

MAY 12, 2016
TOWN COUNCIL MEETING

The May 12, 2016 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 7:05 p.m.

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

Also present:
Renee M. Bevilacqua, Town Solicitor
Kelli Russ, Treasurer
Police Captain Robert Bolger
Juliana King, Town Planner
Guenter Bay, Assistant EMA Director
Joe Carey, Planning Board Chair
Patti Moreau, Tax Assessor
Joe Cardillo, DPW Director

- 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. MINUTES** Denise DiFranco moved, Gordon Rogers seconded, to approve the minutes for April 7, 2016, as submitted.
- John L. Lewis, Jr., aye; Denise DiFranco aye; Cheryl Hawes, aye; Gordon Rogers, aye; Jon Restivo, aye. Motion passed 5-0.
- Denise DiFranco moved, Gordon Rogers seconded, to approve the minutes for April 14, 2016, as submitted.
- Discussion: Denise DiFranco pointed out that a second for a motion on the third page of the April 14th minutes was missing and that she was sure it had been Councilwoman Hawes that had seconded the motion. Deputy Town Clerk Susan Sprague agreed to make the correction.
- John L. Lewis, Jr., aye; Denise DiFranco aye; Cheryl Hawes, aye; Gordon Rogers, aye; Jon Restivo, aye. Motion passed 5-0.
- V. WARRANTS** Denise DiFranco moved, Gordon Rogers seconded, to approve Payroll Warrant #43 for \$30,844.69.
- John L. Lewis, Jr., aye; Denise DiFranco, aye; Cheryl Hawes, aye; Gordon Rogers, aye; and Jon Restivo, aye. Motion carried 5-0.
- Denise DiFranco moved, Gordon Rogers seconded, to approve Payroll Warrant #44 for \$30,156.36.
- John L. Lewis, Jr., aye; Denise DiFranco, aye; Cheryl Hawes, aye; Gordon Rogers, aye; and Jon Restivo, aye. Motion carried 5-0.

MAY 12, 2016
TOWN COUNCIL MEETING

WARRENTS,
cont.

Denise DiFranco moved, Gordon Rogers seconded, to approve General Warrant #19 for \$155,198.45.

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

VI. MONTHLY REPORTS

Mr. Lewis pointed out that the agenda listed the report presented as the Tax Assessors April report and it was actually her March report, and suggested that the report be held for review at the next meeting.

Gordon Rogers moved, Jon Restivo seconded, to table the report until the following meeting.

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

VII. OLD BUSINESS
a.) Bid Award
Woody Lowden Recreation Center Fire Alarm

John L. Lewis, Jr. read a letter from DPW Director Joe Cardillo (Exhibit A) recommending that the Fire Alarm System Project for the Woody Lowden Recreation Center be awarded to Kenny Electric, the low bidder for the project, at the cost of \$6,975.00.

Denise DiFranco moved, Gordon Rogers seconded, to follow the recommendation of the DPW Director for the Woody Lowden Recreation Center Fire Alarm System Project, and award the bid to Kenny Electric for the total amount of \$6975.00.

Discussion: It was noted that the money would come out of the contingency fund.

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

b.) Recreation Field Grant Update

John L. Lewis, Jr. stated that he had been working on the Grant, and that he was almost done with it. He had filled out the paper work, worked on the budget, and received some budget numbers from Crossman Engineering. Estimates for having someone come in and do all the work. Everything from the drainage systems, planting of trees, landscaping and fencing. Adding it all up together, plus the Town's matching funds it would be \$500,000. He clarified that the \$500,000 was the total amount and the Town's match would be 20%. The State would provide \$400,000 and the Town's matching funds would be \$100,000, which could be 100% in kind, 100% in cash or a distribution between the two. He noted that the Town has a Payment in Lieu of Recreation Fund set aside, that money goes into whenever a subdivision is done. The account currently has \$148,000 in it and it is specifically used for outdoor recreation and open space and cannot be used for any other reason, and that it would be appropriate to use the money for coverage of the matching funds. He stated that he had put the budget in at \$500,000 with in kind services between \$50,000 and \$100,000 and other funding from the Payment in Lieu between \$50,000 and \$100,000, which would allow the Town some wiggle room. The Town Planner had prepared a specific map that was required to show the area within the parcel that would be disturbed. He also stated that he had another day of work ahead of him, researching

MAY 12, 2016
TOWN COUNCIL MEETING

OLD
BUSINESS, cont.

clauses in the comprehensive plan and in the State's plan for outdoor recreation, referring to some citations. He asked for comments or input as the grant would be submitted before the next meeting. He reminded everyone that the vote had already been taken and that he wasn't looking for a vote, but instead wanted to open it up for any input or comments.

No comments were forthcoming from either the Council or the public.

**c.) Clearing
Recreation
Field,
Forester's
Report/
Bidding
Process**

John Lewis referred to a report received from Forester Marc Tremblay, regarding research and estimate of cost for clearing, stumping and grading the area and noted that he came back with a range of cost between \$15,000 and \$20,000 to have someone come in and do it. Mr. Lewis then read a letter from DPW Director Joe Cardillo (Exhibit B.) recommending that the clearing of Phase I of the Recreation Field be completed by the DPW, as it was 90% done and the bidding out of Phase II.

Cheryl Hawes Moved, Denise DiFranco seconded, to approve the recommendation of Mr. Cardillo to proceed as outlined in his letter.

Discussion: Gordon Rogers disagreed with Mr. Cardillo's estimate of 90% of the clearing of phase I being complete. He pointed out that the Town payed Land Management Services and was given a recommendation to put the timber out to bid, to include chipping of small trees and to leave a cleared site to utilize equipment to remove the stumps and level it. Mr. Rogers stated that he agrees with the recommendation that the whole lot be cleared at the same time so as to allow a staging area for ease in completion. He is concerned that lumber could be destroyed.

There was further discussion to decide how the work should be continued, what portions should be done by the DPW workers and what should be put out to bid.

John Lewis moved, Cheryl Hawes seconded, to amend the motion, to go out to bid for logging and clearing of the project area, as well as logging, clearing and stumping of the project area.

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

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

**d.) Taxation
Ordinance
Amendments
Information
Session/
Schedule
Financial
Town
Meeting**

Mr. Lewis stated that the next item was follow up to the Financial Town Meeting. It was suggested that the Council have an information session regarding the proposed Tax Ordinance Amendments and also another Financial Town Meeting.

He reviewed the first ordinance which was the Tax Stabilization Ordinance for Businesses, which encourages and supports new small businesses in order to expand the tax base by giving a tax break up front and then phasing it out over a period of 5-13 years depending on the size of the project.

**MAY 12, 2016
TOWN COUNCIL MEETING**

**OLD
BUSINESS, cont.**

Mr. Lewis then briefly reviewed the proposed changes to the Tax Freeze for Elderly and Disabled.

There was discussion to pick dates for an informational meeting and a Financial Town Meeting regarding the proposed Taxation Ordinance Amendments, as well as how and where to advertise to get the optimum number of residents to attend. Mailing out a notice in the same envelope as the tax bills at the beginning of July was suggested by a member of the audience.

The Town Solicitor pointed out that there had already been public hearings on the ordinances and that they were ripe at the time of the Financial Town Meeting on May 3rd. Ms. Bevilacqua noted that if people were to come to an informational workshop and the Council was to try to amend at that point, two new public hearings would be needed. She wanted to make sure everyone was clear on what would be an informational meeting and what would be a public hearing. Any changes made would require a new public hearing.

Ms. Bevilacqua also mentioned that based on Representative Chippendale's statement at the Financial Town Meeting on May 3rd, a Financial Town Meeting may not be needed to make changes to the Tax Ordinances. She stated that Public hearings enact ordinances and that they were ordinances that could be enacted by the Council. The proposed changes to the Tax Ordinances were brought to the Financial Town Meeting because it was the broadest body and the best way to do it and that it also wouldn't have to be on a ballot. Ms. Bevilacqua stated that "Although people feel as though it's a tax, it's not, it's a waiver, it's not a right, and it's not a tax." She reiterated that following Mr. Chippendale's logic, the ordinances wouldn't have to go to a Financial Town Meeting at all. That they were ordinances that could be enacted by a Town Council after appropriate public hearings.

Jon Restivo moved, Cheryl Hawes seconded, to hold a informational session on the Taxation Ordinance, Tax Stabilization Ordinance, Tax Relief for Elderly and Totally Disabled Persons Amendment, and Tax Relief for Elderly and Totally Disabled Persons Replacement Ordinance, on June 21, 2016 at Paine School and to hold a Financial Town Meeting on those ordinances on July 12, 2016 at the Paine School.

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

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

b.) Statewide
Highway
Grant
Presentation**

Denise DiFranco moved, Gordon Rogers seconded, to approve the request of the Tax Assessor for motor vehicle abatements in the amount of \$67.84, for the 2015 tax roll.

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

Council President John L. Lewis, Jr. announced that the presentation for The State Highway Grant Application had been cancelled and would be rescheduled at a later date.

MAY 12, 2016
TOWN COUNCIL MEETING

NEW
BUSINESS, cont.

- c.) Audit Bidding Process** Denise DiFranco moved, Cheryl Hawes seconded, to allow Treasurer Kelli Russ to go out to bid for the Audit, with the bid opening to be in the Town Hall a few days prior to the Council Meeting at which it would be awarded.
- John L. Lewis, Jr., aye; Denise DiFranco, aye; Cheryl Hawes, aye; Gordon Rogers, aye; and Jon Restivo, aye. Motion carried 5-0.
- d.) Prioritization of/Resolution Supporting 2016 CDBG Application** Denise DiFranco recused herself from this agenda item.
- John L. Lewis Jr. referred to the 2016 Small Cities Community Development Block Program Summary (Exhibit C.) from Town Planner Juliana King. He stated that this was the time of year for the CDBG applications, that The Town of Foster was eligible for \$150,000 and that the planning board was requesting the Council's support and suggesting the prioritization of the CDBG grant. Two motions would be needed, one to approve or modify and the other for the Resolution. He reviewed the list of recipients that the Planning Board recommended.
- Cheryl Hawes Moved, Jon Restivo seconded, to accept the priorities as set forth by the Planning Board.
- Discussion: Gordon Rogers stated that as in the past, he would not be supporting CDBG.
- John L. Lewis, Jr., aye; Denise DiFranco, recused; Cheryl Hawes, aye; Gordon Rogers, nay; and Jon Restivo, aye. Motion carried 3-1 with one recusal.
- Council President John L. Lewis, Jr. read the Resolution authorizing the CDBG Grant application.
- Cheryl Hawes moved, Jon Restivo seconded, to authorize the CDBG application.
- John L. Lewis, Jr., aye; Denise DiFranco, recused; Cheryl Hawes, aye; Gordon Rogers, nay; and Jon Restivo, aye. Motion carried 3-1 with one recusal.
- e.) DPW Director Proposal, New Mattress Recycling Policy** Mr. Lewis reviewed the new mattress recycling guidelines, (Exhibit D.) as presented by DPW Director, Joe Cardillo.
- Denise DiFranco moved, Gordon Rogers seconded, to approve the basic guidelines developed by the Director of the Department of Public Works.
- Discussion: Denise DiFranco suggested that an article be placed as "Town Council News" to get some information out to the public regarding this new mattress recycling program.
- John L. Lewis, Jr., aye; Denise DiFranco, aye; Cheryl Hawes, aye; Gordon Rogers, aye; and Jon Restivo, aye. Motion carried 5-0.

MAY 12, 2016
TOWN COUNCIL MEETING

NEW
BUSINESS, cont.

f.) DPW
Department,
Request for
Summer
Help

John L. Lewis, Jr. read a letter from DPW Director Joe Cardillo, (Exhibit E.) asking for Council approval to hire summer help for 10 weeks, as the budget permits.

Mr. Cardillo made a correction to the dates stated in the letter. The dates should have been May 16 through July 1st.

Denise DiFranco moved, Cheryl Hawes seconded, to approve the request for DPW summer help from May 16 to July 1st, for 40 hours per week as the budget permits.

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

g.) Reservation
of Unused
Planning
Department
Professional
Services
Account
Funds for
FY 2017

John L. Lewis, Jr. read the Summary/Motion for the Reservation of Unused Funds for Comp Plan Update, presented by Planner Juliana King and Town Treasurer Kelli Russ. (Exhibit F.)

Denise DiFranco moved, Gordon Rogers seconded, to honor the request of the Director of the Planning Department to reserve unused funds in the Planning Department Professional Services account for the sole purpose of finalizing payment to Mason & Associates, Inc. for services related to completion of the Comprehensive Community Plan update.

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

IX. FUTURE
AGENDA
ITEMS

- Charter Review Commission Report May 26, 2016
- LESO Program
- Review of Gloucester Resolutions, May 26, 2016
 - a.) Creation of Regional Tax District
 - b.) Removing Capital Expenditures from Maintenance of Effort
- Financial Statements and Standards Policies & Procedures for Non-Town Entities Receiving Appropriations

X. EXECUTIVE
SESSION

There was no executive session.

XI. 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; Cheryl Hawes, aye; Gordon Rogers, aye; and Jon Restivo, aye. Motion carried 5-0.

Meeting adjourned at 8:21p.m.

MAY 12, 2016
TOWN COUNCIL MEETING

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

Submitted by,

Susan Sprague
Deputy Town Clerk