

March 8, 2007

The Executive Session of the March 8, 2007 Town Council Meeting was called to order by Colette J. Matarese President at the Isaac Paine School, 160 Foster Center Road, Foster, Rhode Island at 6:50 p.m.

The following members were present :

Colette J. Matarese, President
John Lewis, Vice President arrived during the presentation of the Hopkins Mills Bridge
Peter Baribault
Lynne S. Rider
Harold R. Shippee, Sr.,
John J. Bevilacqua, Jr., Town Solicitor

Lynne S. Rider, moved, seconded Harold R. Shippee, Sr. seconded and it was unanimously so voted to go into executive session according to 42-46-2 (b) (2)-Collective Bargaining Emergency dispatchers (a) (1) Personnel and to reconvene in to open session 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 the General Laws of Rhode Island 42-46-4.

Peter Baribault aye, Lynne S. Rider aye, Harold R. Shippee, Sr., aye
Colette J. Matarese aye

The Regular Town Council Meeting was called to order by Colette J. Matarese President at the Isaac Paine School, 160 Foster Center Road, Foster, Rhode Island at 7:40 p.m.

Staff

Anne Carlson, Tax Assessor
Chief Robert E. Coyne, Jr.
Robert Fallon, Building Official
Pamela Fontaine, Tax Collector
Nancy Johnston, Human Services Director
Randy Rossi, Treasurer

The Pledge of Allegiance was recited.

Colette J. Matarese remarked that the members were in receipt of a letter from the Rhode Island Department of Transportation regarding the Hopkins Mills Bridge #96 on Old Danielson Pike. She noted that there was a proposal to maintain the closure to vehicular traffic and to have the bridge used only for pedestrians.

David Fish, Managing Bridge Engineer for the RIDOT and the Deputy Chief Engineer were in attendance. Mr. Fish spoke and gave a presentation to the council. He noted that the bridge was an existing two span concrete superstructure on 19th century masonry abutments. He noted that it was 56 feet long and 23 feet wide and built in 1912. Mr. Fish reminded the council that the existing bridge was closed to traffic in November 2001 to due the deteriorating condition of the existing structure in particularly the severe concrete cracking of the teepees. Mr. Fish explained that the Department did install fencing in early 2004 due to the continued deterioration of the wing walls and in early 2006 they reviewed the concrete barrier and fencing as it did not fit into the rural character of the area. Mr. Fish said that they evaluated four options. 1. Remove the existing bridge and close off the roadway. 2. Utilize the existing bridge as a pedestrian bridge and install railings and barriers more suitable to the area. 3. Remove the existing bridge and replace with a pedestrian bridge. 4. Remove and replace existing vehicular bridge. Mr. Fish said that after an analysis the Department believed that Option two was the most feasible solution because it would have the least impact to the environment and keeping the bridge closed did not appear to have a significant economic impact on the town. He noted that plans were developed to remove and replace existing concrete barriers and chain link fence with a decorative wrought iron looking pedestrian railing baluster system

and the erosion would be stabilized to the existing to the adjacent wing walls. Mr. Fish should diagrams of the project. He noted that some balusters would be removable for emergency vehicles could get access to each side of the bridge.

Mr. Fish noted that state wide there were 750 bridges and 20% of them have been classified as structurally deficient and 50% have been classified as either functionally obsolete or structurally deficient. David Fish explained that in the bridge program they rank projects on the condition of the bridge, number of people that use the bridge, and the detour length that people would have to travel if the bridge was closed to traffic. Mr. Fish said that there was no question that the bridge was not in bad condition however, the detour length was relatively short and the average daily traffic was relatively small. Mr. Fish remarked that if RIDOT ranked the bridge on its bridge ranking formula it would have a relatively low priority. He said it would be 6 to 8 years before RIDOT would work on the bridge and in that time frame it would also be subject to securing federal highway money. David Fish respectfully asked what direction the council would want RIDOT to precede and the decorative baluster option would cost One Hundred Thousand and a new bridge would be One Million Dollars.

President Colette J. Matarese commented that the residents in the area had a concern of the sight distance when pulling out of the area and that there was a potential for bad accidents to happen and the condition of the roads. She noted that the people on the side of the bridge where there is no longer traffic have indicated to her that their quality of life has gone up and the citizens on the other side of the bridge where there is the only access to the major roads has the increase in traffic and their quality of life has gone down.

Representative Nicholas Gorham addressed the council and public and said he had been working on the situation for a few years. He believed a light duty bridge was the answer where heavy trucks were not allowed to use the bridge but there would be access for the people who live in the area. Mr. Fish said that the state tries to use Federal funds and to use that money there is a minimal design criteria that has to be met. Representative Gorham asked if RIDOT had exploited placement on the national register and there could be possibilities there. Mr. Fish said they would take a look and report the findings to the council. Mr. Gorham also noted that when Route 6 was recently done there was a recommendation to increase the sight lines of Rams Tail Road and that has been a continuing complaint even before the bridge was out. Mr. Gorham said that if RIDOT is keeping the bridge a walkway then especially the need is more acute to address the Rams Tail Road intersection as the sight line there is terrible. Mr. Gorham asked if the money was available now for the proposal.

Mr. Fish answered that it was in the department's program to be done but as everyone is aware the State of Rhode Island is under tight budget constraints and they are looking for the additional federal funding for the rest of the fiscal year which ends in October 2007. He said that the Department would have to wait until the additional funding is received before they can make a definite commitment to get it under construction this year.

Many residents from the area of the Hopkins Mills Bridge questioned Mr. David Fish for about an hour of the meeting.

Colette J. Matarese asked Mr. Fish if he could bring all the information he gathered from the meeting back to his office and return back to the council with other ideas and to contact the Town Planner and the Rhode Island Preservation Heritage Commission. Mrs. Matarese noted that she would schedule Mr. David Fish for the second meeting in May.

Lynne S. Rider moved, John Lewis seconded and it was unanimously so voted to accept the minutes of February 8, 2007 as written. Mr. Lewis commented that it should be noted that there was an executive session on that night and no votes were taken at the meeting.

John Lewis, aye, Peter Baribault aye, Lynne S. Rider aye, Harold R. Shippee, Sr., aye
Colette J. Matarese aye

There were no comments under Public Comment.

Peter Baribault moved, Harold R. Shippee, Sr. seconded and it was unanimously so voted to approve Payroll Warrant #33 for \$22,432.88, Payroll Warrant #34 for \$22,507.32 and General Warrant #23 for \$215,846.70.

John Lewis, aye, Peter Baribault aye, Lynne S. Rider aye, Harold R. Shippee, Sr., aye Colette J. Matarese aye

John Lewis moved, Lynne S. Rider seconded, and it was unanimously so voted to accept the monthly reports as presented.

John Lewis, aye, Peter Baribault aye, Lynne S. Rider aye, Harold R. Shippee, Sr., aye Colette J. Matarese aye

Lynne Rider read the notice into the record for the transfer of the liquor license for the Foster Country Club Inc. to applicant Robert Forrest as Foster Golf & Country Club, Inc. at 67 Johnson Road, Plat 4 Lots 76 & 83 and Plat 5 Lots 5 & 8.

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

She asked that anyone who speaks should please state their name and address for the record.

Robert Forrest, potential owner commented that he was definitely in favor of the transfer of the liquor license to him.

Rose Salvadore of Walker Road spoke in favor of the application.

No one spoke against the transfer of the liquor license to Robert Forrest as Foster Golf & Country Club, Inc.

Colette J. Matarese commented that the application was signed off by the appropriate department heads and everyone was in order. She closed the public hearing.

John Lewis moved, to approve the transfer of the BV Liquor License and Entertainment License from Foster Country Club, Inc. to Robert Forrest as Foster Golf & Country Club Inc. from March 8, 2007 to December 1, 2007.

The Council wished him well in his new business adventure.

John Lewis read the notice into the record for the application of a Kennel License from Michael Dillon to be located at 95 Mount Hygeia Road, Plat 16 lot 25K, owned by Michael & Susan Dillon. The application was for a Kennel License to board 20 dogs on that property.

John Lewis explained the that the interested parties in favor of the application are given a chance to speak first and anyone who wishes to speak against the approval of the application will be given an opportunity and then the town council will be given the opportunity to ask questions. The town Council should make a decision in granting or denying the Kennel License within 10 days after the date of hearing as in accordance with the ordinance. Colette J. Matarese opened the public hearing.

Michael Dillon asked what the Council was asking him to do. Colette J. Matarese asked to give the council and the public a presentation regarding his application.

Michael Dillon said he would make it brief. He said he was looking to put in a boarding kennel and he was modeling the business to a friend of his in Rehoboth, Massachusetts who had a boarding kennel for 25 years. He said he was familiar with their procedures and he was mirroring most of their procedures. Mr. Dillon noted that he has spoken to some of his neighbors and he thought he should spend most of his time talking about the

issues of the feedback from people he has spoken to that were close to him, as his abutters and such. Mr. Dillon believed that one of the issues that anyone would have would be a noise issue. He said that he did not think people would care if it was 20 dogs or 200 dogs if they didn't make any noise he did not think it would be a problem. Mr. Dillon said that to address the issue animals are taken out of the home environment and the main objective in the boarding business is to keep the animal calm. He said he knows the picture is that there are 20 runs and if one dog barks they will all bark. Mr. Dillon said that he would have an inside run that would be climate control and would be a comfortable environment for the dogs. He noted that they would be primarily inside. He said that there were ups and downs in the kennel business and you do not run at 100%. He did say that a few times a day they would be turned out. Mr. Dillon said that all dogs would be housed separately and to keep the business efficient 4 dogs would be let out at a time. He said that the lights would be flipped off in the kennel and the dogs would stop barking. Mr. Dillon said he knew the town was looking for home based businesses and he was looking for a career change because he could not keep doing what he was doing. He said he loved dealing with animals and it seemed that it would be something right up his alley.

Marsha Bowden of Maple Rock Road asked how he was going to dispose of the animal waste. Mr. Dillon answered that he had turn out yards and pointed to rendering that he held up.

Someone inquired how many acres he owned. He answered that he had 32 acres of land. Mr. Dillon said he was meeting the setbacks and he wanted it to be as user friendly as possible and he said obviously some people were going to be happy with it and some people were not and he was trying to make it as neighborly as can be and it would be very low impact on his neighbors.

Colette Matarese asked if there was anyone else who wanted to speak in favor of the application.

Robert Moreau of Central Pike remarked that it looked like Mike did a lot of research and he was familiar with his property and he believed he was set back far enough that he would not disturb his neighbors and a good kennel was needed in town.

Gordon Rogers of 61 Cucumber Hill Road spoke in favor of the kennel and said that it pretty much fits in zoning and he has seen that two of the sitting council members have permitted a package store 1000 feet down the road which he was also in favor of but the zoning did have to be changed to allow it and this fits with the zoning and only permission is needed to give it to him and he believes it should be given to him and if the issues were dogs barking that was a zoning issue and it could be brought forward and the license could be revoked if the issues do seem fit as the auto place on route 6. He said he would allow it and see how it goes.

Colette Matarese if there was anyone he wanted to speak against the license.

Dr. Ruth Stemp of 93 Mount Hygeia Road said that she and her husband lived directly across from the property. She said that she and her husband were very very very much opposed to it. She remarked that there was no question in her mind that there would be dogs barking and maybe not 24 hours a day but there is no question that it would increase the noises and traffic around the property. Dr. Stemp said that the reason they moved to Foster was because there was a quite rural environment. She said that in the summer when she and her husband sit out on their deck all they hear are the crickets and also she leaves her windows open at night and they hear the crickets. Dr. Stemp said that there was absolutely no question in her mind that it would fundamental disturb the entire nature and environment of the area in Foster. She believed that it would drive down property values because who would want to live next to a dog kennel. Dr. Stemp said that certainly if that was there when she was looking at the property she would never have purchased the property. Dr. Stemp that the quality of life would be taken away from the people. Dr. Stemp also read a letter from her husband, Dr. Joseph Alper who was unable to attend the meeting. He stated that he was opposed to a dog kennel that would be

directly across the road. He stated in the letter that it would benefit only the property owner at 95 Mt Hygeia Road.

Patricia Altieri of 97 Mount Hygiea Road spoke and said that they were located directly in front of Mike Dillon's property. She said that she has nothing against them at all but she was against the kennel. She noted that they have a right of way on her property so the Dillon's can get to their residence which means all the traffic going to the kennel would be going directly in front of their house. Mrs. Altieri said that she has a 6 year old and a 3 month old and she does not want that traffic going in front of her and not to mention the noise as there are dogs that are out of control now that people let bark all night long and she can only imagine that it would be that much worse going forward. Patricia Altieri said that she was completely against it.

Domenic Altieri of 97 Mount Hygeia Road said that the kennel would be directly behind his house and to let four dogs out at one time three times a day how can you say that they will not bark. He believed that it would only take one dog in the neighborhood to make the dogs bark. Mr. Altieri also said who would buy his house if there was a dog kennel behind it if he were to sell and also all the property around there. He asked if anyone would be a house if there was a kennel behind it and stated that no one would and that would drop the value of his house and everybody living around him. Mr. Altieri noted that the State Police Academy is a few miles away and he can hear them shooting and now directly behind his house would be dogs barking and that would cause him to move and everybody around him. Mr. Altieri said that there was no guarantee you can keep the dogs quiet. He believed that four dogs were a pack and how would you keep them quiet by shutting the lights off. Mr. Altieri said that it would not work and he was against the application.

Dr. Alex Schoenfeld of 88 Mt Hygeia Road spoke and said that he and his wife and two daughters about the Dillon's property and they oppose the application for a kennel license for a variety of reasons. He said that the primary reason would be the loss of property value and the excessive barking. Dr. Schoenfeld stated that you cannot believe that a commercial kennel with outdoors runs would not produce a significant amount of impact. Dr. Schoenfeld read from the town's noise ordinance and believed that the proposed project under the town's own ordinance was an unlawful nuisance.

Dr. Schoenfeld remarked that also a lot of disinfectants chemical should be used regarding a certain level of sanitation and they could end up in the surface water and ground water. He noted that there was a stream that ran north to south through Mr. Dillon's property and then through his property and then eventually to the Willoughby Young Pond and beyond and it would be a significant impact on surface waters. Dr. Alex Schoenfeld noted that a commercial dog kennel is not particularly natural or in fact agricultural if you wanted to discuss the town's zoning. He did not think that property values were already covered by other neighbors. He also noted that at least 20 properties would be affected by the noise of the facility. Dr. Schoenfeld noted that Mr. Dillon would suffer the loss of property value for his financial benefit. Dr. Schoenfeld stated that the noise issues, pollution issues and property value issues would make the project very unadvisable and they oppose it.

Nancy Archbault of Burgess Road said that she was not speaking for or against but asked Mr. Dillon if he had raised dogs before. Mr. Dillon answered that he was not going to raise them he was boarding them

Mr. Charette of Burgess Road said that it was all smoking mirrors and he did not know what DEM would say about the waste removal. He said that he was opposed to it and his wife was also though he did not bring a letter from her.

Brenda Harkin of 195 Hartford Pike said that she came to listen and she was an abutter and does she agree with the majority of the people and opposes the kennel license. She said that she had an issue of how many people would be caring for the animals, the waste management and the noise.

Suzanne Schoenfeld of 88 Mt Hygeia Road also read a letter from Brian and Barbara Kiernan of 98A Mt Hygeia Road, who could not attend who opposed the application for a kennel license. She also read a letter from her neighbors the Prete's of 88 Mt Hygeia Road opposing the application of the Kennel License. She also said that her biggest concern was the property value because when they were ready to sell their house who would want to buy a house next to a big commercial kennel. She said that people move to Foster for the peace and quiet. Mrs. Schoenfeld said that she did not think it was fair that she and her neighbors would have a financial loss because Mr. Dillon wants to go into the dog boarding business and she felt that it was the wrong people that were bearing the financial burden. Mrs. Schoenfeld said that she thought Mr. Dillon should use some of his money and lease or rent property in the appropriate zoning.

Mr. Dillon said it was the proper zoning.

Suzanne Schoenfeld noted even if it was disinfectant and waste going down in the stream which is her stream her children play in that stream and you can see to the bottom of it. Mrs. Schoenfeld also noted that no one knew the temperament of the dogs and if one of them did get loose it would be problem not only to the abutters but the whole neighborhood. She noted that she did not know a lot about the zoning but she did look up what agricultural residential meant in the zoning laws and the area was zoned that. She noted that there was nothing about agricultural about boarding dogs, it was not raising food; it was not raising animals it was not breeding animals so she did not believe that was an argument.

James McHale of Central Pike questioned about the amount on chickens, horses and other such animals on a property and how they don't have to come before the council.

Colette J. Matarese noted that Kennels have to be licensed.

Richard White 78 Mt Hygeia Road asked why a variance was not needed for the allowance of the dog kennel. Colette J. Matarese explained that a dog kennel was allowed in the AR zone however they need to be licensed and that is up to the town council to deliberate on whether or not to grant kennel licenses when they come before the council.

Donna Konicki, 85 Mt Hygeia Road commented that she did not have any against the Dillons however she oppose the kennel because of the noise and if one dog starts barking all the dogs in the neighborhood will start barking.

Janet White 78 Mt Hygeia Road said that she adores Susan Dillon but if it is a commercial project approved in an agricultural residential zone could it then creep down the road somewhere else on Mt Hygiea Road and that was her concern.

Colette J. Matarese informed that another person could apply for a Kennel License on the road also.

Terry O'Shea 21 Burgess Road said he objects as it is a very quiet area and it would bring noise to the neighborhood.

Dr. Ruth Stemp 95 Mt Hygeia stated that to summarize one person is asking to benefit him and it would take from the rest of us a quality of life, happiness and a tremendous amount of money which is important to all and it would be a gross injustice if this was approved.

Michael Dillon stated that besides the noise it has been brought to the body's attention that he would be polluting Shippee Brook and if it is approved his next step was to go to the State and get a license because the town license was just a start and the State license follows through with DEM which has requirements. He said he was taken aback by that because by no means wasn't he polluting anything. He said it would be regulated by DEM and obviously he would not want to mess with them. He said that there is another kennel in town and is functioning. He asked if there any complaints from the surrounding people of the other kennel.

Colette J. Matarese said that you could not look at another place to make a comparison as this public hearing was to hear from everyone who had an interest in this one.

Robert Fallon, Building Official commented that he hadn't had any recent complaints however they do not have any outside runs.

Peter Baribault said that his main concern was the shared use of the driveway and the detrimental effect it would have on the neighboring property owners of the vehicular traffic going back and forth to the commercial business.

John Bevilacqua questioned if the right of way did allow the use of a commercial enterprise and whether or not it meets the standards of vehicular traffic. He noted that it could be up to 20 people anytime using the right of way. Mr. Bevilacqua also remarked that it does not state on the application of the individual's experience in handling this type of operation or heard from the applicant about his experience or background in managing the facility of this magnitude. Mr. Bevilacqua also commented that he had a concern of the dog waste removal. He asked about employees, insurance and coverage regarding damages to neighboring property. Mr. Bevilacqua noted that the plans state it was a 30 foot building but it does not give specific plans of the full square footage of the property and what type of lighting and signage and lighting around the facility for emergency purpose and whether or not that would have an affect on the neighbors. He said he was concerned about the runs and how they would be cleaned and material used for them and the waste disposal.

Michael Dillon answered that as far as traffic he did not mention hours and he would be open from Monday through Saturday 7:00 a.m. to 9:00 a.m. and 4:00 p.m. to 6:00 p.m. However, closed Wednesday and Sundays and Holidays. He said the hours of traffic would be between the hours 7:00 to 9:00 a.m. and 4:00 to 6:00 p.m. He said he spoke to his attorney regarding the right of way and was told that it was a pass period and there were no limitations on it and it could be done. He said it was not a large kennel and he has worked with the people in Rehoboth that he knows and he has guidance that he needs. He then stated that dogs need very little, animals need very little. He said it would be food and water and keep them quiet and give them attention when you can. He said it was cut and dry and not rocket science to take care of some animals. He said that the purpose of the outside runs were to get the animals from point a to point b and that is to go out into the yard do their business and be brought back in one has to come in for one to go out and it was a cycle. He said that 99% of the time the dogs would be inside the facility behind closed doors and the dogs would not be left out. He said that if a dog is out he or someone else will be on the premises watching the dog. He said they would not be left unattended. He said it would be a family business and until the business was established it would only be family.

John Bevilacqua said that he did take issue to the fact that it was stated that the 20 dog facility would be easy to run as he would be taking charge of other people's animals and no experience has been noted regarding dog care and recognizing problems and the type of system that would be used in the facility for certain vaccination shots and authorization and veterinary care that maybe required from time to time while the dogs are at the kennel. He said that kennels were no different than a nursing home and you had to give the dog care at all times of day and night. Mr. Bevilacqua said he found it odd that the hours were from 7:00 a.m. to 9:00 a.m. in the morning because when people come home from their vacation they will want their dog back and they can only go a certain time of day. He said he was concerned about that because the council has to consider what type of facility it is and how many dogs and it is much more than 2 to 3 dogs. He noted that the he would be caring for other people's animals and they have to be comfortable and the license is to an individual and they have to make sure that you have the credentials and ability to manage this type of commercial enterprise.

Mr. Dillon remarked that he was not a veterinarian and would not be performing any actions of one. He said that some dogs may need medications and instructions are given it would be no different from the owner giving the pill. He said that the owner would also

have to show proof of inoculations in order to stay at the kennel and if they did not show proof they would not be allowed at his facility.

Lynne S. Rider asked what steps he had to take with the State. Mr. Dillon said it was very similar to the town but with a little more in depth. Mrs. Rider was there any state supervision from the State with checking the kennel. Mr. Dillon answered that he did not know but he assumed. He noted that he received a packet from the state however he has not looked at it yet and it did have to meet more requirements with the state than the tow.

Lynne S. Rider said that she was concerned about the noise and the right of way and the impact it would be to the people who own it. She asked if any restrictions were on the right of way.

John Bevilacqua said he did not know what it says but it gives Mr. and Mrs. Dillon the right to pass and repass.

Lynne S. Rider also said she was concerned about the cleaning products and where would the chemicals go as they should not go into the ground.

Mr. Dillon noted that there were environmentally safe cleaning solutions and obviously he wants the environment as clean as possible and as one animal leaves it has to be cleaned for the next one.

Lynne S. Rider said she would feel better if there had to be a gutter to collect the chemicals. She noted that bleach was probably the only thing that would clean bring worm. She asked if he knew how his friends did it. He answered that they did not use a gutter system as they did no hose down the kennel. He said they clean it but they did not have a porous material it was epoxy. He noted that you would not want a concrete block as it would be an environment that things could grow in it. Lynne S. Rider asked what kind of surface he was planning on putting on the outdoor run. Mr. Dillon said it would be concrete as the interior and pea stone would be in the area outside also. She asked what the DEM State requirements were. Peter Baribault noted that he wanted to know that and what type of collection system was going to be used for the waste water that was produced by the cleaning of the kennels. Mr. Dillon said he was going to have to install a septic system for either cleaning purposes or in prep services because he would have to have a sink to get water in general. He said he did not know if he would have to have a grease trap type of system or something else.

Colette J. Matarese asked if there was any further information the council members required. Lynne S. Rider said she would like a more detailed description of exactly on how things would be disposed of. She discussed bacteria and believed that there were probably standards.

Peter Baribault said that there were two separate issues. He thought DEM would probably require sometime of septic system but he has heard enough from the neighbors and people in the surrounding area. He said he had to take in consideration what the surrounding property owners had said and the detrimental effect that this could potential have. He said he has heard enough information and it was Mrs. Rider prerogative to have more information from DEM.

Colette J. Matarese closed the public hearing after asking if anyone had anymore questions. She then asked what the pleasure of the town council was.

Peter Baribault moved, Harold R. Shippee, Sr. seconded to grant a kennel license for 20 dogs to Michael & Susan Dillon of 95 Mt Hygeia Road. The motion did not pass the vote was as follows:

Harold R. Shippee, Sr. nay, Lynne S. Rider nay, Peter Baribault nay, John Lewis nay
Colette J. Matarese nay

Colette J. Matarese announced a five minutes recess.

Peter Baribault moved, John Lewis seconded and it was unanimously so voted to change the order of business and to act on b and c under Old Business before the next public hearing.

John Lewis moved, Peter Baribault seconded, and it was unanimously so voted so accept the resignation letter from Nancy Woodlock as the interim planner.

John Lewis, aye, Peter Baribault aye, Lynne S. Rider aye, Harold R. Shippee, Sr., aye
Colette J. Matarese aye

Peter Baribault moved, John Lewis seconded, and it was unanimously so voted to appoint Ann-Marie Ignasher as the Town Planner at \$430.00 per week.

Lynne S. Rider read the advertisement for the public hearing on the preliminary Budget including the capital budget for the fiscal year July 1, 1007 through June 30th 2008.

Randy Rossi, Town Treasurer gave the following power point presentation:

TOWN OF FOSTER

FISCAL YEAR 2008 BUDGET PROPOSAL

- *FISCAL YEAR 2007-2008 PROPOSED OPERATING BUDGET*
\$12,399,246
- *PROPOSED CAPITAL BUDGET \$652,595*
- *AVERAGE PROPERTY VALUE \$348,000*
- *ESTIMATED TAX RATE INCREASE OF \$.62 PER THOUSAND*
- *ESTIMATED ANNUAL TAX \$4,127.28*
 - *\$79.37 PER WEEK or \$343.94 PER MONTH*

Foster-Glocester Regional Schools

- *Town's share for regional school system*
- *\$26.41 PER WEEK*

Captain Isaac Paine School

- *Total Operating budget*
- *\$27.69 PER WEEK*

Police Department and Animal Control

- *Total cost for operation \$6.65 PER WEEK*

Public Works Department

- *Road Maintenance*
- *Maintenance of Town Buildings*
- *Snow plowing*
- *\$5.16 PER WEEK*

Trash Removal

- *\$2.31 per week for trash removal and refuse disposal*

Fire Companies and Ambulance Corp

- *\$1.61 per week for all fire companies and ambulance corp.*

Legislative and Legal

- *Probate Court*
- *Town Solicitor*
- *Town Clerk's Office*
- *Board of Canvassing*
- *Town Council Salaries*
- *\$2.40 per week*

Foster Public Libraries

Recreation

- *Summer Programs*
- *Field Trips*
- *Athletic Facilities*
- *Senior Citizen Activities*
- *\$.24 per week*

Other Departments and Committees

- *Planning*
- *Building and Zoning*
- *Finance*
- *Tax Assessor*
- *Electricity, Heating Oil, and Audit*
- *Human Services*
- **\$4.28 PER WEEK**

2% Investment to Capital Fund

- *Annual contribution to the capital fund*
- **\$1.64 PER WEEK**

After the power point presentation the council took questions from the audience.

Gordon Rogers 61 Cucumber Hill Road asked how much was the hit on the bond for the middle school in tax dollars as it will be added on. The Treasurer answered that it was already included in the budget. Mr. Rogers also asked how much of an increase the budget was over last year's budget if this is 12 Million and last year was 10 Million He also asked if money is added to the school budget from floor would it affect the town's end as we are only allowed 5.2%. He then asked if the town was already at the 5.2% it would have to come out of something else because it can not go up. Colette J. Matarese said that the town was as the 5.2%. He asked if that was why the council asked the school budget to drop their 5.2% request to 3.something because you needed more money on your end of the scale and you decided to take it out of the Paine School.

Colette J. Matarese answered no.

Randy Rossi said that the increase over last year's budget was \$839,000 and the reason for the reduction of the Paine school was based on review of the budget and there was a lot of additional money budgeted in there that the town should not have been paying for.

Gordon Rogers reminded the council that at previous budget hearings when that was done they did tell the school they had to cut and they explained where they thought they had too much fat in their budget. He said when he saw this going from the school committee you simply said you are at 5.2 and you need to go 3.8 and you did not explain where they should be cutting with the previous council they said you had a grant for the superintendent and that ran out and you expect the taxpayers to pick up that brunt and we don't believe we should have to and that was a \$45,000 savings there. Mr. Rogers then said you guys just said you are at 5.2 and we think you can do it at 3.8 and can you explain why.

Colette J. Matarese explained that most of savings came out of the reduction of the health care costs. She said that health care costs were at a 15% increase and now with Mr. Rossi's work the increase is now 3%. Mrs. Matarese explained that therefore the school did not have to cut anything all that was cut from the budget. She also explained that the council cannot tell the school committee where to cut. She said that they did look and saw areas where they could cut and did mention the area to a member and Mr. Wallace but that is there budget.

Robert Peterson of Foster Center Road said he would like to see bar graphs with comparisons between the region, the school and the town. Mr. Peterson said it would be informative to have a bar graph on the various departments of the town on where the

money goes. He said it would show the taxpayers the fact that the town as the town as very little room to maneuver.

Gordon Rogers Cucumber Hill Road agreed and said he would like to see the dollar amount per student spent versus dollar amount per student at Paine School. He said he did know what the figures were and the citizens would be amazed at that actual figure.

Cheryl Wright of Foster Center Road said she sees where the Deputy Treasurer was budgeted for \$15,261 and now it is up to \$30,500. She asked if it was going to go in a full time position.

Colette J. Matarese answered yes it was one of the recommendations by the auditors for a number of years.

Cheryl Wright commented that we are not doing the school books as they have their own business manager and now you need a full time person in there 35 hours a week with medical ok and we are not doing the school books as they have their own business manager.

Randy Rossi, Town Treasurer answered that the line item for last year was \$15,000 but actually \$22,000 was spent to date. He said that the issue was the flow of the office itself is very restricted on the checks and balances there. He said that the auditors reviewed that he was entering the information into the system as well as cutting the checks and bring it to the council. He noted that no one else reviewing the information or doing the entry that he has reviewed. Mr. Rossi said that as a safety precaution to the taxpayers you definitely do need a person in there and you need full time whether or not the school books or not. He said he would even be more than happy to pick up the school books but they have already contracted for \$22,000. Mr. Rossi said that with the time and everything that is needed in that office we don't want to go back to everything being behind again.

Cheryl Wright answered that that was a separate issue and was before and you guys have got that all corrected.

Randy Rossi said that he does have to make sure that he has a life at home and he is working 60 hours a week right now. He said he needs to have someone in there to help him get the work done.

Cheryl Wright said that the previous Treasurer that we had for years and years she had a part time person and she did the school books also.

Colette J. Matarese said that she is looking in trying to get those books back. She said that Mr. Rossi has done by spending time he has been able to save money on the checking accounts and banking procedures because that money was extraordinary. She said that he has increased the interest rate from 3.6% to 5.3%. He has looked into going into governmental contracts when it comes to paper goods and he has saved the town about 30%. She noted that he negotiated a rate for the health care. Colette J. Matarese said he has been doing all of this and the day to day because he has been pointing in 20 more extra hours a week and that is with part time help now.

John Lewis noted that there had been two part time assistants.

Cheryl Wright said that was for the previous stuff and that is all taken care of now. She now you are adding a full time person when Mrs. Brayton for 11 years had a part time person there and she did the school books.

John Lewis said it was the recommendation of the auditors and the recommendation of the Treasurer.

Colette J. Matarese noted that it was an added 17 more hours to that department. She reminded everyone that at one time there in the Treasurer's office there was a full time treasurer, deputy, full time tax collector and two clerks. Colette J. Matarese said that the

department has shrunk in the last 20 years and in this point and time there so much more to do. Colette J. Matarese reminded everyone that Mr. Rossi was also the Human Resources Department and there was a lot of paperwork there. She said she supports that with his recommendation and the auditors as well.

Gordon Rogers Cucumber Hill Road said he would like to know how many people were going up in the budget such as a dpw guy, police officer, planner and deputy treasurer and that is 4 and 5 he is counting there.

Colette J. Matarese said that the Charter now requires a Planner as the people voted for it. She said that it was not added the previous council eliminated that position. She said that they are added one police officer and that will give coverage and it will be safety for the police officers themselves to make sure there is more than one man or woman on at a time. She said that there would be two dpw employees and if you look at the state of the roads they can be used. She said also the mowing will be taken back as well as the maintenance of the cleaning.

Cheryl Wright said that is an explanation and there has been a deputy and a Planner. She asked what was it going up to as it was 21 hours a week.

Colette J. Matarese said it was 35 hours a week and talking with Mrs. Ignasher she is very experienced, very dynamic and she will do a lot of good things for the town. She said that there is enough work there for a full time position. Colette J. Matarese mentioned that there are a lot of deadlines when dealing with the state and this person will be able to manage those deadlines to make sure those things get done.

John Lewis noted that the town has to deal with the affordable housing, rewriting of ordinances to comply with the state regulations and dealing with Route 6 rezoning. He said that things have not moved as quickly over the past few years with a part time planner.

Gordon Rogers said then we won't be sub contracting out like you did before when we actually had a Planner.

John Lewis said that was a valid statement and it was the council's anticipation that they will not be subcontracting things out.

Gordon Rogers said he would hold him to that.

John Lewis did note that they have subcontractor for the ordinances revisions.

Mr. Rogers said that he had a problem with that before when we actually had a planner and when something came up that pertained to the Planner and his job we actually subcontracted it out and guess who it was subcontracted to, the Planner.

Thomas Walden of Central Pike noted that there are several plans due to the state that are past due which generally the Planner of the town usually does. He said that there is plenty of work to do.

Nancy Johnston, Human Services Director asked if the planner was also the grant writer. Colette J. Matarese said that it's in the Charter as a Planner but she will be writing grants and managing grants.

Cheryl Wright said she would like to know across the board the increase in salary. She said she wanted to know what percentage increase each administrator got.

John Lewis said that he could give the logic. He noted that the Dog Officer salary was set based upon the recommendation of the Chief. Mr. Lewis noted that whenever there was a request for more than the 3.3% raise the council looked at comparable salaries of equivalent positions in other towns such as Charleston, Exeter, Gloucester, Hopkinton, Little Compton, Richmond, Scituate and West Greenwich and compared Foster's employees to those towns.

Cheryl Wright remarked that people maybe getting like 15% raises and stuff and do you think you are going to be able to sell that to a taxpayer. She then asked for the tax assessor, dog officer, town clerk building and zoning salaries.

Mr. Lewis noted that the Dog officer had a 3.3% increase. Colette J. Matarese noted that 3.3% was the cost of living. He noted that the Tax Assessor was 17.27%. Mr. Lewis again said they canvassed the communities he listed and took the mean salary of those 8 communities which was \$26,741 and the budget request was \$27,690 so it was within \$900 of the mean of those 8 towns. He said that if you look across all tax assessors in the entire state our tax assessor ranks 35 out of the 39 communities. He said with the raise she still will rank 35 it did not move her up at all.

Cheryl Wright said but this is Foster and it is a 17% increase. She said people in the private sector are not getting a 17% increase.

Mr. Lewis said he was presenting the logic and they correlating Foster employees with the other small towns which are duly equivalent positions to see whether or not out employees were being fairly paid. He said that when there were being fairly paid then the 3.3% was fine.

Colette J. Matarese said that the council would have like to have done a full cost equity study but there was not enough time to do. She said that another thing the council will be doing is that budget will not take effect until July and town employees evaluations will be done in May and according to the Charter the pay is set within what is allocated at the financial town meeting. She said every employee will have an evaluation prior to the start of July.

Randy Rossi noted that building and zoning was a 6% increase. John Lewis noted that the mean salary is \$31,656 for a 21 hour position. He noted that the budgeted amount was \$27,690 so that is \$4,000 less than the mean. He ranked 38 out 39 building officials and with the increase it remains the same.

Randy Rossi noted that the Treasurer was 3.3%. Cheryl Wright asked why he only got 3.3%. Harold R. Shippee, Sr. commented that it was the same answer that John Lewis has been giving.

Peter Baribault remarked that if she recalled the previous council gave that position a substantial pay increase because they were unable to hire someone.

Cheryl Wright answered right, right, right ok.

Peter Baribault noted that the council is basically doing to these positions what was done to the Treasurers position to bring that position to the mean.

Randy Rossi noted that the Tax Collector was 6%. John Lewis noted that the mean was \$36,536 and the town's budget was \$35,478 and that rank is 18 out of 23 tax collectors and she still remained 18 with the increase.

Randy Rossi noted that the Town Clerk was 16% and the Deputy Clerk was 12%. John Lewis explained that the mean for the Town Clerk was \$46,140 which was the budgeted amount and currently the town clerk ranks 36 out of 39 and with the increase she will rank 35. He noted that the Deputy Clerk mean was \$32,102 and the budget was \$32,114 and she currently ranks 32 out of 39 and with the increase she will remain 32.

Gordon Rogers asked with the mild winter was dpw giving money back to the general fund. Harold R. Shippee, Sr. noted that 8 loads of salt at \$1200 a load has come in the last 4 week and more sand is being ordered.

Gordon Rogers said that he has many, many contracts and every year but this compared to the last five years he billed out \$50,000 and this year would be about \$5,000. He said

that there definitely should be some money to go back in the general fund as he was not born yesterday.

Colette J. Matarese said that there was a mild winter with overtime but most of the dirt roads in town wash out which meant gravel had to be bought and the roads fixed so they would be ready for Monday morning buses.

Colette J. Matarese said if there was any money left over it would go back to the general fund however, the council's mission is to do as much as they can to maintain and improve the roads. She said the council will be watching the budget closely however they will work closely with Mr. Gove to make sure all the work that can be done this year is done.

Cheryl Wright asked about the fuel pumps and asked why the pumps have not been purchased yet. Colette J. Matarese said that it was one of the things that the council was looking at. She noted that Universal Electrical was at town hall today.

Cheryl Wright said that the council said the \$13 Million Dollars was included in the budget. Colette J. Matarese explained that it was placed in the operating budget and it would be a yearly item. John Lewis noted that it was not \$13 million dollars a year.

Gordon Rogers said that the state handed out \$7 Million of that \$13 Million.

John Lewis noted that it was in the operating budget of the region school district that includes the ESCO which is in their operating which is in the town's budget.

Colette Matarese said that the town was still getting numbers from the State. Randy Rossi noted that it was estimates but it was estimates from the Regional School Budget.

Cheryl Wright said that she understood that he was only working with numbers that was given to him. Cheryl Wright asked what we were doing about breaking the Charter.

John Bevilacqua stated that the \$13.7 Million dollars is part of the operating budget and is the issue completely gone no it is not and is there questions about the authority how they encumbered the taxpayers of both towns is an issue that has to be addressed. Mr. Bevilacqua said that the budget that was submitted to the town councils included what their expenses for the lease purchase for all that equipment was in the operating budget and does not include the \$7 million payback by the State of Rhode Island and that is only if we spend the money.

Cheryl Wright asked if the town council was going to do anything about it. John Bevilacqua answered that this council has done a lot about it. He said that they instructed him to research the issue and asked him to ask questions about it and they have taken a position at the last council meeting that they expect the building committee through the regional school committee place this matter before the people to see whether or not they would accept this ESCO project pay for this project and incur the liability that is attached to the contract that is necessary to lease the equipment.

Lynne Rider announced that there was an informational meeting on March 13th and there would be more information then.

Gordon Roger said that the council should look into the possibility of subcontracting one or two of the snow routes out to see how it works. He said that there are six trucks and four guys. He said that we are paying \$150,000 for a truck to sit there except when it snows. He said that it makes sense to him to have enough trucks for the guys that work there. He said it would save money.

Colette Matarese said that the town council is always looking for ways to save money.

Cheryl Wright asked what we generally spend on mowing. She then commented that we are hiring two guys and why. Why!

Colette Matarese asked if she looked at the condition of the roads and the buildings and more help is need in those areas. Colette Matarese reminded her that there used to be 9 people and it has been cut back and cut back. She said that hiring another two individuals would help to be able to have the manpower to get more done in a quicker amount of time. She said it would be going forward instead of constantly going a step back.

Cheryl Wright said then that we are going to do the mowing of the ball fields and uh... Colette Matarese noted except during the heavy season of the baseball league and someone will have to be on call. She said if something else takes precedence there has to be some one available.

Robert Peterson of Foster Center Road commented that it was a public hearing and that certain amount of portion ally need to be shown in terms of how often one person can speak and ask questions.

Colette asked if anyone had any questions and noted that the budget would be adopted on the 22nd of March and to send any feedback to the email addresses. She closed the hearing.

Colette Matarese noted that the audit was done and complete and submitted. Randy Rossi announced that the audit firm would be in attendance at the next meeting or the meeting after to present their findings.

Colette Matarese explained that the council did have an executive session on grievances and no action was taken. John Bevilacqua, Town Solicitor noted that at the executive session he had informed the council that the grievances have been resolved and he has been in contact with the union representative and a settlement has been negotiated. He noted that the original grievances that involving the members of the union against the accessibility of the information in the finance office is going to be withdrawn because now the information has been received by the members. The two grievances by the employees have been resolved. He said that the penalties and assessments against the employees have been reinstated to the appropriate status and a written reprimand has been changed to verbal which has already been done. He said he needed the authority from the council to enter into the agreement to finalize it all.

Peter Baribault moved, Lynne S. Rider seconded and it was so vote to authorize the Town Solicitor, John Bevilacqua to enter into an agreement with the union as he has explained to the council and negotiate the agreement with the labor union. Harold Shippee recused himself.

Lynne S. Rider, aye, Peter Baribault aye, John Lewis aye, Colette Matarese aye

John Lewis moved, Lynne S. Rider seconded and it was unanimously so voted to prioritize the application for the CDBG 0708 grant year as follows: \$5,000 for a handicapped grant for the Department of Human Services, \$Housing Rehabilitation for \$100,000, Foreclosure Assistance Program for \$10,000, Septic Pumping and Oil Burner Cleaning for \$5,000, Abbey Lane Engineering, \$65,000, , Food Bank \$3,000, Community Housing Land Trust \$3,000 Operations \$44,500 and Administration \$9,000.

Harold R. Shippee, Sr. Lynne S. Rider, aye, Peter Baribault aye, John Lewis aye, Colette Matarese aye

At this point of the evening at 11:00 p.m. Harold Shippee told the department heads to go home for the evening.

John Lewis moved, Lynne Rider seconded and it was unanimously so voted to postpone the Sterling Connecticut matter.

Harold R. Shippee, Sr. Lynne S. Rider, aye, Peter Baribault aye, John Lewis aye, Colette Matarese aye

Colette Matarese announced that there was a letter from the Regional School Committee asking for a meeting on March 13, 2007 in executive session. Colette Matarese noted that was in violation of the open meetings law however since the letter she received an agenda and it was now an open meeting.

Colette Matarese noted that also there was a request for the use of the town house from the Regional School Committee on May 2, 2007.

John Lewis moved, Peter Baribault seconded and it was so voted to approve the request for the use of the town house on May 2, 2007 from the Regional School Committee.

Harold R. Shippee, Sr. Lynne S. Rider, aye, Peter Baribault aye, John Lewis aye, Colette Matarese aye

John Lewis moved, Lynne Rider seconded and it was unanimously so voted to accept the resignation from Robin Fish from the Planning Board and to send a letter of thanks.

Harold R. Shippee, Sr. Lynne S. Rider, aye, Peter Baribault aye, John Lewis aye, Colette Matarese aye

John Lewis moved, Lynne Rider seconded and it was unanimously so voted to approve the request for the use of the fairgrounds from Fostering arts.com for June 21, July 12 and August 23 pending insurance.

Harold R. Shippee, Sr. Lynne S. Rider, aye, Peter Baribault aye, John Lewis aye, Colette Matarese aye

John Lewis moved, Harold Shippee seconded and it was unanimously so voted to appoint Robert Thurber as the Cored of Wood.

Harold R. Shippee, Sr. Lynne S. Rider, aye, Peter Baribault aye, John Lewis aye, Colette Matarese aye

John Lewis moved, Peter Baribault seconded and it was unanimously so voted to appoint Robert Salisbury as the Keeper of the Keys.

Harold R. Shippee, Sr. Lynne S. Rider, aye, Peter Baribault aye, John Lewis aye, Colette Matarese aye

John Lewis moved, Lynne S. Rider seconded and it was unanimously so voted to table the appointment to the Foster Land Trust

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Harold R. Shippee, Sr. Lynne S. Rider, aye, Peter Baribault aye, John Lewis aye, Colette Matarese aye

John Lewis moved, Lynne Rider seconded and it was unanimously so voted to approve the peroration additions in the amount of \$3,267.28.

Harold R. Shippee, Sr. Lynne S. Rider, aye, Peter Baribault aye, John Lewis aye, Colette Matarese aye

Harold Shippee moved, Lynne Rider seconded and it was unanimously so voted to approve the \$500.00 towards perpetual care from Marshall & Dorothy Spaulding.

Harold R. Shippee, Sr. Lynne S. Rider, aye, Peter Baribault aye, John Lewis aye, Colette Matarese aye

There were no concerned citizens.

The meeting was adjourned at 11:10 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.

