

MAY 26, 2016
TOWN COUNCIL MEETING

The May 26, 2016 Town Council Meeting was called to order by Denise DiFranco, Vice-President of the Foster Town Council, at the Benjamin Eddy Building, Foster, Rhode Island, at 7:01 p.m.

The following members were present:

Denise DiFranco, Vice President
Cheryl Hawes,
Jon Restivo, and
Gordon Rogers.

John L. Lewis, Jr., President, excused
for late arrival.

Also present:

Juliana King, Town Planner,
Police Chief William Ziehl
Kelli Russ, Treasurer
Patti Moreau, Tax Assessor
Joe Carey, Planning Board Chair
Ron Cervasio, Charter Revision Committee Chair
Bob DePalo, Board of Canvassers Chair
Guenter Bay, Assistant EMA Director
Palmer Moore, NEXAMP
Members of the Regional School Board:
Superintendent Michael Moore, Business
Manager Bridget Almon, Attorney Jon Anderson
Members of the Gloucester Town Council:
Edward Burlingame, George Steere, Jr.,
Steven Sette

- I. PLEDGE OF ALLEGIANCE** The Pledge of Allegiance was recited.
- II. ANNOUNCEMENTS** Denise DiFranco stated that the notice of the meeting was properly posted on the Secretary of State's web site.
- III. PUBLIC COMMENT** There was none.
- IV. MINUTES** Gordon Rogers moved, Jon Restivo seconded, to approve the minutes from April 28, 2016, as presented.
- Denise DiFranco, aye; Cheryl Hawes, aye; Gordon Rogers, aye; and Jon Restivo, aye. Motion carried 4-0.
- Gordon Rogers moved, Jon Restivo seconded, to approve the minutes from May 12, 2016, as presented.
- Denise DiFranco, aye; Cheryl Hawes, aye; Gordon Rogers, aye; and Jon Restivo, aye. Motion carried 4-0.
- V. WARRANTS** Gordon Rogers moved, Jon Restivo seconded, to approve Payroll Warrant #45 for \$30,921.22.
- Denise DiFranco, aye; Cheryl Hawes, aye; Gordon Rogers, aye; and Jon Restivo, aye. Motion carried 4-0

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WARRANTS,
cont.

Gordon Rogers moved, Jon Restivo seconded, to approve Payroll Warrant #46 for \$30,083.27.

Denise DiFranco, aye; Cheryl Hawes, aye; Gordon Rogers, aye; and Jon Restivo, aye. Motion carried 4-0

Gordon Rogers moved, Jon Restivo seconded, to approve General Warrant #20 for \$36,884.07.

Denise DiFranco, aye; Cheryl Hawes, aye; Gordon Rogers, aye; and Jon Restivo, aye. Motion carried 4-0

VI. MONTHLY REPORTS

Jon Restivo moved, Gordon Rogers seconded, to accept the April 2016 monthly reports from the Building and Zoning Department, the Department of Public Works, the Finance Department, Human Services Department, Planning Department, Police Department, Tax Assessor (for March and April 2016), and RIRRC, as presented.

Denise DiFranco mentioned an upcoming charity car show sponsored by the Rhode Island Cowboy Cruisers, to be held at Helen's Place on June 4th, collecting non-perishable food donations for the Department of Human Services.

Denise DiFranco, aye; Cheryl Hawes, aye; Gordon Rogers, aye; and Jon Restivo, aye. Motion carried 4-0

VII. QUARTERLY REPORTS

Jon Restivo moved, Gordon Rogers seconded, to accept the third quarter reports from the Foster Conservation Commission, Libraries of Foster, Recreation Committee, and Tax Board of Review.

Denise DiFranco made an inquiry regarding the Conservation Commission; and announced that the Recreation Committee is still looking for members, particularly with grant-writing expertise.

Denise DiFranco, aye; Cheryl Hawes, aye; Gordon Rogers, aye; and Jon Restivo, aye. Motion carried 4-0

VIII. OLD BUSINESS

**a.) Tax Treaty,
Foster Solar,
LLC,
Solar
Installation**

Jon Restivo stated that the agreement was still a work in progress; but summarized the calculated taxation rates based on full and half appraisal values and the draft tax stabilization agreements as presented by both the Town and by NEXAMP/Foster Solar, LLC.

A lengthy discussion ensued; several people spoke to advantages and concerns about the project. NEXAMP/Foster Solar, LLC Representative Palmer Moore spoke to those items his company felt their facility would be offering as benefits to Foster, i.e., upgrades to wiring on Theodore Foster Drive, the upgrading of the Chopmist Hill (electrical) Station, etc.

It was agreed that Jon Restivo would continue to work with the Town Planner, Tax Assessor, Solicitor and Treasurer on furthering an agreement. There was no vote.

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OLD

BUSINESS, cont.
(Rearrangement
of Agenda
items)

Jon Restivo moved, Cheryl Hawes seconded, to rearrange the agenda so that the Gloucester Resolutions concerning the Regional School system would be heard after the Planning Board recommendations for Charter amendments.

Denise DiFranco, aye; Cheryl Hawes, aye; Gordon Rogers, aye; and Jon Restivo, aye. Motion carried 4-0

c.) Charter
Review
Committee
Report/
Schedule
Public
Hearing

Gordon Rogers moved, Jon Restivo seconded, to review the presented revisions from the Charter Review Commission.

Discussion: Ms. DiFranco asked if the Council would want to present all of the recommended amendments at the public hearing, and to forward all the changes to be heard to that time.

Motion and second withdrawn.

Gordon Rogers moved, Jon Restivo seconded, to present the articles presented by the Charter Review Commission at a public hearing on June 23, at 7:00 p.m.

Denise DiFranco, aye; Cheryl Hawes, aye; Gordon Rogers, aye; and Jon Restivo, aye. Motion carried 4-0

d.) Planning
Board
Recommen-
dation
for Charter
Amendment/
Schedule
Public
Hearing
(June 23)

Ms. DiFranco stated that the Council had before them a letter from the Planning Board requesting an additional Charter Amendment regarding the Capital Fund transfer, to be part of the public hearing on June 23rd.

Gordon Rogers moved, Jon Restivo seconded, to accept the Planning Board's proposal for a Charter amendment, to be decided at the same public hearing, on June 23, at 7:00 p.m.

Denise DiFranco, aye; Cheryl Hawes, aye; Gordon Rogers, aye; and Jon Restivo, aye. Motion carried 4-0

b.) Review of
Gloucester
Resolutions
Concerning
Regional
School
System:

Ms. DiFranco stated that the town of Gloucester had presented two resolutions they wished to discuss, the first regarding removing capital expenditures from maintenance of effort in the school district budget. The Foster town treasurer had reviewed the proposal and was prepared to give an opinion as to how this resolution might affect the town. A similar resolution had been prepared by the Town Clerk for discussion. Members of the Gloucester Town Council were present, as well as representatives of the Regional School Board.

1.) Removing
Capital
Expenditures
from
Maintenance
of Effort

Gordon Rogers moved, Jon Restivo seconded, to present and discuss the proposed Foster resolution #2016-07 (mimicking Gloucester resolution #2016-06).

Gloucester Council members Steven Sette and Ted Burlingame gave a synopsis of Gloucester's reasoning behind their proposed resolution, stating that most major capital is purchased with debt, and once that debt is paid, the debt for that item is not maintained on the books. The same should be true for

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- b.) **Review of Gloucester Resolutions Concerning Regional School System:** capital. Once a budgeted item is purchased the amount should not be considered part of maintenance of effort.
- (Mr. Lewis arrived at 7:43 p.m. Ms. DiFranco continued to speak on this topic)
- 1.) **Removing Capital Expenditures from Maintenance of Effort, cont.** Treasurer Kelli Russ stated that the proposed resolutions support House Bill H 8006 introduced on March 25, 2016, and the proposed change to section 16-7-23, which removed non-recurring capital expenditures from maintenance of effort, may need further revision. The wording of the resolution calls for the removal of all capital expenditures from any budget, which is not good practice, and would jeopardize capital projects eligibility for housing aid reimbursement.
- Superintendent Barnes handed out copies of House bill H8006 to the Foster council, and explained his concerns regarding the deletion of non-recurring capital expenses from any annual budget.
- (Gloucester council member George Steere, Jr., arrived at the meeting.)
- Mr. Sette commented that the Gloucester council would be amenable if Foster wanted to reword the resolution and bill. Gloucester would notify their representatives to hold the bill.
- The original motion and second were withdrawn.
- Jon Restivo moved, Gordon Rogers seconded, to table the resolution until a future Council meeting, and authorize Council President Lewis to communicate with representative Chippendale and Senator Kettle, notifying them that the resolution has been tabled, and ask them hold the bill H 8006 while the two towns could work on the language.
- John L. Lewis, Jr, aye; Denise DiFranco, aye; Cheryl Hawes, aye; Gordon Rogers, aye; and Jon Restivo, aye. Motion carried 5-0.
- 2.) **Creation of Regional Tax District** John L. Lewis, Jr. took over the meeting at this point. Mr. Lewis read the proposed Foster resolution 2016-03 (mimicking Gloucester's resolution 2016-02), wherein the 2006 Senate Bill #3050 was referenced. Mr. Lewis also referenced the proposed bill S2681.
- Gordon Rogers moved, Jon Restivo seconded to accept the resolution for discussion purposes.
- A discussion ensued between Council members from each town, the school committee members, and Treasurer Russ, on the pros and cons of creating a Regional Tax District.
- Gloucester councilman Sette asked to pull the bill. John Lewis and Cheryl Hawes went on record against the resolution and bill. Jon Restivo stated he saw no real benefit to the taxpayers to have a regional tax district. Ms. DiFranco and Mr. Rogers expressed reservations.

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OLD

BUSINESS, cont. Mr. Lewis called for a vote in favor of endorsing the resolution.

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

There was a five minute recess. The meeting resumed at 9:32 p.m.

IX. NEW

BUSINESS

a.) Abatements due to Statute of Limitations, Tax Collector

Jon Restivo moved, Gordon Rogers seconded, to approve the 2006 abatements in the amount of \$2,363.11, for personal property, in the amount of \$7,140.69 for motor vehicle, for a total of \$9,503.80.

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

b.) Recognition of Tax Assessor for Receiving Outstanding Service Award

John L. Lewis, Jr. announced that Tax Assessor Patti Moreau had received an award from the Northwestern Regional Association of Assessing Officers, presenting the Sherry Vermilya Memorial award in recognition of outstanding service to the Assessment Profession.

The Council congratulated Ms. Moreau.

c.) "Welcome to Foster" Sign Proposal

John L. Lewis, Jr. explained that this was a proposal brought forth by Jon Restivo. Mr. Restivo explained his idea that unlike other towns, the Town of Foster was lacking in "Welcome" signs posted on the roads at the town lines. Mr. Restivo suggested that interested residents could create designs for signs, based on certain criteria, which could be voted upon at the Old Home Days.

Discussion ensued as to advertising, sign materials, criteria. Superintendent Barnes offered the services of the school shop in outputting sign material.

Cheryl Hawes moved, Gordon Rogers seconded, to allow Jon Restivo to move forward and come back to the June 9th council meeting with a final set of criteria.

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

d.) Flyer(s) for Tax Ordinance Information Session/ Financial Town Meeting

Councilman Restivo had provided a letter to residents that would be sent as a mailed flyer, notifying them of the information session on June 21st and the subsequent Financial Town Meeting on July 12, regarding the proposed changes to the senior tax freeze.

Mr. Restivo read the letter to the audience.

Gordon Rogers moved, Cheryl Hawes seconded, to approve this letter.

Discussion: Denise DiFranco stated it was well written but objected to the wording at the end of the letter.

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

**X. FUTURE
AGENDA
ITEMS**

- Charter Review Commission Public Hearing, June 23
- Welcome to Foster signs, June 9
- NEXAMP/Foster Solar, LLC, Tax Treaty, June 9
- Charter Review Recommendations and Planning Board Charter Recommendation Public Hearing, June 23
- Gloucester Resolution Regarding Capital Expenditures
- LESO Program
- Financial Statements and Standard Policies and Procedures, From Non-Town Entities Receiving Appropriations
- Recreation Field
- Bond for Police Station
- Council Awards for Foster Old Home Days

**XI. EXECUTIVE
SESSION**

There was none

**XII. 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 10:22 p.m.

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

Submitted by

Jane Christopher
Town Clerk