

**January 5, 2006**

The Town Council meeting was called to order by Heidi Rogers at Town House, 180 Howard Hill 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.

Ronald Cervasio of Old Plainfield Pike spoke about the Brenda Frederickson situation and said that she asked for an apology from the council when she should have apologized to the taxpayers of Foster. He said she never asked to give the money back.

Ronald Cervasio said also that at the last meeting Mr. Shippee said he was not going to participate in the police contract negotiations because he had already done it previously.

Ronald Cervasio also mentioned that the guys in the highway department deserve a round of applause for working the storms two men down. Ronald Cervasio noted that one of the men was Harry Shippee, Jr. Ronald Cervasio then went on and on about former Senator John Bevilacqua.

Lynne S. Rider of Burgess Road said that there was a disturbing article in the Providence Journal about Jonathan Mitchell. Lynne S. Rider noted that the agenda should be amended to discuss the job performance of the three republican council members. Mrs. Rider said that the three republican council members have created a negative, fearful atmosphere in the town hall.

Linda Walden of Central Pike noted that Ronald Cervasio spoke for 3 minutes and 48 seconds so that was now the standard that everyone could now go by. Linda Walden said that it was reprehensible that Foster was once again the newspaper. She said that she applauded anyone that says he just wants to come in and do his job.

Peter A. Baribault of Kennedy Road asked if any other employee has had a job evaluation and he was pretty sure he knew why only Mr. Mitchell was going through one.

Steven Bellucci moved, Ralph Berkowitz seconded and it was unanimously so voted to approve the minutes of December 8, 2005.

AYES - Ralph Berkowitz, Harold R. Shippee, Sr., Steven Bellucci,  
Colette J. Matarese, Heidi Rogers

Steven Bellucci moved, Colette J. Matarese seconded and it was so voted to approve Payroll Warrant #20A in the amount of \$743.65, Payroll Warrant #21 in the amount of \$17,550.24, Payroll Warrant #22 in the amount of \$23,671.21 and Payroll Warrant # 23 in the amount of \$29,148.08 and General Warrant #9 in the amount of \$148,603.57. Ralph Berkowitz commented that he would vote against the warrants because he reviewed the expenditure reports and not every item is listed 50% and that is where the budget should be at this point. Colette J. Matarese believed that bills are not in the expenditure report until after they are approved.

Jonathan Mitchell, Town Treasurer noted that typically there is a backlog until the expenditures are realized.

AYES- Steven Bellucci, Harold R. Shippee, Sr., Colette J. Matarese, Heidi Rogers  
NAY – Ralph Berkowitz

Steven Bellucci moved, Ralph Berkowitz seconded and it was unanimously so voted to approve the monthly reports as submitted. The reports would be on file at the town hall for review.

AYES - Ralph Berkowitz, Harold R. Shippee, Sr., Steven Bellucci,  
Colette J. Matarese, Heidi Rogers

Cheryl Davis of Abbey Lane questioned the status of the woman police candidate. Heidi Rogers noted that it was not on the agenda for discussion. Bradford Gorham answered that it was a matter that would be covered under the personnel section of the Open Meetings Law so that it could not be discussed.

The council members interviewed candidates for numerous positions on boards and committees.

### **Conservation Commission Appointments**

Ruth Rogers of 61 Cucumber Hill Road was interviewed for the Conservation Commission.

Harold R. Shippee, Sr. moved, Colette J. Matarese seconded and it was so voted to reappoint Ruth Rogers to the Conservation Commission with the term ending December 2008.

AYES - Ralph Berkowitz, Harold R. Shippee, Sr., Steven Bellucci,  
Colette J. Matarese

RECUSED - Heidi Rogers

Marilyn Flanders was not in attendance.

Steven Bellucci moved, Colette J. Matarese seconded and it was unanimously so voted to reappoint Marilyn Flanders to the Conservation Commission with the term ending December 2006.

AYES - Ralph Berkowitz, Harold R. Shippee, Sr., Steven Bellucci,  
Colette J. Matarese, Heidi Rogers

### **Foster-Glocester Juvenile Hearing Board Appointments**

The Council interviewed James Janis, David Sweet and Myra Mercier.

Colette J. Matarese moved, Steven Bellucci seconded and it was unanimously so voted to reappoint James Janis to the one year alternate position to the Foster-Glocester Juvenile Hearing Board with the term ending September 2006.

AYES - Ralph Berkowitz, Harold R. Shippee, Sr., Steven Bellucci,  
Colette J. Matarese, Heidi Rogers

Colette J. Matarese moved, Harold R. Shippee, Sr. seconded and it was unanimously so voted to reappoint David Sweet to the Foster Glocester Juvenile Hearing Board to the 3 year term ending expiring September 2008.

AYES - Ralph Berkowitz, Harold R. Shippee, Sr., Steven Bellucci,  
Colette J. Matarese, Heidi Rogers

## **Foster Land Trust**

Myra Mercier current member of the Land Trust

Heidi Rogers moved, Steven Bellucci seconded and it was unanimously so voted to appoint Myra Mercier to a three year term on the Foster Land Trust with the term expiring December 2008.

AYES - Ralph Berkowitz, Harold R. Shippee, Sr., Steven Bellucci,  
Colette J. Matarese, Heidi Rogers

## **Planning Board**

Michael Carpenter, Danielson Pike, current Planning Board Member

Council member Harold R. Shippee, Sr. asked for a round of applause to Michael Carpenter, a member of the Planning Board who had just returned from a term in Iraq. Mr. Carpenter did receive a round of applause from all elected officials and members of the audience.

Steven Bellucci moved, Colette J. Matarese seconded and it was unanimously so voted to appoint Michael Carpenter to a five year term on the Planning Board with the term expiring December 2010.

AYES - Ralph Berkowitz, Harold R. Shippee, Sr., Steven Bellucci,  
Colette J. Matarese, Heidi Rogers

Michael Carpenter of Danielson Pike spoke and said that it was great to be back and to be able to participate in town government. Mr. Carpenter stated that everyone in Foster should be proud of the young people who are serving their people in such a great way in a country with a lot of hostility and violence. Mr. Carpenter said that being proud of the young people is very important and whatever anyone can do in their own town to support their government as participating in government is very, very, important to the young people as they look up to the adults and want to come home and want to be proud of their home town and their government. Mr. Carpenter encouraged everyone to take that into consideration and volunteer, dedicate and cooperate in the government and volunteer in town government for the young people over in Iraq. Mr. Carpenter said that it was great to be back, to see everyone again and he was looking forward to working on the Planning Board again.

Again there was a round of applause of Michael Carpenter.

## **Recreation Committee**

Erin Moyer of Balcom Road was not in attendance.

Ronald Cervasio a member of the Recreation Committee stood up and said that no one knows Erin and he wanted to say that she was the heart and soul of the recreation committee and no one knows the amount of work that she does. He said that she does all the leg work, the writing and research and never gets the recognition for it and the council should appoint her again.

Steven Bellucci moved Ralph Berkowitz seconded and it was unanimously so voted to reappoint Erin Moyer to a five year term to the Recreation Committee with the term expiring December 2010.

AYES - Ralph Berkowitz, Harold R. Shippee, Sr., Steven Bellucci,  
Colette J. Matarese, Heidi Rogers

## **Zoning Board of Review**

William Gibb of Old Danielson Pike, Alternate on the zoning Board was not in attendance.

The Council interviewed Thomas Grabbert of Hartford Pike, Alternate on the Zoning Board of Review.

Steven Bellucci moved, Ralph Berkowitz seconded and it was unanimously so voted to reappoint William Gibb to the Zoning Board of Review to a five year term with the term expiring December 2010 and Thomas Grabbert to the Alternate Position with the term expiring December 2006.

AYES - Ralph Berkowitz, Harold R. Shippee, Sr., Steven Bellucci,  
Colette J. Matarese, Heidi Rogers

Colette J. Matarese suggested that Donna Baribault be sent a letter to see if she desires to stay on and also see if William Jones of Kennedy Road is interested in the Zoning Board of Review.

Heidi Rogers acknowledged a letter from the Foster Preservation Society regarding an easement that is required with the Rhode Island Historical Commission for the grant money that was recently received. It was requested that the Recreation Committee hold off the placement until the easement was signed.

Ronald Cervasio, member of the Recreation Committee stated he was speaking for himself and a number of recreation people that the playground should not go to the Woody Lowden Center because it was too far out. He said they were trying to locate the playground centrally where the library is, where town hall is and the police station. Mr. Cervasio stated that it came up that they wanted to locate it by the supper shed and now it has come up that the town house has to have one acre in particular designated to itself in order to have grant money. Mr. Cervasio said that the playground now has to go outside the easement and that would be by the supper shed and Mr. Rogers will talk later and they have come up with a good place for it behind the supper shed. Ronald Cervasio said that Chief Gawel believed a good place would be at the police parking lot and level the hill there. Ronald Cervasio thought that there was no visibility behind the supper shed. Ronald Cervasio said that he had also spoken with the Librarian and was told that the Library would be willing to take it and put it on there land between the police station and the Library. Ronald Cervasio said that it belongs in the center of the community and where the council decides to put it is up to them.

Gordon Rogers of Cucumber Hill Road said he measured it out and the area is just shy of 400 feet and it would be impossible to clearly have a one acre easement. Mr. Rogers said that the area is not being used by the Old Home Days Committee because it is woods and brush and the area would have to be cleared and several members of all volunteer fire departments have offered to prep the area for the playground.

Cheryl Davis, member of the Recreation Committee said she did not like the location and why can't the town buy a parcel of land and make it a recreation park. She said the playground was purchased to be installed at Woody Lowden and she believed it should go there even if it was temporary until the Recreation Committee has purchased land.

Lynne S. Rider of Burgess Road believed that it would have to be handicapped accessible since it was a public playground and that meant it would have to be wheel chair assessable which would require walkways or ramps a base etc. and was that factored into the location.

Natalie Arnold of Moosup Valley Road reminded the council that there were also bathroom facilities there at Woody Lowden and would the kids be running into the police department or town hall to use the facilities there.

Karen King of Foster Center Road if you are a mother and don't want to drive your kids anywhere you should not have moved into Foster. She believed Woody Lowden was a super place for kids.

Ronald Cervasio of Old Plainfield Pike said that the Woody Lowden Recreation center was ahead of its time 30 years ago but now it is behind the times and to say it's a good facility is incorrect.

Town Solicitor Bradford Gorham said he is glad to hear that he and Martin Helfgott were ahead of their time and he believes they still are ahead of their time because the Woody Lowden has proven it is a very fine facility.

Heidi Rogers read the recommendation from Emergency Management Director Thomas Walden recommending the bid for the purchase and installation of a generator for the Foster Ambulance Corps. be awarded to South Shore Generator Service of Wareham, Massachusetts in the amount of \$17,355.00.

Harold R. Shippee, Sr. moved, Colette J. Matarese seconded and it was unanimously so voted to award the bid to South Shore Generator Service of Wareham, Massachusetts in the amount of \$17,355.00.

AYES - Ralph Berkowitz, Harold R. Shippee, Sr., Steven Bellucci,  
Colette J. Matarese, Heidi Rogers

Colette J. Matarese advised that she is very busy for the next six months and would not be able to negotiate the police contract for the Town. Harold R. Shippee, Sr. noted that he is having surgery and would not be available to do it.

Colette J. Matarese moved, Harold R. Shippee, Sr. seconded and it was unanimously so voted that Steven Bellucci and Heidi Rogers be the negotiating team for the council to negotiate the police contract.

AYES - Ralph Berkowitz, Harold R. Shippee, Sr., Steven Bellucci,  
Colette J. Matarese, Heidi Rogers

Cheryl Davis of Abbey Lane asked if the council had to be on the negotiating team or could anyone be on it. Bradford Gorham said that it would be better for the town council as they are the ones that have to live with the contract. Thomas Mercier of Burgess Road noted he would be available if the council needed someone.

The following Resolution was read:

## **TOWN OF FOSTER, RI**

### **RESOLUTION OPPOSING ELECTRIC RATE INCREASE**

**WHEREAS**, the Rhode Island Public Utilities Commission, hereinafter the "PUC"; has an application pending to increase electric utility rates filed by National Grid. and;

**WHEREAS** the PUC just recently approved an electric utility rate increase charge to consumers by National Grid, and,

**WHEREAS** oil, natural gas, propane and diesel fuel prices have

escalated at an alarming rate during the past several months while energy supply and distribution company profits have achieved record setting levels causing a Congressional Hearing on the subject; and,

**WHEREAS** consumer wages and business revenues cannot keep pace with the unreasonably escalating energy costs; and

**WHEREAS** the Foster Town Council believes it is in the best interest of the public that the PUC deny National Grid's pending application to once again increase electric rates to prevent the perpetuation of inflation related to soaring energy costs;

**NOW, THEREFORE, BE IT RESOLVED**, that the Foster Town Council hereby urges the PUC to deny the application of National Grid to increase electric utility rates.

Steven Bellucci moved, Colette J. Matarese seconded and it was unanimously so voted to adopt the above Resolution urging the Public Utilities to deny the application of National Grid to increase electric utility rates.

AYES - Ralph Berkowitz, Harold R. Shippee, Sr., Steven Bellucci,  
Colette J. Matarese, Heidi Rogers

A request was received from Lt. Rollinson to use the Town House for Saturday January 21, 2006 at 2:00 p.m. to welcome and celebrate Chief Robert E. Coyne to Foster

Steven Bellucci moved, Harold R. Shippee, Sr. seconded and it was unanimously so voted to grant the request to use the Town House for a celebration for Robert E. Coyne, Chief of Police.

AYES - Ralph Berkowitz, Harold R. Shippee, Sr., Steven Bellucci,  
Colette J. Matarese, Heidi Rogers

Colette J. Matarese suggested that the committee that would be working on the purchasing policy and procedures could also work on a handbook for members of the boards and committees. She also suggested sending letters to the two town committees to submit names for consideration for the purchasing policy and procedures.

Colette J. Matarese remarked that it has come to her attention that the recreation committee has a checking account that has quite a bit of money in it. She said that there should be ways to discuss in the upcoming budget season to look at that from a better point of view. Mrs. Matarese said she did remember when the checking account was implemented back in the early 1990's and it was basically for the summer program and it was never meant for a checking account to continue on. Council member Matarese said that people who do donate money to the Recreation committee should not have their money placed in the general fund and her thought was to consider in the next budget cycle dissolving the checking account and looking into a restricted fund for donations so that money would go into a fund that would be audited. Mrs. Matarese also to have the recreation committee when they prepare the budget to list the costs as well as the revenues. Colette J. Matarese said she would like the Town Treasurer to look into it as regulations, the resolution that formed the committee and to come back to the council with suggestions to protect the money that people have donated.

Ronald Cervasio of Old Plainfield Pike and a member of the Recreation Committee said to leave it alone.

Bradford Gorham Town Solicitor noted that the Charter Review Commission has planned a meeting with the Recreation Department on February 21<sup>st</sup> and at that meeting the matter should be discussed and maybe a charter amendment is needed.

Ginny Colwell of Salisbury Road questioned when the charter commission would meet. She was told the commission was meeting the first and third Tuesdays of the month at 5:00 to 7:00 p.m. at the conference room at the Town Hall.

Heidi Rogers read a memorandum from Jonathan Mitchell, Town Treasurer regarding the current payroll services vendor, Paychex and requested to switch payroll services vendor due to the amount of errors that have occurred with Paychex.

Town Solicitor Bradford Gorham remarked that it had to go out to bid to switch companies.

Jonathan Mitchell noted that there were too many errors done by Paychex and something needed to be done. He explained about the new system from ADP and how accurate and more efficient the vendor was. Mr. Mitchell noted that Paychex does not offer the same system as ADP. He explained that he has spoken with Paychex and all they do is apologize for the errors.

Bradford Gorham explained that the Town Treasurer should draw up specifications for a system that he thought was appropriate for the town and maybe a number of people would bid on it.

Colette J. Matarese moved, Harold R. Shippee, Sr. seconded and it was so voted that the Town Treasurer prepare a specification for payroll services and to advertise as appropriate and send it out to any payroll services locally

AYES - Harold R. Shippee, Sr., Steven Bellucci, Colette J. Matarese,  
Heidi Rogers  
NAYS – Ralph Berkowitz

Ralph Berkowitz remarked that before the town council begins the next item he noted that Jonathan Mitchell was on six month probation and according to the personnel policy there is a three month evaluation and a sixth month evaluation and the council has not had an evaluation on Mr. Mitchell and he would like to do an evaluation on Mr. Mitchell and at the next town council meeting he would bring all the information and the council could have a discussion at that particular time.

Colette J. Matarese said that if an evaluation is going to be done on one person an evaluation should be done on everybody. She noted that there are new people in positions.

Ralph Berkowitz answered that they only thing on the agenda is the Treasurer.

Colette J. Matarese questioned how Ralph Berkowitz alone could evaluate Mr. Mitchell when he hasn't even been in Mr. Mitchell's office since September or spoken with him.

Steven Bellucci moved to put Ralph Berkowitz in to do this evaluation. Colette J. Matarese said the entire council should do the evaluation since she has been in Mr. Mitchell's office much more often than Mr. Berkowitz has. Mr. Berkowitz said that when he does the evaluation he would talk with each and every department head and he will bring back to the council what is going on. Bradford Gorham said that one person who is the liaison to that department can certainly do an evaluation. Colette J. Matarese asked what if there was a dissented opinion. Mr. Gorham answered then there would be a dissented opinion. Colette J. Matarese said that it was not the issue on the agenda at this point and time it was job

performance. Mrs. Matarese noted that he has been trying to find out since he first heard about this and he deserves to hear what the issue is.

Heidi Rogers said that initially there was a meeting between Mr. Mitchell and Mr. Grant and the liaisons and issues were to be discussed. Heidi Rogers said she received a call from Colette J. Matarese and was told that that was not appropriate and that Mrs. Matarese would attend the meeting and stop the meeting and that anything of that type should be discussed in executive session. Mrs. Matarese said what was said that it was a personnel matter and the entire town council should be made aware of and it was something that should not happen behind close doors. Mrs. Matarese said Mr. Mitchell wanted open session and now the people who initiated this are now trying to get out of it by trying to coming up with something else so that it will another meeting. Mrs. Matarese said Mr. Mitchell wanted it in the open and now its lets keep it hidden.

Heidi Rogers asked what the motion was and Steven Bellucci said it was to authorize the Liaison Ralph to conduct a six month valuation and to report back to the council. Colette J. Matarese said she wants to go on record that this is evaluation is bogus as Mr. Berkowitz has not been in the office, or talked with Mr. Mitchell since September and she has attended two meeting with Mr. Berkowitz where all he did was attack Mr. Mitchell and therefore she questions the validity of an evaluation that Mr. Berkowitz does.

Many, many people stood up and said they were against Mr. Berkowitz doing the evaluation of Jonathan Mitchell.

Ginny Colwell of Salisbury Road asked Mr. Mitchell if he had received a satisfactory answer as to what they were going to discuss with him. Ms Colwell said he should stand up and ask. Mr. Mitchell said he has no agenda, he does not have power, he does not want power or need it and he only wants to do his job. Mr. Mitchell said he comes in every morning to a very very hostile hostile work environment every single morning and is sick of it. He said he is sick of it and has brought it to the right people's attention and nothing has been done about it and he comes in and deals with it on a daily basis. Mr. Mitchell said when this all came up he said now what is going on. Mr. Mitchell noted that he does not even live in Foster.

Town Clerk Anne Irons also noted the hostile working environment and showed documentation of that fact. Heidi Rogers banged her gavel over and over and asked for the vote on the motion on the floor.

AYES - Steven Bellucci, Heidi Rogers, Ralph Berkowitz

NAYS - Colette J. Matarese, Harold R. Shippee, Sr.

The meeting was adjourned at 9:20 p.m.

Submitted By,

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.





