

FEBRUARY 12, 2015
TOWN COUNCIL MEETING

The February 12, 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 7:06 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, excused
Kelli Russ, Treasurer,
Patti Moreau, Tax Assessor,
Police Chief William Ziehl,
Police Sergeant Wm. McGuire

**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 announced that the solicitor was away at a legal conference.

Mr. Lewis also stated that there had been an advertisement for a bid opening for the Town Hall heating project this evening. This was not an agenda item this evening. Only one bid came in for the replacement of the Town Hall furnace, from Vincent Heating and Air, Inc. of Cranston, RI; the cost for the furnace, installation, materials/labor, etc., was listed as \$6,855.00. The bid was given to the Town Clerk to hand over to the DPW director.

III. MINUTES

Denise DiFranco moved, Roger Hawes seconded, and it was so voted to approve the minutes of January 8, 2015.

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

Denise DiFranco moved, Roger Hawes seconded, and it was so voted to approve the minutes of January 22, 2015.

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

IV. WARRANTS

Denise DiFranco moved, Roger Hawes seconded, to approve Payroll Warrant #29 for \$28,459.03.

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 #30 for \$30,529.64.

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 #31 for \$29,363.64.

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 General Warrant #14 for \$215,535.37.

Mr. Rogers questioned DPW Director about a line item on shop supplies.

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

**V. PAST DUE
QUARTERLY
REPORTS**

Denise DiFranco moved, Roger Hawes seconded, to accept the delayed 4th quarter reports from the Ambulance Corps, the Conservation Commission, Foster Home Repair, and Planning Board.

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

**VI. NEW
BUSINESS**
**a. Additions and
abatements,
Tax Assessor**

Denise DiFranco moved, Roger Hawes seconded, to approve the motor vehicle abatements in the amount of \$168.90 from the Tax Assessor as presented.

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

**b.) Request for
RhodeKill
Spring
Classic Race -
March 29,
2015**

Mr. Lewis explained that this group had held this bike race come through Foster the previous year. Police Chief Ziehl had reviewed this year's route, and he stated that he had no issues with the request, this was a very professional group.

Denise DiFranco moved, Roger Hawes seconded, to approve the request for the RhodeKill Spring Classic bike ride through Foster for March 29, 2015.

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

**c.) 3K Road
Race and
Fairgrounds
Use**

Denise DiFranco moved, Roger Hawes seconded to table this item until the next meeting. The Council had previously approved use of the fairgrounds to another group and Ms. DiFranco would do further investigation regarding the needs of the race organization.

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

**d.) Animal
Shelter
contract**

Mr. Lewis stated that the Council had received a letter from the solicitor for the Town of Scituate with a new agreement for the use of their animal shelter facility. The fee is \$10,000 per year, payable in two installments. The rate and conditions are the same as last year.

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**Animal Shelter
contract, cont.**

Denise DiFranco moved, Roger Hawes seconded, to accept the proposal for use of the Town of Scituate's pound, in accordance with the \$10,000.00 payable in two installments.

The Chief of Police and Treasurer Kelli Russ were in agreement.

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

**e.) Policy for
Auto damage
Incurred on
Town Roads**

Treasurer Kelli Russ had provided the Council with a draft proposal for a Town policy regarding this issue, which was prompted by a complaint from a resident regarding tire damage due to a pothole on a town road. The Town currently has no policy addressing this.

Ms. Russ checked with other municipalities and had worked up the draft, which would require a police report, proof of damage and the location of occurrence in order to consider giving any reimbursement.

Policies, procedures and various reimbursement rates were discussed.

Denise DiFranco moved, Jon Restivo seconded, to accept the policy concerning the complaints for road hazards as presented.

Mr. Hawes cautioned that the Town proceed carefully to avoid frivolous complaints. It was suggested the Town Solicitor and Police Chief review the policy carefully. The Chief stated it would not be considered an accident but property damage. Some communities have a cap on the amount of money paid out for a complaint. Several other people spoke.

The motion and second were withdrawn.

Jon Restivo moved, Gordon Rogers, seconded, to refer policy concerns of auto damage complaints on Town roads to the Town Solicitor for her input.

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

**f.) Pay rate,
overtime
policy,
part time
snow plow
drivers**

John L. Lewis, Jr. read from a letter provided by DPW Director Joe Cardillo, requesting an increase in the hourly rate paid to part time drivers to be commensurate with other towns, in order to recruit drivers. He recommended the hourly rate of \$13.00 for drivers with no CDL license, and \$16.00 for drivers with a CDL license.

Gordon Rogers moved, Roger Hawes seconded, to accept the recommendation to pay \$13.00 per hour and \$16.00 per hour for those with a CDL license.

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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- g.) Planning Board appointment** Mr. Lewis stated that the position for Planning Board Member had been advertised; and there were three persons interested in being appointed to the vacant spot to complete Mr. Restivo's term on the planning board.

Jon Restivo moved, Roger Hawes seconded, to appoint Sergio Spaziano to the planning board.

Discussion: Mr. Rogers stated that he would not vote as he felt there are too many attorneys on the planning board already. Ms. DiFranco also would vote against it as she had personally solicited another applicant and would be supporting that person. Several other people spoke.

Mr. Rogers read the cover letters from each applicant.

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

VII. OLD BUSINESS

- a.) Foster Center Road Bridge Update** Council member Jon Restivo stated that the weight limit for all vehicles on this bridge had been cleared by the DOT, and read the email correspondence from the DOT representative to DPW Director Joe Cardillo. Mr. Lewis also stated that the schools, fire stations and ambulance corps had been notified. New weight signs will be installed when the weather changes and the ground thaws.

- b.) Building and Zoning Official update** Mr. Lewis stated that the Council had posted an advertisement for a new Building & Zoning Official, and to date only one application had been received. That applicant does not have Rhode Island certification as a Building and Zoning official. Does the Council want to advertise again?

John L. Lewis, Jr. moved, Denise DiFranco seconded, to extend the deadline for submissions extended on the online advertising.

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

Mr. Lewis also stated publicly that outgoing inspector Peter Scorpio would give assistance to the Town as much as possible, and that both the Scituate and Gloucester Building Inspectors had offered to step in with their assistance as needed.

- c.) Comp Plan update** Town Planner Juliana King reviewed the Planning Board's earlier efforts to rewrite the Comprehensive Plan and the current State requirements and deadlines for completion. She further explained that an outside source is required to complete the plan according to the newer State requirements. A proposal had been made by Mason & Associates after reviewing the existing state of the Comprehensive Plan. This proposal outlines their development of plan completion in two phases:

Phase 1.) A complete line-by-line review of the plan as it exists now, to be completed in this fiscal year for a cost of \$11,640.00.

Phase 2.) To finesse and write the plan, including multiple revisions dictated through communication with the State, at a cost of \$28,115.00.

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**Comp Plan
update, cont.**

Mason & Associates anticipates getting final approval by February of 2016, prior to the State adding further requirements in June of that year.

Mr. Carey and Julia Parmentier, Chair and Vice-Chair of the Planning Board spoke. Cost details and options to reduce costs were discussed. The importance of finalizing the Plan was stressed. Ms. King confirmed there are only two companies that currently provide the service of writing these plans for municipalities in the State.

Mr. Lewis stated that the budgeting of this project over two fiscal years would have to be sorted out.

John L. Lewis, Jr. moved, Roger Hawes seconded, to approve the proposal from Mason & Associates for the Comp Plan update in the amount of \$39,755.00, with the first year's amount of \$11,640.00 being drawn from this year's contingency fund and the balance to come from next year's budget, to be determined during the budgetary process.

Ms. DiFranco referenced that she had asked Treasurer Kelli Russ what was available in the planning budget earlier that day. Ms. Russ outlined what monies were available in the Contingency Fund and the Planning budget.

John L. Lewis, Jr., Roger Hawes seconded, to amend the motion to require that the first \$6,800.00 of this year's \$11,640.00 fee come from the Planning Department budget and the balance would come from the contingency fund.

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

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

**d. Concerned
Citizens/
Public Forum
rules**

John L. Lewis, Jr. stated the Council had in front of them a list of proposed rules for this forum drafted by Jon Restivo and Denise DiFranco, which had been tabled at the last meeting.

Mr. Restivo stated that the name of this agenda item would be changed from "Concerned Citizens", to "Public Forum", and proceeded to read the proposed rules (see Exhibit A).

Mr. Lewis stated that he would be willing to put this on the agenda with these rules for a trial period of two months to see if any problems arise, as they had in the past.

Mr. Rogers asked to add to the minutes that the Council had already approved this as a standing agenda item with the rules to be adopted at a later date, at the December 11, 2014 meeting.

John L. Lewis, Jr. moved, Jon Restivo seconded, to adopt Mr. Restivo's rules with an amended rule added, that these be put in place for a two month trial period.

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**Concerned
Citizens/
Public Forum
rules, cont.**

Several people spoke to express opinions and ask for clarification of this motion.

Both Ms. DiFranco and Mr. Restivo expressed confidence that if the rules are clearly outlined, there will be no issue with potential problems. Mr. Rogers agreed. Ms. DiFranco asked that the review of Public Comment be placed on the April 23, 2015 agenda.

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

The Town Clerk swore in Mr. Spaziano to the Planning Board.

**VIII. FUTURE
AGENDA
ITEMS**

- Police Station
- Council Rules
- Tannerite Binary Exploding Rifle Targets/Use Of
- EMA Director
- Snow left in the road by residents

**IX. EXECUTIVE
SESSION**

Jon Restivo moved, Gordon Rogers seconded, to go into Executive Closed Session pursuant to RIGL 42-46-4 for the reasons stated in RIGL 42-46-5a(9) Personnel/ concerning a request for Unpaid Leave / Grievance, and for the reasons stated in RIGL 42-46-5a(2), Litigation, Providence Water Supply Board.

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

Executive session convened at 9:00 p.m.

Jon Restivo moved, Gordon Rogers seconded, to approve and to further keep the minutes of said meeting closed and the minutes of all executive sessions held previous to this meeting be closed and remain closed in accordance with provisions in RIGL 42-46-4 and 5.

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

**RECONVENE
TO OPEN
SESSION**

Open session reconvened at 10:34 p.m.

John L. Lewis, Jr. announced that one vote had been taken in Executive Session, to continue a personnel matter at a special meeting to be held on February 19, 2015, and that the vote was unanimous.

**X. 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 10:35 p.m.

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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