

**September 13, 2007**

The September 13, 2007 Town Council Meeting was called to order by John Lewis, Vice President of the Foster Town Council at the Town House, Foster, Rhode Island at 8:00 p.m.

The following members were present :

Colette J. Matarese, President, excused due to illness  
John Lewis, Vice President  
Peter Baribault, excused due to illness  
Lynne S. Rider,  
Harold R. Shippee, Sr.  
John J. Bevilacqua, Jr. Town Solicitor

Staff

Ann-marie Ignasher, excused  
Brad Gove, Public Works Director,  
Randy Rossi, Treasurer,  
Robert E. Coyne, Jr. Chief of Police

The Pledge of Allegiance was recited.

Gordon Rogers of Cucumber Hill Road complained that the meeting was changed to 8:00 instead of 7:30 and he was filing a violation of the open meetings law.

Marsh Bowden of Maple Rock Road spoke to the council about appointments and the process of appointing members to the Conservation Commission.

Harold R. Shippee, Sr. moved, Lynne S. Rider seconded and it was unanimously so voted to table the minutes of the August 23, 2007 meeting.

Harold R. Shippee aye, John Lewis aye Lynne S. Rider aye

Harold R. Shippee, Sr. moved, Lynne S. Rider seconded, and unanimously so voted to approve Payroll Warrant #7 in the amount of \$26,904.50, Payroll Warrant #8 in the amount of \$37,770.15, Payroll Warrant #9 in the amount of \$27,619.01, General Warrant #5 in the amount of \$88,461.80.

Harold R. Shippee aye, John Lewis aye Lynne S. Rider aye

Harold R. Shippee, Sr. moved, Lynne S. Rider seconded and it was unanimously so voted to accept the monthly reports as submitted.

Harold R. Shippee aye, John Lewis aye Lynne S. Rider aye

John Lewis reported on the status of the Bids that were received for the bathroom in the Human Services Department. He explained the Plumbing Inspector has rewritten the bid specifications and the bids will be sent out again.

John Lewis reported on the status of the Hopkins Mills Bridge #96 that the plans were almost complete and the Bridge Division would forward to the town for review and David Fish would then attend a council meeting.

Lynne S. Rider moved, Harold R. Shippee, Sr. moved to table discussion on the Hopkins Mills Bridge #96 until such time to review plans.

Harold R. Shippee aye, John Lewis aye Lynne S. Rider aye

Randy Rossi, Town Treasurer remarked that after reviewing the application for employment process draft that was recommended by the Personnel Committee he believed that the department head involvement should be added into the procedure as

they would be the management body for that person for the job. The Town Clerk remarked that she thought it was already discussed that the department head or a council member would be involved in the interview with a candidate. The Town Solicitor noted that was the case when he served on the Personnel Board.

John Lewis asked if the department head should be involved in all cases. John Bevilacqua that the Department Head should be able to ask questions but not recommend the individual. He noted that the Department Head could give his/her own personal opinion but should not participate in the personnel board's recommendation.

John Bevilacqua said that the policy should not be adopted until it is decided where in the order the department head can participate.

John Lewis said that it would be referred to the Solicitor to work on with Mr. Rossi.

Lynne S. Rider moved, Harold R. Shippee, Sr. seconded and it was unanimously so voted to approve the quarterly report from the Planning Board that was submitted late.

Harold R. Shippee aye, John Lewis aye Lynne S. Rider aye

Harold R. Shippee, Sr. moved, Lynne S. Rider seconded, and it was unanimously so voted to grant the bid award as recommended by the Public Works Director to Peterbilt for a 37,600 lb Dump Truck with plow in the amount of \$109,800.

Harold R. Shippee aye, John Lewis aye Lynne S. Rider aye

Harold R. Shippee, Sr. moved, Lynne S. Rider seconded, and it was unanimously so voted to grant the bid award as recommended by the Public Works Director to Tasca Ford for a F-350 Dump Truck with plow in the amount of \$39,661.00.

Harold R. Shippee, Sr. noted that the truck should be yellow.

Harold R. Shippee aye, John Lewis aye Lynne S. Rider aye

Lucy Minturn gave a brief history about herself.

Lynne S. Rider moved, Harold R. Shippee, Sr. seconded, and it was unanimously so voted to appoint Lucy Minturn to the Conservation Commission as an alternate.

Harold R. Shippee aye, John Lewis aye Lynne S. Rider aye

Josh Mansolillo of T. Parker Road reviewed the proposal he had submitted to the council members for an Eagle Scout project at Green Acres on Mossup Valley Road. He intends to clear a path around the water for easy access to fishing.

Lynne S. Rider moved, Harold R. Shippee, Sr. seconded and it was unanimously so voted to approve Josh Mansolillo's application to give permission to afford his Eagle Scout Project regarding the trail and fishing accesses around the Green Acres Pond.

Harold R. Shippee aye, John Lewis aye Lynne S. Rider aye

Robert & Roxanne Greeway of Rockland Cemetery Road have completed the restoration of the Magiera Gravel Bank and had previously requested the bond that was submitted to the Town from Louis Magiera be returned to them towards the restoration project.

John Bevilacqua reported that while the restoration project was going on the Building Official periodically checked on the project and has given his ok that the project was 90% complete on June 30<sup>th</sup>. Mr. Bevilacqua noted that Mr. Fallon checked again yesterday and reported that the grass was lengthy and wherever the erosion was it has been wrapped to prevent further erosion and it is 100% better than it was before. John Bevilacqua noted Mr. Fallon informed him that as far as he was concern the project was now complete.

He said that now it was complete the Town can release the bond and the final payment for the grant can be made. Mr. Bevilacqua noted that the amount was approximately \$19,342.

Lynne S. Rider moved, Harold R. Shippee, Sr. seconded, and it was unanimously so voted to return the bond in the amount of \$19,342 to Roxanne and Robert Greenway because the restoration to the former Magiera Gravel Bank has been completed and approved by the Building Official.

John Bevilacqua requested that if there was any additional interest that too should be returned to them and asked that the motion be amended to include that too.

Lynne S. Rider moved Harold R. Shippee, Sr. and it was unanimously so voted to amend the motion to include any other interest that has accrued.

Harold R. Shippee aye, John Lewis aye Lynne S. Rider, aye

John Lewis asked for a vote on the main motion to return the full bond plus any and all interest.

Harold R. Shippee aye, John Lewis aye Lynne S. Rider, aye

The Town Planner met with Lorraine Joubert of URI who has offered technical assistance in ordinance revision to the Town of Foster for ground water protection.

Lynne S. Rider moved, Harold R. Shippee, Sr. seconded, and it was unanimously so voted to enter into an agreement with the University of Rhode Island Cooperative Extension for technical assistance for the Town of Foster in updating standards for enhanced groundwater protection and storm water management and to authorize the Town Planner, Ann-marie Ignasher to execute any documents or agreement.

Harold R. Shippee aye, John Lewis aye Lynne S. Rider, aye

The Public Works Department sent out bids specifications to five vendors for 2000 tons of process gravel. The following bids were received and opened:

Vendor	Amount	
Brooklyn Sand & Gravel 42 Junior Avenue Danielson, CT	\$14.75 per ton delivered	\$11.25 per ton pick up
Ernest Joly and Sons Inc. 32 Beatrice Avenue Danielson, CT 06239	\$13.00 per ton delivered	\$ 9.90 per ton pick up
M.W. Prior Sand and Gravel PO Box 43 Clayville, RI 02815	\$11.50 per ton delivered	\$ 8.50 per ton pick up
R.A. Rawson Sand & Gravel 205 Munyan Road Putnam, CT 06260	\$12.99 per ton delivered	\$ 8.50 per ton pick up
Walter E Reynolds 2 Reynolds Court Coventry, RI 02816	\$12.50 per ton delivered	\$11.00 per ton pick up
Sterling Sand & Gravel 485 Saw Mill Hill Road Sterling, CT 06377	\$8.80 per ton or \$11.00 yd.	\$7.20 per ton \$9.00 per yd.

Harold R. Shippee, Sr. moved, Lynne S. Rider seconded, and it was unanimously so voted that the bids were forwarded to the Public Works Director for his analysis and recommendation and to place on the agenda for the next meeting.

Harold R. Shippee aye, John Lewis aye Lynne S. Rider, aye

The Public Works Department sent out bids specifications to five vendors for 5000 tons of winter sand. The following bids were opened as follow:

Vendor	Amount
Ernest Joly and Sons Inc. 32 Beatrice Avenue Danielson, CT 06239	\$10.50 per ton delivered
Laframboise Sand & Stone, Inc. PO Box 467 Brooklyn, CT 06234	\$10.00 per ton delivered 6.50 picked up
M.W. Prior Sand and Gravel PO Box 43 Clayville, RI 02815	\$13.50 per ton delivered 10.00 picked up
R.A. Rawson Sand & Gravel 205 Munyan Road Putnam, CT 06260	\$14.24 per ton delivered 9.75 delivered
Walter E. Reynolds 2 Reynolds Court Coventry RI	\$13.50 per ton delivered \$12.25 picked up

Harold R. Shippee, Sr. moved, Lynne S. Rider seconded, and it was unanimously so voted that the bids were forwarded to the Public Works Director for his analysis and recommendation for presentation at the next meeting.

Harold R. Shippee aye, John Lewis aye Lynne S. Rider, aye

The Public Works Department sent out 4 bids specifications for a mowing machine with a 72" recycler cutting deck. The following bids were opened and received as follow:

Vendor	Amount
J.J. Gregory & Son, Inc. 77 Highland Avenue East Providence, RI	1) \$9,575.00 2) \$8,937.00
Turf Products Corporation 157 Moody Road PO Box 1200 Enfield, CT	\$17,239.00

Harold R. Shippee, Sr. moved, Lynne S. Rider seconded, and it was unanimously so voted that the bids were forwarded to the Public Works Director for his analysis and recommendation and to specify what account it would be funded from to purchase the item.

Harold R. Shippee aye, John Lewis aye Lynne S. Rider, aye

John Lewis read a letter from Chief Robert E. Coyne, Jr. regarding a 4-Way Stop Sign at the intersection of Howard Hill Road and South Killingly Road. Chief Coyne believed that a 4-way stop sign at that location was worthy of the council's

consideration given the fact that it would improve safety and would only delay motorists a few more seconds, once the signs were installed.

Harold R. Shippee, Sr. moved, Lynne S. Rider seconded, and it was unanimously so voted to approve the Chief's recommendation and direct the Public Works Director to have the two signs installed.

Harold R. Shippee aye, John Lewis aye Lynne S. Rider, aye

The Public Works Director submitted a report on road repair needs for the Town. Mr. Gove explained that his proposal was to cover a number of roadways with a leveling course so that it would eliminate the constant need for pothole repair. He said they would prepare Winsor Road, portions of North Road, portions of the eastern part of East Killingly Road from Route 94 and Burgess Road. He said the project would be for those five roads with first a leveling course first to be followed up with another level later. He believed it would eliminate the constant need for crews to be out attempting to make the roads drivable.

Harold R. Shippee, Sr. moved, Lynne S. Rider seconded, and it was unanimously so voted that the 2007 paving program for the above named roads be approved.

Harold R. Shippee aye, John Lewis aye Lynne S. Rider, aye

A Resolution was received from the Town of Gloucester requesting the General Assembly to repeal House Bill 5661 and Senate Bill 461 from the 2007 General Assembly Session that was passed in July 2007 asking the Town of Foster to support the resolution.

Lynne S. Rider moved, Harold R. Shippee, Sr. seconded, and it was unanimously so voted to adopt the following Resolution for the Town of Foster

*The State of Rhode island and Providence Plantations*

*Town of Foster*

RESOLUTION

**WHEREAS**, the Town Council does not support Senate Bill 461 and House Bill 5661 which were enacted by the legislature during the 2007 Session and which the Governor has since allowed to become effective without his signature; and

**WHEREAS** these Bills authorize the school committee of any city, town and regional school district to retain the services of such independent legal counsel as it may deem necessary and convenient. This overrides any contrary provision of any city or town charter or ordinance and in effect invalidates the procedure established by Rhode Island General Law to change a Home Rule Charter; and

**WHEREAS** any counsel retained shall be compensated out of funds duly appropriated to the school committee at a time when budgets have been level funded and subject to a state mandated cap; and in no event, shall said counsel be deemed to be an employee of the pertinent city or town for any purpose; and

**WHEREAS** Bills, such as these, are usually given to cities and towns before going to the Senate and House for their opinion or

approval. These Bills were not seen by any of our cities or towns; and

**WHEREAS** this would affect the cities and towns economically as well as undermining the town charters and ordinances; and

**NOW THEREFORE BE IT RESOLVED** that the Town Council would like all cities and towns, as well as all Foster residents to write to their legislators and ask them to try and have these Bills repealed when the Senate again sits.

Adopted at the September 13, 2007 Town Council Meeting.

S/John Lewis, Jr.

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John Lewis, Jr., Vice President  
Foster Town Council

S/Anne M. Irons

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Anne M. Irons, Town Clerk

Harold R. Shippee aye, John Lewis aye Lynne S. Rider, aye

John Lewis reported that 137 Letters were sent out to various businesses located in the town requesting if they were interested in purchasing signs, attending workshops or participating in a so-called "Yellow Pages linked to the town's web page. He also proposed and advertisement for the Foster Home Journal for a cost of \$185.00.

After discussion it was decided to mention it in the monthly council report that is placed in Foster Home Journal and hold off advertising at this time.

Lynne S. Rider moved, Harold R. Shippee, Sr. seconded and it was unanimously so voted to table the Policy on Public Buildings in Historic Districts within the town as it was supposed to be presented by Colette J. Matarese.

Harold R. Shippee aye, John Lewis aye Lynne S. Rider, aye

The Town Council acknowledged a letter from Governor Carcieri awarding the town for the CDBG 2007-08 year totaling \$79,200, specifically for the following activities: Housing Rehabilitation \$67,500, Human Services Ramp, \$5,000, Food Bank, \$2,000, Community Land Trust, \$2,200, Administration, \$2,700.

John Lewis requested the indulgence of the other council members and asked that council meetings begin at 7:30 p.m. as he teaches a class until 7:00 p.m. on Thursday nights until December 2007.

Lynne S. Rider moved, Harold R. Shippee, Sr. seconded, and it was unanimously so voted to grant the request to hold council meetings at 7:30 p.m. not 7:00 p.m. until December, 2007.

Harold R. Shippee aye, John Lewis aye Lynne S. Rider aye,

Gordon Rogers of Cucumber Hill Road commented on renting a mowing machine while the town has one. John Lewis reported that it was impossible to mow over three years of work in one season with one mower and one person.

Gordon Rogers also complained about the issuance of the training money that was added at the Financial Town Meeting and steps that the council is making the volunteers go through.

John Lewis answered that the council has only required appropriate documentation as under the direction of the auditors.

Lynne S. Rider moved, Harold R. Shippee, Sr. seconded and it was unanimously so voted to go into executive session according to 42-46-4&5 (a) (2) Collective Bargaining regarding Emergency Dispatchers, 42-46-4&5 (a) (2) Collective Bargaining Public Works Contract, and 42-46-4&5 Personnel 42-46-4&5 (5) and to reconvene in 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 42-46-4-5.

Lynne S. Rider aye, Harold R. Shippee aye, John Lewis aye

The meeting was recessed at 9:25 p.m.

No votes were taken in executive session.

The meeting was adjourned at 10:30 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.