

October 6, 2005

The October 6, 2005 Town Council meeting was called to order by Heidi Rogers at the Town House, 181 Howard Hill Road, Foster, RI at 7:00 p.m.

The following members were present:

Heidi Rogers, President
Steven Bellucci, Vice President
Colette J. Matarese
Ralph Berkowitz did not attend
Harold R. Shippee, Sr.,
Dianne L. Izzo Esq., representing Gorham and Gorham Town

Solicitors

The Pledge of Allegiance to the flag was recited.

Heidi Rogers announced that Ralph Berkowitz called her and said he maybe be a little bit late if at all.

Robert Peterson of Foster Center Road spoke up and suggested that it was important that the Police Department was not politicized so people have confidence that that the police department is enforcing the law for all citizens. He said that the selection committee for the police chief easily appears that is running a partisan insider appointment as the outgoing Chief is a member to have the current Chief pick his successor. Mr. Peterson asked what kind of person does the town want for a Police Chief and what kind of person would want the job and why do they want it. Mr. Peterson noted that in Michael Gawel's letter he said that the department was straighten out and the department was going well and he gave the department 600 overtime hours. Mr. Peterson questioned if everything was going well in the past 8 months why would a person want to leave. Mr. Peterson said that if a person was leaving to better themselves the council should ask what kind of future does someone expect to have being the Police Chief in Foster. Mr. Peterson said that if there was not going to be an increase in pay or increase in responsibility there would be two conclusions; either that the job as being Police Chief in Foster is a stepping stone for something else or it is a dead end, the end of a person's career. He said the question is why would someone want the job and why would they want it. Mr. Peterson said that in order to make it clear that the appointment is not for the inside only and get real help in analyzing the needs and future of police work in the town he suggested to reform the search committee. He suggested that two members of the council, two long time residents and a sitting or retired police chief from another community should be on the committee. Mr. Peterson said it would be a giant step toward a non-partisan selection.

Ronald Cervasio of Old Plainfield Pike said it seemed that he had to apologize to the council and Mr. Peterson for his comment about a hearing aid and in the spirit of camaraderie and we are all going to work together he is sure that Mr. Borders would like to apologize to the Chair for calling her trash and Hitler and lying about the Old Town House. Ronald Cervasio then said that he was sure the people didn't clap for Mr. Gawel's 20 years of service would like to apologize to him. Ronald Cervasio said that Mr. Gawel gave 20 years of service to this community and he did work above and beyond and did a lot of the Chief's work. He then said that Ms. Fennessey who is not here and you can tell her I talked about her, will quit coming here and talking about her bridge, her road, her mother, her gas and her grandchild and can you move the meeting for her. Ronald Cervasio said he was sure that Mr. Carlson would like to apologize for coming here and talking about his committee and his wife's window and he said he would end with a comment. Ronald Cervasio then said he would like to see the police to continue to be non-partisan as under Mr. Gawel's leadership because Ducky Kettelle riding around handing out democratic literature with the police car and in uniform doesn't get any more partisan than that. Ronald Cervasio said that the people

backed Ducky Kettelle and refused to look at his faults and if this is your one issue maybe you'll get new luck but he said he does apologize.

Cheryl Davis of Abbey Lane questioned if there were new job descriptions out for the highway workers on details of what they are supposed to do. Heidi Rogers answered that it was in their contract. Cheryl Davis asked how she could get a copy. She was told that the contract was public record and she could obtain a copy.

Harold R. Shippee, Sr. questioned why the plates were off the old pick up truck and placed on the new one and questioned if the registration was transferred or were the plates just put on. Harold R. Shippee, Sr. noted also that the mechanic could place the welding machine on the old truck and use it. Mr. Shippee also questioned why the town keeps running out of gas and fuel. He said it has happened three times. He believed that the buses had to go to Burrillville to get fuel. Cheryl Wright said that the town buses were going to the Sunoco and the Laidlaw buses were going to Burrillville. Mr. Shippee asked Councilmember Bellucci if there was a contract for fuel because no one knew where to get it from. Steven Bellucci said he would look into it and he was also not aware of the plates and he would look into that. Mr. Shippee also asked why the mechanic can not use the new truck. Steven Bellucci said he did not know that either.

Harold R. Shippee, Sr. asked if the Police Chief was taking his own car to North Providence when he goes to work there. The Chief answered he took his own car to work. Harold R. Shippee, Sr. also inquired who was in charge of the department when the Chief was working in North Providence. Michael Gawel answered that he was and he comes in at night on his own time. Mr. Shippee also believed that it was a liability to the Town when used tires were placed on a police cruiser. Michael Gawel said that there was a car where one of the tires was low and the Officer Sam Mooney called up and asked what he could do and he said he told him to get two new tires from the barn from the 47 that was stacked in there from last year. Michael Gawel said that was what he told him to do. Harold R. Shippee, Sr. said you told him to put two used tires on it.

Colette J. Matarese moved, Steven Bellucci seconded to approve the minutes from September 20, 2005 and September 22, 2005. Heidi Rogers Said that on page 5 on the September 22nd minutes she had a correction that she said the horses were bomb proved not that the barn was sound proofed. Harold R. Shippee, Sr. abstained.

Steven Bellucci moved, Colette J. Matarese seconded and it was so voted to approve Payroll Warrant #10 in the amount of \$17,550.15 and Payroll Warrant # 11 in the amount of \$19,047.10 and General Warrant #4 in the amount of \$15,413.31

Steven Bellucci moved, Harold R. Shippee, Sr. seconded and it was so voted to approve the month reports as submitted. He noted that they were on file in the town clerk's office

Colette J. Matarese moved, Steven Bellucci seconded and it was so voted to accept the quarterly reports that were submitted late and they were on file at the town clerk's office.

Heidi Rogers opened the public hearing for an application for a secondhand license and explained that the purpose of this hearing was to consider the application for a secondhand license for Gerald C. and Kathleen Cournoyer dba Sweet Forest Farm to be located at 145 Danielson Pike Plat 11 Lot 20 owned by Clodomiro Gabriele for the sale of antiques (Furniture, Collectables)

She explained that interested parties in favor of the application would be given a chance to speak first and anyone who wishes to speak against the approval of the application would be given an opportunity and then the town council will be given the opportunity for discussion and a vote will be taken.

Mr. Cournoyer spoke in favor of his application and said that he would be selling antiques as well as collectibles, a gift shop. He explained that had been working getting the store ready.

Ronald Cervasio of Old Plainfield Pike said that the town needed any small business that they can get.

No one spoke up against the application and the public hearing was closed.

Steven Bellucci moved, Colette J. Matarese seconded and it was so voted to approve the application for a 2nd Hand License to Gerald C. and Kathleen Cournoyer d/b/a Sweet Forest Farm.

Heidi Rogers said that at the June 9, 2005 council meeting a request was received to abandon a portion of Rickard road by Howard and Judith Yarme who own property on Rickard road.

Heidi Rogers explained that at the August 4, 2005 council meeting it was voted to hold a public hearing for the purpose of considering abandonment of a section of Rickard Road and the Town of Foster pay for the cost for the advertising for the public hearing. The cost for the 6 advertisements totaled \$936.00.

She noted that interested parties in favor of the abandonment are given a chance to speak first and anyone who wishes to speak against the abandonment of Rickard road will be given an opportunity and then the town council will be given the opportunity to ask questions and a vote will be taken.

Heidi Rogers said if the abandonment is approved an order of abandonment will be advertised in the observer for the next three weeks.

Heidi Rogers read the advertisement that was in the Observer on September 22, 29, and October 13, 2005.

Howard Yarme spoke up for the abandonment and explained that he would do anything necessary for the town to have a turn around there that made the most sense for the town.

Ronald Cervasio of Old Plainfield Pike said it was a financial strategy for the town and was for the abandonment.

Cheryl Davis of Abbey Lane questioned if the town could take a road back if it was abandoned. The answer was no.

Linda Walden of Central Pike questioned if Mr. and Mrs. Yarme were the only owners on that portion of the road that was to be abandoned. She was told yes. Linda Walden advised the council to think carefully of the cul-de-sac because the town would be crating frontage at the turn around.

Mr. Alveri Costa-Mello from Rickard Road spoke against the abandonment of Rickard Road. He complained that Mr. Yarme had been placing a pole across the road for years and it was not right. He believed that the police, fire and rescue should all have the right to go down that section. He again said it should not be abandoned and it should be opened for everyone.

Mr. Lawrence Costa-Mello spoke and said that it was usable now and he uses it with his motorcycle.

It was noted that if the road was abandoned it would then be owned by Mr. and Mrs. Yarme.

Denise Costa-Mello of Rickard Road spoke about a tree that had fallen down and the problems that had caused.

Gordon Rogers of Cucumber Hill Road spoke about the way the road went and driving an ambulance on it.

Ronald Cervasio of Old Plainfield Road spoke about the change of use to a private road and it is pretty much that way now and only the lawyer would know the answer.

Dianne Izzo said that you cannot dictate to people that they turn it into a road after you abandon it. She said if the town abandons the road it is abandoned.

Mr. Yarme said that their intent was to leave it open and the cost of improving it was cost prohibitive with permits, wetland and reconstruction. They believed the turn around was a good idea.

Mrs. Yarme noted that they own the property on both sides of the portion that they requested to be abandoned.

Linda Walden asked what the deed research was done by the planner and do they have deed rights.

Diane Izzo suggested that the public hearing should be continued and make a larger picture of the property in question. She also said a survey should be done on the turn around to see whether it is a cul-de-sac or just a turn around and to her knowledge it has been not been surveyed. She said a survey needs to be done and maybe a subcommittee of the council to address the safety concerns and report back.

The Town Clerk asked who is paying and doing the survey. Dianne Izzo remarked that that was a good question.

Mr. Lawrence Costa-Mello said they should look into a private road instead of abandoning it. She said it would need to be advertised too.

Harold R. Shippee, Sr. moved, Colette J. Matarese seconded and it was so voted to continue the meeting until the first meeting in November with proper advertisement.

Three Bids were opened as follows after advertising in the Providence Journal for outside accounting work to be done.

Malcolm Moore
\$75.00 per hour maximum of 100 hours
To be done by October 10th

Parmelee, Poirier & Associates
\$8,375 estimated for 100 hours

Darlene Weiss
\$75.00 per hour

The bids were given to the Treasurer and Deputy to review and recommend to the council later in the evening.

Steven Bellucci said he spoke with the two individuals who interviewed the candidates for the new police officer to see if they were available for two dates.

Steven Bellucci moved, Colette J. Matarese seconded to appoint Thomas Mercier and Charles Stockwell to the police chief interview committee and the dates being October 10th and October 12th and hold a special town council meeting on October

13, 2005 at 6:30 p.m. for an executive session to discuss three candidates and at 7:00 p.m. and explain the outcome of the meeting and post on the agenda Police Chief/discussion/action/appointment

Colette J. Matarese noted that she was not available on October 13, 2005 and October 11th she also had a conflict. Steven Bellucci said that maybe the committee could work through all the applications on Tuesday.

Harold R. Shippee, Sr. said that he would like to see the resumes as well as all the council. Mr. Shippee also noted the time constraints from interviewing to appointment. Mr. Shippee also noted a retired Police Chief should be on it.

Mr. Bellucci said he stands by his motion

Colette J. Matarese questioned the dates again and Steven Bellucci rephrased his motion to have a special meeting when all council members can make it possibly the 14th.

The motion passed 3 to 1 with Harold R. Shippee, Sr. voting no.

Harold R. Shippee, Sr. again said he would like to see the resumes. Steven Bellucci said after the committee meets the resumes would be available then.

Colette J. Matarese moved, Harold Shippee, Sr. seconded, that the resume be delivered to the Town Hall tomorrow. Steven Bellucci said that he did not see why he couldn't see them after this. Colette J. Matarese said she is saying council people in sealed envelopes. The motion did not pass.

Dianne Izzo asked why the council couldn't get together and share or go to the police station and review. Mr. Shippee said he was not going to the police station. Mrs. Matarese said she cannot see any reason why members of the town council body cannot have copies of the résumés. Harold R. Shippee, Sr. said he would be calling the Attorney General's office tomorrow as he was not getting the information he wanted.

Jonathan Mitchell said he and the deputy Treasurer reviewed the bids and they recommended Malcolm Moore.

Colette J. Matarese moved, Harold R. Shippee, Sr. seconded and it was so voted to award the bid on the treasurer's recommendation to Malcolm Moore for the outside accounting.

Dianne Izzo, Esq. explained that Bradford Gorham asked that the discussion on the public works contract litigation be held when he is in attendance and place on a future agenda.

Heidi Rogers explained that she had spoken with Rick Grant that it would be possible to place the monthly reports on the web page if they are emailed to him. She said the matter can be placed on a future agenda.

Steven Bellucci moved Colette J. Matarese seconded and it was so voted to approve the abatements in the amount of \$194.63 and additions in the amount of \$1,169.00 for the 2005 tax roll.

Steven Bellucci moved, Colette J. Matarese seconded and it was so voted to approve the tax collectors request to abate conversion errors from 1993, 1994, 1995. It was noted that years 1988 and 1991 were not listed in error and will be placed on the next agenda.

Steven Bellucci moved, Colette J. Matarese seconded and it was so voted to approve the abatement due to state of limitations 9-1-13

A letter was received from Ruth Rogers requesting to be considered on the Conservation Commission.

Steven Bellucci moved, Harold R. Shippee, Sr. seconded and it was so voted to appoint Ruth Rogers to the Conservation Commission. Heidi Rogers abstained.

A letter was received from Tom Haxton resigning from the Recreation Committee.

Steven Bellucci moved, Colette J. Matarese seconded and it was so voted to accept the resignation with regrets.

Cheryl Davis of Abbey Lane spoke up and said she was interested in being on the Recreation Committee.

Steven Bellucci moved, Colette J. Matarese seconded and it was so voted to appoint Cheryl Davis to the Recreation Committee.

Heidi Rogers acknowledged Gloucester and Coventry resolutions regarding the gas prices and one from North Kingstown. It was noted that they did not cite any laws in their resolutions.

Steven Bellucci moved, Harold R. Shippee, Sr. seconded and it was so voted to have the clerk send letters to the local representatives supporting these resolutions.

Dianne Izzo explained it was supporting being exempt from gas fuel tax.

Dianne Izzo explained that the Resolution from North Kingstown was regarding the Town of North Kingstown disagrees with the United States Supreme Court's interpretation of public use in the 5th amendment and the town will not exercise its power of eminent domain upon private residential property and transfer it to a private developer.

Colette J. Matarese read the North Kingstown Resolution.

Steven Bellucci moved, Colette J. Matarese seconded and it was so voted to adopt the Town of North Kingstown's Resolution and have the Town Clerk forward to the state legislature.

Steven Bellucci moved, Harold R. Shippee, Sr. seconded and it was so voted to approve the application for a Class F Liquor license for the South Foster Volunteer Fire Company for November 19, 2005 and the fee be waived.

Colette J. Matarese moved, Harold R. Shippee, Sr. seconded and it was so voted to approve the application for a Class F Liquor License for the Foster Republicans for November 12, 2005.

Heidi Rogers announced that all Landlords in Rhode Island have to attend a Lead Paint Class before November 1st. She announced that on October 18, 2005 at 6:00 p.m. to 9:00 p.m. at the Paine School a class would be held. It was discussed to place a notice in the calendar of Events in the Providence Journal.

The council discussed an additional date to meet with the Chairpersons of the Boards and Committees who did not make the annual meeting on September 27th. The Town Clerk was asked to notify them that a meeting will be held at 6:00 p.m. before the first meeting in November.

The meeting was adjourned at 8:35 p.m.

Attest:

Anne M. Irons, Town Clerk

An electronic tape is made a part of the record for a complete account of the council meeting. This tape is on file in the vault at town hall.