

MAY 28, 2015
TOWN COUNCIL MEETING

The May 28, 2015, Town Council Meeting was called to order by Denise DiFranco, Vice President of the Foster Town Council, at the Town House, Foster, Rhode Island, at 7:01 p.m.

The following members were present:

Denise DiFranco, Vice President,
Roger L. Hawes,
Gordon Rogers, and
Jon Restivo.
John L. Lewis, Jr., President, excused
for late arrival.

Also present:

Renee M. Bevilacqua, Town Solicitor
Kelli Russ, Treasurer,
Police Chief Wm. Ziehl

**I. OPEN
SESSION
PLEDGE OF
ALLEGIANCE**

The Pledge of Allegiance was recited.

**II. ANNOUNCE-
MENTS**

Denise DiFranco stated that the notice of the meeting was properly posted on the Secretary of State's web site. She also announced that John L. Lewis, Jr. would be arriving late to the meeting.

**III. PUBLIC
COMMENT**

None

IV. WARRANTS

Gordon Rogers moved, Roger Hawes seconded, to approve Payroll Warrant #45 for \$27,474.58.

Denise DiFranco, aye; Roger Hawes, aye; Gordon Rogers, aye; and Jon Restivo, aye. Motion carried 4-0.

Gordon Rogers moved, Roger Hawes seconded, to approve Payroll Warrant #46 for \$25,876.45.

Denise DiFranco, aye; Roger Hawes, aye; Gordon Rogers, aye; and Jon Restivo, aye. Motion carried 4-0.

Gordon Rogers moved, Roger Hawes seconded, to approve General Warrant #21 for \$31,449.38.

Denise DiFranco, aye; Roger Hawes, aye; Gordon Rogers, aye; and Jon Restivo, aye. Motion carried 4-0.

**V. MONTHLY
REPORTS**

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

Denise DiFranco, aye; Roger Hawes, aye; Gordon Rogers, aye; and Jon Restivo, aye. Motion carried 4-0.

MAY 28, 2015

TOWN COUNCIL MEETING

**MONTHLY
REPORTS,
cont.**

Councilwoman DiFranco made mention that the Department of Human Services was recruiting alternate volunteer drivers for the Meals on Wheels program.

**VI. QUARTERLY
REPORTS**

Gordon Rogers moved, Roger Hawes seconded, to accept the Quarterly report due for October through December 2014 from the Recreation Committee.

Councilwoman DiFranco stated that the Recreation Committee was recruiting new members, and had a secretary position to fill.

Denise DiFranco, aye; Roger Hawes, aye; Gordon Rogers, aye; and Jon Restivo, aye. Motion carried 4-0.

**VII. OLD
BUSINESS
a.) Building &
Zoning
Official
Update**

The Town clerk reported that Council President John Lewis had made phone calls in her presence to both the Burrillville and Coventry building officials the previous week to inquire as to whether they would work part time for Foster. The answers were both negative. Mr. Lewis also made a third phone call on the same occasion, leaving a message to State Building Commissioner John Leyden for an update on certified building inspectors, but to date Mr. Leyden had not responded.

Discussion: None

**b.) Proposal
from
Previous
Building
Inspector**

Gordon Rogers read a letter from Peter Scorpio (Exhibit A) offering to come in to Town Hall on Saturdays from 8:00 a.m to 12:00 or 1:00 p.m. to review building permits and be available to sit with residents with building or zoning questions.

Roger Hawes moved, Gordon Rogers seconded, to table this matter until there was a full Council present.

Discussion: Treasurer Kelli Russ gave details as to how the requested \$35.00 per hour rate would compare with the inspector's previous weekly salary. The Town Clerk expressed one concern about how to close off the Town Clerk/Tax Assessor portion of the building.

Denise DiFranco, nay; Roger Hawes, aye; Gordon Rogers, nay; and Jon Restivo, aye. Motion failed 2-2.

Gordon Rogers moved, Jon Restivo seconded, to allow Mr. Scorpio to come in on Saturdays at a cost not to exceed \$600.00 per week, and with the Town Clerk's concerns being resolved.

Denise DiFranco, aye; Roger Hawes, nay; Gordon Rogers, aye; and Jon Restivo, aye. Motion carried 3-1.

**c.) Disposal of
Used
Electronic
Equipment in
Town Hall**

The Town Clerk reported that of the old equipment stored in the upstairs of the Town Hall, there were two known computer hard drives that still functioned that could potentially be used as spare parts. Any usable drives would be relocated to the safe in the Finance office until such time as needed. The copy machine formerly from the police station was still operational and would be relocated to the Eddy Building for use by the Planning and Zoning Bsoards at their meetings.

MAY 28, 2015

TOWN COUNCIL MEETING

**OLD
BUSINESS,
cont.**

Any small desktop printers that were still in working condition would be offered to the Fire Departments or another Town department or group. All non-functioning equipment would be destroyed and sent through the Town recycling provider responsible for disposing of computer and electronic equipment. Further, the town clerk had received approval from RI State Archives as to the methods used for disposal and destruction.

Gordon Rogers moved, Jon Restivo seconded, to lock up the functional hard drives in the finance safe until there is a further need for them.

Denise DiFranco, aye; Roger Hawes, aye; Gordon Rogers, aye; and Jon Restivo, aye. Motion carried 4-0.

**d.) Resolution
Concerning
Legislation,
RhodeMap RI**

Gordon Rogers read proposed resolution #2015-05 (Exhibit B).

Gordon Rogers moved, Jon Restivo seconded, that the Council adopt this resolution and send it forward to the State with the proper signatures.

Denise DiFranco, aye; Roger Hawes, aye; Gordon Rogers, aye; and Jon Restivo, aye. Motion carried 4-0.

**VIII. NEW
BUSINESS
a.) Proclamation
for Elwood
Hopkins**

Gordon Rogers read a proclamation (Exhibit C) recognizing Elwood and Shirley Hopkins as exemplary citizens of the Town and proclaiming May 24, 2015 as “Elwood and Shirley Hopkins Day”. Council President John Lewis had presented the proclamation to Mr. & Mrs. Hopkins on that date at a special event commemorating their 61st wedding anniversary.

Gordon Rogers moved, Roger Hawes seconded, to accept the proclamation.

Denise DiFranco, aye; Roger Hawes, aye; Gordon Rogers, aye; and Jon Restivo, aye. Motion carried 4-0.

**b.) Request for
BrakingAIDS®
Ride**

Denise DiFranco stated the Council had received a letter from this group requesting permission to ride through the town on Friday, September 25, 2015.

Gordon Rogers moved, Roger Hawes seconded, to accept and grant the BrakingAIDS Ride request for September 25, 2015.

Ms. DiFranco noted that she had spoken to Chief Ziehl and that he had approved the ride and appropriate safety measures would be observed. Councilman Rogers noted the event was a three day bicycle ride and described the route that would be followed.

Denise DiFranco, aye; Roger Hawes, aye; Gordon Rogers, aye; and Jon Restivo, aye. Motion carried 4-0.

**c.) Preservation
Society
Request for
DPW
Assistance**

Gordon Rogers read a letter from the Preservation Society (Exhibit D) dated May 13, 2015 requesting the assistance of the DPW department in transporting replacement signs and posts for the town’s historic cemeteries.

Roger Hawes moved, Gordon Rogers seconded, to grant the request and ask the DPW director to oversee the transport.

MAY 28, 2015

TOWN COUNCIL MEETING

NEW

**BUSINESS,
cont.**

Denise DiFranco, aye; Roger Hawes, aye; Gordon Rogers, aye; and Jon Restivo, aye. Motion carried 4-0.

**d.) First
Reading,
Zoning
Ordinance
Amendments**

Councilwoman DiFranco noted that this was the first reading of the proposed amendments, and not a public hearing requiring any votes.

Gordon Rogers read the first proposed zoning amendment for Article V, Non-Conforming Use: Section 1, Substandard Lot of Record (Exhibit E).

Gordon Rogers moved to approve the amendment, for the purpose of discussion.

Town Planner Juliana King explained how the Planning Board had arrived at the revisions to the ordinance and responded to questions.

Denise DiFranco read the next proposed amendment for Section 23, Solar Installations (Exhibit F).

Ms. King spoke to the reasons behind the ordinance. Several people spoke with comments and questions.

(Council President John L. Lewis, Jr. arrived at the meeting.)

Gordon Rogers read the last proposed amendment for Article IV, Zone Regulations, Section 7, Business (Exhibit G).

Ms. Bevilacqua explained that the previous ordinance was absent of any language addressing restrictions or definitions for gun shops, and that gun shops currently were being submitted under the category of flower shops and hobby shops.

Discussion ensued as to restricting new gun shops to the commercial zone only, as opposed to allowing them a special use permit in an A-R zone. Currently four gun shops operate in an A-R zone, the fifth in a commercial zone.

Gordon Rogers moved, Jon Restivo seconded, to amend the proposed amendment to allow gun shops to be issued a special use permit in an A-R zone.

John L. Lewis, Jr., nay; Denise DiFranco, nay; Roger Hawes, nay; Gordon Rogers, aye; Jon Restivo, abstained. Motion failed 3-1 with one abstention.

It was determined to have the public hearing on June 25, 2015 Town Council meeting.

**e.) Letter from
Police Chief,
Confirmation
of New
Officers**

John Lewis read a letter from Police Chief William Ziehl advising that Patrol Officers Michael Sullivan and Stephanie Choiniere graduated from the RI Municipal Police Academy on May 22, 2015 and were beginning the Foster Police Department's eight week Field Training Program. The Chief requested the Council formally appoint both as Patrol Officers. The officers had been sworn in by the Town Clerk on May 21, 2015.

**MAY 28, 2015
TOWN COUNCIL MEETING**

John Lewis moved, Roger Hawes seconded, to accept the recommendation of Chief Ziehl and appoint Officers Stephanie Choiniere and Michael Sullivan to the Foster Police Department.

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**

- Tannerite Binary Exploding Rifle Targets/Use of
- Request for Use of Fairgrounds, The Kibble Closet
- Request for Use of Fairgrounds, Grimley/Hearn Wedding
- PRISM Streetlight Management Program
- LESO Program
- EMA Director Job Description
- 2014 CDBD Grant Award
- PACE Presentation
- Policy For Use of Town Grounds

**X. 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 42-46-5a(2), for discussions or work sessions regarding Collective Bargaining /Contract Negotiations/Litigation, according to RIGL 42-46-5a(2), and for reasons stated in 42-26-5a(1), for discussions or work sessions regarding Personnel, and for reasons stated in RIGL 42-26-5a(9), for discussions or work sessions regarding a grievance filed pursuant to a collective bargaining agreement.

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 8:50 p.m. Executive session convened at 9:01 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 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; and Jon Restivo, aye. Motion carried 5-0.

Open session reconvened at 11:24 p.m.

Denise DiFranco announced that 5 votes had been taken. The first, to move the Executive session agenda item B to the top of the session, motion carried 5-0; a second vote to an amended motion (to the following main motion) to find a replacement for the DPW employee going on leave, for the duration of his leave, motion carried 3-2; a third vote to the main motion granting unpaid leave to a DPW employee, motion carried 5-0; a fourth vote to change language and authorize signatures on the Water Supply Board agreement, motion carried 3-2; and a fifth vote to allow the solicitor to settle the arbitration case of the DPW clerk prior to the arbitration court date, motion carried 5-0.

MAY 28, 2015

TOWN COUNCIL MEETING

**XI. ADJOURN-
MENT**

Jon Restivo 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; and Jon Restivo, aye. Motion carried 5-0.

Meeting adjourned at 11:26 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