

October 5, 2006

The October 5, 2006 town council meeting executive session was called to order by Heidi Rogers at the Town House, 180 Howard Hill Road, Foster, Rhode Island at 6:35 p.m.

The following members were present:

Heidi Rogers, President
Steven Bellucci, Vice President absent due to vacation
Ralph Berkowitz,
Colette J. Matarese
Harold R. Shippee, Sr.
Jane Gurzenda Esq., Town Solicitor Gorham & Gorham

Colette J. Matarese moved, Ralph Berkowitz seconded and it was unanimously so voted to go into executive session 42-46-4-5 (2) police collective bargaining and to reconvene and further to keep the minutes of said meeting closed and the minutes of all executive sessions held previous to this meeting be closed and remain closed pursuant to provisions of General laws of Rhode Island 42-46-4.

(SEALED)

Heidi Rogers called the regular session to order at 7:36 p.m.

The Pledge of Allegiance was recited.

The following spoke under concerned citizens:

Ronald Cervasio Old Plainfield Pike
Linda Proulx Round Hill Road
Harold R. Shippee, Sr.
Rose Salvadore
Cheryl Wright

Ralph Berkowitz moved, Colette J. Matarese seconded and it was so voted to approve the minutes of the July 6, 2006, July 20, 2006, August 24, 2006 and September 7, 2006 town council meetings. The minutes from August 10, 2006 could not be approved as Heidi Rogers and Ralph Berkowitz did not attend that meeting and with Steven Bellucci absent from this meeting the minutes could not be approved.

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

Ralph Berkowitz moved, Colette J. Matarese seconded and it was so voted to approve Payroll Warrant #9 in the amount of \$23,836.41, Payroll Warrant #10 in the amount of \$22,273.58, Payroll Warrant #11 in the amount of \$24,394.39, Payroll Warrant #12 in the amount of \$24,407.51, General Warrant #G-35 in the amount of \$21,882.39, General Warrant #G-36 in the amount of \$12,068.66, General Warrant #G-2 in the amount of \$2,664.18, General Warrant #2A in the amount of \$2,563.77, General Warrant #G-6 in the amount of \$155,625.51, General Warrant #G-7 in the amount of \$51,108.45, General Warrant #G-8 in the amount of \$92,969.75 and General Warrant #G-9 in the amount of \$2,952.66

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

Ralph Berkowitz moved, Colette J. Matarese seconded and it was so voted approve the monthly reports as submitted.

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

Heidi Rogers opened the public hearing for an application for a 2nd hand license from Mark Lavendier that was advertised in the Observer & Valley Breeze. Mr. Lavendier explained that he had an inventory of 6,000 books and would be selling used and rare books at the Foster Market Place, Unit 6 Plat 14 Lot 2A owned by Clodomiro Gabrielle at 142A Danielson Pike. His hours of operation would be from 10:00 a.m. to 6:00 p.m. Tuesday through Sunday.

Robert Moreau of Central Pike spoke in favor of the application.

No one spoke against the application.

Colette J. Matarese moved, Harold R. Shippee, Sr. seconded and it was so voted to approve the application for a secondhand license to sell used books to Lavendier Books to be located at 142A Unit 6 Danielson Pike, Plat 14 Lot 2A.

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

Heidi Rogers opened the public hearing for an application for a secondhand license to sell used furniture, collectibles and antiques for Robert & Debra Gautreau. It was advertised in the Observer & Valley Breeze for Plat 14 Lot 105 at 114 Danielson Pike.

Robert & Debra Gautreau explained about their retail business and the hours of operation.

Several residents in the audience were all in favor of approval of the application.

No one spoke against the application.

Colette J. Matarese moved, Harold R. Shippee, Sr. seconded and it was so voted to grant the application for a secondhand license for Robert & Debra Gautreau dba Things Made Wonderful at 114 Danielson Pike Plat 14 Lot 105 with the hours of operation 10:00 a.m. Tuesday through Sundays.

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

Stephen Woerner, Financial Consultant for the Treasurer's office gave a progress report to the Town Council. He explained that he met with Prescott Chatillier and asked them to revise their bid for auditing services. He reported that they would not lower their fee. He explained that he also spoke with Bacon & Company and they would be interested in the auditing services for the Town of Foster. Colette J. Matarese questioned about going out to bid again. Mr. Woerner explained that it would delay the process further. He noted that it would have to be approved by the Auditor General and would require a letter from the Solicitor.

Ralph Berkowitz moved, Harold R. Shippee, Sr. seconded and it was so voted to hire Bacon & Company for auditing services for the Town of Foster subject to the Auditor General's approval and contingent upon the Town Solicitor stating that no state bidding laws are violated by doing it.

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

Heidi Rogers moved, Ralph Berkowitz seconded to hire Randy Rossi at \$30.22 per hour/\$55,000 per year and that Mr. Rossi becomes Treasurer upon resignation of Lisa Mills without it coming back before the Town Council. Colette J. Matarese moved, Harold R. Shippee, Sr. seconded to amend the motion to include that Randy Rossi would work on the current year responsibilities; would have full access of software and hardware; supervise employees under the finance office employment. The amendment passed as follows:

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

The council also discussed health benefits for Mr. Rossi.

Ralph Berkowitz moved, Colette J. Matarese seconded and it was so voted to have the Zoning Board of Review be involved in making the decisions in the permitting process and be designated as the Local Review Board for Comprehensive Permitting.

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

No action was taken on the Contract of Local 637 and the Town of Foster.

Heidi Rogers read a letter from Brad Gorham regarding the fuel dispensing system in the public works garage reporting that it was no longer operative and stating that it was an emergency and section 10.13 of the town charter authorizes emergency appropriations in this situation. He stated that the town council can authorize the use of available un appropriated revenue to meet emergencies.

Heidi Rogers read the following emergency ordinance that was prepared by Bradford Gorham.

TOWN OF FOSTER EMERGENCY APPROPRIATION ORDINANCE

Fuel Dispensing System/Department of Public Works

In accordance with Section 10.13 of the Town of Foster Charter, the Town Council adopts the following Emergency Appropriation Ordinance:

1. The emergency addressed by this Ordinance is that the fuel dispensing system for the Town of Foster at the Department of Public Works is no longer operative. There is no way to monitor fuel use by various authorized users of the system. This may result in unauthorized fuel use or an over use by departments or failure to charge fuel to the appropriate department and budget line item. Monitoring the system by DPW personnel is costly and inefficient. Automatic monitoring devices are available which will cure the problem. These devices should be installed as soon as possible to address the emergency.

2. No appropriation was made at the Annual Financial Town Meeting in May of 2006 to provide for a replacement for the fuel dispensing system. It was not known at that time that the system would become no longer operative during the 2006-07 fiscal year. There are available un appropriated revenues to meet the estimated purchase price of \$10,000 for a new fuel dispensing system. These revenues were received by the Town in July of 2006 as reimbursement from the State of Rhode Island for the cost of the Plainwoods Road Bridge. These revenues were not appropriated in the fiscal year 2006-07 budget because they were not anticipated at the time the budget was adopted in May of 2006. The reimbursement was in excess of \$50,000 and thus, meets the requirements of Section 10.13 that there be available un appropriated revenues.

3. The Department of Public Works has solicited quotations for the installation of a new system so that the bid may be awarded upon the enactment of this Ordinance.

This Emergency Appropriation Ordinance shall take effect upon passage.

Ralph Berkowitz moved that the emergency ordinance be adopted Colette J. Matarese seconded for discussion and said that she was concerned that the town was not at the end of the fiscal year at this point in time and there was still money in the budget and to say that there is not money available concerned her. She said that the town has always tried in past to work it within the budget and see if the budget could be balanced by the end of the fiscal year. She said that she could look at it as being an emergency and having to take money from elsewhere more at the end of the fiscal year if now there was no money for plowing and etc. Ralph Berkowitz said that in his opinion he did not have to go that route whatever

budget happens it happens. He said that it is unforeseen and the council does not know what is going to happen. He said he does not have any idea what the winter will bring and instead of saying we will take it from there and then later on we are working from you know we definitely have the opportunity and lets go forward and get it. Colette J. Matarese said that she is not saying don't get it she is saying to alter the way of the financial business and say it is an emergency at this time that is not an emergency and she again said that it needs to be gotten but there is money within the budget from the department itself and therefore you can allocate to another line item. Ralph Berkowitz asked what line item and Colette J. Matarese answered that it could be taken out purchased services or parts and repairs and if that goes over your balance within that department you do as well as you can. She said then if snow removal becomes a problem then that is an emergency. Ralph Berkowitz said that every year repairs have been over expended and sand and salt. He said that instead of taking a line item that is necessary to run the town there is an opportunity and there is money to take from and use that to replace something that is down and out. He said that accountability is needed for the use of the fuel. Colette J. Matarese answered that she did agree with that but things always break and as soon as you start diluting that emergency ordinance then any council at any time if there is extra money can declare an emergency and say we need to by this. Jane Gurzenda said that it could only be done if there is money available. Colette J. Matarese said she knew that and the issue is to hold the accountability of staying in the budget. She said there is no accountability to make sure that it stays within the budget. Ralph Berkowitz said that it has been the first time that it has happened. Colette J. Matarese said exactly as it has always been done within the budget. Ralph Berkowitz noted that there has never been any major ones. Colette J. Matarese reminded him that the pay loader had repairs a few years ago that cost over \$8,000 and that was done within the budget. Ralph Berkowitz said that the state reimbursed the town. Harold R. Shippee, Sr. said that the state did not reimburse the town for the repairs of the pay loader. Mr. Shippee commented that if the fuel monitoring system was maintained in the proper way there would be no problems. He noted that computer was located in the garage with dirt and dust and the guys have even seen rats on the computer.

Colette J. Matarese believed that the council can do it without going into other funds. She said that as soon as you start playing with the funds and the financial process which is setting a budget at the financial meeting you are going down a slippery slope and looking at councils in the future, saying this is an emergency, this is an emergency and coming up with a reason for it.

Harold R. Shippee, Sr. noted that the problem was before the financial town meeting in May and should have been budgeted for. Harold R. Shippee, Sr. also noted that if there was an updated expenditure report the council would know how much there was in the budget.

Heidi Rogers said that she was prepared to vote and the motion was made and seconded. Colette J. Matarese said that she still did not think it was a real emergency and that funding could be found some place else but she did believe it had to be fixed. She also said it could fall under property as it is delineated in Section 10.13 of the Charter as property was not in Section 2.14.

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

Heidi Rogers opened the only bid that was received and 3 vendors were sent bid specifications and the one bid was from Universal Electric of Balcom Road in Foster. The bid was in the amount of \$3,100. After reviewing the bid it was noticed that it was for the wiring and electrical work and not for the installation of pumps, monitoring equipment and software.

Ralph Berkowitz said to forward the bid to Richard Grant, Public Works Director for his review.

The council opened two bids for 5000 tons of winter sand. They were as follows:

Ernest Joly & Sons, Inc.	10.90 ton/delivered
32 Beatrice Avenue	
Danielson, CT 06239	

Rawson Materials Inc.
205 Munyan Road
Putnam, CT 06260

\$13.60 per ton delivered/\$10.00 per ton picked up

The bids were forwarded to Richard Grant, Public Works Director for his review and recommendation.

A grant agreement and easement was received from the Rhode Island Historical & Heritage Commission amending the previous agreements as the grant money was increased because of the cost of the fire alarm system that is to be installed in the Town House.

Colette J. Matarese moved, Ralph Berkowitz seconded and it was so voted to authorize the President to sign the above two agreements.

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

A Pole Petition was received from Verizon and National Grid for placement of two poles and three anchor guys on Round Hill Road. Richard Grant reviewed the petitions and approved the placements.

Colette J. Matarese moved, Harold R. Shippee, Sr. seconded and it was so voted to grant permission for petition for two poles and 3 anchor guys on Road Hill Road.

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

Heidi Rogers reported that David Costa, Recreation Director had asked her to request the use of the horse ring on the town grounds to use as an ice rink for ice skating this winter.

Ralph Berkowitz moved Colette J. Matarese seconded and it was so voted to grant permission for the Recreation Committee to have an ice rink at the town grounds.

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

Heidi Rogers reported that Richard Grant, Public Works Director had submitted a memo that the Town of Foster would be getting fuel heating oil with the Town of Glocester and the Glocester School System and Paine School at a rate of \$2.19 per gallon. He also informed the Council that winter salt would also be with the State of Rhode Island DOT contract.

Colette J. Matarese asked if the school went out to bid. Ralph Berkowitz said that last year the town did it with the School. He noted that it is cheaper because of the volume of fuel oil for all the buildings.

Colette J. Matarese moved, Ralph Berkowitz seconded and it was so voted that the Town lock on to the bid with the Town of Glocester and Foster Glocester School System at \$2.19 per gallon with Reichert & Sons with the Isaac Paine School for all town buildings and for all volunteer services that want to use it at their expense.

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

A letter was received from the Friends of the Town House recommending that the bid for painting the town house go out to bid again as the one and only bid received was way over the amount of funds available.

Ralph Berkowitz moved Harold R. Shippee, Sr. seconded and it was so voted that the Friends of the Town House re bid the painting of the town house.

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

A request was received from Rev. Robert Hollis for the use of the Town House for October 22, 2006 to meet the candidates for school committee.

Colette J. Matarese moved, Ralph Berkowitz seconded and it was so voted to grant permission for the use of the Town House for October 22, 2006 to the Concerned Citizens of Foster represented by Robert Hollis and to leave the building in the same condition as he finds it. It was also noted that fire codes are to be followed and enforced.

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

Colette J. Matarese moved, Ralph Berkowitz seconded and it was so voted to grant the addition in the amount of \$10.00 for the 2006 tax roll and abatements in the amount of \$120.58.

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

Colette J. Matarese moved, Harold R. Shippee, Sr. seconded and it was so voted to grant the proration additions in the amount of \$7,416.59 for the 2006 tax roll.

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

Colette J. Matarese moved, Harold R. Shippee, Sr. seconded and it was so voted to grant the proration additions in the amount of \$4,769.91 and abatements in the amount of \$841.46 for the 2006 tax roll.

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

A resignation letter was received from Marilyn Flanders resigning from the Conservation Commission.

Colette J. Matarese moved, Ralph Berkowitz seconded and it was so voted to accept the resignation letter from Marilyn Flanders with regrets and send a letter of thank you.

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

A request for a Class F Liquor license was received from the South Foster Fire Company for a steak fry on October 22, 2006

Colette J. Matarese moved, Ralph Berkowitz seconded and it was so voted to grant the Class F Liquor License for October 22, 2006 for the South Foster Volunteer Fire Company and the fee be waived.

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

Colette J. Matarese asked to table due to the late time of the evening and only receiving the memos from Lisa Mills at the council meeting the last two items on the agenda.

Colette J. Matarese moved Ralph Berkowitz seconded and it was so voted to table the last two items on the agenda Delta Dental and Appropriations for the school and library until the next meeting.

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

The meeting was adjourned at 9:55 p.m.

Submitted by,

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.