

APRIL 3, 2014
TOWN COUNCIL MEETING

The April 3, 2014, 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 7:00 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 were:
Kelli Russ, Town Treasurer
Peter Scorpio, Bldg. & Zoning Inspector
Joe Cardillo, DPW Director
Patti Moreau, Tax Assessor
William Ziehl, Police Chief
Renee M. Bevilacqua, Town Solicitor - 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.
- 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 L. Lewis, Jr. stated that Atty. Renee Bevilacqua was excused.
- III. MINUTES** None.
- IV. WARRANTS** Neal Whitelaw moved, Roger Hawes seconded, to approve **Payroll Warrant #38** for \$27,984.31.
- 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 **General Warrant #17** for \$66,062.80.
- John L. Lewis, Jr., aye; Pamela Fontaine, aye; Roger Hawes, aye; Denise DiFranco, aye; and Neal Whitelaw, aye. Motion carried 5-0.
- V. MONTHLY REPORTS** Neal Whitelaw moved, Pamela Fontaine seconded, and it was so voted to accept the February monthly reports for **Building & Zoning** and **DPW**.
- 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** None.
- VII. NEW BUSINESS**
- a. Appointment to Board of Canvassers** John L. Lewis, Jr. explained that the solicitor had contacted him and that the town has to send out letters to the heads of the political Town Committees requesting a list of candidates to be appointed to the Board of Canvassers. Neal Whitelaw noted that the Board of Canvassers is a partisan committee. No motions were made. No votes were taken.
- b. Additions & Abatements** Denise DiFranco moved, Roger Hawes seconded, to approve the abatement of \$163.98 from 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.
- c. Resolution 2014-02 Recognition of D. Beardsley** John L. Lewis, Jr. explained the RI League of Cities and Towns. Denise DiFranco read the Resolution (see Exhibit A). Roger Hawes moved, Denise DiFranco seconded, to approve the sending of Resolution 2014-02 in recognition of 40 years of service by Dan Beardsley.
- John L. Lewis, Jr., aye; Pamela Fontaine, aye; Roger Hawes, aye; Denise DiFranco, aye; and Neal Whitelaw, aye. Motion carried 5-0.

- d. **Bldg. & Zoning Official's Training** John L. Lewis, Jr. stated that the solicitor had requested this item be addressed concerning the issue of the Building & Zoning Director's qualifications to review Soil & Erosion plans. The solicitor wanted us to be cognizant of upcoming projects when we approve the budget so that we take into account that we may have to pay for his training or include money to pay for consultants.
- e. **Change in Polling Place** Robert DePalo, Chair of the Board of Canvassers, stated that he had met with two people regarding Foster's polling places: one was from the Board of Elections and one representing the American Disabilities Act. They reviewed Moosup Valley Fire Station and rejected it for the following reasons:
- Oil smell and fumes
 - Oil spots on the floor
 - Inadequate handicapped parking spaces
 - Inadequate lighting
 - Inadequate handicapped ramp
- They then reviewed the Woody Lowden center which they approved although we would have to get a waiver because it is small. We would need to replace the handicapped ramp and put up a new light. We priced out a new ramp, a concrete one, for \$4,800.00. We would also have to put up rails around the porch bringing the total repairs to \$5,450.00. A grant would be available for this which could be a 100% reimbursement. Denise DiFranco asked if that was guaranteed. Mr. DePalo replied in the negative. It would have to be applied for to the Governor's Commission on Disability (see Exhibit B).
- f. **Motor Vehicle Exemption** John L. Lewis, Jr. reviewed the State Tax that was taken away a few years ago which caused a change in the motor vehicle exemption. He stated that the council needed to make a decision on the amount of the next exemption in order to run the tax rolls. Mr. Lewis stated that he had reviewed the exemptions that other towns were setting; only 8 were higher than us, 30 were lower. An increase in the motor vehicle tax would lower the amount needed from the property tax.
- Mr. Lewis asked what the recommendation would be from the Tax Assessor. Patti Moreau, Tax Assessor, recommended \$500 and stated that any higher might result in an increase in the tax rate. Lowering the exemption to \$500 would add 200-250 vehicles to the roll.
- Neal Whitelaw stated that in the past, we did this after deciding on the budget. He did not feel it could be done that night.
- Pamela Fontaine suggested that Ms. Moreau run some reports. Ms. Moreau replied that she has.
- Town Treasurer Kelli Russ stated that it could be done later.

VIII. OLD BUSINESS

Plainwoods and Mill Road Bridges

DPW Director Joe Cardillo stated that Plainwoods Bridge would be done Monday 4/7 and is awaiting inspection by FEMA. Mill Road is waiting for DEM inspection.

FY 2014-2015 Budget – Final Decisions

11 – Legislative / Legal

Denise DiFranco moved, Roger Hawes seconded, to increase by 2% the Town Clerk salary line 1-101 by \$960.04, the Deputy Town Clerk salary line 1-106 to \$668.00, the Solicitor's salary line 1-122 by \$1,050.00, the Probate Judge salary line 1-124 by \$72 and the Canvassers salary line 1-126 by \$80.80 for a total increase of \$2,831.06.

Neal Whitelaw stated that he had figured the amounts differently by adding \$.55 per hour to hourly employees. Mr. Whitelaw moved to amend the motion, Roger Hawes seconded, to increase the Deputy Town Clerk's salary line 1-106 by \$.55 /hour for an increase of \$1,001.00 for a total of \$34,112.

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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**FY 2014-2015
Budget – Final
Decisions cont.**

Denise DiFranco moved, Roger Hawes seconded, to remove \$9,125.00 from line item 1-120 Council Salaries.

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

12 – Planning

Denise DiFranco moved, Pamela Fontaine seconded, to increase the Director Salary line item 1-102 by 2% for \$586.26.

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

Resident Joseph Carey asked about the possibility of an increase in hours for the Planner due to upcoming projects.

John L. Lewis, Jr. moved, Roger Hawes seconded to increase the Planner's hours to 28 from 20 hours a week for a line item total of \$41,845.00.

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

13 – Building & Zoning

Denise DiFranco moved, Pamela Fontaine seconded, to increase line item 1-103 Building & Zoning Director salary by \$565.70, 1-118 Electrical Inspector salary by \$56.84, and 1-113 Plumbing Inspector salary by \$56.84.

Neal Whitelaw moved, Pamela Fontaine seconded, to amend 1-103 Director's salary to \$572.00.

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.

Neal Whitelaw moved, Denise DiFranco seconded, to add \$2,000.00 back in to the consultant fees of line item 1-320.

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

14 Finance

Denise DiFranco moved, Roger Hawes seconded, to increase the Treasurer's salary on line item 1-104 by \$1,333.10, the Tax Collector's salary line item 1-107 to \$664.38, and the Deputy Treasurer's salary line item 1-131 by \$647.96. Roger Hawes withdrew his second, Denise DiFranco withdrew her motion.

Neal Whitelaw moved to increase all three salary line items by \$1,001.00. There was no second.

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

Denise DiFranco moved, Roger Hawes seconded, to increase the Treasurer's salary by 2% or \$1,333.10.

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 increase the Tax Collector's salary 1-107 and the Deputy Treasurer's salary 1-131 by \$1,001.00 each.

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

**FY 2014-2015
Budget – Final
Decisions cont.**

15 Assessor

Denise DiFranco moved, Roger Hawes seconded, to increase the Tax Assessor's salary line item 1-105 by \$565.70.

Neal Whitelaw amended the motion, Denise DiFranco seconded, to increase the Tax Assessor's salary by \$572.00, and line item 1-127 Assessment Review Board by \$6.00.

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.

16 General Administration

Pamela Fontaine moved, Neal Whitelaw seconded to add \$25,000 to the contingency fund for a total of \$55,000.00.

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

17 – Human Services

Denise DiFranco moved, Roger Hawes seconded, to increase line item 1-110 the Human Services Director line item by \$345.36 for a total of \$17,850.00.

Neal Whitelaw amended the motion, Pamela Fontaine seconded, to increase line item 1-110 by \$572.00.

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.

18 – Community Funding

No motions.

19 Refuse Removal

No motions.

20 – Police

Denise DiFranco moved, Roger Hawes seconded, to increase line item 1-108 Chief's salary by \$1,394.32.

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 increase the Police Overtime line item 1-130 by \$5,000.00 for a total of \$54,244.00.

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

21 – Animal Control

Denise DiFranco moved, Roger Hawes seconded, to increase the Dog Officer's salary 1-109 by 2% or \$306.84.

Neal Whitelaw amended the motion, Pamela Fontaine seconded, to increase that line item by \$572.00.

John L. Lewis, Jr., aye; Pamela Fontaine, aye; Roger Hawes, aye; Denise DiFranco, aye; and Neal Whitelaw, aye. Amendment carried 4-1. Roger Hawes abstained.

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

22 – Other Public Safety

No motions.

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Budget – Final
Decisions cont.**

24 – Public Works

Neal Whitelaw moved, Roger Hawes seconded, to increase line item 1-111 DPW Director's salary by \$1,144.00.

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

The unemployment line item 6-250 remained at \$11,320.00 and was moved over as decided upon. No motions to change.

Neal Whitelaw stated that he noticed the vehicle repair bills were getting higher and moved to add \$5,000.00 to line item 4-434 Parts and Repairs. Roger Hawes seconded.

Pamela Fontaine amended the motion to \$10,000.00, Roger Hawes seconded.

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

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

Neal Whitelaw moved, Roger Hawes seconded, to increase line item 4-575 Bridge Repair from \$3,000.00 to \$6,000.00.

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

John L. Lewis, Jr. asked about the repairs to the Woody Lowden building. Treasurer Kelli Russ stated that they needed \$8,000.00 for logs, but that the overall budget had been decreased. John L. Lewis, Jr. stated that \$5,450 was needed in addition to that for repairs which would go over the \$10,000.00 mark so it could go into the Capital Budget. It would be a total of \$13,450.00.

John L. Lewis, Jr. moved, Roger Hawes seconded, to remove \$8,000.00 from Building & Grounds, add \$5,450.00 for polling place repairs and place \$13,450.00 into Capital.

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

Neal Whitelaw moved, Roger Hawes seconded, to add \$5,000.00 to Buildings and Grounds.

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

31 – Conservation Commission

No motions.

32 – Land Trust

No motions.

33 – Libraries

No motions.

34 – Recreation

Denise DiFranco moved, Roger Hawes seconded, to increase line item 1-137 Recreation Director's salary by \$28.00.

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

41 – Capital

John L. Lewis, Jr. reviewed the decision to place \$267,000.00 in a restricted fund to guarantee that the Winsor Road bridge gets fixed.

50 – Paine School

No motions.

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Budget – Final
Decisions cont.**

51- Foster-Glocester Regional

No motions.

Kelli Russ stated that the budget was now \$12,493.00 under the cap.

Total of expenditures : \$12,276,053.00

Total in Capital: \$233,037.00

Gordon Rogers asked how much was added. Kelli Russ replied \$43,000.00.

**b. Adoption of
Budget**

John L. Lewis, Jr. asked the council if they were ready to adopt. Roger Hawes moved, Neal Whitelaw seconded, to adopt the FY 2014-2015 budget.

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

**IX. FUTURE AGENDA
ITEMS**

- Board of Canvassers Appointment
- Motor Vehicle Exemption
- Contract with Animal Shelter
- Public Hearing in changes to the Zoning Ordinance
- Foster Center Baptist Church Well Request
- Procedures for collecting delinquent tangible taxes

**X. 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 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; Pamela Fontaine, aye; Roger Hawes, aye; Denise DiFranco, aye; and Neal Whitelaw, aye. Motion carried 5-0.

**RECONVENE
INTO OPEN
SESSION**

The Town Council reconvened into open session.

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

XI. ADJOURNMENT

Roger Hawes moved, Neal Whitelaw 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 10:42 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