

SEPTEMBER 24, 2015
TOWN COUNCIL MEETING

The September 24, 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 7:07 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
Juliana King, Town Planner
Police Chief William Ziehl

I. Gordon R

The Pledge of Allegiance was recited.

II. John L. Lewis, Jr. stated that the notice of the meeting was properly posted on the Secretary of State's web site.

III. None

IV. Denise DiFranco moved, Roger Hawes seconded, to approve the minutes from September 10, 2015 as presented.

Councilman Rogers stated he was not at that meeting and would abstain.

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

V. Denise DiFranco moved, Roger Hawes seconded, to approve Payroll Warrant #10 in the amount of \$28,997.85.

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 #11 in the amount of \$29,666.06.

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 #6A in the amount of \$400.00.

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

Denise DiFranco moved, Roger Hawes seconded, to approve General Warrant #6 in the amount of \$109,444.70.

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Ms. DiFranco inquired about the income derived from the recent Town low value property sale.

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

- VI.** Denise DiFranco moved, Roger Hawes seconded, to accept the July 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 presented.

Council Vice President DiFranco made note of the Foster Home Journal article regarding the Human Services department holding an upcoming Fall Prevention activity. Ms. DiFranco also asked for clarification on the Resource Recovery monthly report bar graph chart.

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

- VII.** Denise DiFranco moved, Roger Hawes seconded, to accept the past due quarterly reports from the Conservation Commission, Land Trust, and Libraries, as presented.

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

Denise DiFranco asked if there was something more that could be done to prompt the receipt of missing quarterly reports. The Town Clerk explained what was being done on the Town Hall side to contact the individuals responsible. Heidi Rogers spoke, and outlined the transition between herself and a new individual as secretary for Moosup Valley Fire Department.

- VIII.** John L. Lewis, Jr. explained that a town resident had asked to put this on the agenda. The Council had been waiting for a State assessment of the targets. Police Chief Bill Ziehl stated that the RI Fire Marshall's Bomb Squad has no reports or decisions pending regarding Tannerite at this time. Any police investigations of complaints to date in Foster have proven that the shooters have been shooting responsibly and in compliance with town and state laws and within the product specifications.

Mr. Lewis stated that the topic would be taken off the future agenda items until such time as the State takes formal action on the matter, or if another Council member wishes to place it back on the agenda.

Discussion: Councilman Rogers described the use of tannerite as an exploding target for long-range target practice. The various weights of the product as sold were discussed.

- IX.** Denise DiFranco moved, Roger Hawes seconded, to accept the **prorated** Real Estate abatements of \$3,266.55 and the **prorated** tangible additions of \$429.97 as presented.

John L. Lewis, Jr, aye; Denise DiFranco, aye; Roger Hawes, aye; Gordon

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Rogers, aye; and Jon Restivo, aye. Motion carried 5-0.

John L. Lewis, Jr. read a letter from the Foster Ambulance Corps requesting to reduce their capital budget schedule for 2016-2017 from \$200,000.00 for a new rescue truck, to \$30,000.00; and to use those funds to purchase two Lucas CPR machines. The Corps also requested that they remain in the capital plan for a new rescue truck four years from now, as they are working to maintain a rigid vehicle replacement schedule of 8 years.

Discussion: Denise DiFranco asked treasurer Kelli Russ her opinion. Ms. Russ stated that the delegation of \$200,000.00 would happen in the next fiscal budget and should be discussed then. Ambulance Corps income from third party transport billings was discussed.

Chief Ziehl outlined the State of Rhode Island Emergency Management Agency's (RIEMA) emergency notification system for public safety. RIEMA will provide access to CodeRED at not cost to the Town and provide training to designated individuals. The system will be used to alert the public to incidents and events when timely notification is essential to protect life and/or property. The Chief recommended that the Town enter into a memorandum of agreement with RIEMA, with the Chief as the required "single point of contact" between the two entities.

The solicitor stated that she had reviewed and approved the contract.

Denise DiFranco moved, Roger Hawes seconded, to accept the CodeRED memorandum of agreement as presented.

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

John L. Lewis, Jr. stated that Chief Ziehl had presented a letter to the Council requesting a weekly professional cleaning service at the station.

Chief Ziehl spoke to his request and said that instead of having DPW workers provide a minimal cleaning on a weekly basis, that a professional service with adequate equipment and expertise be hired to do a more thorough cleaning on the same schedule. The Chief cited concerns about the 24 hour work force at the station coupled with the potential for disease, virus, blood borne pathogens, and liability issues associated with the nature of the job. Mr. Ziehl recommended General Maintenance Company as a vendor, as recommended by the Scituate Police. The rate would be \$90 per week for a total annual cost of \$4,680.00; to include labor, equipment and supplies.

Discussion: John L. Lewis, Jr. asked the treasurer if there was money in the Buildings and Grounds budget. Concerns about budget item tradeoffs, the potential for compromised police documents and materials, and the safety of DPW workers performing the cleaning were discussed.

Gordon Rogers moved, Denise DiFranco seconded, to table any motion until the Council hears what other projects may be given up in order to accommodate the Chief's request. Ms. DiFranco asked that the DPW director attend the

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next Council meeting to review the request.

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

John L. Lewis, Jr. remarked that the Council had separate letters from Assistant EMA Director Guenter Bay and Fire Chief Aaron Marsland from Foster Center Volunteer Fire Company regarding office space for the EMA directors and volunteers.

Mr. Bay explained that the EMA had no centralized office space from which to do paperwork and operate, beyond the homes of the volunteers. Fire Chief Marsland was offering space at the fire station, with its own separate entrance, that the EMA directors could utilize.

Mr. Bay asked if the town would approve the concept so that he might proceed to create a formal proposal outlining the required work to set up the office, and the potential costs.

Various concerns were raised regarding a lease agreement from the Foster Center Fire Station. Options for using other town-owned spaces were discussed. It was decided to have Mr. Bay look at the available space at the Eddy building and the Town Hall basement as well while considering space.

Council Vice President DiFranco recused from this discussion due to her position as a board member of Hemlock Village, a potential recipient of this grant.

Town Planner Juliana King summarized the prioritization as determined by the Planning Board of the proposed sub-recipient applications as listed in the grant, at a public hearing on September 16, 2015. Ms. King stated that the Council could accept the prioritization as shown, or amend it. In addition, she had prepared a resolution for the Council to approve in order to proceed with the grant application to the State.

John L. Lewis, Jr. stated that two votes would be taken. The first, to prioritize the applicants and change the dollar values if desired. Secondly, to approve/amend the resolution as prepared.

Jon Restivo moved, Roger Hawes seconded, to accept the planning Board's order of prioritization.

Town resident Karen Dalton, a potential grant recipient, explained her position in the application and programs run at her "Dare to Dream Ranch", for at-risk veterans and their families.

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

John L. Lewis, Jr. read Resolution 2015-11 as prepared by the Town Planner.

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Jon Restivo moved, Roger Hawes seconded to adopt Resolution 2015-11 as written.

Gordon Rogers spoke against accepting monies from the CDBG grants in general and referenced the same concerns about accepting government money that he had had with RhodeMap RI.

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

X.

John L. Lewis, Jr. stated that the Council had an application in front of them for a one-day Outdoor/Open Recreational Event and Amusement license, by applicant John Day; for a closed course enduro bike race, to be held on one single day, October 31, 2015, at 33 and 36 Howard Hill Road. Mr. Lewis noted the advertising dates publicizing the hearing.

Mr. Lewis opened the public hearing at 8:14 p.m.

Mr. Day gave an overview of his event and his experience in operating over 100 of these events in the Northeast.

Mr. Lewis asked for comments in favor of any of these amendments.

Two neighboring homeowners on Howard Hill Road spoke in favor, stating that they had no objections. Three other residents spoke in favor, referencing the first event that had been held in Foster by Mr. Day in previous years, with no incident. Questions about traffic flow, parking and dust were addressed.

Solicitor Renee Bevilacqua advised that both the Zoning and Planning Boards had independently approved this same application and had held publicly advertised hearings. John L. Lewis, Jr. read the decision and stipulations imposed by the zoning board.

Police Chief Ziehl explained the steps the police would be taking to oversee the event and provide traffic safety.

Mr. Lewis asked for comments in opposition. He first read an email from abutting property owners who currently reside in New York State, expressing opposition and concerns from an environmental perspective.

Three other people spoke in opposition, on environmental grounds.

The public hearing closed at 9:15 p.m.

Gordon Rogers moved, Denise DiFranco seconded, to approve the application with the conditions as set forth by the Zoning Board.

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

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- XI.**
- Policy for Use of Town Grounds
 - Police Station Update
 - Foster Ambulance Request
 - Cleaning Service at Police Station

XII. 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.

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

Executive session began at 9:30

Jon Restivo moved, Roger Hawes 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; Jon Restivo, aye. Motion passed 5-0.

Open session reconvened at 9:40 p.m.

John L. Lewis, Jr. announced that one vote had been taken, to approve a contract addendum between the Town of Foster and the Rhode Island Laborers' District Council, Local Union 1322, in regards to part time employees; that motion carried unanimously, 5-0.

XIII. Gordon Rogers moved, Roger Hawes seconded, and it was so moved to adjourn the meeting.

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

Meeting adjourned at 9:42 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