

**MARCH 14, 2013
TOWN COUNCIL MEETING**

The March 14, 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:

Also present:

**John L. Lewis, Jr., President,
Pamela Fontaine, Vice President
Neal C. Whitelaw,
Denise DiFranco, and
Roger L. Hawes.**

Robert Hohler, DPW Director
Renee Bevilacqua, Town Solicitor
Ann-Marie Ignasher, Town Planner
Chief Coyne, Police Chief
Kelli Russ, Treasurer
Peter Scorpio, Building Inspector

- I OPEN SESSION** The Pledge of Allegiance was recited.

PLEDGE OF ALLEGIANCE

- II NOTICE** John Lewis stated that the notice of this meeting was properly posted on the Secretary of State’s web site. Pamela Fontaine read the notice from the top of the agenda: *Notice: 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.*

- III MINUTES** Neal Whitelaw moved, Denise DiFranco seconded, and it was so voted to approve the minutes of **February 28, 2013.**

John L. Lewis, Jr., aye; Denise DiFranco, aye; Roger Hawes, aye; Neal Whitelaw, aye. Pamela Fontaine abstained as she did not attend that meeting. Motion passed 4-0.

Denise DiFranco moved, Roger Hawes seconded, and it was so voted to approve the minutes of **March 7, 2013.**

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

- IV WARRANTS** Neal Whitelaw moved, Roger Hawes seconded, and it was so voted to approve **Payroll Warrant #34**, in the amount of \$28,379.77.

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

Denise DiFranco moved, Roger Hawes seconded, and it was so voted to approve **Payroll Warrant #35**, in the amount of \$29,476.48.

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

Neal Whitelaw moved, Roger Hawes seconded, and it was so voted to approve **General Warrant #15**, in the amount of \$92,923.48.

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

- V MONTHLY REPORTS** None

- VI QUARTERLY REPORTS** None

- VII NEW BUSINESS** Pamela Fontaine read a letter to the Town Council from Myra Mercier requesting reappointment to the Land Trust.

a. Land Trust Appointment

Roger Hawes moved, Pamela Fontaine seconded, and it was so voted to approve the reappointment of Myra Mercier to the Land Trust.

**MARCH 14, 2013
TOWN COUNCIL MEETING**

- Land Trust Appointment (cont.)** Neal Whitelaw amended the motion to read “for a three year term”. Pamela Fontaine seconded.
- John L. Lewis, Jr., aye; Pamela Fontaine, aye; Denise DiFranco, aye; Roger Hawes, aye; and Neal Whitelaw, aye. Amendment passed 5-0
- John L. Lewis, Jr., aye; Pamela Fontaine, aye; Denise DiFranco, aye; Roger Hawes, aye; and Neal Whitelaw, aye. Main motion passed 5-0
- b. Conservation Commission** Denise DiFranco read a letter to the Town Council from Joseph Cardillo asking to be appointed to the Conservation Commission.
- Roger Hawes moved, Pamela Fontaine seconded, and it was so voted to approve the appointment of Joseph Cardillo to a 3 year term on the Conservation Commission.
- John L. Lewis, Jr., aye ; Pamela Fontaine, aye ; Denise DiFranco, aye ; Roger Hawes, aye; and Neal Whitelaw, aye. Motion passed 5-0
- c. EMA Deputy Director** Denise DiFranco read a letter to the Town Council from Sharon Cotter asking to be appointed Deputy EMA Director for the town.
- Roger Hawes moved, Pamela Fontaine seconded, and it was so voted to approve the appointment of Sharon Cotter to a 2 year term as Deputy EMA Director.
- John L. Lewis, Jr., aye; Pamela Fontaine, aye; Denise DiFranco, aye; Roger Hawes, aye; and Neal Whitelaw, aye . Motion passed 5-0
- d. Earth Day Request** Neal Whitelaw read a letter to the Town Council from Robert Hohler, DPW Director, requesting recycling bins for the Conservation Commission on Earth Day, at a cost of \$375.00 , which is within the budget.
- Denise DiFranco moved, Pamela Fontaine seconded, and it was so moved to approve the request from the Conservation Commission for 75 recycling bins for Earth Day, April 27, 2013, as presented.
- John L. Lewis, Jr., aye; Pamela Fontaine, aye; Denise DiFranco, aye; Roger Hawes, aye; and Neal Whitelaw, aye. Motion passed 5-0
- e. Tom Wood Road Request** Denise DiFranco read a letter from Gordon Rogers requesting the town to improve Tom Wood Road to allow access to his property that abuts that road. Discussion: Mr. Rogers spoke and referenced that the road is listed as a town road and is not officially abandoned. He offered to do some of the work himself if property lines would be made evident. John Lewis mentioned that the current 5 year road plan is up for revision and referred Mr. Rogers’ letter to DPW Director Robert Hohler and the Planning Board for consideration in the next 5 year road plan.
- Neal Whitelaw moved, Denise DiFranco seconded, and it was so moved to forward the request to the DPW and Planning Board.
- John L. Lewis, Jr., aye; Pamela Fontaine, aye; Denise DiFranco, aye; Roger Hawes, aye ; and Neal Whitelaw, aye . Motion passed 5-0
- f. Binding Arbitration, Resolution 2013-02** Neal Whitelaw read the proposed Resolution opposing any legislation that would force the Town to engage in binding arbitration.
- Discussion: John Lewis defined what binding arbitration is.
- Roger Hawes moved, Pamela Fontaine seconded, and it was so moved to accept the Resolution as written.
- John L. Lewis, Jr., aye; Pamela Fontaine, aye; Roger Hawes, aye; and Neal Whitelaw, aye. Denise DiFranco recused herself because she is a current member of a teachers’ union. Motion passed 4-0

**MARCH 14, 2013
TOWN COUNCIL MEETING**

- g. Personnel Policy** Discussion: John Lewis talked about the need to revise the existing Personnel Policy and that there currently is no personnel committee. Neal Whitelaw asked if the Council would entertain establishing a new personnel committee and requested two weeks to find potential members for this committee. Gordon Rogers volunteered to be on the committee.

No motion was made. The subject was moved to future agenda items.

**VIII OLD BUSINESS
a. Animal Control Contract**

Discussion: John Lewis reported that contrary to information given at the previous Town Council meeting where it was stated that a current contract with the Gloucester animal shelter had never been signed, a signed copy which expires June 20, 2013, was found at Town Hall; so there were no concerns about directing the Treasurer to make payment for the second six months of the contract. Mr. Lewis also directed Chief Coyne to proceed with the creation of an RFP to put out for bids for the next contract. No motions were made.

b. CDBG App. Review & Approval

Ann-Marie Ignasher reviewed the status of the CDBG Grant application and explained the contents of a letter from CDBG, and requested the Council ratify the Planning Board's recommendations to approve the \$3500.00 for the Department of Human Services food bank and the \$6,000 for RI Law (see Exhibit A).

Neal Whitelaw moved, Roger Hawes seconded, and it was so moved to ratify the recommendations of the Planning Board. Mr. Whitelaw then asked if the document is sufficient record to go by or should the dollar amounts be included in the motion. John Lewis said the document is sufficient. Mr. Whitelaw lets the motion stand.

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

**IX PUBLIC HEARING
Second Hand License Application**

The Council reviewed the application for a second hand license made by Erasmo Torres for conducting a precious metals purchase and sales business in the building owned by Henry Chabot/Danielson Realty, at 52 Danielson Pike.

Discussion: John Lewis asked Mr. Torres to describe his business. Mr. Lewis opened the public hearing. Ron Cervasio spoke in favor of a new business in town. Property abutters expressed their concerns about existing zoning violations on the property the applicant is renting space in. Peter Scorpio stated that he had visited Mr. Chabot and given him 21 days to remedy the zoning violations before he will approve granting a license to Mr. Torres. Renee Bevilacqua requested an updated background check from the Attorney General's Office. Chief Coyne responded that he has asked for that and is waiting to hear from the AG's office.

Neal Whitelaw moved, Denise DiFranco seconded, and it was so moved to continue the hearing for Mr. Torres' second hand license application until the April 11 Town Council meeting..

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

X BUDGET WORKSESSION /FUTURE MEETING DATES

John Lewis recommended that the Council hold two more Budget Workshops to work on the 2013-2014 budget. The dates chosen were Monday, March 18th at 6:30 pm and Monday March 25th at 6:30 pm, both at the Benjamin Eddy Building.

Discussion: Neal Whitelaw asked that the date of the 18th focus more on the town budget, allowing more time to accumulate information on the school budget.

No motions were made.

John Lewis referenced the \$260,000.00 available to the Town due to a student population decrease and talked about splitting the money between the capital fund and putting the rest aside for future school costs. Neal Whitelaw stated that he would like to allocate money in the budget first before discussing.

**MARCH 14, 2013
TOWN COUNCIL MEETING**

BUDGET

**WORKSESSION
/FUTURE
MEETING
DATES (cont)**

Gordon Rogers talked about the population fluctuations and advised that money be put aside for future student increase.
Ron Cervasio corrected his statement at a previous council meeting that said there had been an increase of 45 more students at Paine school, the number is actually 37.

No motions were made.

Robert Hohler, DPW director, asked if the \$10,000.00 itemized for the DPW roof repair in the capital budget could be partially reallocated. The actual cost for the roof may be less than allocated and some of those funds could be used to repair the police station electrical system the cost of which is being estimated. Kelli Russ advised that any money over the \$10,000 in the capital budget must come from the Building and Grounds budget. Kelli gave out modified budgets which she reviewed.

**XI FUTURE
AGENDA
ITEMS**

The Town Council placed the following items on the list:
Personnel Committee/Board

**XII EXECUTIVE
SESSION**

Neal Whitelaw moved, Pamela Fontaine seconded, to go into Executive Session pursuant to RIGL 42-46-5 for a work session regarding Collective Bargaining / Negotiations or Litigation according to RIGL 42-46-5-a (2) and a work session regarding Personnel according to 42-46-5A(1) 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; Denise DiFranco, aye; Roger Hawes, aye; and Neal Whitelaw, aye. Motion passed 5-0

The executive portion of the meeting began at 8:30 p.m. and adjourned at 10:07 p.m.

**XIII RECONVENE
TO OPEN
SESSION**

Open session reconvened at 10:08 p.m.

John Lewis announced that during the course of the executive session a number of votes were taken as follows:

1. Approval of the Memorandum of Agreement with the International Brotherhood of Police Officers, Local 637
2. Two separate votes were taken on dispatchers' grievances
3. The council authorized investigation of the Town computer used by the former DPW director.

XIV ADJOURNMENT

John Lewis asked for motion to adjourn.

Neal Whitelaw moved, Roger Hawes seconded, and it was so moved to adjourn the meeting.

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

Meeting adjourned at 10:10 p.m.

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

Submitted by

Jane Christopher
Deputy Town Clerk