

MARCH 26, 2015
TOWN COUNCIL MEETING

The March 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 7:05 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
Robert DePalo, Board of Canvassers

**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 and former Town Historian Viola Ulm, and asked for a moment of silence.

**III. PUBLIC
COMMENT**

Lynne Rider brought attention to the new Rhode Island PBS series, "Harvesting RI" and said that a local Foster farm and its product was being featured on a Saturday broadcast of the "farm to table" portion of the show.

IV. MINUTES

Denise DiFranco moved, Roger Hawes seconded, and it was so voted to approve the minutes of March 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, Roger Hawes seconded, to approve Payroll Warrant #36 for \$31,383.93.

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 #37 for \$26,252.92.

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 General Warrant #17 for \$76,294.38.

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

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WARRANTS,
continued

Denise DiFranco moved, Roger Hawes seconded, to approve General Warrant #17A for \$400.00.

John L. Lewis, Jr, aye; Denise DiFranco, aye; Roger Hawes, aye; Gordon Rogers, recused; and Jon Restivo, aye. Motion carried 4-0 with one recusal.

VI. MONTHLY REPORTS

Denise DiFranco moved, Roger Hawes seconded, to accept the February 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.

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

VII. Old BUSINESS
a.) Volunteers for Town Charter Review Committee

John L. Lewis, Jr. stated that there had been four appointments made previously, and that there had only been four applicants. It should be an odd number. At this point there are four additional applicants for the Charter Review committee: Bob Boyden, Heidi Rogers, Alex Pappas and Bob DePalo.

Roger Hawes moved, Denise DiFranco seconded, to appoint Bob DePalo as the fifth member to the Charter Review Committee.

Discussion: Mr. Rogers objected to the fact that letters of interest from two of the new applicants had been included in the packet, two had been put in front of the Council just this evening. He felt there was not enough time to review the new letters of submission or to speak to those individuals to know their history or knowledge of the Town.

Mr. Restivo asked if there was any rush to appoint this evening. Ms. DiFranco felt that the previous four people had been appointed without further discussion, was it unfair to single out the new applicants and handle them differently?

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

b.) Rhode Kill Spring Classic

John L. Lewis, Jr. announced the cancellation of this race due to the adverse road conditions caused by winter snows and spring mud. The Town of Coventry had denied permission for their portion of the race due to their road conditions as well.

c.) Request for Use of Town House & Fairgrounds - Grimley/Hearn wedding

Gordon Rogers stated that he had fielded three phone calls regarding a misunderstanding that the town had denied this request. The parties in question are under a time frame to get their invitations out and solidify their arrangements. He asked to put this on the agenda to move the process along.

Renee Bevilacqua responded that the reason was because Mr. Rogers and some townspeople in the audience had brought up three or four scenarios of possible liability, and the concern of the presence of alcohol. Ms. Bevilacqua and Kelli Russ had met with a representative of the RI Interlocal Trust to discuss their "TULIP" program (Tenant User Liability Insurance Policy),

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which provides insurance coverage through the Trust to third parties using public property/facilities owned by Trust members. An alternative is for a private person/party to get their own policy through their homeowner's insurance.

John L. Lewis, Jr. moved, Gordon Rogers seconded, to approve the use of the downstairs of the Town House alone for the ceremony, not to exceed the fire code occupancy limit for that building.

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

**d.) Appointment
of EMA
Director**

Gordon Rogers moved, Denise DiFranco seconded for discussion, to appoint the only applicant that had been in the packet on Tuesday, Mike Dexter, as EMA Director for the Town of Foster.

Denise DiFranco stated that she would like to interview Mr. Dexter as well as any others who applied, to review their qualifications against those needed for an EMA director.

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

Denise DiFranco moved, Roger Hawes seconded, to interview the three candidates who have expressed interest in the position of EMA director, before appointment.

Mr. Rogers asked if there would be a formal interview in front of the Council. Ms. Bevilacqua reminded the Council that the Open Meetings Act requires offering these applicants a choice of either executive or open session.

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

It was decided to have these interviews the night of the next budget meeting, April 2nd.

**VIII. NEW
BUSINESS**

**a.) Additions &
Abatements,
Tax Collector**

Denise DiFranco moved, Roger Hawes seconded, to accept the abatements as suggested by the Tax Collector, in the amount of \$2,448.98 for 2005 personal property, motor vehicles for the year 2005 in the amount of \$9,569.76, real estate for the year 2004 in the amount of \$1,402.94, real estate in the year 2005 in the amount of \$1,758.22, for a grand total of \$15,179.90. (see Exhibit A)

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

**b.) DPW at
Plainfield
Pike Fire**

This topic was tabled until the next meeting.

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- c.) Pole Petition, Spur Road** John L. Lewis, Jr. stated that there was a recommendation in the packet from the DPW director to approve the petition. (See Exhibit B)

Denise DiFranco moved, Gordon Rogers seconded, to accept the recommendation of the DPW director for the installment of a mid-span pole at pole 15 ½ on the southerly side of Spur Road.

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

- d.) Appointment/ Review of Dispatcher's Negotiation Committee** Mr. Rogers stated that his personal work hours had increased dramatically. He will commit to the next meeting on March 30, but would like someone else to take his place on the committee rather than fulfilling the corresponding duties with less than 100% effort.

Mr. Hawes said he might be able to step in but would not commit until after the following week.

It was determined to hold off on a decision until the next meeting.

- e.) Request for Use of Fairgrounds, the Kibble Closet** John L. Lewis, Jr. read an email to the Council from Jules Martins and Robin McCarron asking to use the fairgrounds on Saturday, September 12, 2015 for a pet rescue and information event day. Local rescues, veterinarians, specialty groups and local merchants would attend to inform the public of pet health issues.

Denise DiFranco moved, Gordon Rogers seconded, that we grant the Kibble Closet use of the fairgrounds on Saturday, September 12, 2015.

Ms. Bevilacqua cautioned the applicant be very specific as to the information they provide. Details were discussed as to what the Council will be creating for a policy for use of the fairgrounds. It was decided to table the request until the Town Clerk had time to put together a policy of rules and regulations for use of the Town buildings and fairgrounds that the Council could agree on.

Ms. DiFranco withdrew her motion, Gordon Rogers withdrew his second.

- f.) Update to Personnel Rules and Regulations** Mr. Lewis explained that what he was about to propose was precipitated by the fact that the Town was getting no qualified responses to advertisements for a new, part-time Building and Zoning Director and felt that offering increased hours would attract applicants.

Mr. Lewis had provided the council with a document adding a new clause to the personnel rules and regulations, to read: 401.03 - Part Time (Medical Benefits Eligible) – All town elected and appointed officials; and town employees, who are regularly scheduled to work a minimum of 29 hours for their department per week for fifty-two (52) weeks per year with regularly defined duties and hours of employment shall be considered Part Time (Medical Benefits Eligible), and in addition to these benefits described in section 401.02 above, shall be entitled to receive the following pro-rated benefits: Medical Vision & Dental Benefits.

John L. Lewis, Jr. moved, Gordon Rogers seconded, to adopt these changes

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with the 29 hours limit, and simultaneously grandfather the existing animal control officer based on his long term tenure with the town.

Ms. Bevilacqua added that the limits that you tell employees they can work is fine, but what they actually, consistently work is what controls Obamacare. A limit on hours has to be set.

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

IX. BUDGET WORKSHOP

John L. Lewis, Jr. began the public hearing for the budget hearing at 8:02 p.m. The budgets for every department were reviewed in order of appearance on the budget analysis prepared by treasurer Kelli Russ, and members of the public were allowed to ask questions as the Council proceeded. Any final changes, and the adoption of the budget, will occur at the April 9, 2015 Council meeting.

The public hearing ended at 9:24 p.m.

X. FUTURE AGENDA ITEMS

- Charter Commission Volunteers Ad
- RhodeMap RI Presentation/Mike Chippendale
- Police Station
- Tannerite Binary Exploding Rifle Targets/Use of
- DPW Plainfield Pike Fire
- Fairgrounds requests

XI. EXECUTIVE SESSION

Jon Restivo moved, Roger Hawes 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 9:26 p.m. Executive session convened at 9:40 p.m. Roger Hawes left the meeting.

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 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 11:17 p.m.

John L. Lewis, Jr. announced that two votes had been taken:

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The first, to allow the Treasurer, with assistance from Solicitor Bevilacqua, to pursue one selected option regarding the Providence Water Supply Board settlement. The motion passed 3-1.

A second vote was taken to agree on a proposed settlement regarding the litigation on the State Pension System. The motion passed 3-0. (NOTE: Ms. DiFranco recused herself from this vote)

**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; Gordon Rogers, aye; Jon Restivo, aye. Motion passed 4-0.

Meeting adjourned at 11:19 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