

January 19, 2006

The Town Council meeting was called to order by Heidi Rogers at Benjamin Eddy Building, 6 South Killingly Road, Foster, RI at 7:00 p.m.

The following members were present:

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

The Pledge of Allegiance to the flag was recited.

Heidi Rogers, President remarked that over the past year she tried to let everybody speak and she tried to be fair. She noted that people are not following the rules and she had even threatened to take away public comment and she would have had to do that but the meetings are completely out of control. Mrs. Rogers announced that people will be able to speak under concerned citizens but during the business portion of the meeting there will be absolutely no public comment until people can learn to conduct themselves appropriately there will be no more comments during the business portion of the meeting.

Lynne S. Rider of Burgess Road commented that she hoped the town council members conducted themselves appropriately too. She then asked if the job performance evaluation was done and completed on Mr. Mitchell, the Treasurer. Mr. Berkowitz after a time answered that it was not on the agenda. Mrs. Rider said she heard that there was an executive session scheduled for next Wednesday at 11:00 a.m. to discuss his job performance and wondered why it was at that time when the majority of the people will not be able to attend. Heidi Rogers answered that Colette J. Matarese requested that no action be taken at this council meeting because she was away. Mrs. Rider remarked that was not her question. Mrs. Rider was asked to leave and was escorted out of the building by the Chief of Police.

Ronald Cervasio of Old Plainfield Pike reported that the Recreation Committee was not operating as a normal committee of the community. He said that the Committee has been operating the same way as the committee has operated in the last ten years. Ronald Cervasio noted that they have been doing everything incorrect but they only followed what had been going on for the past ten years. Ronald Cervasio said all the concerns have come to light from Mrs. Matarese, like the check book. He said the Recreation Committee is finally given the community recreation like they never have had. Mr. Cervasio noted that David Costa donated his whole salary into the checkbook and he put in \$1,000 and Gordon Rogers put in \$250.00 and the people are not getting ripped off they are getting served and the committee will not run as it should.

Robert Peterson of Foster Center Road spoke up and said that he was concerned that at the last couple of town council meetings the interpersonal relationships between the employees of the town are at best poor. He believed that it was not good for the town or employees and not conducive for good work and it is not a way to get value for the taxes the people pay. Mr. Peterson remarked that the town employees are going to reflect to some degree the actions of the whole town council and the town. Mr. Peterson said that if you want the employees of the town to work as a team the town council should work as a team and show respect to one another on the council and they have to do that first. Mr. Peterson remarked that to disagree does not mean to be disagreeable. He said that there are political parties but they are for the long term health of the Town of Foster and they are not there for destruction. Mr. Peterson said that politics is not war by another name

and you should never consider a person of the other party an enemy. Mr. Peterson noted that if the council wants the employees to show respect for one another the council needs to do it first.

Mr. Peterson said the President of the Town Council has a special responsibility to the council and to the town and as the presiding officer, the President has to maintain order, foster decorum and build channels of concern and relationship that will allow the council to work together and deal with the town employees as one voice as much as possible. Mr. Peterson noted that the Town Charter makes the President of the Council the head of government in the town and it seems as a minimum the President of the council should seek to foster those harmonious relationships in all sections of the town and town government. Mr. Peterson suggested that the President of the Council convene a special meeting to talk about the working rules of the council and how they are going to deal with one another and the employees of the Town. Mr. Peterson said that it does not seem to be adequate to simply assign certain departments to one member of the council or another.

Mr. Peterson said that the heads of the departments in the town except the Treasurer who serves a two year term are all serving at the pleasure of the council, so you hire, direct and evaluate them. He suggested that the council meet with all of them and that they are to be professional in their work. Mr. Peterson noted that a professional is someone who can work with his or her colleagues and can work with the people that report to him or her. Mr. Peterson noted that they are to do it in such a way that they can the best out of their people. Mr. Peterson noted that he learned very fast in the military that leadership does not mean there is a bar on your shoulder but it does mean to build a team of people who can accomplish the mission assigned. Mr. Peterson said a professional is one who can work with people that he or she may not like personally but can get the very best out of those people and help them to succeed.

Mr. Peterson said he would like to see the council meet with all the employees of the town one way or another and talk with them on how the council is concerned with about them, wants to support them and encourage them. Mr. Peterson noted that many of the town employees have a special relationship with the council because on one hand they vote for the council members and on the other hand they work for the council members. Mr. Peterson suggested that the council explore with the employees of the town what such a relationship needs and where the boundary needs to be set between being a citizen and being an employed.

Cheryl Davis of Abbey Lane and a member of the Recreation Committee spoke up and said that she wanted to comment on the comments that Ronald Cervasio had made. She said he made a comment that she was an asset to the recreation committee and she was a dumb as a brick and a fuckin asshole. Ms. Davis said she was taking the brick part as a brick is strong and when you put a lot of them together they unite and the big bad wolf can't blow you down. She said she was taking that part as a compliment. Ms. Davis said she wanted the comments in the minutes so that Ronald Cervasio knows it was heard. Ms. Davis told the council that they have let him get away with it before.

Ms. Davis asked how many weeks did the police recruit get \$400.00 a week. Heidi Rogers said she would have to put that on another agenda because she did not get the total of it for Ms. Davis. Mrs. Rogers said she would put it on a future agenda. Bradford Gorham said it could be the total salary because there are limits on exactly what Cheryl can get under the Open Records Act. Ms. Davis asked if the money came out of the police budget or did it come out of the general fund.

Ms. Davis also questioned how much it cost the town when Harold R. Shippee, Jr. was out on workers compensation. Heidi Rogers said that it was in litigation and could not be discussed. Cheryl Davis said that it was over since he came back to work. She said she wants to know what it cost the Town. Bradford Gorham, Town Solicitor noted that it was covered under the Town's insurance policy. Ms.

Davis commented that the insurance would go up now because of that. Mr. Gorham answered not necessarily.

Cheryl Davis inquired who the Probate Judge was. Heidi Rogers answered that Robert Davignon was the Probate Judge.

Cheryl Davis asked if Mr. Grant had a CDL and an Operators' License. She noted that in the job description the public works director is supposed to hold both within six months and the six months is up. Mr. Grant answered that it was not on the agenda. Ms. Davis asked for it to be placed on the agenda.

Cheryl Davis then asked what was amount the town paid for unemployment for Mr. Gove. Heidi Rogers said she would look into it.

Karen King of Foster Center Road questioned if public comment would not be taken during the meeting. Heidi Rogers told her that the public comment would be taken for the two public hearings only.

Linda Walden of Central Pike said that she would like to echo Mr. Peterson's comments as they were very appropriate. She said that being elected to office is not a stamp for abusive power. She believed that when professional people are interviewed and selected for a job and are performing well and to go on a hunt for their job is basically outrageous. Mrs. Walden said that she also heard that there is an executive meeting at 11:00 a.m. on a Wednesday morning after you have seen how many people showed up the last time the item was on the agenda you choose to pick such a time for it. Mrs. Walden said it was another example of total disregard after having been elected to office and the total disregard to the populace of the town, the workings of the town and the whole benefit and good will of this town. Linda Walden noted that time after time the people ask questions and are told that the item is not on the agenda. She noted that the council can simply vote to add something to the agenda and they the council would not be sloughing and slowing down the work on the town by having people wait entire month to get an answer to some of the questions. Linda Walden remarked that as a professional curtsey other towns and states do have citizens comments and all comments are made from the townspeople and they have a chance to their own time equal to everybody else's and they make their comments and ask their questions. She said that the following agenda items are council and staff response and people do get their answers at that time. Mrs. Walden commented that she hoped the Treasurer had an excellent labor attorney and hopes he uses his ability to subpoena witnesses on his behalf so he gets a fair hearing before the council.

Ginny Colwell of Salisbury Road asked the council if there would be any other job performances done other than Mr. Mitchell. Heidi Rogers answered that she thought they should be done for everybody. Ginny Colwell remarked that thinking and doing are two different things and could that be put on the agenda for a clarification. Mrs. Rogers answered yes. Ginny Colwell said yes all jobs performances will done. Mrs. Rogers said yes.

Mrs. Rogers told Lynne S. Rider that she would not recognize her. Lynne S. Rider said she wanted to say what the Chief told her to say. Lynne S. Rider said that she was told that she should large a formal complaint for the record that her questions were not answered.

Steven Bellucci moved to accept the minutes of January 5, 2006. Heidi Rogers asked the two council members if they should be held until Harold R. Shippee, Sr. and Colette J. Matarese review the minutes. Ralph Berkowitz said to hold off the minutes. Heidi Rogers said the minutes would be tabled.

Steven Bellucci moved, Ralph Berkowitz seconded to approve payroll warrant #24 in the amount of \$22,875.91 and General Warrant #10 in the amount of \$107,386.78. Ralph Berkowitz said he would vote against payroll warrant # 24 as he does not know what is being paid. He said the warrant listed the week ending

12-10-05 and today is the 19th of January and if he approves a warrant he wants to know what week is being paid. Bradford Gorham advised that there were only two other people and it is required that 3 affirmative votes are needed for action.

Steven Bellucci then said he would separate the warrants and said that it was for payroll warrant #24 in the amount of \$22,875.91, Heidi Rogers seconded. Ralph Berkowitz said he was going to vote against it because he didn't know...you know.

The motion did not pass. Steven Bellucci aye, Heidi Rogers's aye, Ralph Berkowitz nay

Steven Bellucci moved, Ralph Berkowitz seconded and it was so voted to grant General Warrant #10 in the amount of \$107,386.78. Heidi Rogers questioned where the checks were for the ambulance corps. Ralph Berkowitz asked how long ago they were submitted. Sharon Cotter, Commander of the Ambulance Corp said they were submitted to January 2nd. Mr. Berkowitz then asked who she submitted them to. Anne M. Irons Town Clerk remarked that Ralph Berkowitz was in receipt of a memo from Jonathan Mitchell. Ralph Berkowitz answered he knew and he saw the memo. Ralph Berkowitz said he is asking the question to the ambulance corp. who they gave the appropriate paper to. Sharon Cotter noted that it was faxed and dropped off. Steven Bellucci asked Ralph Berkowitz if he would look into that. Steven Bellucci aye, Ralph Berkowitz aye, Heidi Rogers's aye

Steven Bellucci said he received a letter from the zoning chair that was dropped off from Larry Daniels of Hartford Pike asking to be considered on the Zoning Board.

Heidi Rogers asked if there were any other letters. Anne M. Irons remarked that William Jones from Kennedy Road was in attendance and had sent a letter.

Steven Bellucci remarked that he had a couple of phone calls from two people on the recreation committee saying they would like Bill Jones to be involved with that because I guess they are working on concerts or talking about bringing in music. Steven Bellucci said that the name was brought up at the last meeting and they were excited about the fact of having him on the recreation committee and he did state in his letter that he would take either.

Steven Bellucci moved, Heidi Rogers seconded and it was so voted to put Mr. Jones on the Recreation Committee.

Ralph Berkowitz, Steven Bellucci aye, Heidi Rogers aye

Steven Bellucci moved to put Larry Daniels on as a one year term. Anne M. Irons questioned if the council was going to do interviews. Mr. Bellucci said he was not at the meeting. Mrs. Irons reminded the council that they made a motion a few meeting back that they would have an interview process for boards and committees. Mr. Bellucci said that no one else was interested and Marty said he knows him. Ralph Berkowitz said he would second for discussion. Ralph said he understands that the council is trying to interview people and there are 5 full timers and one alternate and this would be the second alternate but to be fair to everybody that the believes it should be held off until the individual comes in and the council has an opportunity. Steven Bellucci then said to table it for next month.

Heidi Rogers explained that there was a shortfall in grant money and that it was just a matter of voting on the transfer that was already discussed. Steven Bellucci read the request from Nancy Johnston, Human services Director. Heidi Rogers remarked that the actual amount of money to be transferred from the contingency fund that was voted on before is \$3,396.50.

Heidi Rogers moved, Steven Bellucci seconded and it was so voted that the sum of \$3,396.50 from the contingency fund be transferred to make up the difference.

Ralph Berkowitz aye, Steven Bellucci aye, Heidi Rogers aye

Heidi Rogers read the Notice of Public Hearing – Martin Austin has applied for a license to sell secondhand items at 193C Danielson Pike, Plat 10 Lot 88, owned by Herman Shepherd. Said application will be heard on January 19, 2006 at 7:00 p.m. at the Benjamin Eddy Building.

Heidi Rogers said the purpose of this hearing is to consider a transfer of **Marty's Antiques & Auction Service** currently located 52 Danielson Pike Plat 21 Lot 26 to **Marty's Antiques** to be located at 193C Danielson Pike, Plat 10 Lot 88

Heidi Rogers explained the format for the public hearing will be that interested parties in favor of the application will speak first followed by anyone who wishes to speak against the application. The Town Council will be given the opportunity for discussion and to ask questions and a vote will be taken on the application transfer.

Harold Hey of North Road spoke and said that he knew the man for many years and he was a good honest man and ran a good business and was fair.

There were no other comments from the public.

Steven Bellucci moved, Heidi Rogers seconded and it was so voted to grant the secondhand transfer.

Heidi Rogers read the following ad for the amendments to Lucky's Liquor License Public Notice is hereby given by the Foster Town Council, being the Licensing Board in said Town that the following named person has petitioned to said Council to include outdoor seating to serve alcoholic beverages and a smoking area at

Thomas Breard
D/b/a Lucky's
143 Danielson Pike
January 19, 2006 at 7:00 pm.
Ben Eddy Building

Heidi Rogers said the purpose of the Public Hearing is to consider an amendment or to include conditions to Liquor License 2006- Class BV held by Thomas Breard d/b/a Lucky's, located at 143 Danielson Pike in Foster. Thomas Breard has petitioned the Town Council to include a fenced in area for smoking and an outdoor seating to serve alcoholic beverages to the patrons behind the building at 143 Danielson Pike.

Heidi Rogers explained the format of this public hearing will be interested parties in favor of the request for additional outside seating /smoking area and to serve alcoholic beverages will be given a chance to speak first. Anyone who wishes to speak against the proposal will then be given an opportunity to voice their opinions. The town council will be given the opportunity for discussion and to ask questions and then a vote will be taken.

Steven Bellucci read the recommended three stipulations from Deputy Roy Shippee of South Foster Volunteer Fire Company.

Heidi Rogers read the five recommended stipulations from Chief Robert Coyne.

Thomas Breard said he was aware the stipulations from Deputy Chief Shippee and had spoke with him. Mr. Breard showed in detail from a map he had distributed to the council on where the fence was to be installed.

Heidi Rogers asked if there was anybody against the amendment of the liquor license.

Kathy Cournoyer of Danielson Pike questioned about music in the outdoor area. Thomas Breard noted that he did not have outdoor entertainment.

Heidi Rogers asked if there was anybody in favor of the amendment of the liquor license.

Lynne S. Rider of Burgess Road questioned if it would take away from the parking area. She was told no. Lynne S. Rider also asked who would be supervising the area. Thomas Breard said that he and his employees would be supervising the area. Steven Bellucci noted that there would be no selling of alcoholic beverages outside.

Cheryl Davis of Abbey Lane questioned how close was the house that was to the left of Lucky's. Thomas Breard said he did speak with the owner next door and they had no problems. Cheryl Davis asked the height of the fence and she was told it was going to be a 6 foot fence.

Heidi Rogers asked again if there were any further comments.

Linda Walden of Central Pike said she wanted to verify that there would be no outdoor entertainment and would the council make that as a condition.

Thomas Breard answered that it was already a condition on his liquor license as he does not have outdoor entertainment. He did say in the summer when a band is playing inside and the windows are open the music noise does travel.

Linda Walden said she did not object.

Cheryl Davis questioned if it was an option for Lucky's to come before the council for outdoor entertainment. Bradford Gorham said he was not licenses for it. He noted that a public hearing was needed if he wanted outdoor entertainment.

Heidi Rogers again asked for any comments and hearing no further comments closed the public hearing.

Steven Bellucci moved, Heidi Rogers seconded and it was so voted to grant the amendment of the liquor license to be consistent with the Deputy Chief and Police Chief 8 stipulations for an outdoor area.

Ralph Berkowitz aye, Steven Bellucci aye, Heidi Rogers aye

The stipulations are as follows:

- 1) There will be no ability for anyone to gain entrance to the outdoor enclosure other than through the established bar;
- 2) The existing fire code capacity remains unchanged;
- 3) There shall be no service, sale, or storage or any alcoholic beverages within the outdoor enclosure;
- 4) The licensee shall provide sufficient monitoring of the outside area and must submit to the licensing authority and the Chief of Police his plan indicating the supervision that will be provided to maintain the capacity and also supervise the outside area;
- 5) The granting of the outdoor consumption of alcohol is not transferable in the event the business is sold or transferred to another person or entity;
- 6) There shall be no increase in the maximum occupancy. The total occupancy of the proposed enclosure plus the existing building shall be equal to the posted occupancy of the building;
- 7) The enclosure shall have a minimum of 2 exits located remotely from each other and equipped with appropriate mechanism to allow free passage in event of an emergency;
- 8) Exterior Lighting shall be provided and shall have either battery or generator backup.

An application for a Class F Liquor License was received from the Foster Center Volunteer Fire Company for a steak fry on February 11, 2006.

Steven Bellucci moved, Ralph Berkowitz seconded and it was so voted to grant the application for a Class F Liquor License for February 11, 2006.

Ralph Berkowitz aye, Steven Bellucci aye, Heidi Rogers aye

The Department of Mental Health, Retardation and Hospitals, Division of Behavioral Health forwarded an agreement to be signed the President of the Council which would allow reimbursement to the town for law enforcement activities in support of underage drinking and tobacco control initiatives.

Steven Bellucci moved, Ralph Berkowitz seconded and it was so voted to authorize the President to sign the agreement with the State or Rhode Island, Department of Mental Health, Retardation and Hospitals, Division of Behavioral Health.

Ralph Berkowitz aye, Steven Bellucci aye, Heidi Rogers aye

The council received abatements from the Tax Collector due to Chapter 7 discharge of bankruptcy case #98-115542-1995 in the amount of \$157.96, case #05-15694-2004 in the amount of \$146,15 and case #01-11532-196, 1997, 1998, 1999, 2000 and 2001 totaling \$2,787.31.

Steven Bellucci moved, Ralph Berkowitz seconded and it was so voted to approve the abatements for accounts #23-1030-00, #02-112-50, and #12-1690-00.

Ralph Berkowitz aye, Steven Bellucci aye, Heidi Rogers aye

Heidi Rogers placed the following item on the future agenda items:
Amount paid to the officer candidate.

The meeting was adjourned at 7:50 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.

