

**DECEMBER 10, 2015**  
**TOWN COUNCIL MEETING**

The December 10, 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 7:12 p.m.

The following members were present:  
**John L. Lewis, Jr., President**  
**Denise DiFranco, Vice President**  
**Gordon Rogers, and**  
**Jon Restivo**

Also present:  
Renee M. Bevilacqua, Town Solicitor  
Kelli Russ, Treasurer,  
Joe Cardillo, DPW Director  
Juliana King, Planner  
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 stated that at the direction of Governor Raimondo the town flags were at half mast for the victims of the San Bernardino shooting. Mr. Lewis asked for a moment of silence.

**III. PUBLIC  
COMMENT**

None.

**IV. MINUTES**

Denise DiFranco moved, Jon Restivo seconded, and it was so voted to approve the minutes of November 12, 2015.

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

**V. WARRANTS**

Denise DiFranco moved, Jon Restivo seconded, to approve Payroll Warrant #19 for \$30,979.56.

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

Denise DiFranco moved, Jon Restivo seconded, to approve Payroll Warrant #20 for \$32,207.04.

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

Denise DiFranco moved, Jon Restivo seconded, to approve Payroll Warrant #21 for \$33,360.86.

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

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**WARRANTS,  
Cont.**

Denise DiFranco moved, Jon Restivo seconded, to approve Payroll Warrant #22 for \$33,801.03.

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

Denise DiFranco moved, Jon Restivo seconded, to approve General Warrant #10 for \$296,324.25.

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

Denise DiFranco moved, Jon Restivo seconded, to approve General Warrant #10A for \$300.00.

Councilman Rogers recused himself from this vote.

John L. Lewis, Jr, aye; Denise DiFranco, aye; and Jon Restivo, aye. Motion carried 3-0, with one recusal.

**VI. MONTHLY  
REPORTS**

Denise DiFranco moved Jon Restivo seconded, to accept the November 2015 monthly reports from the Building and Zoning Department, Finance Department, Human Services Department, Police Department, and RIRRC, as submitted. It was noted that these were being heard early and the DPW, Planning Department and Tax Assessor reports would come later.

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

Denise DiFranco moved Jon Restivo seconded, to accept the October 2015 Planning Department Report as presented.

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

**VII. PAST DUE  
QUARTERLY  
REPORTS –  
JULY**

There were none.

**PAST DUE  
QUARTERLY  
REPORTS –  
SEPTEMBER**

Denise DiFranco moved, Jon Restivo seconded, to accept the updated quarterly report for September from the Foster Home Repair Program, as submitted.

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

Mr. Lewis asked the town clerk to notify Joe Garlick that the revised report was acceptable and to ask that future quarterly reports be prepared in this manner.

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**VIII. OLD  
BUSINESS  
a.) Bid Award,  
Johnson  
Road  
Headwall  
Project**

John L. Lewis, Jr. read a letter from DPW Director Joe Cardillo recommending that all bids for this project be rejected in order to put this project on hold and revisit it again in the spring.

Denise DiFranco moved, Jon Restivo seconded, to accept the recommendation of the DPW director to postpone the project and review it again in the spring.

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

**b.) Estimate for  
Repair of  
Police  
Station Barn**

John L. Lewis, Jr. referred to the discussion on this topic at the previous meeting. Council member Rogers stated that he had contacted two contractors about the repair project; one looked at the barn but had not yet responded to Mr. Rogers; the other contractor was still working on an estimate. Council President Lewis said that town resident Dick Colwell had given him an estimate as well, for basic restoration including sill replacement and repairing the foundation, of approximately \$50,000.00.

No action was taken; the topic will be revisited when Mr. Rogers receives the additional estimate.

**c.) Revised Sign  
Regulations  
Ordinance/  
Schedule  
Public  
Hearing**

John L. Lewis, Jr. read the summary of the proposed sign ordinance revisions. (see Exhibit A) Mr. Lewis said that the only action required at this meeting would be to move the ordinance to the scheduled public hearing.

Denise DiFranco moved, Jon Restivo seconded, to move the proposed zoning ordinance for the sign regulations on to the public hearing on January 14<sup>th</sup>, 2016.

Mr. Lewis stated that the chairman of the Planning Board had requested to postpone the January 14<sup>th</sup> public hearing until after the upcoming special election to fill the vacant council seat, when there would again be a full council. Vice President DiFranco noted she would also be out of town on the 14<sup>th</sup>, and there would only be three council members present at that meeting.

After some discussion, it was decided to proceed with the public hearing on January 14. The Council could choose at that time to not take a final vote until the January 28<sup>th</sup> meeting, after Vice President DiFranco had returned and had had the opportunity to listen to the audio files of the hearing, and add her vote.

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

**IX. NEW  
BUSINESS  
a.) Bid Opening  
& Award,  
New Backhoe**

John L. Lewis, Jr. opened and read two bids for this project as follows:

- Milton Cat, Milford, Massachusetts; two options for two vehicles:  
Option 1: Model 420F2ST - \$87,687.85 net of trade  
Option 2: Model 420F2IT - \$93,162.88 net of trade

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**NEW  
BUSINESS, cont.**

- Northland JCB, Wilmington, MA  
2015JCB4CX-14 Backhoe/Loader \$89,400.00 net of trade (\$20,000)

Denise DiFranco moved, Jon Restivo seconded, to refer the bids to the DPW Director and Treasurer.

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

**b.) Reappoint-  
ment,  
Planning  
Board, Mike  
Carpenter**

John L. Lewis, Jr. stated that the Town Clerk had received an email from Mike Carpenter expressing his willingness to be reappointed to the Planning Board.

Denise DiFranco moved, Gordon Rogers seconded, to reappoint Mike Carpenter to the Planning Board for a five year term.

Councilman Restivo recused himself due to having an application in front of both the planning and zoning boards.

John L. Lewis, Jr, aye; Denise DiFranco, aye; Gordon Rogers, aye; and Jon Restivo, recused. Motion carried 3-0, with one recusal.

**c.) Appoint-  
ment,  
Zoning  
Board, John  
Esposito**

John L. Lewis, Jr. stated that Zoning Board member William Gibb's term was up and that he was unable to continue to serve due to current work constraints.

Mr. Lewis noted that John Esposito had served for four years as an alternate, and had expressed an interest in becoming a full member.

Denise DiFranco moved, Gordon Rogers seconded, to appoint John Esposito to the vacant zoning board position.

John L. Lewis, Jr, aye; Denise DiFranco, aye; Gordon Rogers, aye; and Jon Restivo, recused. Motion carried 3-0, with one recusal.

**d.) Reappoint-  
ment,  
Zoning  
Board  
Alternate,  
Tom  
DiRaimo**

Mr. Lewis noted that Tom DiRaimo had sent an email expressing his wish to remain as an alternate to the Zoning Board.

Denise DiFranco moved, Gordon Rogers seconded, to reappoint Tom DiRaimo as an alternate to the Zoning Board.

John L. Lewis, Jr, aye; Denise DiFranco, aye; Gordon Rogers, aye; and Jon Restivo, recused. Motion carried 3-0, with one recusal.

**e.) Reappoint-  
ments, Land  
Trust:  
William  
Fortier,  
Kristen Cole,  
Myra  
Mercier**

John L. Lewis, Jr. stated that three members of the Land Trust were up for renewal of their three year terms; and that the Town Clerk had received letters of intent from the three - Bill Fortier, Kristen Cole and Myra Mercier - requesting reappointment.

Denise DiFranco moved, Jon Restivo seconded, to reappoint William Fortier,

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

Kristen Cole and Myra Mercier to the Land Trust.

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

Mr. DiRaimo and Mr. Esposito were both present and were sworn in by the Town Clerk.

**f.) Eagle Scout**  
**Proclamation**  
**Nathan Paul**  
**Miozza**

John L. Lewis, Jr. summarized a proclamation that had been prepared in honor of Nathan Paul Miozza.

Denise DiFranco moved, Jon Restivo seconded, to approve the Proclamation for Nathan Paul Miozza.

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

**g.) Pole Petition,**  
**Central Pike,**  
**Poles 126**  
**and 127.**

John L. Lewis, Jr. referenced a letter from DPW Director Joe Cardillo approving the petition.

Denise DiFranco moved, Jon Restivo seconded, to accept the recommendation of the DPW Director for the pole petition on Central Pike for poles 126 and 127.

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

**h.) Pole Petition,**  
**Central Pike,**  
**Poles 128**  
**and 129.**

The DPW Director had approved a second petition for two additional poles on Central Pike.

Denise DiFranco moved, Jon Restivo seconded, to accept the recommendation of the DPW Director for the pole petition on Central Pike for poles 128 and 129.

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

**i.) Request from**  
**EMA Director**

John L. Lewis, Jr. read a letter from Sharon Cotter requesting that the EMA director stipend be equally split between herself and Guenter Bay. Mr. Lewis reminded the Council that this money for a stipend for the director was in the EMA budget, and was simply being divided.

Denise DiFranco moved, Jon Restivo seconded, to honor the request of the EMA director to share the stipend payments with the assistant EMA director.

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

**j.) Federal**  
**Railroad**  
**Administration**

John L. Lewis, Jr. read portions of a letter he had received from the Federal Railroad Administration, outlining their intentions for improvements to the Northeast corridor rail line from Washington D.C. to Boston. The

**NEW  
BUSINESS, cont.**

administration had provided written materials inclusive of maps showing possible new routes for the rail service, which might come through or close to Foster. The Railroad Administration was asking for comments and input by January 30. Two public hearings on the topic would be held within driving distance, in Providence and Hartford.

Discussion: it was determined to have the town planner and planning board review the materials as well, and come back to the Council with their thoughts.

**Return to Item IX  
a.) Bid Opening  
& Award,  
New Backhoe**

Mr. Cardillo advised the Council that after reviewing the backhoe bids with his foreman and mechanic, he would recommend purchasing the Northland JCB 4CX-14 for \$89,400.00.

Denise DiFranco moved, Jon Restivo seconded, to accept the recommendation of the DPW Director and award the bid to Northland for \$89,400.00 delivered.

Discussion: Councilman Rogers asked what features the Northland machine had that made it more attractive than the Milton Cat machine. All wheel steering, cab visibility, ease of maintenance, lift capacity and other features were discussed. Proximity of service and parts for both distributors were discussed.

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

**X. PUBLIC  
HEARING  
License  
Renewals**

Mr. Lewis read aloud the advertisements that were published for the Second Hand, Victualing, Holiday Sales, Campgrounds and Private Investigator licenses. The public hearing was called to order at 8:28 p.m. Mr. Lewis asked for anyone who was in favor of any of the licenses to speak. There were no comments. Mr. Lewis asked if anyone wanted to speak in opposition to the licenses. Again, no comments. The public hearing closed at 8:30 p.m.

**Victualing Licenses**

Denise DiFranco moved, Gordon Rogers seconded, to approve the following Victualing License renewals upon receipt of annual licensing and advertising fees, and approvals from the Building Official, Tax Collector, Police Chief and Fire Chief where applicable:

- Aniello V. Calise, d/b/a Danny's Auction Barn, 1 Snagwood Road
- Drake Petroleum Company Inc., d/b/a Foster Xtra Mart, 186 Danielson Pike

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

**Holiday Sales Licenses**

Denise DiFranco moved, Gordon Rogers seconded, to approve the following

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**License  
Renewals, cont.**

Holiday Sales License renewals upon receipt of annual licensing and advertising fees and approvals from the Building Official, Tax Collector, Police Chief, and Fire Chief, where applicable:

- Abby A. Gosselin, d/b/a A Bee's Buzz, 114 Danielson Pike
- Aniello V. Calise, d/b/a Danny's Auction Barn, 1 Snagwood Road
- Tykamac Enterprises, LLC, d/b/a Foster Golf & Country Club, Inc. 67 Johnson Road
- Henry Chabot, Danielson Pike Realty, LLC, d/b/a Foster Bear Arms & Trading Post, 52 Danielson Pike
- Star Petro, Inc., d/b/a Foster Quick Stop, 173 Danielson Pike
- Russell J. Smith, d/b/a Chelsea's Trading Post, 151 Danielson Pike
- Bonita Lambert, d/b/a Lladyllove Llama, 82 Cucumber Hill Road
- Drake Petroleum Company, Inc., d/b/a Foster Xtra Mart, 186 Danielson Pike

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

**Secondhand Sales licenses**

Councilman Restivo recused himself from this motion.

Denise DiFranco moved, Gordon Rogers seconded, and it was so voted to approve the following Second Hand License renewals upon receipt of annual licensing and advertising fees and approvals from the Building Official, Tax Collector, Police Chief, and Fire Chief, where applicable:

- Abby A. Gosselin, d/b/a A Bee's Buzz, 114 Danielson Pike
- Russell J. Smith, d/b/a Chelsea's Trading Post, 151 Danielson Pike
- Aniello V. Calise, d/b/a Danny's Auction Barn, 1 Snagwood Road
- Joseph Osmanski, d/b/a Foster Auto, 40 Mill Road
- Henry Chabot, Danielson Pike Realty, LLC, d/b/a/ Foster Bear Arms and Trading Post, 52 Danielson Pike
- Certified Automotive Inc., d/b/a Steve's Gun Shop, 66 Central Pike
- Newell W. Wright II, d/b/a Hemlock Brook Auto, 37A Mill Rd.
- MCC, Inc., d/b/a Mike's Auto Repair, 45 Anthony Road
- Peter Wilson, d/b/a Price Auto Sales, 184 Danielson Pike
- Andrea Butola, d/b/a Wilson's Auto, 175 Danielson Pike
- Morris Maglioli, d/b/a Wright's Auto Salvage, 37 Mill Road

John L. Lewis, Jr, aye; Denise DiFranco, aye; Gordon Rogers, aye; and Jon Restivo, recused. Motion carried 3-0, with one recusal.

**Campground Licenses**

Denise DiFranco moved, Gordon Rogers seconded, to approve the following Campground License renewals upon receipt of annual licensing and advertising fees and approvals from the Building Official, Tax Collector, Police Chief, and Fire Chief, where applicable:

**PUBLIC  
HEARINGS  
License  
Renewals, cont.**

- Virginia Bassett, d/b/a Ginny B. Campground, 7 Harrington Road
- Muriel Walker, d/b/a Dyer Woods Campground, 114 Johnson Road

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

**Private Investigator's License**

Denise DiFranco moved, Gordon Rogers seconded, to approve the following Private Investigator license renewal upon receipt of annual licensing and advertising fees and approvals from the Building Official, Tax Collector, Police Chief, and Fire Chief, where applicable:

- Alan Pittman, d/b/a Alan Pittman Investigations, 117 Central Pike

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

**PUBLIC  
HEARING  
Gun Shop  
License  
Renewals**

**Gun Shop Licenses**

Mr. Lewis read aloud the advertisements that were published for the Gun Shop licenses. The Public hearing opened at 8:37 p.m. Mr. Lewis asked for anyone who was in favor of any of the licenses to speak. There were no comments. Mr. Lewis asked if anyone wanted to speak in opposition of the licenses. No one spoke.

The Public Hearing closed at 8:38 p.m.

Denise DiFranco moved, Gordon Rogers seconded, to approve the following Gun Shop License renewals upon receipt of annual licensing and advertising fees and approvals from the Building Official, Tax Collector, Police Chief, and Fire Chief, where applicable:

- Laurence Costa Mello, d/b/a Alarry Farm Firearms, 7 Rickard Road
- Henry Chabot, Danielson Pike Realty, LLC, d/b/a Foster Bear Arms, 52 Danielson Pike
- Leon DeFranco, d/b/a LJD Gun & Supplies, 9 King Road
- Certified Automotive, Inc., d/b/a Steve's Gun Shop, 66 Central Pike

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

**PUBLIC  
HEARING  
Transfer and  
renewal of  
current gun  
shop and second  
hand licenses**

John L. Lewis, Jr. opened the public hearing at 8:41 p.m.

Mr. Lewis read aloud the advertisement that was published for the renewal and transfer of the gun shop and secondhand licenses. He asked for anyone who was in favor of any of the licenses to speak. There were no comments. Mr. Lewis asked if anyone wanted to speak in opposition of the licenses. No one spoke.

The Public Hearing closed at 8:42 p.m.

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**Transfer and  
renewal of  
current gun  
shop and second  
hand licenses,  
cont.**

Denise DiFranco moved, Gordon Rogers seconded to approve the following transfer and renewal of a Gun Shop License, to reflect a change of name only, upon receipt of annual licensing and advertising fees and approvals from the Building Official, Tax Collector, Police Chief, and Fire Chief, where applicable:

From: Keith LaFazia, d/b/a Breezy Hill Outdoors, to: Keith LaFazia, d/b/a Rhody Outdoors, LLC, at 2 Gold Mine Road

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

Denise DiFranco moved, Jon Restivo seconded, to approve the following transfer and renewal of a Secondhand license, to reflect a change of name only, upon receipt of annual licensing and advertising fees and approvals from the Building Official, Tax Collector, Police Chief, and Fire Chief, where applicable:

From: Keith LaFazia, d/b/a Breezy Hill Outdoors, to: Keith LaFazia, d/b/a Rhody Outdoors, LLC, at 2 Gold Mine Road

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

**XI. FUTURE  
AGENDA  
ITEMS**

Police station update  
Policy for use of town grounds January 14  
Public Hearing for Ordinances, January 14  
Charter Review  
Contract negotiations, Police Chief, and RI Laborers' District Council,  
Local Union 1322 – Executive session

**XII. EXECUTIVE  
SESSION**

None

**XIII. 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; Gordon Rogers, aye; and Jon Restivo, aye. Motion carried 4-0.

Meeting adjourned at 8:45 pm

A digital sound file is made a part of the record for a complete account of the council meeting.

Submitted by

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Jane H. Christopher  
Town Clerk