

**AUGUST 22, 2013**  
**TOWN COUNCIL MEETING**

The August 22, 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 7:11 p.m.

The following members were present:  
**John L. Lewis, Jr., President**  
**Pamela Fontaine, excused**  
**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  
Peter Scorpio, Building/Zoning Director  
Patti Moreau, Tax Assessor  
Kelli Russ, 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.

John L. Lewis, Jr. also 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 Pamela Fontaine was unable to attend the meeting due to a family emergency and read a letter from her aloud. (see Exhibit A)

**III. MINUTES**

Neal Whitelaw moved, Roger Hawes seconded, to approve the minutes of **August 8, 2013.**

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, to approve the minutes of **August 15, 2013.**

John L. Lewis, Jr. referenced that he had made two changes and had provided revised minutes. Denise DiFranco agreed that they had all seen the revisions.

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

**IV. WARRANTS**

Neal Whitelaw moved, Roger Hawes seconded, and it was so voted to approve **Payroll Warrant #5**, in the amount of \$26,878.74.

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 **Payroll Warrant #6**, in the amount of \$26,441.19.

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 **General Warrant #26**, in the amount of \$3,155.74.

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 #4** in the amount of \$54,203.58.

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

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- V. MONTHLY REPORTS** Denise DiFranco moved, Roger Hawes seconded, to approve the monthly reports as presented from the following departments: Building & Zoning, Public Works, Finance, Human Services, Planning, Police, RIRRC & Tax Assessor. It was noted that the School Committee report would be late.
- 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 approve the second quarterly reports from the Ambulance Corps., Conservation Commission, the School Committee and the Tax Board of Review. Also, the first quarter report from Moosup Valley Fire Dept., received out of sequence.
- John L. Lewis, Jr, aye; Roger Hawes, aye; Denise DiFranco, aye; and Neal Whitelaw, aye . Motion carried 4-0
- VII. NEW BUSINESS**
- a. Additions & Abatements** Neal Whitelaw moved, Roger Hawes seconded, to approve the additions of \$997.02 and the abatements of \$1,250.89 as presented by the Tax Assessor.
- John L. Lewis, Jr, aye; Roger Hawes, aye; Denise DiFranco, aye; and Neal Whitelaw, aye . Motion carried 4-0
- b. Letter from Recreation Committee** Denise DiFranco read a letter from the Recreation Committee requesting the use of the Town Fair Grounds for their annual Yard Sale on September 21, 2013, from 9 a.m. – 4 p.m., with a rain date of September 22.
- Neal Whitelaw moved, Roger Hawes seconded, to approve the request. Denise DiFranco amended the motion to read from 7 a.m. – 4 p.m. Roger Hawes seconded.
- John L. Lewis, Jr, aye; Roger Hawes, aye; Denise DiFranco, aye; and Neal Whitelaw, aye. Motion carried 4-0
- c. Building & Zoning Inspector attendance at zoning meetings** Neal Whitelaw stated that he wanted to clarify the Council’s expectations for the Building & Zoning Inspector; that when he attends Zoning Board meetings he later uses that meeting time as scheduled time off during the work week. Mr. Scorpio affirmed that he currently follows that procedure. There were no motions.
- d. Tree Warden Appointment** John L. Lewis, Jr., explained that the State Department of Environmental Management had sent a letter outlining the requirement for all towns to have a licensed arborist as a town Tree Warden. The Town Clerk had sent a letter of inquiry to every qualified arborist in Town and received one reply in the affirmative. Mr. Lewis read the application of James Phillips and asked the Council to vote on his acceptance.
- Neal Whitelaw moved, Roger Hawes seconded, to appoint James Phillips as the Town Tree Warden.
- John L. Lewis, Jr, aye; Roger Hawes, aye; Denise DiFranco, aye; and Neal Whitelaw, aye. Motion carried 4-0
- e. Historical Cemeteries/ Third Mowing** John Lewis stated that Ken Battey had put in a request to perform a 3<sup>rd</sup> mowing for the cemeteries, but the Town cannot take further funds from the perpetual care account. Mr. Lewis asked for ideas of how the Town might pay for the mowing? From the contingency fund?
- Roger Hawes suggested that in the future a line item for cemetery care be put in the budget. Lynne Rider asked Denise DiFranco if she had been successful in finding any volunteers – Ms. DiFranco responded “no”. Gordon Rogers objected to Roger Hawes’ suggestion of a line item in the contingency fund because of the tax burden on town residents. Mr. Lewis stated that the Council will continue to search for ways to fund the cemetery maintenance.

Mr. Lewis clarified for everyone that certain cemeteries in town, such as Philips, are private and self maintained. But, there are many historical cemeteries that no longer have a Board nor are they selling grave sites to generate any revenue; as a result, no one is caring for them. Mr. Lewis further outlined the history of the perpetual care fund, which began in the late 1800's through a donation by an individual to the town to care for a specific gravesite. Since that time, many Town Councils have accepted donations to care for graves, and the perpetual care account was funded. There are now about 40 cemeteries with perpetual care graves which the town has committed to caring for in perpetuity. The interest on the fund account has historically paid enough to cover cemetery maintenance in the past; currently the interest rate on that account pays only \$24 annually. State Law precludes the Town from using any of the principal.

John J. Lewis, Jr. called for a motion regarding the mowing.

Roger Hawes moved, Neil Whitelaw seconded, to take money from the contingency fund to pay for the third mowing.

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

**f. Animal Control Officer Ordinance, section 8-32, Work Hours**

Mr. Lewis recognized David Hughes, who had asked to be put on the agenda regarding the hours of work for the Animal Control Officer as outlined in the Town Ordinance book. Mr. Hughes asked for the definition of a town ordinance, and how does it get changed? Mr. Lewis defined ordinances as Town Rules and Regulations, and that to change an ordinance an individual would make a request for a specific change along with a request for a public hearing. This would be followed by the request being put on a Council agenda as a public hearing item, wherein the Council would hear testimony for and against the change, and then take a vote.

Mr. Hughes stated that the ordinance reads that the Animal Control officer works 20 hours per week; however, it has been made known that Mr. Caprarelli is working more hours than that. How did that happen? Mr. Lewis stated that a set amount of money is approved for the Animal Control Officer's salary at the financial town meeting, and if Mr. Caprarelli chooses to devote extra time to the job it does not increase his rate of pay.

Renee Bevilacqua offered the position that often when ordinances are written for employees, the number of hours stated in the ordinance may reflect the minimum acceptable, to protect the employee.

Chief Ziehl stated that the animal control officer is not required to spend his hours of work at the police station; and that he spends many hours driving to the different animal shelters, or responding to calls.

Mr. Lewis asked Mr. Hughes if he wanted the Council to tell Mr. Caprarelli that he couldn't work any more than 20 hours a week?

Mr. Hughes responded that he wouldn't take more time; that it had taken two months to be placed on the agenda.

Mr. Hughes also asked if he could be placed again on the agenda for other specific questions, and Mr. Lewis agreed that they should talk first about what other questions Mr. Hughes has.

**VIII. OLD BUSINESS**

**a. Bid Award/ Plainwoods Road Bridge**

John L. Lewis, Jr. read the recommendation from DPW Director Robert Hohler and Town Planner Ann-Marie Ignasher that the Town award the bid for repairs to the Plainwoods Road Bridge to New England Building and Bridge Company of Greenville, Rhode Island, for \$364,496.00. Neal Whitelaw recommended that Mr. Hohler and Renee Bevilacqua quickly review the bid proposal, after which Ms. Bevilacqua will contact N.E. Building & Bridge.

Lynne Rider asked if there would be a performance bond, and was answered in the affirmative.

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**Bid Award cont.** Neal Whitelaw moved, Roger Hawes seconded, to award the bid as recommended.

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

**IX. FUTURE  
AGENDA  
ITEMS**

NeighborWorks Presentation for Foster Home Repair

**X. EXECUTIVE  
SESSION**

Neal Whitelaw moved, Denise DiFranco 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.

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

The public meeting ended at 7:58 p.m. Executive session began at 8:15 p.m.

**RECONVENE  
IN OPEN  
SESSION**

Neal Whitelaw moved, Roger Hawes seconded, to reconvene into open session at 9:03 p.m. John L. Lewis, Jr. announced that no votes were taken.

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

**XI. ADJOURNMENT**

Roger Hawes moved, Neal Whitelaw seconded, to adjourn the meeting.

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

Meeting adjourned at 9:04 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