

JULY 10, 2014
TOWN COUNCIL MEETING

The July 10, 2014, Town Council Meeting was called to order by John J. Lewis, Jr., President of the Foster Town Council, at the Town House, Foster, Rhode Island, at 7:08 p.m.

The following members were present:

John L. Lewis, Jr., President
Pamela Fontaine, Vice President,
excused
Neal C. Whitelaw,
Denise DiFranco, and
Roger L. Hawes.

Also present were:

Renee M. Bevilacqua, Town Solicitor
Kelli Russ, Town Treasurer
Officer Tyler Domingo
Patti Moreau, Tax Assessor
Joseph Cardillo, DPW Director
Robert DePalo, Board of Canvassers Chair
Carol Mauro, DHS Director

I. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

II. ANNOUNCEMENTS

John J. Lewis, Jr. announced that Pamela Fontaine was excused. He stated that the notice of the meeting was properly posted on the Secretary of State's web site.

Mr. Lewis read a letter of resignation to the Council from the Town Planner, Ann-Marie Ignasher. (Exhibit A)

John Lewis 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 revised minutes of **May 22, 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 **June 12, 2014**.

John L. Lewis, Jr. abstained; Roger Hawes, aye; Denise DiFranco, aye; and Neal Whitelaw, aye. Motion passed 3-0 with one abstention.

IV. WARRANTS

Denise DiFranco moved, Roger Hawes seconded, to approve **Payroll Warrant #51** for \$26,536.48.

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 **Payroll Warrant #52** for \$31,783.11.

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

Denise DiFranco moved, Roger Hawes seconded, to approve **General Warrant #23** for \$78,791.55.

Discussion: Denise DiFranco questioned clarification on a charge for a "capacity lift" for DPW.

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 **General Warrant #1** for \$79,288.90.

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

JULY 10, 2014

TOWN COUNCIL MEETING

- V. MONTHLY REPORTS** Denise DiFranco moved, Roger Hawes seconded, to approve the May monthly reports from Building & Zoning, the Dept. of Public Works, Finance, Human Services, Planning, Police, RIRRC, School Committee and Tax Assessor.
- Discussion: Denise DiFranco asked DPW Director Joe Cardillo for clarification on the purchase of gravel from Vinagro. Neal Whitelaw asked Mr. Cardillo if there were any dirt roads that had not been graded.
- John L. Lewis, Jr. aye; Roger Hawes, aye; Denise DiFranco, aye; and Neal Whitelaw, aye. Motion passed 4-0.
- VI. QUARTERLY REPORTS** Neal Whitelaw moved, Roger Hawes seconded, to approve the first quarter report as presented by the Conservation Commission.
- John L. Lewis, Jr. aye; Roger Hawes, aye; Denise DiFranco, aye; and Neal Whitelaw, aye. Motion passed 4-0.
- VII. NEW BUSINESS** Neal Whitelaw recused himself from this vote.
- a. Additions/ abatements Tax Assessor** Denise DiFranco moved, Roger Hawes seconded, to approve the Motor Vehicle additions of \$904.90 and the abatements of \$5,449.54, reflecting real estate for 2014, tangible taxes for 2013, tangible taxes for 2014, motor vehicles for 2014 and motor vehicles for 2011, as presented by the Tax Assessor.
- John L. Lewis, Jr. aye; Roger Hawes, aye; Denise DiFranco, aye; and Neal Whitelaw, recused. Motion passed 3-0 with one recusal.
- b. Contingency Fund Request for Truck Transport** John L. Lewis, Jr., explained the acquisition by the Police department of a second new truck initially for police and subsequently for town use, free of charge, through the Federal government LESO program. The only cost was for the transport of the truck from Fort Dix, New Jersey. The Police and DPW Director are requesting contingency funds not to exceed \$1,500.00 to pay for the transport.
- Denise DiFranco moved, Roger Hawes seconded, to accept the request for contingency funds not to exceed \$1,500.00, to cover the expense of shipping vehicle model # FLU419 Unimog with 283 miles.
- Discussion: Neal Whitelaw asked which budget this money would come from. Kelli Russ responded that it was in the new fiscal year and appeared on this meeting's Warrant #1 which the Council just approved. Mr. Whitelaw remarked that the money should come from the Police Department budget and not the contingency fund. Ms. DiFranco asked if the funds could be split. Ms. Russ spoke to the question of future ownership of the vehicle.
- John L. Lewis, Jr. aye; Roger Hawes, aye; Denise DiFranco, nay; and Neal Whitelaw, nay. Motion failed 2-2.
- c. Foster Home Repair Advertising** Denise DiFranco stated that she had spoken with David Bruley from Foster Home Repair and made him aware of advertising opportunities with local publications for the program. He is working on those in conjunction with Building and Zoning and the Department of Human Services.
- d. Request for F-1 Liquor licenses** Neal Whitelaw moved, Roger Hawes seconded, to approve the request from the Thornton Beagle Club for F-1 liquor license for the following dates: July 17, 2014, August 10, 2014, and August 21, 2014.
- John L. Lewis, Jr. aye; Roger Hawes, aye; Denise DiFranco, aye; and Neal Whitelaw, aye. Motion passed 4-0.
- e. Appointment to the Board of Canvassers** John Lewis explained that letters had been sent to the heads of both the Republican and Democratic Town Committees regarding the expiration of the term of Cindy Cardillo, requesting her reappointment or a list of other potential candidates. The Democratic Town committee chairman had sent a letter recommending the reappointment of Ms. Cardillo (Exhibit B). Mr. DePalo, chair of the Board of Canvassers, had also sent a letter of recommendation for Ms. Cardillo. (Exhibit C)

JULY 10, 2014
TOWN COUNCIL MEETING

Roger Hawes moved, Neal Whitelaw seconded, to appoint Cindy Cardillo to the Board of Canvassers for another full 6 year term.

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

f. Library request for movies

John Lewis read the request from Kris Chin of the Foster Libraries to hold outdoor, PG movies at the Town House grounds on Wednesday evenings through the month of August and noted that they would need access to electricity.

Neal Whitelaw asked if this required an entertainment license from the Town and questioned where the Town drew the line on such licenses.

The Town Solicitor asked if the library would be charging money, or selling anything to raise funds. It would not be necessary for the town to require a license if they are not.

Denise DiFranco moved, Roger Hawes seconded, to accept the request of the Library to hold the outdoor movies from July 16 through August 30, 2014 and give them the access to electricity.

John L. Lewis, Jr. aye; Roger Hawes, aye; Denise DiFranco, aye; and Neal Whitelaw, nay. Motion passed 3-1.

g. South Foster Volunteer Fire Co. Request re: Killingly Pond

Mr. Lewis read a letter from the secretary of the SFVFC regarding their concern about the possible draining of the Eastern Killingly, CT ponds by the owner who is concerned with maintenance and liability issues. The concern is how that draining might affect fire protection in the Northwest corner of Foster which has limited water resources. Mr. Lewis stated that he had spoken to Roy Shippee, deputy chief from the Fire company. Mr. Shippee had said that he was hoping to increase awareness of the situation and asked the Town Council if they would contact the Town of Killingly.

Discussion: Ms. Bevilacqua suggested that a Resolution would have more impact than a letter. Neal Whitelaw agreed a Resolution would be in order.

Mr. Lewis stated he would work with the Town Clerk and craft a resolution to present at a future meeting.

h. DHS Director Request for Fee Increase Woody Lowden Center

John Lewis read a letter from Carol Mauro, DHS director, expressing a wish to change the fees for the use of the Woody Lowden Recreation Center. Ms. Mauro spoke to the outdated fee structure and suggested that out of town people requesting to rent the Center pay a higher rate.

Neal Whitelaw moved, Roger Hawes seconded, to charge out of town residents a \$50 rate for the use of the Center.

Roger Hawes moved, Denise DiFranco seconded, to amend the motion to the fee of \$100.00 for out of town residents, and keep the fee at \$25 for Foster residents.

Renee Bevilacqua questioned if a group, such as a State agency, putting on a presentation for the benefit of the townspeople would be charged the higher rate or be exempted. Ms. Mauro said if the presenter was making money on the presentation they would be charged.

Ms. Bevilacqua stated that a new ordinance would be in order. Mr. Lewis asked if they could decide on this matter now, and do the ordinance later.

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

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

i. Comp Time Carryover

John Lewis stated that the DPW Director had put in a request to carry over his 15.75 hours of comp time, remaining from the last fiscal year, to October.

Neal Whitelaw moved, Roger Hawes seconded, to allow the DPW Director to carry over his 15.75 hours of comp time to October 30, 2014.

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

- j. Woody Lowden Lightning Strike Update** John Lewis stated that he had received all the reports from Harry Shippee, Jr., Police report, and the fire station report and a copy of the Fire Marshall's subsequent inspection. These were forwarded to the Treasurer and she has sent them to the Insurance Company with a claim.

- k. Charter Amendments Request from DHS Director** Mr. Lewis stated that the Council had gotten a letter of request from the DHS director looking for a charter amendment to update the outdated language regarding the people she services, deleting the term "defective persons" and replacing it with more appropriate language. Ms. Bevilacqua had reviewed the matter of making a charter change and advised the Council of the requirements of the State Constitution and the deadlines for presenting proposed amendments for a public vote.

Mr. Lewis asked if it is within the authority of this council to make the DHS Director's changes at a public hearing, or does the council want to create a charter committee that would have ample time to review the charter and make recommendations for a future election.

Several people spoke.

It was decided that a charter committee should be created, but not until the next Council comes in to office.

- l. Certificate of Achievement in Financial Reporting** Mr. Lewis read a letter from the Government Finance Officer's Association, which stated that they were presenting the Town of Foster with a Certificate of Achievement for their Excellence in Financial Reporting. This is the highest form of recognition in government reporting, due to the efforts of Kelli Russ and Lillian Jackson, Treasurer and Deputy Treasurer for the Town.

VIII. OLD BUSINESS

- a. Bid Award, Sand & Gravel** Neal Whitelaw moved, Denise DiFranco seconded to award the road gravel bid to J. R. Vinagro, for the price of \$12.00 per ton, delivered, not to exceed \$35,000.00

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

- b. Bid Award, Town House Painting** Neal Whitelaw moved, Roger Hawes seconded, to accept the DPW Director's recommendation to award the Town House Painting bid to T&T Painting, at a price not to exceed \$12,500.00. The start date was no sooner than August 1. The DPW director acknowledged that this company has their lead abatement license.

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

- c. Bid Award, Winsor Road Bridge** Neal Whitelaw moved, Denise DiFranco seconded, to award the bid to New England Building and Bridge, at a price not to exceed \$187,000.00.

Discussion: Roger Hawes referred to a letter from the Rhode Island Interlocal Trust stating that they would provide \$3,000,000.00 of liability insurance coverage for the building of the bridge if the Town does the work. Mr. Hawes further stated that Walt May can build the bridge for \$56,050.00. There is also a retired DOT engineer who will work on the job. Why award the bridge to New England Building and Bridge and cost the Town over \$100,000.00 more?

Mr. Whitelaw stated that New England Building and Bridge will provide a bond ensuring they will complete the work properly.

Ms. Bevilacqua questioned the legality of not having an official bid from Walt May.

Several people spoke from the audience with questions and opinions.

JULY 10, 2014

TOWN COUNCIL MEETING

Walt May spoke in support of his own proposal and the use of DPW personnel to work on certain components of the bridge. The DPW Director was questioned about the availability of DPW workers to assist in the construction of the bridge.

Mr. Donatelli spoke from New England Building & Bridge.

John L. Lewis, Jr. aye; Roger Hawes, nay; Denise DiFranco, aye; and Neal Whitelaw, aye. Motion passed 3-1.

IX. FUTURE AGENDA ITEMS

- A. Appointment of the Deputy Town Clerk
- B. Procedure for Collecting Tangible Taxes
- C. Foster Center Baptist Church
- D. Contract Negotiating Committee, Police Contract

X. ADJOURNMENT

Neal Whitelaw moved, Denise DiFranco seconded, to adjourn the meeting.

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

Meeting adjourned at 8:57 p.m.

A digital sound file is made a part of the record for a complete account of the council meeting.

Submitted by

Jane H. Christopher
Town Clerk