

**APRIL 11, 2013
TOWN COUNCIL MEETING**

The April 11, 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
Neal C. Whitelaw,
Denise DiFranco, and
Roger L. Hawes.

Also present:
Renee M. Bevilacqua, Town Solicitor
Robert Hohler, DPW Director
Ann Marie Ignasher, Town Planner
Lillian Jackson, Deputy Treasurer
Pattie Moreau, Tax Assessor
Peter Scorpio, Building Inspector
Chief Coyne, Foster Police
Bill Ziehl, Foster Police
Tom Walden, Engineering Board
Kelli Russ, Treasurer arrived at 8:30

**I. OPEN
SESSION
PLEDGE OF
ALLEGIANCE**

The Pledge of Allegiance was recited.

NOTICE

John Lewis 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.*

**II. ANNOUNCE-
MENT**

John Lewis announced that the Annual Rabies Clinic would be held April 20, 2013, at the Foster Fairgrounds in the supper shed from 1:30 – 3:00 p.m.

III. MINUTES

Neal Whitelaw moved, Roger Hawes seconded, to approve the minutes of **March 28, 2013.**

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

Denise DiFranco read a letter from Virginia Colwell. John L. Lewis, Jr. stated that he had already spoken with her.

IV. WARRANTS

Neal Whitelaw moved, Roger Hawes seconded, and it was so voted to approve **Payroll Warrant #38**, in the amount of \$32,026.43.

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 **Payroll Warrant #39**, in the amount of \$26,472.91.

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

**WARRANTS
(cont.)**

Denise DiFranco moved, Roger Hawes seconded, and it was so voted to approve **General Warrant #17**, in the amount of \$331,133.00.

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

John L. Lewis, Jr. noted that this warrant was high because it included payment for a new fire truck for the Foster Center Fire Company.

**V. MONTHLY
REPORTS**

None.

**VI. QUARTERLY
REPORTS**

None.

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**VII. PUBLIC
HEARINGS
a. CDBG
Resolution**

John L. Lewis, Jr. read the ad placed for the hearing and asked Town Planner Ann-Marie Ignasher to provide a review of what the grant entailed; which was an amount for the Food Pantry of \$3500 and funds for the RI Center for Law and Public Policy of \$6000. She also explained that there were no funds allotted to housing rehabilitation because of the issues with Western RI Home Repair.

John L. Lewis, Jr. asked for anyone to speak in favor of the grant. There were none. He then asked for anyone who wanted to speak against the grant. There were none.

Neal Whitelaw moved, Pamela Fontaine seconded, and it was so voted to approve the resolution for the CDBG grant (see "Exhibit A").

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

**VIII. b. Secondhand
License**

John L. Lewis, Jr. opened the continuation of the Public Hearing for Erasmo Torres d/b/a "Troy of Foster" secondhand license application. He noted that there were questions about the parking and the containers at Henry Chabot's Foster Bear Arms store. Building & Zoning Inspector Peter Scorpio stated that Mr. Chabot had cleaned up the area and done what was asked of him. He supplied photographs. Chief of Police Robert Coyne said a cleared background check had been resolved.

John L. Lewis, Jr. asked for those in favor of the license to speak. There were none.

John L. Lewis, Jr. asked for those opposed to speak. Cheryl Wright, Constance Polouski, Susan Polouski and Thomas DiRaimo spoke against the license based on zoning and safety violations on the property.

Neal Whitelaw stated that he was very concerned about the outstanding issues and non-conformance with the original site plan and moved to deny the license. John L. Lewis, Jr. asked that the motion be made in the affirmative.

Neal Whitelaw withdrew his motion.

Neal Whitelaw moved, Denise DiFranco seconded, to approve the secondhand license for "Troy of Foster". Peter Scorpio, Denise DiFranco, Gordon Rogers, Ronald Cervasio, Constance Polouski and Cheryl Wright participated in the discussion.

John L. Lewis, Jr. asked the solicitor if the council had the authority to approve or reject the application.

Atty. Renee Bevilacqua said, yes, if they are not in compliance, you can not grant another license.

John L. Lewis, Jr., no; Pamela Fontaine, no; Roger Hawes, no; Denise DiFranco, no; and Neal Whitelaw, no. Motion failed 5-0.

Public Hearing closed.

**IX. NEW
BUSINESS
a. Approval
for
Cemetery
Mowing**

The Town Clerk explained that Kenneth Battey had requested permission to begin mowing the perpetual care cemeteries, and that the current mowing was \$4,000 for mowing four times a year. John L. Lewis, Jr. noted that at the current rate, the fund will be depleted in five years. He also noted that there was no definition of perpetual care to know what exactly the requirements were. He was reluctant to approve all four mowings without clarifying the definition.

Pamela Fontaine moved, Denise DiFranco seconded, to approve one mowing. Neal Whitelaw amended the motion to make it two mowings. Roger Hawes seconded.

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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.

b. Town Car Usage

John L. Lewis, Jr. handed out two forms regarding car usage.

Neal Whitelaw moved, Denise DiFranco seconded, to adopt the Car Reservation Log. Atty. Renee Bevilacqua pointed out that there was a sworn statement on the bottom of the form which needed to be removed. John L. Lewis, Jr. amended the motion to strike the statement. Denise DiFranco seconded.

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.

X. OLD BUSINESS

a. Abatements

Denise DiFranco moved, Roger Hawes seconded, and it was so voted to accept the abatement of \$2,926.42 as submitted 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.

b. Recreation Committee Request

Neal Whitelaw moved, Denise DiFranco seconded, to approve the Foster PTG letter requesting permission to hold their 2nd annual Panther Dash 5K/10K Walk/Run with the corrected date for June 15.

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

c. Plainwoods Road Bridge Estimate

Town Planner Ann-Marie Ignasher explained the status of the Plainwoods Road Bridge which was washed out in 2010. Some revisions were needed to the plans. FEMA will pay 90 percent of the actual cost. The Engineer's bill is \$2,950.00

Roger Hawes moved, Neal Whitelaw seconded, to approve the request as submitted. John L. Lewis, Jr. suggested that the town solicitor review the document first. Roger Hawes withdrew his motion. Neal Whitelaw withdrew his second.

d. Letter from Building & Zoning Inspector

The letter requesting approval of procedures for the Building & Zoning Inspector was tabled to the next meeting.

e. Final Budget Adjustments

Town Treasurer Kelli Russ presented an updated budget with the changes from the last meeting. She noted that page 18 showed approximately \$93,000 that needed to be raised to meet the budget request. A number of items were discussed and voted on. Neal Whitelaw reiterated, and John L. Lewis, Jr. agreed, that of the \$267,000 received from the school, \$133,000 was put aside for student population change. So there was another \$133,000 that the town had not allocated because the council was waiting for the bottom line. Last year \$316,242 was funded as a total of capital. John L. Lewis, Jr. could see no reason not to fund it the same as last year, including the 2 percent.

John L. Lewis, Jr. moved, Roger Hawes seconded, to make the capital allotment the same as last year.

John L. Lewis, Jr., aye; Pamela Fontaine, abstained; Roger Hawes, aye; Denise DiFranco, no; and Neal Whitelaw, no. Motion failed 2-2 with one abstention.

Town Treasurer Kelli Russ stated that she would forego her 1 percent raise and give it to the Deputy Treasurer Lillian Jackson.

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**Final Budget
Adjustments
continued**

John L. Lewis, Jr. moved, Roger Hawes seconded, to give 1 percent of the Town Treasurer's salary to the Deputy Town Treasurer.

John L. Lewis, Jr., aye; Pamela Fontaine, no; Roger Hawes, aye; Denise DiFranco, aye; and Neal Whitelaw, no. Motion carried 3-2.

John L. Lewis, Jr. also brought up issues concerning legal costs: The total amount set is less than expended last year and it's very likely the town will have additional legal fees for negotiations and litigations. Contingency was also reduced, so how will these costs be met? He asked if there were any ideas from the council. There were no motions made. Roger Hawes noted that \$7,500 more would bring the solicitor up to \$60K and she would handle all legal costs.

John L. Lewis, Jr. stated another anticipated expense would be "Obamacare" costs for part-time employees at the Paine School which were not budgeted and would be approximately \$25,000. He asked where that was going to come from. He said it should come from the school but they were already cut \$18,000. Neal Whitelaw said that it was not something needed today and he would hesitate to put money where it's not needed. John L. Lewis, Jr. said there was also OPEB, the legal fees, as well as this. No motions were made. No votes were taken.

John L. Lewis, Jr. noted that there was a request a few weeks ago for full-time hours from the Building & Zoning Inspector; but upon researching the department he found that the revenues had decreased from \$45K per year when he was last on the council to \$18K per year at present. He further stated that it was very clear that the workload has decreased, so he would not recommend that the Building Inspector's hours be increased, but he would propose that if the department was decreasing, then the town did not need three Town Hall departmental clerks any more. The workloads of the three departmental clerks based upon a review of the current workload—four years ago he wouldn't have made that statement because the department had more work, but things have changed--which is documented by the amount of building permit income has decreased. He suggested that the three line items for the clerks be merged into a single line item that will be funded at \$63,602.00, which could be called "Town Hall departmental clerks". This would be a reduction of \$31,801. He stated that he suggested it reluctantly, but there were concerns about taxes, and there are clear data showing that things have changed. There are other things that should be funded, and he stated that this was his motion which included a reduction of the health line items to reflect two plans and not three. Roger Hawes seconded, and it was so voted to reduce the work force by one full-time clerk.

John L. Lewis, Jr., aye; Pamela Fontaine, aye; Roger Hawes, aye; Denise DiFranco, abstained; and Neal Whitelaw, no. Motion carried 3-1 with one abstention.

Roger Hawes moved, Neal Whitelaw seconded, to leave the car tax exemption at the current amount of \$3,100.00

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

Town Treasurer Kelli Russ explained that an additional \$47,370.00 would need to be raised in real estate taxes, and at that amount the taxes would increase \$.06 per thousand which would mean that a \$250,000 house would be taxed an additional \$15 for the year.

**XI. COUNCIL
ADOPTION OF
BUDGET FOR
FY 2013-2014**

Roger Hawes moved, Neal Whitelaw seconded, to adopt the FY 2013-2014 Budget of \$11,676,675.

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

**XII. FUTURE
AGENDA
ITEMS**

- Cemetery Perpetual Care Fund / Definition
- Plainwood Road Bridge Engineering Estimate Payment
- Building & Zoning Inspector's procedure request

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XIII. EXECUTIVE SESSION

Neal Whitelaw moved, Roger Hawes 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 for Personnel according to RIGL 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. Pamela Fontaine was excused.

Neal Whitelaw moved, Roger Hawes seconded, to reconvene into Open Session at 11:10 p.m.. John L. Lewis, Jr. announced that no votes were taken.

XIV. ADJOURNMENT

Roger Hawes moved, Denise DiFranco seconded, to adjourn.

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

Meeting adjourned at 11:15 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
Town Clerk