

AUGUST 25, 2016
TOWN COUNCIL MEETING

The August 25, 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
Cheryl Hawes,
Jon Restivo, and
Gordon Rogers.

Also present:
Juliana King, Town Planner,
Police Chief William Ziehl
Joe Cardillo, DPW Director
Kelli Russ, Treasurer
Patti Moreau, Tax Assessor
Joe Carey, Planning Board Chair

- I. 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.
There was none.
- III. PUBLIC COMMENT** Resident Jeff Sheldon questioned the dispensation of funds for the recreation field.
- IV. MINUTES** Denise DiFranco moved, Gordon Rogers seconded, to approve the minutes from July 14, 2016, as presented.

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

Cheryl Hawes moved, Gordon Rogers seconded, to approve the minutes from July 28, 2016, as presented.

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 the minutes from August 11, 2016, as presented.

John L. Lewis, Jr., aye; Denise DiFranco, aye; Cheryl Hawes, aye; Gordon Rogers, aye; and Jon Restivo, aye. Motion carried 5-0.
- V. WARRANTS** Denise DiFranco moved, Gordon Rogers seconded, to approve Payroll Warrant #5 for \$33,503.79.

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 #6 for \$33,663.02.

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**WARRANTS,
cont.**

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 General Warrant #26 for \$320.00.

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 General Warrant #4 for \$25,469.61.

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, Jon Resivo seconded, to approve General Warrant #4A for \$440.00.

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

**VI. MONTHLY
REPORTS**

Denise DiFranco moved, Gordon Rogers seconded, to accept the July 2016 monthly reports from the Building and Zoning Department, the Finance Department, Human Services Department, Planning Department, Police Department, and RIRRC, and Tax Assessor, as presented.

Discussion: Denise DiFranco asked if the Young at Heart group had been notified of the fire marshal clearance of the Woody Lowden Center.

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

**VII. QUARTERLY
REPORTS**

There were none.

**VIII. OLD
BUSINESS
a.) Bid Award,
Gravel**

John L. Lewis, Jr., read a letter from Joe Cardillo, DPW Director, recommending awarding the bid for gravel to J.R. Vinagro Corporation, at a cost of \$12.00 per ton delivered, \$10.00 per ton picked up, low bid for the project.

Cheryl Hawes moved, Gordon Rogers seconded, to accept the recommendation of the DPW Director, and award the bid for gravel to J.R. Vinagro Corporation, at a cost of \$12.00 per ton delivered, \$10.00 per ton picked up.

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

**b.) Bid Award,
Paving
Project**

Mr. Lewis, read the letter from Joe Cardillo, DPW Director, recommending awarding the bid for street paving to Pawtucket HMA Inc., at a cost of \$62.50/ton for the leveling course, \$12.50/linear foot for keyways, and \$.30/square yard for tack coat, the low bid for the project.

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- b.) Bid Award, Paving Project, cont.** Denise DiFranco moved, Cheryl Hawes seconded, to honor the request of the DPW Director, and award the bid for street paving to Pawtucket HMA, Inc., at a cost of \$62.50/ton for the leveling course, \$12.50/linear foot for keyways, and \$.30/square yard for tack coat.

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

- c.) Bid Award, Asphalt Spreader Drag Box** Mr. Lewis read a letter from the DPW Director recommending that J. Pyott and Associates be awarded the bid for a 2016-2017 Material Spreader Drag Box at a cost of \$21,218.44. The equipment purchased will be a MG 6-10 Drag-A-Box Asphalt Material Spreader.

Denise DiFranco moved, Cheryl Hawes seconded, to honor the request of the DPW Director and award the bid for the 2016-2017 MG 6-10 Drag-A-Box Asphalt Material Spreader, to J. Pyott and Associates at a cost of \$21,218.44.

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

- d.) Update/ Next Steps, PRISM Street Light Project** Tom Gentz from PRISM re-introduced himself and his company. Mr. Gentz stated that he was awaiting a response from National Grid for an actual pole purchase price. Once received, he would come back to the Council for a vote on that price, which would be calculated at cost minus depreciation; and hoped that the Council would later vote on the cost of the lights for the poles, and having PRISM provide the maintenance.

A brief discussion was held on specific poles that were serving to hold floodlights into some business parking lots. Chief Ziehl recommended that any floodlights or streetlights currently lighting business lots should remain functional, for public safety.

DPW Director Joe Cardillo referenced his own recommendations regarding what poles in town to keep active and which ones might be turned off.

The Council would wait to hear further progress from Mr. Gentz on the matter.

- e.) Tax Relief for Elderly and Disabled Persons Amendment(s)** Mr. Lewis reminded the Council that on the evening of the public hearing on April 28, the Council had amended the existing senior tax freeze to have a sunset clause of December 31, 2016; and had approved the new tax freeze ordinance, and the new business tax ordinance. On that evening the Council chose not to vote to implement the deadline of 12-31-16 until after the Financial Town Meeting, to let the voters have their say. The Resolution at the Financial Town Meeting was to order and authorize the Town Council to enact a moratorium on accepting any new applications for tax relief under the existing ordinance.

Mr. Lewis called for a motion.

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e.) Tax Relief for Elderly and Disabled Persons Amendment(s), cont. Jon Restivo moved, Cheryl Hawes seconded, to approve the ordinance amending Foster tax relief for elderly and totally disabled persons, as presented.
John L. Lewis, Jr., aye; Denise DiFranco, aye; Cheryl Hawes, aye; Gordon Rogers, aye; and Jon Restivo, aye. Motion carried 5-0.

f.) Tax Relief for Elderly and Disabled Persons Resolution Mr. Lewis read a proposed Resolution (see Exhibit A) of the Town Council, to transmit the new Tax Relief ordinance to our senator and representative for introduction to the General Assembly.
Cheryl Hawes moved, Jon Restivo seconded, to approve the resolution of the Foster Town Council and send it to our representatives for approval.

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

IX. NEW BUSINESS

a.) Renewal of Animal Shelter Agreement Council President Lewis read a letter from the Scituate solicitor regarding the continuation of the present agreement with the town of Scituate, reflecting the same conditions as the prior year (see Exhibit B).

Cheryl Hawes moved, Gordon Rogers seconded to approve the animal shelter agreement for the year beginning July 3, 2016 to June 30, 2017.

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

b.) Review of Signs, and Placement of Signs from Old Home Days Sign Contest Mr. Lewis indicated the three sign submissions received for this contest, which were on display. Mr. Lewis asked the Council for their opinions as to where the signs might be best displayed.

One sign referenced Foster as being the “High Point” of a visitor’s day; the second referenced Foster’s Farms and Forests; the third gave the town name and zip code and a “Google it” call to action.

Denise DiFranco moved, Gordon Rogers seconded, that the “High Point” sign be located on Route 101 at Jerimoth Hill, so that it would be visible to incoming visitors from Connecticut.

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

Mr. Lewis stated that he had liked the sign with the “Foster, 02825 – Google it” message – until he Googled it. That inquiry led to a Facebook page that is politically oriented. Mr. Lewis was concerned that any person’s Facebook page or opinions be inadvertently advertised. It was suggested that the individual be contacted and offered the option to redo the sign. Mr. Restivo offered to contact the maker.

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- b.) Review and Placement of Signs, cont.** It was suggested to place the third sign, “Welcome to Foster, Farms and Forests of the Ocean State” in Moosup Valley, in the triangle where Route 14 meets Moosup Valley Road.
- John L. Lewis, Jr. moved, Jon Restivo seconded, to place the third sign in the triangle at the junction of Route 14 and Moosup Valley Roads.
- John L. Lewis, Jr., aye; Denise DiFranco, aye; Cheryl Hawes, aye; Gordon Rogers, aye; and Jon Restivo, aye. Motion carried 5-0.
- The DPW Department would give clear coat protective finish on the signs and place them at the various locations.
- c.) Police Station Building Committee Update/ Request from Committee** John L. Lewis, Jr. read a letter from the Police Station Building Committee Chairman, (see Exhibit C) apprising the Council of their progress, and asking for an additional 60 days for the Committee to work toward the goal set forth by the Council.
- Discussion: Ms. DiFranco expressed concern that this Council’s hands may be tied, as 60 days would be very close to the election; and the Council may not be able to act on this matter.
- Chief Ziehl said that the RFP was complete and the Committee may not need the full 60 days. The Committee should be able to view and vote on the RFP on September 1. Mr. Restivo gave his insight as a Committee member.
- Mr. Rogers expressed concern that this letter came only from the committee Chairman, and not as a vote from the entire Committee.
- Cheryl Hawes moved, Jon Restivo seconded, to grant the 60 day extension to the Police Station Building Committee.
- John L. Lewis, Jr., aye; Denise DiFranco, aye; Cheryl Hawes, aye; Gordon Rogers, aye; and Jon Restivo, aye. Motion carried 5-0.
- d.) Army Corps of Engineers Request Regarding Nike Site** Mr. Lewis read a letter from the Town Planner, (see Exhibit D) regarding an email request to the Council from the Army Corps of Engineers. The Corps was requesting permission hire a contractor to clear brush at the Nike site, along one of two locations as shown on their provided map; and to conduct minor berm reshaping on the east side only. This work would be for locating and drilling monitor wells, and to provide an eventual drill rig access road for 2017 well drilling.
- The Council reviewed a map that was provided, and discussed which of two locations to choose.
- Denise DiFranco moved, Jon Restivo seconded, to honor the request of the US Army Corps of Engineers to apply ground-penetrating radar along chosen lines; and that would be their primary location as sited on the map.

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**d.) Army Corps
of Engineers
Request
Regarding
Nike Site,
cont.**

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

Ms. DiFranco suggested that the Army Corps of Engineers should alert North West Special Education, located at the site, so that their access remains clear.

Gordon Rogers moved, Cheryl Hawes seconded, that any contractor hired by the Army Corps of Engineers to work on town property will carry a minimum of \$1,000,000.00 liability insurance, naming the Town of Foster as an additional insured.

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

John Lewis moved, Jon Restivo seconded, to further amend the main motion to allow the US Army Corps of Engineers to additionally clear brush, dead trees, and live trees less than 3” in diameter, and do minor berm reshaping, along the location indicated.

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

The Council returned to the main motion.

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

**e.) Proclamation
in Apprecia-
tion of Town
of Foster
Volunteers**

Human Services Director Carol Mauro had provided a proclamation (Exhibit E) recognizing volunteers in the town, for which she wished Council approval, in order to present it at the “Town Volunteer Appreciation Day” on September 10, on the town grounds. Mr. Lewis read the Proclamation.

Denise DiFranco moved, Gordon Rogers seconded, to approve the proclamation in appreciation of Town of Foster volunteers as presented.

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

**f.) Maintenance
of Unmain-
tained Roads**

John L. Lewis, Jr. stated that the Town Clerk had found historical information in the vault. One document was a letter from 1974 from then-solicitor Brad Gorham, listing which roads had or had not been abandoned. Mr. Lewis had listed each of those roads in the agenda.

Mr. Lewis read details on those roads from Mr. Gorham’s letter. Other elements found were a procedure for abandoning roads, and a reference page found showing the book and page numbers from the vault land evidence books, wherein abandonment and rescindment of some roads were recorded. e

Denise DiFranco stated that when she requested this be put on the agenda, she had hoped to work toward a procedure of courtesy notification to residents on any road, that work is going to commence on their road.

Mr. Restivo asked if the statement in Mr. Gorham's 1974 letter, that a road must be maintained at the request of a resident, was still accurate.

There was no vote taken.

**X. FUTURE
AGENDA
ITEMS**

- LESO Program
- Financial Statements and Standard Policies and Procedures, From Non-Town Entities Receiving Appropriations
- Kennel Ordinance Revisions
- Dog License Ordinance
- Location of Swamp Meadow Community Theater Outdoor Performance Stage
- Red Ribbon Proclamation
- PRISM

**XI. 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(1), Personnel, and RIGL §42-46-5a(2), for discussions or work sessions regarding Collective Bargaining /Contract Negotiations/Litigation, according to RIGL §42-46-5a(2).

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

Open session ended at 8:27 p.m. Executive session convened at 8:47 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; Cheryl Hawes, aye; Gordon Rogers, aye; Jon Restivo, aye. Motion passed 5-0.

Open session reconvened at 9:45 p.m.

John L. Lewis, Jr. announced that three votes were taken during executive session:

- 1.) Regarding a Memorandum of Agreement with the Dispatchers Union regarding Article XI, hours of work. That motion was unanimously rejected.
- 2.) Regarding a Memorandum of Agreement with the Dispatchers Union regarding Article XI, wording changes to sections a, b and c of their contract. That motion was unanimously approved.
- 3.) To waive the requirement to be a degree student in order to receive reimbursement for one of the police officers on staff. That motion was unanimously approved.

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**XII. ADJOURN-
MENT**

Gordon Rogers moved, Cheryl Hawes 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 9:46 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