

JUNE 25, 2015
TOWN COUNCIL

The June 25, 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 7:09 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,
Juliana King, Planner,
Patti Moreau, Tax Assessor
Police Chief Wm. Ziehl
Guenter Bay, Assistant EMA Director

**I. OPEN
SESSION
PLEDGE OF
ALLEGIANCE**

The Pledge of Allegiance was recited.

**II. ANNOUNCE-
MENTS**

John L. Lewis, Jr. announced that the meeting had been properly posted on the Secretary of State's web site.

**III. PUBLIC
COMMENT**

Resident Ron Cervasio commended Joe Cardillo for being the most responsive highway director the town has had in the last 30 years. His second comment referenced concerns about the elderly tax freeze and the need to correct it.

IV. MINUTES

Denise DiFranco moved, Roger Hawes seconded, to approve the revisions to the minutes from May 14, 2015, as well as the original, as submitted. Discussion: John Lewis noted corrections on pages 4 & 5, and the revised minutes brought to the meeting by the Town Clerk.

Denise DiFranco moved, Roger Hawes seconded, to amend the motion to approve the revised minutes as presented.

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 #49 for \$48,998.64.

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 #50 for \$29,983.31.

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 #23 for \$193,563.61.

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 May 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.

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.) Fire Engine Bid Award

John Lewis stated that the Council had received a letter from Moosup Valley Fire Chief Paul Cunniff (Exhibit A), and with agreement from the Engineering Board was recommending the Council approve awarding the bid for the new fire engine to Rosenbauer Of New England for the amount of \$344,965.00.

John L. Lewis, Jr. moved, Jon Restivo seconded, to award the bid to Rosenbauer of New England in the amount of \$344,965.00, as recommended by the chief of the fire company.

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

b.) Building Official Update/ Interview Schedule

John L. Lewis, Jr. reported that a candidate recommended by the State Building Commissioner was interested in the Building and Zoning position being offered in Foster. The candidate was willing to appear before the Council for an interview on July 2, 2015 at 7:00 p.m.

VIII. NEW BUSINESS
a.) Appointment of New Police Officer

Denise DiFranco read a letter from Police Chief Ziehl (Exhibit B) announcing the resignation of Officer Stephen Duda, and requesting the Council appoint David Breit as a patrol officer, to be sworn in on July 6, 2015.

Denise DiFranco moved, Roger Hawes seconded, to honor the request of Chief Ziehl and appoint David Breit as a patrol officer, to be sworn in on July 6, 2015.

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

Officer Breit was present and introduced. Chief Ziehl commended Mr. Breit's work as a police officer, his service in the Marine Corps and in the Gulf War.

b.) Request to Carry Over Comp Time, Deputy Town Clerk

Mr. Lewis referenced a letter from the Town Clerk (Exhibit C) requesting that Deputy Town Clerk Susan Sprague be able to carry over 27.5 hours of comp time until September 2015.

Roger Hawes moved, Gordon Rogers seconded, to approve the letter of request to carry over the 27.5 comp hours for Susan Sprague.

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

NEW

BUSINESS, cont.

c.) Request for Contingency Funds for Hazard Mitigation Assistance Grant Program

Council President Lewis referred to a letter from RIEMA (Exhibit D) soliciting grant applications for funds approved by FEMA to create a new hazard mitigation plan. The grant would provide 75% of the cost with an expected match of 25% from the town; however, it was anticipated that much of that 25% would be calculated through hours donated by various volunteer members of the Ambulance, Fire and Engineering boards. Assistant EMA Director Guenter Bay was asking for permission to apply for the grant.

Mr. Bay outlined the grant proposal for creating a new hazard mitigation plan, and asked for a commitment from the town to provide the matching funds. The maximum cash outlay by the town would be \$6,250.00; much of which would be mitigated by the value of the volunteer hours.

Discussion: Treasurer Kelli Russ reported the amount of money in the contingency funds and in the EMA account, and the typical annual expenditures from the EMA account.

John L. Lewis, Jr. moved, Gordon Rogers seconded, to authorize \$3,125.00 from contingency and \$3,125.00 from the EMA account for the project.

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

d.) Town Opinion/Formation of Advisory Board/NIKE-PR-79 Missile Battery

John L. Lewis, Jr. referenced the recent advertisement placed by the US Army Corps of Engineers in the Foster Home Journal (Exhibit E) asking for community interest in forming an advisory board for restoration of the old NIKE site. The requirement was for a list of 50 residents, or the Town Council, to send a letter of interest for formation of the advisory board.

The advertisement and past studies of the site were discussed, as well as the history of previous advisory boards for the same location.

John L. Lewis, Jr. moved, Denise DiFranco seconded, to send a letter of request to the US Army Corps of Engineers, New England District, to form a restoration advisory board to investigate the former NIKE PR-79 missile battery.

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

e.) 2014 CDBG Grant Award

John L. Lewis, Jr. announced that Denise DiFranco was recusing herself from this vote as she was a member of the Board of Hemlock Village, a recipient of CDBG Grant funds.

Juliana King reported that the town had been awarded 2014 CDBG funds totaling \$140,000.00 to replace four roofs at Hemlock Village, \$2,000 for the food pantry, and \$14,200.00 for administration of those funds, contingent on their review. Ms. King further outlined the process for receipt of applications and the review process. She also referenced a letter received that day from HUD containing wording that might alleviate any lingering questions about perceived additional restrictions to the Town through acceptance of these funds.

Jon Restivo moved, Roger Hawes seconded, to accept the 2014 CDBG grant in the amount of \$156,200.00, and to authorize the Council President to sign the contract.

Councilman Restivo addressed past concerns regarding affordable housing requirements and obligations on the part of the town, based upon being awarded grant monies; and reminded the audience that affordable housing is already addressed in the Town Comprehensive Plan through State law. Acceptance of money from HUD does not impose additional restrictions.

Mr. Lewis read the letter received by the Planner from HUD, which addressed this issue. (Exhibit F)

John L. Lewis, Jr., aye; Denise DiFranco, recused; Roger Hawes, aye; Gordon Rogers, nay; and Jon Restivo, aye. Motion carried 3-1, one recusal.

IX. PUBLIC HEARING

a.) Zoning Amendments

John L. Lewis, Jr. read the summary for each amendment to be heard. The public hearing began at 7:58 p.m.

1.) Substandard Lot of Record

Mr. Lewis asked for comments in favor of the amendment. There were none. He then asked for comments against the amendment.

Solicitor Renee Bevilacqua explained that the source of the amendment had begun with the Zoning Board and their concerns over lack of evidence of a recorded substandard lot of record being provided with applications for zoning relief. The burden of proof should sit with the applicant.

2.) Solar Installations/ Addition to Use Table

John L. Lewis, Jr. explained that the town ordinances currently did not address solar installations. He asked for comments in favor of this addition as prepared by the Planning Board.

Several residents spoke in favor of the ordinance but included cautionary statements regarding oversight and guidance. The manner of taxation of large installations was reviewed with the Tax Assessor. Solicitor Renee Bevilacqua spoke to liability concerns surrounding cleanup of abandoned solar installations. Requirements for bond postings were also discussed.

Planning Board member Mike Carpenter outlined varying sizes of solar installations, the construction costs involved for a large installation. He also spoke to the research and factors taken into account by the Planning Board while writing this ordinance.

Mr. Restivo stated that he had been working with Town Planner Juliana King for the past two weeks with his own concerns on this ordinance, and suggested that the ordinance return to the Planning Board for further review based on those concerns and the comments voiced this evening.

3.) Firearms Shops, Ammunition

Mr. Lewis explained that this amendment would add a line in the zoning regulations tables where it doesn't exist at this point. The Planning Board proposal is to allow gun shops in neighborhood commercial zones and

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**Shops,
Archery
Shops, Edged
Weapons
Shops/
Addition to
Use Table**

general business/mixed use area, with a special use permit in a manufacturing zone, and preclude it in the agricultural-residential zones.

Mr. Lewis asked for comments in favor of this ordinance.

Three people spoke in favor. One resident inquired as to specifying a cap on the number of gun shops.

Town solicitor Bevilacqua stated that the reason this ordinance amendment was in front of the Council was because gun shops have previously fallen under the use of flower shops and pet shops, and needed to be identified separately in an ordinance.

Mr. Lewis stated that any existing gun shops in an A-R zone would be grandfathered in. Council member Rogers outlined the difficulties faced in qualifying for a federal firearms license, and stated he would support a special use permit for an A-R zone. Resident Bob DePalo voiced his agreement with Mr. Rogers.

Mr. Lewis asked for comments in opposition to the ordinance.

Police Chief Ziehl stated there had never been any issues with any of the existing gun shops.

Denise DiFranco spoke to allowing gun shops in an A-R zone with a special use permit, based on her own research on the topic. Discussion continued.

The public hearing closed for the substandard lot and gun shop ordinances at 9:32 p.m.

Denise DiFranco moved, Gordon Rogers seconded, to adopt the Planning Board's recommendation for the zoning ordinance amendment for the substandard lot of record.

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

Gordon Rogers moved, Denise DiFranco seconded, to amend the wording in the gun shop ordinance that states "not allowed in A-R" to be changed to allow a special use permit in an A-R zone, and change the "0" designation to an "S".

John L. Lewis, Jr., nay; Denise DiFranco, aye; Roger Hawes, nay; Gordon Rogers, aye; and Jon Restivo, nay. Motion failed 2-3.

Jon Restivo moved, John L. Lewis, Jr. seconded, to adopt the ordinance amendment as written.

John L. Lewis, Jr., aye; Denise DiFranco, nay; Roger Hawes, aye; Gordon Rogers, nay; and Jon Restivo, aye. Motion carried 3-2.

Jon Restivo moved, Denise DiFranco seconded, to refer the solar zoning amendment back to the Planning Board for further discussion.

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PUBLIC**

HEARING, cont. 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, Gordon Rogers seconded to continue the public hearing on the Solar Ordinance to July 23, 2015 at 7:00 p.m. in the Benjamin Eddy Building.

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

**X. FUTURE
AGENDA
ITEMS**

- Tannerite Binary Exploding Rifle Targets/Use of
- Request for Use of Fairgrounds, The Kibble Closet
- PRISM Streetlight Management Program
- LESO Program
- EMA Director Job Description
- Policy For Use of Town Grounds
- Police Station

**XI. EXECUTIVE
SESSION**

There was no Executive Session.

**XII. ADJOURN-
MENT**

Roger Hawes 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 10:05 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