

April 6, 2006

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

The following members were present:

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

The Pledge of Allegiance was recited.

The following citizens spoke under concerned citizens:

Ronald Cervasio
Cheryl Davis

Ralph Berkowitz moved, Harold R. Shippee, Sr. seconded and it was so voted to accept the March 9, 2006 minutes.

Ralph Berkowitz aye, Heidi Rogers aye, Harold R. Shippee, Sr. aye Colette J. Matarese abstained, Steven Bellucci abstained

Colette J. Matarese moved, Harold R. Shippee, Sr. seconded and it was so voted to change the order of the day and to move item C. and D. under new business Presentation from Representative Gorham Rural District and adoption of Resolution Rural Conservation District up to item 5 A. after the Warrants

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

Steven Bellucci moved, Ralph Berkowitz seconded and it was so voted to grant Payroll Warrant #39 in the amount of \$20,543.74, Payroll Warrant # 40 in the amount of \$20,455.50 and General Warrant #G-18 in the amount of \$15,614.66

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

Steven Bellucci moved, Harold R. Shippee, Sr. seconded and it was so voted to approve General Warrant #G-17 in the amount of \$51,984.94.

Ralph Berkowitz aye, Harold R. Shippee, Sr. aye Colette J. Matarese aye, Steven Bellucci aye Heidi Roger recused herself and filed a form with the RI Ethics Commission.

Ronald Cervasio of Old Plainfield Pike spoke up and said that Harold R. Shippee, Sr. should not be voting on the highway payroll warrants and he has a ruling from Ethics Commission on it.

Harold R. Shippee, Sr. commented that he was incorrect.

Representative Nicholas Gorham District #40 addressed the council regarding his proposal for a rural conservation district in northern and western Rhode Island including all or part of the towns of Glocester, Foster, West Greenwich, Exeter, Richmond, Hopkinton and Coventry.

Mr. Gorham believed that he was trying to create a safe harbor for 5 acre zoning which the Town of Foster invented. He described that the district would be from the Gloucester/Burrillville line all the way to the Rhode Island/Connecticut Border where Route 95 crosses into Connecticut and then up Route 95 to Route 102 in West Greenwich and then follows Route 102 through Exeter, West Greenwich/Coventry line through Coventry on Route 102 to the Foster line, all of Foster and west of Route 102 in Gloucester. Representative Gorham explained that the reason for the district was that no matter what the state law says, what mandates are placed on other towns or cities, any town or portion of any town may always have 5 acre zoning and if the portion of town as Coventry is in the district the mere fact that you put 5 acre zoning into place for that portion of the town that is in the district that cannot have the affect of increase density or development in the rest of the town and that is needed for towns like Coventry and Gloucester because they would never opt in. He said that they would say they would gain here only to lose it in the eastern part of the town. Representative Gorham believed it was a win win for towns like Coventry as they already have 5 acre zoning west of 102 and they would be able to remove that from the inventory of whether or not they are meeting things such as low-moderate income requirements and things of that nature. Representative Gorham noted that there is a place for low and moderate income housing but in this part of the state to force those kinds of mandates as literally as is done in Providence, Pawtucket and Central Falls is impractical and this District would protect it. Representative Gorham believed that the idea has a real future in the state and does not know who there would be rural towns if this is not done. Representative Gorham stated it would not prohibit low and moderate income housing all it would do would be removing the one size fits all mandates that they all think is a great idea up on Smith Hill. He said that he did not believe that every town in the state is the same as the City of Providence or City of Central Falls we are different and you have to take an account of that. He said that it would not prohibit it; it would not make it a mandate. Representative Gorham said that all he is saying is that towns in this area should be allowed to reduce the density without a penalty that is all his is saying.

Ralph Berkowitz moved, Steven Bellucci seconded and it was so voted to adopt the following resolution that was submitted by Representative Gorham

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

**STATE OF RHODE ISLAND
TOWN OF FOSTER**

**RESOLUTION IN FAVOR OF AMENDEMENT TO TITLE 42, CHAPTER
113
OF THE RHODE ISLAND GENERAL LAWS**

WHEREAS, there lies in the towns of Foster, Gloucester, Coventry, West Greenwich, Exeter, Hopkinton and Richmond one of the last and largest tracts of undeveloped forest and otherwise rural land, including that certain area known as the "*Pawcatuck Borderlands*"; and

WHEREAS, the mandates of state law regarding all cities and towns impose certain development standards and conditions which do not adequately allow for the preservation of such undeveloped forest and otherwise rural land; and

WHEREAS, five-acre zoning has been proven to be an effective foundation upon which to control density and otherwise preserve undeveloped land and the rural character of such lands; and

WHEREAS, it is necessary to effectuate changes to state law in order to preserve and protect the rural and undeveloped nature of such undeveloped forest and otherwise rural land, in the towns of Foster, Gloucester, Coventry, West

Greenwich, Exeter, Hopkinton and Richmond, including the allowance of five-acre zoning in all or part of such towns, without such zoning having the effect of increasing the effect or imposition of state mandates for development of land elsewhere in said towns;

NOW THEREFORE BE IT RESOLVED on the 6th day of April, 2006 by and before the honorable town council of the Town of Foster, that the said town council gives its endorsement to the House Bill 06-7465 AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT - - STATE RURAL CONSERVATION," a copy of which is attached hereto.

Attest:

TOWN OF FOSTER

S/Anne M. Irons
Anne M. Irons
Town Clerk

S/Heidi Rogers
Heidi Rogers
Council President

Steven Bellucci moved, Harold R. Shippee, Sr. seconded and it was so voted to approve the monthly reports and place them on file for anyone to see them.

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

Heidi Rogers opened the second public hearing for the Community Development Block Grant Application for 2006-07

Councilor Matarese reported that Northwest Community Health representatives were in attendance at last night's Planning Board Meeting and the members of the Planning Board did vote unanimously that the proposal did fit the Comprehensive Plan and should be supported.

President Heidi Rogers read the following list:

Housing Rehabilitation	\$100,000
Operations	35,000
Administration	6,000
Application Fee	1,500
Food Bank	3,000
Completion of Handicapped	16,325
Northwest Community Health	50,000
Community Housing Land	5,000
Abbey Lane Community Association	20,000

Councilor Matarese inquired what that cap amount was the Town of Foster. Ellie Tetreault, Program Manager informed the council that the Town of Foster could apply up to \$250,000.

Colette J. Matarese also noted that Planning Board did not approve the Community Housing Land Trust request of \$5,000 as there were already organizations that had a track record such as Woonsocket, etc. and they wanted to see the Community Housing Land Trust have a track first record before they approve any funding.

Colette J. Matarese noted that Abbey Lane did try a few years ago to get water and she believed it was difficult at that time.

Linda Menard from the Abby Lane Community Association said that they have been very unsuccessful. She noted that they still have the same issues of the water supply and now the aging of the pumping system which is 55 years old as well as

the septic line. Mrs. Menard noted that the engineering firm would be to just start the process and they need much more than what the grant can help with.

President Heidi Rogers asked if there were any further comments and hearing none she closed the public hearing.

Ellie Tetreault, Program Manager of Western RI Home Repair Program suggested leaving the amount open for Abbey Lane as there is enough room as the town has not reached the cap yet.

Colette J. Matarese moved, Harold R. Shippee, Sr. seconded and it was so voted to approve the application of the Western RI Home Repair Community Development Block Grant in the following order of priorities:

- 1) Housing Program totaling \$141,000
- 2) Northwest Community Health Care \$50,000
- 3) Town of Foster Human Services Handicapped Bathroom \$16,325
- 4) Abbey Lane Community Association Open amount
- 5) Food Bank \$3,000
- 6) Grant Application Fee \$1,500

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

Bradford Gorham, Town Solicitor reported that he analyzed the proposed amendments to the Foster Gloucester Regional School District Charter and reviewed the Acts that established the district in Public Laws 1958, Chapter 109.

Mr. Gorham suggested that the council may want to write to the regional school district to see if they want to change the legislation before it gets solidify by vote. He said that some of them are not favorable to the Town of Foster and they should be changed before the vote rather than trying to do something after. He went through the amendments stating that some are non controversial.

- 1) Provides for full regionalization of all schools which is the major question.
- 2) Changes the name to the Ponaganset Regional School District.
- 3) Change the school committee to 7 members to be elected at large from both towns serving 4 year terms with staggered terms. Top 4 would win and the next election the top 3 would get elected.
- 4) Deletes section which requires regional school to be within 2 miles of common boundary of the two towns. He believed it should remain for for the middle and high school.
- 5) Financial meeting time changed from 8:00 p.m. to 7:00 p.m.
- 6) Change the way votes are taken at the financial meeting from majority of those present to those voting on a motion.
- 7) Automatic 2% capital assessment for capital improvements added on.
- 8) Transportation would be done by the regional district.
- 9) For the first three years an automatic appropriation of \$75,000 to the Region.
- 10) Town to pay any remaining debt on the elementary schools.

Mr. Gorham noted that in the original act amendments were supposed be adopted at financial town meetings and not as a referendum. He did say that people say at referendums a lot of people vote on it however, the advantage a financial town meeting has is that you get discussion and that was the original agreement and he thought the council may want to stay with that.

Mr. Gorham advised that he would write a letter to the regional school district on the council's behalf or draft a letter for the council to adopt on the amendments.

The consensus of the council agreed that they did not agree with the following proposals:

7 at large school committee or 4 year terms and the boundary lines, majority votes present.

Heidi Rogers read the recommendation letter from the Friends of the Town House recommending Universal Electric Company, Inc. be awarded the bid to install the fire alarm system in the Town House

Harold R. Shippee, Sr. moved, Steven Bellucci seconded and it was so voted to award the bid to Universal Electric Company, Inc. in the amount of \$44,500.

Heidi Rogers announced that the Town of Foster's total budget for 2006-07 was \$11,735,502.31

Ralph Berkowitz moved Steven Bellucci seconded and it was so voted to approve and present it to the taxpayers.

Harold R. Shippee, Sr. said that he could not vote on the budget as he only received it five minutes before the meeting. He remarked that at the workshops there were a lot of mistakes in budget and he does not know if they were ever corrected. He commented that some departments are getting a huge amount of increases and others nothing. Colette J. Matarese said that she had questions to the revenue side. She said that there was a letter from the state budget office stating the total amount the town can tax for a property tax levy was \$7,085,182 and in the revenue area its \$8,179,126 and she was concerned about that. Colette J. Matarese also noted that the council had no numbers on the expenditures for the year. She also noted that money was being transferred from a couple of different places and she noted that the surplus transfer was increased by \$100,000 and she does not understand and didn't even know of the town has the surplus at this time.

Lisa Mills, interim Treasurer remarked that there was 1.9 million dollar surplus on the balance sheet. Colette J. Matarese remarked that the bills had not all been paid Colette J. Matarese commented that the expense report was 46% at 75% of the year. Lisa Mills answered that was salaries and salaries are up to date. She noted that the only thing that was not up to date was the pensions and that was about \$40,000. Colette J. Matarese inquired if that was ING and... Lisa Mills answered that it was ING, the union pension and the 5 IRAS have been paid up through 3-31-2006. Colette J. Matarese said that she has been told by employees that they are not. Lisa Mills remarked that they were on tonight's general warrant. Colette J. Matarese said that she still could not vote on that budget.

Bradford Gorham reported that on the letter from Peder Schaeffer from the Department of Administration the figure that jumps out \$7,085,182 is the levy not including frozen elderly accounts or tangibles or personal property. He said that he too saw that figure and had a discussion with Mr. Schaeffer and said that the tax levy the council proposes will get the town below the 5.5% He said it was difficult to work a formula as the town was going through revaluation.

Colette J. Matarese also noted that the revenues from the state don't match and she did not know if the school's targeted fund were included because if the school has not put that in their budget the town cannot put that under the revenues.

Bradford Gorham explained that in the past the town has received money from the state for general school aid and then also categorical school aid as literacy and technological support and this year it amounted to \$167,000 and what happened in prior years the school budget has been understated by \$167,000 they actually got the money they actually spent and the figure at the financial town meeting was lower than that. Bradford Gorham said that he spoke with Mr. Schaeffer about that and the correct way to do that was to include the \$167,000 to the school budget so the gross spending was shown accurately and to include it as a revenue item for the town meeting. Colette J. Matarese noted that the council decreased

the school not increased it by \$167,000. Mr. Gorham noted that it was decreased by \$60,000 and that was that but the total that is to be allocated to the school according to the council has gone up by \$167,000 in this budget. Colette J. Matarese said that she only received the budget right before the meeting and she cannot vote on it.

Heidi Rogers asked for a vote and the council voted as follows:

Ralph Berkowitz aye, Steven Bellucci aye, Heidi Rogers aye
Harold R. Shippee, Sr. nay Colette J. Matarese nay

A letter of resignation was received from David Riordan of the recreation committee.

Steven Bellucci moved, Colette J. Matarese seconded and it was so voted to accept the resignation letter from David Riordan.

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

Heidi Rogers read a letter from the Tax Assessor, Anne Carlson explaining that there are two possible options for the levy amount that was given by Lisa Mills, Interim Treasurer of \$8,175,793. 1. \$11.21 per thousand for all classifications. 2. \$15.19 for commercial, industrial and utility property, vacant commercial land and commercial mixed used property. It was noted that tangible would \$10.77.

Bradford Gorham advised that it should be placed on the agenda to adopt tax classification. He noted that it should be acted upon before June 15th.

Ralph Berkowitz noted that Lisa Mills has a letter from the state listing individuals who were willing to come in and help with the books.

Ralph Berkowitz moved to have Lisa make the initial contact to get an individual in as those people know the Phoenix System and know municipalities and they can help her update whatever has to be updated in the treasurer's office. Colette J. Matarese asked if they were the people on the letter from the municipal affairs office. Ralph Berkowitz answered yes. Colette J. Matarese said that when the town subbed out work before and if it was going to be over \$5,000 it was going to have to be advertised and bid out. Colette J. Matarese noted that that was the ruling from Diane Izzo and maybe Brad had a different one. Bradford Gorham said that if there was a contract and it goes over \$5,000 yes it would have to be bid. Colette J. Matarese asked if Ralph could add up to \$5,000 to his motion. Ralph Berkowitz agreed and said he makes a motion to add up to \$5,000, Steven Bellucci seconded. Colette J. Matarese again said that it was from the list of people.

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

The meeting was adjourned at 9:00 p.m.

Submitted by,

Anne M. Irons

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.