

**JANUARY 24, 2013**  
**TOWN COUNCIL MEETING**

The January 24, 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 6:40 p.m.

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

Also present:  
Renee M. Bevilacqua, Town Solicitor

**I. PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was recited.

**II. EXECUTIVE SESSION**

Neal Whitelaw moved, Denise DiFranco 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 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.

**RECONVENE IN OPEN SESSION**

The council reconvened in to Open Session at 6:50 p.m. John Lewis announced that no votes were taken in Executive Session. Employees present included Jane Christopher, Deputy Town Clerk; Carol Mauro, Human Services Director; Ann-Marie Ignasher, Town Planner; Peter Scorpio, Building Inspector; Patti Moreau, Tax Assessor; Kelli Russ, Treasurer; and Robert Coyne, Police Chief.

**III. MINUTES**

Denise DiFranco moved, Roger Hawes seconded, and it was so voted to approve the minutes of **December 27, 2012.**

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, Denise DiFranco seconded, and it was so voted to approve the minutes of **January 10, 2013.**

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

**IV. WARRANTS**

Neal Whitelaw moved, Roger Hawes seconded, and it was so voted to approve **Payroll Warrant #27**, in the amount of \$26,300.71.

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, to approve **General Warrant #12**, in the amount of 71,698.73.

Discussion: Neal Whitelaw questioned item 6 on page 5 of \$1,000 to South Shore Generator in regard to the generator at the police station. DPW director Brad Smith explained that it was not the generator for the Police Station, but the one for the DPW garage and the fire station which needed repair during hurricane Sandy.

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**

**a.) Bldg. & Zoning**

Neal Whitelaw moved, Roger Hawes seconded, and it was so moved to accept the **Building & Zoning** monthly report as presented.

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

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- b.) Public Works** Denise DiFranco moved, Roger Hawes seconded, and it was so moved to accept the **Public Works** report as presented.
- John L. Lewis, Jr., aye; Pamela Fontaine, aye; Roger Hawes, aye; Denise DiFranco, aye; and Neal Whitelaw, aye. Motion passed 5-0.
- c.) Finance** Neal Whitelaw moved, Roger Hawes seconded, and it was so moved to approve the **Finance** report as presented.
- John L. Lewis, Jr., aye; Pamela Fontaine, aye; Roger Hawes, aye; Denise DiFranco, aye; and Neal Whitelaw, aye. Motion passed 5-0.
- d.) Planning** Denise DiFranco moved, Roger Hawes seconded, and it was so voted to approve the **Planning** report as submitted.
- John L. Lewis, Jr., aye; Pamela Fontaine, aye; Roger Hawes, aye; Denise DiFranco, aye; and Neal Whitelaw, aye. Motion passed 5-0.
- e.) Police** Denise DiFranco moved, Roger Hawes seconded, and it was so voted to approve the **Police Department** report as presented.
- John L. Lewis, Jr., aye; Pamela Fontaine, aye; Roger Hawes, aye; Denise DiFranco, aye; and Neal Whitelaw, aye. Motion passed 5-0.
- f.) RIRRC** Neal Whitelaw moved, Denise DiFranco seconded, and it was so voted to approve the **RIRRC** report as presented,
- John L. Lewis, Jr., aye; Pamela Fontaine, aye; Roger Hawes, aye; Denise DiFranco, aye; and Neal Whitelaw, aye. Motion passed 5-0.
- g.) School** The School report was included on the agenda but was not slated to be submitted until the February 28 meeting.
- h.) Tax Assessor** Denise DiFranco moved, Roger Hawes seconded, and it was so moved to approve the **Tax Assessor's** report as presented.
- John L. Lewis, Jr., aye; Pamela Fontaine, aye; Roger Hawes, aye; Denise DiFranco, aye; and Neal Whitelaw, aye. Motion passed 5-0.
- VI. QUARTERLY REPORTS** Neal Whitelaw moved, Roger Hawes seconded, and it was so voted to accept the year-end and quarterly report from the **Board of Canvassers**.
- a.) Board of Canvassers** John L. Lewis, Jr., aye; Pamela Fontaine, aye; Roger Hawes, aye; Denise DiFranco, aye; and Neal Whitelaw, aye. Motion passed 5-0.
- b.) Civil Prep.**
- c.) ConComm** Reports for Civil Preparedness, Conservation Commission, Ambulance
- d.) Ambulance** Corps, and Land Trust were not yet received.
- &f.) Land Trust**
- e.) FCVFC** Neal Whitelaw moved, Roger Hawes seconded, and it was so voted to accept the year-end and quarterly report from the **Foster Center Fire Company**.
- John L. Lewis, Jr., aye; Pamela Fontaine, aye; Roger Hawes, aye; Denise DiFranco, aye; and Neal Whitelaw, aye. Motion passed 5-0.
- g.) Libraries** Denise DiFranco moved, Roger Hawes seconded, and it was so moved to approve the quarterly report from the **Libraries** as presented.
- John L. Lewis, Jr., aye; Pamela Fontaine, aye; Roger Hawes, aye; Denise DiFranco, aye; and Neal Whitelaw, aye. Motion passed 5-0.
- h.) MVVFC** Neal Whitelaw moved, Denise DiFranco seconded, and it was so moved to accept the **Moosup Valley Fire Company** quarterly and annual reports as presented.
- John L. Lewis, Jr., aye; Pamela Fontaine, aye; Roger Hawes, aye; Denise DiFranco, aye; and Neal Whitelaw, aye. Motion passed 5-0.

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- i.) **School Comm.** Neal Whitelaw moved, Denise DiFranco seconded, and it was so voted to accept the four quarterly reports for the year from the **School Committee** as presented.
- John L. Lewis, Jr., aye; Pamela Fontaine, aye; Roger Hawes, aye; Denise DiFranco, aye; and Neal Whitelaw, aye. Motion passed 5-0.
- j.) **Engineering** Neal Whitelaw moved, Denise DiFranco seconded, and it was so voted to accept the four quarters of the **Engineering** department as presented
- John L. Lewis, Jr., aye; Pamela Fontaine, aye; Roger Hawes, aye; Denise DiFranco, aye; and Neal Whitelaw, aye. Motion passed 5-0.
- k.) **Human Services** Denise DiFranco moved, Roger Hawes seconded, and it was so voted to accept the quarterly report from **Human Services** as presented.
- John L. Lewis, Jr., aye; Pamela Fontaine, aye; Roger Hawes, aye; Denise DiFranco, aye; and Neal Whitelaw, aye. Motion passed 5-0.
- l.) **Planning Board** Neal Whitelaw moved, Roger Hawes seconded, and it was so voted to accept the four quarterly reports from the **Planning Board** as presented.
- John L. Lewis, Jr., aye; Pamela Fontaine, aye; Roger Hawes, aye; Denise DiFranco, aye; and Neal Whitelaw, aye. Motion passed 5-0.
- m.) **Recreation** Denise DiFranco moved, Roger Hawes seconded, and it was so voted to accept the quarterly report from **Recreation** as presented.
- John L. Lewis, Jr., aye; Pamela Fontaine, aye; Roger Hawes, aye; Denise DiFranco, aye; and Neal Whitelaw, aye. Motion passed 5-0.
- n.) **SFVFC** Denise DiFranco moved, Roger Hawes seconded, and it was so voted to accept four quarterly reports for the year from the **South Foster Volunteer Fire Company** as presented.
- John L. Lewis, Jr., aye; Pamela Fontaine, aye; Roger Hawes, aye; Denise DiFranco, aye; and Neal Whitelaw, aye. Motion passed 5-0.
- o.) (Repeat of item i.)
- p.) **Tax Board** Denise DiFranco moved, Roger Hawes seconded, and it was so voted to accept the June-September and October-December quarterly reports from the **Tax Board of Review**.
- John L. Lewis, Jr., aye; Pamela Fontaine, aye; Roger Hawes, aye; Denise DiFranco, aye; and Neal Whitelaw, aye. Motion passed 5-0.
- q.) **Zoning Board** Neal Whitelaw moved, Roger Hawes seconded, and it was so voted to accept the 4 quarter reports from the **Zoning Board**.
- John L. Lewis, Jr., aye; Pamela Fontaine, aye; Roger Hawes, aye; Denise DiFranco, aye; and Neal Whitelaw, aye. Motion passed 5-0.
- VII. NEW BUSINESS**
- a.) **Additions & Abatements** Neal Whitelaw moved, Roger Hawes seconded, and it was so voted to approve the **Abatements of \$48.40** (there were no additions) 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 passed 5-0.
- b.) **DEA Grant** The Division of Elderly Affairs grant application proposal was submitted by Carol Mauro, Human Services Director, for approval. John Lewis referred it to the town solicitor.
- Carol Mauro asked for conditional approval so it could be expedited. Neal Whitelaw moved to accept the grant proposal as written as long as the solicitor finds it acceptable to be signed. Carol Mauro noted that Page 2, Paragraph 4 of the proposal indicates that a project officer needed to be assigned.

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**DEA GRANT  
CONTINUED-**

Mr. Whitelaw included the appointment of Carol Mauro as project officer to the motion, with the condition that if there are any problems found in the proposal that the item will be placed on a future agenda. Pamela Fontaine seconded and it was so voted.

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

**c) IBPO Contract**

Neal Whitelaw stated that he offered the 1% pay raise as approved by the council to the International Brotherhood of Police Officers to extend their contract for 2012. This proposal was accepted by signed letter (see Exhibit A). Mr. Whitelaw submitted the cost analysis of the offer (see Exhibit B). Mr. Whitelaw moved to sign the agreement that has been agreed to in accordance with the cost analysis which shows the amounts that are retroactive for 2012 and to make both documents part of the record. Roger Hawes seconded.

John L. Lewis, Jr., aye; Pamela Fontaine, aye; Roger Hawes, aye; Denise DiFranco, aye; and Neal Whitelaw, aye. Motion passed 5-0. Pamela Fontaine thanks Mr. Whitelaw for bringing the negotiations to conclusion.

**d) Budget Calendar**

Neal Whitelaw moved to approve the "Budget Preparation Schedule" as presented by Kelli Russ, Finance Officer, for the 2012-2013 Budget with Option 1 meeting on Saturday, March 2, 2013, at 8:00 a.m. (see "Exhibit C"). Denise DiFranco seconded.

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

Pamela Fontaine, aye; Denise DiFranco, aye; Roger Hawes, aye; and Neal Whitelaw, aye. Motion passed 4-0.

**e) Anthony Rd.  
Bridge**

John Lewis stated that he heard that the demolition of the Anthony Road Bridge was imminent. He asked that it be placed on the agenda so that everyone would be aware. Neal Whitelaw said that he had spoken to Representative Michael Chippendale about it and that the pylons and headwalls may still be in good shape so the State may leave them in place. Mr. Whitelaw further stated that he had requested that the State delay because the town has certain obligations they might not be able to meet, such as moving large amounts of dirt, because it has been so cold outside. John Lewis stated that he would like to have the project monitored by the town. Neal Whitelaw moved, Denise DiFranco seconded, and it was so voted to appoint the Town Planner as the contact person to keep the council up to date on the project.

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

**VIII. OLD BUSINESS  
a.) Appointments/  
Interviews**

John Lewis reported that all resumes have been received and that the next step is to set up interviews. There are some positions with only one applicant who already holds the current position who can be appointed tonight.

Neal Whitelaw moved, Pamela Fontaine seconded, to appoint Kenneth Knight as **Sealer of Weights and Measures**.

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

Neal Whitelaw moved, Denise DiFranco seconded, and it was so voted to appoint Robert Thurber as **Corder of Wood**.

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

Roger Hawes moved, Denise DiFranco seconded, and it was so voted to appoint Michael Polouski as **Recreation Director**.

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

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**OLD BUSINESS  
CONTINUED**

Neal Whitelaw moved, Roger Hawes seconded, and it was so voted to appoint Joseph Cardillo, Robert Salisbury, Thomas Walden, Paul Cuniff, Will Paul, Gordon Brayton, John L. Lewis, Jr., Pamela Fontaine, Roger Hawes, Denise DiFranco, and Neal Whitelaw as **Constables**.

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

John Lewis noted that there were no submissions for Fence Viewer, Keeper of the Keys, Historian, and Tree Warden. The balance of the submissions have more than one applicant.

Neal Whitelaw moved, Denise DiFranco seconded, to appoint William Bernstein to the position of Probate Judge. Discussion: John Lewis stated that he would like to do interviews. Denise DiFranco withdrew her second, Neal Whitelaw withdrew his motion.

Pamela Fontaine moved, Roger Hawes seconded, and it was so voted to interview all the applicants for the positions of Probate Judge, Treasurer, Tax Collector, Tax Assessor, Town Planner, Director of Public Works, Director of Human Services, Building & Zoning Inspector, Dog Officer and Appraiser of Dog Damage, Plumbing Inspector, Electrical Inspector, Emergency Management & Civil Preparedness Director.

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

Pamela Fontaine moved, Denise DiFranco seconded, and it was so voted to schedule interviews for Probate Judge, Treasurer, Tax Collector and Tax Assessor on Tuesday, February 5, 2013, to begin at 6 p.m.

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

Pamela Fontaine moved, Denise DiFranco seconded, and it was so voted to schedule interviews for Town Planner, Director of Public Works, Human Services, Building & Zoning Inspector, and Dog Officer and Appraiser of Dog Damage for Wednesday, February 6, 2013, to begin at 6 p.m.

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

Pamela Fontaine moved, Denise DiFranco seconded, and it was so voted to interview for the positions of Plumbing Inspector, Electrical Inspector, Emergency Management and Civil Preparedness Director on Thursday, February 7, 2013 starting at 6 p.m.

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

**b.) Council Rules**

Neal Whitelaw moved, Denise DiFranco seconded, to adopt the *Democratic Rules of Order, Edition 9* as the rules of the Council and include a Formal Chair. Denise DiFranco seconded. Town Solicitor, Rene Bevilacqua asked for clarification of the definition of Formal Chair. Mr. Whitelaw stated that the Formal Chair does not participate in discussion and can not make motions. If he or she wished to participate in discussion, they must hand off the chairmanship. Roger Hawes amends the motion to Informal Chair then withdraws the amendment.

John L. Lewis, Jr., nay: Pamela Fontaine, nay; Roger Hawes, nay; Denise DiFranco, aye; and Neal Whitelaw, aye. Motion fails 3-2.

Roger Hawes moved, Neal Whitelaw seconded, and it was so voted to adopt the *Democratic Rules of Order, Edition 9* as the rules of the council and include an Informal Chair.

John L. Lewis, Jr., aye: Pamela Fontaine, aye; Roger Hawes, aye; Denise DiFranco, nay; and Neal Whitelaw, nay. Motion passed 3-2.

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**Council Rules  
Continued**

Neal Whitelaw moved, Denise DiFranco seconded, to make part of the regular Agenda a line item called Concerned Citizens. He noted that he was not making a motion regarding Public Comment because that is included in the *Democratic Rules of Order, Edition 9*.

John L. Lewis, Jr., nay; Pamela Fontaine, nay; Roger Hawes, nay; Denise DiFranco, aye; and Neal Whitelaw, aye. Motion failed 3-2.

Neal Whitelaw moved, Denise DiFranco seconded, and it was so voted that the Minutes contain the Motion, the Member who made the Motion, the Member who seconded the Motion, the Members who voted on the Motion and that a Member can add any information to be part of the record at any time.

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

Neal Whitelaw moved, Denise DiFranco seconded, and it was so voted to not sanction any electronic audio / video recordings of Town Council Meetings made by the public, and that any audio / video recordings made by the public are not public records under Title 38 Public Records.

Pamela Fontaine amended the motion to include that this statement be placed on every agenda. Neal Whitelaw seconded.

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

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

Neal Whitelaw moved, Denise DiFranco seconded, and it was so voted, that a copy of the Agenda be printed from the Secretary of State's website and be included as part of the Councilmember's packets.

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

**IX. FUTURE  
AGENDA  
ITEMS**

- Resolution of Charter Changes
- Quarterly Reports not yet received
- Animal Shelter Contract
- Appointments

**X. ADJOURNMENT**

Neal Whitelaw moved, Denise DiFranco seconded, and it was so voted to adjourn the meeting.

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

Meeting adjourned at 8:45 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