

AUGUST 14, 2014
TOWN COUNCIL MEETING

The August 14, 2014, Town Council Meeting was called to order by John J. Lewis, Jr., President of the Foster Town Council, at the Benjamin Eddy Building, Foster, Rhode Island, at 7:06 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
Kelli Russ, Town Treasurer
William Ziehl, Police Chief
Joseph Cardillo, DPW Director
Patti Moreau, Tax Assessor
Carol Mauro, Human Services Director
Robert DePalo, Board of Canvassers Chair
Officers Craig Hawkins and Michael Kitson
David Sweet, Juvenile Hearing Board

- 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.*
- III. MINUTES** Neal Whitelaw moved, Roger Hawes seconded, to approve the minutes from June 24, 2014 Special Town Council Meeting as presented.
- John L. Lewis, Jr. aye; Pamela Fontaine, aye; Neal Whitelaw, aye; Roger Hawes, aye; Denise DiFranco, aye. Motion passed 5-0.
- Denise DiFranco moved, Roger Hawes seconded, to approve the minutes from July 10, 2014 as presented.
- John L. Lewis, Jr. aye; Pamela Fontaine, abstained; Neal Whitelaw, aye; Roger Hawes, aye; Denise DiFranco, aye. Motion passed 4-0 with one abstention.
- Denise DiFranco moved, Roger Hawes seconded, to approve the minutes from July 24, 2014 as presented.
- John L. Lewis, Jr. aye; Pamela Fontaine, aye; Neal Whitelaw, abstained; Roger Hawes, aye; Denise DiFranco, aye. Motion passed 4-0 with one abstention.
- IV. WARRANTS** Neal Whitelaw moved, Pamela Fontaine seconded, to approve **Payroll Warrant #3** for \$27,262.18.
- John L. Lewis, Jr. aye; Pamela Fontaine, aye; Neal Whitelaw, aye; Roger Hawes, aye; Denise DiFranco, aye. Motion passed 5-0.

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Warrants, cont.

Denise DiFranco moved, Roger Hawes seconded, to approve **Payroll Warrant #4** for \$43,560.76.

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

Neal Whitelaw moved, Pamela Fontaine seconded, to approve **Payroll Warrant #5** for \$28,667.31.

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

Denise DiFranco moved, Roger Hawes seconded, to approve **General Warrant #25** for \$18,906.70.

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

Neal Whitelaw moved, Roger Hawes seconded, to approve **General Warrant #3** for \$153,212.99.

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

V. MONTHLY REPORTS

None.

VI. PUBLIC HEARING
a. Amendments to Zoning Ordinances

John L. Lewis, Jr., stated that the Town had received a request from the Zoning Board to make amendments to the Zoning Ordinances as they pertain to Article IV, (Zone Regulations), Section 7 (Business), "Firearms shops, Ammunition Shops, Archery..." and Article VI, (Supplementary Regulations), Section 2, (Corner Lots), Compliance with Articles IV & VI. Mr. Lewis also stated that the Planning Board had objected to the wording and that further information needs to come before the Council before this matter can be heard by the public. The hearing will be postponed to another date.

VII. NEW BUSINESS
a. Commendation Letter, Officer Kitson

Police Chief William Ziehl and Officer Michael Kitson came forward. Chief Ziehl read a letter of commendation (see Exhibit A) for Officer Michael Kitson for his assistance with an emergency birth in town. Officer Kitson was also presented with a plaque honoring his professionalism.

b. Police Officer Appointment

Chief Ziehl introduced Officer Craig Hawkins to the Council. John L. Lewis, Jr. read the Chief's letter of recommendation for Mr. Hawkins' appointment to the Foster police force. Chief Ziehl outlined Mr. Hawkins' experience.

Pamela Fontaine moved, Roger Hawes seconded, to approve Chief Ziehl's appointment of Craig Hawkins as a probationary Police Officer.

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

Mr. Hawkins was sworn in by the Town Clerk.

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- c. Letter from Conservation Commission to Solicit New Members** John L. Lewis, Jr. read a letter from the Conservation Commission asking the Council for assistance in recruiting new members.
- The Town Council directed the Town Clerk to place an advertisement in the Foster Home Journal, place the request on the Town web site and to put notices in the Libraries and local restaurants.

- d. Appointments to the Juvenile Hearing Board** John Lewis stated that the terms of two members of the Juvenile Hearing Board were up for renewal, and that letters had been sent to James Janis and David Sweet to inquire if they wished to be reappointed. Both responded in the affirmative.

Pamela Fontaine moved, Roger Hawes seconded, to reappoint David Sweet to the Juvenile Hearing Board for a 3-year term.

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

The Town Clerk swore in Mr. Sweet.

Neal Whitelaw moved, Pamela Fontaine seconded, to reappoint James Janis as an alternate to the Juvenile Hearing Board for a one-year term.

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

- e. Bid Opening, Street Paving Overlay, Johnson Road** Mr. Lewis stated that three bids had been received for the street paving overlay of Johnson Road, and read the results, as follows:
- 1.) D' Ambra Construction, Warwick, Rhode Island
 - 2.) International Paving Corporation, West Warwick, Rhode Island
 - 3.) All States Asphalt, Sunderland, Massachusetts

Vendor	Concrete	Keyways	Tack Coat
D' Ambra	\$ 99.00/ton	\$ 1.50/linear ft.	\$.50/Sq. Yd.
Intnt'l Paving	\$ 85.00/ton	\$25.00/linear ft.	\$1.75/Sq. Yd.
All States	\$ 99.50/ton	\$ 6.50/linear ft.	\$.52/Sq. Yd.

Roger Hawes moved, Denise DiFranco seconded, to refer the bids to the DPW Director for review and recommendation, for award on 8/28/2014.

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

- f. Pine Tree Road Bridge, State Supplies Request** Pine Tree Road bridge is on a private road in town. Roger Hawes reported that he had had a call from Mrs. Carey regarding excess building material behind the DPW garage. These materials had been donated to the Town in the past when Walt May was DPW Director. Mrs. Carey's understanding from DEM was that if the Town would provide the materials, DEM would repair the Pine Tree Road bridge at no cost to the Town. The DEM also requested an authorized liaison and a letter outlining the arrangement.

Roger Hawes moved, Denise DiFranco seconded, to approve giving the materials to the DEM for use to repair the bridge, with Walt May as liaison.

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**Pine Tree
Road Bridge,
cont.**

Discussion: Denise DiFranco asked for clarification that these materials are those donated in the past through the National Guard.

Renee Bevilacqua interjected that the appointment of Walt May was not on the agenda, and that as Mr. May does not work for the Town, he cannot bind the town through any action with DEM. He could however, assist the DPW Director.

Denise DiFranco also reported that she had spoken to Cathy Sparks from DEM, who had reiterated to Ms. DiFranco that she was looking for a designated Town liaison and a document stating the supplies were being donated. By not appointing a liaison quickly, it could delay the bridge repair.

John L. Lewis, Jr. moved, Denise DiFranco seconded, to amend the motion to allow the State to look at the supplies, and that any liaison would work through the DPW Director.

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

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

VIII.
OLD BUSINESS

None

IX.
**FUTURE
AGENDA
ITEMS**

- a. South Foster Volunteer Fire Co. Request, Eastern Killingly Ponds
- b. Procedure for Collecting Tangible Taxes
- c. Foster Center Baptist Church Well Request
- d. Advertisement for Town Planner

Open session ended at 7:40 p.m.

X.
**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) 42-46-5a(9) Collective Bargaining / Negotiations or Litigation and (B) Collective Bargaining / Negotiations or Litigation and (C) 42-46-5a(1)(9) Personnel/Grievances, and (D) 42-46-5a(5) Land Acquisition, 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. Executive session convened at 7:52 p.m.

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

XI.
**RECONVENE
TO OPEN
SESSION**

The Town Council reconvened into open session at 11:24 p.m.

John L. Lewis, Jr. announced that one vote was taken, to continue the hearing on the personnel matter.

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

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XII.

ADJOURNMENT

Pamela Fontaine moved, Neal Whitelaw seconded, to adjourn the meeting.

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

Meeting adjourned at 11:25 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