

**APRIL 24, 2014**  
**TOWN COUNCIL MEETING**

The April 24, 2014, 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**  
**Neal C. Whitelaw,**  
**Denise DiFranco, and**  
**Roger L. Hawes.**

Also present were:

Renee M. Bevilacqua, Town Solicitor  
Kelli Russ, Town Treasurer  
William Ziehl, Police Chief

**Pamela Fontaine, Vice President,**  
excused

- I. PLEDGE OF ALLEGIANCE**      The Pledge of Allegiance was recited.
- II. ANNOUNCEMENTS**      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. 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**      Denise DiFranco moved, Roger Hawes seconded, to approve the minutes of **March 27, 2014.**
- John L. Lewis, Jr., aye; Roger Hawes, aye; Denise DiFranco, aye; and Neal Whitelaw, aye. Motion passed 4-0.
- Neal Whitelaw moved, Roger Hawes seconded, to approve the minutes of **April 3, 2014.**
- 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 approved the minutes of **April 10, 2014.**
- John L. Lewis, Jr., aye; Roger Hawes, aye; Denise DiFranco, aye; and Neal Whitelaw, aye. Motion carried 4-0.
- IV. WARRANTS**      Denise DiFranco moved, Roger Hawes seconded, to approve **Payroll Warrant #39** for \$28,203.09.
- 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 **Payroll Warrant #40** for \$29,418.01.

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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, to approve **Payroll Warrant #41** for \$35,958.50.

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 **General Warrant #18** for \$80,293.74.

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

**V. MONTHLY REPORTS**

Neal Whitelaw moved, Roger Hawes seconded, to approve the monthly reports from Building & Zoning, the Dept. of Public Works, Finance, Human Services, Police, RIRRC, School Committee and Tax Assessor.

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

**VI. QUARTERLY REPORTS**

Denise DiFranco moved, Roger Hawes seconded, and it was so moved to accept the Quarterly reports from the Board of Canvassers, Engineering, Foster Center Fire Company, Foster Home Repair, School Committee, Land Trust, Library, Moosup Valley Fire Company, Recreation, South Foster Fire Company, Tax Board of Review, and the Zoning Board as presented.

Denise DiFranco stated that she had a couple questions. On the Foster Center Fire Dept. report, she thought it was a cut and paste (error), it states 2013 at the top, but is signed in 2014. Also on the Foster Home Repair report, which might be a future agenda item, it does say that it's highly recommended that they could use more publicity about programs. John L. Lewis, Jr. agreed.

Denise DiFranco further noted that on the Recreation Commission report, it stated on page one, that there were lightning strikes at the Woody Lowden Center and (some of) the logs need to be repaired. She wondered if there was insurance for that, if an insurance claim had been submitted, and if there was a time frame. Treasurer Kelli Russ stated that there is a time limit, and it might be difficult to ascertain if the damage was caused by a lightning strike. John L. Lewis, Jr. stated that he knew it happened sometime over the winter and asked that it be followed up.

Mr. Lewis further stated that he had received a call from Sharon Cotter, Ambulance Corps Director, and that she is putting together a report for Civil Preparedness and the Ambulance Corps.

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

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- VII. NEW BUSINESS** Neal Whitelaw moved, Roger Hawes seconded, to accept the abatements of \$171.36 as presented by the Tax Assessor.
- a. Abatements from Tax Assessor** John L. Lewis, Jr., aye; Roger Hawes, aye; Denise DiFranco, aye; and Neal Whitelaw, aye. Motion carried 4-0.
- b. Request for Class F Liquor Lic. – SFVFC event** Denise DiFranco moved, Roger Hawes seconded, to accept the beer and wine only request from South Foster Volunteer Fire Company for an event on Friday May 2, 2014.  
John L. Lewis, Jr., aye; Roger Hawes, aye; Denise DiFranco, aye; and Neal Whitelaw, aye. Motion carried 4-0.
- c. Request for Class F Liquor Lic. – Thornton Beagle Club** Neal Whitelaw moved, Roger Hawes seconded, to grant the Thornton Beagle Club’s request for beer and wine only for three dates 5/15, 6/19 and 7/17 in 2014.  
John L. Lewis, Jr., aye; Roger Hawes, aye; Denise DiFranco, aye; and Neal Whitelaw, aye. Motion carried 4-0.
- d. Request from Foster Clergy for use of Fairgrounds** Denise DiFranco read the letter from the Foster Clergy Association requesting the use of the Foster Fairgrounds on Sept. 27 to honor emergency services volunteers. Denise DiFranco moved, Roger Hawes seconded, to grant permission for the use of the Foster Fairgrounds on Saturday, September 27, 2014, from 12 to 8 p.m. for an event being held by the Foster Clergy Association. Atty. Renee Bevilacqua stated that she was going to contact Carol Mauro regarding the details of the planned games so there are no issues.  
John L. Lewis, Jr., aye; Roger Hawes, aye; Denise DiFranco, aye; and Neal Whitelaw, aye. Motion carried 4-0.
- e. Request for use of Fairgrounds from OHD Committee** Neal Whitelaw moved, Roger Hawes seconded, the request from the Old Home Days Committee for July 25<sup>th</sup>, 26<sup>th</sup>, and 27<sup>th</sup>.  
John L. Lewis, Jr., aye; Roger Hawes, aye; Denise DiFranco, aye; and Neal Whitelaw, aye. Motion carried 4-0.
- f. Johnson Road Bridge** A letter (see Exhibit A) was submitted by DPW Director Joe Cardillo with photographs of the Johnson Road bridge. Mr. Cardillo explained that the walls on the side of the bridge were basically beyond repair, and some had shifted more than an inch. He further stated that it was definitely a hazard and that something needed to be done very soon. John L. Lewis, Jr. restated that basically Mr. Cardillo was asking the council for permission to go ahead and repair those issues, including the installation of guard rails, with money from the contingency fund which would be a cost of \$1,000 to \$2,000. Mr. Lewis asked how much money was in contingency. Treasurer Kelli Russ stated that almost all of it was still there. She suggested that an adjustment could be made because money was still in this year’s budget. Neal Whitelaw said that it didn’t make much difference; the money was in the budget, and if we need more we can transfer it out of contingency.

John L. Lewis, Jr. said this item wasn't listed on the agenda as coming out of contingency. He suggested that once Mr. Cardillo has the bill, if it's the consensus of the council to cover it, we could then take it out of contingency if needed. Denise DiFranco asked if we needed a motion for him to spend his own (DPW budget) money. Consensus was negative. No motions were made, no votes were taken.

**g. Winsor Road Bridge**

John L. Lewis, Jr. explained his proposal for the Financial Town Meeting regarding the Winsor Road Bridge. He explained that the Hopkins Mill Bridge was being permanently dismantled and the Winsor Road Bridge is in a state of disrepair with a reduced weight limit which compromises that neighborhood's services of police, fire and emergency vehicles. Mr. Lewis read the Ordinance that allows the town to withdraw money from the Foster Reserve Fund for emergency situations:

Revenues in the Foster Reserve fund may also be appropriated in the event of an emergency, declared by the Town Council, involving the public peace, health, safety, comfort, or welfare of the inhabitants of the Town of Foster and for the protection of persons and property.

He stated that this was the enabling clause that would allow the Financial Town Meeting to approve drawing that money out. Mr. Lewis stated that his proposal would be to declare that the bridge is in a state of an emergency which would enable the upcoming Financial Town Meeting to draw the money in compliance with the ordinance. The resolution that will be crafted and presented to the voters will consist of the following points: (1) Money will be appropriated from the Foster Reserve Fund exclusively for the repair of Winsor Road Bridge. (2) The amount appropriated shall be \$267,000.00 which is the cost of repair which is in the "Evaluation Report of Five Bridges" prepared by the Resource Control Corporation dated 10/25/2013. (3) Repair of the Winsor Road Bridge will be initiated immediately following the Financial Town Meeting; that would be July 1<sup>st</sup>, obviously we can't spend any money until July 1<sup>st</sup>. (4) Once the Bridge is completed, all unexpended funds remaining from the aforementioned appropriation will be immediately returned to the Foster Reserve Fund. They won't be crossed over for anything else. It will be voted that they are for that bridge and anything remaining immediately goes back.

And furthermore that Ordinance also requires that "the amount of the transfer shall be returned to the Foster Reserve Fund in the second fiscal year following the fiscal year in which the transfer was made, and, if necessary, in subsequent fiscal years." It will also be in the resolution, in order to comply with that ordinance that one third of the balance due will be returned to the fund in each of the next three fiscal years.

Atty. Renee Bevilacqua stated that as of right now, this "emergency" situation is your opinion. If this council adopts this, from the minute the council adopts this, this town is on notice if anything happens to a child or a car, you will be served immediately and you will not get out of the liability. It would have to be closed immediately.

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**Winsor Road  
Bridge cont.**

John L. Lewis, Jr. stated that the declaration of emergency he's asking for is not that the bridge is unsafe and imminently will fall down. The declaration of emergency is the decrease in access to that village due to the permanent abandonment of Hopkins Mill Bridge and the decrease in weight limit of the Winsor Road Bridge which compromises the safety of that neighborhood.

Atty. Renee Bevilacqua stated that she wanted any motion to be very clear that any emergency is the risk to the people and property of the area as opposed to the bridge.

Neal Whitelaw said we're trying to create a special fund, if we didn't ask for a special fund, and we just asked for the appropriation without emergency, could we still do it?

Treasurer Kelli Russ stated no.

Neal Whitelaw asked, "So if someone made a motion at the Financial Town Meeting, they couldn't do it?"

Atty. Renee Bevilacqua stated that "Yes, they could". The declaration of emergency prevents them from saying "no".

John L. Lewis, Jr. asked if it was reasonable to present the resolution at the Financial Town Meeting without declaring it an emergency.

Treasurer Kelli Russ said you could do it, but the money couldn't be released until after July 1<sup>st</sup>.

John L. Lewis, Jr. moved, Roger Hawes seconded, to declare a state of emergency due to the fact that the Hopkins Mills Bridge has been permanently removed, permanently limiting access to the Hopkins Mills Village and the Winsor Road area, that requires us to attend to access issues for the protection of public safety and persons and property living in that area, making it prudent to expedite the repair of the Winsor Road Bridge in this fiscal year.

John L. Lewis, Jr. amended the motion to change "fiscal" to "calendar" year 2014. Roger Hawes seconded.

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

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

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- VIII. OLD BUSINESS** Neal Whitelaw stated that he was requested by Bruce Campbell to table this item until the next meeting because the Republican Town Committee had not met prior to the due date. Neal Whitelaw moved to place this item on Future Agenda Items. Denise DiFranco seconded.
- a. Appt. to Board of Canvassers**

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

- b. Motor Vehicle Exemption** Treasurer Kelli Russ presented an analysis of varying exemption amounts.

John L. Lewis, Jr. moved to set the exemption at \$500. Neal Whitelaw seconded. Discussion: Neal Whitelaw stated that if they did this, they can't lower in the future. Kelli Russ stated that it can be finalized at the Financial Town Meeting but that the ad went out today. It can be changed at the next Town Council meeting. The ad says \$3,100.00 but you can tell them what it will be at the Financial Town Meeting.

John L. Lewis, Jr. withdrew his motion. Neal Whitelaw withdrew his second.

- c. Plainwoods and Mill Road Bridges** DPW Director Joe Cardillo stated that Plainwoods Bridge was open. Only waiting for FEMA payment. He stated that they had finished clean up at the Mill Road Bridge.

**PUBLIC**  
**IX. HEARING**  
**CDBG Grant Application**

John L. Lewis, Jr. opened the public hearing. Town Planner Ann-Marie Ignasher presented the procedures and stated that the CDBG grant represented \$150,000 for Foster. There are four potential applicants:

- Human Services for \$3,600.00
- Senior Housing for \$150,000.00 to cover repairs to roofs and roads at Hemlock Village.
- RI Law & Public Policy for \$5,000.00. Atty. Renee Bevilacqua spoke against, stating that she had to defend the town's decision on a Vicious Dog Hearing against two lawyers. She was offended that two lawyers were paid to defend two dogs in this appeal.
- Community Housing, Land Trust \$3,000.00.

There was no other discussion. John L. Lewis, Jr. closed the public hearing and stated that the council needed to vote for the grant applications to proceed.

Neal Whitelaw moved, Roger Hawes seconded, to proceed with the CDBG grant.

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

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**X. FUTURE AGENDA  
ITEMS**

- Board of Canvassers appointment
- Letter requesting Town Charter revision
- Advertising for Foster Home Repair
- Procedure for collecting tangible taxes
- Foster Center Baptist Church Well Request
- Motor Vehicle Exemption
- Contract with Animal Shelter
- Public Hearing in changes to the Zoning Ordinance

**XI. EXECUTIVE  
SESSION**

Neal Whitelaw moved, Roger Hawes seconded, to go into Executive Session pursuant to a work session regarding RIGL 42-46-5 for the discussion of 42-46-5A(1) Personnel, and A(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 be closed and remain closed in accordance with provisions in RIGL 42-46-4 and 5.

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

**RECONVENE  
INTO OPEN  
SESSION**

The Town Council reconvened into open session.

John L. Lewis, Jr. announced that one vote was taken was to grant unpaid leave to a Town Hall employee beginning May 12, 2014. Three were in favor, one opposed.

**XII. ADJOURNMENT**

Neal Whitelaw moved, Roger Hawes 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 10:45 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  
Town Clerk