option to carry over two weeks of accrued vacation leave, as the union employees are able to do.

Denise DiFranco moved, Roger Hawes seconded, to approve the replacement language presented in the memo dated 2-24-2015, section 402.09, vacation leave.

**FEBRUARY 26, 2015**  
**TOWN COUNCIL MEETING**

**Personnel  
Rules &  
Regulations/  
Updates,  
cont.**

Discussion: It was clarified that two weeks were prorated based on the number of days a particular employee worked in a week. Some work a four-day work week, others a five-day work week.

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

The second proposal related to personal time, section 403.01. Mr. Lewis read the current language in which it states that employees are allowed 2.5 personal days per year; the proposed change is to allow three days per year, prorated based on the individual's work week.

Denise DiFranco moved, Roger Hawes seconded, to accept the replacement language for section 403.01 in reference to the memo dated 2-24-2015.

Clarification was asked for regarding "floating" days, whether the employees were required to give advance notice when taking personal days, and if it was an additional cost to the town. Mr. Lewis and Ms. Russ responded to the questions.

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

**c.) Temporary  
Town Hall  
Clerk**

The Town Clerk explained that the temporary clerk who had been hired in October to cover for the clerk out on medical leave had given notice that she would be leaving as of March 5. The Town Clerk was looking for a replacement.

**d.) Winter  
Weather  
Update -  
Challenges  
& Solutions**

John L. Lewis, Jr. stated that there had been a lot of questions and concerns from Council members regarding the severe winter conditions. Mr. Lewis read a prepared document outlining various challenges faced by the Town and the solutions for handling them. (see Exhibit A) Topics included policies for plowing and sanding; staffing shortages and issues in DPW; equipment repairs and purchase, sand and salt; hourly rate increase for part time snow plow drivers; needs of emergency responders; communication with Rhode Island EMA for possible personnel and equipment assistance; working with the police and ambulance corps to improve web access to the EOC website to request such assistance.

Several people spoke with suggestions for improvement. Ms. DiFranco expressed her interest in exploring equipment leasing options.

**VIII. OLD  
BUSINESS  
a.) Bid Award,  
Town Hall  
Furnace**

John L. Lewis, Jr. read a letter of recommendation from DPW Director Joe Cardillo recommending awarding the bid for the new Town Hall Furnace to Vincent Heating and Air, Inc. for the sum of \$6,855.00 (See Exhibit B).

Denise DiFranco moved, Roger Hawes seconded, to honor the recommendation of the DPW Director and award the bid to Vincent Heating and Air, Inc. for the amount of \$6,855.00, for a new furnace.

Discussion: Only one bid had come in for the furnace; should the project go out to bid again? The DPW director stated that Vincent Heating had been

**FEBRUARY 26, 2015  
TOWN COUNCIL MEETING**

**Bid Award,  
Town Hall  
Furnace,  
cont.**

doing business with the Town for several years, and he was comfortable with giving them the bid. The existing furnace has a crack in the firebox, and is emitting fumes.

Mr. Lewis moved, Roger Hawes seconded, to amend the motion to clarify that the furnace be paid for from the contingency fund.

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

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

**b.) Council  
Rules**

John L. Lewis, Jr. explained that the last Council had been operating under the Democratic Rules of Order, 9<sup>th</sup> Edition, and asked Ms. DiFranco to address the issue.

Denise DiFranco moved, Gordon Rogers seconded, that the Council adopt the Democratic Rules of Order, 9<sup>th</sup> edition, for the Foster Town Council rules.

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

Ms. DiFranco also asked that motions be made in the positive and not in the negative.

It was agreed that Old Business be placed before New Business on the agenda.

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

**IX. FUTURE  
AGENDA  
ITEMS**

- Police Station
- Tannerite Binary Exploding Rifle Targets/Use Of
- EMA Director
- Wedding Request

**X. 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 42-46-5, for the discussion of personnel and job performance, according to RIGL 42-46-5a(1), and for discussions or work sessions regarding Collective Bargaining /Contract Negotiations/Litigation, according to RIGL 42-46-5a(2).

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

Open session ended at 8:25 p.m. Executive session convened at 8:45 p.m.

**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

**FEBRUARY 26, 2015**  
**TOWN COUNCIL MEETING**

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; Roger Hawes, aye; Gordon Rogers, aye; Jon Restivo, aye. Motion passed 5-0.

Open session reconvened at 10:27 p.m.

John L. Lewis, Jr. announced that one vote had been taken to continue the hearing on personnel action to a future date, March 4, 2015 at 7:00 p.m. in the Town Hall Conference Room. That motion was voted unanimously.

Gordon Rogers moved, Jon Restivo seconded, and it was so moved to adjourn the meeting.

John L. Lewis, Jr. aye; Denise DiFranco, aye; Roger Hawes, aye; Gordon Rogers, aye; Jon Restivo, aye. Motion passed 5-0.

**XI. ADJOURN-  
MENT**

Meeting adjourned at 10:28 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