

**November 18, 2010  
Town Council Meeting**

The November 18, 2010, Town Council Meeting was called to order by John Lewis, Vice 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 Lewis, Vice President,  
Joe Cardillo  
Lynne S. Rider,  
John J. Bevilacqua, Town Solicitor,**

**Roger L. Hawes, and Colette Matarese, President, excused**

The Pledge of Allegiance was recited.

**PUBLIC  
COMMENT**

A citizen asked to speak on the warrant when that agenda item came up. Two other citizens asked that they be recognized to comment when the item on the agenda is under discussion.

**MINUTES**

Lynne S. Rider moved, Joe Cardillo seconded, and it was so voted to approve the minutes of the September 23, 2010, October 28, 2010, and November 10, 2010, Town Council meetings as presented.

John Lewis aye, Joe Cardillo aye, and Lynne S. Rider aye.

**WARRANTS**

Lynne S. Rider moved, Joe Cardillo seconded the approval of General Warrant #11 in the amount of \$83,237.26.

Foster resident Bradford Gorham asked why the amount of \$35,000 of the solicitor's salary is being paid out in a lump sum on the warrant. John Lewis, Vice President, stated that that was not the case, and explained that the document Mr. Gorham was viewing was the Year-To-Date Budget and that the amount is merely encumbered for the next six months, not paid out. Mr. Gorham questioned why it was the only one encumbered, and Mr. Lewis pointed out that it was not, the Plumbing Inspector, Rambone Disposal, and other items are also encumbered so that the funds will be available for the next six months.

The motion passed.

John Lewis aye, Joe Cardillo aye, and Lynne S. Rider aye.

John Lewis, noted that Payroll Warrant #19 showed a discrepancy. The warrant shows an amount of \$33,018.39 but listed on the agenda was \$79,137.26

Lynne S. Rider moved, Joe Cardillo seconded and it was so voted to table Warrant #19.

John Lewis aye, Joe Cardillo aye, and Lynne S. Rider aye.

The motion passed.

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**MONTHLY  
REPORTS**

Lynne S. Rider moved, Joe Cardillo seconded, and it was so voted to accept the monthly reports from the Building & Zoning Dept., Planning Dept., Police Dept., Tax Assessor, and Tax Collector as presented.

John Lewis aye, Lynne S. Rider aye, and Joe Cardillo aye.

The motion passed.

**QUARTERLY  
REPORTS**

Lynne S. Rider moved, Joe Cardillo seconded, and it was so voted to accept the quarterly report from the Foster Ambulance Corps as presented.

John Lewis aye, Lynne S. Rider aye, and Joe Cardillo aye.

**MOA BETWEEN  
TOWN OF  
FOSTER AND  
IBPO 637**

Lynne S. Rider moved, Joe Cardillo seconded, to approve the Memorandum of Agreement with the IBPO 637, Foster Police Officers.

Council-elect Gordon Rogers asked when the contract had expired. John Lewis, Vice President, stated that it was currently in effect from July 2009 to June 2012. Mr. Rogers asked if it was being extended, and for how long. John Lewis explained that it is extension is for one year, to 2013. Mr. Rogers then asked if it included pay raises. Mr. Lewis stated that pay raises were included in the existing contract. Lynne S. Rider stated that they were not in the extension. Mr. Rogers asked if buy backs were included. Mr. Lewis reads that the police officers have given up two things that were negotiated in the contract. One is clothing and equipment allowance, the union agrees to forego payments, \$650 per officer per year for each year of the contract going forward. The second was a reduction of five sick days buy back—so it has been addressed—five days per officer per year for each year going forward. There's no additional financial compensation in this memorandum.

Mr. Rogers asked that the council please not encumber the contract, and stated that he thinks it is against Rhode Island state law to encumber an incoming Town Council.

Another citizen stated that at the last meeting, the executive session should have been entered into before an open session and that this had not occurred. Any votes taken in executive session would be invalid. John Lewis stated that we did open. The citizen said they did not. John Lewis, Vice President, stated that this citizen refer to the tape of the meeting.

Council-elect Marianne Knight asked if there was a time constraint on signing the amendment, and did it need to be signed by a certain date. John Lewis, Vice President, stated that there was not. He explained that the council had been in negotiations since May after the financial town meeting made it necessary to make cuts. Lynne S. Rider stated that the council was finishing business they had started, and that there's nothing to stop the incoming council to open negotiations.

Ms. Knight stated that it was silly, and asked if they thought they would open negotiations. She further asked why they had to do it now. Lynne S. Rider stated that it was because they had bargained in good faith. Ms. Knight said it was in good faith for the employees rather than the town. Ms. Knight said she had negotiated contracts and is not a neophyte at this.

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Another citizen questioned the buy backs and if it was fair to all the officers because not all people get them. John Lewis stated that all terms of the existing contract were continued to 2013.

Another citizen returned to the issue of the executive meeting stating that the bar had not been removed from the door.

John Lewis aye, Joe Cardillo aye, Lynne S. Rider aye.

The motion passed.

**LIQUOR  
LICENSE  
RENEWAL**

John Lewis, Vice President, noted that no new information was forthcoming regarding a location and license renewal from Twisted Liquors. The license will expire on December 1. No action was taken.

**MOTOR  
VEHICLE TAX  
ABATEMENT**

John Lewis, Vice President, informed the council that an individual had lodged a complaint against the levy of the Motor Vehicle Tax. Lynne S. Rider noted that the complaint was that the tax was illegal because it had not been voted on at the Financial Town Meeting and said that she believed that the complaint was still in effect.

Lynne S. Rider would like to know whether or not the incoming council still felt it was an illegal tax.

Gordon Rogers stated that they didn't care about how the incoming council felt about the contracts, why do they care about the Motor Vehicle Tax Abatement?

Lynne S. Rider motioned, Joe Cardillo seconded, and it was so voted to table the abatement to see if the appeal from the taxpayer gets withdrawn.

John Lewis, aye; Lynne S. Rider, aye, and Joe Cardillo aye.

**LICENSE  
AGREEMENT--  
SCHOOLBUS  
TURNAROUND**

John Lewis, Vice President, explained that there used to be a school bus turnaround on Gene Allen Road which is no longer available; however, Paul H. Gale will allow buses to turnaround on his property. This Agreement will give license to use this turnaround and limits the owner's liability.

Lynne S. Rider moved, and Joe Cardillo seconded, to approve the License Agreement with Paul H. Gale.

John Lewis asks Town Solicitor, John Bevilacqua if he had reviewed the document. John Bevilacqua stated that he had, that it is legal, and that it was also entered into with Gloucester.

A citizen asked if there were any fee; there was not.

John Lewis, aye; Lynne S. Rider, aye, and Joe Cardillo aye.

The motion passed.

**BALCOM ROAD  
RESOLUTION**

Lynne S. Rider read the Resolution of the Town Council of the Town of Foster regarding Balcom Road. (Attached as Exhibit A.)

Joe Cardillo recused himself because he is an abutter of the property referred to in the resolution.

No quorum was then attainable and the resolution could not be passed.

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It was suggested by Scott Ulricksen that the resolution be included in the transition meeting.

**HOUSING  
BOARD  
RESIGNATION**

Lynne DeStefano submitted a letter of resignation from the Housing Board due to the fact that she was elected to the Town Council.

Lynne S. Rider moved, Joe Cardillo seconded, and it was so moved to accept the resignation letter from Lynne DeStefano.

John Lewis, aye; Lynne S. Rider, aye, and Joe Cardillo aye.

**ACCEPTANCE  
OF EMERGENCY  
OPERATIONS  
PLAN**

John Lewis, Vice President, stated that the EOP had been reviewed and approved by the Rhode Island Emergency Management Agency. He noted was written by Town Planner, Ann-Marie Ignasher.

Lynne S. Rider moved, Joe Cardillo seconded and it was so voted to accept the Town of Foster Emergency Operations Plan.

There was no discussion. The motion passed.

John Lewis, aye; Lynne S. Rider, aye, and Joe Cardillo aye.

**CONCERNED  
CITIZENS**

Gordon Rogers declined to speak.

Scott Ulricksen asked if the Balcom Road litigation would be discussed during executive session. John Lewis replied that it would not.

Lynne S. Rider moved, Joe Cardillo seconded, and it was unanimously so voted to go into Executive Session according 42-46-5a (2) Collective Bargaining, Litigation, and Contract Negotiations, and 42-46-5a (1) Personnel and to reconvene in open session and further to keep the minutes of said meeting closed and the minutes of all Executive Sessions held previous to this meeting be closed and remain to provisions of the General Laws of Rhode Island 42-46-4 & 5

Lynne S. Rider moved, Joe Cardillo seconded, and it was voted to come out of Executive Session. No votes were taken.

Lynne S. Rider moved, Joe Cardillo seconded, and it was unanimously so voted to adjourn the meeting.

John Lewis aye, Roger L. Hawes aye, Colette Matarese aye, Joe Cardillo aye, Lynne S. Rider aye.

The meeting adjourned at 7:50 p.m.

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

Submitted By,

Carol L. Sholly, CMC  
Deputy Town Clerk