

OCTOBER 23, 2014
TOWN COUNCIL MEETING

The October 23, 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 7:00 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:
Renee M. Bevilacqua, Town Solicitor
William Ziehl, Police Chief
Joe Cardillo, DPW Director

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.

Mr. Lewis referred to the death of Albert Thoman, one of the Town's Citizens of the Year for 2014, and asked for a moment of silence.

III. MINUTES

Denise DiFranco moved, Roger Hawes seconded, to approve the minutes from the October 9, 2014 Town Council meeting as presented.

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 the minutes from the October 20, 2014 Special Town Council meeting as presented.

John L. Lewis, Jr. aye; Pamela Fontaine, abstained; Roger Hawes, aye; Neal Whitelaw, abstained; Denise DiFranco, aye. Motion passed 3-0 with two abstentions.

IV. WARRANTS

Neal Whitelaw moved, Roger Hawes seconded, to approve **Payroll Warrant #14** for \$24,891.80.

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 #15** for \$25,523.77.

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

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Neal Whitelaw moved, Roger Hawes seconded, to approve **General Warrant #8** for \$56,879.12.

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

V. MONTHLY REPORTS

Denise DiFranco moved, Neal Whitelaw seconded, to approve the September monthly reports for Building and Zoning Department, the Department of Public Works, Human Services Department, Police Department, RIRRC, and School Committee, as presented. It was noted that the reports from Finance, Planning, and the Tax Assessor were missing.

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

VI. QUARTERLY REPORTS

Neal Whitelaw moved, Pamela Fontaine seconded, to approve the Quarterly reports for the Foster Ambulance Corps, Foster Center Fire Company, Foster School Committee, Libraries, South Foster Volunteer Fire Company, Tax Board of Review and Zoning Board of Review, as presented. Mr. Lewis asked the Town Clerk to send a reminder letter to those Boards with missing reports.

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

VII. NEW BUSINESS
a.) Bid Opening, Heating Oil

John Lewis stated that two bids were submitted for heating oil, and opened the bids as follows:

- Rambone & Sprague, North Scituate, RI
\$3.25 per gallon guaranteed
- Superior Plus Energy Services, Providence, RI
\$2.84 per gallon guaranteed until 10/24/14 at 4:00 p.m. and at supervisor's discretion afterwards.

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

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

b.) Bid Opening, Winter Sand

Mr. Lewis opened and read five bids for Winter Sand, as follows:

- Material Sand and Stone, Smithfield, RI
\$16.42 per ton delivered \$12.00 per ton picked up
- LaFramboise, Brooklyn, Ct
\$10.00 per ton delivered \$6.50 per ton picked up
- Rawson Materials, Putnam, CT
\$12.99 per ton delivered \$8.99 per ton picked up
- PJ Keating Co., Cranston, RI
\$14.70 per ton delivered \$9.00 per ton picked up

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- J.R.Vinagro Corp., Cranston, RI
\$14.56 per ton delivered \$13.50 per ton picked up

Roger Hawes moved, Denise DiFranco seconded, to refer the bids to the DPW director for review.

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

c.) Appointment to Conservation Commission Procedures

John Lewis read Ed Schernau's email to the Town Clerk, in response to the advertisements that had been put up in the Town, requesting appointment to the Conservation Commission. Mr. Lewis read portions of Mr. Schernau's email listing his qualifications. (Exhibit A)

Denise DiFranco moved, Roger Hawes seconded, to appoint Ed Schernau to the Conservation Commission for a period of three years.

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

The Town Clerk swore Mr. Schernau in.

d.) Appointment of Town Planner

Mr. Lewis reminded the Council that the Town Planner Interview Committee had been appointed, and that it was comprised of himself and Denise DiFranco representing the Town Council, Joe Walsh from the Zoning Board and Joe Carey and Tom Mercier from the Planning Board. A number of applicants had been interviewed the previous week. A unanimous decision had been made, and Denise DiFranco read the Committee's letter of recommendation to the Council, asking for the appointment of Juliana Berry King. (Exhibit B)

Denise DiFranco moved, Roger Hawes seconded, to appoint Juliana Berry King as the part time Town Planner commencing Monday, October 27, 2014.

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

The Town Clerk swore Ms. King in.

VIII. OLD BUSINESS

a.) Bid Award, Two Trucks with Dump Bodies

John Lewis read a letter from DPW Director Joe Cardillo announcing his recommendation of Putnam Dodge/Gates Auto Group of Columbia, CT, as the successful bidder for the two trucks with dump bodies in the total amount of \$118,862.00 delivered. (Exhibit C)

Denise DiFranco moved, Roger Hawes seconded, that the Council accept the recommendation of the DPW director to purchase two new dump trucks from Putnam Dodge/Gates Auto Group of Columbia, CT, in the amount of \$118,862.00 delivered.

Discussion: Neal Whitelaw asked if the cost for these trucks was coming from the capital budget, and questioned if it was the line item approved by the town residents at the Financial Town Meeting for one large 6-yard dump truck. Mr. Lewis responded that yes, the previous DPW director had made the

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recommendation of a large truck, and it was the same item. Mr. Lewis also stated that, in the interim, two large military trucks have been obtained by the Police Department for eventual town use, and the current DPW director feels the town would be better served with two small trucks.

The Town Solicitor stated that there was nothing wrong with having gone out to bid. You could change the type or number of trucks purchased as long as the amount of money does not increase from that which was approved at the Financial Town Meeting.

Mr. Cardillo advised that these two new trucks would realize approximately a \$50,000.00 savings over the amount approved at the Financial Meeting.

Mr. Carey spoke for the Planning Board, which was part of the original approval process, and stated that the change from one to two trucks was not a problem with them.

Mr. Lewis stated that the \$50,000.00 savings would remain in the capital fund.

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

**b.)Contract
Approval,
CAST
Grant**

John L. Lewis, Jr. reminded the Council that they had approved Lorraine Kaul of CAST to proceed with the exploration of this grant. She had returned with a copy of the grant contract for signing. The town has been awarded \$335,000.00 for educational programs that deal with decreasing drug abuse in town.

Renee Bevilacqua stated that she would review the contract, to ensure all department heads know what their obligations are regarding the reporting criteria or anything else.

John L. Lewis, Jr. said that the Town has no obligation to put up matching funds, and that the Treasurer had stated that her office could handle their end of the reporting obligations.

Police Chief Bill Ziehl spoke in support of the grant.

Denise DiFranco asked if the solicitor could email the Town Clerk with her recommendation, and have the Town Clerk notify the Council afterwards.

Denise DiFranco moved, Roger Hawes seconded, to approve the contract for the Rhode Island Department of Behavioral Healthcare, Developmental Disabilities and Hospitals for the Partnership for Success/CAST grant pending the judgment of the solicitor's review and approval of the contract.

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

**IX. FUTURE
AGENDA ITEMS**

- Procedure for collecting tangible taxes.
- Foster Center Baptist Church well request
- Bid awards, winter sand and fuel oil at the November 13 meeting

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- Liquor licenses at the November 20th meeting
- Transitional meeting

Open session ended 7:41 p.m.

X. EXECUTIVE SESSION

Neal Whitelaw moved, Roger Hawes seconded, to go into Executive Closed Session pursuant to RIGL 42-46-5, for the discussion or work session regarding collective bargaining, contract negotiation and litigation, according to RIGL 42-46-5a(2) 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.

Executive session began at 7:57 p.m.

RECONVENE INTO OPEN SESSION

Neal Whitelaw moved, RH 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.

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.

XI. 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 9:01 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