

February 9, 2006

The Town Council meeting was called to order by Heidi Rogers at the 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
Ralph Berkowitz did not attend
Colette J. Matarese
Harold R. Shippee, Sr.
Bradford Gorham, Esq., representing Town Solicitors

The Pledge of Allegiance to the Flag was recited.

Heidi Rogers announced that there would be public discussion during the public hearing only and concerned citizens.

Lynne S. Rider of Burgess Road questioned how it was in the newspaper that Jonathan Mitchell was suspended with pay when she attended the meeting where the town council terminated him and she asked how that did happen after the meeting.

Heidi Rogers asked the Town Solicitor to answer.

Bradford Gorham remarked that because of the open meeting act was enacted after the Town Charter was adopted and the first thing now a open meeting is needed and send a notice to the person whose job performance is being questioned. He informed here there was an open meeting where the problems in the Treasurer's office was all spelled out. Mr. Gorham noted that there were nine particular items that were spelled out at that meeting. Mr. Gorham said that the motion at the end is to terminate his position as Treasurer and under the provisions of the Charter that means he has a right to request a hearing and he has 15 days to request that hearing. Mr. Gorham remarked that during that period he is suspended from his office as Treasurer. He noted that Mr. Mitchell has requested a hearing and the hearing has to be scheduled by the council president. Mr. Gorham said that in the mean time under the Charter he is suspended with pay.

Colette J. Matarese reminded the council that she did in fact tried to point that out to the council as well as the Town Solicitor at that meeting and she was told the reason that Mr. Mitchell could be terminated that day was clearly stated that he was on probation and nothing was said about the Town Charter. Colette J. Matarese also reminded the council members that the motion could have been changed at that point in time to Mr. Mitchell was being suspended from office pending the removal procedures and that was not done. Colette J. Matarese said that the motion that was made and voted on by her colleagues was to terminate Mr. Mitchell.

Bradford Gorham answered that if Mr. Mitchell had not requested a hearing he would be terminated and nothing further would have happened and no further motion was required. Mr. Gorham said that it so happens that he had a right to request a hearing in 15 days.

Colette J. Matarese answered that the council's action should have been at that point in time to suspend Mr. Mitchell and start removal procedures and not to terminate. Colette J. Matarese said she pointed out that there was a different process and no one wanted to listen to her. Mrs. Matarese said that at that point in time the correct process could have been done and it was not done.

Heidi Rogers noted that Mr. Mitchell went to Superior Court and requested a temporary restraining order and that was denied. She said that if the Judge felt Mr. Mitchell was being denied due process she believed he would have granted the restraining order.

Colette J. Matarese remarked that she understood that one of the reasons was that it was sworn to by individuals that Mr. Mitchell was not terminated but was suspended with pay which is not anything anyone in attendance heard.

Lynne S. Rider of Burgess Road noted that on the agenda for an emergency meeting on January 31, 2006 did not indicate at all that it had anything to do with finance or the Treasurer. She believed that in accordance with the open meetings law you must truthfully list what is going to be on there to the limited extent. Mrs. Rider said that as is says to meet with the Chief of Police on a matter of security is incredibly misleading. She believed it had nothing to do with the Police Chief and everything to do with the Treasurer and the finance department. Lynne S. Rider said that it was a violation of the open meetings law and she would be filing a complaint.

Lynne S. Rider also questioned why the General Warrant was only for \$24,000. Lisa Mill, Deputy Treasurer explained that the warrant covered what was in her in box.

Lynne S. Rider also asked why Mr. Grant's CDL license was not on the agenda to discuss

Peter A. Baribault of Kennedy Road asked what role Richard Grant played in the submission of the Affordable Housing Plan to the State of Rhode Island. Heidi Rogers answered that the Planning Board took the task on themselves and she announced that there was a joint meeting with the Planning Board and the Town Council next Wednesday. Peter Baribault remarked that Foster was the only town with out a planner and asked why the council so fit to eliminate the position of Town Planner. Heidi Rogers remarked that Mr. Grant did participate however she did not know to what extent. Peter A. Baribault questioned if he was a certified Planner as the job description states. Mrs. Rogers said that not to her knowledge.

Peter A. Baribault questioned the purchase of the playground equipment and noted that Town Solicitor advised that the council had to go out to bid for payroll services and why was the playground equipment purchased without going out to bid and violating state law and the town charter.

Heidi Rogers noted that it was not done properly however; Councilor Matarese did suggest a committee to go over the bidding process.

Ronald Cervasio of Old Plainfield Pike commented that Lynne was addressing budgetary stuff when nothing was addressed all along. Mr. Berkowitz addressed it for months. Mr. Cervasio went on about history and how people see things different and should listen with their ears. He said that Colette J. Matarese cannot have it both ways talking about some employee and not willing to talk about others.

Colette J. Matarese remarked that Ronald Cervasio rewrites history and says half truths, miss information and untruths.

Marsha Bowden of Maple Rock Road commented that if Lynne Rider cannot talk about the Treasurer she did not think Ronald Cervasio should be able to speak about Colette J. Matarese or anyone else. Marsha Bowden said she was concerned about not having comments during the meeting and she understood that the council did want to keep certain people under control. Mrs. Bowden said she has notice that people have brought up items that the council members were not aware of and that was a valuable contribution to the council.

Heidi Rogers said she did not know how the minutes get transcribed as the people do get out of control and until the meetings are under control.....

Marsha Bowden asked if there was a statute of limitations on future agenda items. Heidi Rogers answered no.

Cheryl Davis of Abbey Lane remarked that she did ask for items on the agenda and was told that they would be on the agenda and they did not get on the agenda. She noted one question had a yes or no answer. Cheryl Davis said she asked if Mr. Grant had his CDL and operator's license which had six months to do and he does not have them. She said he was not qualified to be the Public Works Director and what was going to be done about it. She noted that if he is working on it, it would be one thing but he isn't. Steven Bellucci said he was in the process of getting it. Cheryl Davis questioned why it wasn't done within the six months. Steven Bellucci answered it was scheduling he did not know.

Ann Grenier asked for qualification on speaking on agenda items. She noted that the Preservation Society was there to speak on the playground. Heidi Rogers answered that she could address the matter now.

Colette J. Matarese remarked that the council has always allow people to speak on agenda items and yes there has been people who have been loud and spoken out and some have even gone on to be council members and they were never shut down. She asked why were they be shutting off now when all that needs to be done is to sit down and speak quietly. Heidi Rogers said that she did try that and it is not discussion it is chaos.

Steven Croteau of Moosup Valley Road commented that in management you address the third person and you do not use names. He noted that he has heard the Council President threaten to remove people by the police. He advised that she should not threaten she should do it.

Rebecca Gervasio Forrest of Jenks Road remarked that she did send a letter to the council and she noticed it was not on the agenda and asked if she could read the letter. Rebecca Gervasio complained about the poor condition of Jenks Road including potholes, poor sanding and plowing. Mrs. Forrest noted that a bus went off the road as well as a tractor trailer. Harold R. Shippee, Sr. noted that he has received calls from people on North Road and Potter Road. Heidi Rogers noted that she forwarded the letter to the Public Works Director.

Gordon Rogers of Cucumber Hill Road remarked that he was the guy that plowed the road and he got up at 2:00 a.m. to do it and he plowed for free. He said he did not know the route as he does not plow normally. And he did not know where the state line was on the road. Mr. Rogers noted that one storm was an ice storm and the road was a solid sheet of ice and he had to back down every dirt road that he did in order to sand the roads. He again mentioned that he did it for nothing. Mr. Rogers said also commented that if a bus gets stuck because someone backs it into a ditch they should not be calling DPW to get it out they should be calling a tow truck.

Harold R. Shippee, Sr. asked how The Trust was dealing with Mr. Rogers working without pay and what happens if there is an accident and did anyone check with the insurance company.

Dotty Whitelaw of Jenks Road noted that she was the bus driver and she did not back it into a ditch she slid into a gully. She also commented that the DPW did not pull her out they came out and sanded the road and it took them 45 minutes to do that.

Lynne S. Rider of Burgess commented that her road was in very tough shape and the she knows it was not on the road plan for quite a few years. She asked where to people go to address it as there are parts of the road has a absolutely no

pavement left. Mrs. Rider asked if Mr. Rogers was driving a town truck when he was sanding and was he covered by insurance and before anyone is hired as a driver there is a list of check offs that have to be done and was that done.

Mrs. Rogers noted that she did request Mr. Grant to advertise for part time drivers.

Ronald Cervasio reminded everyone that Gordon Rogers drove the fire truck and the rescue and he does a CDL License. Ronald Cervasio said he also wanted to remind everybody that if Mr. Coggeshall would stay on the job and if Mr. Shippee....Heidi Rogers banged the gavel.

Rebecca Gervasio Forrest spoke up and said that she was not attacking anyone in her letter. She said that if Gordon Rogers was asked to go out and plow the road he should have been properly informed of where to plow and sand. Harold R. Shippee, Sr. agreed that the Director should have showed the part timers where the routes were because he has heard questions on the radio asking for directions to roads and their location.

Joseph Roukous of Theodore Foster Drive remarked that Richard Grant had stated that he had checked into the asbestos of the Nike Site and it is not in the roofing material it is inside the building such as heating pipes, floor and ceiling tiles. Mr. Roukous asked if the town takes Mr. Grant's advice and demolishes the building the town will be liable. Heidi Rogers noted that she had a copy of the report from Richard Grant. Mr. Roukous noted that he was told that was the roof shingles only that was tested. Harold R. Shippee, Sr. remarked that there was also a 3,000 oil tank too.

Cheryl Davis commented that Mr. Rogers should have been showed how to do the run however as far as people being out on medical leave there should be no reason to bring up their names. She noted that some of the routes were not done very well and the town has always worked with the bus company and that is the first thing the drivers are supposed to do. She commented that if Gordon Rogers was willing to do the work at \$8.00 an hour then pay him and he should not do in as a volunteer and to discredit him because he did not know where to go is unfair.

Ginny Colwell of Salisbury Road asked how the union felt about a non-union individual doing the job for nothing. Heidi Rogers noted that there have been part time guys. Ginny Colwell answered not for free. Heidi Rogers noted that she did not think that matters if all the regular guys were out working.

Peter A. Baribault commented that the Trust would never cover Mr. Rogers if he was involved in an accident not being an employee of the town or a subcontractor hired by the town. Mr. Baribault inquired about the public works contract investigation litigation that has been listed on the future agenda section for months and months and asked who was conducting the investigation and why Councilors Matarese and Shippee do not know anything about the matter. Mr. Baribault also noted that the union president also knows nothing about the contract investigation. Mr. Baribault asked if and when it will come to some conclusion. He asked for the reason of the investigation and the legal costs.

Bradford Gorham answered that when it was on the agenda it could be discussed. Heidi Rogers noted it would be on the next agenda.

John Bevilacqua of Salisbury Road remarked that there were rules that govern the council and government in general. He believed that some of the rules are overlooked and then straighten out after the mistakes are made. Mr. Bevilacqua stated it was embarrassing to a certain extent when due process, protecting the rights of the individuals who at least know what they are being accused of. He said that due process is being afforded an opportunity to defend oneself and also confront the people that accuse. He said that was lacking here and with the Treasurer. He does not believe that due process was never met. He remarked that the Judge in Superior Court did make a very definitive finding because the burden

upon the individual was the moving party who was the Treasurer had to demonstrate a strong evidence that there was an immediate reparable harm that was going to be caused to him. Mr. Bevilacqua noted that it wasn't until the Solicitor from the Town of Foster represented to the cause that he was suspended with pay that that particular element went away. Mr. Bevilacqua said that when you say that Superior Court made a finding that he was wrong and you were right it was right in one respect but wrong in another. He noted that it wasn't until that moment that the court felt that due process was being preserved. John Bevilacqua remarked that it was not so much that the council finds fault with people but it was how the manner of which you bring the information to their attention and afford them the opportunity to address it.

Mr. Bevilacqua remarked that people are being shut up here and the way the people are conducting themselves tonight is admirable and they should be allowed in the process as history mandates in the past. He stated that to shut people out now because of a few, and some of the few are closely aligned with council members that disrupt the meeting. He said he does not see move trying to walk out, or interrupt anyone else other than some individuals without naming any names. Mr. Bevilacqua believed that rules should be followed and let the people an opportunity to express their opinion. He thought the council should have a copy of rules of parliamentary procedure or some sort of Roberts's rules, Governing Rules in a nutshell is at Borders Bookstore that could give you a short hand version on how to conduct a meeting and to keep control of the crowd.

Colette J. Matarese said that she never remembers voting on not allowing people to speak during the meeting and if they are not allowed to speak during the meeting they should all be allowed to speak under concerned citizens. Mrs. Matarese said to shut them out because time is going on was rude.

Ginny Colwell of Salisbury Road asked if the council did any other department heads evaluation for the six month probation or did they plan to do some in the near future.

Heidi Rogers said that it should be placed on the next agenda.

Ronald Cervasio of Old Plainfield Pike said that the reason the town does not have an affordable housing plan was because the last planner did not live up to his contractual agreement. Ronald Cervasio said that Richard Grant is being criticized because he is not building an affordable housing plan and it is not his job, his job is the inside consultant. Mr. Cervasio said that the outside consultant was hired and did not do his job and dumped in on the planning board.

Cheryl Davis of Abbey Lane questioned the police recruit's letter on the agenda and was it to request to attend the academy again. Heidi Rogers said she would read the letter at that time on the agenda and it was to attend a portion of it with no cost to the town.

Steven Bellucci moved to accept the minutes.

Bradford Gorham remarked that he did speak with the clerk about the January 19th meeting with the foul language content and he believed for the records of the town it should be changed. Cheryl Davis spoke up and said that she wanted that included in the minutes as she requested. Mr. Gorham answered that he knew that but she was not the deciding factor and he was aghast that she did say that at a public meeting. Ms. Davis noted that she was just repeating what Ronald Cervasio had said.

Colette J. Matarese noted that she was not at the meeting on the 19th and cannot vote. Harold R. Shippee, Sr. noted that he too was not at the 19th meeting and cannot vote on the minutes.

Steven Bellucci moved, Colette J. Matarese seconded and it was so voted to table the January 19, 2006 minutes and pass the January 5, 2006 minutes.

Harold R. Shippee, Sr. Aye Steven Bellucci Aye, Colette J. Matarese Aye, Heidi Rogers Aye

Steven Bellucci moved Harold R. Shippee, Sr. seconded to approve Payroll Warrant #31 in the amount of \$22,083.17, Payroll Warrant #32 in the amount of \$23,546.51. Colette J. Matarese noted that on January 19, 2006 Warrant #24 dated December 10th was not approved and today there is #31 and #32 and now 24, 25, 26, 27, 28, 29 and 30 were never approved and said she cannot approve Warrants 31 and 32 out of order.

Lisa Mills, Deputy Treasurer spoke up and said that the reason why those warrants are not on there is because there were so many errors and would take too much time to correct them and she wanted the town council to be aware of every error that every person that was paid and the error needs to be shown in the correct amount before the council approves them. She noted that Warrants # 31 and 32 are the ones that have been signed prior to getting into Paychex and are correct. She again said that there were numerous errors and in DPW alone there were three individuals that were put into Paychex incorrectly. She said she was not going to present to the town council totals that were incorrect even though they were paid and the council needs to understand the errors.

Colette J. Matarese remarked that that was not the place to do it and that warrants are to approve.....Colette J. Matarese was interrupted by the Deputy Treasurer. Colette J. Matarese explained that warrants were not to point out errors they were to approve checks that were to be paid. She noted that they have already been paid and therefore the warrants should have come forward to the council for approval. She said if corrections need to be done that can be approved at a different date. Colette J. Matarese explained that warrants are not a place to point out errors.

Lisa Mills asked Mrs. Matarese was she suggesting that she presents to the town council all those payroll warrants that are incorrect and you're not going to be aware of that.

Colette J. Matarese said that what she was suggesting is that if the town has paid something, a payroll check has gone out it needs to come through on a warrant to be approved because it has already gone out. She explained that later on another forum for mistakes would be to bring a report to the council. Colette J. Matarese said that warrants were basically to approve the checks period.

Heidi Rogers asked Colette Matarese if she did not want to vote on it. Colette J. Matarese noted that the other warrants have been seen and also Warrant #24 dated December 10, 2005 was never approved. Colette J. Matarese again said that the council has not approved Warrant #24 dated 12-10-05 and the council has not seen Warrants #25,26,27,28,29, 30 and now the council is asked to approve Warrants #31 and #32 and the council needs to do things in order.

Steven Bellucci said he was not withdrawing his motion and Heidi Rogers seconded the motion and the vote was as follows:

Steven Bellucci Aye, Heidi Rogers Aye, Colette J. Matarese Nay, Harold R. Shippee, Sr. Nay

Steven Bellucci moved, Harold R. Shippee, Sr. seconded and it was so voted to grant General Warrant G-11 in the amount of \$24,659.12. Heidi Rogers recused herself as she and her husband were receiving stipends in the amount of \$342.00 and \$288.00.

Steven Bellucci Aye, Colette J. Matarese Aye, Harold R. Shippee, Sr. Aye
Heidi Rogers filed a recusal form

Steven Bellucci moved, Harold R. Shippee, Sr. seconded and it was so voted to grant the monthly reports as submitted. Colette J. Matarese said could not vote as she did not hear the motion.

Steven Bellucci Aye, Harold R. Shippee, Sr. Aye, Heidi Rogers Aye

Steven Croteau of Moosup Valley Road questioned how the warrants get paid and asked if the checks are issued then the warrant or is it the warrant issued then to free up the money.

Colette J. Matarese said that for the General Warrant that the warrant is issued voted on and then the bills are paid. She said that payroll goes through a different company and the payroll is paid before the warrants come before the council.

Steven Croteau said if there is no money to pay the payroll they the town rights a bouncing check. Colette J. Matarese said it gets paid. She noted that it is not the way it should be done but it is the way it's done as the town goes through a payroll company.

Colette J. Matarese noted that John Lewis and Julia Parmentier met with statewide planning to review the affordable housing plan and explained that the Rhode Island Housing was still requesting to make changes to the plan before they will give their ok. She also noted that the revaluation letters were sent to the taxpayers.

Steven Bellucci moved, Harold R. Shippee, Sr. seconded and it was so voted to accept the quarterly reports as submitted.

Heidi Rogers read the advertisement that was placed in The Observer.

The town of foster is considering filing an application for a small cities community development block grant for 2006/2007. A maximum amount of \$250,000 is available for such activities as:

Improved housing opportunities for low and moderate income families and individuals

Provision of community services principally benefiting low and moderate income individuals

Provisions of employment opportunities for low and moderate individuals

Heidi Rogers explained public hearing format as follows:

Interested parties in favor of the application are given a chance to speak first and anyone who wishes to speak against the approval of the application will be given an opportunity and then the town council will be given the opportunity to ask questions and a vote will be taken.

The WRIHRP executive board has recommended that the town apply for:
\$100,000 for housing rehabilitation
\$35,000 for operating

Totaling grant recommendation \$135,000

Heidi Rogers asked if there were any interested parties who are interested in favor of the application.

Colette J. Matarese remarked about how the good program was for some of the residents in Foster. She did question about the food bank request for \$2500 and \$5,000 for administration that was not listed in the letter.

Ellie Tetreault, Program Manager of the Western RI Home Repair Program explained that it would be included the application and said that Nancy Johnston would forward a letter. Anne M. Irons, Town Clerk did note than Nancy Johnston did inquire about a bathroom down in the town hall basement where the new Human Services office will be. Ellie Tetreault also noted that might not happen as the basement renovation has not even begun yet. Ellie Tetreault noted that there would be another public hearing to add for further additions to the application and they would be all prioritized.

Ann Grenier of Walker Road questioned how the town came become aware of the application process earlier for more ideas to be discussed.

There were no further comments from the audience.

A letter was received from Lynne S. Rider regarding the soil erosion and sediment control plans. Heidi Rogers asked the Town Solicitor to give a report on the status.

Bradford Gorham Town Solicitor explained that Robert Fallon asked him to forward letters to all the gravel operators advising them that they would have to get into compliance with the soil erosion and sediment control ordinance and submits plans for their operations or court action will being. He mentioned that Morris Prior has submitted a plan and all but one of the operators did call and inform him that they were starting their plans.

Lynne S. Rider inquired who approved the plan that was submitted as Mr. Fallon was not qualified and he was not certified. She also inquired if the plan was submitted to the Planning Board and the Conservation Commission. She was informed that they did receive the plan for review.

Fran Johnson of the Conservation Commission spoke up and said that she did agree with Mrs. Rider and the plans should be approved by a certified person. She did not believe the plans should be rubber stamped. She said the law does need to be enforced.

Colette J. Matarese moved, Harold R. Shippee, Sr. seconded that any submitted plans or any future submitted plans be sent through the proper channels as per the town's ordinance and sent to the Southern RI Conservation in order to be approved so that it is followed by the law of Town of Foster..

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

Heidi Rogers said she abstained Steven Bellucci abstained

The motion did not pass.

Bradford Gorham, Town Solicitor remarked that the council should speak with Robert Fallon on exactly what he did to approve the plan.

A letter was received from the Foster Preservation Society as well as the Old Home Days Committee requesting that the playground not be installed at the town hall grounds near the supper shed.

Heidi Rogers moved, Steven Bellucci seconded and it was so voted to instruct David Costa to reframe from erecting the playground from that location until further information from the Preservation Society. Colette J. Matarese noted that the Preservation Society did receive two grants and part of the grant process is not

to change the historic landscape and the last time there was grant money there was an easement and it has yet to be determined where the easement is exactly located.

Harold R. Shippee, Sr., Aye Steven Bellucci Aye, Colette J. Matarese Aye Heidi Rogers Aye

A letter was received from the RI National Guard Memorial Committee seeking one acre of land to erect a memorial somewhere in the State of Rhode Island.

Colette J. Matarese moved, Harold R. Shippee, Sr. seconded and it was unanimously so voted to forward the letter to the Foster Land Trust and for them to consider if there is an appropriate site and report back to the council by March 1st.

Harold R. Shippee, Sr., Aye Steven Bellucci Aye, Colette J. Matarese Aye Heidi Rogers Aye

Heidi Rogers remarked that Ronald Cervasio had asked her to move his item up on the agenda as he had to leave the meeting by 9:00 p.m.

Steven Bellucci moved Heidi Rogers seconded and it was so voted to move item H up before item B. Colette J. Matarese noted that it has been done for other people.

Harold R. Shippee, Sr., Nay, Steven Bellucci Aye, Colette J. Matarese Aye Heidi Rogers Aye

Ronald Cervasio reported that what he is finding is that the Recreation Director directs, has power makes the budget and plans the program however the resolution says the Director is responsible for the implementation and operation and does not say planning and he shall arrange for the maintenance of all town recreation buildings and grounds by the Public Works Director; shall attend recreation committee for the purpose of reporting on the department operations and shall collaborate in the development of the annual operating budget. He went on about the number of members

He explained that what has been happening with the last two directors was that they were running recreation on their plans and directives and that is not what is stated in the Resolution and he is here to see a clear cut advisory from the council or the solicitor as to the recreation committee. Mr. Cervasio stated he believes the resolution says that the director works for the committee, not the committee working for him as it has been done. He said he would like the council to give a clear cut definition of what the resolution says and then go from there. He says the committee does not know their responsibilities and he could be reading it wrong but he knew what it says and he knows what this director and the last director believes. He said the committee plans the budget, plans the program and reports to the planning board and does budgetary and that kind of stuff..... And he read from other sections of the resolution.

Heidi Rogers asked if he wanted it revised or did he want it clarified. He said he believed it was clear but the committee does not have a Treasurer or a chair and a regular committee and that is not true because there is never a quorum. He said he wants it to be a regular committee of the community and be responsible for funds and now he cannot be held for funds when for an example if he knew the playground had town funds it would not have had his vote. Ronald Cervasio said that every person in this town has a pool and a trampoline for their kid a playground in their backyard and he would not have voted for the playground with town funds. He believed it was a grant and it was the committee's fault because they do not know the budget. However, he said you cannot blame the committee for what they don't know.

Bradford Gorham answered that the Home Rule Charter restricts the council from creating any new departments and the council can appoint boards and commissions to server as an advisory capacity and that is the problem of creating a recreation department is that it has not been in the Town Charter Bradford Gorham said that the charter committee should take up the discussion. Mr. Gorham advised if it was in the Charter it would give it more authority.

Ronald Cervasio said he has brought it to the council's attention and he hopes that the charter commission or the town council will move forward and straighten out the problems.

John Bevilacqua of Salisbury Road questioned that any expenditures from that committee had to be approved by and had to follow the regulations of the charter as it stands now. Mr. Gorham answered that the committee was getting donations from parents for ice skating, baseball, hockey and etc. for years and rather than run it through the general fund a checking account was done and that too has to be addressed as it is a problem. He said maybe a way to address that would be to set up a department in the charter where authorization is clearly spelled out.

Ronald Cervasio remarked that David Costa donated his \$3,000 salary to the checkbook and his wife donated \$1,000. Ronald Cervasio said he does not want to continue to operate wrongly but he is not the director and a mistake was made and the rest of the money is being responsible and it is all accounted for.

John Bevilacqua remarked that if the funds were elected for a specific purpose and if the authority is not clear at least find out what the authority is and allow the council and the charter commission to do so for the funds will be appropriately used.

Ann Grenier of Walker Road said it was a historic event because she agreed with Ronald Cervasio. She distributed a time line to the council about the playground after researching the recreation minutes. She noted that most of the time there was only three people, however proper procedures should be in place.

Steven Croteau of Moosup Valley Road questioned that it was already passed to be placed at Woody Lowden and did not understand what the issue was now. He said that the time the playground is used it will be old and why can't it be erected where it was supposed to be and move on.

A letter was received from the Old Home Days Committee requesting the use of the grounds the last weekend in July for Old Home Days.

Steven Bellucci moved, Colette J. Matarese seconded and it was so voted to grant permission for the use of the town grounds for the Old Home Days.

Harold R. Shippee, Sr., Aye, Steven Bellucci Aye, Colette J. Matarese Aye Heidi Rogers Aye

Heidi Rogers acknowledged a request from the Tax Assessor that the revaluations be posted on the internet for a six month period which would be all public record.

Heidi Rogers moved, Colette J. Matarese seconded to notify the Tax Assessor that the council had no objections to place the revaluations on the website. Colette J. Matarese remarked that she had mixed feelings on it. Heidi Rogers noted that most cities and town already do it. Colette J. Matarese noted that to have pictures of every home and addresses made her uncomfortable. The motion did not pass.

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

A letter was received from Lynne A. DeStefano, police recruit requesting to attend the police academy for the fire arms portion of the school at no cost to the school.

Harold R. Shippee, Sr. remarked that he did not want to vote on it unless he spoke with the Chief of Police. Brad Gorham, Town Solicitor reported that the Chief of Police asked him to tell the council that he would like added to fire arms course that the candidate would accept the conditional offer of employment that the Chief of Police has prepared which has a number of conditions in it that would affect the town's interest such as if funds are available if she passes the tests. Harold R. Shippee, Sr. noted that her letter states no cost to the town and asked who would pay for the ammunition.

Lt Eric Rollinson addressed the council and said that he was representing the Chief and there were some concerns and there are several conditions to be met. He said that the ammunition was a concern because the minimum was 2000 rounds and 20 rounds for shotgun and he quoted that 2000 rounds would cost \$479.20 and he did not know the cost for the shot gun. Lt. Rollinson said there also was a concern of salary and medical benefits as required by the academy. He said a meeting would be set up with the Chief if the requirements are set. He said she would have to sign a contingent offer of probationary employment. Lt. Rollinson said the academy has opened the door.

Colette J. Matarese noted that the position has been filled and was there money available. Lt. Rollinson noted that contractually there was an opening because the contract requires 6 officers and there are only 5. He noted that at the moment there is not an accurate account for the salaries line item and that is part of the contingent offer. Colette J. Matarese said she would rather wait for more information to be able to vote in the affirmative.

Steven Bellucci moved, Colette J. Matarese seconded and it was so voted to table the matter for two weeks.

Harold R. Shippee, Sr., Aye, Steven Bellucci Aye, Colette J. Matarese Aye Heidi Rogers Aye

Heidi Rogers acknowledged an agreement with the Army Corp of Engineers for a site entry agreement for the former Nike Site on Theodore Foster Drive for the Army Corp. of engineer to do periodically testing.

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

Harold R. Shippee, Sr., Aye, Steven Bellucci Aye, Colette J. Matarese Aye Heidi Rogers Aye

Heidi Rogers acknowledged a memo from the Public Works Director requesting permission to demolish all the buildings at the former Nike Site at Theodore Foster Drive because two buildings roofs were destroyed.

A letter was also received from Northwest Special Education requesting that the council consider action on only the two unoccupied buildings and then convene a dialogue with Northwest Special Education and the other two communities to arrive at a long range plan for the office location

Steven Bellucci moved Colette J. Matarese seconded and it was so voted to instruct Mr. Grant to seek a company to come in and test two buildings, walls floors, anything, lead paint, or any hazardous material. Harold Shippee remarked that there were a total of five buildings. Colette J. Matarese remarked that the underground tanks and removal of those tanks should also be included.

Frances Roukous of Theodore Foster Drive remarked that after she read in the newspaper that Richard Grant said the Environmental Protection Agency owned

the Nike Site at one time shed in fact called Washington, DC and the Environmental Protection Agency informed her that they have never owned that property. Mrs. Roukous said she was informed by the Army Corps of Engineers that nothing has been removed from those buildings since 1955 and the Corps. will remove the underground storage oil tanks for free. Mrs. Roukous remarked that when she asked Mr. Grant to test for asbestos she specifically asked him to test the ceiling tiles, floor tiles and the wrappings around the pipes. She also told the council that she spoke with the Department of Health and they informed her that Mr. Grant said there was absolutely no asbestos in the building. Mrs. Roukous said that the Army Corps. of Engineers told her that to all their knowledge that all the buildings have asbestos in them. Mr. Bellucci answered said the town will take care of as he made the motion

Harry Shippee of Mt Hygeia Road and an employee in the public works department informed the council that there was sulfuric acid, chemicals for copying machines, parts of a science lab.

The motion passed as follows:

Harold R. Shippee, Sr., Aye, Steven Bellucci Aye, Colette J. Matarese Aye Heidi Rogers Aye

Steven Bellucci moved, Harold R. Shippee, Sr. seconded and it was so voted to grant Anne Carlson proration additions of \$1148.75 and abatements of \$1132.97.

Heidi Rogers announced that there was a joint meeting with the Planning Board on February 15, 2005 to discuss the Affordable Housing Plan.

Bradford Gorham asked that the appeal for the reservoir valuation with the Town of Scituate be placed on the next agenda to see if the town council should consider whether Gorham and Gorham should file a brief on behalf of the Town of Foster.

The meeting was adjourned at 9:25 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.