

JANUARY 9, 2014
TOWN COUNCIL MEETING

The January 9, 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:	Also present were:
John L. Lewis, Jr., President	Ann-Marie Ignasher, Town Planner
Pamela Fontaine, Vice President,	Acting DPW Director, Harold Shippee, Jr.
Neal C. Whitelaw,	Kelli Russ, Town Treasurer
Denise DiFranco, and	Lillian Jackson, Deputy Town Treasurer
Roger L. Hawes.	Patti Moreau, Tax Assessor
	Renee M. Bevilacqua, Town Solicitor
	William Ziehl, Police Chief

- 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.*
- III. NOTICES

Neal Whitelaw moved, Pamela Fontaine seconded, to refer to the solicitor a notice of potential legal action.

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

Neal Whitelaw moved, Roger Hawes seconded, to amend the agenda by adding to the Executive Session portion “ d.” under RIGL 43-46-5(a)1 Litigation, using the language as under III, “Letter of intent to proceed with legal claims against the Town of Foster from the Law Office of Stephen Thomas Fanning on behalf of a former employee”.

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

Denise DiFranco moved, Roger Hawes seconded, and it was so moved to approve the minutes of **November 21, 2013**, as submitted.

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

Denise DiFranco moved, Roger Hawes seconded, and it was so moved to approve the minutes of **December 12, 2013**, as submitted.

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

Neal Whitelaw moved, Roger Hawes seconded, to approve the December 23, 2013, minutes. John L. Lewis, Jr. noted that on page 3 of those minutes a vote is indicated in paragraphs 3 and 4. No vote was actually taken. John L. Lewis, Jr. moved, Roger Hawes seconded, to delete paragraphs 3 and 4 and to approve the minutes with that correction.

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

Neal Whitelaw noted that the total amount of **Payroll Warrant #23** did not agree with the amount on the agenda. Town Treasurer, Kelli Russ, explained that this was because employee benefits had to be included in advance to show on W2s but were not actually paid out.

Pamela Fontaine moved, Neal Whitelaw seconded, to table the Payroll Warrant #23 until the next town council meeting where the amounts can be itemized more clearly.

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- WARRANTS
Cont.

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

Denise DiFranco moved, Roger Hawes seconded, to approve **Payroll Warrant #24** in the amount of \$32,743.38.

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

Neal Whitelaw moved, Roger Hawes seconded, and it was so voted to approve **Payroll Warrant #25** in the amount of \$28,926.56.

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 #11** in the amount of \$220,729.46.
- VI.
MONTHLY
REPORTS

Denise DiFranco moved, Neal Whitelaw seconded, and it was so voted to approve the Monthly Reports from **Building & Zoning, Finance, Human Services, Planning, Police and Tax Assessor**. Neal Whitelaw requested further details on the Planner’s Report for the ensuing months on the extra hours worked.

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

Denise DiFranco moved, Neal Whitelaw seconded, to approve the Quarterly Report from the **Moosup Valley Volunteer Fire Company**.

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

a. Abatements – Tax Assessor

Neal Whitelaw moved, Denise DiFranco seconded, and it was so voted to approve the Abatement of \$897.14 as submitted by the Tax Assessor.

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

b. Appointment to Zoning Board

Denise DiFranco moved, Pamela Fontaine seconded, to reappoint John Esposito as alternate to the Zoning Board for a one-year term.

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

c. Appointment of Corder of Wood

John L. Lewis, Jr. read the email response from Robert Thurber for appointment as Corder of Wood. Neal Whitelaw moved, Denise DiFranco seconded, and it was so voted to appoint Robert Thurber to the Corder of Wood position.

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

d. Appointment to the Conservation Commission

Denise DiFranco moved, Roger Hawes seconded, and it was so voted to reappoint Chris Iozzi to the Conservation Commission for a 3-year term.

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

e. Resignation from Housing Board

Neal Whitelaw moved, Denise DiFranco seconded, to accept the resignation of Diane Potter with regrets from the Housing Board.

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

- f. **Community Service Grant** John L. Lewis, Jr. explained that Carol Mauro, Director of Human Services, submitted the Community Service Grant of \$3,078.00 to be signed. Mr. Lewis explained that it would fund heating assistance, medical and food necessities and that it did not require any matching funds. Denise DiFranco moved, Pamela Fontaine seconded, and it was so voted to contractually sign the Community Service Grant.

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

IX. **OLD BUSINESS**
a. **Abatements from Tax Collector**

Denise DiFranco moved, Roger Hawes seconded, and it was so voted to approve the abatements from the Tax Collector of \$1,386.60. Pamela Fontaine noted that the people listed are still operating a business and that there should be action taken in cases of the kind. Atty. Renee Bevilacqua suggested that a meeting be arranged to discuss procedures.

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

b. **Foster Center Baptist Church request for possible well sharing**

Roy Shippee represented the Foster Center Baptist Church and explained that their well is silting in. In some instances it can run dry overnight. He spoke with the RI Health Dept. and was told that any facility in which 25 or more people are in attendance at one time must have a public water supply. Also they would need setbacks of 200 feet from each side to drill a new well and this is not possible. (See map Exhibit A.) He also explained that the well is inside the building. If a public water supply is available, that would be the way to go and the town has one there for the town buildings including the library.

Mr. Shippee stated that he understood there would be financial considerations but that he wanted to start the discussion. Atty. Renee Bevilacqua stated that the first determination would have to be if the public water supply could support the initial demand.

John L. Lewis, Jr. stated that there should be a flow test done and asked if the church would be willing to fund that. Mr. Shippee stated that he would find out. Mrs. Valentine stated that there was a government web site that shows flow rates for all public water supplies and that she would forward that information. No motions were made, no votes were taken.

c. **Mill Road Bridge Update**

Harold Shippee, Jr., acting DPW Director, stated that the project began on Monday but it was slow going because of the cold weather. Neal Whitelaw stated that a letter extending the project from March to June 1st has provided an extension on the project.

d. **Plainwoods Road Bridge Update**

Harold Shippee, Jr., acting DPW Director, stated that the asphaltting was being held up by the cold weather but the guardrail has been ordered. By next week the paving and guardrail should be completed so it will be ready for inspection.

e. **Roger Hawes' response to Special Mtg. of 11/21/14**

Councilmember Roger Hawes commented on the Special Meeting that was held on November 21, 2014. He congratulated the Town Council on giving away money. He stated that they waited until he was out of town and the Town Clerk was on sick leave. He stated that Mr. Whitelaw wanted a certain person back and that the meeting was illegal because they took it out of the Town Clerk's hands. Mr. Hawes moved to make the meeting illegal. John L. Lewis, Jr. seconded.

Discussion: Resident Ronald Cervasio asked if the meeting was of a sub-committee. Roger Hawes stated, no, that three people called it. Mr. Cervasio asked if the meeting was posted correctly. John L. Lewis, Jr. replied that it was posted but perhaps not correctly; in his opinion it was not worded correctly. Roger Hawes stated that the posting could go to the AG's office.

John L. Lewis, Jr., aye; Pamela Fontaine, no; Roger Hawes, aye; Denise DiFranco, no; and Neal Whitelaw, no. Motion failed 3-2.

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- X.

FUTURE
AGENDA
ITEMS

- Tangible Tax – non-payment repercussions
 - Payroll Warrant #23, resubmission
 - Foster Center Baptist Church well request
 - Monthly & Quarterly reports, late submissions

Ron Cervasio asked about the status with the Providence Water Supply. John L. Lewis, Jr. answered that he had spoken with them and that they are waiting for them to respond.
- XI.

EXECUTIVE
SESSION

Neal Whitelaw moved, Pamela Fontaine 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.

XII.

ADJOURNMENT

Pamela Fontaine moved, and John L. Lewis, Jr. seconded, a motion 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 10:50 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
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