

**SEPTEMBER 25, 2014**  
**TOWN COUNCIL MEETING**

The September 25, 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 7:02 p.m.

The following members were present:  
**John L. Lewis, Jr., President**  
**Pamela Fontaine, Vice President**  
**Denise DiFranco, and**  
**Roger L. Hawes.**  
**Neal C. Whitelaw, excused**

Also present were:  
Renee M. Bevilacqua, Town Solicitor  
William Ziehl, Police Chief  
Linda Tibbetts, Chair of Land Trust  
Walt May, Treasurer Liaison, Land Trust

- 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.
- Mr. Lewis announced that Neal Whitelaw was excused from this evening's meeting; also excused were some department heads, due to illness.
- III. MINUTES** Denise DiFranco moved, Roger Hawes seconded, to approve the minutes from the September 4, 2014 Town Council meeting as presented.
- John L. Lewis, Jr. aye; Pamela Fontaine, aye; Roger Hawes, aye; Denise DiFranco, aye. Motion passed 4-0.
- Denise DiFranco moved, Roger Hawes seconded, to approve the minutes from the September 11, 2014 Town Council Meeting as presented.
- John L. Lewis, Jr. aye; Pamela Fontaine, aye; Roger Hawes, aye; Denise DiFranco, aye. Motion passed 4-0.
- IV. WARRANTS** Denise DiFranco moved, Roger Hawes seconded, to approve **Payroll Warrant #10** for \$27,559.94.
- John L. Lewis, Jr. aye; Pamela Fontaine, aye; Roger Hawes, aye; Denise DiFranco, aye. Motion passed 4-0.
- Denise DiFranco moved, Roger Hawes seconded, to approve **Payroll Warrant #11** for \$31,592.28.
- John L. Lewis, Jr. aye; Pamela Fontaine, aye; Roger Hawes, aye; Denise DiFranco, aye. Motion passed 4-0.
- Denise DiFranco moved, Roger Hawes seconded, to approve **General Warrant #6** for \$65,799.15.
- John L. Lewis, Jr. aye; Pamela Fontaine, aye; Roger Hawes, aye; Denise DiFranco, aye. Motion passed 4-0.
- V. MONTHLY REPORTS** Denise DiFranco moved, Roger Hawes seconded, to approve the July monthly report from RIRRC, and the August monthly reports from the Building and Zoning Department, the Dept. of Public Works, Finance Department, Human Services, Police Department, RIRRC, School Committee and Tax Assessor, as submitted.
- John L. Lewis, Jr. aye; Pamela Fontaine, aye; Roger Hawes, aye; Denise DiFranco, aye. Motion passed 4-0.

SEPTEMBER 25, 2014

TOWN COUNCIL MEETING

- VI. NEW BUSINESS** John Lewis stated that the Council had received one bid for the Woody Lowden Log Wall Repair/Replacement project from French Mountain Builders, Foster, for \$4,700.00.
- a. Bid Opening, Woody Lowden Recreation Center** Roger Hawes moved, Denise DiFranco seconded, to refer the bid to the DPW director for review.
- Discussion: Gordon Rogers expressed a concern that had been reported to him about the way the bid went out and questioned the wording in the RFP.
- Denise DiFranco moved to amend the motion, Roger Hawes seconded, to ask the DPW Director to also review the RFP.
- John L. Lewis, Jr. aye; Pamela Fontaine, aye; Roger Hawes, aye; Denise DiFranco, aye. Amended motion passed 4-0.
- John L. Lewis, Jr. aye; Pamela Fontaine, aye; Roger Hawes, aye; Denise DiFranco, aye. Main motion passed 4-0.
- b. Bid Opening, Heating Oil** John Lewis opened and read the one submitted bid for heating oil, from Superior Plus Energy Services, Providence, R.I. The quoted bid price was \$3.02 per gallon for the season, price guaranteed until 4 p.m., September 26, 2014, and at Superior's discretion thereafter.
- Denise DiFranco moved, Roger Hawes seconded to refer the bids to the Public Works Director.
- John L. Lewis, Jr. aye; Pamela Fontaine, aye; Roger Hawes, aye; Denise DiFranco, aye. Motion passed 4-0.
- c. Bid Opening, Winter Sand** Mr. Lewis opened and read the single submitted bid for winter sand, from Material Sand and Stone in North Smithfield, as follows:
- The quote was for \$15.94 per ton, delivered, or \$12.00 per ton if picked up.
- Denise DiFranco moved, Roger Hawes seconded, to refer the bid to the DPW director for review.
- John L. Lewis, Jr. aye; Pamela Fontaine, aye; Roger Hawes, aye; Denise DiFranco, aye. Motion passed 4-0.
- The bids were given to the Town Clerk to transfer to Joe Cardillo, DPW Director, for review and award at the October 9, 2014 Town Council Meeting.
- VII. OLD BUSINESS** John L. Lewis, Jr., referred to a previous letter from the South Foster Volunteer Fire Department wherein they expressed concern regarding the potential draining of the Eastern Killingly Ponds. The Department had requested the Council draft a Resolution in support of their desire to keep open the dry hydrant that had been installed jointly with the East Killingly Fire Department. Denise DiFranco read the prepared Resolution.
- Discussion: It was noted that the ponds are on Route 101 and not Route 102 as printed and that change should be made on the resolution.
- Roger Hawes moved, Denise DiFranco seconded, to adopt the Resolution as presented, with the correction of the route number.
- Mr. Lewis stated they would refer this Resolution to the Town of Killingly, both the Killingly and South Foster Fire Stations and the State Fire Marshall.
- John L. Lewis, Jr. aye; Pamela Fontaine, aye; Roger Hawes, aye; Denise DiFranco, aye. Motion passed 4-0.
- b. Corrected Additions and Abatements, July 10, 2014** Mr. Lewis stated that the council had voted on July 10, 2014 on abatements presented by the Tax Assessor, and that motion had indicated they were all motor vehicle abatements. The dollar amount of the abatements was correct, but some of the abatements were for real estate and tangible taxes as well, and the Council needed to revote. Patti Moreau, Tax Assessor, had provided the Council with a revised cover sheet for the financial document for the July 10, 2014 tax additions and abatements, to reflect the itemization of the categories

**SEPTEMBER 25, 2014  
TOWN COUNCIL MEETING**

**Corrected  
Additions  
and  
Abatements,  
cont.**

included and the dollar amounts for each. (Exhibit A)

Denise DiFranco moved, Roger Hawes seconded, to approve the corrected request for total motor vehicle additions of \$904.90, and to approve the corrected total abatements - regular, total real estate abatements \$2,390.31, total tangible abatements \$1,705.66, total MV abatements, 1353.57, which total for those abatements is \$5,449.54

Pamela Fontaine asked to recuse herself, as she wasn't at the original meeting.

Renee made the Council aware that this was a new vote and Ms. Fontaine could indeed vote, and that this vote supercedes the previous vote.

John L. Lewis, Jr. aye; Pamela Fontaine, abstained; Roger Hawes, aye; Denise DiFranco, aye. Motion passed 3-0, one abstention.

**VIII FUTURE  
AGENDA  
ITEMS**

- Procedure for collecting tangible taxes.
- Foster Center Baptist Church well request

**IX. EXECUTIVE  
SESSION**

Denise DiFranco moved, Roger Hawes seconded, to go into Executive Session pursuant to a work session regarding RIGL 42-46-5a(5) for the discussion of Land Acquisition/Sales, Articles 1 and 16 of the Foster Town Charter, and RIGL 42-46-5a(1) for the discussion of (a) 42-46-5a(1)(9) Personnel/Grievances, 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 & 5.

John L. Lewis, Jr. aye; Pamela Fontaine, aye; Roger Hawes, aye; Denise DiFranco, aye. Motion passed 4-0.

Executive session began 7:30 p.m.

**RECONVENE  
INTO OPEN  
SESSION**

Denise DiFranco moved, RH seconded, to reconvene into open session to announce any votes taken in executive closed session.

The Council reconvened into open session at 8:40 p.m. John Lewis announced that two votes were taken.

The first motion was to allow the Land Trust to sell off some property that they have that is no longer desirable. That motion passed 4-0.

The second motion was to engage an attorney to assist the Council/counsel in the upcoming arbitration case. That motion passed 3-1.

**X. ADJOURNMENT**

Roger Hawes moved, Denise DiFranco seconded, to adjourn the meeting.

John L. Lewis, Jr. aye; Pamela Fontaine, no longer in attendance; Roger Hawes, aye; Denise DiFranco, aye. Motion passed 3-0.

Meeting adjourned at 8:41 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