

**May 12, 2011
Town Council Meeting**

The May 12, 2011, Town Council Meeting was called to order by Gordon E. Rogers, President, of the Foster Town Council at the Benjamin Eddy Building, 6 South Killingly 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, Vice President - Absent

Also present:

David Igliazzi, Town Solicitor
Robert Clarkin, DPW Director
Kelli Russ, Treasurer - excused

The Pledge of Allegiance was recited.

**PUBLIC
COMMENT**

Lynne Rider of Burgess Road questioned why the meeting was held at the Benjamin Eddy Building. Gordon Rogers, president, stated that the Town Clerk had posted it, and it was not his determination.

**LIQUOR
LICENSE –
TWISTED
LIQUORS**

Town Planner Ann-Marie Ignasher explained the Zoning Board approval and stipulations for William Fortin of Twisted Liquors to use his house for commercial purposes to continue to run his business and keep his liquor license.

Atty. David Igliazzi, Town Solicitor, stated that he had been at the meeting and that the requirements were very specific.

Michael Dillon moved, Neal Whitelaw seconded, to approved the license based on the conditions of the Zoning Board as follows:

- a) The hours of the operation be limited to 10:00 am to 10:00 pm Monday through Saturday, and Sunday from 12:00 noon to 6:00 pm; and will comply with all State statutes regarding holiday hours;
- b) That there be separate and secure entrances for both the home and the garage (store) without ingress or egress between the home and garage (store); and
- c) That this approval be subject to building codes, fire requirements / inspections, liquor license transfer and any other necessary or required town approvals; and
- d) That there be adequate, designated and defined parking; parking and driveway appropriate for parking; and
- e) That it be in compliance with any other town regulations as detailed in Article VI, Supplementary Regulations of the zoning ordinance
- f) That the signage as detailed be restricted to one sign as stated in Article VI, Section 17, subsections A&B; to wit on sign 4' x6'
- g) Any addition (square footage) to building will have to be brought before the building officer, and the zoning board to receive permission to expand as required by zoning ordinance

Gordon Rogers, president, asked if the zoning board's ruling meant there was change to the zoning in that area. Atty. David Igliazzi, Town Solicitor, stated that no, this was a permitted use and the zoning board decision reflected a special use permit but did not change the zoning of the area.

Councilmember Neal Whitelaw was concerned that all the conditions be met before granting a license.

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**LIQUOR
LICENSE –
TWISTED
LIQUORS
CONT.**

Carol Lyons Sholly, Deputy Town Clerk, stated that the current license was good until May 31 but that they could hold granting a new license until the work was finished. Mr. Fortin asked if he would lose his license. Mrs. Sholly said he would not, it could be held in suspension.

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

Motion passed 4-0.

A citizen asked where the new location of Twisted Liquors would be and was told 106 Winsor Road, across the street from the old location.

**ADDITIONS &
ABATEMENTS**

Gordon Rogers, council president, moved and Marianne Knight seconded to accept the abatements of \$1,708.17 on personal property, and \$7,281.87 on motor vehicle taxes.

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

Motion passed 4-0.

**MOTOR
VEHICLE
EXEMPTION**

Gordon Rogers, council president moved, Neal Whitelaw seconded, to approve the Motor Vehicle Exemption.

Mr. Whitelaw asked the solicitor what the correct process was regarding the approval. David Iglizzi, Town Solicitor, stated that the council did not have to pass an ordinance because they were simply voting on approval of the resolution.

Lynne Rider, Burgess Road, asked if the council could ask the Tax Assessor how she arrived at the figure. Patricia Moreau, Tax

Assessor, stated that when the original number was estimated, not all the vehicles had been entered yet. She found some vehicles without account numbers which amounted to enough that they were able to give more of an exemption than was originally estimated. Mrs. Rider then asked about real estate property tax. Mrs. Moreau said it would stay the same.

Virginia Colwell, Salisbury Road, asked what the revenue would total. Mrs. Moreau stated that the levy had been \$11,219,011.00 and was now \$11,219,019.00.

Gordon Rogers, no; Michael Dillon, aye; Neal Whitelaw, aye; and Marianne Knight, aye.

Motion passed 3-1.

MINUTES

Neal Whitelaw moved to approve the minutes from January 27, 2011, and March 24, 2011. Gordon Rogers, council president asked that the motions be made separately. Mr. Whitelaw withdrew his motion.

Neal Whitelaw moved to approve the minutes of January 27, 2011 with the amendment attached. Michael Dillon questioned the consistency of transcribing minutes as opposed to summarizing them. Carol Lyons Sholly, Deputy Town Clerk, stated that the minutes that she did not personally take notes for were easier to type verbatim than to try to summarize from someone else's notes.

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**MINUTES
CONT.**

Ron Cervasio, Old Plainfield Pike, stated that the Town Hall was involved in politics, that it should be neutral, and that doing the minutes verbatim was a political ploy.

Lynne Rider, Burgess Road, asked if the way it was done was not a truer account of the meeting.

Neal Whitelaw asked who was responsible for deciding how the minutes were done. David Iglizzi, Town Solicitor stated that it was the clerk's option, and that the council could either approve it or not. Lynne Rider said that if the minutes were reduced to motions and votes, she would recommended that everyone request a CD of the sound file of the meetings which would take far longer.

Michael Dillon asked if we had two standards and was it easier to write a novel?

Gordon Rogers, no; Michael Dillon, no; Neal Whitelaw, aye; and Marianne Knight, aye.

The motion did not pass 2-2. The minutes will be considered unapproved minutes.

Gordon Rogers moved, Michael Dillon seconded, to approve the minutes of March 24, 2011.

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

Motion passed 4-0.

WARRANTS

Gordon Rogers moved, Marianne Knight seconded, to approve Payroll Warrant #43 for \$28,076.51.

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

Gordon Rogers moved, Marianne Knight seconded, to approve Payroll Warrant #44 for \$25,793.34.

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

Gordon Rogers moved, Marianne Knight seconded, to approve General Warrant#24 for \$67,350.86.

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

**MONTHLY
REPORTS**

Gordon Rogers moved, Michael Dillon seconded, to approve the Monthly Reports from Building & Zoning, Planning, Police Department, Public Works, Tax Assessor, and Tax Collector departments.

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

Motion passed 4-0.

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**QUARTERLY
REPORT**

Gordon Rogers moved, Marianne Knight seconded, to approve the quarterly report from the Foster School Committee.

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

Motion passed 4-0.

**APPOINTMENT
TO JUVENILE
HEARING
BOARD**

Letters of interest were submitted for appointment to the Juvenile Hearing Board from Thomas DiRaimo and Leon Blanchette. Mr. DiRaimo was present and spoke about his background in police work and the Dept. of Corrections.

Gordon Rogers moved, Neal Whitelaw seconded, to appoint Thomas DiRaimo to fill the remainder of the term of the vacant position of the Juvenile Hearing Board which expires in September of 2012.

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

Motion passed 4-0.

**BRUSH TRUCK
TRANSFER**

Gordon Rogers moved, Marianne Knight seconded, to transfer Brush Truck #3 from the South Foster Fire Company to Public Works.

Neal Whitelaw asked why the transfer was needed if the town owns it. David Igliozzi, town solicitor, stated that DMV required it. He suggested that the council approve it for that reason.

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

Motion passed 4-0.

**DPW FUNDS
SET-ASIDE**

Robert Clarkin, Dept. of Public Works Director, has asked in 2007 for DPW improvement funds for the garage. The funds were used to build the salt shed instead. The funds were then refunded from DEM, but the original funds for working on the garage were now past the expiration date. Mr. Clarkin requested that funds returned from metal salvage be put into a special fund to be used to build an addition onto the garage in order to save heat energy that is currently being lost. There is \$5500 in scrap metal salvage.

Gordon Rogers moved, Marianne Knight seconded, to approve the set-aside fund to build an addition to the back of the DPW garage.

Neal Whitelaw asked if the money was encumbered. Mr. Clarkin replied that is set aside and restricted. Mr. Whitelaw asked if there was a sunset date. Gordon Rogers asked how long it could be carried. Marianne Knight explained that there was no time limit on the specific addition. Michael Dillon asked what would happen to the fund once the garage was completed. Mrs. Knight responded that the account would then be zeroed out and it would go away. If Mr. Clarkin were to decide on another restricted fund, the scrap metal income could go in there, otherwise it would go into the general fund.

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

Motion passed 4-0.

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**BOARD OF
CANVASSERS
RESIGNATION**

Board of Canvassers member Russell Dannecker submitted a letter of resignation from the Board of Canvassers. Gordon Rogers moved, Marianne Knight seconded, to accept the letter with regrets.

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

Motion passed 4-0.

Mr. Rogers instructed the Town Clerk's office to send a letter to the Democratic Party requesting 5 nominees to fill the position.

**CONCERNED
CITIZENS**

James Izzo, 10B Danielson Pike, stated that he's paid taxes for 22 years and wanted to know why the president of the Town Council is behind on his taxes.

Elke Izzo, 10B Danielson Pike, wanted to know how the council could appoint a Tax Collector who was behind in her taxes.

Gordon Rogers stated that he pays interest of 12 percent a year which shows an increase in revenue. Marianne Knight noted that on the Tax Collector's report for April, \$6000 of interest payments were collected. Mr. Rogers said that was additional money.

Mrs. Izzo said that you can't go for more than two years or you would lose your house. Patricia Moreau said that you had a year and a day to redeem your house from tax sale if you pay the interest, the taxes and the fee. Mrs. Izzo said logic alone would tell you that the president should pay his taxes.

Heidi Rogers, Cucumber Hill Road, stated that they turned in a check that will pay up all their taxes.

Lynne Rider, Burgess Road, asked if Mr. Rogers was recommending that everyone get behind in their taxes to bring in more interest revenue. She also asked if Mr. Rogers would explain his "no" vote against the Motor Vehicle exemption. He declined.

Ronald Cervasio, Old Plainfield Pike, said the town is in real bad shape from a council who paid their taxes on time and that they were all retired teachers.

Gordon Rogers asked that people refrain from making rude comments.

Mr. Cervasio said the town must reduce people's salaries and cut positions because of the pension money down the road. He says his financial opinions are respected in the rest of the country and here he has to listen to dopes call him a dope.

**FUTURE
AGENDA
ITEMS**

Board of Canvassers member recommendation.

Michael Dillon moved to go into Executive Session, according to 42-46-5a (2) Collective Bargaining, Litigation, 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 at 8 p.m.

A roll call vote was taken.

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

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Two votes were taken in Executive Session.

Gordon E. Rogers seconded, and it was unanimously so voted to adjourn the regular portion of the meeting.

The meeting adjourned at 9:15.

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