

July 28, 2011
Town Council Meeting

The July 28, 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

Stephen R. Archambault, Town Solicitor
Kelli Russ, Treasurer,

The Pledge of Allegiance was recited.

**PUBLIC
COMMENT**

Tina W. Freeman, CMC, Town Clerk, spoke about the resignation she received from Councilperson Lynne A. DeStefano, on July 18, 2011. Ginny Colwell stated that her questions were answered after Tina W. Freeman, CMC, Town Clerk, spoke. Lynne Rider spoke about the editing of the council meeting videos that are aired on cable TV. John Lewis spoke about the resignation letter from Lynne A. DeStefano. Zach Farnum stated that his questions were answered. Rose Salvadore spoke about the lack of clarity of the video that is aired on cables, and commented on the way certain people were treated at the meeting who were not gaveled to stop their actions.

MINUTES

Neal C. Whitelaw moved, Michael E. Dillon seconded, and it was unanimously so voted to accept the June 9, 2011, minutes as presented.

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

The motion passed. 4-0

Neal C. Whitelaw moved, Michael E. Dillon seconded, and it was so voted to accept the June 30, 2011, minutes as presented.

Gordon E. Rogers stated that he would like to revise the minutes to strike out the section where it states Marianne Knight was excused; He felt she was not excused.

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

**MINUTES
CONTINUED**

The motion failed 2 to 2.

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

The main motion passed. 3-1

Neal C. Whitelaw moved, Michael E. Dillon seconded and it was voted to approve the July 14, 2011, minutes as presented.

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

The motion passed. 4-0

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Lynne A. DeStefano entered the meeting.

**ORDER OF
AGENDA ITEM**

Neal C. Whitelaw moved, Marianne Knight seconded, and it was so voted to move item “c Letters, from Lynne A. DeStefano”, under New Business up on the agenda, to be placed before Monthly Reports.

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

The motion passed. 4-0

**LETTERS
FROM LYNNE A
DESTEFANO**

Tina W. Freeman, CMC, Town Clerk, then again repeated the statement that was said under Public Comment, concerning the resignation of Lynne A. DeStefano from the town council.

Stephen R. Archambault, Town Solicitor stated his interpretation of the series of events.

Marianne Knight stated that she also felt it was a letter of resignation.

Neal C. Whitelaw stated that he felt this was an interrogation of the Town Clerk.

Gordon E. Rogers stated that he was confused about the letter also.

The following people spoke on the topic: John Lewis, Zach Farnum, Lynne Rider, Kenneth Knight, Patricia Morgan, Jeff Sheldon, Rose Salvadore, Scott Pollard, Heidi Rogers, Linda Walden, Tina W. Freeman, CMC, Town Clerk, Robert Peterson.

No motions were made. No votes were taken.

**MONTHLY
REPORTS**

Neal C. Whitelaw moved, Michael E. Dillon seconded and it was so voted to approve the monthly report from the Planning Department.

The council was polled;

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

The motion passed. 5-0

Neal C. Whitelaw moved, Michael E. Dillon seconded, and it was so voted to approve the monthly report from the Tax Assessor as written.

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

The motion passed. 5-0

Neal C. Whitelaw moved, Michael E. Dillon seconded, and it was so voted to approve the monthly report from the Treasurer as written.

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

The motion passed. 5-0

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**QUARTERLY
REPORTS**

Neal C. Whitelaw moved, Michael E. Dillon seconded, and it was so voted to approve the quarterly report from the Board of Canvassers.

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

The motion passed 5-0

Neal C. Whitelaw moved, Michael E. Dillon seconded, and it was so voted to approve the quarterly report from CDBG/Western RI Home Repair, as written.

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

The motion passed. 5-0

Neal C. Whitelaw moved, Lynne A. DeStefano seconded, and it was so voted to approve the quarterly report from the Foster Center Fire Co. as written.

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

The motion passed. 5-0

WARRANTS

Gordon E. Rogers moved, Michael E. Dillon seconded and it was so voted to approve General Warrant #29a in the amount of \$14,668.58.

Gordon E. Rogers amended the motion, which was seconded by Michael E. Dillon, to subtract the amount of \$306.00, for reimbursements to Tina W. Freeman, CMC, Town Clerk, and Kelli Russ, Treasurer, for legal fees.

There was some discussion concerning the item.

Marianne Knight offered to pay the bill from her town council stipend. Both Tina and Kelli stated that they did not want that to happen, but thanked Marianne Knight anyway.

The council was polled:

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

The amendment passed. 3-2

**REIMBURSE-
MENT OF
ATTORNEY
FEES**

Gordon E. Rogers amended the main motion again, which was seconded by Michael E. Dillon, to vote on the amount of \$306.00 separately for the reimbursements to Tina W. Freeman, CMC, Town Clerk, and Kelli Russ, Treasurer, for legal fees.

The council was polled:

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

The amendment passed. 3-2

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**WARRANTS
CONTINUED**

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

The main motion passed. 5-0

Neal C. Whitelaw moved, Michael E. Dillon seconded and it was unanimously so voted to approve General Warrant #2 in the amount of \$110,378.85.

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

The motion passed. 5-0

Neal C. Whitelaw moved, Marianne Knight seconded, and it was unanimously so voted to approve Payroll Warrant #2, in the amount of \$27,453.30.

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

The motion passed. 5-0

Michael E. Dillon moved, there was no second, and it was so voted to approve Payroll Warrant #3 in the amount of \$25,944.35

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

The motion passed. 5-0

**NEW BUSINESS
APPOINTMENT
TO BOARD OF
CANVASSERS**

Neal C. Whitelaw moved, Michael E. Dillon seconded to appoint Cynthia Cardillo to the Board of Canvassers for the remainder of Russ Dannecker's term.

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

The motion passed. 5-0

**BURGESS
ROAD
CULVERTS**

Michael A. St. Pierre, Esquire, who represented David & Susan Brennan who recently purchased Assessor's Plat 16, Lot 27E on Burgess Road, Foster. The Brennans claim that the repair of Burgess Road done by the Town of Foster resulted in water "run off" on the Brennan's property. Mr. St. Pierre was asking for some direction from the town council to try to resolve the problem with a claim or litigation.

Stephen R. Archambault, Town Solicitor, suggested to the town council to continue the discussion in executive session which is listed on the agenda this evening.

**NEW BUSINESS
CONTINUED**

Neal C. Whitelaw stated that he has proposed an amendment to the noise ordinance. He would like to add "Noise shall not exceed sixty decibels from 7 am-8 pm, all other times; noise shall not exceed 50 decibels". He would like to have a public hearing on the proposed amendment.

Neal C. Whitelaw moved, Marianne Knight seconded, and it was so voted to continue forward with a public hearing on the amendment to the town ordinance concerning noise, 82-11-193 to include the words at the end of section one; "Noise shall not exceed

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sixty decibels from 7 am-8 pm, all other times; noise shall not exceed 50 decibels”.

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

The motion passed. 5-0

ADDITIONS & ABATEMENTS

Gordon E. Rogers moved, Michael E. Dillon seconded, and it was so voted to accept the Tax Assessor’s total additions of \$813.40 and abatements, regular of \$10,468.42.

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

FTM BUDGET TRANSFERS

Kelli Russ, Treasurer, explained that changes were made at the Financial Town Meeting to certain departments in town. She would like to know where to allocate that money. There was some discussion.

Neal C. Whitelaw moved, Marianne Knight seconded, and it was so voted to allocate the money as determined at the Financial Town Meeting for the Planning Department-\$18,000.00, Libraries-\$7,011.00, and Recreation-\$1,300.00.

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

Gordon E. Rogers abstained.

The motion passed. 4-0

CONCERNED CITIZENS

The following people spoke under concerned citizens; Myra Mercia, John Lewis, Lynne Rider, Zack Farnum, Rose Salvadore, Kelli Russ, Treasurer, Tina W. Freeman, CMC, Town Clerk, Heidi Rogers, and Roger L. Hawes.

FUTURE AGENDA ITEMS

- Nike Site Building conditions,
- Human Services and Other Public Safety,
- Financial Town Meeting budget transfers,
- Personnel policy changes.

Gordon E. Rogers moved, Lynne DeStefano seconded, and it was so voted to go into Executive Session according to 42-46-5a(2) Collective Bargaining/Litigation/Contract Negotiations, Foster/Glocester Regional School 5% Reduction Maintenance of Effort, International Association of Fire Fighters-Local 3422, RI Laborers’ district Council-Local 1322 and International Brotherhood of Police Officers-Local 637, and, 42-46-5a (1) Personnel 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

Gordon E. Rogers aye, Neal C. Whitelaw aye, Michael E. Dillon aye, & Lynne DeStefano, aye.

The Motion passed. 4-0.

Reconvened into open session.

One vote was taken to authorize Robert E. Coyne, Jr., Police Chief to find replacements for the three police officers that is leaving in the upcoming months.

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The meeting adjourned at 9:40 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