

OCTOBER 10, 2013
TOWN COUNCIL MEETING

The October 10, 2013, Town Council Meeting was called to order by John L. Lewis, Jr., President of the Foster Town Council, at the Town House, 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
Kelli Russ, Treasurer
Lillian Jackson, Deputy Treasurer
Chief Wm. Ziehl

**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.

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.*

III. MINUTES

Neal Whitelaw moved, Roger Hawes seconded, to approve the minutes of **September 26, 2013.**

Discussion: Denise DiFranco questioned the use of the word "investigation" on page 4, item C and requested that it be changed to "review". It was also noted that page 7 was not complete. Neal Whitelaw removed his motion, Roger Hawes removed his second.

Neal Whitelaw moved to table the minute of September 26, 2013, until the next meeting. Pamela Fontaine seconded.

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

IV. WARRANTS

Denise DiFranco moved, Roger Hawes seconded, to approve **Payroll Warrant #12** for \$25,708.73.

John L. Lewis, Jr., aye; Pamela Fontaine, no; Roger Hawes, aye; Denise DiFranco, aye; and Neal Whitelaw, aye. Motion carried 4-1.

Neal Whitelaw moved, Roger Hawes seconded, to approve **Payroll Warrant #13** for \$27,780.81.

John L. Lewis, Jr., aye; Pamela Fontaine, no; Roger Hawes, aye; Denise DiFranco, aye; and Neal Whitelaw, aye. Motion carried 4-1.

Denise DiFranco moved, Roger Hawes seconded, to approve **General Warrant #7** for \$56,767.45. John L. Lewis, Jr. questioned the Gas Boy amount of \$2,250.32 in relation to the amount of insurance funds that may be covered by the Trust for that bill. Town Treasurer Kelli Russ stated that the deductible is \$2,500.00 and she was uninformed as to the sum total of the bill to know if it should be paid. Pamela Fontaine asked if it would be appropriate to put the Gas Boy bill on the next warrant and Ms. Russ said she would void it from the warrant before checks were issued. John L. Lewis, Jr. asked for an Amendment.

Denise DiFranco moved, Pamela Fontaine seconded, to accept General Warrant #7 with the exclusion of the Gas Boy in the amount of \$2,250.00

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.

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- V. MONTHLY REPORTS** None.
- VI. QUARTERLY REPORTS** None.
- VII. NEW BUSINESS**
- a. Resolution 2013-05 RE: Mutual Aid with other Police Departments** John L. Lewis, Jr. read the Resolution for the Police Mutual Aid Agreement (see Exhibit A). Neal Whitelaw moved, Roger Hawes seconded, to accept Resolution 2013-05.
- Resident Lynne S. Rider asked if this was new agreement or was it something done in the past, too. Atty. Renee Bevilacqua explained that the arrangement existed in the past but that the Resolution formalizes it so that if a police officer assists from another police department it is not a problem in terms of who had the authority to make an arrest.
- John L. Lewis, Jr., aye; Pamela Fontaine, aye; Roger Hawes, aye; Denise DiFranco, aye; and Neal Whitelaw, aye. Motion carried 5-0.
- b. Appointment of New Police Dispatcher** Denise DiFranco read a letter from Chief William Ziehl regarding the appointment of Russell Bart as dispatcher for the Foster Police Department (see Exhibit B).
- Denise DiFranco moved, Roger Hawes seconded, to hire Russell Bart of Harrisville, RI, as dispatcher as recommended by Chief Ziehl.
- John L. Lewis, Jr., aye; Pamela Fontaine, aye; Roger Hawes, aye; Denise DiFranco, aye; and Neal Whitelaw, aye. Motion carried 5-0.
- c. Bid Award** Dept. of Public Works Director Robert Hohler submitted a letter of recommendation for the Winter Sand bid for Material Sand and Stone with a price of \$11.96/ton delivered and \$6.45/ton if picked up (see Exhibit C).
- Neal Whitelaw moved, Denise DiFranco seconded, to accept the recommendation for Material Sand and Stone Corporation. Roger Hawes asked if it was being delivered or picked up. Mr. Hohler replied that it would be delivered.
- John L. Lewis, Jr., aye; Pamela Fontaine, aye; Roger Hawes, aye; Denise DiFranco, aye; and Neal Whitelaw, aye. Motion carried 5-0.
- d. Plainwoods Road Bridge** DPW Director Robert Hohler reported that the de-watering is in place, there is a coffer dam and the Connecticut side is down to ledge. They can put pin walls into the ledge which will make it stronger. Hay bales are up. They are on schedule. John L. Lewis, Jr. asked if there was a binder. Mr. Hohler replied in the affirmative.
- e. Mill Road Bridge** DPW Director Robert Hohler reported that Provost & Rovero will take 4 weeks to do the plans, so there are 3 weeks to go. There was an extension on the construction asked for till June but we may not need the extension.
- d. Appointment of Custodian for WRIHR** John L. Lewis, Jr. noted that \$26,200 is available for the custodian to work on the dissolution of Western RI Home Repair. The State office of Housing & Community Development has authorized the funds for this. The letter from LGC&D explains how it will be done (see Exhibit D).
- Roger Hawes moved, Denise DiFranco seconded, to approved the appointment of the custodian LGC&D. Denise DiFranco stated that she felt uncomfortable voting on the 6-page document from LGC&D that she just received and requested that in the future it be given to her ahead of time. Kelli Russ, Town Treasurer, said they were waiting on the State. Ms. Russ also stated that there were changes needed because they spelled Gloucester wrong with a "u". Also that Gloucester and Scituate have agreed. Neal Whitelaw asked if this would now be done once the proposal was signed. Ms. Russ stated that they might have questions but that they would receive all the files and yes, it would be done. Atty. Renee Bevilacqua noted that there is no liability now that NeighborWorks is in place.

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WRIHR cont. Neal Whitelaw asked why a vote was needed if Ms. Russ was already been authorized. Atty. Renee Bevilacqua it was a formalization.

Neal Whitelaw amended, Pamela Fontaine seconded, the motion to include the phrase “not to exceed \$26,200.00” and correct the spelling from “Gloucester” to “Glocester”.

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 carried 5-0.

**IX. FUTURE
AGENDA
ITEMS**

- Planning Board Appointment – October 24th
- Gas Boy Bill Accounting
- Executive Session with DPW Director

**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.

Open session ended at 7:45 p.m.

**RECONVENE
INTO OPEN
SESSION**

Neal Whitelaw moved, Roger Hawes seconded, to reconvene into open session.

John L. Lewis, Jr. announced that no votes were taken in Executive Session.

XI. ADJOURNMENT

Roger Hawes moved, Pamela Fontaine 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 8:05 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