

MAY 8, 2014
TOWN COUNCIL MEETING

The May 8, 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 7:10 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:
Renee M. Bevilacqua, Town Solicitor
Lillian Jackson, Deputy Town Treasurer
Patti Moreau, Tax Assessor
William Ziehl, Police Chief

- 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.*
- III. MINUTES** None
- IV. WARRANTS** Neal Whitelaw moved, Roger Hawes seconded, to approve **Payroll Warrant #42** for \$25,977.89.
- John L. Lewis, Jr., aye; Pamela Fontaine, nay; Roger Hawes, aye; Denise DiFranco, aye; and Neal Whitelaw, aye. Motion carried 4-1.
- Denise DiFranco moved, Roger Hawes seconded, to approve **Payroll Warrant #43** for \$26,504.18.
- John L. Lewis, Jr., aye; Pamela Fontaine, nay; Roger Hawes, aye; Denise DiFranco, aye; and Neal Whitelaw, aye. Motion carried 4-1.
- Neal Whitelaw moved, Roger Hawes seconded, to approve **General Warrant #19** for \$62,889.78.
- 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** Denise DiFranco moved, Roger Hawes seconded, to approve the monthly report from the Planning Department as presented.
- 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** John L. Lewis, Jr. asked Carol Mauro, Director of Human Services, to speak to her request for this Proclamation. Ms. Mauro explained that May is "Older Americans Month" and that the Foster Clergy Association and the DHS are co-sponsoring a health fair at the North Foster Baptist Church on May 21st. She asked if a Council member could attend the luncheon portion of the event and present the proclamation. Mr. Lewis volunteered to attend the function and make the presentation.
- Denise DiFranco read the proclamation aloud. (see Exhibit A)
- Denise DiFranco moved, Roger Hawes seconded, to accept the Proclamation as written.
- 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. Pole Petitions – 15 ½ Spur Road, 12 King Road** Mr. Lewis reviewed the joint petitions received from Verizon New England and Narragansett Electric requesting the installation of new poles on Spur and King Roads, which had been reviewed and approved by the DPW Director.

Neal Whitelaw moved, Roger Hawes seconded, to approve both petitions.

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

- c. Bid Opening – Painting Town House** John L. Lewis, Jr. reported that no bids were received for painting the Town House. The project will have to be advertised a second time.

- d. Charter Change – DHS Director Recommendation** Carol Mauro, DHS Director, asked to make a change to wording in the Town Charter, specifically in section 6.01, wherein the duties of the DHS Director refer to working with “defective” persons. Her request was to either delete that outdated word or to rewrite the sentence. She provided the wording from other towns’ charters as a comparison.

Discussion: Mr. Lewis asked the solicitor the process for making a charter change. Ms. Bevilacqua stated that the Charter is ruled by the State Constitution and that making a change first entails a public hearing at the Town level for a vote. An affirmative vote results in sending the proposed change to the Secretary of State for review; subsequently Foster’s State representative would prepare a resolution to send to the General Assembly for a vote. If it is determined there that the request is worthy of an actual change to the charter as opposed to a fixing a typographical error, for example – it may potentially require a referendum vote on the November ballot. If the council approves, Ms. Bevilacqua will check with the State to see if the language change is considered an actual charter change and what the town needs to comply with.

Gordon Rogers suggested that if the Council would consider a Charter change for this issue, that a review committee be formed to evaluate the need for any additional changes. The requirement is every five years for a charter review, six months prior to a November election.

Ms. Bevilacqua cautioned how much work is involved with a charter committee.

Neal Whitelaw moved, Pamela Fontaine seconded, to have Ms. Bevilacqua first look into the charter change recommendations and procedures with the State. Ms. Bevilacqua will try to sell the request at hand as fixing a defective word, not as a change of duties in the charter.

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

- e. Contingency Fund request for Transport of Dump Truck for FPD** John J. Lewis, Jr. asked Chief Ziehl to explain the letter written jointly by himself and the DPW director requesting contingency funds. Chief Ziehl stated that he had been able to acquire a 5 ton dump truck for the town free of charge from surplus government equipment. The truck is a 2005 model with only 6,000 miles on it with an original price tag of \$72,425.00. It needs to be used for one year by the police department, after which it can be turned over to the DPW department. The truck requires shipping from New Jersey. The request for funds was not to exceed \$1,900.00 for the transport fee, and may likely be less if they can find a trucker making a return trip from New Jersey back to this area.

Roger Hawes moved, Pamela Fontaine seconded, to appropriate the funds.

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

VIII. OLD BUSINESS

- a. Motor Vehicle Exemption** John L. Lewis, Jr. reviewed the previous council session discussion regarding setting the motor vehicle exemption for 2014-2015 by reducing the current exemption of \$3,100.00 to either \$2,000.00 or \$500.00. These figures were presented at the Financial Town Meeting. John L. Lewis, Jr. moved, Roger Hawes seconded, to set the rate at \$2,000.00.

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**Motor Vehicle
Exemption, cont.**

Neal Whitelaw stated that he had spoken to several people and was comfortable remaining at the \$3,100.00. Pamela Fontaine questioned the targeting of renters, and how many people are we talking about? She was not in favor of lowering the exemption.

John Lewis stated that there would be an additional 197 vehicles on the tax roles at the reduced exemption of \$2,000.00. If the exemption were reduced to \$500.00, a total of 255 vehicles would be picked up. Mr. Lewis felt that by giving an exemption of \$3,100.00, the town is shifting the tax burden of the lost vehicle revenue to real estate rather than vehicles.

Ms. Moreau stated that the State reimburses the Town \$500 for each vehicle. With an exemption rate of \$3,100.00, the Town absorbs the tax value on the \$2,600.00 difference. At the \$2,000.00 exemption, the Town will have to absorb the \$1,500.00. That tax burden is shifted to real estate. With the exemption \$3,100.00 the taxpayers' real estate tax rate will go up \$1.00 or more per thousand on the value of their property.

Linda Walden asked if the council had thoroughly compiled and looked at all available data to make the determination of taxpayers/renters, etc. She did not feel the information was accurately represented at the Financial Town Meeting. Multiple others spoke.

Mr. Lewis called for a vote to lower the motor vehicle exemption to \$2,000.00 and stated that a "no" vote would indicate a vote to remain at the exemption of \$3,100.00.

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

**b. Johnson Road
Bridge Report**

The DPW director was out due to illness, and there was no report given.

**IX. FUTURE AGENDA
ITEMS**

Johnson Road Bridge Report

(from previous meetings)

Procedure for collecting tangible taxes

Foster Center Baptist Church Well Request

Public Hearing for Changes to Zoning Ordinances

Contract with Animal Shelter

Appointments to the Board of Canvassers

**X. EXECUTIVE
SESSION**

None

XI. ADJOURNMENT

Neal Whitelaw moved, Pamela Fontaine 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 8:02 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