

**December 8, 2005**

The Town Council meeting was called to order by Heidi Rogers at the Benjamin Eddy Building, 6 South Killingly Road, Foster, RI at 7:10 p.m.

The following members were present:

Heidi Rogers, President  
Steven Bellucci, Vice President  
Colette J. Matarese  
Ralph Berkowitz  
Harold R. Shippee, Sr.,  
Bradford Gorham, representing Town Solicitors Gorham &  
Gorham Incorporated, Town Solicitors

The Pledge of Allegiance to the flag was recited.

Heidi Rogers announced that an executive session was held before the council meeting and no votes were taken. She also announced that the Foster Police Department was holding a toy drive for the children of Foster; toys suitable for the ages from 6 months old to 15 years old would be accepted in the lobby of the police station.

Cheryl Wright of Foster Center Road pointed out that she had a copy of payroll warrant #3 week ending July 15, 2005 and it showed that the treasurer received a pay and he did not start until August 1<sup>st</sup>. The Town Clerk explained that the date was wrong on the payroll warrant and the Town Treasurer agreed.

Ronald Cervasio of Old Plainfield Pike said he wanted to know how many days do people actually report to work with all the holiday, vacation and sick time taken.

Colette J. Matarese reported that she was at the Planning Board Meeting last night and the members asked her to request for a future agenda item the Town Solicitor's availability for the zoning ordinance. She noted that Mr. Gorham has offered to attend their meetings to help with the zoning ordinances and they are very aware that they are prohibitive in the indebtedness of the town and they want the council to vote on that at the next meeting. Heidi said she would place it on the future agenda item.

Cindy Bernard of Howard Hill Road asked if the attorney general had reached a decision on open meetings violations.

Bradford Gorham answered that the time for the Attorney General to decide anything has long sense gone by. Mr. Gorham said that he never did anything about it so his decision was there was nothing there. Mr. Gorham said that a complaint was made and the town responded in a great deal of detail. Mr. Gorham noted that the Attorney General had until some time in September and nothing happened.

Harold R. Shippee, Sr. stated that he had spoken with the Attorney General's office in October and they were still working on the matter.

Bradford Gorham said if he was working on it he was spinning his wheels.

Colette J. Matarese moved, Harold Shippee seconded and it was so voted to approve the minutes of November 10, 2005. Colette J. Matarese noted that she wanted it said that the council can address ordinances if they become problematic not Colette J. Matarese. Heidi Rogers noted that the date of November 9, 2005 should read November 9, 2002 on page 9 second paragraph from the bottom. Colette J. Matarese also noted that on page 9 the sentence should read that Mr. Mitchell answered that it is possible not impossible....

All ayes

Margaret Shippee of King Road spoke up and said that on page 4 it is noted that Ronald Cervasio discussed Margaret Shippee at the last meeting and she wanted it known that the statement is inaccurate and offensive.

Steven Bellucci moved, Colette J. Matarese seconded and it was so voted to approve Payroll Warrants #18 in the amount of \$22,434.77, Payroll Warrant #19 in the amount of \$19,656.87 and Payroll warrant #20 in the amount of \$21,041.74 and General Warrant #G8 in the amount of \$176,436.16. Harold Shippee questioned Wrights' Welding on Page 5 for \$210.00 because he did speak with the public works mechanic and he said he could have welded a seat that was repaired for \$210.00. Richard Grant said he was farming out some of the work to get the trucks ready for winter.

All ayes.

Steven Bellucci moved, Harold R. Shippee, Sr. seconded and it was so voted to approve the monthly reports that were submitted. They would be on file at the town hall for anyone to review.

All ayes.

Brenda Frederickson, former Deputy Town Treasurer spoke up and said that the article in the Providence Journal regarding her vacation time was very inaccurate and was questioning her creditability's on working in the treasurer's department and she noted that she was never consulted the whole time that the matter was being looked into. There was a lengthy discussion with council member Berkowitz and Brenda Frederickson. Brenda Frederickson said that many people are interpreting that she made the error and that she purposely made error. The Solicitor said that no one had said that. Brenda Frederickson said that many people have said that to her. Brenda Frederickson questioned if everyone's vacation payment has been reviewed. Heidi Rogers said that it would be done soon. Brenda Frederickson said that the matter should not have been discussed in the open it was a personnel issue and should not have been discussed at a council meeting and that even should have been discussed in house before it went to a council meeting. Again Brenda noted that it looks like she had done something wrong and asked what was going to be done about it.

Brenda Frederickson questioned why the interim Treasurer was paid as a vendor and not through payroll. Ralph Berkowitz said that the council paid her a flat salary as a contractor. Brenda Frederickson said that her salary was taking from the treasurer's line item and not professional services and that it would not throw off the town's payroll journal. Ralph Berkowitz said the council would have to look into that. Brenda Frederickson said that as she was an elected official in another town she did not need her credibility questioned as far as that job goes and asked for a retraction in the Providence Journal and a public policy.

Colette J. Matarese did note that Brenda Frederickson went above and beyond her duties as the Deputy Treasurer and apologized to Mrs. Frederickson that she was subjected to the matter. Harold R. Shippee, Sr. also apologized to her. Heidi Rogers said that she had no control of what is written in the newspaper and she herself did not think that Brenda did anything wrong and someone brought it to the council's attention. Heidi Rogers said that she apologies for the way it sounded. Brenda Frederickson said she wanted a public apology and the article retracted. Brenda Frederickson said that the records that Cheryl Wright received were not supposed to be given to her she only had the right to know gross salary and not personal hourly information. Brenda Frederickson again said she wanted a retraction and a public apology.

Colette J. Matarese said that it should not have been on the agenda repeatedly.

Colette J. Matarese moved Harold Shippee, Sr. and it was so voted that the council give Brenda Frederickson an apology for the process and alert the Providence Journal regarding a retraction.

Colette J. Matarese then said she would separate her motion as the reporter was in attendance and she could not tell him how to write his story.

The vote was as follows:

3 ayes Colette J. Matarese, Harold R. Shippee, Sr., Heidi Rogers  
2 nays, Steven Bellucci, Ralph Berkowitz

Colette J. Matarese moved, Steven Bellucci seconded and it was so voted to approve prorated additions in the amount of 6,560.96 and additions of \$545.75, and 542.07 and abatements of \$784.74 and 708.97.

All ayes.

Steven Bellucci moved, Ralph Berkowitz seconded and it was so voted to approve the abatements of \$17,714.18 for 1994 due to RIGL 9-1-13 statute of limitations.

Colette J. Matarese believed that the interview process should be used again for boards and commission and she thought it was very beneficial to the town by using that process,

Colette J. Matarese moved, Harold R. Shippee, Sr. seconded and it was so voted to reinstitute the interview process for boards and committees. Steven Bellucci noted that he did not have a problem with that however; he believed that alternates take precedence out of the clear blue for the boards and commission.

All Ayes

After discussion it was decided to table the matter of appointments until the next meeting because of the above motion. Colette J. Matarese suggested that the individuals who were interested be asked to attend the next meeting and do the interviews then

Colette J. Matarese moved, Steven Bellucci seconded and it was so voted to table the appointments until the next council meeting and send letters to the individuals who are up for reappointment and ask to attend the next meeting as well as anyone who is interested in a new appointment.

All ayes.

Letters were received from individuals who were interested in being appointed to the Charter Review Commission. It was noted that the Charter states the commission had to be in place by December 15<sup>th</sup>. After a lengthy discussion

Colette J. Matarese asked if it could be put in the minutes that it was the intention of the council to appoint a Charter Review Commission however due to a change in rules it was unable to be done at the meeting and it would be done at the next meeting.

Ralph Berkowitz moved, Steven Bellucci seconded and it was so voted to appoint Bradford Gorham, Michael Polouski, Walter May, Thomas Mercier, Robert Moreau be appointed to the Charter Review Commission. Harold R. Shippee, Sr. noted that Radford Gorham was the Town Solicitor and Robert Moreau was on the economic development advisory commission. Colette J. Matarese noted that the council never rescinded the interview process. Ralph Berkowitz moved to rescind. The Town Clerk informed him there was a motion on the floor. Ralph Berkowitz then moved to amend the motion that the interview process be waived so there could be a committee by the 15<sup>th</sup> of December. Harold R. Shippee, Sr. noted that

also Mr. May was just appointed to the Land Trust. Lynne S. Rider asked why wasn't any deliberations done on the five he named why those people and not the other six. Ralph Berkowitz said that they were qualified to do it. After a lengthy discussion with many opinions from the audience the vote was as follows:

Ayes Ralph Berkowitz Steven Bellucci Heidi Rogers

Nay Harold R. Shippee, Sr. Colette J. Matarese

An application was received from Lisa Mills dba Woodland Meeting house for an additional pool table; pin ball machine and card top video game.

Steven Bellucci moved, Colette J. Matarese seconded and it was so voted to grant the above application.

One bid was received for a generator to be installed at the Foster Ambulance Corps. The bid was opened from South Shore Generator Service of Wareham, MA for \$17355.00. The bid was forwarded to Thomas Walden, Emergency Management Director for his analysis.

The quarterly report from the conservation Commission was accepted. Colette J. Matarese moved, Harold R. Shippee, Sr. seconded and it was so voted to accept the report. Ronald Cervasio questioned the designation of Conservation Commission appointees.

Colette J. Matarese introduced a purchase policy and procedure. She said the council go work through the draft or appoint a committee to review the draft and come up with recommendations.

Colette J. Matarese moved, Harold R. Shippee, Sr. seconded and it was so voted to formulate a five member committee to look at purchasing procedures for the town of Foster in particularly as it should be decimated to the committees and to the departments of the town to follow and advertise for the members.

All ayes.

A letter was received from Little Rhody Antique Club of America requesting the use of the town grounds for a show on October 1, 2006.

Colette J. Matarese moved to give permission to the Little Rhody Antique Club of American for October 1, 2006 with the proviso of all insurance and paperwork.

Heidi Rogers noted that Thomas Berard dba Lucky's wanted to increase the area of Lucky's on the outside for a smoking area at the property. Mr. Berard showed a small sketch on how he would set up the area. The Town Solicitor noted that it would have to be advertised for a public hearing.

Steven Bellucci moved to place the matter on the next agenda. The Chief asked that the Fire Chief keep the same capacity.

Heidi Rogers read a letter from Cheryl Wright requesting for payroll records. Mr. Gorham said he spoke with Mike Field at the Attorney General's office and did send the clerk an opinion letter and it does state that the clerk does not have to provide the records. He said the Attorney General's office did say that if the council wished to make those records the council could produce the records. Mr. Gorham said that if they were not required to be produced by the clerk or anyone else but if the council wishes to they can make the records public.

Colette J. Matarese noted that the council has seen the affects of making records public and there is an item on the agenda regarding vacation- sick -comp accrual review discussion and action on the agenda. She did not believe giving the information was wise. Bradford Gorham said that the what the open record law

says is that the names of town employee, gross salary, gross benefits are available but when you go down to the level of weekly salary or weekly sick pay, the attorney General says that does not fit the definition of gross benefit and does not have to be disclosed. Mr. Gorham said he was told that the annual salary is subject to disclosure. Steven Bellucci said to move along and the matter would be addressed later.

A letter was received from the Foster Police Union requesting to begin negotiations for the next contract.

Colette J. Matarese moved to appoint Steven Bellucci and Ralph Berkowitz as the negotiation team for the police contract. Ralph Berkowitz said he did not have time. Ralph Berkowitz said one democrat and one republican should be on it. Colette J. Matarese withdrew her motion and Harold R. Shippee, Sr. withdrew his second

Colette J. Matarese moved, Steven Bellucci seconded and it was so voted to extend the deadline to January 31, 2006 and place the matter on the next agenda.

All Ayes

Colette J. Matarese moved Harold R. Shippee, Sr. seconded and it was so voted to grant Chief Coyne the ability to hire a candidate for a Foster Police Officer position.

All ayes

Colette J. Matarese moved, Steven Bellucci seconded and it was so voted to renew the following **Sunday/Holiday Sales Licenses** upon receipt of annual licensing fee and approvals from the Building Official, Fire Chief, Tax Collector and Police Chief where applicable:

#### **December 31, 2005 – 2006 Sunday/Holiday Sales License Renewals**

Mohamad Yaser Sasa d/b/a SASA QUICK STOP  
Drake Petroleum Co., d/b/a Extra Mart  
Wilson's Auto Enterprises Inc.  
Aniello V. Calise, d/b/a Danny's Auction Barn  
Russell Smith, d/b/a Chelsea's Trading Post  
Pamela S. Chabot & Kurt Deines, d/b/a Foster Trading Post LLC  
Henry Loven, Jr. d/b/a TLC Florist & Garden Center  
Shivamni Inc. d/b/a BD Food Mart  
Kristen Dexter d/b/a Cape in the Pines  
Gabriele's Package Store  
Bonnie and Donald Lambert d/b/a LLadylove Llama  
Lois Bardsley Sirois d/b/a Angels in the Rafters

All Ayes

Colette J. Matarese moved, Steven Bellucci seconded and it was so voted to renew the following **Secondhand Licenses** upon receipt of annual licensing fee and approvals from the Building Official, Fire Chief, Tax Collector and Police Chief where applicable:

#### **December 31, 2005 - 2006 Secondhand License Renewals**

Wilson's Auto Enterprises, Inc.  
MMC, Inc. d/b/a Mike's Auto Repair

Aniello V. Calise, d/b/a Danny's Auction Barn  
Raymond Lapointe, d/b/a Western Rhody Antiques  
Russell Smith, d/b/a Chelsea's Trading Post  
Pamela S. Chabot & Kurt Deines, d/b/a Foster Trading Post LLC  
Hemlock Auto Sales & Service  
Foster Auto LLC  
Wright's Auto Parts  
Pete Wilson d/b/a Price Auto Sales, Inc.

All Ayes

Colette J. Matarese moved, Steven Bellucci seconded and it was so voted to renew the following Victualling Licenses upon receipt of annual fee and approvals from the Building Official, Fire Chief, Tax Collector and Police Chief where applicable.

#### **December 31, 2005 – 2006 Victualling License Renewals**

Janet Brayton/Brenda Lindsay, d/b/a Shady Acres Restaurant  
Drake Petroleum Co.d/b/a X-Mart/Foster Sunoco  
Aniello V. Calise, d/b/a Danny's Auction Barn  
State Line Diner Inc.  
Shivamni Inc. d/b/a BD Food Mart

All Ayes

Colette J. Matarese moved, Steven Bellucci seconded and it was so voted to renew the following **Gun Shop Licenses** upon receipt of annual licensing fee and approvals from the Building Official, Fire Chief, Tax Collector and Police Chief where applicable:

#### **December 31, 2005 – 2006 Gun Shop License Renewals**

Certified Automotive, Inc., d/b/a Steve's Gun Shop  
Robert A. Boyden d/b/a Independence Enterprises  
Lawrence & Denise Costa-Mello, d/b/a Allary Farm  
Leon DeFranco, d/b/a LJD Gun & Supplies  
Foster Bear Arms and Trading Post Inc. d/b/a Kurt's Machine Shop

All ayes

Colette J. Matarese moved to renew the following **Campground Licenses** upon receipt of annual licensing fee and approvals from the Building Official, Fire Chief, Tax Collector and Police Chief:

#### **December 31, 2005 – 2006 Campground License Renewals**

Ginny-B, Inc., d/b/a Ginny B Campground  
John & Bertha Hawkins, d/b/a Whippoorwill Hill Campground

All Ayes

#### **December 31, 2005 – 2006 Private Investigator's License**

Colette J. Matarese moved, Steven Bellucci seconded and it was so voted to renew the following **Private Investigator's Licenses** upon receipt of annual licensing fee and approvals from the Police Chief, Fire Chief, Building Official and Tax Collector where applicable:

Vincent A. Turchetta

Alan Pittman

All Ayes

Heidi Rogers remarked that she wanted to ask the Solicitor what could be done as playground equipment was purchased without going out to bid. Bradford Gorham explained that if it was the sole source of playground equipment and it is certified to that they it did not have to go out to bid that would be an exception to the state statute.

David Costa, Recreation Director said that he collected five quotes from Blue Grass Playgrounds, New England Recreation, Game Time Recreation and Little Tikes. He said that he did not put an RFP together because he was not buying 5 swings, one slide and rider he said he was buying a playground. He said the playgrounds are sold as units and he received catalogues with the prices for the items. He said he made his best assessment from all 5 catalogues and called that company up and negotiated within.

Mr. Gorham said that if he analyzed the packages for playgrounds and only one fit the requirements for Foster so that was a sole source purchase.

Mr. Costa said he received a 10% discount and narrowed it down to that one individual company.

Mike Polouski, former Director of Recreation spoke up and said that he went to the Planning Board for the capital money and the proper procedure was to get three sealed bids for the town council to open and then a decision is made by the recreation director. Mr. Polouski said that the playground was supposed to go between centerfield of the little league and the soccer field. He said it was for the younger kids to play on while their siblings were playing games.

Colette J. Matarese read a letter from the Preservation Society listing their concerns of placing the playground on the town hall grounds and they were not in favor of installing the playground at that site.

Heidi Rogers said that she believed that placing a playground at the site where the outhouses usually go for Old Home Days was a good location.

After a lengthy discussion Colette J. Matarese made a motion.

Colette J. Matarese moved, Harold R. Shippee, Sr. seconded to install the playground at Woody Lowden Recreation Center. The motion failed.

Ayes Colette J. Matarese, Harold R. Shippee, Sr.  
Nays, Ralph Berkowitz, Steven Bellucci, Heidi Rogers

Steven Bellucci moved, Ralph Berkowitz seconded and it was so voted to put it where the Recreation Department Director wants it to go behind the town house. David Costa said it should be on the right side of the town hall. Colette J. Matarese asked for the plan and was it presented to the public and that was the Preservation Society's concern.

Ayes, Ralph Berkowitz, Steven Bellucci Heidi Rogers

Nays Harold R. Shippee, Sr., Colette Matarese

David Costa asked for permission to flood the horse ring to have an ice skating rink for weekends. He said that the insurance company has given their okay.

Steven Bellucci moved, Ralph Berkowitz seconded and to have an ice rink in the horse ring.

Ayes, Steven Bellucci, Ralph Berkowitz, Heidi Rogers  
Nay Colette J. Matarese, Harold R. Shippee, Sr.

There was a discussion at the last meeting regarding all the Eagle Scouts in Foster and having a plaques installed at town hall listing there names. Town Clerk Anne Irons will contact Rick Copp for the list of names. It was believed to be over 100.

The town council will not a have a second meeting in December.

Steven Bellucci said that there should be an internal audit done by the Treasurer on vacation/sick/accrual time. Heidi Rogers said that she did speak with the Treasurer about getting a monthly report.

Steven Bellucci moved, Ralph Berkowitz seconded and it was so voted that Jonathan Mitchell and Bradford Gorham do an internal audit and report to the council on any irregularities of overpayments.

All ayes.

The meeting was adjourned at 9:35 p.m.

Attest:

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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.