

**JUNE 27, 2013**  
**TOWN COUNCIL MEETING**

The June 27, 2013, Town Council Meeting was called to order by John L. Lewis, Jr., President of the Foster Town Council, at the Captain Isaac Paine School,, Foster, Rhode Island, at 7:05 p.m.

The following members were present:

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

Also present:

Renee M. Bevilacqua, Town Solicitor  
Kelli Russ, Treasurer  
Ann-Marie Ignasher, Town Planner  
Patti Moreau, Tax Assessor  
Peter Scorpio, Building & Zoning Inspector

**I. OPEN  
SESSION  
PLEDGE OF  
ALLEGIANCE**

The Pledge of Allegiance was recited.

**II. ANNOUNCE-  
MENTS**

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

John L. Lewis, Jr. 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.*

Mr. Lewis also announced that Council member Pamela Fontaine would be arriving late.

**III. MINUTES**

Neal Whitelaw moved, Roger Hawes seconded, to approve the minutes of **June 13, 2013.**

Discussion: Denise DiFranco asked for two amendments to those minutes as follows:

1. on page 5 of those minutes, it was noted that she, Denise DiFranco, stated that the Hopkins, Paine Road, Spears and Philips cemeteries are not cared for by the Perpetual Care Fund; when in fact, they are; and
2. those minutes further state that she, Denise DiFranco, had spoken to the Foster Clergy. In fact, she did not, but will be contacting them.

John L. Lewis, Jr. asked for approval on the minutes as amended.

John L. Lewis, Jr., aye; Roger Hawes, aye; Denise DiFranco, aye; and Neal Whitelaw, aye. Amended motion carried 4-0.

John L. Lewis Jr. asked for a motion on the approval of the minutes from June 20, 2013.

Neal Whitelaw moved, Denise DiFranco seconded, to approve the minutes of **June 20, 2013.**

John L. Lewis, Jr., aye; Roger Hawes, aye; Denise DiFranco, aye; and Neal Whitelaw, aye. Motion carried 4-0.

**IV. WARRANTS**

Denise DiFranco moved, Roger Hawes seconded, and it was so voted to approve **Payroll Warrant #49**, in the amount of \$24,308.43.

John L. Lewis, Jr., aye; Roger Hawes, aye; Denise DiFranco, aye; and Neal Whitelaw, aye. Motion carried 4-0.

Neal Whitelaw moved, Roger Hawes seconded, and it was so voted to approve **Payroll Warrant #50**, in the amount of \$34,115.56.

John L. Lewis, Jr., aye; Roger Hawes, aye; Denise DiFranco, aye; and Neal Whitelaw, aye. Motion carried 4-0.

Denise DiFranco moved, Roger Hawes seconded, and it was so voted to approve **General Warrant #22**, in the amount of \$75,712.81.  
There was a question from the audience as to what items this figure covered; John L. Lewis, Jr. explained.

John L. Lewis, Jr., aye; Roger Hawes, aye; Denise DiFranco, aye ; and Neal Whitelaw, aye. Motion carried 4-0.

**V. MONTHLY REPORTS**

Denise DiFranco moved, Roger Hawes seconded, to accept all monthly reports a.) through i.) as presented. (Reports include: Building & Zoning, Dept. of Public Works, Finance, Human Services, Planning, Police, RIRRC, School Committee and Tax Assessor.)

John L. Lewis, Jr., aye; Roger Hawes, aye; Denise DiFranco, aye; and Neal Whitelaw, aye. Motion carried 4-0..

**VI. QUARTERLY REPORTS**

Neal Whitelaw moved, Roger Hawes seconded, to accept the first and second quarterly reports for 2013 calendar year from the Land Trust as presented. John L. Lewis, Jr. noted that one quarterly report from Moosup Valley Fire Station, due in April, is outstanding.

John L. Lewis, Jr., aye; Roger Hawes, aye; Denise DiFranco, aye; and Neal Whitelaw, aye. Motion carried 4-0.

**VII. FOSTER POLICE BUSINESS**  
**a. Appointment/ swearing in of new officer, Raymond Peters**

John Lewis Jr. recognized Chief Coyne and asked him to introduce the newly hired recruit, Raymond Thomas Peters. Mr. Peters came forward and stood while Chief Coyne listed all of his educational, military and police experience. John Lewis Jr. asked for a motion to approve the appointment of Officer Peters from the Council.

Neal Whitelaw moved, Roger Hawes seconded, to appoint Raymond Peters to the Foster Police Department on the recommendation of Chief Coyne.

John L. Lewis, Jr., aye; Roger Hawes, aye; Denise DiFranco, aye; and Neal Whitelaw, aye. Motion carried 4-0.

Chief Coyne swore in Mr. Peters. Chief Coyne was asked to remain in front of the Council.

**b. Proclamation recognizing Chief Coyne's retirement**

John L. Lewis, Jr. announced to the audience that Chief Coyne was retiring and that this was the Chief's last council meeting as Chief of Police for Foster. Mr. Lewis asked if someone from the Council would read a prepared Proclamation to the audience.

Neal Whitelaw read the Proclamation from the Town to Chief Coyne.

John L Lewis Jr., asked for a motion to accept the Proclamation.

Roger Hawes moved, Denise DiFranco seconded, to accept the Proclamation.

John L. Lewis, Jr., aye; Roger Hawes, aye; Denise DiFranco, aye; and Neal Whitelaw, aye. Motion carried 4-0.

John Lewis presented the framed Proclamation to the Chief. A gift was also presented.

Chief Coyne expressed his gratitude to the town and that it had been a pleasure to serve the town for the last 8 years.

**c. Swearing-in of new police chief William Ziehl**

John J. Lewis, Jr. asked Chief Coyne to swear in the new Police Chief as one of his last duties.

Chief Coyne introduced William Ziehl, spoke to his qualifications and past position with the Foster Police force. The Chief swore in Mr. Ziehl as the new police chief effective July 1, 2013. Rhonda Ziehl, Bill's wife, pinned the badge on Mr. Ziehl's uniform.

John L. Lewis, Jr. called for a ten minute recess in the meeting in order for the public to have an opportunity to speak with both the police Chief(s) and the officers prior to their departure.

Pamela Fontaine arrived at the meeting.

**VIII. NEW**

**BUSINESS**

**A. Additions  
and Abatements**

Denise DiFranco moved, Neal Whitelaw seconded, to approve an abatement of \$65.26 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.

Gordon Rogers asked if the Public Hearing could be moved up in front of the remaining business due to the warm room, but Mr. Lewis promised that the Council would proceed very quickly through the remaining business agenda.

**B. BID  
AWARDS**

**a. Refuse &  
Recycling**

Robert Hohler, DPW director, had submitted a written recommendation that the Town award the Refuse & Recycling bid to Rambone Disposal Services.

Neal Whitelaw moved, Roger Hawes seconded, to award the disposal bid to Rambone Disposal Services on the recommendation of the DPW Director for the amount of \$657,986.00 for three years.

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

**b. Audit**

Kelli Russ, Treasurer, had submitted a written analysis and recommendation that the Town award the Audit bid to Bacon & Co., LLC, Warwick, RI.

Neal Whitelaw moved, Denise DiFranco seconded, to award the auditing bid to Bacon & Company, LLC, of Warwick, RI, for \$61,200.00 for three years, on the recommendation of the Treasurer.

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

**c. Crack Sealing**

The DPW director had submitted a written recommendation that the Town award the Crack Sealing and Sealcoating bid to Sealcoating, Inc.

Neal Whitelaw moved, Roger Hawes seconded, to award the crack sealing bid to Sealcoating, Inc. for \$0.29 per linear foot on the recommendation of the DPW Director.

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

**d. Human  
Services  
bathroom**

The DPW director had presented a written recommendation that the Town award the bid to L.G. DeSormier, Jr., to construct the Human Services department bathroom.

Neal Whitelaw moved, Roger Hawes seconded, to award the bid to L.G. DeSormier, Jr., for \$9,250.00 plus an additional \$150 for a bond, for a total of \$9,400.00, on the recommendation of the DPW Director.

Mr. Whitelaw also asked about a constituent who reported he had asked for specifications for the job to make a bid before the specs were ready, and never received them. Mr. Lewis stated that the constituent never came back to obtain the specs after they were prepared, and never submitted a bid within the time constraints.

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

**e. Surplus Sale  
of DPW  
Equipment**

The DPW director had submitted a written recommendation that the Town award the bid for all surplus equipment to the highest bidder, Hall's Garage from North Scituate. One item, a road grader, was taken out the offering as no one met the minimum bid requirement.

Neal Whitelaw moved, Denise DiFranco seconded, to award the bid to Hall's Garage for a total of \$2,815.00, and listed the equipment

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

**C. RIDOT  
Rural Roads  
Agreement**

John L. Lewis, Jr., reported that the Town had received an agreement from the State of RI for High Risk Rural Road Safety Improvement. This program will pay for striping and signing enhancement for both local and town roads as well as State roads. The Town has to sign off on the agreement to qualify to receive funds. John L. Lewis Jr. asked for a motion to authorize him to sign off on the agreement.

Neal Whitelaw moved, Denise DiFranco seconded, to approve the High Risk Rural Roads Systematic Improvement contract between the State and the Town of Foster.

**Discussion:** Denise DiFranco questioned who the ‘Town Administrator’ referred to on the contract would be. Mr. Lewis: the Council president. Steve Croteau of Moosup Valley Road asked if the solvent used in grinding off the old paint is toxic to the environment. John L. Lewis, Jr. said he would find out. A woman in the audience who works for the State responded that the State uses an epoxy-based paint and that the DEM would not allow use of anything dangerous. She offered to find out and inform the Council. No further discussion.

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

**D. State of RI  
FY2014 Local  
Roads Program  
Agreement**

John L. Lewis, Jr, explained that The Local Roads Program Agreement is another State program that provides funds for the resurfacing/repaving of local roads. \$164,608.00 is potentially earmarked for Foster pending State budget hearings. In order to qualify for these funds, an agreement must be signed. Mr. Lewis asked for a motion authorizing him to sign the agreement.

Roger Hawes moved, Denise DiFranco seconded, to authorize John L. Lewis to sign the agreement.

**Discussion:** Denise DiFranco questioned a blank space where a not-to-exceed figure might be. She was missing the page that contained the figures and also missing page referenced Exhibit B. Ms. DiFranco was uncomfortable voting to sign the application until she had all the facts. Denise DiFranco withdrew her motion and the agreement was tabled until the next meeting.

**E. Western RI  
Home Repair**

Dissolution of WRIHR Board and Agreement. John L. Lewis, Jr. explained that WRIHR was being audited by the State and that in order for the separate towns of Foster, Glocester and Scituate to move forward, each had to withdraw from the agreement with WRIHR.

John L. Lewis, Jr. moved, Roger Hawes seconded, to dissolve and withdraw Foster from the agreement and to dissolve the Town of Foster’s membership and abandon the WRIHR Board from Foster, and furthermore for the Town of Foster to reclaim and take possession of all programs and outstanding loans of the WRIHR program for and within the Town of Foster.

**Discussion:** Denise DiFranco asked where the loans for Hemlock Village would stand as a result. Lynne Rider, Board member of Hemlock Village, Kelli Russ, Treasurer and Ann-Marie Ignasher, Town Planner stated that the State would make the necessary payments to Hemlock Village.

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

**F. Municipal  
Employees**

John L. Lewis stated there were some requests to carry over unused comp and vacation time from the fiscal year by a few town employees.

Neal Whitelaw moved, Denise DiFranco seconded, to grant Lillian Jackson, Robert Hohler, Patti Moreau and Peter Scorpio their requests to carry unused time over into the next fiscal year, with the stipulation that they use it by September 1. Denise DiFranco asked when the Tax Collector would return from sick leave. John L. Lewis, Jr. explained the Tax Collector would be back the following week, eliminating the need for the Tax Assessor to accumulate comp time filling in for the Tax Collector. John L. Lewis, Jr. also told Denise DiFranco that the total hours per employee was a combination of vacation and comp time. Ms. Moreau requested an extension through December. Denise DiFranco asked for clarification from Mr. Scorpio on his request for a time extension.

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Neal Whitelaw moved, Denise DiFranco seconded, to amend the motion to allow Patti Moreau and Peter Scorpio the extension to December 31<sup>st</sup> to use their time.

John L. Lewis, Jr., aye; Pamela Fontaine, aye; Roger Hawes, aye; Denise DiFranco, aye; and Neal Whitelaw, aye. Amended motion 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.

**IX. OLD BUSINESS**  
**A. Animal Shelter contract**

John L. Lewis Jr. stated there were two proposals submitted to the Town of Foster for animal shelter contracts; one from the Town of Gloucester for a one year term, for \$10,000.00; and one from the Town of Scituate for a one year term, for \$10,000.00. He further stated that both the Foster Chief of Police and the Animal Control Officer recommended the Town accept the proposal from Scituate, based on the fact that it is closer and reduces time and fuel costs to transport animals, and is also a no-kill shelter. Mr. Lewis called for a motion.

Neal Whitelaw moved, Roger Hawes seconded, to enter into an agreement for \$10,000.00 for one year, payable in two payments to the Town of Scituate. This will commence July 1.

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

**X. PUBLIC HEARING**  
**Animal Control Ordinances**

The public hearing of discussions and revisions to the animal control ordinances began at 7:57 p.m. There were over two hundred people in attendance.

John L. Lewis stated that this was a public hearing and that he would not close the hearing until everyone who wished to, had the opportunity to speak. If necessary the hearing would be continued to the next meeting to allow everyone the chance to be heard.

John L. Lewis, Jr. asked to speak to the proposals of changes to each of four ordinances separately, and formally opened the public discussion.

1. Mr. Lewis read the first ordinance regarding Unlicensed and Un-collared Dogs. Mr. Lewis explained which language in the ordinance was new and defined the use of the word "pound".

Mr. Lewis asked anyone opposing this ordinance to speak.

Two people spoke objecting to specific language, the Town solicitor advised of the State law regarding the display of rabies tags, and six other individuals requested clarification of other language.

There were no comments in favor of this ordinance.

No motions were made, no votes were taken.  
Complete sound files are available to the public upon request.

2. John L. Lewis, Jr. asked Mr. Whitelaw to summarize the changes to the Dog License ordinance and asked anyone opposing this ordinance to speak.

Two people asked for clarification on the number of dogs that can be held by a kennel under the licensing ordinances.

There were no comments in favor.

No motions were made, no votes were taken.  
Complete sound files are available to the public upon request.

3. John L. Lewis, Jr. asked Neal Whitelaw to summarize the changes to the Kennel License ordinance, and asked anyone opposing this ordinance to speak.

Several people spoke against the ordinance.  
Several people had questions and suggested corrections to the language.

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One person spoke in favor of the ordinance.

John L. Lewis asked for a show of hands for people in favor of passing the ordinance as presented. He counted twelve hands.

Mr. Lewis asked for a show of hands opposed – a majority.

No motions were made, no votes were taken. Complete sound files are available to the public upon request.

4. Mr. Lewis spoke to the Ordinance Concerning Animals and asked anyone opposing this ordinance to speak.

Several people spoke against this ordinance.

Two people spoke in favor.

No motions were made, no votes were taken.

Complete sound files are available to the public upon request.

There was discussion about the potential for another public hearing if there were substantive changes to the proposed ordinances, and the advertising of that hearing if it happened.

The public hearing was closed at 10:52 p.m.

**XI. FUTURE  
AGENDA  
ITEMS**

- State of RI FY2014 Local Roads Program Agreement

**XII. EXECUTIVE  
SESSION**

No Executive Session was held.

**XIII. ADJOURNMENT**

John L. Lewis, Jr. moved, Roger Hawes seconded, to adjourn.

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 11:04 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