

May 4, 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 did not attend
Colette J. Matarese
Harold R. Shippee, Sr., was absent to due illness
Bradford Gorham Esq., representing Town Solicitors

The Pledge of Allegiance was recited.

The following citizens spoke under concerned citizens:

Marsha Bowden of Maple Rock Road
Ronald Cervasio of Old Plainfield Pike
Cheryl Davis of Abbey Lane
Rose Salvadore of Walker Road
Lynne S. Rider of Burgess Road
Councilmember Colette J. Matarese

A letter from Richard Grant to Bruce Colwell was acknowledged commending Mr. Colwell for his ability to work with minimal supervision and work in a timely manner.

Steven Bellucci moved, Colette J. Matarese seconded and it was so voted to place the letter in Bruce Colwell's personnel file and to thank him.

Heidi Rogers aye, Steven Bellucci aye, Colette J. Matarese aye,

Colette J. Matarese read a letter from Scott Ulrickson of Balcom Road requesting that the public works department temporary suspend the blasting plans near the stream on his property. Mr. Ulrickson noted that the town cannot determine where his property ends and the town property begins as survey has not been done. He also wrote that the state archeologist would be on his property on Friday morning to investigate to determine if the rock shelter is a historical Indian rock shelter.

Mr. Ulrickson asked the public works director for the time frame. Mr. Richard Grant answered that it would be blasted soon and the blasting company would contact him when they were coming out. Mr. Ulrickson remarked that he was informed by the blasting company that Richard Grant would let them know when the blasting was to be done. Mr. Ulrickson asked if he contacted them to blast as a neighbor was told by the blasting company that they would be out. Mr. Grant said he did not know and it seemed that Mr. Ulrickson had the answers.

Colette J. Matarese said that her concern was that there was a possibility of an archeological site that might be an Indian rock shelter and that was why she read the letter.

Mr. Ulrickson requested that the one spot could wait until next week. Mr. Ulrickson also remarked that he had an issue that it could be private property that would be blasted on as no survey has been done. He noted that the five year road plan does mention that a survey should be done first.

Mr. Grant remarked that a survey is only needed if there is a question and as far as he was concerned there were no question of where the road was and that was that the road exists between walls.

Mr. Ulrickson disagreed. He also mentioned that Mr. Grant has publicly said that he has spoken with many of the neighbors who want the road widened and paved and he wanted to state that he spoke with his neighbors who say that they have had no contact regarding that manner.

Heidi Rogers answered that the council has heard his concern.
Colette J. Matarese asked to place the matter on future agenda items of the council agenda.

Steven Bellucci moved, Colette J. Matarese seconded and it was so voted to approve the minutes of March 23, 2006 and minutes of April 6, 2006 and to table April 20, 2006 meeting minutes.

Heidi Rogers aye, Steven Bellucci aye, Colette J. Matarese aye,

Steven Bellucci moved, Colette J. Matarese seconded and it was so voted to approve payroll warrant #43 in the amount of \$20,528.71, payroll warrant #44 in the amount of \$20,977.74 and General Warrant #21 in the amount of \$332.94 and General Warrant #22 in the amount of \$60,137.15. Colette J. Matarese said she would again reiterate that the council really needs to do something about the missing payroll warrants. She noted that people have retired and their retirement is being held up because the council has not approved those warrants and the state retirement has not been paid. She noted that she would vote aye because she did not want to be responsible for holding up another warrant. Heidi Rogers answered that it was being done this week that the issue on the retirement was being taking care of this week. Colette J. Matarese questioned if it was the pensions and the warrants. Heidi Rogers answered that she assumed the warrants were getting up to date with it.

Heidi Rogers aye, Steven Bellucci aye, Colette J. Matarese aye,

Steven Bellucci moved, Colette J. Matarese seconded and it was so voted to approve the monthly reports as written and they are on file at town hall. Colette J. Matarese noted that the town was awarded the planning challenge grant in the amount of \$30,000 with a matching fund of \$7,500. Colette J. Matarese also noted that the Tax Assessor reported that houses were stilling selling higher than the revaluation figure but that the houses were taking longer to be sold.

Heidi Rogers opened the public hearing for an application for Open Recreational Events from Borders Farm Preservation, Inc., 31 North Road Plat 8 lot 9 that was advertised in the Observer Valley Breeze. She noted that the entertainment was for patriotic type bands, educational activities, classes, and Holiday and event type services from June through November and could be on Friday, Saturday or Sundays.

Donald Moyer was the spoke person for Borders Farm Preservation and noted that the abutters were notified of the public hearing.

Heidi Rogers asked for any comments from the public.

Shirley Colwell of Isthmus Road spoke in favor of the application.
Colette J. Matarese spoke in favor of the application as well.

Heidi Rogers asked for any comments not in favor of the application and no one spoke up against the application.

Heidi Rogers closed the public hearing.

Colette J. Matarese moved, Steven Bellucci seconded and it was so voted to grant the application for Open Recreational Events and Amusements License via town

ordinance 99-13-434 for Friday, Saturdays or Sundays from May 4, 2006 through November 30, 2006 as per the application that was submitted.

Heidi Rogers aye, Steven Bellucci aye, Colette J. Matarese aye

Heidi Rogers opened the public hearing for the transfer of a Firearm Dealers License to 52 Danielson Pike Plat 21 Lot 26 by Henry and Pamela Chabot Foster Bear Arms Trading Post Inc., owned by Danielson Pike Realty, LLC. Heidi Rogers read the advertisement that was in the Observer Valley Breeze.

Heidi Rogers asked for all those in favor of the transfer to comment.

Scott Ulrickson of Balcom Road spoke in favor of the application.

Lynne S. Rider of Burgess Road asked if there was a limit of the number of gun shops. She was told that there was no limit of the number of gun shops.

Jane Wiedele of Old Danielson Pike spoke in favor of the application.

Colette J. Matarese also spoke in favor of the application.

Shirley Colwell of Isthmus Road spoke in favor of the application.

There were no comments against the application.

Steven Bellucci moved, Colette J. Matarese seconded and it was so voted to grant approval of the transfer of the gun shop and secondhand licenses as it pertains to ordinance 90-12-16.

Heidi Rogers aye, Steven Bellucci aye, Colette J. Matarese aye

Heidi Rogers acknowledged a response from I. Lorraine O'Connors, Chair Total Regionalization Subcommittee commenting of the councils concerns of the amendments to the school charter of the Foster Gloucester schools.

Colette J. Matarese said that the concerns were that in section 5 regarding the building of the school being two miles from the board and that if the two towns are totally regionalized there would no longer be any borders. It was noted that if an influx of students came into Moosup Valley that would be where the school should be built. She noted that number 2 was regarding voting which was done by a financial town meeting where the majority present carried and a silent vote was a nay vote. She noted that the committee wanted to do away with that and it would be the majority of those voting. Ms. O'Connors' response was that it did not make sense if people did not want to vote why their vote should count as a nay vote. Colette J. Matarese noted that any changes for the charter are on a ballot in each town and it would be a majority of the combined vote to pass. It was answered that if either of the towns wanted to withdraw from the region it would have to be a majority of both towns. Colette J. Matarese commented on the response to the at large school committee was that if it was totally regionalized there would be no borders and it shouldn't matter and the current term in Gloucester was 4 years? It was noted that the amendments were separate.

Colette J. Matarese moved, Steven Bellucci seconded and it was so voted that the town council send letters to Senator Blais and Representative Gorham stating concerns of the town council and the positives and request that the legislatures alert the council when the bill is drafted to forward a copy to the council and alert the council of the time and date when it will be heard.

Heidi Rogers aye, Steven Bellucci aye, Colette J. Matarese aye

Steven Bellucci moved, Colette J. Matarese seconded and it was so voted to accept the quarterly reports from the Foster Land Trust.

Heidi Rogers aye, Steven Bellucci aye, Colette J. Matarese aye

Colette J. Matarese moved, Steven Bellucci seconded and it was so voted to reprioritize the CDBG Application as follows:

1.	Housing Rehabilitation	\$68,875.
1A.	Abbey Lane Project-Replace Underground Tanks	\$47,300
1B.	Administration	\$35,000
1C.	Operating	\$ 8,000
1D.	Administration Grant Application Fee	\$ 1,500
2.	Food Bank	\$ 3,000
3.	Handicapped Bathroom	\$16,325
4.	Northwest Community Healthcare	\$50,000
5.	Abbey Lane Planning & Repair	\$20,000

Heidi Rogers aye, Steven Bellucci aye, Colette J. Matarese aye

Ronald Cervasio, member of the Recreation Committee said he wanted the council to pick the spot for the jail house to be moved to so the post holes could be dugged.

Mike Wood of the Preservation Society reported that when Walter May was the Public Works Director a location was picked for the jailhouse. He noted that it was between the blacksmith shop and the parking area for the Town House. Mr. Wood reminded the council that Ronald Cervasio did promise to donate \$500.00 toward the move of the jailhouse.

Ronald Cervasio commented that since he was going to do it and was going to pay for it he wanted to say that the Preservation Society was absolutely useless because they do nothing.

Anne Carlson, member of the Old Home Days Committee asked that it be completed by Old Home Days and not started right before the event because of liability.

Gordon Rogers of Cucumber Hill Road also donated his time and services.

Colette J. Matarese said that she wanted the minutes to reflect that the town council as a whole did respect the Foster Preservation Society and respected the historical nature of the town and in no way, shape or form did the council support any statement that the Preservation Society is useless. Colette J. Matarese again said that they are supported in its work and are valued at what they do.

Only one bid was received after soliciting bids to three companies for paving projects for 6 roads in town. The one bid was opened from all States Asphalt, Inc. as follows:

Bituminous concrete Paving	\$54.50 per ton (minimum 700 tn)
Pavement Reclamation	
Fine Grade, and Compact	1.40 per square yd. (min 5,000 sq yd)
Liquid Calcium Chloride	.95 per gallon.

The bid was given to Richard Grant for his recommendation.

A letter of resignation was received from Scott Shangraw resigning from the Zoning Board.

Steven Bellucci moved, Colette J. Matarese seconded and it was so voted to accept the resignation and to advertise in the Foster Home Journal for a candidate for the position and to notify the political parties.

Heidi Rogers aye, Steven Bellucci aye, Colette J. Matarese aye

Heidi Rogers read the proposed ordinance adopting a tax classification plan. Bradford Gorham explained that he and the Tax Assessor drafted the ordinance together.

Steven Bellucci moved, Colette J. Matarese seconded and it was so voted to advertise for a public hearing as in accordance with Section 2.13 of the Town Charter for the June 8th town council meeting.

Heidi Rogers aye, Steven Bellucci aye, Colette J. Matarese aye

Colette J. Matarese gave a summary of the proposed zoning amendment for Commercial Site Review that was proposed by the Planning Board. Bradford Gorham noted that he did review the ordinance and the amendment and it seemed fine to him.

Steven Bellucci moved, Colette J. Matarese seconded and it was so voted to advertise for a public hearing for the proposed amendment to the zoning ordinance for the June 8th council meeting.

Heidi Rogers aye, Steven Bellucci aye, Colette J. Matarese aye

Colette J. Matarese also noted that the planning board was review many of the ordinances and asked to place planning board amendments on as a future agenda item.

Bradford Gorham reported that the Charter Revision Committee completed their work on April 25, 2006 and adopted a number of revisions to bring to the council to place on the November Ballot. He read the following proposed amendments.

Section 1.01(a) Powers of the Town

Add sentence: “Provided that the power of eminent domain shall be exercised only for municipal purposes and not to benefit a private party.”

Section 2.01(b) Election and Terms

Revise section to read:

“The terms of the council members shall begin at the regular December meeting of the council on the first Thursday after the first Monday in December immediately following the approval of the minutes by the out-going council as the first order of business. Prior to this meeting the out-going council shall meet in work sessions with the in-coming council to plan an orderly transition.”

Section 2.10 Independent Audits

Revise section to read:

“The council shall provide for financial audits and for performance audits in a five year cycle commencing in 2007. Financial audits shall be conducted in each year. A performance audit shall be conducted in year three (commencing in 2009) by a Performance Review Committee of five members appointed by the Town Council from among the citizens of the town; the committee shall review and analyze the performance of each town department, committee, board and official, both financially and for effectiveness in carrying out duties, in accordance with the standards for

operational audits, and shall report its findings and recommendations to the Town Council by the end of the year of its appointment; the committee shall serve without compensation, but may require the assistance of any official, board or committee.

Section 2.18 Committees, Boards and Commissions

Add sentence: “Committees, Boards and Commissions shall elect from their members, including alternate members, a Chair and Vice-Chair.”

Section 2.20 and 2.21 Reports and Meetings

Revise and combine sections as follows:

“All town departments, committees and boards, including the School Committee, shall make a report to the Town Council at such frequency, not less than quarterly, as required by the Town Council and with such content and in such form as required by the Town Council.”

Section 5.01 (a) Non-Partisan Candidacy for School Committee

Delete entire section.

Section 8.02 Chief of Police and Section 8.03 Declaration of Emergency by Chief of Police

Revise section 8.02 to read:

There shall be a Chief of Police appointed by the Town Council for a term of three years, with a first term to commence on January 1, 2007, pursuant to an employment contract setting forth the terms of his or her employment and the compensation for same, which shall not be reduced during the period of the contract; such contract shall provide for removal only in the event of conviction of any felony or any misdemeanor involving moral ineptitude, violation of any provision of his or her contract, violation found by the Rhode Island Ethics Committee, or disability certified by a physician selected by the Town Council.

Revise section 8.03 to read:

The Chief of Police shall have the authority to declare a state of emergency in the Town in the event of a disaster, or imminent danger thereof, which endangers the health, safety or welfare of the people, and to take such lawful action as the Chief deems necessary under the circumstances.

Section 9.02 (a) Planning Official

Add new Section:

“Planning Official

There shall be a Planning Official appointed by the Town Council to serve at the pleasure of the Council who shall be responsible for maintenance of the Comprehensive Plan, the Zoning Ordinance, the Subdivision Ordinance, the Five-Year Highway Plan, long range and short range planning, and such other duties as may be prescribed by Rhode Island law, by town ordinance or by the Town Council or Planning Board. The Planning Official shall receive such compensation as the Town Council shall fix, within the limits of the amount appropriated by the financial town meeting.”

Section 10.17 Special Donative Accounts

Add new section:

“Special Donative Accounts

The Town Council may authorize accounts to receive donations from private parties for specified public purposes (such as donations to the Recreation Committee for Little League). Such accounts shall be controlled and monitored by the Town Treasurer who may authorize persons to expend from the account on behalf of the town organization, without the necessity of the Town Council approval.

Article XVII Town Administrator – *Add new Article:*

Article XVIII Recreation Committee – *Add new Article:*

Town Administrator

Section 17.01 Office and Appointment

There shall be a Town Administrator appointed by the Town Council to serve at the pleasure of the Council. The position of Town Administrator need not be a full-time position.

Section 17.02 Qualifications

The Town Administrator shall be chosen by the Town Council solely on the basis of character and executive and administrative qualifications. The Town Administrator shall preferably be a citizen and elector of the Town.

No paid employee or official of the Town shall hold the office of Town Administrator. The Town Administrator shall not be eligible to accept any other paid Town or Foster office or employment during tenure of office, and shall devote such time to the duties of office as shall be determined by the Town Council.

Section 17.03 Compensation

The Town Administrator shall receive such compensation as the Town Council may fix, within the limits of the amount appropriated by the Financial Town Meeting.

Section 17.04 Powers and Duties

The Town Administrator shall be chief of administration of Town government and shall see that the laws and ordinances of the Town are faithfully executed; supervise the activities of all Town officials, departments and agencies, excepting clerical and office employees under the jurisdiction of the Town Clerk, and recommend such measures to the Town Council for consideration as deemed appropriate for the welfare of the Town. In addition to the foregoing, the Town Administrator shall:

- (a) Recommend to the Town Council the appointment of all Town officials and department heads whose appointment is not otherwise provided for in this Charter. All other employees of the Town shall be appointed, promoted or dismissed by the Town Administrator with the recommendation of the cognizant department head and Town Council. The Town Administrator shall search for Town citizens to fill vacancies on Town Boards and Commissions and such other Council appointments as set forth in this Charter, and shall make recommendations for their appointments to the Town Council.
- (b) Supervise and coordinate the development and management of the operational and capital budgets of the Town departments. Review

the annual budget requests of the volunteer fire and rescue companies and the libraries. Prepare recommended rates of compensation for Town office holders and employees. He or she shall not recommend rates of compensation of himself or herself, or members of the Town Council.

- (c) Submit the annual budget recommendations, as developed in (b) above, to the Town Council, and attend Town Council budget workshops, the public budget hearing and the Financial Town Meeting.
- (d) Attend regularly scheduled Town Council meetings, and such other meetings that the Council may require.
- (e) Serve on all labor contract-negotiating committees, in the capacity assigned by the Town Council.
- (f) Recommend all contracts for purchases on behalf of the Town. He or she shall see to it that the terms of all such contracts are carried out.
- (g) Have final responsibility for the care and preservation of all Town property and equipment, except that under the jurisdiction of the Land Trust or the volunteer fire and rescue companies.
- (h) Perform such other duties as may be prescribed by this Charter or required of him or her by the Town Council.

Section 17.05 Temporary Absence or Disability

During temporary absence or disability the Town Administrator with concurrence of the Town Council may designate by letter filed with the Town Clerk a qualified administrative officer of the Town to perform his or her duties. In the event of failure of the Town Administrator to make such designation the Council may appoint an officer of the Town to temporarily perform the duties of the Town Administrator. If any such absence or disability lasts more than sixty (60) days, the Town Council may either grant an extension or declare a vacancy in the office of Town Administrator.

ARTICLE XVIII

Recreation Committee and Chairman

Section 18.01 Recreation Committee

There shall be a Recreation Committee which shall be responsible for Town recreation programs and facilities and the development and administration of the capital and operational budgets for same.

Section 18.02 Membership, Terms of Office and Vacancies

The Recreation Committee shall consist of seven members appointed by the Town Council from the citizens and electors of the Town, each for a term of five years. One or two members shall be appointed each year at the December meeting of the Town Council, to the end that the members shall have staggered five-year terms. At the December 2007 council meeting, the council shall appoint two members for 5 years, one member for 4 years, two members for 3 years, one member for 2 years and one member for 1 year. No member shall be an elected official or employee of the Town.

Vacancies shall be filled by the Town Council for the remainder of the unexpired term. The committee shall annually elect from its membership a Chairman, Vice Chairman, Secretary and Treasurer. The Committee shall serve without compensation.

Section 18.03 Recreation Chairman

The Chairman shall be responsible for implementation and operation of all town recreation programs and facilities as established by and under the jurisdiction of the Recreation Committee. The Chairman shall receive such compensation as the Town Council may fix, within the limits of the amount appropriated by the Financial Town Meeting.

Mr. Grant remarked that paving bid from Allstate Asphalt was not broken down as he requested and he needed to contact the vendor to clarify his questions.

Steven Bellucci moved Colette J. Matarese seconded and it was so voted to award the bid, pending the Public Works Director questions to the vendor, Allstate Asphalt are answered to his satisfaction.

Heidi Rogers aye, Steven Bellucci aye, Colette J. Matarese aye

The meeting was adjourned at 8:40 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.