

**December 21, 2010  
Town Council Meeting**

Gordon E. Rogers, President stated that due to State Fire Code, the Benjamin Eddy Building was over capacity, and requested that everyone drive to the Capt. Isaac Paine School 160 Foster Center Road, to conduct the town council meeting there.

The December 21, 2010, Town Council Meeting was called to order by Gordon E. Rogers, President, of the Foster Town Council at the Capt. Isaac Paine School, 160 Foster Center Road, Foster, Rhode Island, at 7:25 p.m.

The following members were present:

**Gordon E. Rogers, President**  
**Lynne A. DeStefano, Vice President**  
**Neal C. Whitelaw,**  
**Marianne Knight,**  
**Michael E. Dillon,**

**David V. Igliazzi, Town Solicitor**  
**Stephen R. Archambault, Town Solicitor**

The Pledge of Allegiance was recited.

**MINUTES**

Neal C. Whitelaw moved, Marianne Knight seconded, and it was so voted to approve the December 9, 2010, council minutes as presented.

Gordon E. Rogers asked Tina W. Freeman, CMC Town Clerk to make a minor change to the minutes on page three. Tina W. Freeman, CMC Town Clerk stated she would check the sound file for the proper correction if necessary.

Neal C. Whitelaw aye, Lynne A. DeStefano aye, Michael E. Dillon aye, Gordon E. Rogers aye, Marianne Knight aye.

**OLD BUSINESS**

**APPOINTMENT  
PROCEDURES**

Neal C. Whitelaw moved, Marianne Knight seconded, to authorize the Town Clerk to advertise with the appropriate vendor, for the positions of: Appraiser of Dog Damage, Civil Defense-Emergency Management Director, Town Historian, Fence Viewer, Keeper of the Keys, Corder of Wood, Tree Warden, Sealer of Weights and Measurers, and Constables. A letter of intent needs to be received by the Town Clerk by January 20, 2011. The council shall appoint these positions from the created list.

Discussion was made.

Neal C. Whitelaw stated that he wanted to advertise for these positions so that he would be able to know who is actually interested in these positions, and then appoint them from a list that is created.

Gordon E. Rogers added that customarily it is the three fire departments that receive the letters of intent for the constable positions, and they create a list from that.

Lynne S. Rider was recognized from the audience; she added that each of these positions were appointed, and if someone would not like to be in that position any longer, then that person would submit a letter to the council and then the council would advertise the position in the Foster Home Journal.

Gordon E. Rogers was concerned with the advertising deadline limitations.

**December 21, 2010  
Town Council Meeting**

**APPOINTMENT  
PROCEDURES  
CONTINUED**

The town clerk polled the council members.

Lynne A. DeStefano aye, Neal C. Whitelaw aye, Marianne Knight aye, Gordon E. Rogers nay, Michael E. Dillon nay.

The motion passed.

Neal C. Whitelaw moved, Marianne Knight seconded to authorize the Town Clerk to advertise with an appropriate vendor for the positions of: Planning Board member, five year term; Zoning Board member, five year term; Zoning Board alternate, one year term; Recreation committee, five year term, Land Trust member, three year term; Conservation Commission member, three year term, Personnel Committee, five year term; Probate Judge, two year term; Plumbing Inspector, Electrical Inspector, Animal Control Officer, and Recreation Director. A letter of intent needs to be received by the Town Clerk by January 20, 2011. The council shall appoint these positions from the created list.

There was some discussion.

Lynne A. DeStefano amended the motion, which was seconded by Michael E. Dillon, to change the deadline to February 24, 2011, and place the ad in the Foster Home Journal.

Neal C. Whitelaw aye, Lynne A. DeStefano aye, Gordon E. Rogers aye, Marianne Knight aye, Michael E. Dillon aye.

The amendment passed.

Neal C. Whitelaw moved, Marianne Knight seconded, to authorize the Town Clerk to advertise from an appropriate vendor for resume's with actual references for the appointed positions of: Tax Collector, Town Planner, Tax Assessor, Building and Zoning Official, and Public Works Director. The resumes need to be received by the Town Clerk, by January 20, 2011. The Town Council shall interview qualified applicants and appoint those positions from a created list.

Gordon E. Rogers stated that he was concerned with the response time being to short.

Neal C. Whitelaw withdrew is motion, and Marianne Knight withdrew her second.

**APPOINTMENT  
PROCEDURES  
CONTINUED**

Neal C. Whitelaw moved, Marianne Knight seconded, to authorize the Town Clerk to advertise with an appropriate vendor for resumes with references for the appointed positions of: Tax Collector, Town Planner, Tax Assessor, Building and Zoning Official, and Public Works Director. The resumes need to be received by the Town Clerk, by February 24, 2011. The Town Council shall interview qualified applicants and appoint those positions from a created list.

Discussion was made.

The Town Clerk polled the council for a vote.

Lynne A. DeStefano nay, Gordon E. Rogers nay, Michael E. Dillon nay, Neal C. Whitelaw aye, Marianne Knight aye.

The motion did not pass.

**December 21, 2010  
Town Council Meeting**

**LIQUOR LICENSE  
RENEWAL FOR  
WOODLAND  
MEETING HOUSE**

Lynne A. DeStefano moved, Michael E. Dillon seconded to extend the BV Liquor, Games and Amusements, Victualling and Entertainment licenses for Woodland Meeting House for thirty days, with an expiration date of January 31, 2011.

Michael E. Dillon aye, Lynne A. DeStefano aye, Gordon E. Rogers aye, Neal C. Whitelaw aye, Marianne Knight aye.

These licenses are being extended on a monthly basis until further information from the Litigation case against the Town of Foster is resolved.

**WARRANTS**

Lynne A. DeStefano moved, Marianne Knight seconded, and was so voted to approve Payroll Warrant #23 in the amount of \$34,873.40.

Neal C. Whitelaw stated that he was not comfortable passing the warrants without having enough time to review them.

Neal C. Whitelaw nay, Gordon E. Rogers nay, Michael E. Dillon nay, Marianne Knight nay, Lynne A. DeStefano nay.

The motion did not pass.

Lynne A. DeStefano moved, Neal C. Whitelaw seconded, and was so voted to approve General Warrant #15 in the amount of \$66,639.67.

Gordon E. Rogers nay, Lynne A. DeStefano nay, Michael E. Dillon nay, Marianne Knight nay, Neal C. Whitelaw nay.

The motion did not pass.

**MONTHLY  
REPORTS**

Lynne A. DeStefano moved, Marianne Knight seconded, and it was unanimously so voted to approve the monthly reports from the Building and Zoning, Police, Tax Assessor, and Tax Collector as submitted.

Neal C. Whitelaw aye, Lynne A. DeStefano aye, Michael E. Dillon aye, Marianne Knight aye, Gordon E. Rogers aye.

The motion passed.

A member of the audience requested that the Town Council use the microphones. They could not hear what they were saying.

Lynne A. DeStefano moved, Marianne Knight seconded, and it was unanimously so voted to approve the quarterly report from the Zoning Board of Review as submitted.

Gordon E. Rogers aye, Marianne Knight aye, Neal C. Whitelaw aye, Michael E. Dillon aye, Lynne A. DeStefano aye.

The motion passed.

**December 21, 2010  
Town Council Meeting**

**APPOINTMENTS**

Lynne A. DeStefano moved, Michael E. Dillon seconded to make appointments disc/action.

Discussion was made.

Gordon E. Rogers stated that the agenda item cannot be acted on. The item is not descriptive enough by Rhode Island State Law.

Lynne A. DeStefano amended the motion; Michael E. Dillon seconded the amendment to table the item due to the lack of information on the agenda.

Gordon E. Rogers aye, Marianne Knight aye, Neal C. Whitelaw aye, Michael E. Dillon aye, Lynne A. DeStefano aye.

The motion passed.

**TOWN COUNCIL  
RULES OF  
CONDUCT 2010-  
2012**

Lynne A. DeStefano moved, which was seconded by Michael E. Dillon to approve the "Town Council Rules Of Conduct 2010-2012"

Neal C. Whitelaw asked where the rules of conduct came from and who the author was.

Lynne A. DeStefano replied that they were an accumulation from other cities and towns.

Marianne Knight stated that they just picked and chose which rules they liked best and added them to the list. There is no rhyme or reason to these orders.

Lynne A. DeStefano read the document aloud.

The Town Council Rules Of Conduct 2010-2012 are attached to these minutes as "**Exhibit A**".

David V. Iglizzi, Town Solicitor, stated that the town council is governed by two rules or two laws, the Town Charter and the RI General Laws. If the town council wishes to adopt any rules they choose, they can by law. As long as they do not break the Town Charter or RI General Law. The council has the right to govern themselves.

Marianne Knight asked Lynne A. DeStefano what other cities or towns she obtained the information from.

Lynne A. DeStefano stated that she did not recall.

Neal C. Whitelaw asked what rule number seven meant. He wanted clarification on the meaning.

Gordon E. Rogers stated that is was self explanatory and read rule number seven aloud.

Neal C. Whitelaw also questioned number eight of the list of rules.

Robert Moreau of Central Pike stated that the rules are redundant. Most of the items listed in this document are already in the Town Charter, and Rhode Island State Law. This council has already adopted and voted to use "Roberts Rules Of Order". And he asked that one of the council members make a motion that states that this motion to adopt these rules is out of order.

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**TOWN COUNCIL  
RULES OF  
CONDUCT 2010-  
2012**

Patricia Morgan of Danielson Pike stated that it sounded as though like the town council was trying to take away the taxpayers' democracy.

Lynne Rider of Burgess Road stated that introducing such a lengthy document without the rest of the council, or at least two members of the council being aware of its existence, should be an open meetings violation. The public should be able to know what the council is voting on. A verbal dissertation does not qualify. They themselves could not understand it. This is not an open meeting.

Linda Proulx of Round Hill Road asked if a person would be allowed to speak more than once on a topic, even if new information was presented to the public on that same topic.

Gordon E. Rogers stated that possibility was there, but he promised that he would not stop anyone from speaking.

Tina W. Freeman, CMC, Town Clerk, asked the council to correct the language of rule number five and rule number sixteen to read that the town clerk or deputy town clerk would appoint an "acting" clerk to record minutes if both the town clerk or deputy town clerk are absent from a meeting. That is their responsibility to make sure that the records are properly kept.

Ronald Cervasio of Plainfield Pike stated that a lot of this conversation should have been done at a "workshop" not a council meeting.

Rose Salvadore stated that it was obvious that not all of the council members knew of these new set of rules being put together. All five members on the council should work together, not three of you meet somewhere and leave the other two members out.

John J. Bevilacqua of Salisbury Road stated that the rules of conduct change some of the charter provisions, especially the provision of appointments of clerks. The rules of conduct actually make a change in the charter as to how it will function in the event that the clerk or deputy clerk that is unavailable. These actually affect the charter provisions in the charter. He suggested having a public hearing on these rules of conduct so the public can participate.

Deborah Duarte of Abbey Lane asked about the recusal form for the council.

Heidi Rogers of Cucumber Hill Road asked when the other council members received their copy of the rules of conduct.

Gordon E. Rogers stated that the information was in their packet for the meeting.

**TOWN COUNCIL  
RULES OF  
CONDUCT 2010-  
2012 CONTINUED**

Robert DePalo of Plainfield Pike asked why the other two members of the council were not included in the drafting of this important change.

Gordon E. Rogers stated that it was in their packets

**December 21, 2010  
Town Council Meeting**

**TOWN COUNCIL  
RULES OF  
CONDUCT 2010-  
2012 CONTINUED**

Linda Walden of Central Pike asked when all of the members received this document and when the town solicitor received it also. She also requested that when the council is polled that they be polled in a different order each time as to be fair to the members voting on any issue. She also requested that these rules be tabled, and a public hearing take place so that the people can have some input on those ideas.

Audrey Carey of Oak Hill Road asked about the postings of emergency meetings

David V. Igliazzi, Town Solicitor, stated that an emergency meeting can happen under very specific circumstances if you meet those conditions you can conduct a meeting without the forty eight hour posting rules.

Joseph Ricci of Plainfield Pike stated that this is not the transparency that the council ran on. This needs to be transparent, if you need to have a workshop, and then have the workshop. This is not transparency.

Robert Peterson of Foster Center Road asked if the solicitor has read these rules before the packets were assembled.

David V. Igliazzi, Town Solicitor, stated that he had not read them.

Patti Moreau asked why this wasn't discussed in executive session.

Gordon E. Rogers stated that it could not be discussed in executive session.

Ginny Colwell asked if all of the council members felt that presenting the document to the public tonight allowed sufficient time to grasp it all and reformulate reasonable questions to present to the town council on this matter.

Lynne Rider of Burgess Road stated that Gordon E. Rogers referred to a phone call to discuss issues, how is a council member suppose to know to make a phone call, if they don't know what is being worked on until it is finished? How would Mr. Whitelaw and Mrs. Knight know that you were working on these and that they wanted to have input until it was all done and on the agenda and in their packets?

**TOWN COUNCIL  
RULES OF  
CONDUCT 2010-  
2012 CONTINUED**

Lynne A. DeStefano stated that at the previous meeting Mr. Whitelaw did present a motion to adopt "Roberts Rules" and it was voted on at that time.

Neal C. Whitelaw asked a question about rule number fourteen, if that includes the council members or just the public.

Lynne A. DeStefano stated that it was for the public and not council members.

The Town Clerk polled the council members.

Gordon E. Rogers aye, Marianne Knight nay, Neal C. Whitelaw nay, Michael E. Dillon aye, Lynne A. DeStefano aye.

The motion passed.

**December 21, 2010  
Town Council Meeting**

**LETTER OF  
REQUEST FROM  
MVFD**

Lynne A. DeStefano read a letter from Moosup Valley Fire Department asking the Town Council to replace the five percent cut that was made earlier in the year.

Michael E. Dillon moved, Lynne A. DeStefano seconded, and it was unanimously so voted to table the request.

Gordon E. Rogers aye, Marianne Knight aye, Neal C. Whitelaw aye, Michael E. Dillon aye, Lynne A. DeStefano aye.

Michael E. Dillon moved, Lynne A. DeStefano seconded, and it was unanimously so voted to table the Ambulance Corp. five percent reduction.

Michael E. Dillon aye, Neal C. Whitelaw aye, Lynne A. DeStefano aye, Gordon E. Rogers aye, Marianne Knight aye.

**CONCERNED  
CITIZENS**

Lynne Rider of Burgess Road asked about the Solicitor's Agreement. Also concerning Gordon E. Rogers making any votes concerning the MVFD and Ambulance Corp. He would need to recuse himself, he is a member of MVFD and his wife is a member of the Ambulance Corp. One other question was concerning the Motor Vehicle tax.

Linda Walden of Central Pike stated that she would like to see Concerned Citizens at the top of the agenda instead of the end. And the time frame for which citizens can speak should be more than ten minutes. Also she stated that she did not like the letter that Moosup Valley Fire Dept. submitted. She feels that all of the Departments should be working together, not against each other.

John J. Bevilacqua of Salisbury Road stated that he was also concerned about the cuts being made to the Ambulance Corp.

Robert DePalo asked a question to David V. Igliazzi, Town Solicitor, concerning the rules and regulations of the Town Council, since they have adopted "Roberts Rules of Order" already.

David V. Igliazzi, Town Solicitor, stated that the town council can adopt any additional rules or regulations they chose, as a town council.

Joseph Ritchie of Plainfield Pike stated that he has received a letter from the Ambulance Corp. asking for donations. Why don't the other departments do the same?

**December 21, 2010  
Town Council Meeting**

Neal C. Whitelaw moved, Marianne Knight seconded, and it was unanimously so voted to adjourn the meeting.

Lynne A. DeStefano, aye, Marianne Knight aye, Gordon E. Rogers aye, Neal C. Whitelaw aye, Michael E. Dillon aye.

No executive session was held.

Lynne A. DeStefano, aye, Marianne Knight aye, Gordon E. Rogers aye, Neal C. Whitelaw aye, Michael E. Dillon aye.

The meeting adjourned at 9:30 p.m.

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

Submitted By

Tina W. Freeman, CMC  
Town Clerk