

## June 8 2006

The June 8<sup>th</sup> 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 was absent  
Ralph Berkowitz  
Colette J. Matarese  
Harold R. Shippee, Sr.  
Bradford Gorham Esq., representing Town Solicitors

The Pledge of Allegiance was recited.

Colette Matarese moved, Ralph Berkowitz seconded and it was so voted to change the order of the day by moving Letter E under Old Business to follow monthly reports and before the public hearing.

Colette J. Matarese aye, Harold Shippee, aye, Ralph Berkowitz aye Heidi Rogers aye

The following citizens spoke under concerned citizens:

Robert Moreau of Central Pike  
Scott Ulrickson of Balcom Road  
Cheryl Davis Abbey Lane

Ralph Berkowitz moved Harold Shippee seconded and it was so voted table the minutes from the May 4, 2006 council meeting because of Steven Bellucci's absence and Ralph Berkowitz and Harold Shippee did not attend the May 4, 2006 meeting.

Colette J. Matarese aye, Harold Shippee, aye, Ralph Berkowitz aye Heidi Rogers aye

Ralph Berkowitz moved, Colette Matarese seconded and it was so voted to approve General Warrant G-24 in the amount of \$1,047.40 and General Warrant G-25 in the amount of \$82,942.36.

Linda Tibbetts, Chair of The Land Trust questioned if the check that the Land Trust requested was on the warrant as it was needed for a closing. The Town Clerk remarked that she did fax all the information to the Finance Liaison, Ralph Berkowitz so he would make sure that it did get on the warrant as she knew it was important. Ralph Berkowitz said that he did speak with Lisa Mills about the matter and there was supposed to be a transfer from a Money Market Certificate but he did not know what happened after that and it was supposed to be about a \$200,000 check. Linda Tibbetts remarked that there were supposed to a check for \$120,000 also. She noted that the Land Trust was supposed to be having two closing very shortly. She noted that one was for the Nature Conservancy and one was for Helen Sanio. Ralph Berkowitz noted that he did speak with Lisa Mills about the accounts and one account only had about \$216,000. Linda Tibbetts noted that it was a catch 22 as there were DEM Grants and the property was currently owned by The Nature Conservancy and they would be transferring the property The Land Trust. Linda noted that the total amount that would be really coming out of The Land Trust budget was only \$24,000. She noted that DEM would not release the money to The Land Trust until they had proof that the Town Council was willing to turn the money over and a warranty deed is signed and the check is ready. Linda Tibbetts noted that now everything is stuck because the check was not cut. Colette Matarese asked when she needed it by. Linda Tibbetts said that she had been looking for the check to be given tomorrow. Bradford Gorham, Town Solicitor advised the council members to add it to the warrant if they had the amount. Ralph Berkowitz said that he did not want to spend money that he did not know if he had. The Town Clerk informed Mr. Berkowitz that Walter May a member of The Land Trust asked her to prepare the requisitions for the Land Trust, which she faxed a copy to Ralph Berkowitz so he would know how important it was to be put on this warrant. She noted that Mr. May did bring the requisitions to Lisa Mills.

Ralph Berkowitz remarked to Linda Tibbetts that he knew where she was coming from however; he want to make sure that he had the money. Linda Tibbetts explained that \$96,750 was coming in from DEM and the Land Trust was paying \$24,000 which totals \$120,750 for the Saino property. Linda Tibbetts also noted that the money from the DEM would only come to the town until the deed was in The Land Trust name. Heidi Rogers remarked so it would be a reimbursement to the Town. Linda Tibbetts noted that she would even hold the \$120,750 check she had requested until the DEM check of \$96,750 so it would really only by the \$24,000 from The Land Trust account. She said that she needed the confirmation from the Town Council that the Land Trust would be getting that check. Linda Tibbetts explained that The Land Trust also had a property that should have been closed last year however because of the Treasurers department glitch The Land Trust had not done and the closing needs to be done. She noted that the Land Trust has had extensions on the closing for over two years. Mrs. Tibbetts said that the Land Trust has received a \$102,000 grant from a previous property. She noted that The Land Trust has \$115,000 as of the June 30, 2005 audit and there probably is about \$50,000 that has not been put into the account from the transfer conveyance tax. She noted that the \$102,000 grant that The Land Trust received in March from a 2003 grant would be added to that money. Linda Tibbetts estimated that there is about \$218,000 minimum in The Land Trust account. Linda Tibbetts also noted that the Champlain Foundation was giving \$80,000 towards that property and how much had to come out of The Land Trust account she did not know. She said she was thinking of the money going into an escrow account with the attorney. She noted that the purchase price was \$200,000 even. Bradford Gorham noted that she needed authorization from the Town on spending the \$200,000. Linda Tibbetts noted that that was correct and even if it was in a letter authorizing the expenditure and the check could be cut closer to the closing time. Bradford Gorham noted that it would have to be a warrant for the council to authorize. Linda Tibbetts noted that she could personally take the two checks to the lawyer.

Ralph Berkowitz noted that the council would have to add \$120,750 and the \$200,000 for a new warrant.

Heidi Rogers asked for any further discussion on the warrants and hearing none the vote was as follows:

Colette J. Matarese aye, Harold Shippee, aye, Ralph Berkowitz aye Heidi Rogers aye

Ralph Berkowitz moved , Colette Matarese seconded and it was so voted to add and addition to the Warrants by adding General Warrant G-26 for a total amount of \$320,750 with a designation of \$120,750 for the Sanio/Lapojia property and \$200,000 for the Schneider property and to come out of The Land Trust account.

Colette J. Matarese aye, Harold Shippee, aye, Ralph Berkowitz aye Heidi Rogers aye

Ralph Berkowitz moved, Colette Matarese seconded and it was so voted to approve General Warrant G-26 in the amount of \$320,750.

Colette J. Matarese aye, Harold Shippee, aye, Ralph Berkowitz aye Heidi Rogers aye

Ralph Berkowitz moved, Harold Shippee seconded and it was so voted to approve the monthly reports that were submitted to the town council.

Colette J. Matarese aye, Harold Shippee, aye, Ralph Berkowitz aye Heidi Rogers aye

Ralph Berkowitz introduced Stephen Woerner who looked into the treasurer's office and went through certain things to see what was done and what wasn't done. He said that he asked Mr. Woerner to attend the meeting to report to the council.

Stephen Woerner explained that he had a two hour meeting at the office and reported his findings in a report. He said that the office had fallen behind and needs to be caught up as fast as possible. He did note that he has seen worse departments. Mr. Woerner believed that there needed to be resources expended to get the work done. He reported that there was a lot of work to be done and one of the problems when you fall behind is that the daily work interferes with

the posting and detailing the reconciliations. He said he did seem some conditions that were fundamental and internal control issues such as the Tax Collector reconciling the tax cash accounts. Mr. Woerner noted that he was not saying there was anything wrong but fundamental principal internal controls were that the person who is responsible for the accounts does not reconcile the account. He advised the council to continue to search for a treasurer and keep Lisa Mills on even after a new Treasurer is hired on a part time basis to work on cleaning up the old records as the new Treasurer is going to have to learn how to use the system and learn all the different policies and procedures. Mr. Woerner said that his opinion was that in a town the size of Foster the Treasurer has to be the one that runs the town under the council's direction as the Treasurer is responsible for insurance, payroll, and human resources. Mr. Woerner believed because of the time in the year it would be cost effective to hire an accounting major from a college as it would be \$15.00 an hour versus \$30.00 to \$40.00 for a temporary person. Stephen Woerner reported that that person could easily do simple reconciliations and the time consuming operations on the bigger accounts. He noted that he, the new Treasurer or Lisa could monitor that person on the sticky issues. Mr. Woerner did note that some entries were done from the June 30<sup>th</sup> 05 and this year that look unusual and they totally need to be looked at. He gave the council his written report as well as a copy of his resume.

Councilor Matarese asked if some of the accounts this year will be looked into as she has been on the council for a number of years and some things are jumping out at her. She noted that she looked into one account and there are some discrepancies. Mr. Woerner answered that a full reconciliation will be done on all accounts for the current year as well as looking back at last year.

Councilor Berkowitz asked what Mr. Woerner's goal was in trying to find out. Mr. Woerner said that his role was approximately 10 hours a week would be to structure, oversee, supervise and signoff all the reconciliations and also to do some of the detail work on the more difficult issues. He answered to basically run the program and sign off on what he believes is correct. Ralph Berkowitz remarked that the reconciliations would be done or anything else to prepare for the audit.

President Heidi Rogers noted that she had spoken with Lisa Mills on the state retirement pensions and she asked Mr. Woerner what his recommendation for the state pensions. Stephen Woerner said that he had similar issues and it is in almost every community. He said that he recommended to Lisa Mills last Friday that the important thing was to get the reports in now, get the money in now and then go back if you find errors and he believed that the amounts would be elementary immaterial but nevertheless they have to be absolutely correct. He said that he told her she could go back and do an amendment form. He said to get the money in so they won't hold state aid and get on the bad boy list and get the reports in. Mr. Woerner remarked that payroll posting could be done now as he speaks. Stephen Woerner again said file the forms, make the payments and then clean it up. Heidi Rogers asked that it was acceptable to do that and then make the adjustments. Mr. Woerner answered in the affirmative.

Bradford Gorham asked who the contact person was at Bryant College to find a student to hire. Stephen Woerner said that there was an employment department for their students there. He also noted that he has a friend that is a CPA and he asked him to find someone for the Town. Ralph Berkowitz asked if he could make the initial call for the town and the person could contact Lisa Mills.

Ralph Berkowitz said he would like to make a motion stating that someone from Bryant College and the current temporary stay on. Colette Matarese questioned keeping the temporary on at \$30.00 per hour. Ralph Berkowitz said that he wants to see someone here by Monday. Stephen Woerner said that time was of the essence and the reconciliations have to go forward. He said the temporary should leave when the college student comes in. Colette Matarese asked if the college student would replace the temporary employee. Mr. Woerner answered yes that would be his recommendation. Bradford Gorham advised to do two motions and to ask Mr. Woerner to hire someone from Bryant College. Ralph Berkowitz said that if it was the temporary's last day then Lisa would be alone in the office and the town would be further behind the eight ball. Bradford Gorham advised to hire the temporary for one more week.

Cheryl Davis of Abbey Lane asked why the town would be hiring more people when there is a qualified CPA that the council appointed to take over for the past Treasurer who did all the screw ups. Cheryl Davis commented that the CPA has been tooting her horn and now she can't do the job. Heidi Rogers explained that Mr. Woerner did explain that there is a backlog of work.

Mr. Woerner explained that someone was needed to do the backlog and someone was needed to do the day to day operations.

Anne Carlson, Tax Collector spoke up and said that she did not disagree however the problem was much deeper than that. She noted that there are 4 employees who are involved in a 457 Plan with ING and the previous year from April 2005 to June 30 2005 which have been deducted through payroll have not been paid to ING. Anne Carlson noted that on her salary alone there is \$2,500 missing to her account that has been deducted from her paycheck. Stephen Woerner said that would be one thing that they would be reconciling. He did note that the topic did come up at the meeting last week and he thought it was addressed. He said that all the concerns and questions would be fully examined and corrected or answered.

Ralph Berkowitz moved, Harold Shippee seconded that Stephen Woerner communicate with Bryant College on behalf of the Town to find an individual and the temporary accounting services stay on.

Colette Matarese moved Harold Shippee seconded and it was so voted to amend that the temporary accounting services be maintained no later than June 22, 2006 and that the temporary accounting agreement be terminated upon hiring someone from any college.

Colette J. Matarese aye, Harold Shippee, aye, Ralph Berkowitz aye Heidi Rogers aye

Colette J. Matarese aye, Harold Shippee, aye, Ralph Berkowitz aye Heidi Rogers aye

Ralph Berkowitz moved, Colette Matarese seconded and it was so voted to hire Stephen Woerner to oversee the operations of the treasurer's functions at the rate of \$75.00 per hour for approximately 10 hours per week.

Colette J. Matarese aye, Harold Shippee, aye, Ralph Berkowitz aye Heidi Rogers aye

Colette J. Matarese moved, Harold Shippee seconded and it was so voted to advertise in the Providence Journal for a Town Treasurer and the ad be the same ad that was posted on the town's web site.

Colette J. Matarese aye, Harold Shippee, aye, Ralph Berkowitz aye Heidi Rogers aye

Heidi Rogers noted that Ronald Cervasio requested to move Letter J. Letter from FPS as there were two public hearings and he had to leave early.

Colette J. Matarese moved, Ralph Berkowitz seconded and it was so voted to change the order of the day to move letter J under New Business to the next item of business.

Colette J. Matarese aye, Harold Shippee, aye, Ralph Berkowitz aye Heidi Rogers aye

Councilor Matarese read the letter from the Foster Preservation Society stating that the jail house location would be intruding on the lease of the Blacksmith Shop that the Preservation Society holds with the Town of Foster. It was also noted tree roots were destroyed on the tree that was near the area that was cleared for the jail house and the Society believes the tree was beyond saving now.

Colette J. Matarese moved, Harold Shippee seconded and it was so voted that the Building Official get an official determination on the encroachment and that the Tree Warden be contacted to check the tree to see if it is salvageable and to send a memo back to the council on the answer.

Colette J. Matarese aye, Harold Shippee, aye, Ralph Berkowitz aye Heidi Rogers aye

Heidi Rogers explained that the purpose of the public hearing was to consider adopting an Ordinance for a Tax Classification Plan for the Town of Foster.

After presentation from the Tax Assessor, comments will be taken from the council and the public. The format of this public hearing will be interested parties in favor of the amendment are given a chance to speak first. Anyone who wishes to speak against the amendment will then be given an opportunity. The council will be given the opportunity for discussion and to ask questions.

Anne Carlson, Tax Assessor explained that a three year statistical evaluation was done in Foster as of December 31, 2005. She noted that with the new evaluation there was a greater disparity between commercial property and residential property. The Tax Assessor explained that the residential property in Foster increased in value much more than the commercial property did. She noted that there was only a minor area of commercial property because of the location and land in Foster and that there would be no Wal-Mart here because the town did not offer water and sewer. Anne Carlson explained that a residential lot went from a base of \$60,000 to \$145,000 for 4.59 acres of land across the board. She commented that if anyone wanted to buy a 4.59 acre parcel of land today that had adequate drainage for a septic system it would be a minimum cost of \$150,000 for that piece of land. Mrs. Carlson noted that swamp land was now about \$140,000 and you would then pay for a \$30,000 to \$40,000 septic system to be installed. She noted that it was the land more than the house values that increased. Mrs. Carlson explained that if the same system stays currently the tax rate would be \$11.30 per thousand and the larger commercial properties would be paying less tax. She gave National Grid (Narragansett Electric Co.) as an example stating that their corridor going through town would be \$2,189 less in taxes. She also noted that the Providence Water (Providence Water Supply Board) taxes would drop \$37,012 for their 2200 acres that they own. She also noted that National Grid (Narragansett Electric Co.) will be paying \$11,708 less for poles and wires if the tax rate stays at \$11.30 for the commercial.

The Tax Assessor noted that property owners on the tax freeze would not be affected by the tax classification ordinance and single family property owners would all have a lower tax rate if the tax classification plan ordinance passes. She noted that taxpayers that own apartments from 1 to 5 units would have the lower tax rate if the Tax Classification Ordinance passes. The Tax Assessor reported that residential vacant land would still be less with the proposed ordinance. She noted that the farms were not affected as well as any property in the farm forest open space program. Mrs. Carlson explained that the commercial property owners would be the taxpayers that would be affected by the tax classification ordinance. Mrs. Carlson explained that without the tax classification ordinance all properties would have a tax rate \$11.30 (except motor vehicles which would be \$36.95 which was frozen by the State). She gave an example that residential would have a tax rate of \$11.00/thousand and the commercial property would have a tax rate of \$13.00/thousand and tangible tax rate would be \$15.60/thousand.

Ralph Berkowitz asked how many commercial properties were in the Town. The Tax Assessor explained that there were 150 commercial properties in Foster. Mr. Berkowitz also asked how it would affect Providence Water and the recent court case with the Town of Scituate. Anne Carlson did note that the Town of Scituate did have a tax classification ordinance but the court case was the value of the property and not the tax rate. She noted that it would be in court for a long time.

The Tax Assessor did explain that properties that had a less value off \$100,000 to \$125,000 that will now be at the \$200,000 are going to see a larger tax increase than the other properties that are at \$400,000 to \$500,000. She noted that at the \$400,000 it starts to even out and the taxes would be similar to the year with a bit of an increase. She noted that the taxes that are very high will probably have a decrease no matter what rate is used. Mrs. Carlson explained that residential vacant land has a huge increase in valuation. She noted that taxes for a piece of property last year was \$885 however this year with the new valuations would be \$1,639 if the \$11.30 tax rate is used and \$1595 if the tax classification is passed. She noted that property owners will vacant land do have options such as the open space program or the farm forest program.

The Tax Assessor reported that if the Tax Classification Ordinance passes it will lower taxes for the residential property owner and be higher for the commercial property owners. She gave an

example of a commercial apartment that paid \$5,205 for the 2005 taxes and if the tax classification ordinance passes they would pay \$5,785 for the 2006 taxes however if the tax classification ordinance did not pass they would pay \$5,029 which is less than the 2005 taxes.

Heidi Rogers asked if there were any questions from the public.

Gordon Rogers Cucumber Hill Road stated that the issue with the Scituate Water Supply Board he believed was the battle in court was that the Providence Water Supply Board is in disagreement with the classification of Scituate as Scituate classifies it as commercial and Providence Water Supply Board disagrees with that and it should be classified as open space. He noted that if they win that case and Scituate is forced to change from commercial to open space the \$37,000 profit went out the window. Mrs. Carlson commented that Foster does not recognize Providence Water as open space but as commercial. Mr. Gorham noted that it was forest not open space.

Mr. Berkowitz questioned how many residential properties were there if there were 150 commercial properties in town. Mrs. Carlson answered that there were 1552 single family homes in Foster and 30 2 -5 family apartments, 266 parcels of residential vacant land, 5 seasonal and beach properties and other 179 parcels which was land at the lower rate, 70 parcels of farm forest/open space, 8 residences on leased land.

Heidi Rogers again asked for comments or thoughts or did anyone support the tax classification. She then asked if anyone was against it.

Gordon Rogers of Cucumber Hill Road said that as a member of the Economic Development Advisory Committee he believed it was dangerous to start to hit commercial property when they were trying to get some in and the fact of the matter is that only 16 out of 39 communities in the State of Rhode Island have increased rates for commercial property. He said that it was not the norm it's less than half of the communities in the State of Rhode Island.

Cheryl Wright of Foster Center Road said no and she owns a business in town and she does not want to see her taxes go through the roof.

Heidi Rogers said she could see if Foster had a lot more businesses like West Warwick and wouldn't it be more beneficial for someone with a lot of commercial.

Anne Carlson explained that the town was looking at a tax rate of \$11.30 for everybody or dropping it to \$11.00 for residential and the commercial at \$13.00. She noted that it could also be a commercial rate of \$13.85 and the residential tax rate could go to \$10.90. Mrs. Carlson explained to the council that they did not have to accept all of it and the council could do a classification for the tangibles. She noted that if the council did not want to do it for commercial they did not have to do and the commercial and real estate would be at one amount and then the tangibles would be different.

Colette Matarese noted that a couple of people who have businesses have spoken but she is looking at how she keeps hearing that the council needs to keep the tax burden off the home owner and this would be one way to do that. Colette Matarese said that if there was actually going to be a tax rate that actually decreases the commercial property from last year to this year and go after more commercial property how was that going to take the burden off of the homeowner. Colette Matarese commented that she always hears that we need more development because it would decrease the taxes and this ordinance could decrease the taxes for the homeowner. She noted that for 2005 a \$200,000 home taxes was \$1717 and going to \$2283 for 2006 at a tax rate of \$11.30 and to decrease it to \$2222 for the \$11.00 tax rate would be looking after the homeowner.

Gordon Rogers of Cucumber Hill Road stated again that he was a member of the EDAC and said as you know businesses don't put kids in the school system and that any revenue you can get is pretty much straight profit and if you drive businesses out of town instead of adding a business a house would go there and if a house is there children will be going to the school system the taxes will go up not down so he thought the frame of mind would be to promote business to get more business in town which would give more revenues that doesn't have a burden on services like

residential do. He said that was just speaking as the EDAC and for businesses. He again said businesses do not put kids in school.

Robert Moreau of Central Pike said that he had to agree under the EDAC umbrella and he is a property owner but he still believes that businesses and the Providence Water Supply property is the town's best friend. He said that they get nothing from us and we provide nothing to them but they pay their taxes and that is all that counts. He said that it does not cost the town a dime. He said that if you stop development your taxes will go up.

Colette Matarese commented that if you are looking at the vacant land it is doubling and that is even with decreases the taxes, we are doubling the taxes with the vacant land and how many people will maintain that land and how many people will have to sell it. Mr. Moreau answered that people will be building houses on the vacant land and sending kids to school.

The Tax Assessor commented that several communities have gone to a different tax rate for vacant land also but that has to be written into legislation so that could not be done now but the town can go to the legislature and ask for our own rate for vacant land.

Colette Matarese noted that part of the reason people do live in Foster is not to have commercial development all over the place but to have the character we have and she did not find a problem with an increase to \$13.00 for commercial property and the council has to look at all the taxpayers and what the comprehensive plan says about the rural character and the council has to look at why people are here in Foster. She noted that yes businesses do not put children in school but she would rather have her neighbors than a business.

Gordon Rogers Cucumber Hill Road said he owns a lot which he bales tons of bales of hay which will be doubled and the EDAC is addressing the issues and concerns on this place looking like route 3 and it is not going to happen on what the EDAC has envisioned and they just went to the Planning Board and its is pretty big and maybe that will help the town with income.

Robert Moreau commented that the proposition is not to build businesses all over the town; the proposition is to keep businesses in a certain area and to generate taxes for the town without the town having to pay out any additional costs. Mr. Moreau said what is being proposed here is to reduce the residential real estate taxes but on vacant land you are proposing to increase in by 50% which will encourage the owners to build houses and then children will go to our schools and then more taxes will go up and crate another burden on the tax payer.

Colette Matarese informed Mr. Moreau that the residential land value is already going up with the law we have and what the town has to do is pursue the state representative and senator to introduce legislation in order to bring the vacant land down and she believes the council should be committed to do that.

Gordon Rogers of Cucumber Hill Road said that it would be a demand on the businesses in town.

Heidi Rogers said that she like that idea better than this. |

Council Berkowitz said to Council Matarese that she has to understand that the people who move to Foster and the reason is that they are willing to spend money to come here and if they are willing to spend X amount of dollars what is a few more dollars. He said he has spoken to people in Scituate and they don't mind spending the money for what they want. He commented that people are now paying an exorbitant amount of money for houses out here and they are willing to pay that. He said that if they cannot afford it they would not move out here.

Cheryl Davis of Abbey Lane commented that if he is saying that then may be the commercial people should pay more because they are making more than the average taxpayer.

Mr. Berkowitz said that the commercial people in Foster are not making anything over here it is minute. Mr. Berkowitz said that we will not see a BJ's or a Wal-Mart in Foster because we don't have water or sewers and if a company does come out here the first thing they are going to ask for is a tax incentive, a tax break.

John DiRaimo of South Killingly Road said that he has only been in the town for two years and he came to live here because he wanted to get away from the industries and the commercial. He said he was willing to pay the high taxes but he was not wealthy by any means but he came for the rural community and he wants to see it stay that way.

Colette Matarese asked Mr. DiRaimo if he was in favor or not in favor of residential homes paying less and businesses paying more taxes.

Mr. DiRaimo of South Killingly Road said that he was in favor of the residential paying less.

Cheryl Wright of Foster Center Road asked how many of the 150 commercial parcels also lived in the town and already paid residential taxes. The Tax Assessor noted that there were 20 combination residences and businesses but she did not have the information of the remaining commercial parcels. Mrs. Carlson noted that most of the commercial was on Route 6 and if you have a small business you are taxed residential you are not a combination.

Colette Matarese asked how many vacant commercial properties there were out of the 150 parcels. Mrs. Carlson noted that there were 14 pieces of vacant commercial property.

Gordon Rogers of Cucumber Hill Road said that he believed it would affect Sam Wright's Welding, Brad Smith, Robert Paolissi Pool store and it would affect a lot of people that have both residential and businesses and he did not think it was fair and it would affect hard working people who have been here 30 to 40 years.

Anne Carlson said that if she did not bring the proposal to the council she would not have been doing her job and if it doesn't pass her job would be easier and right now she is tracking 31 tax rates due to the tax freeze and she did not need to add more.

Robert Moreau of Central Pike asked if it was possible to level the taxes on this particular matter. Anne Carlson noted that she does not set the rate the council would be doing that.

Bradford Gorham asked who would be affected for the tangible rate of \$15.60. Mrs. Carlson said that it would be campers, the businesses in town for their equipment and Narragansett Electric.

Jim McHale of Central Pike asked if there was a two tier system where Narragansett Electric would pay one rate and the Mom and Pop business would pay another rate. Mrs. Carlson answered that the town did not have the system. Mr. McHale asked why it could not be put forward. She answered that it has never come up and it has not been an issue to this point that there was that much disparity. He asked about Verizon and was told that they were tax exempt.

Colette Matarese said that the one thing that everyone is forgetting is that if the council keeps it as it is now and everyone is taxed at the same rate all the commercial property would be getting an decrease in their taxes this year while the residential taxpayers will getting an increase.

Cheryl Wright of Foster Center Road remarked that she would have to see that. Colette Matarese noted that as The Tax Assessor had said Narragansett Electric Co taxes are going from \$51,000 to \$49,000. Anne Carlson again explained that the people who own property in the \$100,000 to \$200,000 are going to pay more whether the tax classification ordinance is passed or not.

The Tax Assessor did recommend passage of the Tax Classification Ordinance. She noted that the residential and the commercial & industrial rate could be the same rate instead of the residential rate being lower.

Gordon Rogers again said that only 16 communities have the tax classification. Heidi Rogers said that she would agree to that.

Heidi Rogers asked for any more comment and hearing none closed the public hearing.

Colette Matarese moved, Ralph Berkowitz seconded and it was so voted to approve adopting the following Ordinance Adopting Tax Classification Plan as written pursuant to General Law 44-5-

11.8 with (1) Residential Real Estate and (2) Commercial & Industrial Property at\* \$11.30 per \$1,000 (3) Tangible Personal Property at \$15.50 per \$1,000 and (4) Motor Vehicles at \$36.95 per \$1,000.

**ORDINANCE ADOPTING A TAX CLASSIFICATION PLAN**

Pursuant to G.L. § 44-5-11.8 the Foster Town Council hereby adopts a Tax Classification Plan as follows:

(a) *Upon completion of any comprehensive revaluation or statistical update thereof, the Tax Assessor will adopt a tax classification plan with the following limitations:*

- (1) The designated classes of property shall be limited to the four classes as defined herein.
- (2) The effective tax rate applicable to any class shall not exceed by 50% the rate applicable to any other class.
- (3) Any tax rate changes from one year to the next shall be applied such that the same percentage rate change is applicable to all classes, except as provided by law.
- (4) Notwithstanding sections (a)(2) and (a)(3) above, the tax rates applicable to wholesale and retail inventory within Class 3 as defined below in section (b) are governed by §44-3-29.1.
- (5) Notwithstanding sections (a)(2) and (3) above, the tax rates applicable to motor vehicles within Class 4 as defined in section (b) are governed by §44-34.1-1.

(b) *Classes of Property*

- (1) Class 1: Residential real estate consisting of no more than five (5) dwelling units, land classified as open space, and dwellings on leased land including mobile homes.
- (2) Class 2: Commercial and industrial real estate, residential properties containing partial commercial business uses and residential real estate of more than five (5) dwelling units and utilities.
- (3) Class 3: All ratable tangible personal property.
- (4) Class 4: Motor vehicles and trailers subject to the excise tax.

(c) *The Tax Assessor is hereby directed to implement the plan within the above guidelines:*

- |                                      |                             |
|--------------------------------------|-----------------------------|
| (1) Residential real Estate          | \$* _____ per \$1,000       |
| (2) Commercial & Industrial Property | \$* _____ per \$1,000       |
| (3) Tangible Personal Property       | \$* _____ per \$1,000       |
| (4) Motor Vehicles                   | \$ <u>36.95</u> per \$1,000 |

\* To be established by the Tax Assessor each year

(d) This Ordinance shall take effect upon passage.

As in accordance with Section 2.13 Introduction and Enactment of Ordinances of the Foster Town Charter, the proposed ordinance was introduced at the May 4, 2006 town council meeting, posted in the town clerk's office and advertised.

The proposed Tax Classification Plan will have 4 classes of property as follows:

Class 1: Residential real estate consisting of no more than five (5) dwelling units, land classified as open space, and dwellings on leased land including mobile homes.

Class 2: Commercial and Industrial real estate, Residential properties containing partial commercial business uses and residential real estate or more than five (5) dwelling units and utilities.

Class 3: All ratable tangible personal property.

Class 4: Motor Vehicles and trailers subject to the excise tax.

Colette J. Matarese aye, Harold Shippee, aye, Ralph Berkowitz aye Heidi Rogers aye

Colette Matarese further moved, Ralph Berkowitz seconded and it was so voted to forward letters to Senator Blais and Representative Gorham requesting they write up and introduce legislation to change the tax rate of residential vacant land.

Colette J. Matarese aye, Harold Shippee, aye, Ralph Berkowitz aye Heidi Rogers aye

Richard Grant, Public Works Director asked the council to move an item further up on the agenda for him. The council did not grant his request and continued on with the second public hearing.

Colette Matarese explained that the purpose of the public hearing is to consider an amendment to the Foster Zoning Ordinance, particularly Section 8 Site Plan for Commercial and Industrial Development of ARTICLE IX.

She noted that the numbers of bullets in Site Plan Requirements are proposed for amendment to clarify and update the Site Plan Requirements with adding a new paragraph to Section D. and amending bullets 4, 7, 12, 14, 20 and 22.

Councilor Matarese reported that the Public Hearing was advertised three times as in accordance with Section 6 Notice and Hearing Requirements of ARTICLE X ADOPTION of the Foster Zoning Ordinance. Copies of the amended section have been available at the town clerk's office.

Mrs. Matarese explained that as in accordance with the Town of Foster Zoning Ordinance the proposed ordinance may be altered or amended prior to the close of the public hearing without further advertising, as a result of a further study or because of views expressed at this public hearing. Any alteration or amendment must be presented for comment in the course of this public hearing.

Councilor Matarese also noted as in accordance with the Town of Foster Zoning Ordinance a decision shall be rendered on any such proposed amendment within forty-five (45) days after the date of completion of this public hearing.

She explained that after presentation from the members of the Planning Board, comments will be taken from the council and the public. The format of this public hearing will be interested parties in favor of the amendment are given a chance to speak first. Anyone who wishes to speak against the amendment will then be given an opportunity. The council will be given the opportunity for discussion and to ask questions.

Heidi Rogers opened the public hearing and John Lewis, Chair of the Planning Board explained that the Planning Board as well as Richard Grant reviewed section 8 of the zoning ordinance regarding Site Requirements for commercial development. He noted that any commercial enterprise has to provide to the town prior to building either for expanding a business or opening a new one. He noted a map has to be submitted with certain information on it as the boundaries, the size of the building and any information on the septic system, the culverts and the water system. Mr. Lewis noted that the current procedure was rather old and they compared it with other towns and Fosters lacked. He noted that the fee would not be changing. He noted that the proposal would make the scale of the map different than what is currently used. He noted that a clause was added that and applicant would be responsible for any cost should an independent engineering review be necessary. He also noted that a class 1 survey was needed.

Heidi Rogers asked for any favorable comments.

Ann Grenier of Walker Road commented that she was pleased that the ordinance was being updated as it had been a long time since a review was done. She did ask if a certain section was change and Mr. Lewis answered that it was not altered at all.

Robert Moreau of Central Pike said that he reviewed some of the changes with his wife who was on the planning board and that the changes were very beneficial.

Mrs. Rogers asked for anyone to speak who was against the amendment and no one spoke.

Mrs. Rogers closed the public hearing.

Colette Matarese moved, Harold Shippee seconded and it was so voted to adopt the proposed amendment to the Zoning Ordinance, Section 8 Site Plan Review.

Colette J. Matarese aye, Harold Shippee, aye, Ralph Berkowitz aye Heidi Rogers aye

Colette Matarese moved, Ralph Berkowitz seconded and it was so voted to change the order of the day and move item B Bid Opening Cold Patch & Chip Seal after the public hearing.

Heidi Rogers read the ad that was placed in the Observer requesting bids for cold patch and chip sealing for approximately 3 miles of cold patch and 2.5 miles of chip seal for 6 town roads.

Heidi Rogers opened the following bids:

Allstate Asphalt of Sunderland Massachusetts for cold patch in the amount of \$ 48.90 a ton and for chip seal \$1.55 per square yard.

Doske-King of New Jersey submitted a bid for chip seal only in the amount of \$1.20 per square yard.

Homer Contracting of Farmington Connecticut for chip seal only in the amount of \$1.59 per square yard.

Richard Grant Public Works Director was given the bids to review and for his recommendation.

Heidi Rogers read a memo from Richard Grant, Public Works Director recommending Cross Engineering, Inc. for engineering work for Old Plainfield Pike.

Colette Matarese commented that it was not budgeted for in the current budget and did not understand how the town can spend money on the project. Richard Grant said that there was only a possibility of getting a reimbursement from the state on the engineering. He did note that the State of Rhode Island would be doing the work on the road which they would be paying for. He also noted that they money could come out of the road improvement money of \$200,000 for next year. Colette Matarese said that when the council was approving that capital project it was for asphalt for a number of the roads in town. Mr. Grant said that the road project was on the TIP program however, the state will not pay for the project unless the engineering is done by the town. Mrs. Matarese said she did not remember the TIP program working that way. Mr. Grant said that the State of Rhode Island would be moving the project forward in October if the town pays for the engineering project. Colette Matarese asked how the line item was listed at the financial town meeting and Heidi Rogers said she believed it was paving. Town Solicitor said that it was an integral party of paving. He also noted that Old Plainfield Pike was unique because it was a town road however it was rebuilt and paved by the State of Rhode Island and still remains a town road. Colette Matarese said she was concerned if the capital budget stated paving or road improvements because if it said road improvements then another financial town meeting would not have to be held. Ralph Berkowitz said that it just said improvements and it did not say specific paving. Bradford Gorham commented that it was not directed for any particular road.

Gordon Rogers of Cucumber Hill Road said that the council was splitting hairs because engineering was part of the paving job on any road and if the state does not pave it will cost us \$200,000.

Colette Matarese answered that she wanted to make sure the town has the money before the town expends money that the town does not have.

Colette Matarese moved, Ralph Berkowitz seconded and it was so voted to approve the bid award to Crossman Engineering, Inc. for \$48,000 and that the money comes out the capital improvement line item for road improvement.

Colette J. Matarese aye, Harold Shippee, aye, Ralph Berkowitz aye Heidi Rogers aye

Heidi Rogers read the recommendation from the Foster Engineering Board regarding the radio dispatch console and recommended Cyber Comm Inc of Warwick Rhode Island in the amount of \$8,240.00.

Colette Matarese moved, Ralph Berkowitz seconded and it was so voted to take the recommendation of the Engineering Board and award the bid to Cyber Comm Inc. of Warwick, Rhode Island for the amount of \$8,240.

Colette J. Matarese aye, Harold Shippee, aye, Ralph Berkowitz aye Heidi Rogers aye

Heidi Rogers read the recommendation from Chief Gordon Brayton, South Foster Volunteer Fire Company recommending the for the municipal radio alarm system be awarded to Fire Suppression Systems Group of Pawtucket, Rhode Island in the amount of \$25,400.00.

Colette Matarese moved, Ralph Berkowitz seconded and it was so voted to take the recommendation of Chief Gordon Brayton and approve the bid in the amount of \$25,400 to Fire Suppression Systems Group of Pawtucket, Rhode Island

Colette J. Matarese aye, Harold Shippee, aye, Ralph Berkowitz aye Heidi Rogers aye

Heidi Rogers read the recommendation from Commander Sharon Cotter for a 2007 Lifeline Rescue to Specialty Vehicles in the amount of \$169,000 and to sell the 1997 ford rescue for the needed \$4,000 for the on spot drop chains which cost \$2,800 and new stretcher for \$3,500.

Colette Matarese moved, Harold Shippee seconded and it was so voted to award the bid to Specialty Vehicles, Inc. with the town paying \$165,000 and allowing the Foster Ambulance Corps to sell the 1997 Ford Rescue and to use the profits from that to make up the \$4,000 and other items they need for the rescue.

Colette J. Matarese aye, Harold Shippee, aye, Ralph Berkowitz aye Heidi Rogers aye

Anne Carlson, Tax Assessor spoke up and said that as she was working on her figures she now realized that the motion for the tax classification should have been in the amount of \$11.20 through \$11.30.

Colette Matarese moved, Ralph Berkowitz seconded and it was so voted seconded that commercial and industrial residential be set at a range between \$11.20 and \$11.30 as determined by the Tax Assessor.

Colette J. Matarese aye, Harold Shippee, aye, Ralph Berkowitz aye Heidi Rogers aye

Colette Matarese moved, Ralph Berkowitz seconded and it was so voted to approve the following abatements due to the Statue of Limitations, RIGL 9-1-13 for 1993 motor vehicles for \$94.67, 1993 personal property for \$98.32, 1994 motor vehicles for \$845.19, 1994 personal property for \$66.85 and 1995 personal property for \$183.63.

Colette J. Matarese aye, Harold Shippee, aye, Ralph Berkowitz aye Heidi Rogers aye

Heidi Rogers read the bid proposal for consulting services for the revisions to the zoning ordinance and subdivision regulations to bring into compliance with the affordable housing plan and the revised comprehensive plan.

One bid was received from Lachowicz Planning Associates LLC of Wakefield, Rhode Island for \$6,000 for Phase One. The bid was forwarded to the Planning Board for their review and recommendation.

Colette Matarese reported that she attended the May 18<sup>th</sup> planning board meeting and there was a discussion of obtaining a grant from the State of Rhode Island to see what areas would be best to preserve as open space and protect the Scituate Reservoir watershed area. She noted that the Planning Board was requesting the town council if it was something that the planning board should pursue. Heidi Rogers commented that she believed it was in contrary to the resolution that Representative Gorham had asked the council to approve a few meetings ago. Colette Matarese remarked that she did not think it had anything to do with that resolution at all.

Colette Matarese noted that they would have local regional workshop, national resource inventory, update GIS coverage for protected open space and create GIS coverage for protected open space.

John Lewis, Chair of the Planning Board spoke up and reported that he was contacted by Scott Millar of DEM and it was something that DEM wanted to do and they approached the neighboring communities as well. Mr. Lewis did say that the planning board members felt that they had a lot on their plate and if they worked on the proposal for the grant and the council members may not support the project why should they do it. Mr. Gorham asked if there was any cost to the town. Mr. Lewis answered that it was his understanding that there was no cost to the town at this time.

Heidi Rogers commented that she had some concerns and asked if it could be revisited another time. John Lewis said he would contact Scott Millar of DEM and ask for more information.

Colette Matarese moved, Ralph Berkowitz seconded and it was so voted that the Foster's Comprehensive Plan be approved as submitted and as approved by the State of Rhode Island.

Colette J. Matarese aye, Harold Shippee, aye, Ralph Berkowitz aye Heidi Rogers aye

Chief Robert E. Coyne distributed a sample lease to the members of the council with the Ford Company that they have with municipalities. He requested to go out to bid to lease the police cars starting July 1<sup>st</sup>. He believed it would be less money than purchasing the vehicle outright. He noted that the lease does not encumber the town for more than one year and there was no limitation on mileage. He pointed out that after completion of three years the town could purchase the car for \$1.00 each. Chief Coyne believed that the average mileage was about 20,000 miles for each police cruiser. The Chief stated that it would allow that every car on patrol would now be less than 100,000 miles and allow the town after three years to have three cars of value approximately \$60,000 for a trade in for a lower price on a new lease or whatever. He noted that it would replace a 1999 with 121,000 miles, 1995 with 182,000 and 1997 with 108,000 miles. He noted that 5 police departments in the State use the lease method.

Ralph Berkowitz moved, Colette Matarese seconded and it was so voted that the Chief puts out a bid for a lease agreement for three police vehicles.

Colette J. Matarese aye, Harold Shippee, aye, Ralph Berkowitz aye Heidi Rogers aye

Colette J. Matarese moved Harold Shippee seconded and it was so voted to combine letters GHI under new business.

Colette J. Matarese aye, Harold Shippee, aye, Ralph Berkowitz aye Heidi Rogers aye

Bradford Gorham reported that the Preservation Easement with the Rhode Island Historical Preservation Heritage Commission was ready to sign however the book and page needs to be referenced of the original purchase of the land on which the town house sits and he also wrote in the words "a portion of". He noted that Exhibit A was actually the part of the land that was covered until the easement. He reported that the area ran basically along the parking lot back to the line of stone posts in back of the Town House over to the line of stone post that are on the side of the Town House and back to the road and along the road. He said that it was what

basically everyone thought of as the Town House lot not the fair grounds and not the town hall and that was the description he drew up as Exhibit A. Mr. Gorham also noted that the State of Rhode Island Historical Preservation and Heritage Commission did want a liability policy for anything that happens during the repairs of the town house or the installation of the fire alarm system. Heidi Rogers noted that she did have a copy faxed her that day.

Colette Matarese moved, Harold Shippee seconded and it was so voted that the President be authorized to sign the document entitled State of Rhode Island Providence Plantation Historical Preservation Heritage Commission Preservation Easement. Colette J. Matarese aye, Harold Shippee, aye, Ralph Berkowitz aye Heidi Rogers aye

Colette J. Matarese aye, Harold Shippee, aye, Ralph Berkowitz aye Heidi Rogers aye

Bradford Gorham reported that the second document was the agreement and the RIHPHC was going to have the grant run with Foster Preservation Society which really is the Town of Foster and he modified the agreement by changing the Agreement to read Town of Foster instead of Foster Preservation Society.

Colette Matarese moved, Ralph Berkowitz seconded and it was so voted to accept the State Preservation Grant Agreement with the changes that were itemized by Bradford Gorham.

Colette J. Matarese, aye, Harold Shippee aye Ralph Berkowitz aye, Heidi Rogers aye

Mr. Gorham noted that there were stone posts in back and stone posts on the side and one marker is needed at the corner out by the road. Mr. Gorham said that Richard Grant could put in granite post out at the corner. He said that it would run parallel to the side of the building out along the edge of the parking lot to the corner and to set granite bound over there would clearly delineate the town house lot. He noted that it did not have to be elaborate, a granite boundary. Mrs. Carlson noted that two markers were laying down on their sides behind the town house for a long time and suggested that they could be used for the markers.

Colette Matarese moved, Ralph Berkowitz seconded and it was so voted to instruct Mr. Grant to install granite markers for the easement as delineated by Mr. Gorham and have the Town Clerk send a letter to him to that fact.

Colette J. Matarese aye, Harold Shippee aye, Ralph Berkowitz aye, Heidi Rogers aye,

Heidi Rogers announced that the council received two requests for the use of the town grounds. One was from the Recreation Committee to hold a battle of the bands on July 8, 2006 and one from the Swamp Meadow Theater to hold a play on August 13, 2006.

Colette J. Matarese moved, Ralph Berkowitz seconded and it was so voted to grant the town grounds to both the recreation committee for July 8, 2006 and Swamp Meadow Theater for august 13, 2006 pending documentation of suitable insurance.

Colette J. Matarese aye, Harold Shippee aye, Ralph Berkowitz aye, Heidi Rogers aye

A letter of resignation was received from William Jones from the Recreation Committee.

Colette J. Matarese moved, Ralph Berkowitz seconded and it was so voted to accept the resignation letter from William Jones and send a letter of thanks and advertise in the Foster Home Journal to fill the vacancy.

Colette J. Matarese aye, Harold Shippee aye, Ralph Berkowitz aye, Heidi Rogers

Heidi Rogers reported that the town council received two letters of interest for the Foster Zoning Board of Review Alternate position. The council interviewed John T. Vorro from Balcom Road and Joy Pettirossi-Poland from Cucumber Hill Road.

Colette J. Matarese moved, Harold Shippee seconded and it was so voted to appoint John Vorro to the Zoning Board of Review as an Alternate.

Heidi Rogers explained that Nancy Johnston, Human Services Director and Tina Simula, Deputy Town Clerk requested to hold off vacation time until the next fiscal year.

Colette J. Matarese moved, Harold Shippee seconded and it was so voted that Nancy Johnston be allowed to take 15 hours of compensation time on June 26, 27, 28, 2006 and 9 vacations days with 2 to be used on June 29 2006 and July 3, 2006 and to be allowed to carry over the remaining 7 vacation days to the new fiscal year.

Colette J. Matarese aye, Harold Shippee aye, Ralph Berkowitz aye, Heidi Rogers

Colette J. Matarese moved, Harold Shippee seconded and it was so voted that Tina Simula be allowed to carry over the vacation, personal days and 15 hours of compensation that she has accrued until December 31, 2006.

Colette J. Matarese aye, Harold Shippee aye, Ralph Berkowitz aye, Heidi Rogers

The Town Clerk asked what account was to be used for the advertising for the public hearing on the zoning amendment. Colette Matarese noted that it would usually come out of the council administration line item. The Town Clerk said that she did not the balance of that account and the bill was over \$400.00. Mr. Berkowitz commented that it was on the general warrant tonight. Mrs. Irons answered that she had not submitted the invoices to the finance department so it could not be on the warrant yet. Heidi Rogers said that she called Lisa because she had no idea why it was on the agenda and she was informed that the Valley Breeze folder was missing from her office. Anne Irons noted that the bills on the warrant were for RFP and the public hearings for the gun shops. Mrs. Irons explained that that she did not know the balance of her accounts as the expenditures were not up to date. Ralph Berkowitz said to use the usual account and if it is over expended it is over expended.

Colette Matarese distributed paperwork on performance appraisal regarding the process and the system. Councilor Matarese summarized the evaluation process to be done on employees and asked that it be placed on old business for the next agenda. She believed that the town council should evaluate the appointed personnel and anyone that is hired should be evaluated by the department head.

Richard Grant recommended Allstate Asphalt Inc. to be awarded the bid for the cold mix and chip seal bid.

Ralph Berkowitz moved, Colette J. Matarese seconded and it was so voted to award the bid for cold mix and chip seal to Allstate Asphalt.

There was a discussion on only holding one council meeting a month however after the discussion it was decided to keep the 2 council meetings during the summer months.

The meeting was adjourned at 10:40 p.m.

Attest:

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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.

