

**April 14, 2011
Town Council Meeting**

The April 14, 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**

Polly Cairone stated that she wanted to clarify a comment made by Patti Fountain as it pertained to the budget and the school. She wanted people to be aware that all that they hear is not true. On March 10, 2011, Ms. Fontaine said that she heard from the Capt. Isaac Paine parents that they are very happy; one even said they didn't want to go back. She had names of other parents stating that this was not true for everyone. She further states that they were very grateful to West Glocester for taking them in. She entered a petition as proof of the validity of her statements, so that it would not be just hearsay.

Lynne Rider, Burgess Road, said that she had a list of what the effect of the proposed budget would have on 11 employees in the town. People impacted because the copay was raised from 20 to 25%. The healthcare buyback was reduced from \$3000 to \$1500, and also salaries that were reduced 3%. Tina Freeman, Town Clerk, will take a 4.82% loss; Carol Lyons, Deputy Town Clerk will take a 5.36% loss; Nancy DeLaere, Tax Collector will take a 5.37% loss; Lil Jackson, Deputy Treasurer will take a 3.89% loss; Kelli Russ, Treasurer, will take a 5.27% loss; Bob Clarkin, DPW Director will take a 5.95% loss that is if he does not opt to get the healthcare in lieu of the decreased buyback. The next group of three people is part time, they were reduced from 21 hours to 20 hours so that they would not be eligible for benefits: Rocky Riccio, Building and Zoning Official, is going to lose 48.47 % of his net take home pay; Patti Moreau will lose 4.76%; and Nancy Johnson will lose 36.58% of her take home pay. Ann-Marie Ignasher was cut from full-time to part-time; she will lose 48.76% of her take home pay. In these economic times when this was not absolutely necessary, which will be proven in the future, to reduce these people who make some of the lowest salaries in the state, is punitive and unfair. Eleven out of 33 are taking these huge hits and that's not fair.

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**OLD BUSINESS
SAND BID**

Gordon Rogers recuses himself. Lynne A. DeStefano moved, Michael Dillon seconded, to strike the Sand Bid from the Agenda because it has already been discussed. There was no discussion.

Michael Dillon amended the motion to put the bid off until next season, because we no longer need the sand. Lynne A. DeStefano seconded.

Neal Whitelaw clarified that they would not be revisiting this bid next season, that it would be a new bid next year. You're not proposing to keep the same bid to next year so the amendment is not needed.

**SAND BID
CONT.**

Atty. David Iglizzi stated that the question was whether to strike this bid or postpone it. What was the intent? Lynne DeStefano stated that to strike it, would mean it was done. Michael Dillon then withdrew the amendment and Lynne DeStefano withdrew her second to the amendment.

Lynne DeStefano, aye; Michael Dillon, aye; Neal Whitelaw, aye; and Marianne Knight, aye. Gordon Rogers recused himself. The motion passed 4-0.

MINUTES

Lynne DeStefano moved, Neal Whitelaw seconded, to approve the minutes of January 27, 2011, February 24, 2011, and March 10, 2011.

Michael Dillon amended the motion to table the minutes of January 27, 2011. Lynne DeStefano seconded. There was not enough time to read them.

Gordon Rogers, aye; Lynne DeStefano, aye; Michael Dillon, aye; Neal Whitelaw, aye; and Marianne Knight, aye. Motion passed 3-2.

Main motion: Gordon Rogers, aye; Lynne DeStefano, aye; Michael Dillon, aye; Neal Whitelaw, aye; and Marianne Knight, aye. Motion passed 5-0.

WARRANTS

Lynne A. DeStefano moved, Michael Dillon seconded, to accept Payroll Warrant #38 in the amount of \$27, 372.40; Payroll Warrant #39 in the amount of \$28,341.89; Payroll Warrant #40 in the amount of \$27,043.78; General Warrant #22 in the amount of \$104,361.81.

Neal Whitelaw asked if there was a bill for the bonding company for the Tax Collector and Treasurer's bond. Kelli Russ stated that she called and that they were automatically bonded at no charge.

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**WARRANTS
CONT.** Gordon Rogers, aye; Lynne DeStefano, aye; Michael Dillon, aye;
Neal Whitelaw, aye; and Marianne Knight, aye. Motion passed 5-0.

**MONTHLY
REPORTS** Lynne A. DeStefano moved, Michael Dillon seconded, to accept
the monthly Building & Zoning Report.
Gordon Rogers, aye; Lynne DeStefano, aye; Michael Dillon, aye;
Neal Whitelaw, aye; and Marianne Knight, aye. Motion passed 5-0.

Lynne A. DeStefano moved, Michael Dillon seconded, to accept
the monthly Police Report.

Gordon Rogers, aye; Lynne DeStefano, aye; Michael Dillon, aye;
Neal Whitelaw, aye; and Marianne Knight, aye. Motion passed 5-0.

Lynne A. DeStefano moved, Michael Dillon seconded, to accept
the monthly report from Public Works.

Gordon Rogers, aye; Lynne DeStefano, aye; Michael Dillon, aye;
Neal Whitelaw, aye; and Marianne Knight, aye. Motion passed 5-0.

Lynne A. DeStefano moved, Michael Dillon seconded, to accept
the monthly report from the Tax Assessor Report.

Gordon Rogers, aye; Lynne DeStefano, aye; Michael Dillon, aye;
Neal Whitelaw, aye; and Marianne Knight, aye. Motion passed 5-0.

Lynne A. DeStefano moved, Michael Dillon seconded, to accept
the monthly report from the Tax Collector.

Gordon Rogers, aye; Lynne DeStefano, aye; Michael Dillon, aye;
Neal Whitelaw, aye; and Marianne Knight, aye. Motion passed 5-0.

**QUARTERLY
REPORTS** Lynne A. DeStefano moved, Michael Dillon seconded, to accept
the Quarterly Report from the Board of Canvassers.

Gordon Rogers, aye; Lynne DeStefano, aye; Michael Dillon, aye;
Neal Whitelaw, aye; and Marianne Knight, aye. Motion passed 5-0.

Neal Whitelaw instructed the Town Clerk to contact the School
Committee and remind them that they have to submit a report every
quarter.

**OLD BUSINESS
CONT.
RESCUE #1 & #4** Michael Dillon stated that after the last meeting and doing some
research, he concluded that if the former town council had the
authority to give away a town asset worth \$172,000 which was paid
for by taxpayer dollars, then the current council should also have
the authority to ask the Ambulance Corps to do the moral thing and

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RESCUE #1 & #4 return ownership to the Town of Foster.
CONT.

Michael Dillon moved, Lynne DeStefano seconded, to have the Council send a letter to the Ambulance Corps requesting the ownership of Rescue #1 to be returned to the Town of Foster.

Mr. Rogers asked who would formulate the letter which should be brought back to the council for review and to be voted on. Atty. David Igliazzi stated he would provide a letter for the next meeting.

Neal Whitelaw stated that this was the first he had heard about a letter and would have liked to have been informed before that night about it. Lynne DeStefano said she had not known about it either.

Lynne S. Rider asked what the actual assessed value was of Rescue #4 was, noting its age.

Gordon Rogers stated that Rescue #1 was purchased at the beginning of 2008. Rescue #4 is older. Lynne S. Rider stated that Rescue #1 was never the property of the town. Michael Dillon stated that that was not true. His understanding was that Rescue #4 was never owned by the town. The statement when he first asked was that both Rescues were never owned by the town—that was incorrect. Rescue #4 was transferred when it was purchased in 2007. Rescue #1 was purchased a year ago, and was on the books. On November 10, a motion was made to transfer it and it took place sometime in the beginning of December. A new registration was made up in December.

Kelli Russ, Treasurer, stated that Rescue #1 was registered to the Town of Foster and title was transferred, but it had been on the books as an asset.

John Chaharyn, Danielson Pike, asked if he was listening to hearsay about the rescues. He thought that at the last meeting that it was already straightened out, and stated that what Mr. Dillon wanted was to get the assessment put into the town, never mind what the Rescue had done in the past or may be doing in the future.

Michael Dillon stated that the taxpayers of the town spent \$172,000 for a rescue, the rescue was given away and it was wrong.

Mr. Chaharyn said it wasn't given away.

Mr. Dillon said the rescue should be on the treasurer's books as an asset, end of story.

Paige Dinwoodie of 33 ½ Foster Center Road stated that she agreed with Mike Dillon. I work more than 40 hours a week and works

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**RESCUE #1 & #4
CONT.** very hard for her money and pays taxes in the Town of Foster. If she contributed in any way to the purchase of that ambulance, she wanted to know why it was not still an asset of the town, and she would like it back.

Patricia Morgan, Danielson Pike, asked how many of the fire trucks were the property of the Town of Foster. Mr. Dillon replied that they all were. She asked how many of the trucks were not the property of the Town of Foster.

Mr. Rogers stated that every truck bought by the town, before it is replaced, is owned by the town. Mrs. Morgan asked about the one that was given to Moosup Valley. Mr. Rogers said that one was given by the prior council—the tanker that sat under the supper shed—was voted on by the prior council to be given to station one, and if it was ever sold the proceeds were supposed to come back to the town. Mr. Morgan asked if Mr. Rogers was planning on selling any of the rescues. Mr. Rogers asked what that had to do with it. She stated it had everything to do with it. She implored as a former rescue runner, not to sell the rescues.

Paige Dinwoodie said that if you can transfer them out of the town of Foster, they can be transferred again so bring them back to the Town of Foster so they can give the residents of the Town of Foster the service that we deserve.

Mr. Rogers says the discussion has to do with assets of the town, and has nothing to do with the service we receive so they need to stay on point with the discussion.

Ginny Colwell, Salisbury Road, stated that when she first joined the Ambulance Corps, there were three rescues. Rescue #4, the older of the two they have now, was just purchased and it had run about a year. A former employee of Station 2 brought up the topic of sending Rescue #2 over to Moosup Valley, and Mr. Rogers said at that meeting that if that rescue went over to Moosup Valley, he told the then chief that he would quit if that rescue went over there. This was said at an open meeting at the Foster Ambulance Corps. He then made the suggestion to raffle the rescue off which was accepted as a good idea. The then town council said no, the rescue belonged to the Town of Foster and had to go back to the town. Mr. Rogers was outraged, and beyond outraged that that rescue was not being allowed to stay in the possession of Station 4 of the Foster Ambulance Corps so that the Foster Ambulance Corps could use that money. He said that he was going to take—and she wasn't going to use the exact language out of respect for that flag—that blankety-blank rescue because the town council said the Ambulance Corps said they could not keep that vehicle, strip it of

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**RESCUE #1 & #4
CONT.**

everything and drive that blankety-blank rescue over there and throw the blankety-blank keys

in their face. That is exactly what he did. So now, all of a sudden when the tide has turned, you want the rescue back, where the previous one—you were angry at the previous town council to have the audacity to want their rescue back, and the rescue was in their name at the time.

Mr. Rogers said they were getting a little off track. His point about the rescues was that the town could not afford or needed three rescues, and that was what that whole discussion was about. This has to do with assets of the town, and we'll stick to that issue, when you're talking about assets I'm not going to let any discussion go anywhere else. This is strictly what this is about. This is apparatus bought by the hardworking taxpayers and affects your bottom line if we ever go out to bond.

Bob Hohler, Weatherbee Road, thought Mr. Dillon had answered it, instead of doing the moral thing, ask them that if they sell the rescue and the money will go back to the town.

Mr. Rogers said he didn't agree with what they did with the fire truck. He did not think the Ambulance Corps should have the authority to sell something that the taxpayers bought.

Mr. Hohler asked if that was not the same thing they did with the fire truck. Mr. Rogers said the same people who gave the rescues away did that with the fire trucks.

Robert Peterson, Foster Center Road, stated that in the discussion about transferring the ambulance, there was a discussion about liability and that was not yet brought up. The Ambulance Corps is not a department of the town, it is a non-profit organization related to the town and in its charter it is set to do rescue work for the town. If the title is with the Ambulance Corps, it changes the liability in regard to the town regarding accidents and suits. We have volunteers who in one way are protected by state law and are not in other ways. We have to diffuse our liability so it does not come down directly on the town because the state has given the courts authority in a lawsuit to tax the people in town. He would like to see people discuss liability as well as assets.

Lynne S. Rider stated that they could talk about assets all they want, and that if Mr. Dillon believed that, he was being misled. She doubted that a handful of people in the room believed that it had anything to do with assets. She stated that you want the Ambulance back because you want to dismantle the Ambulance Corps, and that is the bottom line.

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**RESCUE #1 & #4
CONT.**

Heidi Rogers, Cucumber Hill Road, stated that she is a member of the Ambulance Corps and Station 2, and said the chief of Station 2 would not take that Ambulance now if it was brought to him on a silver platter. He does not want things that way. Volunteers are supposed to work together. This is an issue of assets. Moosup Valley does not want the rescue.

Thomas DiRaimo, 124 South Killingly Road, stated that he had nothing to do with the Ambulance Corps and further stated that it would seem to make a lot of sense to leave the vehicles where they are because the Ambulance Corps maintains them and insures them. If they sold the vehicles, the money goes back to the town, so while we are using them, it costs the town nothing.

Gordon Rogers stated that at this point the money would not go back to the town.

Mr. DiRaimo said he assumed there was communication between the Ambulance Corps and the town, and if they could strike a deal, it remains the same, but if the vehicle is ever sold the money goes to the town. That way we get service of the vehicle that we have investment in for maintenance and insurance.

Michael Dillon said he didn't understand. It was very simple. Up until November 10th it wasn't a problem, because on November 10th it was changed. It was changed for the wrong reasons. It was changed for personal reasons. It was done for the wrong reasons.

The majority of the taxpayers don't even know about it. The people in the room, the cheerleaders for Mrs. Rider are because of what she did, they think this is a great think. He does not. He stated it was wrong, like him making a motion to give away the three front runner fire trucks to Connecticut. He says it's the same thing as was done November 10th. He stated that all he was asking for is for a letter to be sent to the Ambulance Corps for them to transfer the ownership of rescue #1 back into the town's name so the Treasurer can put it back on her books. It has nothing to do with the way the rescue operates.

Lynne S. Rider stated that he was very naïve.

Ronald Cervasio, Old Plainfield Pike, stated it was the second time he had watched the discussion. He requested that a precedent be set by the attorney as to how all rescues and fire trucks be handled in the future.

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**RESCUE #1 & #4
CONT.**

Lynne DeStefano made a motion to move the question. Michael Dillon seconded.

Gordon Rogers, aye; Lynne DeStefano, aye; Michael Dillon, aye; Neal Whitelaw, no; and Marianne Knight, no. Motion failed 3-2.

Ed Balfour, 16 Foster Center Road, stated that a letter from the Town Council that has no legal affect whatsoever to ask somebody to give up something they have no right to be told that they have to give up if they don't want to. They are an independent organization, a non-profit corporation, a legal force that they must protect in protecting the town are well entrenched. What you're asking them to do is assume additional liability that you have not got right now. If ownership reverts back to the town is going to cause an increase in the cost to the town for its insurance including registration and operation of the vehicle. I suggest you send your letter, you'll probably get a response back saying "sorry, we'll keep it the way it is." It's a waste of time.

Michael Dillon asked if it would cost the town additional. Kelli Russ said she had no way of knowing, but she did not see how it would be different from the fire trucks. Mr. Dillon asked if they were insuring the vehicle. Mrs. Russ said no.

Ginny Colwell, Salisbury Road, stated that she did not understand how it was any different. The vehicle, Rescue 2 was an asset of the town. How is it any different now than it was back then when Mr. Rogers was outraged by that town council by not letting the Ambulance Corps keep it.

Dorothy Grunewald, Mt. Hygeia Road, asked if the rescue became an asset of the town, how would it be used? Would it still be used to rescue people? Michael Dillon, Gordon Rogers and Lynne DeStefano replied in the affirmative. Ms. Grunewald stated then that the taxpayers would still be served as they are being served now. Mr. Dillon replied that nothing would change in service and that it wasn't a question of service. Ms. Grunewald then asked how the taxpayers were being harmed. Mr. Rogers gave the example of Chopmist Hill that did not own the fire trucks, the town did and when Chopmist Hill became unionized and started taking water and delivering it to pools.

Lynne Rider and others wanted to know what that had to do with this situation. Mr. Gordon said that the practice could not have been able to be stopped. The assets were theirs. They had control if they needed it. Ms. Grunewald asked about a resolution that if the rescue was sold if would come back to the tow, could that not be a resolution. Lynne DeStefano asked the solicitor if that would already have had to be in the purchase and sales agreement? Atty.

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**RESCUE #1 & #4
CONT.**

Igliazzi answered that it did not and could be done after the fact. They may not feel obligated to return it. He felt that a letter would be fine.

Kelli Russ, Town Treasurer, wanted to point out that the usual practice is to trade the old vehicles in when it is time to purchase a new one. So indirectly, the town is getting the money back. Gordon Rogers pointed out that the third rescue was not traded in, it was sold to Guatemala for \$5,000 by the former council.

Susan Tabor, 52 Hartford Pike, stated she would like the council to formulate a police because it sounded like it's not consistent, and thinks it needs to be studied. Mr. Dillon agreed.

Neal Whitelaw asked if the council would be able to review the letter by the solicitor before they voted on it, or was he voting on a letter he had never seen written. Mr. Dillon asked if the solicitor would email it to him. Mr. Whitelaw stated that they wanted him to vote now, not on a letter but on a concept of a letter. Mr. Igliazzi said he would submit the letter for approval.

Mr. Rogers called for a vote.

Gordon Rogers, aye; Lynne DeStefano, aye; Michael Dillon, aye; Neal Whitelaw, aye; and Marianne Knight, aye. Motion passed 5-0.

Lisa Sambain, Salisbury Road, stated she said the Ambulance Corps had the rescue transferred to them. Her question was if they paid for the maintenance. Mr. Rogers said they receive about \$80,000 from the town for their operations. If the town took the ambulance back, would the corps be responsible for the ambulance. Mr. Rogers said it was always the policy that the town owned the trucks.

Ronald Cervasio said they had an attorney and to ask the attorney.

Robert Hohler of Weatherbee Road asked when they give them letter, and they say "no" what will be gained as a town. Mr. Dillon said "nothing".

Rose Salvadore, Walker Road, asked if this was the only vehicle or if there were others. Mr. Dillon said the rest of the vehicles are owned by the town.

Thomas DiRaimo, South Killingly Road, asked if the ambulance corps agreed to it, he asked who had control of the destiny of the vehicle.

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**RESCUE #1 & #4
CONT.**

Lynne S. Rider stated that she did not understand what the difference was between this vehicle and Rescue 4 was. She stated that #4 was never owned by the town. So what is the difference, obviously that was past practice, the Ambulance Corps owns them.

Mr. Dillon stated that he didn't understand the double standard. Maybe he should go after Rescue 4 also. Why the rescue ownership was transferred but none of the fire departments own their fire trucks?

Lynne S. Rider stated that the Fire Companies never owned the fire trucks. The Ambulance Corps owned the rescues.

Ronald Cervasio asked if they could please move the question. Mr. Rogers said that he tried. Mr. Cervasio said that he didn't believe the Mr. Whitelaw's question had been answered. He believed he was asking for an amendment that the letter be written by the attorney and the council vote on it next meeting. So if you could get that on and move the question because the rest of this was crap. Mr. Whitelaw thought they had straightened it out.

Patricia Morgan, Danielson Pike, asked if there was some way the rescue squad could get an absolute guarantee from the town that their trucks won't be removed from their barns and put in fire companies and they won't be dismantled. Is there some kind of guarantee you can hand them so that you can't do what you have stated several times in public: disband the ambulance corps. What guarantee could you give them that you're not doing this just to blow them away? Mr. Dillon said he was concerned with the terms she used. He had no response to that. He said that he campaigned with Mr. Rogers and heard personally what he said, and it was not to tear apart the ambulance corps, but it was about service. It had nothing to do with the people, it was about service. Mrs. Morgan said she heard it, and he didn't want to keep the ambulance corps, he wanted to assign them to the fire companies, and he shouldn't talk in restaurants. Mr. Rogers said enough was enough.

Lisa Sambain, Salisbury Road, asked if there was a Memorandum of Agreement between the two agencies?

A vote to send a letter is posed again:

Gordon Rogers, aye; Lynne DeStefano, aye; Michael Dillon, aye; Neal Whitelaw, no; and Marianne Knight, no. (Motion passes 3-2.)

**REGIONAL
SET-ASIDE**

Atty. David Iglizzi said he looked into it. The appropriation was approved at the town financial meeting of \$124,946.00 on May 4, 2010. There was a presentation at the meeting indicating that the

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**REGIONAL
SET-ASIDE
CONT.**

funds would be set aside for population change and for “no other purpose”. Motion passed. On August 17, another meeting was held to address the elimination of state revenue. The question presented to Atty. Iglizzo was whether the voters make an appropriation with specific limitations.

The general laws indicate that those limitations are binding on the town. It can not be used for any other purpose. The question is what can the town do when faced with a reduction in funds? Should this be in last year’s budget as a deficit or should it be in this year’s budget as an obligation because the money is not there. Mr. Rogers said the question was whether or not that was okay to do, to leave it where it’s at. There was no need to vote, the item was for clarification.

Lynne S. Rider noted that repeatedly at budget workshops, Mr. Rogers alluded to the fact that the previous council acted illegally in using that \$124,900 to help balance the budget. She wanted to know if they acted illegally. Mr. Rogers stated that he needed clarification to make sure it could go one way or the other.

**2010-2011
BUDGET**

Kelli Russ, Treasurer, stated that in her conversations with the solicitor, they decided that the capital 2 percent transfer should have been left whole. They had been adjusting it done because of the revised expenditures, but the appropriate thing to do is reinstate to what was approved at the Financial Town Meeting of \$225,214.00. The 2 percent is computed from what is approved at the meeting, not any lowered budget adjustments that come later.

Gordon Rogers moved, Michael Dillon seconded to reflect the \$225, 214.00 for the 2 percent transfer at the May 4, 2010 Financial Town Meeting which is a change of \$11,472.00 being placed back in.

Neal Whitelaw asked if the amount was coming out of the general fund. Kelli Russ said it would be a transfer from the general fund to the capital fund.

Gordon Rogers, aye; Lynne DeStefano, aye; Michael Dillon, aye; Neal Whitelaw, aye; and Marianne Knight, aye.

**LETTER OF
RESIGNATION
FROM
HUMAN
SERVICES
DIRECTOR**

Nancy Johnston, Director of Human Services, submitted a letter of resignation.

Lynne DeStefano moved, Michael Dillon seconded, to accept the letter of resignation with regrets.

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**RESIGNATION
CONT.** Gordon Rogers, aye; Lynne DeStefano, aye; Michael Dillon, aye; Neal Whitelaw, aye; and Marianne Knight, aye. (Motions passed 5-0.)

Tina W. Freeman, Town Clerk, asked if the council would like an ad placed for the position. Mr. Rogers said to put it on the next agenda.

**ROAD SALT
CONTAMIN-
ATION** Lynne DeStefano had asked that this item be put on the agenda, but now requested that it be taken off.

**LETTER FROM
TOWN
MODERATOR** Robert Boyden, Town Moderator, submitted a letter regarding the fact that the auditorium at the Paine School would not be available for the Financial Town Meeting on May 3, 2011. RI General Law authorizes the Town Moderator to convene the meeting in either Scituate or Glocester. He notified the council that the meeting will be held in the auditorium at the Ponaganset High School at the required time of 7 p.m. on Tuesday, May 3, 2011.

**ROADSIDE
LITTER** Lynne DeStefano mentioned Earth Day and encouraged people to clean up the roadsides and participate. She was interested in creating an ordinance regarding littering and instituting fines.

**RESIGNATION
REVISITED** Tina W. Freeman stated that under discussion/action the council was authorized to ask that the position be advertised. Since Ms. Johnston was leaving in May, there would not be much time to advertise and interview.

Neal Whitelaw moved, Marianne Knight seconded, to advertise for the position of Human Services director.

Mr. Whitelaw said it should be up to Councilman Dillon as to where it is advertised. Mr. Dillon stated the *Foster Home Journal*.

Ronald Cervasio stated that there was still a budget shortfall, and that it was very interesting that Lynne Rider explained that the council intended to save money but misses the part that it is \$400,000 in debt, and it's all her fault. Mr. Rogers called for a vote.

Gordon Rogers, aye; Lynne DeStefano, aye; Michael Dillon, aye; Neal Whitelaw, aye; and Marianne Knight, aye. (Motion passed 5-0.)

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**ADDITIONS &
ABATEMENTS** Lynne DeStefano moved, Michael Dillon seconded, to approve the additions and abatements of \$288.31.

Gordon Rogers, aye; Lynne DeStefano, aye; Michael Dillon, aye; Neal Whitelaw, aye; and Marianne Knight, aye. (Motion passed 5-0).

**RIGHT OF
ENTRY – NIKE
SITE**

Gordon Rogers explained that the Right-of-Way to the Nike Site expired and the request is to allow the maintenance of carbon filters at the old Nike Site and the request is to reinstate it for sixty months.

Neal Whitelaw moved, Gordon Rogers seconded, to approve the Right-of-Way renewal for the Nike Site.

Gordon Rogers, aye; Lynne DeStefano, aye; Michael Dillon, aye; Neal Whitelaw, aye; and Marianne Knight, aye. (Motion passed 5-0.)

**REQUEST
FROM
FELLOWSHIP
OF THE
RINGERS**

The Fellowship of the Ringers handbell choir requested the use of the Town House for a concert on Sunday May 15, 2011 at 2 p.m. for a 45 minute program.

Gordon Rogers moved, Lynne DeStefano seconded to grant the use of the Town House for that purpose.

Gordon Rogers, aye; Lynne DeStefano, aye; Michael Dillon, aye; Neal Whitelaw, aye; and Marianne Knight, aye. (Motion passed 5-0.)

**REQUEST
FROM
NORTHERN RI
4-H**

The Northern RI 4-H requested the permission of the Town Council to build a display barn on the Foster Fairgrounds to house goats during the Foster Old Home Days. Gordon Rogers stated that he thought it should go through the Old Home Days committee.

Lynne DeStefano moved, Michael Dillon seconded, to forward the letter to the Foster Old Home Days committee.

Gordon Rogers, aye; Lynne DeStefano, aye; Michael Dillon, aye; Neal Whitelaw, aye; and Marianne Knight, aye. (Motion passed 5-0.)

**AMBULANCE
CORPS
STIPENDS**

Gordon Rogers recused himself because his wife receives stipends.

Neal Whitelaw asked if they had already been paid and this was information only. Kelli Russ, Treasurer, replied that they had not

AMBULANCE

paid them. Mr. Whitelaw stated that he had not seen one before.

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CORPS

STIPENDS

CONT.

Mrs. Russ said it was quarterly; the first one was received in January and that they might not recall.

Lynne DeStefano moved, Neal Whitelaw seconded, to approve the stipends for the third quarter for the Foster Ambulance Corps.

Lynne DeStefano, aye; Michael Dillon, aye; Neal Whitelaw, aye; and Marianne Knight, aye. (Motion passed 4-0.)

**RESOLUTION
AGAINST
HOUSE BILL
2011—H5783**

Gordon Rogers stated that he had asked that this be put on the agenda. It concerns the Outdoor Wood Burners. The state was trying to regulate setbacks and stack heights and the hours the burners can be used. He noted there are two kinds, Phase 1 does not meet emissions standards, that kind would be not allowed without 500-foot setbacks. He felt that the state should not be allowed to make the same regulations for all towns because they are all different. The resolution states that we should be allowed to make our own regulations.

Rocky Riccio, Building & Zoning Inspector, urges the town council to make sure the state has no say in the town regulations.

Mr. Rogers called for a vote.

Gordon Rogers, aye; Lynne DeStefano, aye; Michael Dillon, aye; Neal Whitelaw, aye; and Marianne Knight, aye. (Motion passed 5-0.)

**PUBLIC
HEARING –
CDBG GRANT**

Gordon Rogers, Council President, opens the public hearing.

Ann-Marie Ignasher, Town Planner, stated that the grant application is prepared by Western Rhode Island Home Repair. The meeting is to let people know what is being applied for. WRIHR is asking for \$119,807 which is the same was applied for last year. Foster Dept. of Human Services for \$2,000, Abby Lane for \$58,470 for sewer and water upgrade, WellOne is looking for \$15,000 towards expanding the parking lot, the Land Trust is looking for \$3,000 for a total request of \$198,277, the town of Foster is allowed to put in a request up to 250,000, the next step after this hearing is to go before the planning board to make sure all application meet the requirements of the Comprehensive Plan. A final hearing will need to be held before May 12, 2011.

Gordon Rogers reads Elli Tetreault's letter regarding the WRIHR part of the CDBG grant. Kenneth Knight states that the 1.2 million brought in over the years helped a lot of people stay in their homes. Mrs. Ignasher told everyone that she had a copy of the grant application in her office if anyone wanted to see it.

PUBLIC

Kay Franklin, WellOne, spoke on behalf of enlarging the parking

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**HEARING –
CDBG GRANT
CONT.**

lot. Kenneth Knight made suggestions regarding the parking lot.

Lynne DeStefano asked if these were matching funds. Mr. Rogers directed her to ask the Town Clerk. Tina Freeman, Town Clerk, stated that they were just grants.

Gordon Rogers, Council President, closed the public hearing.

**PUBLIC
HEARING –
BUDGET
ADOPTION
2011-2012**

Kelli Russ, Town Treasurer, read the narrative of the Adopted Budget. Included as “Exhibit A”.

Lynne S. Rider questioned the \$188,000 outstanding owed to the school, she asked if that would come from this budget. Mrs. Russ replied that it had nothing to do with the budget they were closing now, that’s 2011. It was her understanding it might take another year to finalize the case. Mrs. Rider asked if the year would finish with a deficit. Mrs. Russ said they had a balanced budget without the \$188,000.

Kelli Russ explained other items on the budget. She noted that the appropriation from the Regional School Financial Meeting was set. Gordon Rogers stated that the school financial meeting was held, and 80 residents from Foster who attended.

Lynne S. Rider asked about the Kelli asking the solicitor, where they would start with the appropriations. They were given a one-time only ability to reduce the school by 5 percent. Going forward there is another 5 percent reduction and the courts may deny that.

Atty. Igliazzi states that there were two conflicting opinions given by Commissioner Gist. One, we could not decrease it 5 percent, and one that they may allow it. Because we’re so close to this maximum cap, we have no choice but to take the position that it’s maintenance of effort equal to the same as last year. We have to take that position; otherwise we have to apply to the General Assembly to exceed the cap. My best advice is that any issues about that need to be motioned and voted on at the Financial Town Meeting.

Shelley Pezza, School Committee Member, stated that the School Committee should be the one to decide whether or not the money goes back, and she, personally, understands that the town is in a fiscal crisis and she would not support suing the town for the money. Atty. Igliazzi stated that RIDE has a lot of power. Mrs. Pezza asked who would be the one to complain to RIDE? Atty. Igliazzi stated in one instance; and Mr. Carroulo in another instance.

PUBLIC

Kelli Russ pointed out that if they change the resolution, the school

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HEARING –

BUDGET

ADOPTION

2011-2012 CONT.

still has to provide the basic education plan. The assumption is that you can live within that amount and still meet the basic education plan. Shelley Pezza says that unfortunately there are still rising costs that they cannot defray. Kelli Russ said that you would have to prove that you could not meet the basic education plan.

The bottom line totals of all departments are reviewed by Gordon Rogers.

The revenue side is reviewed. Kelly Russ explains the 2 percent capital computation.

Robert Peterson, 114 Foster Center Road, stated that he wanted to speak to the budget in terms of a public hearing. From what he reads, taxes are going to increase by 4.25 percent. He said we had some “ifs”: if the lawsuit is settled in favor of the region, it will be done in Superior Court. If that’s the case, then there becomes a precedent that could be used by the state to enforce a 5 percent increase in the local.

Mr. Rogers stated that he believed there’s a difference on the argument of the region is that they have their own charter, they have their own Financial Town Meeting that’s set and voted on by the taxpayers.

Mr. Peterson said they’re not the judge...he was stating a possibility. He further said that we would have to defend ourselves in the lawsuit, where would the money come from? Mr. Rogers said he wouldn’t be getting sued on the Paine School level. Mr. Peterson repeated his question. Mr. Rogers said it would be the contingency line. Mr. Peterson stated that we would have to spend \$150 an hour to get back the \$188,000. He stated that he had his taxes frozen because he was over 65, so it’s not going to affect him personally a great deal if the taxes are raised 4.25 percent, but the younger people in town will have to pay for it. He asked if that was fair. He stated that if we reduced the vehicle exemption, then the burden would be spread more evenly and be more fairly. Concerning the issue of public safety, the volunteers need training and assistance. He would like the council to reconsider those cuts. He stated that he was embarrassed to grind down the people that can be ground down on their pay, but those who have contracts you don’t cut. He doesn’t think it’s fair. It’s a minuscule amount of money and he would hope they would reconsider.

Carol Sholly, Deputy Town Clerk, pointed out that it would have only cost her \$120 more if the exemption had been passed at the August meeting. The decrease in salary she is taking is over \$3,000.

PUBLIC

She also brought up the fact that there is no income cap on the tax

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ADOPTION

2011-2012 CONT.

freeze and that there are multi-millionaires in the town benefitting from that who are paying almost nothing. Mrs. Sholly also pointed out that Mr. Rogers brought a lot of people to vote down the vehicle exemption but said nothing, and brought no additional people to the Regional School Financial meeting. Mr. Rogers stated that this was a proposed budget that could be voted up or down and the Financial Town Meeting.

Kelli Russ, Town Treasurer, asked for direction concerning placing ads for the Financial Town Meeting which must also be submitted to the state. Patti Moreau, Tax Assessor, pointed out where the numbers they needed were located. Neal Whitelaw asked when the ad needed to be placed. Mrs. Russ said Monday at 3 p.m. Mr. Whitelaw was concerned that the public would perceive something from the ad that was not so.

Mr. Rogers said the first thing to do is adopt the budget. Lynne DeStefano moved, Michael Dillon seconded to adopt the budget as presented.

Gordon Rogers, aye; Lynne DeStefano, aye; Michael Dillon, aye; Neal Whitelaw, no; and Marianne Knight, no. (Motion passed 3-2.)

Mr. Rogers suggested that they recess the meeting and return tomorrow.

Neal Whitelaw made a motion for the purpose of the ad that the motor vehicle exemption raised to \$3000. Marianne Knight seconded.

Mr. Rogers stated that would mean real estate tax would increase 13 cents if the motor vehicle tax exemption was \$3000. Kelli Russ said not necessarily because it would be on a lower amount. Mrs. Russ reads the ad aloud. Mr. Rogers explained that any vehicle worth \$6,000 and more would have an increase of \$203.

Gordon Rogers, no; Lynne DeStefano, aye; Michael Dillon, aye; Neal Whitelaw, aye; and Marianne Knight, aye. (Motion passed 4-1.)

**CONCERNED
CITIZENS**

Lynne S. Rider said that she assumed the Adopted Budget would be online, and asked if it was possible to place hard copies of it around town for people who did not have high speed connections.

Pamela Fontaine, declined.

Rocky Riccio submitted a letter to be read at the next agenda.

FUTURE

1) Letter to Foster Ambulance Corps

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AGENDA 2) Creation of Littering Ordinance
ITEMS

Neal C. Whitelaw moved, Marianne Knight seconded, and it was unanimously so voted to adjourn the regular portion of 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 10:30 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