

SEPTEMBER 12, 2013
TOWN COUNCIL MEETING

The September 12, 2013, Town Council Meeting was called to order by John L. Lewis, Jr., President of the Foster Town Council, at the Benjamin Eddy Building, Foster, Rhode Island, at 7:00 p.m.

The following members were present:
John L. Lewis, Jr., President
Pamela Fontaine, Vice President
Roger L. Hawes
Denise DiFranco, and
Neal C. Whitelaw.

Also present:
Renee M. Bevilacqua, Town Solicitor
Ann-Marie Ignasher, Town Planner
Robert Hohler, DPW Director
Patti Moreau, Tax Assessor
Kelli Russ, Treasurer
Chief Wm. Ziehl

I. OPEN SESSION
PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

II. ANNOUNCEMENTS

John L. Lewis, Jr. stated that the notice of the meeting was properly posted on the Secretary of State's web site.

Pamela Fontaine read the notice from the top of the agenda: *The Foster Town Council does not sanction any electronic audio/video recordings of Town Council Meetings made by the public. Any audio/video recordings made by the public are not public records under Title 38 Public Records.*

John L. Lewis, Jr. also noted that Ronald Cervasio had donated to the Perpetual Care fund.

III. MINUTES

Neal Whitelaw moved, Roger Hawes seconded, to approve the minutes of **August 22, 2013.**

Neal Whitelaw noted that page 2 section c should read "scheduled comp time". (changed on 9/26/2013 to read "scheduled time off")

John L. Lewis, Jr, aye; Roger Hawes, aye; Denise DiFranco, aye; and Neal Whitelaw, aye. Motion carried 4-0. Pamela Fontaine abstained because she was not present at that meeting.

IV. WARRANTS

Denise DiFranco moved, Roger Hawes seconded, and it was so voted to approve **Payroll Warrant #7**, in the amount of \$26,979.56.

John L. Lewis, Jr, aye; Roger Hawes, aye; Denise DiFranco, aye; and Neal Whitelaw, aye; Pamela Fontaine, nay. Motion carried 4-1.

Neal Whitelaw moved, Roger Hawes seconded, and it was so voted to approve **Payroll Warrant #8**, in the amount of \$27,521.65.

John L. Lewis, Jr, aye; Roger Hawes, aye; Denise DiFranco, aye; and Neal Whitelaw, aye; Pamela Fontaine, nay. Motion carried 4-1.

Neal Whitelaw moved, Roger Hawes seconded, and it was so voted to approve **Payroll Warrant #9**, in the amount of \$26,581.73.

John L. Lewis, Jr, aye; Roger Hawes, aye; Denise DiFranco, aye; and Neal Whitelaw, aye; Pamela Fontaine, nay. Motion carried 4-1

Neal Whitelaw moved, Roger Hawes seconded, and it was so voted to approve **General Warrant #5** in the amount of \$194,473.36.

John L. Lewis, Jr., aye; Pamela Fontaine, aye; Roger Hawes, aye; Denise DiFranco, aye; and Neal Whitelaw, aye. Motion carried 5-0.

V. MONTHLY REPORTS

None

VI. QUARTERLY REPORTS

None

VII. NEW
BUSINESS

- a. Additions & Abatements** Denise DiFranco moved, Roger Hawes seconded, to approve the additions of \$613.18 and the abatements of \$340.45 as presented by the Tax Assessor.
- John L. Lewis, Jr., aye; Pamela Fontaine, aye; Roger Hawes, aye; Denise DiFranco, aye; and Neal Whitelaw, aye. Motion carried 5-0.
- b. Letter RE: Achievement in Financial Reporting** John L. Lewis, Jr. read a letter into the record from the Government Finance Officers Association regarding the award of a Certificate of Achievement in Financial Reporting for FY ending June 30, 2012 (see Exhibit A).
- c. Appt. of Town Historian** John L. Lewis, Jr. explained that long-time town historian Viola Ulm has declined reappointment and we have been looking for someone to replace her. Ed Balfour said he would be honored to do so.
- Roger Hawes moved, Pamela Fontaine seconded, to appoint Ed Balfour as Town Historian.
- John L. Lewis, Jr., aye; Roger Hawes, aye; Denise DiFranco, aye; and Neal Whitelaw, aye; Pamela Fontaine, aye. Motion carried 5-0.
- d. Juvenile Hearing Board Appts.** John L. Lewis, Jr. stated that this is the time that we do the reappointments to the Juvenile Hearing Board. We have two, Steve Croteau and James Janis, who have requested reappointment and have been recommended by the police chief.
- Roger Hawes moved, Neal Whitelaw seconded, to reappoint Steve Croteau and James Janis to the Juvenile Hearing Board.
- John L. Lewis, Jr., aye; Pamela Fontaine, aye; Roger Hawes, aye; Denise DiFranco, aye; and Neal Whitelaw, aye. Motion carried 5-0.
- e. Request for use of Fairgrounds** Pamela Fontaine read the letter of request from the South Foster Volunteer Fire Company (see Exhibit B).
- Neal Whitelaw moved, Pamela Fontaine seconded to allow the South Foster Volunteer Fire Company to use the Fairgrounds on the nineteenth at 8 a.m. to 2 p.m. Discussion: Neal Whitelaw asked if that time slot was open. The Town Clerk replied that it was already blocked out for them.
- John L. Lewis, Jr., aye; Pamela Fontaine, aye; Roger Hawes, aye; Denise DiFranco, aye; and Neal Whitelaw, aye. Motion carried 5-0.
- f. Planning Board Resignation** Denise DiFranco read the letter of resignation from Zach Farnum (see Exhibit C). John L. Lewis, Jr. mentions that Mr. Farnum returned to college. Roger Hawes recused himself because Mr. Farnum is his grandson.
- Neal Whitelaw moved to accept the resignation with regret, Pamela Fontaine seconded.
- John L. Lewis, Jr., aye; Pamela Fontaine, aye; Denise DiFranco, aye; and Neal Whitelaw, aye. Motion carried 4-0. Roger Hawes recused.
- g. Planning Board Request** Denise DiFranco read a letter of request to be placed on the Planning Board from Todd Sholly (see Exhibit D).
- Roger Hawes moved, Neal Whitelaw seconded, to appoint Todd Sholly to the Planning Board.
- Discussion: Ron Cervasio objected because the council has a responsibility to involve large numbers of people. The last two people have been related to people sitting up front. Nothing personal but he remembers conversations about interviewing candidates.
- Gordon Rogers thinks Todd would do a great job but the dates of the resignation and application are September 4th and here we are sitting at the meeting advertised September 10th. He found that funny.

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Lynne S. Rider stated that she knows it is extremely difficult to get volunteers for these positions. The reason the same group does everything is because nobody else wants to do it. Mr. Sholly has worked hard and would be an asset, someone who wanted to be there to do the work and for no other reason.

Ken Knight says he agrees with the previous speakers, but do what's been done in the past, give other people a chance to apply.

Pamela Fontaine stated that when we had openings in the past we've gone to the Republican Town Committee, the Democratic Town Committee, it's been posted on the website, maybe an advertisement in the paper and you need to reach out to more people.

Neal Whitelaw agreed. He stated that he found out when he opened his packet that there was a resignation and there was someone who applied. I think we need to come up with a process in the future to agree how to get more people involved.

Todd Sholly responded that he thinks other people should have a chance, it's only fair. John L. Lewis, Jr. asked if he would like to hold on this appointment? Mr. Sholly stated that he would.

Denise DiFranco said that she would respectfully honor his request. Neal Whitelaw withdrew his second. Roger Hawes withdrew his motion.

John L. Lewis, Jr. stated that a notice will be posted on the website which he thinks is already there, and put it in the paper and revisit in thirty days.

**h. Bid Opening
/ Repair Mill
Road Bridge**

John L. Lewis, Jr. asked if there were any bids for Mill Road Bridge. The Town Clerk replied in the negative. John L. Lewis, Jr. stated that the storm which damaged the Plainwoods Bridge also damaged the Mill Road Bridge and we were more concerned at the time about the Plainwoods Bridge because it was out, so the Mill Road bridge got pushed to the side. So there is a FEMA grant for \$166,000, a 90% grant to make repairs to that bridge and I pushed for that because nothing was being done about it. We didn't get any bids because there weren't any clear specifications and the DPW Director, Robert Hohler, was not satisfied with them. Mr. Lewis asked that the DPW Director come up with a plan so we don't lose that FEMA money.

DPW Director Hohler replied that he was holding a document indicating there was \$163,704.00 and it's 90 percent. The document says that there doesn't appear to be any damage related to the disaster according to the State inspector. So he called RIEMA and asked if they pay for damages that aren't related to the disaster, RIEMA said no. So they then called FEMA so we are waiting for something from FEMA because it's contradictory. So that's where we are right now. Then I have to put it out for writing the plans.

John L. Lewis, Jr. stated that this money has been sitting on the table for three years and this is why he is pushing it so that we don't lose it.

Lynne S. Rider asked if the money had to be used by March 1st. John L. Lewis, Jr. replied that it had to be completed by then.

Atty. Renee Bevilacqua noted that Kelli had gotten an extension on this. Kelli Russ said the extension has been extended to the final date from 2012. An earlier one had lapsed. John L. Lewis, Jr. stated that since it's the Mill Road Bridge, let Mr. Hohler handle it.

Ken Knight asked for clarification of the document. John L. Lewis, Jr. replied that the same document states that damage was not due to the storm but that they would grant \$167,000, so it is contradictory and needs clarification.

Atty. Renee Bevilacqua states she is going to ask them for a letter to nail it down. Neal Whitelaw stated that he has been on the council for two years and did not find out about it until this packet.

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i. Letter RE: Foster Home Repair Grant Award John L. Lewis, Jr. stated that he has a letter regarding Foster Home Repair Custodian from the Office of Housing and Community Development. We are dissolving the WRIHR and I sent a letter requesting that the State supply funds. The OHCD approved a grant for \$10,000 for the custodian.

j. Appt. of Temporary Custodian for WRIHR Dissolution John L. Lewis, Jr. stated that the next step would be to appoint the custodian, and he asked Town Treasurer Kelli Russ where we were. Ms. Russ replied that a State-approved RFP had been sent out to nine different firms. Four could not do it. LGC & D made an appointment with Gloucester to look at the audit report. They are the only ones who have shown interest. The others stated they could not look at it before January.

John L. Lewis, Jr. states that he would like to extend it to the next meeting. Ms. Russ stated she would not want to extend it but would like an effective date of October 31. If we wait there will not be enough time to finish. John L. Lewis, Jr. stated he would like to wait for a proposal. No motions were made. No votes were taken.

k. Police Chief Contract The ratification of the Police Chief's contract is on the agenda. John L. Lewis, Jr. stated that the council would like to vote on that after Executive Session.

VIII. OLD BUSINESS

a. Cemetery Mowing Proposal Roger Hawes reported that Ken Battey is going to walk the additional 14 cemeteries that have not been cared for and give a proposal. John L. Lewis, Jr. asked that the most current proposal from him be available for the next meeting.

IX. FUTURE AGENDA ITEMS

- Joe Garlick of NeighborWorks to give his proposal for the Foster Home Repair program on September 26, 2013.

X. EXECUTIVE SESSION

Neal Whitelaw moved, Roger Hawes seconded, to go into Executive Session pursuant to a work session regarding RIGL 42-46-5A(2) Collective Bargaining / Negotiations or Litigation and to reconvene into open session and to further keep the minutes of said meeting closed and the minutes of all executive sessions held previous to this meeting remain closed in accordance with provisions in RIGL 42-46-4 & 5. No discussion.

John L. Lewis, Jr., aye; Pamela Fontaine, aye; Roger Hawes, aye; Denise DiFranco, aye; and Neal Whitelaw, aye. Motion carried 5-0.

RECONVENE INTO OPEN SESSION

Neal Whitelaw moved, Roger Hawes seconded, to reconvene into open session at 8:50 p.m.

John L. Lewis, Jr. announced that no votes were taken in Executive Session but that one item, the Police Chief contract ratification was deferred.

Police Chief's Contract

Roger Hawes moved, Neal Whitelaw seconded, to ratify the Police Chief's contract. Neal Whitelaw amended the motion that it be contingent upon the clarification of item 6.7 with William Ziehl and Kelli Russ regarding the correct language to carry over sick days. Denise DiFranco seconded the amendment.

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

John L. Lewis, Jr., aye; Pamela Fontaine, aye; Roger Hawes, aye; Denise DiFranco, aye; and Neal Whitelaw, aye. Main motion carried 5-0.

Winter Sand Bid Opening

The opening of the Winter Sand bid was advertised for September 12 but did not make the agenda. Atty. Renee Bevilacqua stated that it can be opened as it was properly advertised.

There was one bid from Material Sand and Stone, North Smithfield, for \$11.96 per ton delivered
\$6.45 per ton if picked up

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XI. ADJOURNMENT Roger Hawes moved, Neal Whitelaw seconded, to adjourn the meeting.

John L. Lewis, Jr., aye; Pamela Fontaine, aye; Roger Hawes, aye; Denise DiFranco, aye; and Neal Whitelaw, aye. Motion carried 5-0.

Meeting adjourned at 8:55 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
Town Clerk