

December 27, 2007

The December 27, 2007 Town Council Meeting was called to order by Colette J. Matarese President of the Foster Town Council at the Town House, Foster, Rhode Island at 7:00 p.m.

The following members were present:

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

Staff

Ann-Marie Ignasher,
Robert Clarkin, Interim Public Works Director,
Randy Rossi, Treasurer
Chief Robert E. Coyne, Jr.
Pamela Fontaine, Tax Collector

The Pledge of Allegiance was recited.

Colette Matarese announced that a free seminar would be held on January 9th at the Ben Eddy Building at 9:00 a.m. for all business owners in town sponsored by the RI Economic Development Corporation.

Colette Matarese also announced that a video camera and bag were lost on Cucumber Hill Road on Christmas Day and if anyone finds it to contact the town hall for the contact information. She noted that there was a \$500.00 reward.

Colette Matarese also read a letter from Chief Coyne commending the public works director for a job well done in assisting the police department on a state road with icy conditions.

John Lewis moved, Peter Baribault seconded and it was unanimously so voted to approve the minutes of the November 29, 2007 council meeting.

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

John Lewis moved, Peter Baribault seconded and it was unanimously so voted to approve the minutes of the November 30, 2007 council meeting.

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

There were no comments under public comment.

Peter Baribault moved, John Lewis seconded, and unanimously so voted to approve Payroll Warrant #21 in the amount of \$27,054.98, Payroll Warrant #22 in the amount of \$36,273.00, Payroll Warrant #23 in the amount of \$28,600.19, Payroll Warrant #24 in the amount of \$40,359.96, General Warrant #11 in the amount of \$86,698.12 and General Warrant #12 in the amount of \$110,415.61.

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

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

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

Colette J. Matarese opened the public hearing for the repeal of old ordinances to enact and adopt a new codification of the town ordinances. She noted that it was indexing all the town's ordinances into one organized ordinance book. She read the following proposed ordinance adopting the codification of ordinances:

ORDINANCE NO.

AN ORDINANCE ADOPTING AND ENACTING A NEW CODE FOR THE TOWN OF FOSTER, RHODE ISLAND; PROVIDING FOR THE REPEAL OF CERTAIN ORDINANCES NOT INCLUDED THEREIN; PROVIDING A PENALTY FOR THE VIOLATION THEREOF; PROVIDING FOR THE MANNER OF AMENDING SUCH CODE; AND PROVIDING WHEN SUCH CODE AND THIS ORDINANCE SHALL BECOME EFFECTIVE.

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF FOSTER AS FOLLOWS:

Section 1. The Code entitled "Code of Ordinances, Town of Foster, Rhode Island" published by Municipal Code Corporation, consisting of chapters 1 through 38, each inclusive, is adopted.

Section 2. All ordinances of a general and permanent nature enacted on or before February 1 2004, and not included in the Code or recognized and continued in force by reference therein, are repealed.

Section 3. The repeal provided for in section 2 hereof shall not be construed to revive any ordinance or part thereof that has been repealed by a subsequent ordinance that is repealed by this ordinance.

Section 4. Unless another penalty is expressly provided, every person convicted of a violation of any provision of the Code or any ordinance, rule or regulation adopted or issued in pursuance thereof shall be punished by a fine of not more than \$500.00 or imprisonment not exceeding 30 days and/or the violation shall be required to pay restitution in cases involving property damage or personal injury in an amount up to \$2,500 or be required to provide voluntary community service for not more than ten days for each violation. Each act of violation and each day upon which any such violation shall continue or occur shall constitute a separate offense. The penalty provided by this section, unless another penalty is expressly provided, shall apply to the amendment of any Code section, whether or not such penalty is reenacted in the amendatory ordinance. In addition to the penalty prescribed above, the town may pursue other remedies such as abatement of nuisances, injunctive relief and revocation of licenses or permits.

Section 5. Additions or amendments to the Code when passed in such form as to indicate the intention of the town council to make the same a part of the Code shall be

deemed to be incorporated in the Code, so that reference to the Code includes the additions and amendments.

Section 6. Ordinances adopted after (fill in date), that amend or refer to ordinances that have been codified in the Code shall be construed as if they amend or refer to like provisions of the Code.

Section 7. This ordinance shall be effective

Passed and adopted by the _____ this _____ day of _____, _____.

Colette J. Matarese, President
Foster Town Council

ATTEST:

Town Clerk

John Lewis moved, Peter Baribault seconded and it was unanimously so voted to adopt the above Code of Ordinances for the Town of Foster as read.

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

John Lewis explained the design concept of the Economic Development Signs that business owners would purchase and the town would install. He showed an example which he had made free which pointed to the Town Hall.

Lynne Rider moved Peter Baribault seconded and it was unanimously so voted to approve the town's involvement in procuring and offering the signs to the business owners in town at their cost and public workers employees to install.

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

A letter from Attorney Charles Knowles regarding Twisted Liquors was acknowledged and discussed. Mr. Fortin will take on the responsibility of making payments to the town even though it is not his responsibility to make them. Mr. Fortin will have 60 days to come up with an option and come back before the council at that time.

John Lewis moved, Peter Baribault seconded and it was unanimously so voted to allow Twisted Liquors to have a conditional Class A Package Store Liquor License until March 13, 2008.

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

Officers Mario Menella and Adam Arico have successfully completed their probationary period with the police department and were sworn in as full time patrolmen with the Foster Police by Council President Colette Matarese.

Recruit John Forrest successfully completed and graduated from the RI Municipal Police Academy and is now a probationary officer on the police department and was sworn in by President Colette Matarese.

Kristen Pond Police Recruit was introduced to the council. She will be attending the RI Municipal Police Academy.

John Lewis moved, Lynne Rider seconded, and it was unanimously so voted to accept the letter of resignation from George Christie from the Conservation Commission.

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

Katherine Zuromski had forwarded a letter of interest for the Conservation Commission vacancy. She has lived in Foster all her life, graduated from URI in Wildlife and Conservation Biology with coursework in natural resources including wetlands.

John Lewis moved, Lynne Rider seconded, and it was unanimously so voted to appoint Katherine Zuromski to the Conservation Commission as the alternate position.

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

A resignation letter was received from Ronald Cervasio resigning from the Recreation Committee.

Lynne Rider moved, John Lewis seconded, and it was unanimously so voted to accept the letter from Ronald Cervasio.

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

John Lewis moved, Peter Baribault seconded, and it was unanimously so voted to reappoint John Neale to the planning board for a five year term.

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

John Lewis moved, Lynne Rider seconded and it was so voted to approve the following Holiday Sunday Sales Licenses upon receipt of annual licensing fee and approvals from the Building Official, Fire Chief, Tax Collector and Police Chief where applicable:

Drake Petroleum d/b/a/ X-Mart/Foster Sunoco
Wilson's Auto Enterprises Inc.
Aniello V. Calise d/b/a Danny's Auction Barn
Russell Smith, d/b/a Chelsea's Trading Post
Shivamni Inc. d/b/a BD Mart
Kristen Dexter d/b/a Cape in the Pines
Gabrielle's Package Store
Bonnie and Donald Lambert d/b/a Lady Love Llama

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

John Lewis moved, Lynne Rider seconded and it was so voted to approve the following secondhand licenses upon receipt of annual licensing fee and approvals from the Building Official, Fire Chief, Tax Collector and Police Chief where applicable:

Wilson's Auto Enterprises Inc.
MMC, Inc. d/b/a Mike's Auto Repair
Aniello V. Calise, d/b/a Danny's Auction Barn
Raymond Lapointe, d/b/a Western Rhody Antiques
Russell Smith, d/b/a Chelsea's Trading Post
Hemlock Brook Auto Sales & Service
Foster Auto LLC d/b/a Sturn & Sons
Gerald Cournoyer d/b/a Sweet Forest Farm

Raymond Cook d/b/a Cooke Brothers Imports

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

John Lewis moved, Lynne Rider seconded and it was so voted to approve the following victualling licenses upon receipt of annual licensing fee and approvals from the Building Official, Fire Chief, Tax Collector and Police Chief where applicable:

Janet Brayton & Brenda Lindsay, d/b/a Shay Acres Restaurant
Drake Petroleum d/b/a X-Mart/Foster Sunoco
Aniello V. Calise, d/b/a Danny's Auction Barn
Shivamni Inc. d/b/a BD Food Mart

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

John Lewis moved, Lynne Rider seconded and it was so voted to approve the following Gun Shop Licenses upon receipt of annual licensing fee and approvals from the Building Official, Fire Chief, Tax Collector and Police Chief where applicable:

Certified Automotive, Inc. d/b/a Steve's Gun Shop
Robert A< Boyden d/b/a Independence Enterprises
Laurence & Denise Costa-Mello, d/b/a Allary Farm
Leon DeFranco, db/a/ LJD Gun & Supplies
Keith LaFazia d/b/a Breezy Hill Outdoors

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

John Lewis moved, Lynne Rider seconded and it was so voted to approve the following Campground Licenses upon receipt of annual licensing fee and approvals from the Building Official, Fire Chief, Tax Collector and Police Chief where applicable:

Ginny-B Inc. d/b/a Ginny B Campground
Whippoorwill Hill campground

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

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

John Lewis moved, Lynne Rider seconded and it was so voted to approve the following Private Investigator's License upon receipt of annual licensing fee and approvals from the Building Official, Fire Chief, Tax Collector and Police Chief where applicable.

Alan Pittman d/b/a Alan Pittman Investigations, API

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

John Lewis moved, Lynne Rider seconded and it was so voted to approve the following conditional licenses which will expire on January 24, 2008 upon receipt of annual licensing fee and approvals from the Building Official, Fire Chief, Tax Collector and Police Chief where applicable.

Foster Bear Arms & Trading Post LLC - Holiday Sales, Secondhand, Gun Shop
Marty Austin d/b/a Marty's Auction Service- Secondhand
Scott & Wanda Kopka d/b/a Stateline Diner Inc. – Victualling

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

It was announced that the town received a grant award for the town house from RIHPC in the amount of \$11,880 for the interior restoration of the building.

Colette Matarese reported on the state of the Town government. She noted that the audit has been completed and there was a surplus of \$75,000 for the fiscal year ending June 30, 2007. She also noted that the current budget was right on target. She stated that the town house renovations of the fire alarm have been completed as well as the painting of the building and the wall at the side entrance reinforced. She noted that the town flag has been on display in the Town House. She noted that Ann-Marie Ignasher has been responsible for a total \$60,000 in grants for the town. Colette Matarese mentioned the historic scales were now in the Town House and estimates are being sought for restoration and the gold cane has been refurbished and retired. She noted that the playground at Woody Lowden was completed according to code for public playgrounds and ceiling tiles were removed and the back wall was replaced with new logs; as well as the chain link fenced repaired and the storage building removed. Colette Matarese commented on the fuel management system upgrade in the public works department. She noted that the town met the 20% goal of recycling and received a grant for education on recycling; the planning board is continuing to bring the ordinances in compliance with the Comp Plan; reinstated a bi-partisan personnel board; new computer server, two new defibrillators were installed through a grant; town hall hours extended; and an economic development initiative was established and moving forward. She noted that a grant was received to install a generator at the Paine School; new street signs purchased and installed; new storage facility for financial records has been created; Foster Safety Day was enacted, citizens police academy and grow smart RI Seminars held for Board and commission members

Colette Matarese read the following resignation letter from Anne M. Irons.

December 11, 2007

Foster Town Council
181 Howard Hill Road
Foster, RI 02825

Dear Honorable Council Members:

It has been an honor and a privilege to serve the Town of Foster for the past 16 years and 13 years as the elected Town Clerk. With great reluctance I am submitting my resignation, effective December 31, 2007.

My involvement with town government in Foster has been interesting and challenging to the say the least and I will miss the friendships I have made with council members past and present and the town hall employees as well as residents and associates that I have met over the past few years. However, as I mentioned in our brief discussion, the offer I have received cannot be ignored, considering the financial benefits for the future of my family.

My decision was not easy one to make but knowing that Tina Freeman, Deputy Town Clerk will step into the position of Town Clerk upon my last day was an important factor. She will certainly step up to the plate and will serve the people well. In order for an easy transition Tina and I plan to meet a few times on the weekends to go over a few pending matters when there are no phones ringing and our attention will be focused on training and preparing her for the budget process and the Presidential Preference Primary that will be held in March. I will make time available whenever she needs assistance or help her in any way to make a smooth changeover.

I thank the people of Foster for giving me this wonderful opportunity to serve them for the past 16 years. I appreciate your understanding of my decision to leave the Town of Foster. I commend you all for your public service and dedication you have shown to the residents of Foster. I will miss you and wish you continued success in town government

Sincerely,

Anne M. Irons
Town Clerk

Lynne Rider moved, John Lewis seconded and it was so voted to accept the letter of resignation from Anne M. Irons Town Clerk to be followed with a letter of regret.

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

The following individuals spoke under concerned citizens:

Gordon Rogers Cucumber Hill Road had a concern on Hemlock Village being sanded by the town and the water holes in town not being plowed after snow storms. He also submitted a letter requesting that Whippoorwill Terrace also be sanded and plowed since the town now does Hemlock Village.

Lynne Rider moved, Peter Baribault seconded and it was so voted to go into executive session according to 42-46-4&5 (5) for the purpose of discussing acquisition and to reconvene for the purpose of announcing votes and adjourning the meeting and further to keep the minutes of said meeting closed and the minutes of all executives sessions held previous to this meeting be closed and remain closed pursuant to provisions of General laws of Rhode Island 42-46-4.

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

The meeting was recessed at 8:25 p.m.

The council authorized the Town Planner to initiate an appraisal for a piece of property.

The meeting was adjourned at 8:34 p.m.

ATTEST:

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.