

JANUARY 23, 2014
TOWN COUNCIL MEETING

The January 23, 2014, 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 7:00 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: Ann-Marie Ignasher, Town Planner Peter Scorpio, Bldg. & Zoning Inspector Acting DPW Director, Harold Shippee, Jr. Kelli Russ, Town Treasurer Patti Moreau, Tax Assessor Renee M. Bevilacqua, Town Solicitor William Ziehl, Police Chief
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- 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.

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.*

Agenda Change

A request was made to move the Public Hearing higher on the Agenda. Roger Hawes moved, Pamela Fontaine seconded, to move the Public Hearing portion of the agenda to appear after the Warrants.

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

Denise DiFranco moved, Roger Hawes seconded, to approve the minutes of **January 9, 2014**. It was noted that the date on the headings were wrong. John L. Lewis, Jr. moved, Roger Hawes seconded to amend the minutes as corrected.

John L. Lewis, Jr., aye; Pamela Fontaine, aye; Roger Hawes, aye; Denise DiFranco, aye; and Neal Whitelaw, aye. Amendment carried 5-0.

John L. Lewis, Jr., aye; Pamela Fontaine, aye; Roger Hawes, aye; Denise DiFranco, aye; and Neal Whitelaw, aye. Main motion carried to approve the minutes with the corrected date, 5-0.
- IV. WARRANTS

Neal Whitelaw moved, Roger Hawes seconded, to approve **Payroll Warrant #27** for \$33,457.19.

John L. Lewis, Jr., aye; Pamela Fontaine, no; Roger Hawes, aye; Denise DiFranco, aye; and Neal Whitelaw, aye. Motion carried 4-1.

Denise DiFranco moved, Roger Hawes seconded, to approve **Payroll Warrant #28** for \$27,148.59.

John L. Lewis, Jr., aye; Pamela Fontaine, no; Roger Hawes, aye; Denise DiFranco, aye; and Neal Whitelaw, aye. Motion carried 4-1.

Neal Whitelaw moved, Roger Hawes seconded, to approve **General Warrant #12** for \$102,993.69. Discussion: Denise DiFranco questioned page 3 of 6 of the warrant listing the IIMC. Town Clerk Carol Sholly explained that it was for the International Institute of Municipal Clerks that she had to belong to in order to maintain her CMC status and that this was the organization that provided the training. Denise DiFranco asked what NEACTC stood for and the Town Clerk explained that this was the New England Association of Clerks.

Pamela Fontaine asked about the charge from Dependable Concrete on page 2 of 6. Acting DPW Director Harold Shippee, Jr. explained that it was to provide a temporary well tank while the main tank was being repaired at Northwest.

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<i>(Verbatim transcription follows due to requested clarification)</i>	<p>Pamela Fontaine: I also have a question on page five of six which is RITCCA. There's one educational expense for Jane Christopher and quarterly for \$30 and there's another educational membership fees N. Delaere quarterly meeting. Is that a typo or...? 'Cause I would think that RITTC is the Rhode Island Town Clerks.</p> <p>Kelli Russ: There's something on that agenda that's good for Nancy to attend, the Tax Collector so she's going as well. They're both going together. There's a topic that's of interest for her. It's online tax payments.</p> <p>Carol Sholly: Right. Yeah, it has to do with online payments. So...</p> <p>Kelli Russ: I asked her to go.</p> <p>Carol Sholly: There's a new system going into Providence and it's more applicable to Nancy and what she does and I sent Jane also, so those are the two people that went because I couldn't go tomorrow.</p>
<i>(end of verbatim transcription)</i>	<p>Pamela Fontaine: Okay. Thank you.</p> <p>John L. Lewis, Jr., aye; Pamela Fontaine, aye; Roger Hawes, aye; Denise DiFranco, aye; and Neal Whitelaw, aye. Motion carried 5-0.</p>
IX. PUBLIC HEARING Victualling Lic. for State Line	<p>John L. Lewis, Jr. opened the Public Hearing and read the advertisement for the application for a Victualling license from Mounir Atifi for the State Line Diner. No one spoke in favor; no one spoke against. John L. Lewis, Jr. closed the public hearing.</p> <p>John L. Lewis, Jr. questioned the clearances and sign-offs. The only outstanding requirement was the State Health license which had been applied for but not yet received.</p> <p>The previous owner held one and she has stated that she is still involved in the transition process. Atty. Renee Bevilacqua asked if there would be anything substantially different in the operation of the diner. Mr. Hasim representing Mr. Atifi stated that it would all be the same. John L. Lewis, Jr. stated that the council could make the town license contingent upon obtaining the State Dept. of Health license so that they could continue to stay open. Atty. Renee Bevilacqua stated that it was her understanding that the previous owner is helping during the transition. As long as she is responsible then he can operate under her license.</p> <p>John L. Lewis, Jr. moved, Roger Hawes seconded, to grant a Victualling License to Mounir Atifi d/b/a State Line Diner contingent upon receipt of the appropriate sign-off from the State Dept. of Health.</p> <p>John L. Lewis, Jr., aye; Pamela Fontaine, aye; Roger Hawes, aye; Denise DiFranco, aye; and Neal Whitelaw, aye. Motion carried 5-0.</p>
V. MONTHLY REPORTS	<p>Denise DiFranco moved, Roger Hawes seconded, to approve the Monthly Reports for Building & Zoning, DPW, Finance, Human Services, Planning, Police, RIRRC, School Committee and Tax Assessor. Denise DiFranco asked about the November monthly report from the School Committee and John L. Lewis, Jr. replied that he had a comment concerning that. Since that report, Mr. Lewis stated that he met with Dr. Caswell and that she asked for Emergency Funds of \$17,000 due to a \$30,000 repair to meet the fire code and wanted us to make up the difference. He has since spoken with Ron Cervasio who said Dr. Caswell had not discussed it with the School Committee. After that, the request was rescinded because it would be included as part of the normal budget process.</p> <p>Denise DiFranco also asked why the report indicates that the school is now with the Northern Collaborative rather than the West Bay Collaborative but this was unknown and a follow up would be done.</p> <p>Neal Whitelaw asked that the reasons why comp time was earned could be included in the comp time report in the future.</p>

Pamela Fontaine questioned the Tax Assessor’s Report listing assessment schedules for the audit and what that was all about. Tax Assessor Patti Moreau and Town Treasurer Kelli Russ explained that the yearly audit requires a statistical table and the numbers have to be provided by the Tax Assessor.

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

VI. QUARTERLY
REPORTS

Neal Whitelaw moved, Denise DiFranco seconded to approve the Quarterly Reports from the **Board of Canvassers, School Committee, Land Trust, Libraries, Recreation Committee, South Foster Fire Company, Tax Board of Review** and **Foster Center Fire Company**.

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

VII. NEW
BUSINESS

a. Gold Cane
Plaque
Award

John L. Lewis, Jr. explained that the former holder of the Gold Cane had passed away and that Town Clerk Carol Sholly had researched residents and determined that Edna Boivin is the oldest Foster resident. She is here and we would like to present it to her.

Roger Hawes moved, Pamela Fontaine seconded, and it was so moved to award the Plaque for the Gold Cane Award to Edna Boivin.

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

b. Abatements –
Tax Assessor

Denise DiFranco moved, Roger Hawes seconded, to approve the abatements of \$39.94. John L. Lewis, Jr., aye; Pamela Fontaine, aye; Roger Hawes, aye; Denise DiFranco, aye; and Neal Whitelaw, aye. Motion carried 5-0.

c. DPW staff
attendance at
RIPWA expo

John L. Lewis, Jr. explained that there is an annual RI Public Works Expo on Wednesday, February 5th for DPW workers. It provides educational seminars and exhibits, etc. from 9:30 a.m. to 1 p.m. and Mr. Shippee asked that the DPW employees be allowed to go. The Expo discusses things such as crack sealing, dig safe, obtaining arborist’s licenses, and fuel master. In the past they have gone with the permission of the DPW Director. In the absence of an appointed Director, Mr. Shippee is asking the council.

Roger Hawes moved, Pamela Fontaine seconded, to allow the DPW workers to attend the RIPWA Expo. Discussion: Pamela Fontaine asked if everyone had gone in the past. Mr. Shippee replied that most of them have gone and that the Expo is only 25 minutes away if anyone is needed to return. Pamela Fontaine wanted to know if they would be back by 1:30. Mr. Shippee replied that they would. Neal Whitelaw stated that his problem was that it was the entire department. Denise DiFranco asked if it was always done in the past. John L. Lewis, Jr. asked if Mr. Shippee would have his cell phone with him. Mr. Shippee replied that yes, he lives with it. He also noted that some of the exhibits and seminars might be of interest to the council members. He also noted that there would be summer programs too.

John L. Lewis, Jr., aye; Pamela Fontaine, abstained; Roger Hawes, aye; Denise DiFranco, aye; and Neal Whitelaw, no. Motion carried 3-1-1 with three yes votes, one no vote, and one abstention.

d. Request from
Bldg. Official
for increase
in Bldg. Fees

Peter Scorpio, Building & Zoning Official requested that the building fees be increased to \$50 from \$15 because of the high cost of gas in sending an inspector out for inspections. John L. Lewis, Jr. asked if the fees were set by Ordinance and Mr. Scorpio said they were set at \$95 per square foot. Mr. Lewis replied that if the fees were set by ordinance, then the ordinance would have to be changed so that would have to be researched before action was taken. Mr. Scorpio also noted that there were no fees for replacement siding, or windows. Mr. Lewis suggested that he propose something.

e. **Request from Bldg. Official for increase in hours** Peter Scorpio, Building & Zoning Official, requested that his hours be increased because it is hard to get everything done in 20 hours per week. John L. Lewis, Jr. referred to the Town Charter noting that Department Heads’ get paid within the constraints of the Financial Town Meeting. Atty. Renee Bevilacqua stated that it is true that running down violations takes a lot of time. Roger Hawes asked that Mr. Scorpio make a report for the last six months of how many violations they have worked on. Atty. Renee Bevilacqua asked that it also show what is *not* being done. Denise DiFranco stated that she want to see what *is* being done. John L. Lewis, Jr. stated that they want to see justification not in dollars but in how many things are not being done. Mr. Lewis further stated that this is the information that would be critical to taxpayers. Mr. Scorpio stated that they will submit violations every month from now on.

f. **Resignation from Housing Board** Denise DiFranco moved, Pamela Fontaine seconded, and it was so voted to accept with regrets the resignation of Fran Gast from the Affordable Housing Board.

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

g. **Procedure for interviews for DPW Director position** John L. Lewis, Jr. noted that the council needed to decide on procedures regarding interviews for the DPW Director position, review of resumes and interviews, whether there be a committee, and what the dates would be. Denise DiFranco stated that there are only five council members so they could interview. John L. Lewis, Jr. asked how they would decide who to interview. Denise DiFranco suggested that they meet and go through the resumes. The Town Clerk noted that resumes had been received from as far away as California and Arizona and they might not want to ask these people to fly in for an interview if they weren’t interested. Atty. Renee Bevilacqua stated that there is nothing that would prevent the council members from reviewing them first. As long as they do not make them public. John L. Lewis, Jr. asked if they could review them in Executive Session and then decide who would be interviewed. Atty. Renee Bevilacqua said yes and then contact them and give them the option to be interviewed in Open Session. A special meeting was agreed upon for Thursday, January 30, 2014, at 6:30 p.m.

h. **Appt. of Snow Plow Driver** John L. Lewis, Jr. noted that Don Delaere had not made the list of snow plow drivers that were approved. Acting DPW Director stated that Mr. Delaere had passed the BCI check, CDL and drug testing and that he was sorry he messed up the lists. There might be some issues with Mr. Delaere’s retirement pension. John L. Lewis, Jr. stated that it doesn’t cost the town anything to place someone on the list.

Roger Hawes moved, Denise DiFranco seconded to place Don Delaere on the snow plow list. Pamela Fontaine asked if they had advertised for snow plow drivers. Mr. Shippee answered yes. She then asked if Mr. Shippee had two lists. Mr. Shippee stated that he had submitted the wrong list, there was another person who hadn’t gotten clearance yet. Pamela Fontaine asked if there were some that Mr. Shippee hadn’t contacted yet. He stated yes. Pamela Fontaine asked why they hadn’t been tested out yet. Mr. Shippee said the testing was very expensive. They didn’t want to pay for those if there were some who already had CDL licenses and had passed the test.

Resident Gordon Rogers stated that there have always been lists, sometimes people we used in the past didn’t respond to the ad. John L. Lewis, Jr. pointed out that things were a little disjointed this year and noted that some on the list are from previous years.

John L. Lewis, Jr., aye; Pamela Fontaine, no; Roger Hawes, aye; Denise DiFranco, abstained; and Neal Whitelaw, no. Motion failed 2-2-1. Two yes votes, two no votes, and one abstention.

(Verbatim transcription follows due to requested clarification) Resident Heidi Rogers: (unintelligible) Mr. Delaere was a former DPW Director and (unintelligible) would just make sense. He knows the town; he knows the roads. I just curious as to why.

Gordon Rogers: It’s personal.

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John L. Lewis, Jr.: You can ask that. I can't compel them to answer, but you can ask that. I agree, he is local, he knows the roads. He knows the trucks, he knows the routes.

Heidi Rogers: It seems logical that somebody like that you would want taking care of the roads. Can I ask?

John L. Lewis, Jr.: You have asked! Is there anybody who would like to respond?

Heidi Rogers: Nobody's answering me.

(multiple people talking, possibly Denise DiFranco says "You're asking me?"')

Denise DiFranco: I abstained. I didn't vote one way or the other. Would you like me to answer that? I abstained because I don't know Mr. Delaere. (mixed voices)

Roger Hawes: But did you know any of the other guys on the list?

Denise DiFranco: Yes.

Roger Hawes: Huh?

Denise DiFranco: Yes, some of them.

Roger Hawes: Yes, some of them?

Denise DiFranco: Yes, some of them.

Roger Hawes: Okay.

Denise DiFranco: I—I have concerns.

(end of verbatim transcription)

Heidi Rogers: Okay. I'm just going to assume it's personal.

Neal Whitelaw stated that he was concerned about Mr. Delaere's pension. John L. Lewis, Jr. stated that those issues were not the council's problem to consider.

Resident Gordon Rogers stated that the town has used many retired DPW workers in the past and were proud to do so.

VIII. OLD BUSINESS
a. PW# 23

John L. Lewis, Jr. explained that this was a warrant from the last meeting that showed the total health to be paid out for the year and not the actual amount to be approved. Neal Whitelaw moved, Roger Hawes seconded, to approve PW#23 in the amount of \$42,473.96.

John L. Lewis, Jr., aye; Pamela Fontaine, no; Roger Hawes, aye; Denise DiFranco, aye; and Neal Whitelaw, aye. Motion carried 4-1.

b. Update on progress of Mill Road Bridge

Acting DPW Director Harold Shippee, Jr. reported that the water level has increased and gone over the sand bags. They floated a bladder to bring it down but the current increased and moved it. They will now work with little sand bags. John L. Lewis, Jr. asked if they were on schedule and Mr. Shippee replied that they were. Neal Whitelaw added that he checked on the extension and that it was actually for June 30th.

c. Plainwoods Road Bridge Update

Acting DPW Director Harold Shippee, Jr. reported that they have installed the guard rail but that they want to shave it down on one side where it sticks out a bit. DOT has been contacted to come inspect. The tar is a problem because it has been too cold. He will talk to the Bridge Inspector tomorrow. As yet they cannot install the STOP signs and will have to use barrels. John L. Lewis, Jr. asked if there was any potential that it would not be finished in time. Mr. Shippee did not think so.

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**IX. FUTURE
AGENDA
ITEMS**

- Proposal from Peter Scorpio
- Discussions with Department Heads in Executive Session
- Changes to Zoning

Resident Lynne Rider asked what the changes to Zoning might be. Town Planner Ann-Marie Ignasher stated that it was Section 6.2 regarding corner lots and which side would be considered frontage; she further stated that it has to be referred to the Council for a hearing.

**X. EXECUTIVE
SESSION**

Neal Whitelaw moved, Roger Hawes seconded, to go into Executive Session pursuant to a work session regarding RIGL 42-46-5 for the discussion of A(2) Collective Bargaining / Negotiations or Litigation and to reconvene into open session 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 and 5. Mr. Whitelaw noted the addition of item “d” regarding litigation for discussion purposes.

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

**RECONVENE
INTO OPEN
SESSION**

Neal Whitelaw moved, John L. Lewis, Jr. seconded, to reconvene into Open Session to announce any votes taken during Executive Closed Session in accordance RIGL 42-46-4 and to keep these minutes sealed.

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

John L. Lewis, Jr. announced that one vote was taken to seal the minutes. One vote was taken to approve the Dispatchers’ Contract.

XI. ADJOURNMENT

Roger Hawes moved, and Neal Whitelaw seconded to adjourn.

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

Meeting adjourned at 9:45 p.m.

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

Submitted by

Carol Lyons Sholly, CMC
Town Clerk