

MARCH 12, 2015
TOWN COUNCIL MEETING

The March 12, 2015, 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
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,
Juliana King, Town Planner

**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.

John L. Lewis apologized to the council for missing the previous night's budget meeting due to an illness in his family. He also stated he wouldn't be available for the budget hearing scheduled for Thursday the 19th of March, but would be in communication with the treasurer on the budget.

**III. PUBLIC
COMMENT**

One resident had placed his name on the Public Comment sign-up sheet and was called upon:

Ron Cervasio stated that the town cannot afford the capital infrastructure of the community. He made note of many improvements that are needed to town buildings, including the police station, as well as expenses of the fire stations. He suggested using one hundred acres each on Route 6 and Route 101 for industrial warehousing and commercial activity, creating an influx of tax revenue.

IV. MINUTES

Denise DiFranco moved and Roger Hawes seconded, to approve the minutes of February 26, 2015.

Discussion: Ms. DiFranco pointed out that on page 2, section VII, there was a typographical error and asked that it be fixed.

John L. Lewis stated that they would be approving the minutes as amended.

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, and it was so voted to approve the minutes of March 4, 2015.

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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- V. WARRANTS** Denise DiFranco moved, Roger Hawes seconded, to approve Payroll Warrant #34 for \$31,999.20.
- 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 #35 for \$28,337.65.
- 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 #16 for \$88,547.63.
- 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** John L. Lewis, Jr. moved, Roger Hawes seconded, to accept the January 2015 monthly report from the Building and Zoning Department, 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** Denise DiFranco read a letter of Recognition for Erin Quinlan, Milken Award Recipient and asked that the letter be mailed to Ms. Quinlan. (Exhibit A)
- a.) Erin Quinlan Letter of Recognition** Roger Hawes moved, Denise DiFranco seconded, to approve the letter of recognition.
- Discussion: School committee member Ron Cervasio stated that the Milken Award is a \$25,000.00 award that the teacher can use in any way she wants. He also pointed out many other awards that both the town and regional school departments have received.
- John L. Lewis, Jr, aye; Denise DiFranco, aye; Roger Hawes, aye; Gordon Rogers, aye; and Jon Restivo, aye. Motion carried 5-0.
- b.) Building & Zoning Official Update.** John L. Lewis stated that as of March 12th, the town had only received four applicants for the Building and Zoning Official position, none of whom are certified Building Inspectors. He had contacted John Leyden, State Building Code Commissioner, for a list of every certified inspector in the State of Rhode Island. Mr. Lewis requested that a direct mailing be done in the week ahead, to reach out to everyone on the list, to possibly fill the position.
- c.) Volunteers for Town Charter Review Commission** Denise DiFranco moved, and Roger Hawes Seconded, to accept the four applicants, Patrick Eaton of Plain Woods Rd, Ron Cervasio of Old Plainfield Pike, Lynne Rider of Burgess Rd, and Linda Walden of Central Pike.
- Discussion: Mr. Cervasio asked if a fifth person, possibly someone from the Town Council, Zoning or the Town Planner, could be appointed to the commission and stated that there should be an odd number of people.

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Jon Restivo asked for clarification on requirements to be on the commission and offered to take the fifth position if needed.

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

VIII. NEW BUSINESS

a.) Council Presence at Rabies Clinic on April 18

John L. Lewis summarized the important information from the Rabies Clinic flyer and stated that Animal Control Officer Mike Caprarelli is looking for members of the council to attend the clinic. Denise DiFranco stated that she has helped in the past and would be glad to be there to help. John Lewis also volunteered.

b.) Eagle Scout Proclamations

John L. Lewis announced that John C. MacPhee, Christopher J. Morissette, Zacharie G. Morin and David B. Simula were Eagle Scout Proclamation recipients. He summarized some of the details in the proclamations and stated that he had attended their Eagle Scout Court of Honor on the previous Monday.

Roger Hawes moved, Denise DiFranco seconded, to adopt the Eagle Scout Proclamations. (Exhibit B1-4)

Discussion: The Town Solicitor suggested, and it was so decided, to attach the four proclamations to the minutes as exhibits, so they can be accessed.

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

c.) Verizon / Narragansett Electric Pole Petition. Maple Rock Rd.

Denise DiFranco moved, Roger Hawes seconded, to accept Mr. Cardillo's recommendation for the re-location of one pole (Pole 1) on the westerly side of Maple Rock Road and placement of a new joint mid span pole (pole 1 ½) on the easterly side of Maple Rock Rd. (Exhibit C)

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

d.) Resolution Opposing 2015 Legislation, an act relating to Taxation-Levy and Assessment.

Denise DiFranco read resolution 2015-02 opposing 2015 legislation, relating to Taxation-Levy and Assessment, as put forward by the Tax Assessor. (Exhibit D)

Ms. Bevilacqua pointed out two small typographical errors.

Denise DiFranco moved, Roger Hawes seconded, to adopt the corrected resolution 2015-02 of the Foster Town Council.

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

e.) Appointment, temporary Town Hall Clerk

Mr. Lewis read a letter from Town Clerk Jane Christopher, requesting appointment of a temporary clerk to an open position at the town hall.

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Roger Hawes moved, Denise DiFranco seconded, to allow Jane Christopher to appoint Michelle May to the position of part time, temporary clerk at the Town Hall.

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

**f.) CDBG
Administration Time /
Reimbursement**

John L. Lewis referenced a letter from the Department of Administration, Office of Housing and Community Development indicating the monies that have been distributed to the Town of Foster this year, totaling \$156,200, of which 14,200 goes to administration. This is money that can be tapped by the town to cover administrative costs in handling the CDBG grants.

Kelli Russ proposed having the planner work her regular part time hours on town planning issues and paying her out of the Administrative portion of the grant for additional hours she spends on CDBG work. She pointed out that this way it benefits everyone, the work would be getting done, but that it wouldn't affect our general operating budget.

Mr. Lewis clarified that this would mean the planner would work her regular 20 hours a week as a planner and be paid out of the town budget, and that any additional hours that she works on CDBG would be paid out of the \$14,200.

Denise DiFranco moved, and Roger Hawes seconded, to accept the CDBG grant as presented and utilize the administration portion of the money, \$14,200, for additional hours for the planner.

Discussion: Denise DiFranco asked how this would affect benefits. Ms. Russ stated that the hours wouldn't be consistent and that it wouldn't have any effect.

Denise asked how accepting the award affects RhodeMap Rhode Island. Juliana King stated that the award has not been accepted and that this would be contingent upon accepting it. There was discussion about the grant and its connection to RhodeMap Rhode Island.

Denise DiFranco withdrew her motion, Roger Hawes withdrew his second.

Denise DiFranco moved, Roger Hawes seconded, that contingent upon the awarding of the CDBG grant, the council use the administration cost of \$14,200 to reimburse or to pay additional hours to the planner for the administration of the CDBG grant.

Discussion: Mr. Lewis stated that it was his understanding that Ms. DiFranco's motion would establish a policy to pay the planner out of that fund should we receive it. If we do not receive it or accept it, the policy wouldn't hold. There was further discussion on hours being worked on CDBG now and planner compensation through comp. time.

It was also decided to ask State Representative Michael Chippendale to speak at an upcoming meeting and address questions on RhodeMap RI and CDBG.

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

**g.) LESO
Bulldozer
Transportation
Costs**

Mr. Lewis reviewed equipment acquired in the past from the LESO Program. He summarized key points in a letter from DPW Director Joe Cardillo and Police Chief William Ziehl, requesting \$4500.00 to cover transportation costs for a D7 Bulldozer that the town has been awarded, from Fort Dix to Foster. (Exhibit E)

Denise DiFranco moved, Roger Hawes seconded, to approve the request of Joe Cardillo and Chief Ziehl for the amount of \$4500.00 from the contingency fund, to cover transportation of a D7 Bulldozer from Fort Dix to Foster, RI.

Discussion: There was a short discussion regarding which account that the funds should be taken from. It was decided that it should be added as a future agenda item, incorporated into the budget discussion.

There was talk of other equipment that is needed in the town. Chief Ziehl reminded the Council that the LESO equipment must have an initial law enforcement purpose.

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

**h.) Council
Packets and
Information
Documents**

Council member Gordon Rogers had asked that this item be placed on the agenda, but was not prepared to speak about it at this meeting.

**i.) February
2015
Engineering
Board
Meeting of
Review**

Denise DiFranco referenced comments that were made at the January 26th Town Council meeting regarding concerns from the Engineering Board about the condition of the roads. Ms. DiFranco received a couple of phone calls the next day disagreeing with these comments, so she obtained a draft of the minutes from the Engineering Board's February 2015 meeting. She pointed out positive comments and praise on a job well done, for work done at the fire on Plainfield Pike. She wanted it to be known that the comments from the Engineering Board were not completely negative and asked that the DPW be added to future agenda items so that they may be commended on the excellent job they did at the fire.

**IX. FUTURE
AGENDA
ITEMS**

- Police station
- Tannerite Binary Exploding Rifle Targets/Use Of
- EMA Director
- Wedding Request
- DPW Recognition Letter
- Council discussion on new Police Station

**X. EXECUTIVE
SESSION**

Jon Restivo moved, Roger Hawes seconded, to go into Executive Closed Session pursuant to RIGL 42-46-4 for the reasons stated in RIGL 42-46-5, for

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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 7:51 p.m. Executive session convened at 8:02 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, and moved 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 9:00 p.m.

John L. Lewis, Jr. announced that two votes had been taken. The first vote was to require a physical exam of a returning town employee to determine fitness for duty. The motion passed unanimously.

The second vote taken by the council was to ask the treasurer to put together some financial options for handling the Providence Water Supply issue, for consideration by the council. It passed 3-2.

**XI. ADJOURN-
MENT**

John Lewis moved, Gordon Rogers 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.

Meeting adjourned at 9:01 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