

APRIL 9, 2015
TOWN COUNCIL MEETING

The April 9, 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

**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 announced that the town police department had received the D7 bulldozer, a \$100,000.00 piece of equipment that had been obtained through the LESO federal government program at no charge, for the cost of shipping only, about \$5,000.00; as had been approved at the March 12, 2015 council meeting.

Police Chief Ziehl added that the total value of equipment obtained through this program to date was \$680,000.00, at a cost of less than \$10,000.00 in shipping costs.

**III. PUBLIC
COMMENT**

Kevin Donovan stated that he came to speak about the proposed Resolution 2015-04, Tax Relief for the Elderly and Disabled, as listed on the agenda under section VII F of new business. His concerns were heard by the Council.

Mr. Rogers also asked to place an item on the next council agenda regarding cooperation between Coventry and Foster in the plowing of Barbs Hill Road, and read a letter from State Representative Michael Chippendale on the same subject.

IV. MINUTES

Denise DiFranco moved, Roger Hawes seconded, to approve the minutes of March 26, 2015 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 #38 for \$27,745.51.

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,
CONT.**

Denise DiFranco moved, Roger Hawes seconded, to approve Payroll Warrant #39 for \$26,649.78.

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 #18 for \$93,658.88.

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

VI. OLD

BUSINESS

**a.) Appointment
of EMA
Director**

Denise DiFranco moved, Roger Hawes seconded, to appoint Sharon Cotter Director of EMA.

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

**b.) Appointment
of Assistant
EMA
Director**

Denise DiFranco moved, Roger Hawes seconded, to appoint Guenter Bay Assistant Director of EMA.

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

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

The Council had a copy of minutes from a meeting of the engineering board which referenced the presence of the DPW at a fire on Plainfield Pike. Councilwoman Denise DiFranco read a letter she had prepared on behalf of the Council commending the DPW for their assistance to the Town volunteer fire departments at that fire. (see Exhibit A)

Denise DiFranco moved, Roger Hawes seconded, to accept the letter referencing the DPW at the Plainfield Pike fire on February 23, 2015.

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

**d.) Scheduling
Interviews
for Building
& Zoning
Official**

John L. Lewis, Jr. stated that the council had received one letter of interest for the position of the Building & Zoning Official position. The Council asked the Town Clerk to set up a special meeting for an interview with the applicant on April 16, 2015 at 7:00 p.m. in the Town Hall.

**e.) Final
Changes to
2015/16
Budget**

The Treasurer and Council reviewed the figures Ms. Russ had been able to finalize for the budget.

Denise DiFranco moved to increase the solicitor's salary by \$5,000 for a total of \$58,550.00. There was no second.

Gordon Rogers moved to reduce the solicitor's salary to \$53,550.00. There was no second.

John L. Lewis, Jr. moved, Roger Hawes seconded, to reduce the contingency fund from \$30,000 to \$20,000; and create a new line item with the remaining

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\$10,000 for LESO transportation funds.

Solicitor Renee Bevilacqua and Ms. Russ both spoke to certain pending legal issues that would impact the contingency fund.

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

**f.) Adoption of
2015/2016
Budget**

Jon Restivo moved, Roger Hawes seconded, to approve the 2015/2016 budget as amended this evening.

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

**VII. NEW
BUSINESS**

**a.) Setting
Motor
Vehicle
Exemption
for FY15-16**

The Council discussed the current motor vehicle exemption of \$2,000.00, and the mandate of \$500.00 allowed by the State for reimbursement. The Treasurer and Tax Assessor had prepared data from other towns for comparison and gave an analysis of how a reduction in the exemption might affect the taxpayers.

John L. Lewis, Jr. moved, Roger Hawes seconded, to reduce the motor vehicle exemption to \$500.00.

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

**b.) EMA
Director Job
Description**

The Council reviewed the requirements and duties of the EMA Director. Gordon Rogers moved, Denise DiFranco seconded, to table this topic to a future agenda to allow its further review as a work in progress.

**c.) Discussions
with Charter
Review
Committee/
Advertising
for Charter
Amendment
Proposals**

John L. Lewis, Jr. stated that all five members of the newly formed Charter Review Committee were in attendance. Council suggestions for Charter changes were, 1: the language in the Human Services section; 2: the 2% Capital fund; 3: Article 9, Planning & Zoning, addressing the possibility of separating the building official from the planning/zoning official. Mr. Lewis also asked the Committee members to meet with all Town Hall Department Heads.

A sample advertisement requesting individuals and groups to participate and provide input to the committee was discussed, as well as deadlines for submission for changes.

**d.) CDBG
Admin
Drawdown
for 2011**

John L. Lewis, Jr. spoke regarding the drawdown from the existing 2011 grant. The Planner had requested in a letter that rather than accumulating comp time she would not be able to take, she be allowed to draw down \$3,600.00 from that grant to pay for her hours involved in administering this grant. Reporting methods to the State and Town were discussed.

Denise DiFranco moved, Jon Restivo seconded, to approve the letter from planner Juliana King, dated April 1, 2015, not to exceed the amount of \$3,600.00.

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- CDBG
Admin
Drawdown
for 2011,
cont.** John L. Lewis, Jr, aye; Denise DiFranco, aye; Roger Hawes, aye; Gordon Rogers, nay; and Jon Restivo, aye. Motion carried 4-1.
- e.) Resolution,
Amendment
to the Pilot
Program** Jon Restivo explained the State Pilot program which reimburses a percentage of lost revenue to towns and cities, primarily to those municipalities who have tax-exempt hospitals, universities and prisons. This proposed resolution requests that the General Assembly amend that law to include municipalities with farm, forest and open space land; as this land provides benefits to the entire state by virtue of clean watersheds, open space, local sources of food, but also results in decreased tax revenue and lost future development opportunities.
Mr. Restivo further explained that a reduction of the monies distributed in the Pilot program is currently being used to balance the State budget; and while it is remote that this resolution would be passed in this session, it is important to get the concept out there so that when the State next appropriates money it may reallocate the distribution to be more equitable.

Jon Restivo moved, Gordon Rogers seconded, to adopt Resolution 2015-03, concerning the Pilot Program. (See Exhibit B)

John L. Lewis, Jr, aye; Denise DiFranco, aye; Roger Hawes, aye; Gordon Rogers, aye; and Jon Restivo, aye. Motion carried 5-0.
- f.) Resolution,
Tax Relief for
Elderly &
Disabled** Jon Restivo explained that this resolution concerns the possibility of making modifications to the current senior and disabled tax freeze in town. The way it is currently set up is based on state passed law in the 1970s allowing towns to set up tax freeze programs. This resolution is requesting the General Assembly to modify the current law to give the Town Council the ability to make modifications, through the detailed process of advertising, multiple meetings, public hearings, etc.

Jon Restivo moved, John L. Lewis, Jr. seconded, to adopt Resolution 2015-04 requesting the General Assembly to grant the Town of Foster Town Council flexibility to make modifications to the tax relief ordinance. (See Exhibit C)

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

Several people spoke to express opinions and concerns.
- g.) Suspension of
New Appli-
cations,
Perpetual
Care Ceme-
tery Program** John L. Lewis, Jr. spoke to the ongoing difficulty in the funding of the mowing of the town's Perpetual Care cemeteries.

John L. Lewis, Jr. moved, Gordon Rogers seconded, to suspend any new applications to the Perpetual Care Cemetery Program.

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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**VIII. 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
- EMA Director Job Description
- Police Station Planning
- Plowing of Roads, Coventry/Foster

**IX. 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 42-26-5a(1), Personnel, and RIGL 42-46-5a(2), for discussions or work sessions regarding Collective Bargaining /Contract Negotiations/Litigation.

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 9:21p.m. Executive session convened at 9:34 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 10:56 p.m.

John L. Lewis, Jr. announced that one vote of 4-1 had been taken, to go forward with the Providence Water Supply Board agreement to the Financial Town Meeting.

**X. 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; Roger Hawes, aye; Gordon Rogers, aye; and Jon Restivo, aye. Motion carried 5-0

Meeting adjourned at 10:57 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