

**DECEMBER 12, 2013**  
**TOWN COUNCIL MEETING**

The December 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, 6 South Killingly Road, Foster, Rhode Island, at 7:05 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  
Harold Shippee, Acting DPW Director  
Kelli Russ, Treasurer  
Chief Wm. Ziehl  
Peter Scorpio, Building Inspector  
Patti Moreau, Tax Assessor

**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.*

John Lewis also noted that Maurice Dunbar, the last remaining founder of the Moosup Valley Fire Department had passed away and called for a moment of silence after recognizing his years of service to the Town.

**III. MINUTES**

Denise DiFranco moved, Roger Hawes seconded, and it was so voted to approve the minutes of November 14, 2013.

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

Mr. Lewis stated that the minutes of the Special Council Meeting of November 21, 2013, were not completely finished.

Neal Whitelaw moved, Pamela Fontaine seconded, to table those minutes until the January 9<sup>th</sup>, 2014 Council meeting.

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 #19 for \$27,112.18.

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 Payroll Warrant #20 for \$25,887.28.

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 #21 for \$26,012.82.

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 Payroll Warrant #22 for \$40,599.65.

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

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**WARRANTS,  
cont.**

Denise DiFranco moved, Roger Hawes seconded, to approve General Warrant #10 for \$241,775.50.

Discussion: Gordon Rogers asked why the amount of the warrant was so high. Kelli Russ responded that it covered a longer time period and that all due insurance payments fell during this period.

Discussion: Pamela Fontaine moved, Neal Whitelaw seconded, to amend the motion to reduce the amount of the warrant by \$461.83, the payment due to RI Temps, and by a further \$30.00 for the RI Tax Collector's Association dues, as the current Tax Collector has not attended any meetings in the last three years.

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

Pamela Fontaine moved, Neal Whitelaw seconded, to amend the motion to still take the \$30.00 reduction due to non-attendance at RITCA meetings of the Tax Collector. Ms. Fontaine spoke about her own personal experience as a general member and current Board member of the RITCA. Kelli Russ stated that the Tax Collector would be attending all meetings going forward.

Gordon Rogers asked if there was a conflict in Pamela Fontaine's motion, due to her position in the Tax Collector's organization. Renee Bevilacqua stated that as Solicitor, she would not render an opinion without reviewing the facts further.

Pamela Fontaine removed her amendment, Neal Whitelaw rescinded his second.

John L. Lewis, Jr., aye; Pamela Fontaine, aye; Roger Hawes, aye; Denise DiFranco, aye; and Neal Whitelaw, aye. Main motion carried 3-2.

**V. MONTHLY  
REPORTS**

Neal Whitelaw moved, Roger Hawes seconded, to accept the following October departmental monthly reports: Building & Zoning, Dept. of Public Works, Finance, Human Services, Planning, Police, RIRRC, School Committee and Tax Assessor.

Discussion: Neal Whitelaw mentioned that he had asked the Planner for an explanation of any extra hours she had worked, but did not see it in her October report. Ms. Ignasher responded that since receiving that request she had begun that itemization with her November report, but could also go back and do reports on her extra hours in October.

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

**VI. QUARTERLY  
REPORTS**

Denise DiFranco moved, Roger Hawes seconded, to accept the Quarterly Reports from the Zoning Board of Review.

Discussion: It was noted that the following reports had been received but did not make it in time for this meeting: Engineering Board, Moosup Valley Volunteer Fire Company.

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

**VII. NEW  
BUSINESS  
a. Additions &  
Abatements –  
Tax Assessor**

Neal Whitelaw moved, Pamela Fontaine seconded, to accept the Additions & Abatements of the Tax Assessor in the amount of \$2,514.70.

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

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**b. Additions & abatements – Tax Collector**

Denise DiFranco moved, Neal Whitelaw seconded, to accept the Additions & Abatements of the Tax Collector in the amount of \$1,386.60.

Discussion: Pamela Fontaine asked for a listing of taxpayer names to correlate to the amounts shown on the Abatement report, so that it could be determined whether there was any recourse that would result in obtaining some of these past due funds.

Denise DiFranco rescinded her motion, Neal Whitelaw rescinded his second.

Denise DiFranco moved, Neal Whitelaw seconded, to table the Tax Collector's abatement request until the January 9<sup>th</sup> meeting, when the Council could review the supporting documentation.

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

**c. Roy Shippee– Foster Center Baptist**

John Lewis reported that Mr. Shippee was unable to attend and asked to be moved to the January 9<sup>th</sup> meeting.

Discussion: Neal Whitelaw stated that the DPW Director was doing research and asked if the Town should proceed with that research. Mr. Lewis responded that it was his understanding that there would be a cost to that, and they should wait until Mr. Shippee's presentation when they could ask if the church would like to bear a part of the cost. Neal Whitelaw asked if they could at least get an estimate. Renee Bevilacqua cautioned this might be a matter to take up at the Financial Town Meeting if the Town were to share what might be considered a valuable resource with another entity.

**d. Personnel Committee**

Patti Fountain reported that due to lack of a quorum at two meetings and two improperly posted meetings, the Committee effectively has had only three or four meetings. They have reviewed the current handbook and established the direction the Council wanted them to take. The Committee's initial recommendation is to have the handbook turned into a workable digital document by a clerk, as it currently exists only in pdf format. Amendments made in the past have been tracked through TC Minutes. They are in the process of aligning job descriptions with the Personnel Handbook, with the exception of Union employees, whom they have no jurisdiction over. The next meeting is scheduled January 7<sup>th</sup> when they will review the employee benefits and make suggestions. They hope to complete the project by late spring/early summer.

**e. Bid Award – Three-Year Statistical Evaluation**

Denise DiFranco read the letter of recommendation from Patti Moreau, Tax Assessor, recommending that the Town accept a three-year bid from Vision Government Solutions as of 12/31/2014, in the amount of \$47,500.00, which includes the cost of new software. An alternate bid from Vision of \$42,500.00 did not include software. As the State is still reimbursing the towns for their evaluations, Ms. Moreau felt this was the time to make the software change as our current software is due to expire in two years.

Roger Hawes moved, Pamela Fontaine seconded, to accept the 3 year Statistical Evaluation bid from Vision Government Solutions in the amount of \$47,500.00.

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

**f. Mill Road Bridge Bid Award**

Mr. Lewis gave a brief review of the storm damage to the Mill Road Bridge. FEMA has offered \$163,000 for repairs as a 90% matching grant with the Town paying \$10,000.00, and the project being completed by March 2014. The bid opening occurred on Dec. 5th, 2013. The two bidders were New England Building and Bridge Company from Greenville, RI. - \$153,000.00. Northern Construction Service, from Weymouth, Massachusetts - \$56,000.00. It was noted that NE Building & Bridge had offered their bid based on having reviewed an actual set of plans, and that Northern Construction Service did not. NE Building & Bridge is currently under contract with the Town on the Plainwoods Road Bridge and is doing a good job, and would not need to remobilize their equipment to Town.

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**Mill Road  
Bridge, cont.**

Mr. Whitelaw stated that had tried to contact FEMA to verify that the funds were still available. He was unable to reach the appropriate party before the meeting, but had a letter from late 2012 stating that the deadline had been set to March of 2014. Renee Bevilacqua cautioned the Council not to be too quick to take the lowest bidder.

Neal Whitelaw moved, Denise DiFranco seconded, to accept the bid from New England Building and Bridge in the amount of \$153,000.00.

Discussion: Mr. Whitelaw mentioned to the Treasurer that the second bid be classified as a non-responsive bid (as they did not consider the Town's requirements). Gordon Rogers questioned if the DPW Director, who was not present, had made a recommendation, and if that was required. Atty. Bevilacqua stated that while that recommendation would be desirable, it was not mandatory; and that in this case, time was of the essence and the money would expire in March.

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

**g. Reappointment to Zoning Board**

John Lewis reported that Thomas DiRaimo had requested to be reappointed as an alternate, and read his letter of request.

Denise DiFranco moved, Neal Whitelaw seconded, to reappoint Mr. DiRaimo as an alternate to the Zoning Board for one year.

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

**h. Reappointment to Planning Board**

Mr. Lewis said that Helen Hardy had also requested reappointment to the Planning Board, and read her letter of request.

Neal Whitelaw moved, Roger Hawes seconded, to reappoint Helen Hardy as member of the Planning Board for a five year term.

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

**i. New Appointment, Planning Board**

Mr. Lewis referenced the advertisement soliciting a new member, and that there were two applicants, Jon Mott Restivo and Gordon Rogers.

Denise DiFranco moved, Pamela Fontaine seconded, to appoint Jon Mott Restivo to the Planning Board of Foster (to fill the vacancy of Susan Mara).

Discussion: Gordon Rogers asked that his resume be read aloud again. Mr. Lewis complied, and also read the letter from Mr. Restivo.

Lynne Rider commented in favor of Mr. Restivo as an applicant.

Mr. Rogers commented that there were also two other lawyers involved with the Planning Board and that the Board might be better served by having more members with practical experience.

Renee Bevilacqua commented that the Town Planner, while an attorney, had a totally different function when it came to the Planning Board.

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

**j. Payment of Perpetual Care Cemeteries**

John Lewis stated that the November mowing of the perpetual care cemeteries in preparation for Veterans' Day had been completed, and that he had a letter and invoice from Ken Battey for the service.

Roger Hawes moved, Neal Whitelaw, seconded, to pay Mr. Battey out of the contingency fund, in the amount of \$1,000.00.

Discussion: Mr. Rogers inquired as to whether individual lots were being mowed, or complete cemeteries. Mr. Lewis responded that individual plots were being mowed, but that there were some cemeteries, the Sand

Hill Cemetery, for example, where all the lots have been designated as perpetual care lots. On other cemeteries the cost is split with the appropriate church. The concept of the perpetual care fund was discussed, and the fact that using earned interest on the original care payments, is a formula that no longer works.

Mr. Cervasio inquired if the Council had approached the Historical Society. Mr. Lewis responded in the affirmative and they had provided some legislation that the State has put in place to allow tax credits for certain situations, which the Town Solicitor was looking into. Mr. Cervasio suggested fundraisers. Mrs. Rider would like to bring the subject up at a Financial Town Meeting.

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

**k. Hiring of Part Time Snow Plow Drivers**

Mr. Lewis read a list of names of eleven individuals who had applied to be part time snow plow drivers.

Roger Hawes moved, Pamela Fontaine seconded, to approve the presented list of part time drivers.

In response to questions, John Lewis stated that DPW workers get first refusal of doing the plowing. Mr. Lewis explained that the part time drivers are insured by the Town through the Trust. The hourly rate would be the same as last year, \$12.50 per hour.

Mr. Lewis asked to amend the motion, Roger Hawes seconded, to be contingent on verification of a valid CDL license, that the applicants have a negative drug test, and that the police chief conduct a BCI check on the applicants.

Discussion: Mr. Rogers spoke to a two-tiered pay scale, based on a driver having a CDL license for larger equipment versus a driver with no CDL who is limited to smaller equipment. Mr. Lewis responded that he would be amenable to consider that if the recommendation came from DPW.

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.

**l. Hiring Part Time Police Dispatcher**

Denise DiFranco read a letter to the Council from police Chief William Ziehl, stating that due to the resignation of Cassandra Anderson, Justin Sharum; was chosen from a list of applicants and has undergone 80 hours of training. The letter serves as notification to the Council that the Chief has hired Justin as a part time dispatcher after undergoing training

Roger Hawes moved, Pamela Fontaine seconded, to appoint Justin Sharum as part time dispatcher in the Police Department.

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

**m. Letter from Dispatcher's Union**

Mr. Lewis stated that he had been contacted by Joanne Law from the Dispatchers Union, who wished to have a letter read into the record stating that no campaign contributions were made by Local 3422 to Neal Whitelaw. And that any contributions were made by the State IAFF.

**n. Response from Roger Hawes re: special meeting of 11/21/2013**

Mr. Hawes asked to table his comments to the January 9, 2014 meeting in the interest of moving this night's meeting on to the public hearing on the agenda.

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**VIII. Public Hearing/  
Town License  
Renewals**

John Lewis stated that the Public Hearing on the agenda pertained to all business licenses issued in the Town. The Hearing opened at 8:07 p.m.

Mr. Lewis read aloud the advertisements that were published for the licenses, and asked for anyone who was in opposition to any of the licenses to speak. There were no comments. Mr. Lewis if anyone wanted to speak in favor of the licenses. Again, no comments.

Mr. Lewis closed the public hearing and asked for a motion.

Denise DiFranco moved, Roger Hawes seconded, to approve the following Secondhand Licenses upon receipt of annual licensing and advertising fees, and approvals from the Building Official, Tax Collector, and Police Chief where applicable:

1. Abby Gosselin, d/b/a A Bee's Buzz, 114 Danielson Pike
2. Russell Smith, d/b/a Chelsea's Trading Post, 151 Danielson Pike
3. Aniello V. Calise, d/b/a Danny's Auction Barn, 150B Danielson Pike
4. Joseph Osmanski, d/b/a/ Foster Auto LLC, 40 Mill Road
5. Henry Chabot, d/b/a/ Foster Bear Arms & Trading Post / Bait Shack, 52 Danielson Pike
6. Newell Wright II, d/b/a/ Hemlock Brook Auto Sales & Service, 37A Mill Rd.
7. Michael Coggeshall, d/b/a Mike's Auto Repair, 45 Anthony Road
8. Peter Wilson, d/b/a/ Price Auto Sales, 184 Danielson Pike
9. John & Darlene Fusco, d/b/a/ Tiff-Britt Antiques, 69 Old Danielson Pike
10. Edward Butola, d/b/a Wilson's Auto Enterprises, Inc., 175 Danielson Pike
11. Morris Maglioli, d/b/a Wright's Auto Salvage, 37 Mill Road
12. Marie Petronelli, d/b/a The Second Ride Tack Shop, 146A Danielson Pike

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

Neal Whitelaw moved, Pamela Fontaine seconded, to approve the following Victualling Licenses upon receipt of annual licensing and advertising fees, and approvals from the Building Official, Tax Collector, Police Chief and Fire Chief where applicable:

1. Hitesh Mehta, d/b/a/ BD Food Mart, 189 Hartford Pike
2. Aniello V. Calise, d/b/a/ Danny's Auction Barn, 150B Danielson Pike
3. Cherri Pensak, d/b/a State Line Diner, 195 Danielson Pike
4. Leonard Antos, d/b/a Xtra Mart, 188 Danielson Pike

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

Denise DiFranco moved, Pamela Fontaine seconded, to approve the following Gun Shop Licenses upon receipt of annual licensing fee and approvals from the Building Official, Fire Chief, Tax Collector and Police Chief where applicable:

1. Laurence Costa Mello, d/b/a/ Allary Farm, 7 Rickard Road
2. Keith LaFazia, d/b/a/ Breezy Hill Outdoors, 2 Gold Mine Road
3. Henry Chabot, Foster Bear Arms, 52 Danielson Pike
4. Steven C. Brown, d/b/a/ Steve's Gun Shop, 66 Central Pike
5. Leon DeFranco, d/b/a/ LJD Gun & Supplies, 9 King Road

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

Neal Whitelaw moved, Roger Hawes seconded, to approve the following Holiday Sales Licenses upon receipt of annual licensing fee and approvals from the Building Official, Fire Chief, Tax Collector and Police Chief where applicable:

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**Town License  
Renewals, cont.**

1. Hitesh Mehta, d/b/a/ BD Food Mart, 189 Hartford Pike
2. Aniello V. Calise, d/b/a/ Danny's Auction Barn, 150B Danielson Pike
3. Henry Chabot, d/b/a Foster Bear Arms & Trading Post, 52 Danielson Pike
4. Lucine Gyuleseryan, d/b/a/ Foster Quick Stop, 173 Danielson Pike
5. Bonita Lambert, d/b/a/ Lladyllove Llama, 82 Cucumber Hill Road
6. John & Darlene Fusco, d/b/a/ Tiff-Britt Antiques, 69 Old Danielson Pike
7. Leonard Antos, d/b/a Xtra Mart, 186 Danielson Pike
8. Abby Gosselin, d/b/a A Bee's Buzz, 114 Danielson Pike
9. Russell Smith, d/b/a Chelsea's Trading Post, 151 Danielson Pike

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

Denise DiFranco moved, Roger Hawes seconded, to approve the following Campground Licenses upon receipt of annual licensing fee and approvals from the Building Official, Fire Chief, Tax Collector and Police Chief:

1. Virginia Bassett, d/b/a/ Ginny B Campground, 7 Harrington Road
2. Muriel Walker, d/b/a Dyer Woods Campground, 114 Johnson Road

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

Neal Whitelaw moved, Denise DiFranco seconded, to approve the following Private Investigator's License upon receipt of annual licensing fee and approvals from the Police Chief, Fire Chief, Building Official and Tax Collector where applicable:

1. Alan Pittman d/b/a Alan Pittman Investigations, 117 Central Pike

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

**IX. OLD  
BUSINESS  
A. Liquor  
License  
Renewals**

Neal Whitelaw moved, Denise DiFranco seconded, that in conformity with and under the authority of the provisions of Title I, Chapter 5 of the General Laws of the State of Rhode Island, Revision of 1956, as amended, and any and all amendments thereto, the annual fees for:

Class A Package Store License shall be and are hereby fixed at Four Hundred Dollars (\$400.00) each.

That the Annual Fees for Class B Victuallers (BV and BVL) shall be and is hereby fixed at Four Hundred Dollars (\$400.00) each.

That the Annual Fees for Class D unlimited shall be and is hereby fixed at Eight Hundred Dollars (\$800.00) each.

That the Annual Fee for extra hour closing shall be and is hereby fixed at Two Hundred Dollars (\$200.00)

That the Annual Fee for an Entertainment License shall be and is hereby fixed at Two Hundred Dollars (\$200.00)

That the Annual Fee for Sunday and Holiday Sales is Twenty-five Dollars (\$25) for each.

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

Denise DiFranco moved, Roger Hawes seconded, that all holders of such licenses hereunder granted except Class A Package Store Licenses are hereby granted permission to hold dances in their respective places so licensed.

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

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**Liquor License  
Renewals, cont.**

Neal Whitelaw moved, Pamela Fontaine seconded, and it was so voted to approve that no transfer application or applications that may be made to have one or more granted licenses transferred from one person to another person or persons at the same location will be allowed without a specific consideration and determination by the Town Council.

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

**Class A Package Store including Sunday Sales**

Neal Whitelaw moved, Roger Hawes seconded, and it was so voted to approve that the following persons and corporations be granted renewal licenses for their respective places of business pending receipt of Certificates of Good Standing from the Rhode Island Division of Taxation to the Town Clerk, with the approval of the Police Chief, Tax Collector, Building Inspector, Fire Chief and the RI Department of Health Certificate of Server Training program.

License for Beatrice Gabriele, d/b/a Gabriele's Package Store, 144 Danielson Pike;

Pamela Fontaine questioned that there was no fire inspection on the spread sheet. Denise DiFranco asked if it was necessary for a liquor store to have one. Renee Bevilacqua stated that an establishment that has people congregating and staying, it needs a fire inspection. Liquor stores are not required to have one.

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

Denise DiFranco moved, Pamela Fontaine seconded, and it was so voted to approve that the following persons and corporations be and are hereby granted renewal licenses for their respective places of business pending receipt of Certificates of Good Standing from the Rhode Island Division of Taxation to the Town Clerk, with the approval of the Police Chief, Tax Collector, Building Inspector, Fire Chief and the RI Department of Health Certificate of Server Training program.

License for Lorraine Healey, d/b/a The Watering Hole, 180 Hartford Pike;

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

**Class BV**

Denise DiFranco moved, Roger Hawes seconded, and it was so voted to approve that the following persons and corporations be and are hereby granted renewal licenses for their respective places of business pending receipt of Certificates of Good Standing from the Rhode Island Division of Taxation to the Town Clerk, with the approval of the Police Chief, Tax Collector, Building Inspector, Fire Chief and the RI Department of Health Certificate of Server Training program.

License for Thomas Breard, d/b/a/ Lucky's, 143 Danielson Pike;

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

Neal Whitelaw moved, Roger Hawes seconded, and it was so voted to approve that the following persons and corporations be and are hereby granted renewal licenses for their respective places of business pending receipt of Certificates of Good Standing from the Rhode Island Division of Taxation to the Town Clerk, with the approval of the Police Chief, Tax Collector, Building Inspector, Fire Chief and the RI Department of Health Certificate of Server Training program.

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Renewals, cont.**

License for Tykamac Enterprises, Inc. d/b/a Foster Country Club, 67 Johnson Road;

Renee Bevilacqua pointed out the letter from the Fire Marshall, which John Lewis read aloud.

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

Denise DiFranco moved, Roger Hawes seconded, and it was so voted to approve that the following persons and corporations be and are hereby granted renewal licenses for their respective places of business pending receipt of Certificates of Good Standing from the Rhode Island Division of Taxation to the Town Clerk, with the approval of the Police Chief, Tax Collector, Building Inspector, Fire Chief and the RI Department of Health Certificate of Server Training program.

Helen's Place, d/b/a Helen's Place, Inc., 172 Danielson Pike;

John Lewis asked if Ms. DiFranco if the updated drawing for Helen's Place was satisfactory. Ms. DiFranco responded it was. Ms. Fontaine questioned the Building Inspector on a patio area that had been started outside the premises. Ms. Bevilacqua stated that an establishment must delineate on a drawing what areas are utilized to serve alcohol. She stated that the license is a renewal only and that renewal only grants what the previous year's license had. If Helen's Place wants to extend their serving of alcohol to an outdoor area, they must make a separate application. Mr. Lewis moved, Pamela Fontaine seconded to amend the motion to add this as a stipulation to the license renewal.

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.

Neal Whitelaw moved, Denise DiFranco seconded, and it was so voted to approve that the following persons and corporations be and are hereby granted renewal licenses for their respective places of business pending receipt of Certificates of Good Standing from the Rhode Island Division of Taxation to the Town Clerk, with the approval of the Police Chief, Tax Collector, Building Inspector, Fire Chief and the RI Department of Health Certificate of Server Training program.

Lisa M. Mills, d/b/a Woodland Meeting House, LLC, South Killingly Road;

Mr. Whitelaw asked if the license was for the premises only? Mr. Lewis stated that there had been a meeting at the Department of Business Regulations with Ms. Mills regarding this license; and that the DBR advised that Ms. Mills and her representatives sit with representatives of the Town to determine what outdoor areas would be permitted for serving alcohol. Mr. Lewis stated that he was reluctant to issue a license granting the option of utilizing any outdoor area without that discussion taking place.

Lynne Rider questioned if the fencing restrictions previously required of Woodland Meeting House had been met. Ms. DiFranco stated that there is a good fence at the front of the premise area, and yellow caution tape around the edges.

John Lewis moved, Pamela Fontaine seconded, to amend the motion to clarify that the license granted this evening defines the premises as only the inside of the building.

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

**DECEMBER 12, 2013  
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**Liquor License Renewals, cont.** John L. Lewis, Jr., aye; Pamela Fontaine, aye; Roger Hawes, aye; Denise DiFranco, aye; and Neal Whitelaw, aye. Main motion carried 5-0.

Class BVL

Denise DiFranco moved, Roger Hawes seconded, and it was so voted to approve that the following persons and corporations be and are hereby granted renewal licenses for their respective places of business pending receipt of Certificates of Good Standing from the Rhode Island Division of Taxation to the Town Clerk, with the approval of the Police Chief, Tax Collector, Building Inspector, Fire Chief and the RI Department of Health Certificate of Server Training program.

License for Janet Brayton and Brenda Lindsay d/b/a Shady Acres, LLC, 164 Danielson Pike;

Mr. Lewis noted that the fire inspection had been done but the final paperwork was pending, and that the license was contingent on receipt of that report.

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

Class D

Neal Whitelaw moved, Roger Hawes seconded, and it was so voted to approve that the following persons and corporations be and are hereby granted renewal licenses for their respective places of business pending receipt of Certificates of Good Standing from the Rhode Island Division of Taxation to the Town Clerk, with the approval of the Police Chief, Tax Collector, Building Inspector, Fire Chief and the RI Department of Health Certificate of Server Training program.

Club License for Little Rhody Vasa Park, Inc. 10 Boswell Trail;

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

Denise DiFranco moved, Pamela Fontaine seconded, and it was so voted to approve that the number of liquor licenses to be granted and issued for and during the current term next ensuing and ending December 31, 2013, and ending December 1, 2014, shall be as follows:

<u>Class A Package Store</u>	<u>Two (2)</u>
<u>Class B Victuallers</u>	<u>Five (5)</u>
<u>Class D Unlimited</u>	<u>One (1)</u>

And furthermore that the Town Clerk shall not receive any other applications without the approval of the Town Council.

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

Entertainment/Ongoing Open Recreational Licenses

John Lewis gave a brief history of these licenses – that the Town had had Open Recreational licenses for years, but the previous council had added the term “ongoing” to the license. Mr. Lewis asked Atty. Renee Bevilacqua what the distinction was. She responded that “Open” would represent an event on a case by case basis, “Ongoing” would refer to a predetermined number of events during the term of the license.

It was noted which licensee requested either type of license. Ms. Bevilacqua recommended granting only the type of recreational event license that each licensee had received the previous year, and that they make a new application for a change of license.

**DECEMBER 12, 2013  
TOWN COUNCIL MEETING**

**Liquor License  
Renewals, cont.**

Neal Whitelaw moved, Denise DiFranco seconded, and it was so voted to approve that the following persons and corporations be and are hereby granted Entertainment/Ongoing Open Recreational Event renewal licenses for their respective places of business pending receipt of Certificates of Good Standing from the Rhode Island Division of Taxation to the Town Clerk, with the approval of the Police Chief, Tax Collector, Building Inspector, Fire Chief and the RI Department of Health Certificate of Server Training program.

License for Thomas Breard d/b/a Lucky's, 143 Danielson Pike;

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

Denise DiFranco moved, Roger Hawes seconded, and it was so voted to approve that the following persons and corporations be and are hereby granted Entertainment/Ongoing Open Recreational Event renewal licenses for their respective places of business pending receipt of Certificates of Good Standing from the Rhode Island Division of Taxation to the Town Clerk, with the approval of the Police Chief, Tax Collector, Building Inspector, Fire Chief and the RI Department of Health Certificate of Server Training program.

License for Foster Golf and Country Club, Inc., d/b/a Foster Country Club, 67 Johnson Road;

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

Neal Whitelaw moved, Denise DiFranco seconded, and it was so voted to approve that the following persons and corporations be and are hereby granted Entertainment/Ongoing Open Recreational Event renewal licenses for their respective places of business pending receipt of Certificates of Good Standing from the Rhode Island Division of Taxation to the Town Clerk, with the approval of the Police Chief, Tax Collector, Building Inspector, Fire Chief and the RI Department of Health Certificate of Server Training program.

License for Lisa M. Mills d/b/a Woodland Meeting House, LLC 115 East Killingly Road

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

Denise DiFranco moved, Roger Hawes seconded, and it was so voted to approve that the following persons and corporations be and are hereby granted Entertainment/Open Recreational Event renewal licenses for their respective places of business pending receipt of Certificates of Good Standing from the Rhode Island Division of Taxation to the Town Clerk, with the approval of the Police Chief, Tax Collector, Building Inspector, Fire Chief and the RI Department of Health Certificate of Server Training program.

Helen's Place, d/b/a Helen's Place, Inc., 172 Danielson Pike;

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

Denise DiFranco moved, Roger Hawes seconded, and it was so voted to approve that it is ordered in granting the previously specified and numbered licenses that the provisions of said General Laws of 1956, as amended and all amendments thereof and thereto, and also the provision for any and all laws affecting such licenses shall apply and such licenses are hereby granted subject to such rules and regulations and conditions heretofore established or that may hereafter be established by the Town Council of Foster and that licenses hereby granted shall expire on the first day of December 2014 at twelve o'clock midnight, unless sooner revoked for cause.

**Game and Amusement Devices Licenses**

Neal Whitelaw moved, Roger Hawes seconded, and it was so voted to approve that the following businesses that have applied for renewal of Game and Amusement Devices Licenses:

**DECEMBER 12, 2013  
TOWN COUNCIL MEETING**

**Liquor License Renewals, cont.**     Lucky's - 2 machines, 1 pool table  
Helen's Place - 1 pool table  
Woodland Meeting House - 1 machine, 1 pool tables

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

**b. Update on Plainwoods Road Bridge**     Acting DPW Director Harold Shippee stated that the superstructure for the bridge had been put in place, and that the asphalt and guard rails would be put down in the next few days. The Department of Transportation would make an inspection, and it would be up to the State would determine weight signs. Mr. Shippee said that New England Building and Bridge had done some extra finishing touches for no additional cost.

- X. FUTURE AGENDA ITEMS**
- Zoning Board Alternate Appointment
  - Foster Center Baptist Church Request
  - Mr. Hawes Response to Special Meeting
  - Tax Collector Abatements

**XI. EXECUTIVE SESSION**     John Lewis stated that prior to going into Executive Session he had to announce that notice had been served to Mr. Hohler to appear at this evening's meeting; and asked if Mr. Hohler or his representative were present to state a preference to being heard in Open or Executive Session. As Mr. Hohler was not present, the Council moved directly to Executive Session at 9:26 p.m.

Neal Whitelaw moved, Roger Hawes seconded, to go into Executive Session pursuant to a work session regarding RIGL 42-46-5A(1) Personnel; Job performance, character, or physical or mental health. 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.

**RECONVENE INTO OPEN SESSION**     Mr. Lewis called the meeting back in to Open Session at 9:33 p.m. and announced that one motion was made to terminate the employment of the Public Works Director, Mr. Robert Hohler, effective today, 12/12/2013. The vote was unanimous and employment was terminated.

**XII ADJOURNMENT**     Pamela Fontaine moved, Denise DiFranco 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 9:34 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