

OCTOBER 9, 2014
TOWN COUNCIL MEETING

The October 9, 2014, Town Council Meeting was called to order by John J. Lewis, Jr., President of the Foster Town Council, at the Foster Town House, Foster, Rhode Island, at 7:03 p.m.

The following members were present:

John L. Lewis, Jr., President
Pamela Fontaine, Vice President,
Neal C. Whitelaw,
Denise DiFranco, and
Roger L. Hawes.

Also present were:

Renee M. Bevilacqua, Town Solicitor
William Ziehl, Police Chief
Joe Cardillo, DPW Director
Lillian Jackson, Deputy Treasurer
Also present: John Rambone, Sr., and
John Rambone, Jr., Rambone Disposal

I. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

II. ANNOUNCEMENTS

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

Pamela Fontaine read the notice from the top of the agenda: The Foster Town Council does not sanction any electronic audio/video recordings of Town Council Meetings made by the public. Any audio/video recordings made by the public are not public records under Title 38 Public Records.

Denise DiFranco announced that this morning she attended the Educator's and Community Celebration at Paine School which featured the Educator's Award ceremony from the Milken Family Foundation of California. Unsolicited, this Foundation seeks out educators across the United States whom they feel have demonstrated exceptional educational talents, and awards one teacher in each state annually. Erin Quinlan, a reading specialist at Paine School, was selected for the Rhode Island award and received a check for \$25,000.00 to be used in any way she wishes.

III. MINUTES

Denise DiFranco moved, Roger Hawes seconded, to approve the minutes from the September 25, 2014 Town Council meeting as presented. John Lewis asked the Town Clerk to check Walter May's title with the Land Trust at the top of the minutes.

John L. Lewis, Jr. aye; Pamela Fontaine, aye; Roger Hawes, aye; Neal Whitelaw, aye; Denise DiFranco, aye. Motion passed 4-0, 1 abstention.

IV. WARRANTS

Neal Whitelaw moved, Roger Hawes seconded, to approve **Payroll Warrant #12** for \$26,545.40.

John L. Lewis, Jr. aye; Pamela Fontaine, aye; Roger Hawes, aye; Neal Whitelaw, aye; Denise DiFranco, aye. Motion passed 5-0.

Denise DiFranco moved, Roger Hawes seconded, to approve **Payroll Warrant #13** for \$26,084.65.

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John L. Lewis, Jr. aye; Pamela Fontaine, aye; Roger Hawes, aye; Neal Whitelaw, aye; Denise DiFranco, aye. Motion passed 5-0.

Neal Whitelaw moved, Roger Hawes seconded, to approve **General Warrant #7** for \$92,226.37.

John L. Lewis, Jr. aye; Pamela Fontaine, aye; Roger Hawes, aye; Neal Whitelaw, aye; Denise DiFranco, aye. Motion passed 5-0.

Denise DiFranco moved, Roger Hawes seconded, to approve **General Warrant #27A** for \$236.46.

John L. Lewis, Jr. aye; Pamela Fontaine, aye; Roger Hawes, aye; Neal Whitelaw, aye; Denise DiFranco, aye. Motion passed 5-0.

V. NEW BUSINESS
a. Additions &
Abatements,
Tax Assessor

Neal Whitelaw moved, Roger Hawes seconded, to approve the Tax Assessor's recommendation of Motor Vehicle Abatement in the amount of \$464.38.

Discussion: Pamela Fontaine stated she would like to see the motion amended to reflect the two different years referenced on the spread sheet, and the amount for each year.

Pamela Fontaine moved, Neal Whitelaw seconded, to amend the motion to approve the motor vehicle abatements for 2012 of \$124.85, and motor vehicle abatements for 2013 of \$339.53, for a total of \$464.38.

John L. Lewis, Jr. aye; Pamela Fontaine, aye; Roger Hawes, aye; Neal Whitelaw, aye; Denise DiFranco, aye. Amended motion passed 5-0.

John L. Lewis, Jr. aye; Pamela Fontaine, aye; Roger Hawes, aye; Neal Whitelaw, aye; Denise DiFranco, aye. Main motion passed 5-0.

b. Bid Opening,
Completion
of Compre-
hensive Plan

John Lewis stated that the Council had received no bids for the completion of the comprehensive plan. Mr. Lewis will bring the information back to the Planning Board and ask them to consider their next course of action.

c. Bid Opening,
Two Trucks
with Dump
Bodies

John Lewis opened and read the three bids for Two Trucks with Dump Bodies, as follows:

Central Auto Team, Raynham, MA
Two 5500 Dodge Ram Trucks equipped as per bid specs.
\$118,870.00

Putnam Chrysler Dodge Jeep, Putnam, CT
Two 5500 Dodge Ram Trucks equipped as per bid specs.
\$118,266.00

Putnam Ford, Putnam, CT
Two 2015 Ford F-550 Trucks equipped as per bid specs.
\$117,926.00

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Roger Hawes moved, Denise DiFranco seconded, to refer the bids to the Public Works Director.

John L. Lewis, Jr. aye; Pamela Fontaine, aye; Roger Hawes, aye; Neal Whitelaw, aye; Denise DiFranco, aye. Motion passed 5-0.

**d.) Recycling
and Trash
Pickup
Procedures**

John Rambone, Sr., and John Rambone, Jr. were present to respond to a resident's questions as emailed to Denise DiFranco, regarding trash and recycling being picked up in the same truck; and to clear up confusion about combining trash with recycling. John Rambone, Sr., stated that Rambone Disposal had never been cited or fined by the Landfill (RIRRC) for contaminated loads; the recycling tonnage is steadily growing. He provided a letter and support data from RIRRC to support that statement (see exhibit A). Mr. Rambone explained the "single stream" recycling process wherein paper and plastics can be combined. He further clarified the different truck compartments that accommodate both trash and recycling.

**e.) Surplus
Vehicle
Request,
Foster Center
Fire Company**

John L. Lewis, Jr., referred to a letter from the Foster Center Volunteer Fire Department requesting that the Town allow the Fire Department to acquire a surplus police vehicle if one becomes available. Mr. Lewis read the letter of request that outlined how the Fire Company would utilize the vehicle.

The DPW Director had provided the council with two blue book value estimates for to the vehicle – a 2008 Ford Crown Victoria - and a note of support for the transfer.

Discussion: a representative from the FCVFC spoke explaining how they would utilize the vehicle. Chief Ziehl explained that his department only has one vehicle available at this time, and suggested turning the vehicle over to the Town rather than putting it up for auction. This vehicle would replace the current town car, which could then go to the fire station.

Dave Sousa, from South Foster Fire Department, and Gordon Rogers from Moosup Valley Fire Department each stated their departments had no interest in the vehicle.

Renee Bevilacqua verified there is no issue of liability to the Town if the fire station takes complete control and responsibility.

John Lewis moved, Roger Hawes seconded, to transfer ownership of the 2008 Crown Victoria town car to the Foster Center Volunteer Fire Company as soon as the town receives the new police cruisers.

Discussion: Ms. Bevilacqua stated that it might be better to apply a \$1.00 sale amount to the transaction.

John Lewis moved, Roger Hawes seconded, to amend the motion to transfer the vehicle for \$1.00.

John L. Lewis, Jr. aye; Pamela Fontaine, nay; Roger Hawes, aye; Neal Whitelaw, abstained; Denise DiFranco, aye. Amended motion passed 3-1, with one abstention.

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John L. Lewis, Jr. aye; Pamela Fontaine, nay; Roger Hawes, aye; Neal Whitelaw, abstained; Denise DiFranco, aye. Main motion passed 3-1, with one abstention.

f.) South Foster Fire Company request to use town grounds.

Pamela Fontaine read a letter from South Foster Fire Company requesting the use of the Town grounds for their 5K/10K road race on Saturday, October 18, 2014.

Pamela Fontaine moved, Roger Hawes seconded, to grant South Foster Fire Company permission to use the grounds on Saturday, October 18, for their 5K/10K road race.

Discussion: John Lewis asked about possible conflict with the Preservation event. Chief Ziehl indicated that the combined parking and traffic shouldn't be a problem as the events start at different times.

John L. Lewis, Jr. aye; Pamela Fontaine, aye; Roger Hawes, aye; Neal Whitelaw, aye; Denise DiFranco, aye. Motion passed 5-0.

g. Appointment of Temporary Town Hall Clerk

The Town Clerk made the Council aware that Local Union 1322 had not had any Union employee available to cover for the Tax Assessor clerk for the two months medical leave she requires as of October 23; and that Arthur Jordan, Business Manager for Local 1322, had confirmed that the Union had no issue with the town hiring a non-union temporary clerk for that period.

VI. OLD BUSINESS
a. Bid Award, Woody Lowden Log Wall Repair Replacement Project.

John L. Lewis, Jr. asked the DPW director if he was prepared to assign the bid award. DPW Director Joe Cardillo recommended the bid be awarded to French Mountain Builders for \$4,700.00 plus additional costs if they run into plumbing or electrical issues.

John Lewis stated that the RFP was followed. Bullet #4 stated that it was a requirement that a representative from the bidding companies make an on-site inspection. If a bidder did not come to look at the job, they weren't complying with the specs. It was also specified in the RFP that any questions be referred to the DPW director.

Renee Bevilacqua stated that some one could still have bid without coming to look at the job but that detail would be taken into consideration when awarding the bid.

Roger Hawes moved, Denise DiFranco seconded, to approve the bid award to French Mountain Builders.

Neal Whitelaw asked if there would be a cap on the award. Joe Cardillo said that an additional \$300.00 cap would be appropriate.

Neal Whitelaw moved, Denise DiFranco seconded, to amend the motion to allow for \$300.00 additional to cover overages.

The Solicitor stated she would work with Mr. Cardillo on a contract.

John L. Lewis, Jr. aye; Pamela Fontaine, aye; Roger Hawes, aye; Neal Whitelaw, aye; Denise DiFranco, aye. Amended motion passed 5-0.

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John L. Lewis, Jr. aye; Pamela Fontaine, aye; Roger Hawes, aye; Neal Whitelaw, aye; Denise DiFranco, aye. Main motion passed 5-0.

**b.)Bid
Award,
Heating Oil**

John L. Lewis, Jr. asked the DPW director if he was prepared to assign the bid award. DPW Director Joe Cardillo recommended that they go out for rebid. He was not satisfied with the contract proposed by the one company that bid. Mr. Lewis asked the solicitor if the council could out to rebid given the timing required to get out a bid and returns, since this is an election year and this Council is an outgoing one. Ms. Bevilacqua said that retaining services for the Town was within the scope of the current Council.

Mr. Lewis said that they would go out for rebid, have the bid opening on October 23, and award the bids at the November 13 meeting.

Neal Whitelaw moved, Denise DiFranco seconded, to accept Superior Plus Energy Services quote for \$3.02 a gallon.

John L. Lewis, Jr. nay; Pamela Fontaine, nay; Roger Hawes, nay; Neal Whitelaw, nay; Denise DiFranco, nay. Motion failed 5-0.

**c. Bid
Award,
Winter Sand**

John L. Lewis, Jr. asked the DPW director if he was prepared to assign the bid award. Mr. Cardillo recommended that this bid be sent out again, based on the high price.

Neal Whitelaw moved, Denise DiFranco seconded, to accept the bid from Material Sand and Stone for \$15.94 per ton, delivered.

John L. Lewis, Jr. nay; Pamela Fontaine, nay; Roger Hawes, nay; Neal Whitelaw, nay; Denise DiFranco, nay. Motion failed 5-0.

**VII FUTURE
AGENDA ITEMS**

- Procedure for collecting tangible taxes.
- Foster Center Baptist Church well request
- Bid openings, winter sand and fuel oil

**VIII. EXECUTIVE
SESSION**

Neal Whitelaw moved, Roger Hawes seconded, to go into Executive Closed Session pursuant to a work session regarding (a.) RIGL 42-46-5a(9) for the discussion of Litigation/Arbitration, RI Laborers District Council, Local 1322, and for the discussion of (b) RIGL 42-46-5a(2) for the discussion of the International Brotherhood of Police Officers, Local 637, and to further keep the minutes of said meeting closed and the minutes of all executive sessions held previous to this meeting be closed and remain closed in accordance with provisions in RIGL 42-46-4 & 5.

John L. Lewis, Jr. aye; Pamela Fontaine, aye; Roger Hawes, aye; Neal Whitelaw, aye; Denise DiFranco, aye. Motion passed 5-0.

Open session ended at 8:10 p.m.

Executive session began 8:21 p.m.

**RECONVENE
INTO OPEN
SESSION**

Neal Whitelaw moved, Roger Hawes seconded, 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.

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John L. Lewis, Jr. aye; Pamela Fontaine, aye; Roger Hawes, aye; Neal Whitelaw, aye; Denise DiFranco, aye. Motion passed 5-0.

John L. Lewis, Jr. announced that no votes were taken in Executive Session.

IX. ADJOURNMENT

Neal Whitelaw moved, Roger Hawes seconded, to adjourn.

John L. Lewis, Jr. aye; Pamela Fontaine, aye; Roger Hawes, aye; Neal Whitelaw, aye; Denise DiFranco, aye. Motion passed 5-0.

Meeting adjourned at 8:36 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