

**APRIL 23, 2015**  
**TOWN COUNCIL MEETING**

The April 23, 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 7:03 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,  
Carol Mauro, Director of Human Services,  
Police Sergeant Bill McGuire

- I. OPEN SESSION PLEDGE OF ALLEGIANCE** The Pledge of Allegiance was recited.
- II. ANNOUNCEMENTS** John L. Lewis, Jr. stated that the notice of the meeting was properly posted on the Secretary of State's web site.
- III. PUBLIC COMMENT** None
- IV. WARRANTS** Denise DiFranco moved, Roger Hawes seconded, to approve Payroll Warrant #40 for \$28,758.00.
- 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 #41 for \$27,052.61.
- 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 #19 for \$60,664.75.
- John L. Lewis, Jr, aye; Denise DiFranco, aye; Roger Hawes, aye; Gordon Rogers, aye; and Jon Restivo, aye. Motion carried 5-0.
- V. MONTHLY REPORTS** Denise DiFranco moved, Roger Hawes seconded, to accept the March 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.
- VI. QUARTERLY REPORTS** Denise DiFranco moved, Gordon Rogers seconded, to accept the Quarterly reports due for January through March from the Board of Canvassers, Conservation Commission, Engineering Board, Foster Center Fire Co., Foster School Committee, Libraries, Planning Board, South Foster Fire Company,

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**QUARTERLY  
REPORTS,  
cont.**

Tax Board of Review, and Zoning Board of Review.

It was noted that Civil Preparedness, Foster Ambulance Corps, Foster Home Repair, Land Trust, Moosup Valley Fire Department and the Recreation Committee did not submit reports.

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**

There was no old business.

**VIII. NEW  
BUSINESS  
a.) Abatements,  
Tax Collector**

Denise DiFranco moved, Roger Hawes seconded, to accept the tangible abatement, regular, to the 2014 tax roll of \$102.95 as submitted by the Tax Assessor.

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

**b.) Swearing-In  
of EMA  
Director and  
Assistant  
EMA  
Director**

John L. Lewis, Jr. asked if the newly appointed EMA Director and Assistant Director were present. Guenter Bay came forward and was sworn in as Assistant EMA Director by the Town Clerk.

**c.) EMA  
Director Job  
Description**

Gordon Rogers moved, Denise DiFranco seconded, to table this topic to a future agenda to allow further review as a work in progress.

**d.) Pole Petition,  
Winsor Road**

John L. Lewis, Jr. stated that the town had received several requests from Verizon New England Inc. and The Narragansett Electric Company to replace telephone poles on three roads. The first petition was for five new poles along Winsor road, with the pole numbers 86.5, 87S, 87.5, 88.5, and 89.5. DPW Director Joe Cardillo had written a letter recommending the Council approve the petition.

Denise DiFranco moved, Roger Hawes seconded, to accept the recommendation from the DPW Director for a pole petition for Winsor Road for poles 86.5, 87S, 87.5, 88.5, and 89.5.

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

**e.) Pole Petition,  
Winsor Road**

John L. Lewis, Jr. referred to the request to place one new pole, number 94S, on Winsor Road, as approved by the DPW Director.

Denise DiFranco moved, Roger Hawes seconded, to accept the recommendation of the DPW Director for a pole petition, Winsor Road, pole 94S.

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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**NEW**  
**BUSINESS,**  
**cont.**

- f.) Pole Petition, Anthony Rd.** Mr. Lewis read the next petition requesting three poles on Anthony Road, numbers 31.5, 32.5, and 33.5, as approved by the DPW Director.

Denise DiFranco moved, Roger Hawes seconded, to accept the recommendation of the DPW Director for a pole petition, Anthony Road, poles 31.5, 32.5, and 33.5.

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

- g.) Pole Petition, Mill Road** Mr. Lewis read the next petition request for one pole on Mill Road, number 15S, also approved by the DPW Director.

Denise DiFranco moved, Roger Hawes seconded, to accept the recommendation of the DPW Director for pole petition on Mill Road, pole 15S.

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

- h.) Pole Petition, Mill Road** Mr. Lewis read the next petition requesting one pole on Mill Road, number 35S, approved by the DPW Director.

Denise DiFranco moved, Roger Hawes seconded, to accept the recommendation of the DPW Director for pole petition on Mill Road, pole 35S.

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

- i.) Pole Petition, Mill Road** Mr. Lewis read the next petition requesting one pole on Mill Road, number 23S.

Denise DiFranco moved, Roger Hawes seconded, to accept the recommendation of the DPW Director for pole petition on Mill Road, pole 23S.

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

- j.) Pole Petition, Mill Road** Mr. Lewis read the next petition requesting one push brace for pole 1PB on Mill Road.

Denise DiFranco moved, Roger Hawes seconded, to accept the recommendation of the DPW Director for a pole petition for one push brace on Mill Road, pole 1PB.

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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- NEW BUS.,cont.** John L. Lewis, Jr. read the request from the Old Home Days Committee for use of the town fairgrounds on July 24, 25 & 26, 2015.
- k.) Request for Use of Fairgrounds, Old Home Days** Denise DiFranco moved, Roger Hawes seconded, to accept and grant the Old Home Days Committee request for use of the fairgrounds on July 24, 25 & 26.
- John L. Lewis, Jr, aye; Denise DiFranco, aye; Roger Hawes, aye; Gordon Rogers, aye; and Jon Restivo, aye. Motion carried 5-0.
- l.) Request for Use of Fairgrounds, Foster Clergy Association** John L. Lewis, Jr. read the request from the Foster Clergy Association for use of the town fairgrounds on September 26, 2015, from 12 – 8 p.m., for their emergency service volunteer appreciation day.
- Denise DiFranco moved, Roger Hawes seconded, to honor the request of the Foster Clergy Association for use of the town fairgrounds on Saturday, September 26, from 12 – 8 p.m., with events scheduled from 3 – 6 p.m.
- John L. Lewis, Jr, aye; Denise DiFranco, aye; Roger Hawes, aye; Gordon Rogers, aye; and Jon Restivo, aye. Motion carried 5-0.
- m.) Request for Approval for DPW Summer Help** John L. Lewis, Jr. read a letter from DPW Director Joe Cardillo requesting approval for summer help with the Department of Public Works beginning May 18 – July 31, 2015.
- Denise DiFranco moved, Roger Hawes seconded, to accept the request of the DPW Director for summer help within the Department of Public Works for the following months, beginning May 18 through July 31, for a total of ten weeks as the budget permits.
- John L. Lewis, Jr, aye; Denise DiFranco, aye; Roger Hawes, aye; Gordon Rogers, aye; and Jon Restivo, aye. Motion carried 5-0.
- n.) Proclamation, America Lung Association of the N.E.** Denise DiFranco read an email request from the American Lung Association of the Northeast asking for a Proclamation recognizing the second week in May as Women’s Lung Health Week in Foster; and read the completed Proclamation.
- Denise DiFranco moved, Roger Hawes seconded, to adopt the resolution.
- John L. Lewis, Jr, aye; Denise DiFranco, aye; Roger Hawes, aye; Gordon Rogers, aye; and Jon Restivo, aye. Motion carried 5-0.
- o.) Process for Issuing Burn Permits** The Town Clerk advised the Council that it is increasingly difficult to get a daily burn index from DEM in order to issue permits to residents from Town Hall; that the Foster police no longer want to be responsible for issuing burn permits on weekends; and that the Fire Chiefs from all three districts had agreed to have all calls requesting burn permits from residents in their respective districts diverted to them for approval or denial. This information would also be posted on the Town web site.

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**NEW  
BUSINESS,  
cont.**

Solicitor Renee Bevilacqua spoke to the violations mentioned in the State Law and said that this law should be codified in our ordinances. The penalty attached should be posted.

The council agreed that all burn permit requests coming in to Town Hall would be deferred to the appropriate fire marshals going forward.

**p.) Police  
Station  
Planning**

Mr. Lewis stated that a copy of the “Police Facility Planning Guidelines” booklet created by the International Association of Chiefs of Police had been provided to the Council members. Chief Ziehl was not present at this meeting but had indicated to Mr. Lewis that he was in the process of following the first step as outlined in the booklet. The Council would carry this forward as a future agenda item.

**q.) Policy for  
Utilization of  
Town  
Facilities**

The Town Clerk stated that the reason for the creation of this policy was due to a request to use the town fairgrounds for a wedding reception complete with caterer and alcohol; which gave rise to concerns about liability. The Clerk had created a first draft of two versions of a policy for the use of Town grounds and buildings. Option A, a no-alcohol policy; and Option B, an alcohol-permitted policy.

Various concerns and questions were addressed. It was suggested by Human Services Director Carol Mauro to simplify the process and deny requests for alcohol use completely.

Denise DiFranco moved, Gordon Rogers seconded, to look further into the Option A policy only.

John Lewis moved, Roger Hawes seconded, to amend the motion to say that the Council will consider option A and that it is the policy of the Town that no alcohol is allowed at any town facility at any event.

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

**r.) Appointment  
of Assistant  
Solicitor**

John L. Lewis, Jr. stated that there was a letter of recommendation from Town solicitor Renee Bevilacqua for an assistant solicitor.

Denise DiFranco moved, Roger Hawes seconded, to accept the recommendation of the solicitor for the appointment of John J. Bevilacqua, Sr., as assistant solicitor for this term.

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

Mr. Bevilacqua came forward and was sworn in by the Town Clerk. Mr. Bevilacqua also handed in his resignation as a member of the Planning Board.

**s.) Mike  
Chippendale,  
RhodeMapRI  
Presentation**

Representative Michael Chippendale came forward and spoke to the Council and assembly about his concerns on Statewide Planning’s RhodeMap Rhode Island plan, approved by the State on December 11, 2014. He stated his impression that this was a boiler plate plan similar to one adopted by many other states, with the language in some elements of the plan giving the State

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**Mike Chippendale, RhodeMapRI Presentation** the ability to dictate to and override any individual town's comprehensive plan; specifically where it references involvement with and receipt of money from HUD with strings attached.

Also introduced by Representative Chippendale was private citizen Gary Morse from Barrington, who spoke briefly to property tax concerns with RhodeMapRI and HUD's interpretation of livability principles for a town.

Several people spoke to present opinions and ask questions. Mr. Chippendale's recommendation was for the Town Council to review the plan and join with other towns in voicing any concerns and objections.

No motions were made, no votes were taken.

**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
- Disposal of Used Computer Components in Town Hall
- LESO Program
- EMA Director Job Description
- Police Station Planning

**X. 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 42-46-5a(2), 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 8:39 p.m. Executive session convened at 8:50 p.m.

Note: Councilwoman Denise DiFranco left Executive Session after discussing the Police contract, prior to the Dispatcher's Contract discussion.

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

Open session reconvened at 9:11 p.m.

John L. Lewis, Jr. announced that no votes had been taken.

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**XI. ADJOURN-  
MENT**

Gordon Rogers moved, Jon Restivo seconded, and it was so moved to adjourn the meeting.

John L. Lewis, Jr. aye; Roger Hawes, aye; Gordon Rogers, aye; Jon Restivo, aye. Motion passed 4-0.

Meeting adjourned at 9:12 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