

**February 10, 2011  
Town Council Meeting**

The February 10, 2011, Town Council Meeting was called to order by Gordon E. Rogers, President, of the Foster Town Council at the Town House 180 Howard Hill Road, Foster, Rhode Island, at 7:00 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**

The Pledge of Allegiance was recited.

**PUBLIC  
COMMENT**

Tina W. Freeman, CMC Town Clerk stated that she had some information for the council

Gordon E. Rogers asked that is to be heard under Concerned Citizens.

Lynne S. Rider, of Burgess Road stated that if the town council was to “break even” with the unemployment that will be paid to Pamela Fontaine, the Tax Collector’s salary can be no more than \$12,000.00, to \$16,000.00. And asked that Gordon E. Rogers tell the other town council members which company he hauls sand for.

Patricia Morgan of Danielson Pike asked if Gordon E. Rogers was receiving any future personal gain from the sand bid award.

**OLD BUSINESS**

Gordon E. Rogers recused himself from the table.

Neal C. Whitelaw asked that Gordon E. Rogers make clear which company that he could possibly be working for.

Gordon E. Rogers stated that he has recused himself.

Neal C. Whitelaw stated that he was looking for transparency of which company Gordon E. Rogers was working for.

Michael E. Dillon moved, Lynne A. DeStefano seconded to award the sand bid to LaFramboise.

Neal C. Whitelaw again stated that he did not want to award a bid to someone who may be benefiting from the award, and under our charter, it says they shouldn’t.

Lynne A. DeStefano stated that she did not know who the company in question, was either.

Lynne A. DeStefano asked Robert Clarkin, Public Works Director if he knew.

Mr. Clarkin stated that LaFramboise uses only their trucks for hauling.

**February 10, 2011  
Town Council Meeting**

**OLD BUSINESS  
CONTINUED**

David V. Igliazzi, Town Solicitor stated that it was his understanding that Gordon E. Rogers recused himself from all consideration of the awarding of the bid. Once he does that, there is no ethical consideration for the council. As long as he does not participate in the vote, or participate in the discussion of the vote regarding the awarding of the bid. If someone had a complaint concerning the ethics form filed, then it is between the ethics commission and the person who filed the complaint.

John J. Bevilacqua of Salisbury Road stated that it is the perception that the rest of the town council and the citizens want to know who it is. Why create the controversy when it is totally unnecessary.

Lynne S. Rider stated that by Mr. Rogers not divulging which company it is, is only putting up a huge red flag to everyone in this room. He is the one who is holding up the sand bid, he is the one who should be concerned about the safety of the residents and the ice. All he has to do is tell us which company it is.

Heidi Rogers of Cucumber Hill Road stated that LaFramboise was the lowest bidder.

Neal C. Whitelaw stated that he did not have a problem with the lowest bidder. He only wanted to know which company it is that Mr. Rogers had a possible conflict with.

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

The motion did not pass.

**WARRANTS**

Lynne A. DeStefano moved, Neal C. Whitelaw seconded and it was so unanimously voted to approve Payroll Warrant #30 in the amount of 28,930.26, Payroll Warrant #31 in the amount of \$30,496.75, and General Warrant #18 in the amount of \$97,450.68.

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

**MONTHLY  
REPORTS**

Lynne A. DeStefano moved, Michael E. Dillon seconded and it was so voted to approve the monthly reports as submitted by the Building and Zoning, Planning, Police and Tax Assessor.

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

**QUARTERLY  
REPORTS**

Lynne A. DeStefano moved, Michael E. Dillon seconded and it was unanimously so voted to approve the Foster Land Trust and the Human Services quarterly reports.

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

**CHANGE OF  
AGENDA  
ORDER**

Neal C. Whitelaw moved, Marianne Knight seconded and it was so voted to change the order of the agenda, moving letter "e and f" to the first order of business under "new business".

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

**February 10, 2011  
Town Council Meeting**

**PRESENTATION OF R.I.G.H.T. "PLAN" FROM HARVEY WAXMAN**

Mr. Harvey Waxman presented his views and ideas of what his theory represents, and what the procedure should be to taxation, under Rhode Island General Law Section 1. Title 44, Chapter 5.2, "A Real Estate Tax Reform Act of 2011" Mr. Waxman submitted a copy of the proposed amendment which was referred to the House Finance. See attached "Exhibit A" for the entire document.

Patricia Morgan of Danielson Pike asked Mr. Waxman what his credentials were.

Mr. Waxman stated that he was a retired dentist from the State of Massachusetts. And that he is "self-taught".

Patricia Morgan stated that the idea of a "blanket" formula for the entire State of Rhode Island will not work in a fair manner. Each city and town is too different.

Mr. Waxman stated he was only looking for people to discuss his ideas. He then thanked everyone for their time.

**PRESENTATION OF THE DRAFT COPY FOR THE REGIONAL SCHOOL BUDGET 2011/2012**

A brief presentation of the 2011/2012 Foster-Glocester Regional School District was given by Michael Barnes, Superintendent and Sarah Mangiarelli, Business Manager. Some of the highlights on their assumptions were on page 12, General Fund Comparison to Prior Year, page 16, Debt Service Calculation. The biggest challenge this year the debt service, which leaves us with a timing gap of close to \$500,000.00. She also stated they were still in negotiations with the certified teachers, non certified staff; they also need to go out to bid for their audit, wood chips, fuel oil, and the actuarial services. She stated that the "set aside funds" of \$442,000.00 will be used to minimize the increase of the debt service. Once we use the \$442,000.00, we will be left with about \$470,000.00, to use in future years to make sure that we can level out some of the debt service payments. With this there will still be an increase of the debt service side of \$125,000.00. As you can see on page 13, the increase to the Town of Foster will be \$137,244.00, for general operations, and a total of \$92,544.00 for the debt service, for a total increase for Foster \$229,787.00. These numbers are based on the increase in student populations. (Please see the attached "Exhibit B"). Ms. Mangiarelli stated that the public hearing is March 1, 2011 at the Ponaganset High School, at 8:00 p.m. There will be plenty of copies and line item details available to answer any questions. The budget will also be available on the Foster-Glocester Regional website.

**TAX COLLECTOR SALARY REDUCTION**

Gordon E. Rogers stated that he spoke to the Nancy Delaere, Tax Collector concerning her salary. He then asked for a motion to reduce her salary by 10%.

Lynne A. DeStefano moved, Michael E. Dillon seconded to reduce the Tax Collector's salary by 10%, which is an amount of \$3,767.00, for a total annual salary of \$33,908.00.

Neal C. Whitelaw stated that he did not have any letter of acknowledgment that she accepts this pay reduction. He thought there would be a letter in the council packet with her acceptance to this. He thought that David V. Iglizzi, Town Solicitor stated that there should be a letter of testimony of some sort from Nancy Delaere.

**February 10, 2011  
Town Council Meeting**

**TAX  
COLLECTOR  
SALARY  
REDUCTION  
CONT.**

Gordon E. Rogers stated that the town council sets the rate of the salary, not to exceed the amount appropriated at the financial town meeting.

Neal C. Whitelaw also asked about sick leave, longevity, vacation time. Or are we just voting on salary.

Gordon E. Rogers replied with we are just discussing salary.

Neal C. Whitelaw wanted to know why are we just passing this out, and why can't we have a discussion on what we are going to pay an employee. And that person here or a letter from that person stating that position. Are we going to discuss sick leave, and the other benefits? Where is the council going to come up with the money for the unemployment for this position?

Kelli Russ, Treasurer asked if the salary amount was going forward from tonight. This is an annual salary.

Gordon E. Rogers stated that yes it was.

Robert DePalo, Plainfield Pike asked why all of the town council people were not involved in this discussion. Every two weeks we go through the same thing where these two council members are not included with the rest of the council for discussion, except when they come to the council meeting.

Linda Walden, Central Pike asked that the motion be amended to reduce the salary amount to what we are paying the unemployment benefits of the previous Tax Collector.

Gordon E. Rogers called for a vote.

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

The motion passed.

**SPRING &  
WINTER ROAD  
CLOSINGS**

Robert Clarkin, Public Works Director stated that he wanted to make the council aware that Isthmus Road is closed and will be closed until further notice. A truck went into a sinkhole, the Police Dispatchers are aware of it, and will be closed for some time. He wanted to inform the council that during the "mud season" he will possibly closing some roads. Depending on the weather and how fast the frost comes out of the ground. We will keep the roads open as best we can, but there might have to close some roads that have access from two different areas. Traditionally there are some roads that give us problems and those are the roads we might have to close. Sometimes portions of roads.

He just wanted to make the council aware that there is a good possibility. Some of the roads on the highly possible list are Rams Tail, Central Pike, Maple Rock Road, and Snagwood Roads. We would be placing several barrels out and the Police Dispatchers will be notified of the closures for the emergency vehicles. It could be a possibility some of these roads be closed for several days, depending on the conditions and how severe they are.

Lynne Rider of Burgess Road stated that she did not recall "routine" road closings. The roads were kept open until the DPW could get to those roads, to repair them.

**February 10, 2011  
Town Council Meeting**

**SPRING &  
WINTER ROAD  
CLOSINGS  
CONTINUED**

Robert Clarkin, Public Works Director said that if a road is impassable then it will be closed until we can fix it.

John J. Bevilacqua, Salisbury Road asked if the Police Dispatchers could be notified so they could notify the neighbors of where these closing are taking place.

Lynne Rider asked if the home owners will be notified by letter when and how long this road closing will happen.

Robert Clarkin, Public Works Director stated that phone call have been made if need be.

Ginny Colwell stated that she grew up on Isthmus Road and this has been an ongoing problem. It didn't matter who was working on the DPW. There is a spot on Isthmus Road that will always be a nightmare until there is major repair to that section, and the town does not have the funds to do this.

**ADDITIONS &  
ABATEMENTS**

Lynne A. DeStefano moved, Michael E. Dillon seconded and it was unanimously so voted to approve the abatements from the Tax Assessor in the amount of \$337.54.

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

**RESOLUTION**

Lynne A. DeStefano read the following resolution concerning Dating Violence Awareness & Prevention Month;

THE STATE OF RHODE ISLAND AND PROVIDENCE  
PLANTATIONS

TOWN OF FOSTER

**Foster Town Council Resolution 2011-04**

**WHEREAS**, dating violence is a reality for many youth, and an issue that many parents are unaware of; and,

**WHEREAS**, one in three young people are affected by physical, sexual, or verbal dating violence, with 1 in 5 in a serious relationship reporting having been slapped, pushed, hit, threatened or coerced by a partner, and breakups can be a time of even greater risk even when a relationship was never physically abusive; and,

**WHEREAS**, young people can choose better relationships when they understand that healthy relationships are based on respect and learn to identify early warning signs of an abusive relationship; and

**WHEREAS**, elimination of dating violence must be achieved through cooperation of individuals, organizations, and communities; and,

**WHEREAS**, Dating Violence Awareness & Prevention Month provides an excellent opportunity for citizens to learn more about preventing dating violence and to show support for the numerous organizations and individuals who provide critical advocacy, services and assistance to victims;

**NOW THEREFORE BE IT RESOLVED** that the Foster Town Council does hereby proclaim the month of February, 2011, as Dating Violence Awareness & Prevention Month.

Approved at the February 10, 2011, Town Council Meeting.

Gordon E. Rogers, President  
Foster Town Council

Tina W. Freeman, CMC  
Town Clerk

**February 10, 2011  
Town Council Meeting**

**RESOLUTION  
CONTINUED**

Neal C. Whitelaw moved, Lynne A. DeStefano seconded, and it was unanimously so voted to accept the Resolution as presented.

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

**REQUEST  
FROM OLD  
HOME DAYS  
COMMITTEE**

Gordon E. Rogers moved, Lynne A. DeStefano seconded, and it was unanimously so voted to approve the request from the Foster Old Home Committee to use the town grounds on July 29, 30, and 31, 2011, for Old Home Days.

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

Gordon E. Rogers read a letter of thanks for all of the efforts and time that was spent in the clean up of a portion of Capt. Isaac Paine School roof collapse, from Robert M. Wallace, Interim-Superintendent Foster Schools. In the letter Mr. Wallace thanked all of the volunteers along with the Department of Public Works, and the South Foster Fire Station.

Gordon E. Rogers reported that much of the debris from the building will be removed this coming week

**PLANNING  
BOARD  
RECOMMEN-  
DATIONS FOR  
CAPITAL  
IMPROVE-  
MENTS**

Ann-Marie Ignasher, Planner stated that the planning board recommended the following to the town council; Tax Assessor \$29,000.00, Police \$26,500.00, Public Works \$85,000.00, and Engineering Board \$125,000.00. For a total of \$265,500.00

**RESOLUTION  
FROM THE  
REGIONAL  
SCHOOL  
DISTRICT**

Lynne A. DeStefano moved, Michael E. Dillon seconded, and it was unanimously so voted to accept the following Resolution;

THE STATE OF RHODE ISLAND AND  
PROVIDENCE PLANTATIONS

TOWN OF FOSTER

**Foster Town Council Resolution 2011-03  
Requesting Amendment to R.I.G.L. §16-7-23**

**WHEREAS**, the Town of Foster is part of the Foster-Glocester Regional School District (hereby referred to as “the District”) and said District being created by Chapter 109 of the R.I. Public Laws of 1958 (hereby referred to as “the Act”), and

**WHEREAS**, pursuant to Chapter 109 of R.I. Public Laws 1958, the Regional School Budget is determined by the taxpayers at the Annual Regional School District Budget Meeting, and subsequently the towns of Foster and Glocester must contribute their proportionate share of said budget (see also R.I.G.L. §16-3-20), and

**WHEREAS**, Chapter 109 of the Act entitled “Budget” states as follows:  
*“The regional school district financial meeting shall determine the annual regional school district budget as to overall amount.”*

**WHEREAS**, R.I. General Laws §16-3-13 states in part:  
*“The regional school district financial meeting shall determine the regional school budget as to over all amounts...”*

**February 10, 2011  
Town Council Meeting**

**RESOLUTION  
FROM THE  
REGIONAL  
SCHOOL  
DISTRICT  
CONT.**

**WHEREAS**, R.I. General Laws §16-7-23 states in part:

*“...a community which experiences a nonrecurring expenditure for its schools may deduct the nonrecurring expenditure in computing its maintenance of effort. The deduction of nonrecurring expenditures shall be with the approval of the commissioner. The courts of this state shall enforce this section by writ of mandamus.”*

**WHEREAS**, because of the budgetary procedures as stated above, there exists a possibility that an overall budget may be passed at the District’s annual meeting which reflects prior years(s) debt service which is no longer on the books of the District, thereby binding the towns of Foster and Glocester to fund an expenditure which is no longer occurring, and

**WHEREAS**, there is an inherent ambiguity and conflict in the budgetary procedures as set forth above, and Title 16 of the R.I. General Laws should be amended to address the ambiguity and conflict as the same applies to regional school districts.

**NOW, THEREFORE, BE IT RESOLVED** that we, the Town Council for the Town of Foster respectfully request that the General Assembly amend R.I. General Laws §16-7-23(a) by adding the following language at the end of section(a):

Notwithstanding anything contained in Title 16 with respect to regional school districts to the contrary, debt service that is no longer carried on the books of any regional school district shall not be included in any annual regional school district budget nor shall non-reoccurring debt service be included in the operating budget of a regional school district.

The Foster Town Council respectfully requests that Senator Nicholas D. Kettle and Representative Michael W. Chippendale introduce legislation to enact the proposed amendment.

Approved at the February 10, 2011, Town Council Meeting.

Gordon E. Rogers, President  
Foster Town Council

Tina W. Freeman, CMC  
Town Clerk

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

The motion passed.

**CONCERNED  
CITIZENS**

Lynne Rider, Burgess Road spoke of her concerns of the budget actions done by this council.

Patricia Morgan, Danielson Pike asked about transparency.

Ronald Cervasio, Old Plainfield Pike asked about cutting expenses.

Robert Peterson, Foster Center Road was concerned that the town council does not proactively act instead of reactive actions.

**February 10, 2011**  
**Town Council Meeting**

**CONCERNED  
CITIZENS**

Tina W. Freeman, CMC Town Clerk stated that she received a phone call at her home about a job listing posted on “Craig’s List” for the Town of Foster. And she was concerned because she is the only person authorized to place an ad for any opening in the Town Hall. She said that she has filed a formal complaint with the Rhode Island State Police.

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.

The meeting adjourned at 9:15 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