

**August 25, 2011  
Town Council Meeting**

The August 25, 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**  
**Neal C. Whitelaw,**  
**Marianne Knight,**  
**Michael E. Dillon,**  
**Lynne A. DeStefano**

Also present were:

**David V. Igliazzi, Town Solicitor**  
**Kelli Russ, Treasurer**  
**Robert Clarkin, DPW Director**  
**Ann-Marie Ignasher, Town Planner**  
**Robert Coyne, Chief of Police**  
**Peter Scorpio, Building & Zoning Official**

The Pledge of Allegiance was recited.

**PUBLIC  
COMMENT**

Virginia Colwell reserved her comments until the topic arises.

**MINUTES**

Michael Dillon moved, Neal Whitelaw seconded, to accept the minutes of July 28, 2011. Michael Dillon objected to the minutes as prepared.

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

Michael Dillon moved, Lynne DeStefano seconded, to have the minutes of July 28, 2011, redone pursuant to the recorded tape. Neal Whitelaw asked for clarification. Michael Dillon withdrew his motion, Lynne DeStefano removed her second.

Gordon Rogers moved, Lynne DeStefano seconded, to correct the minutes of July 28, 2011, to show the motions, seconds, and votes as taken and the councilmembers sitting at table.

Michael Dillon aye, Lynne DeStefano aye, Marianne Knight no, Neal C. Whitelaw no, Gordon E. Rogers aye. Motion passed 3-2.

**MONTHLY  
REPORTS**

Michael E. Dillon moved, Marianne Knight seconded, and it was unanimously so voted to accept the monthly report from the Police Department.

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

Gordon Rogers moved, Lynne DeStefano seconded, and it was unanimously so voted to accept the monthly report from the Treasurer's Department as submitted.

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

**QUARTERLY  
REPORTS**

Lynne DeStefano moved, Gordon Rogers seconded, and it was unanimously so voted to accept the quarterly report from the Land Trust as submitted.

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**QUARTERLY  
REPORTS  
CONT.**

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

Lynne DeStefano moved, Michael Dillon seconded, and it was unanimously so voted to accept the quarterly report from the School Committee.

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

Lynne DeStefano moved, Michael Dillon seconded, to accept the quarterly report from the Planning Board.

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

**WARRANTS**

Lynne DeStefano moved, Michael Dillon seconded and it was so voted to approve **General Warrant #31** in the amount of \$4,107.10. Neal Whitelaw questioned the payments to Mr. Provonsil.

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

Lynne DeStefano moved, Michael E. Dillon seconded, and it was unanimously so voted to approve **General Warrant #4** in the amount of \$36,778.50.

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

Lynne DeStefano moved, Michael E. Dillon seconded, and it was unanimously so voted to approve **Payroll Warrant #6** in the amount of \$29,186.46.

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

Lynne DeStefano moved, Michael E. Dillon seconded, and it was unanimously so voted to approve **Payroll Warrant #7** in the amount of \$29,322.92.

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

**TAX PAYMENT  
PLANS**

Gordon Rogers requested that Kelli Russ, Town Treasurer, explain the plans, noting the Atty. David Iglizzi, Town Solicitor stated that any plan must meet State Law requirements.

Kelli Russ, Town Treasurer explained the plans. Atty. David Iglizzi stated that a town ordinance must be created to waive \$500 of interest, and cannot just be voted on.

Marianne Knight moved to consider drafting an ordinance with no more than a \$500 waiver of interest, according to State Law. Motion was not seconded. Motion failed.

Neal Whitelaw moved, Marianne Knight seconded, to draft an ordinance for application procedures for payment agreement for current year tax liability and not to waive interest. Neal Whitelaw removed his motion, Marianne Knight removed her second.

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**TAX PAYMENT PLANS CONT.** Neal Whitelaw moved, Marianne Knight seconded, to allow the Town Treasurer to make a payment plan to follow State Law. Kelli Russ, Town Treasurer, stated that no ordinance would be necessary if there would be no waiver of interest. It would affect primary residences only, if late, interest would be charged, if 2 months late, plan is nullified.

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

**PRESERVE AMERICA RESOLUTION** Lynne DeStefano moved, Michael Dillon seconded, to approve the Preserve America resolution. Lynne DeStefano read the resolution to the audience. Ann-Marie Ignasher explained what the resolution was and why it was needed.

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

**POLE PETITION** The Dept. of Public Works presented a request for poles to be placed on Paine Road, numbers 36-40. Gordon Rogers moved, Lynne DeStefano seconded, to approve DPW's request.

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

**ADDITIONS AND ABATEMENTS** Lynne DeStefano moved, Neal Whitelaw seconded to approve the additions as presented by the Tax Assessor in the amount of \$11, 926.11.

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

Gordon Rogers moved, Michael Dillon seconded to approve the abatements as presented by the Tax Assessor in the amount of \$1,096.65.

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

**TRAINING REQUEST** Gordon Rogers read a letter from Building & Zoning official, Peter Scorpio, requesting training funds to maintain his certification. Mr. Scorpio noted that the money had already been budgeted. Gordon Rogers moved, Michael Dillon seconded, to approve the \$295 fee and \$20 parking for a total of \$315.

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

**WELLONE REQUEST** WellOne submitted a request to have their tangible taxes waived. Gordon Rogers stated that he wished to speak with them before taking any action. Gordon Rogers moved, Lynne DeStefano seconded, to table the item and place it on a future agenda. No vote or action was taken

**CAR WASH REQUEST** Pastor Eric Kielhorn requested use of the Town Hall parking lot by the Foster Center Baptist Church for a car wash fund raiser on September 10, 2011, with a rain date of September 24, 2011. Gordon Rogers moved, Lynne DeStefano seconded, to approve Pastor Kielhorn's request.

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

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**RECREATION REQUEST** The Foster Recreation Committee sent a letter requesting the use of the Foster Fairgrounds for their Annual Yard Sale on September 17, 2011. Gordon Rogers moved, Lynne DeStefano seconded to approve Recreation's request.

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

**BID OPENING FUEL OIL** The following bids were opened:

Fleet	3.52 / gal
Brennan	3.35
Rambone & Sprague	3.37
Reichert	3.26.9 or .05 over cost

The bids were referred to the DPW Director for recommendation.

**RESIGNATION OF VICE PRESIDENT** Gordon Rogers moved to accept with regret the resignation of Lynne DeStefano as Vice President of the Town Council. Michael Dillon seconded.

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

**ELECTION OF VICE PRESIDENT** Lynne DeStefano moved, Gordon Rogers seconded, to elect Michael Dillon as Vice President.

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

**PUBLIC HEARING NOISE ORDINANCE** Gordon Rogers opens Public Hearing and explains the rules. He reads a letter submitted on the subject by Leigh Botello and mentions other suggestions he had heard from residents.

People who spoke in favor included: Melody Finucane of Boswell Trail; and George Neri of South Killingly Road.

People who spoke against: John Esposito of South Killingly Road, Ronald Cervasio, Adam Dacko, Thomas DiRaimo, Joseph Carey of Oak Hill Road, and Steve Brown of Central Pike.

Gordon Rogers closed the Public Hearing.

Neal Whitelaw moved, Marianne Knight seconded, that "noise shall not exceed 60 decibels from 7 a.m. – 8 p.m. all other times, noise shall not exceed 50 decibels" to add a paragraph to ordinance 82-11-193 and add from the "property line".

Neal Whitelaw moved, Marianne Knight seconded, to add words "exempt by permitted use".

Gordon Rogers, aye; Michael Dillon, aye; Lynne DeStefano, nay; Neal Whitelaw, aye; Marianne Knight, aye. Motion passed 4-1.

Vote on main motion with amendment added: Gordon Rogers, no; Michael Dillon, no; Lynne DeStefano, no; Neal Whitelaw, aye; Marianne Knight, aye. Motion failed 3-2.

Neal C. Whitelaw moved, Michael Dillon seconded, to make the Nuisance / Noise Ordinance a Future Agenda Item in a Public Hearing.

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

**“NO BIN / NO  
BARREL”**

Gordon Rogers explained they were looking at changes to the ordinance, and that the town reserved the right not to collect refuse.

No one spoke. Public Hearing closed.

Gordon Rogers moved, Michael Dillon seconded, to accept an amendment. Michael Dillon removed his second, will vote at next meeting and make it a future agenda item.

**CONCERNED  
CITIZENS**

Ann-Marie Ignasher, Town Planner, announced that a survey was in progress regarding houses that do not yet have broadband.

**FUTURE  
AGENDA  
ITEMS**

Future agenda items:

- Noise / Nuisance Ordinance
- WellOne
- Bid Openings
- No Bin, No Barrel Ordinance

**CHANGES TO  
AGENDA  
ITEMS**

Gordon Rogers moved, Lynne DeStefano seconded to strike the “Performance Evaluation” from the Executive Session items. Should be in information only.

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

DPW item should be under litigation only, not Personnel.

Gordon Rogers moved to go into executive session according to 42-46-5a(2) for the purpose of discussing Collective Bargaining / Litigation and to reconvene for the purpose of announcing votes and adjourning the meeting.

A roll call vote was taken: Lynne DeStefano, aye; Michael Dillon, aye; Gordon Rogers, aye; Neal Whitelaw, aye; Marianne Knight, aye.

Gordon Rogers moved to come out of Executive Session and further to keep the minutes of said meeting closed and that the minutes of all executives sessions held previous to this meeting be closed and remain closed pursuant to provisions of General laws of Rhode Island 42-46-4.

A roll call vote was taken: Marianne Knight, aye; Neal Whitelaw, aye; Lynne DeStefano, aye; Gordon Rogers, aye; Michael Dillon, aye.

One vote was taken.

The meeting adjourned at 9:45 p.m.

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

Submitted By

Carol Lyons Sholly, CMC  
Deputy Town Clerk