

SEPTEMBER 11, 2014
TOWN COUNCIL MEETING

The September 11, 2014, Town Council Meeting was called to order by John J. Lewis, Jr., President of the Foster Town Council, at the Foster Town House, Foster, Rhode Island, at 7:08 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
William Ziehl, Police Chief
Peter Scorpio, Building & Zoning Official
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.

Ms. Fontaine asked for a moment of silence to commemorate the anniversary of the terrorist attacks of 9/11/2001.

John Lewis announced that the Council had received a requested inspection report from the DOT on the Winsor Road bridge. The report recommended the bridge be closed. As of 7:00 a.m. this morning the Town had complied. The situation was previously anticipated, the repairs are funded, a new design for repairs is underway. All appropriate local agencies have been notified.

Mr. Lewis also reported that the Recreation Committee had sent in a late request for use of the Town fair grounds for their annual community yard sale. Upon advisement of the Town Solicitor, approval was granted by the Council to give the Town Clerk authority to grant the request in this instance.

III. MINUTES

Neal Whitelaw moved, Roger Hawes seconded, to approve the minutes from the August 28, 2014 Town Council Meeting as presented.

Discussion: Pamela Fontaine had asked for corrections on page 2, last paragraph, and felt they still did not reflect the point she was trying to make. Specifically, 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 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.

John Lewis also requested a change to the last page of the August 28 minutes to delete additional and unnecessary wording beyond the statement that no votes were 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

Denise DiFranco moved, Roger Hawes seconded, to approve **Payroll Warrant #8** for \$26,827.49.

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

Neal Whitelaw moved, Pamela Fontaine seconded, to approve **Payroll Warrant #9** for \$26,426.26.

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

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Denise DiFranco moved, Roger Hawes seconded, to approve **General Warrant #5** for \$114,931.49.

Discussion: Pamela Fontaine asked for and received, clarification on three items: parking lot bumpers at Woody Lowden Recreation center, a cost for a new chair in the Town Clerk's office, and a charge for Rossi Law Offices.

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

- V. MONTHLY REPORTS (July)** Denise DiFranco moved, Roger Hawes seconded, to approve the July monthly report from the Building and Zoning Department, as submitted.

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

- VI. QUARTERLY REPORTS** None.

- VII. NEW BUSINESS** Neal Whitelaw moved, Roger Hawes seconded, to approve the Real Estate Abatements of \$67.40 as presented by the Tax Assessor.

a. Abatements, Tax Assessor, September 11, 2014

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

b. Approval of Strategic Prevention Framework Incentive Grant/CAST

John L. Lewis, Jr. spoke to a meeting he participated in with Denise DiFranco, Kelli Russ and Lorraine Kaul, head of CAST (Citizens and Students Together). CAST has a current opportunity to obtain a Strategic Prevention Framework State Incentive Grant for \$335,000.00 for drug prevention programs and community activities for youth in Foster. This money has been received from the Federal government and set aside by the State for the Town.

The Federal government requires a representative from CAST come to a meeting to create a formal budget and get information concerning the terms of the grant. Ms. Kaul needs Council approval to proceed to gather that information in order to bring a concrete proposal and budget before the Council at a future meeting.

John Lewis moved, Denise DiFranco seconded, to grant approval for Ms. Kaul.

Discussion: Mr. Whitelaw asked about the grant timeline. John Lewis stated that it is a five year plan, the annual fiscal timeline beginning in July 2014, to June 2015, with different dollar amounts awarded each year, totaling the \$335,000.00 at the end.

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

c. B&Z Director Funds Request for Educational Seminar

John Lewis asked Peter Scorpio, Building & Zoning Inspector, to explain his funds request of \$639.80 to attend a state-required seminar/educational program in Amherst, MA. This course offers 18 credits towards ICC certification. Mr. Scorpio stated that he has \$1200 in his budget that is earmarked to be used for education.

Mr. Scorpio described the seminar and courses offered.

The Council was reminded by Mr. Lewis that while Mr. Scorpio did not have to ask for permission to utilize his education budget, normally overnight accommodation expenses are not included.

Pamela Fontaine moved, Neal Whitelaw seconded, to grant Mr. Scorpio his request for \$639.80, to come out of the education fund portion of his budget to attend the New England Municipal Building Official's Seminar at the University of Massachusetts (Amherst) for three days from October 6 – 8, 2014.

John L. Lewis, Jr. nay; Pamela Fontaine, aye; Neal Whitelaw, aye; Roger Hawes, aye; Denise DiFranco, aye. Motion passed 4-1.

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- d. Police Station Chimney Repairs/ Declaration of Emergency/ Hiring Contractor for Repairs** John L. Lewis, Jr. read a letter from the Building Inspector. Mr. Scorpio asked that the Council approve emergency repairs to the police station chimney and stated that the degradation of that chimney has created unsafe working conditions. Creosote is leaching down the chimney each time it rains and is a health hazard. Mr. Scorpio reminded the Council that his number one charge as building inspector is the safety of the townspeople and town workers. He also presented the cost estimate for repairs from the one bidder that responded, for a total of \$7,450.00. (see exhibit A)

Discussion: John Lewis read the estimate details.

Chief Ziehl explained that this emergency came about when there was a massive rainstorm a few weeks back. Brown fluid was leaking through the walls and ceiling. He originally thought it was an old leak resurfacing but found the chimney had deteriorated and creosote is leaking into the basement and now into the actual kitchen area. The water flowing through the chimney is also soaking wiring which creates another hazard.

John Lewis stated that with any expense over \$5,000.00, a job would normally go out to bid. He asked the solicitor if this was enough of an emergency to grant the immediate repairs without the bid process, or requiring the time and expense of relocating the police department temporarily

Renee Bevilacqua stated that the duty of the Chief and the Council is to the people in the building. There is more of a liability by not granting the immediate repair, rather than taking the time to go out to bid.

Pamela Fontaine asked where the money is coming from? John Lewis stated that DPW Director Joe Cardillo had consulted with the Treasurer and reported that there's enough money in Building and Grounds to cover the cost of repairs.

John Lewis moved, Roger Hawes seconded, based on the Building Inspector's recommendation and the advice of the Solicitor, that the Council declare an emergency in regards to the police station chimney and the fact that it is leaking potentially hazardous material into the building.

Several people spoke to concerns about the price of repairs going higher, or the potential of running into additional problems, the concern of the health hazards and the possible option of relocating the police force and accompanying station equipment to trailers.

Renee Bevilacqua suggested that the Council keep the motion narrow and declare the chimney with the creosote area an emergency, and not the rest of the building.

John Lewis and Roger Hawes withdrew their motion and second.

John Lewis moved, seconded, that the Council declare an emergency with regard to the Police department chimney and creosote issue.

John L. Lewis, Jr. aye; Pamela Fontaine, aye; Neal Whitelaw, nay; Roger Hawes, aye; Denise DiFranco, aye. Motion passed 4-1.

Roger Hawes moved, Denise DiFranco seconded, to approve the submitted repair proposal from R.A Lavoie and Son in Chepachet, to take down the chimney, remove the debris, rebuild the chimney and install flashing for \$7,450.00. Denise DiFranco stipulated that the funds come from building and grounds.

John L. Lewis, Jr. aye; Pamela Fontaine, aye; Neal Whitelaw, nay; Roger Hawes, aye; Denise DiFranco, aye. Main motion passed 4-1.

Neal Whitelaw moved, Denise DiFranco seconded, to amend the motion to say that the work needs to start immediately.

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

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- e. Recommendation to Town Regarding Acquisition of Property - Ron Cervasio** Resident Ron Cervasio addressed the Council and made a recommendation to the Council that they strongly consider purchasing the Printer house that is currently for sale next to the library, and consider also purchasing the Zimmerman house. Both properties are adjacent to the library and police department and would create a better Town Center, and give the Town the ability to build a new police station. This is a recommendation for the future, and the Council has the ability to call a special financial town meeting and let the voters decide.

John Lewis stated that this would have to be discussed in Executive Session and that the Council could put it on an upcoming agenda.

No motions were made.

VIII. OLD BUSINESS

a. Advertising for Town Planner Position/ Interview Process

John Lewis said that at the last meeting the Council asked the Planning Board to supply input on the advertisement. The Board had complied, and the only thing lacking within the copy was the salary and dates for applications to be received.

Neal Whitelaw moved, Denise DiFranco seconded, to approve the advertisement for the Town Planner.

Discussion: the town clerk was directed to draw the salary amount from the Town Planner. It was decided to accept the applications up to October 9, to add an email address for submission of resumes, and to make one type correction.

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

John Lewis moved, Roger Hawes seconded, to advertise in the Observer/Valley Breeze, on the Town Web site, the RI League of Cities and Towns, the Department of Labor and Training web site and the American Planners Association web site if possible.

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

Neal Whitelaw moved, Pamela Fontaine seconded, to appoint one member each from the Planning Board, Zoning Board and Town Council to attend the interviews and bring back a recommendation to the full Town Council.

Denise DiFranco agreed that there should be members from Planning and Zoning. John Lewis suggested two Council members on the committee, one from each party.

Denise DiFranco moved, Roger Hawes seconded to amend the motion to state that two Council members, two Planning Board members to be determined by the Planning Board, and one Zoning Board member to be chosen by the Zoning Board, make up the interview committee.

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.

John Lewis and Denise DiFranco volunteered to be on the interview committee.

John Lewis moved, Roger Hawes seconded, that he and Denise be the Town Council's members on the interview committee for the Town Planner.

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

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b. RFP/Comp Plan

John L. Lewis, Jr. stated that the Council had asked the Planning Board for input, and they had provided specifications for that RFP for the Comprehensive Plan. Is the council satisfied with what the Planning Board presented?

Roger Hawes moved, Denise DiFranco seconded, to approve the proposal.

Discussion: Neal Whitelaw expressed concern regarding the request for a Social Security number on page 7. The Solicitor stated that it could be deleted

Neal Whitelaw moved, Pamela Fontaine seconded, to amend the motion to eliminate the requirement on page 7, in the last box, for the Federal ID/Social Security number.

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

John Lewis moved, Neal Whitelaw seconded, to further amend the motion and delete the request for the name of a surety company on page 7, and to direct all correspondence to the town clerk.

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.

c. Appointment interim planner

Mr. Lewis stated that an application was submitted from a candidate for the interim position, but that ultimately she had declined the position due to the amount of compensation being offered.

No action was taken.

IX. FUTURE AGENDA ITEMS

- Land Acquisition (Executive Session)
- Killingly Ponds
- Foster Center Baptist Church Well Request

X. EXECUTIVE SESSION

There was no Executive Session.

XI. 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 8:39 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