

AUGUST 28, 2014
TOWN COUNCIL MEETING

The August 28, 2014, Town Council Meeting was called to order by John J. Lewis, Jr., President of the Foster Town Council, at the Benjamin Eddy Building, Foster, Rhode Island, at 7:07 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
William Ziehl, Police Chief
Joseph Cardillo, DPW Director
Patti Moreau, Tax Assessor

- I. PLEDGE OF ALLEGIANCE** The Pledge of Allegiance was recited.
- II. ANNOUNCEMENTS** John J. 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.
- Pamela Fontaine commented that she had requested an item be put on the agenda that was not included. Mr. Lewis stated that she could bring it up under new business.
- III. MINUTES** Denise DiFranco moved, Roger Hawes seconded, to approve the minutes from the August 14, 2014 Town Council Meeting as presented.
- Discussion: John Lewis asked to add to page 4 the unanimous vote taken in Executive Session.
- John L. Lewis, Jr. aye; Pamela Fontaine, aye; Neal Whitelaw, aye; Roger Hawes, aye; Denise DiFranco, aye. Motion passed 5-0.
- IV. WARRANTS** Neal Whitelaw moved, Roger Hawes seconded, to approve **Payroll Warrant #6** for \$27,092.82.
- John L. Lewis, Jr. aye; Pamela Fontaine, aye; Neal Whitelaw, aye; Roger Hawes, aye; Denise DiFranco, aye. Motion passed 5-0.
- Denise DiFranco moved, Roger Hawes seconded, to approve **Payroll Warrant #7** for \$28,054.38.
- John L. Lewis, Jr. aye; Pamela Fontaine, aye; Neal Whitelaw, aye; Roger Hawes, aye; Denise DiFranco, aye. Motion passed 5-0.
- Neal Whitelaw moved, Roger Hawes seconded, to approve **General Warrant #26** for \$352.43.
- John L. Lewis, Jr. aye; Pamela Fontaine, aye; Neal Whitelaw, aye; Roger Hawes, aye; Denise DiFranco, aye. Motion passed 5-0.
- Denise DiFranco moved, Roger Hawes seconded, to approve **General Warrant #4** for \$121,785.44.
- John L. Lewis, Jr. aye; Pamela Fontaine, aye; Neal Whitelaw, aye; Roger Hawes, aye; Denise DiFranco, aye. Motion passed 5-0.
- V. MONTHLY REPORTS** Neal Whitelaw moved, Pamela Fontaine seconded, to approve the July monthly reports for the Department of Public Works, Finance Department, Human Services Department, Police Department, School Committee, and Tax Assessor, as presented.
- Neal Whitelaw commented on the school report as it related to the financial town meeting and the additional \$11,000.00 placed on the school budget at

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that time. He was under the impression that when they approved that budget, the school was already at the State maximum. Mr. Lewis stated that his understanding was that the budget applied to the Town as a whole and not individual departments; so the school could go up, for example, ten percent, as long as the Town did not exceed the allotted 4% overall. Ms. Bevilacqua confirmed this.

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

VI. QUARTERLY REPORTS

Denise DiFranco moved, Roger Hawes seconded, to approve the Second Quarter Reports from the Board of Canvassers, Conservation Commission, Foster Center Fire Company, Foster Home Repair, Foster School Committee, Land Trust, Libraries, South Foster Fire Company, Tax Board of Review and Zoning Board of Review, as presented.

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

VII. PUBLIC HEARING

a. Liquor License Transfer, Gabriele's to Healey's Liquors, Inc.

John L. Lewis, Jr., read the advertisement from the Observer and explained that Beatrice & Clodomiro Gabrielle wished to transfer their Class A liquor license at 144 Danielson Pike to Healey's Liquors, Inc. Bradford and Nick Gorham were present representing the Gabriele's; Mr. & Mrs. Healey were also present.

The public hearing opened at 7: 14 p.m.

Mr. Lewis asked if anyone wished to speak in favor of the transfer. Ann Valentine spoke.

Mr. Lewis asked if anyone wished to speak in objection to the transfer, or if there was any other comments. No one spoke in objection.

Mrs. Rider asked if the Gabriele's store location on Route 6 would close. Dan Healey responded that no, he would be keeping the Route 6 location open.

The public hearing closed at 7:17 p.m.

Discussion: Roger Hawes commended the Gabrielle's for their long years in business and thanked them.

Ms. Bevilacqua remarked that all was in order regarding paid taxes and the transfer paperwork.

Roger Hawes moved, Denise DiFranco seconded, to approve the liquor license transfer from Gabrielle's to Healey Liquors, Inc.

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

VIII. NEW BUSINESS
a. Additions and Abatements, Tax Assessor

Denise DiFranco moved, Roger Hawes seconded, to approve the Additions of \$2,763.86 as presented by the Tax Assessor.

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

Denise DiFranco moved, Roger Hawes seconded, to approve the Abatements of \$1,206.90 as presented by the Tax Assessor.

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

Discussion: Solicitor Renee Bevilacqua granted Pamela Fontaine the right to discuss the item she had wanted put on the agenda. Ms. Fontaine questioned the July 10 additions and abatements report. The motion that had been made and voted on originally was for a total amount of \$5,449.54 and it was not all for motor vehicles. Ms. Fontaine requested corrections to reflect that in fact that the total also included real estate for 2014, tangible taxes for 2013, tangible taxes for 2014, motor vehicles for 2014 and motor vehicles for 2011.

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- b. DPW Recycling Concerns**
- DPW Director Joe Cardillo stated that he had received correspondence from RIRRC citing examples of items that should not be recycled, and that they are going to start fining towns for contaminated recycle loads. Mr. Cardillo wondered if the Town could do something to help educate townspeople as to the recycle requirements so that the town does not incur fines.
- Mr. Lewis said there is money from the State dedicated for recycling issues and to check with the Treasurer as to what funds might be available to do a town-wide mailing.
- Denise DiFranco suggested advertising, a mailing and scanning the provided literature and putting that on the web site.
- Mrs. Rider asked if the combined communities of Foster/Glocester/Scituate could share the cost of an advertisement in local papers.
- Mr. Lewis asked for a cost proposal for the above mentioned items.
- c. November/December meeting schedules**
- John Lewis stated that the second meetings in November and December fall on Thanksgiving and Christmas. The first meeting in December is the transitional meeting to swear in the new Council. Liquor licenses expire December 1, and all other licenses expire December 31. The Town Clerk is requesting determination of which meeting dates will address the license renewals, to better inform the licensees of their hearing dates.
- Discussion: Neal Whitelaw expressed his concern that the Town Charter limits the voting ability of the current council to routine items only, once the upcoming election is over. Mr. Lewis responded that the licenses are routine issues. The Solicitor stated that the State controls the liquor licenses and they need to be done in a timely fashion.
- Mr. Whitelaw asked if these licenses could be extended. Ms. Bevilacqua cautioned against that; by law, once you extend the licenses into the new year, you would then need forecause to change or take away the license. The granting of licenses is a ministerial duty of the Council and would fall within the rights of the outgoing Council to vote upon.
- John L. Lewis, Jr. asked if the Council would like to have a special meeting in November to review the licenses.
- Denise DiFranco moved, Roger Hawes seconded, to have a special meeting on November 20, 2014, to address all licenses.
- Neal Whitelaw moved, Pamela Fontaine seconded, to amend the motion to hear the liquor licenses only on November 20.
- John L. Lewis, Jr. aye; Pamela Fontaine, aye; Neal Whitelaw, aye; Roger Hawes, aye; Denise DiFranco, aye. Amended Motion passed 5-0.
- John L. Lewis, Jr. aye; Pamela Fontaine, aye; Neal Whitelaw, aye; Roger Hawes, aye; Denise DiFranco, aye. Main motion passed 5-0.
- d. Proclamation, Emergency Responder Appreciation Day**
- John L. Lewis, Jr., told the Council that the Foster Clergy Association had prepared a proclamation honoring the Town's Emergency Responders on September 27, 2014. Denise DiFranco read the proclamation. (Exhibit A)
- Roger Hawes moved, Denise DiFranco seconded, to approve the Proclamation as presented.
- John L. Lewis, Jr. aye; Pamela Fontaine, aye; Neal Whitelaw, aye; Roger Hawes, aye; Denise DiFranco, aye. Motion passed 5-0.
- e. F-1 Liquor License, Thornton Beagle Club**
- Mr. Lewis reviewed the application from the Thornton Beagle Club for an F-1 liquor license for an event being held on September 18, 2014.
- Neal Whitelaw moved, Pamela Fontaine seconded, to approve the application for wine and beer only to the Thornton Beagle Club for the date of September 18, 2014, as presented.

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

- f. RI Broadband Initiative Discussion, Mike Chippendale** State Representative Mike Chippendale addressed the Council regarding high speed internet access. He has been working closely with the RI Broadband initiative, which is working to getting access to all underserved residents. Mr. Chippendale reported that the Initiative has found that working in collaborataion with community grass-roots/Council-supported groups helps to expedite the situation.

Subsequent conversation referenced historical issues with local service providers, civil suits, schools' involvement and the potential to acquire service from Connecticut. Mr. Lewis spoke to putting something on the Town web site, contacting Deborah Gist on the educational side, and referenced the e-prescription requirements for medical businesses.

Mr. Chippendale will research what some other Towns have done to attain success, check with the Attorney General's office and the Department of Education, and advise the Council.

IX. OLD BUSINESS

- a. Planning Board Recommendation, Comprehensive Plan Completion**

Mr. Lewis read the letter from John Bevilacqua, Planning Board Chairman, outlining the Board's recommendation to hire Mason & Associates, Inc. as the consultants/writers to complete the preparation of the Comprehensive Plan, at a quoted cost of \$14,465.00. The Planning Board further requested that the funds be taken from the Contingency Fund and not the salary funds for the next Town Planner. John Lewis read the letter and talked about the time table presented and the breakdown of estimated costs attached to the letter. Julia Parmentier and Joe Carey were present to answer questions.

Discussion: Neal Whitelaw mentioned that the next agenda item is for advertising for a new Town Planner. If it took 6 weeks to find and hire a planner to help finish the plan, would they still need a consultant? Julia Parmentier stated she feels it necessary to get the consultant to finish the plan. As the Planner position is only part time, the new Planner would not have time to work on the comp plan. Joe Carey, Vice Chair of the Planning Board spoke in agreement.

Attorney Bevilacqua stated that it is in the charter that the first and foremost job of a planner is the comp plan. It takes a certified planner to do that plan. The Town may not end up hiring a certified planner to take the Town Planner job.

Ms. Parmentier commented that the initial comprehensive plan in 1980 was done by a consultant and subsequently modified. The new plan has to conform to a new format which even the state has not finalized, and the planning board does not know entirely what the end requirements will be.

Denise DiFranco asked about the state requirements and the potential date for receiving those. Are there interim guidelines?

Joe Carey noted that most certified planners the Board had contacted as potential consultants are already contracted with other towns. The State should have new guidelines by October. The proposal received from the Consultant as presented to the Council gives a timeline of working on the plan for later in October.

John L. Lewis, Jr. asked the Town Solicitor if this would have to go out for bid? The amount is greater than \$5,000.00.

Atty. Renee Bevilacqua responded that this proposal is a one time lump sum and it wouldn't necessarily need to go out to bid.

Neal Whitelaw stated that this should go out for bid as it is over \$5,000.00.

Neal Whitelaw moved, Denise DiFranco seconded, to go out to bid for a consultant to help with the Comprehensive Plan, and for the Planning Board to assist with the bid specifications.

Atty. Renee Bevilacqua stated that you have to deny or accept the proposal that the Planning Board is asking for first.

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Neal Whitelaw removed his motion, Denise DiFranco removed her second.

Neal Whitelaw moved, Denise DiFranco seconded, to not proceed with the Planning Board proposal at this time.

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

The Council asked if the planning board could come up with bid specs in time for the next meeting, at which time the Council could go out to bid.

b. Advertisement for Town Planner

John L. Lewis, Jr. stated that the Council had had one draft advertisement for a Town Planner in their packets for review. Also in front of them this evening is an alternate draft for comparison, with input from some members of the planning board.

Content of the ads was discussed. Julia Parmentier requested time for the planning board to draft a more conclusive ad.

Neal Whitelaw moved, Pamela Fontaine seconded, to table the discussion on the item to the next meeting.

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

c. Bid Award, Johnson Road Paving Overlay

Mr. Lewis asked DPW Director Joe Cardillo if he had reviewed the bids received and read at the August 14 meeting. Was he ready to award the bid? Mr. Cardillo awarded the project to D'Ambra Construction at a cost of \$99.00/ton for Bituminous Concrete, \$1.50/linear foot for Keyways, and \$.50/Square Yard for Tack Coat.

Vendor	Bituminous Concrete	Keyways	Tack Coat
D'Ambra	\$ 99.00/ton	\$ 1.50/linear ft.	\$.50/Sq. Yd.
Intnt'l Paving	\$ 85.00/ton	\$25.00/linear ft.	\$1.75/Sq. Yd.
All States	\$ 99.50/ton	\$ 6.50/linear ft.	\$.52/Sq. Yd.

Neal Whitelaw moved, Denise DiFranco seconded to award the paving bid to D'Ambra for the amounts of \$99.00/ton for Bituminous Concrete, \$1.50/linear foot for Keyways, and \$.50/Square Yard for Tack Coat, not to exceed \$38,000.00.

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

X. FUTURE AGENDA ITEMS

- a. Comprehensive Plan Bid Specifications
- b. Advertisement for Position of Town Planner and the Interview Process
- c. South Foster Volunteer Fire Co. Request, Eastern Killingly Ponds
- d. Procedure for Collecting Tangible Taxes
- e. Foster Center Baptist Church Well Request

Open session ended at 8:57p.m.

XI. EXECUTIVE SESSION

Neal Whitelaw moved, Pamela Fontaine seconded, to go into Executive Closed Session pursuant to a work session regarding RIGL 42-46-5 for the discussion of 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 be closed and remain closed in accordance with provisions in RIGL 42-46-4 and 5.

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

Executive session convened at 9:11 p.m.

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**RECONVENE
TO OPEN
SESSION**

Neal Whitelaw moved, Pamela Fontaine seconded, to reconvene into open session.

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

The Town Council reconvened into open session at 9:26 p.m.

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

XII. ADJOURNMENT

Roger Hawes moved, Pamela Fontaine seconded, to adjourn the meeting.

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

Meeting adjourned at 9:27 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