

JULY 14, 2016
TOWN COUNCIL MEETING

The July 14, 2016 Town Council Meeting was called to order by John L. Lewis, Jr., President of the Foster Town Council, at the Benjamin Eddy Building, Foster, Rhode Island, at 7:05 p.m.

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

Also present:
Renee M. Bevilacqua, Town Solicitor
Joe Cardillo, DPW Director
Joe Carey, Planning Board Chair
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 mentioned that Treasurer Russ and Councilwoman Hawes had been excused from this meeting. Mr. Lewis also pointed out that the flags were still at half mast for the victims of the Dallas shooting, per a Presidential proclamation. Mr. Lewis asked for a moment of silence for the victims, and also for resident Norman Smith, recently passed, who had done a lot of electrical work in and for the Town. It was also announced that the Council was working on the rescheduling of the special Financial Town Meeting of July 12, which had to be cancelled due to occupancy restrictions at the South Foster Fire Hall. The tentative date would be Tuesday, July 26th, at 7:00 p.m., at the Foster/Glocester High School Auditorium. A mailer would be sent to residents.

Council Vice President Denise DiFranco announced that a Recreation Committee billboard had been positioned on Route 6 and had been paid for by C.A.S.T.. She also stated that DHS Director Carol Mauro had a list of school supplies prepared, for anyone wishing to donate supplies for the school year.

**III. PUBLIC
COMMENT**

Resident Audrey Carey asked if the Town House repairs had been completed and when the building would be reopened.

IV. MINUTES

There were no minutes presented.

V. WARRANTS

Denise DiFranco moved, Gordon Rogers seconded, to approve Payroll Warrant #51 for \$31,338.92.

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

Denise DiFranco moved, Gordon Rogers seconded, to approve Payroll Warrant #52 for \$31,509.59.

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

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**WARRANTS,
cont.**

Denise DiFranco moved, Gordon Rogers seconded, to approve Payroll Warrant #53 for \$40,139.86.

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

Denise DiFranco moved, Gordon Rogers seconded, to approve General Warrant #23 for \$81,570.83.

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

Denise DiFranco moved, Gordon Rogers seconded, to approve General Warrant #1 for \$261,580.07.

Discussion: Ms. DiFranco confirmed that the reason this warrant amount was so large was due to the Providence Water Supply Board payment.

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

**VI. MONTHLY
REPORTS**

Denise DiFranco moved, Gordon Rogers seconded, to accept the May monthly report from the Tax Assessor, as presented.

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

**VII. QUARTERLY
REPORTS**

There were none.

**VIII. OLD
BUSINESS**

There was none.

**IX. NEW
BUSINESS**

**a.) Additions &
Abatements,
Tax Assessor**

Denise DiFranco moved, Gordon Rogers seconded, to honor the request of the Tax Assessor to make the following changes to the 2016 tax roll: Motor Vehicle additions of \$621.64; Motor Vehicle Abatements of \$1,042.25; and Tangible abatements of \$319.30. (Exhibit A)

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

**b.) Request from
Thornton
Beagle Club
for Class F
Liquor
Licenses**

Denise DiFranco moved, Gordon Rogers seconded, to honor the request of the Thornton Beagle Club for two Class F liquor licenses for July 21 and August 7, 2016.

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

**c.) Recreation
Committee
Request for
Fairgrounds,
Community
Yard Sale**

The request for this had not yet come in, and was carried to a future agenda item.

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NEW
BUSINESS, cont.

- d.) Request for Use of Fairgrounds, S. Foster Fire Co. October 15, 2016, 5 & 10K Race** Mr. Lewis read a request from South Foster Fire Captain Charles Stockwell to use the Fairgrounds for this race.
- Denise DiFranco moved, Gordon Rogers seconded, to honor the request of the South Foster Volunteer Fire Company to use the Fairgrounds for their 5 & 10K race, on October 15, 2016.
- John L. Lewis, Jr., aye; Denise DiFranco aye; Gordon Rogers, aye; Jon Restivo, aye. Motion passed 4-0.
- e.) Temporarily Locating Simulated Firearms Training Range in Town Hall Basement** John L. Lewis, Jr. read a letter from Police Chief William Ziehl asking to utilize a section of the basement in the Town Hall between August 1 and August 5, 2016, to utilize the RI Inter-Local Trust's Fire Arms Training Simulator, which they offer to Law Enforcement Agencies statewide. Mr. Ziehl was also inviting the Council to schedule time to view a demonstration of the simulator.
- The police would be conducting their simulated training during non-business hours at Town Hall.
- Gordon Rogers moved, Denise DiFranco seconded, to honor the request of the Chief to use the Town Hall basement for the simulation.
- John L. Lewis, Jr., aye; Denise DiFranco aye; Gordon Rogers, aye; Jon Restivo, aye. Motion passed 4-0.
- f.) Complaints Regarding Barking Dogs at 61 Kennedy Road** John L. Lewis, Jr. stated that the Council had received a letter from a resident on this issue; and that Mrs. Giovanni of Calvin French Road, just across the Connecticut line, had asked to put this topic on the agenda.
- Mrs. Giovanni was in attendance and spoke. She mentioned that the property owners at 61 Kennedy Road had applied for a kennel license for their canine business in 2012, but had not been issued that license due to the objections of the neighbors. In turn, they registered their dogs individually as pets. Mrs. Giovanni complained that the dogs bark all day and night, and are a constant source of irritation to the surrounding residents.
- Several of the neighbors in the area of the kennel on both sides of the state line, spoke and also complained of the barking. These residents were looking to the Council to do something to rectify the situation.
- After lengthy discussion, it was determined that the Council could not force the kennel owner to change his practices, based on the Town's existing ordinances. The Council agreed to look into the possibility of rewriting the existing noise, animal control and kennel license ordinances.
- Solicitor Renee Bevilacqua stated that she would look into legal aid organizations that might assist those residents objecting to the kennel, should they choose to pursue court action; and whether it would be prudent to go to court at all.

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**NEW
BUSINESS, cont.**

Mrs. Giovanni would be the contact person for the residents surrounding the kennel.

**g.) Maintenance
of Gold Mine
Road**

Mr. Lewis explained that there had been a request to the Town from Mr. Greg Coffey, who was in the process of building a house on land adjacent to the unmaintained section of Gold Mine Road. Gold Mine Road is currently accessed either from Cucumber Hill Road or Harrington Road, with the unmaintained section in the middle. Mr. Coffey was asking the town to open at least a portion of that unmaintained section, to be able to access his new driveway; and also to consider opening the entire unmaintained section to restore the road as the throughway it had once been. The DPW Department had already begun opening one section as far as Mr. Coffey's driveway.

Several residents from Gold Mine Road were present. They stated their objections to not having been made aware of what the DPW department was planning on doing, and made it known that they were also against opening the road in its entirety, citing their satisfaction with the road in its existing state.

Mr. Lewis stated that the DPW Director, through the Town Charter, has a duty to respond to requests to reinstate maintenance on any road not officially abandoned.

Both the police and fire departments had written letters advocating opening the road for through access, for safety reasons.

Denise DiFranco moved, Gordon Rogers seconded, to open and maintain the road to Mr. Coffey's driveway and end it there.

Discussion: DPW director Joe Cardillo asked for a turnaround spot for Town equipment. Property owners Feldman and Hart agreed that a piece of their adjoining properties could be utilized along the road for that purpose. Gold Mine Road resident Kate Bousquet would be the contact person to get written permission to submit to the DPW Director.

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

**X. FUTURE
AGENDA
ITEMS**

- Location of Swamp Meadow Community Theater Outdoor Performance Center
- Bid Award, Recreation Field Clearing, Chipping, Stumping, and Grading Project
- LESO Program Update
- Financial Statements and Standards Policies & Procedures for Non-Town Entities Receiving Appropriations
- Minutes from June 21, 22, and 23, 2016
- Maintenance of Unmaintained Roads
- Ordinance Review – Solicitor, Town Clerk, Police Chief
- Dog Shelter Agreement
- Request from Recreation Committee for Community Yard Sale

**XI. EXECUTIVE
SESSION**

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

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**EXECUTIVE
SESSION, cont.**

Negotiations/Litigation, according to RIGL 42-46-5a(2).

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

Open session ended at 10:24 p.m. Executive session convened at 10:25 p.m.

**RECONVENE
TO OPEN
SESSION**

Jon Restivo moved, Gordon Rogers 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; Gordon Rogers, aye; Jon Restivo, aye. Motion passed 4-0.

Open session reconvened at 10:54 p.m.

John L. Lewis, Jr. announced that no votes were taken during executive session.

**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; Gordon Rogers, aye; Jon Restivo, aye. Motion passed 4-0.

Meeting adjourned at 10:55 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