

**DECEMBER 6, 2012
TOWN COUNCIL MEETING**

The December 6, 2012, Town Council Meeting was called to order by Gordon E. Rogers, President of the Foster Town Council, at the Capt. Isaac Paine School, 160 Foster Center Road, Foster, Rhode Island, at 7:00 p.m.

The following members were present:

**Gordon E. Rogers, President,
Michael E. Dillon, Vice President,
Neal C. Whitelaw,
and Marianne Knight.**
Lynne A. DeStefano was excused.

- I. PLEDGE OF ALLEGIANCE** The Pledge of Allegiance was recited.
- II. MINUTES** Michael Dillon moved, Marianne Knight seconded, and it was so voted to approve the minutes of **November 8, 2012.**
- Gordon Rogers, aye; Michael Dillon, aye; Marianne Knight, aye; and Neal Whitelaw, aye. Motion passed 4-0.
- III. SEATING OF NEW COUNCIL** Gordon Rogers, Michael Dillon, and Marianne Knight removed themselves from the council table in order for the newly elected council to proceed with the remainder of the Town Council Meeting.
- John Lewis, Pamela Fontaine, Denise DiFranco, and Roger Hawes took their places at the table with Neal Whitelaw.
- IV. SWEARING-IN CEREMONY** The Swearing-In Ceremony commenced, (see "Exhibit A"). An honor guard for the opening procession was provided by Boy Scout Troop 101. The National Anthem was sung by LaDelle Arnold, and an invocation was led by Deacon Scott Knox from the Holy Mother of God Orthodox Catholic Church. Senator Nicholas D. Kettle administered the oath of swearing-in for the newly-seated town council members.
- V. ELECTION OF COUNCIL OFFICIALS** Roger Hawes moved, Neal Whitelaw seconded, as it was so voted to elect John L. Lewis, Jr. as President of the Council. No discussion.
- John Lewis, aye; Pamela Fontaine, aye; Denise DiFranco, aye; Roger Hawes, aye; and Neal Whitelaw, aye. Motion passed 5-0.
- Roger Hawes moved, Denise DiFranco seconded, and it was so voted to elect Pamela J. Fontaine as Vice President of the Council. No discussion.
- John Lewis, aye; Pamela Fontaine, aye; Denise DiFranco, aye; Roger Hawes, aye; and Neal Whitelaw, aye. Motion passed 5-0.
- VI. APPOINTMENT OF TOWN OFFICIALS** Roger Hawes moved, Pamela Fontaine seconded, to appoint Renee Bevilacqua as Town Solicitor for the Council and Town of Foster. Town resident Gordon Rogers interrupts. John Lewis states that he did not expect to be recognizing much public comment initially during the council organization. Mr. Rogers says it's just a question and asks what payment would be. Mr. Lewis states that the council will address that. Pamela Fontaine seconds the motion.
- Discussion: Neal Whitelaw stated that he had several questions and that he had not had an opportunity to introduce himself to the candidate. He further stated that he could not see how he could vote in the affirmative because of this. He requested resumes and letters of intent for many positions and not just town council, and that he would vote no.
- Denise DiFranco stated that she also would be voting no; she would prefer that the position be offered to the general public in advertisements.

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**APPOINTMENT
OF TOWN
OFFICIALS
CONTINUED**

John Lewis stated that he believed that the town solicitor was a very important position and it is important that the people be represented by a person who is competent, available and accessible at all times and he believes the person who was nominated fits that bill.

Mr. Lewis further stated that he would defer to Mr. Whitelaw's judgment that we go out to advertisement and that he would support that for other town positions, but the town solicitor is a crucial position that the town should put in place immediately because the town faces potential legal questions at any time. Mr. Lewis said he would be voting to support the motion.

In response to Mr. Rogers' question, he stated that compensation for any solicitor was set at the last Financial Town Meeting. Any solicitor would be required to abide by those rules. Mr. Rogers asks if there is a contract. Mr. Lewis replied that obviously there is not one yet. Mr. Rogers states that there's a contract in place for the previous solicitor. Town resident Heidi Rogers states the previous solicitor would continue until another was appointed.

Roger Hawes stated that he'd like to move the question. Mr. Lewis recognized resident Lynne Rider who asked what the Charter requires. Mr. Lewis replied that the charter does not specify.

Mr. Whitelaw stated that we could have a solicitor in two weeks time and that the council can always hire an attorney if one is needed. He stated that he believes his desire to interview trumps the two weeks that it would take to go out for advertising.

Mr. Lewis states that it is true that any current official stays in a position until a new one is made. He feels, however, that he must have confidence in whoever is working for the town and that he has confidence in Mrs. Bevilacqua.

Mr. Whitelaw requests that a poll vote be taken: Roger Hawes, aye; Pamela Fontaine, aye; John Lewis, aye; Neal Whitelaw, no; and Denise DiFranco, no. Motion passed 3-2.

Neal Whitelaw asked if Mrs. Bevilacqua can take a seat at the table and she is seated.

John Lewis noted that there were other appointments listed on the agenda: probate court judge, treasurer, tax collector, tax assessor, town planner, director of public works, director of human services, building and zoning inspector, dog officer and appraiser of dog damage, plumbing inspector and electrical inspector. Neal Whitelaw moved to advertise in a local newspaper to request resumes for those positions to be received no later than December 20, 2012, at 4 p.m. 181 Howard Hill Road. Denise DiFranco seconded the amendment.

Neal Whitelaw noted that the 20th would be two weeks away. Pamela Fontaine asked where Mr. Whitelaw wanted to advertise. He said only a local newspaper, and has no preference. He amended the motion to place the ad in *The Observer*. Denise DiFranco seconded the amendment.

John Lewis, aye; Pamela Fontaine, aye; Denise DiFranco, aye; Roger Hawes, aye; and Neal Whitelaw, aye. Amendment passed 5-0.

Resident Mr. Rogers questioned if there was enough time. Mr. Whitelaw says the deadline is Monday morning. The Town Clerk asked if the ad was running once or twice. Mr. Lewis clarified that it would run for one week. Mr. Lewis called for a vote.

Roger Hawes, aye; Pamela Fontaine, aye; John Lewis, aye; Neal Whitelaw, aye; Denise DiFranco, aye. Motion passed 5-0.

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VII. APPROVAL OF DEPUTIES

Council President John Lewis states that there are two deputies in the Town Hall: the Deputy Town Clerk and the Deputy Treasurer which are nominated by the Town Clerk and Treasurer and the council grants consent.

John Lewis read the letter from the Town Clerk (see "Exhibit B") to reappoint Jane Christopher as Deputy Town Clerk. Roger Hawes moved to accept the nomination. Neal Whitelaw seconded.

Roger Hawes, aye; Pamela Fontaine, aye; John Lewis, aye; Neal Whitelaw, aye; Denise DiFranco, aye. Motion passed 5-0.

Mr. Lewis asked that with regard to the Deputy Treasurer, what the was pleasure of the council. Pamela Fontaine moved to table that appointment until a Treasurer is appointed. Roger Hawes seconded. No discussion.

Roger Hawes, aye; Pamela Fontaine, aye; John Lewis, aye; Neal Whitelaw, aye; Denise DiFranco, aye. Motion passed 5-0.

VIII. APPOINTMENT OF NON-STANDARD EMPLOYEES

Council President John Lewis read the list of non-standard employees: sealer of weights and measures, corder of wood, fence viewer, recreation director, keeper of the keys, town historian, civil preparedness, tree warden and constables. Neal Whitelaw asks for letters of intent for those positions. Denise DiFranco seconded. Roger Hawes asked if he wanted resumes as well. Mr. Whitelaw stated only letters of intent.

Roger Hawes, aye; Pamela Fontaine, aye; John Lewis, aye; Neal Whitelaw, aye; Denise DiFranco, aye. Motion passed 5-0.

IX. SWEARING-IN OF APPOINTED OFFICIALS

Senator Nicholas Kettle led the swearing-in of Town Solicitor Renee Bevilacqua, Town Clerk Carol Lyons Sholly, Tax Board of Review member Lynne S. Rider, Town Moderator Robert Boyden, and Town Sergeant Michael Coggeshall.

X. WARRANTS

Neal Whitelaw moved, Pamela Fontaine seconded, and it was so voted to approve **Payroll Warrant #18**, in the amount of \$26,263.23.

Roger Hawes, aye; Pamela Fontaine, aye; John Lewis, aye; Neal Whitelaw, aye; Denise DiFranco, aye. Motion passed 5-0.

Neal Whitelaw moved, Pamela Fontaine seconded, and it was so voted to approve **Payroll Warrant #19**, in the amount of \$27,614.83.

Roger Hawes, aye; Pamela Fontaine, aye; John Lewis, aye; Neal Whitelaw, aye; Denise DiFranco, aye. Motion passed 5-0.

Neal Whitelaw moved, Pamela Fontaine seconded, and it was so voted to approve **Payroll Warrant #20**, in the amount of \$25,135.71.

Roger Hawes, aye; Pamela Fontaine, aye; John Lewis, aye; Neal Whitelaw, aye; Denise DiFranco, aye. Motion passed 5-0.

Neal Whitelaw moved, Pamela Fontaine seconded, and it was so voted to approve **Payroll Warrant #21**, in the amount of \$35,010.47.

Roger Hawes, aye; Pamela Fontaine, aye; John Lewis, aye; Neal Whitelaw, aye; Denise DiFranco, aye. Motion passed 5-0.

Neal Whitelaw moved, Pamela Fontaine seconded, and it was so voted to approve **General Warrant #9**, in the amount of \$234,898.49.

Discussion: Roger Hawes stated that he didn't know what it was for. John Lewis stated that he was not comfortable approving a quarter of a million dollars upon the first night of swearing-in. Neal Whitelaw noted that some people, such as the pollworkers, were waiting to get paid.

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**WARRANTS
CONTINUED**

Pamela Fontaine withdrew her second. Neal Whitelaw withdrew his motion.

Neal Whitelaw moved to pay the election expenses for the following: Barbara S. Canuel, Carolyn Kerttula, Virginia Colwell, Gladys Brayton, John Gustafson, Kathryn Lewis, LaDelle Arnold, Patricia Safstrom, Paul Allen, Phyllis Gustafson, Robert Boyden, Robert DePalo, Robert F. Hollis, and Wilma Gervasio.

Roger Hawes, aye; Pamela Fontaine, aye; John Lewis, aye; Neal Whitelaw, aye; Denise DiFranco, aye. Motion passed 5-0.

**XI. NEW BUSINESS:
COUNCIL
MEETING
DATES**

Neal Whitelaw moved, Roger Hawes seconded, and it was so voted to set the meeting dates for Town Council meetings for the second and fourth Thursdays of the month and for a meeting on December 13, 2012.

Roger Hawes, aye; Pamela Fontaine, aye; John Lewis, aye; Neal Whitelaw, aye; Denise DiFranco, aye. Motion passed 5-0.

**XII. PUBLIC
HEARING
LICENSE
RENEWALS**

John Lewis opens the Public Hearing for Town License Renewals and reads the heading of the advertisement: "Notice is hereby given by the Foster Town Council, being the Licensing Board in said Town under RIGL 5-21-2 of the General Laws of RI, 1956, as amended; that the following named persons and corporations have applied to said Council for Licenses for the year ending December 13, 2013." Mr. Lewis goes on to list the types of licenses under consideration: Secondhand, Victualling, Entertainment, Gun Shop, Holiday Sales, Campground and Private Investigator. As it was posted for this date, it must be considered.

Neal Whitelaw moved to continue the public hearing to December 13, 2012, at 7 p.m. at the Benjamin Eddy Building. Pamela Fontaine seconded the motion.

Roger Hawes, aye; Pamela Fontaine, aye; John Lewis, aye; Neal Whitelaw, aye; Denise DiFranco, aye. Motion passed 5-0.

**XIII. FUTURE
AGENDA ITEMS**

John Lewis asks the council for future agenda items. Neal Whitelaw requests an Executive Session regarding police negotiations.

Denise DiFranco suggests Adoption of Rules.

John Lewis also mentions a clarification of meetings in December.

Resident Gordon Rogers asks about Concerned Citizens being placed on agenda. Mr. Lewis replied that it would be addressed when council rules are approved.

Resident Ken Knight asked for clarification on the Treasurer's position. Mr. Lewis replied that with all positions not appointed that night, the current individual would stay in that position until the council decides to replace or reappoint them. Mr. Knight further noted that two years ago when that council wanted to appoint the Treasurer to a temporary position, Mr. Whitelaw said the Treasurer had to be appointed then according to the Town Charter. Mr. Lewis says we have a Charter, we have a Treasurer in place. The council wants to do their due diligence, and that was the vote.

Mr. Lewis thanked the council for presidency, and thanked the people who participated, the Scouts of Troop 101, Ladelles Arnold, Scott Knox, and Nicholas Kettle. He also wanted to thank the volunteers for refreshments Donna Mansolillo, Patti Fountain, Cynthia Cardillo, and Penny Lewis.

Neal Whitelaw moved, Pamela Fontaine seconded, and it was so moved to adjourn the meeting.

XIV. ADJOURNMENT

Roger Hawes, aye; Pamela Fontaine, aye; John Lewis, aye; Neal Whitelaw, aye; Denise DiFranco, aye. Motion passed 5-0.

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The meeting adjourned at 8:30 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