

**July 24, 2008**

The July 24, 2008, Town Council Meeting was called to order by Colette 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 Matarese, President**

**John Lewis, Vice President,**

**Peter Baribault,**

**Lynne S. Rider,**

**Roger L. Hawes,**

**John J. Bevilacqua, Jr. Town Solicitor**

Staff

Ann-Marie Ignasher, Town Planner,

Robert E. Coyne, Jr., Police Chief

Pamela Fontaine, Tax Collector

Deb McGee, Treasurer

The Pledge of Allegiance was recited.

**SWEARING  
IN OF  
COUNCIL-  
MAN  
HAWES**

Colette Matarese announced that at the July 8, 2008, Special Election, Roger L. Hawes of 33A Cucumber Hill Road won, and asked Tina W. Freeman, Town Clerk, to swear Mr. Hawes in.

Colette Matarese asked councilman Roger Hawes if he wanted to say anything. Roger Hawes said yes, he would like to thank the Democratic Town Committee for endorsing him, the Town Council for all the help they have gave him, his family for their support and his grandson Zachary for being his campaign manager, and last but not least, he thanked the voters of the Town of Foster for supporting him.

Colette Matarese announced that Verizon will be having a press conference on Tuesday, July 29, 2008, at the South Foster Fire Station at 10 a.m. concerning high speed internet coming to the 647 exchange.

John Lewis, announced that by Monday July 28, 2008, the Town web site will be up and running with all of its new and improved functions.

**MINUTES**

Lynne S. Rider moved, John Lewis seconded, and it was unanimously so voted to approve the June 12, 2008 minutes.

Colette Matarese aye, John Lewis aye, Peter Baribault abstained, Lynne S. Rider aye, Roger L. Hawes abstained.

**WARRANTS**

Peter Baribault moved, John Lewis seconded, and it was unanimously so voted to approve Payroll Warrant #53/1 in the amount of \$27,251.55, Payroll Warrant #2 in the amount of \$46,039.07, General Warrant #26 in the amount of \$30,580.92 and General Warrant #1 in the amount of \$373,716.96.

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

**QUARTERLY  
REPORTS**

John Lewis moved, Peter Baribault seconded, and it was unanimously so voted to approve the quarterly reports as submitted, with reminders being sent out to those who did not submit the report.

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

**ABATE-  
MENTS AND  
ADDITIONS**

Lynne S. Rider moved, John Lewis seconded, and it was unanimously so voted to approve the abatements for the 2008 tax roll, as recommended by Anne L. Carlson, Tax Assessor, in the amount of \$9,306.68. Additions for the 2008 tax roll in the amount of \$7,465.59.

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

Lynne S. Rider moved, John Lewis seconded, and it was unanimously so voted to approve the prorated amounts for the 2008 tax roll, abatements in the amount of \$9.46 and additions in the amount of \$2,495.91.

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

Lynne S. Rider moved, John Lewis seconded, and it was unanimously so voted to approve the abatements for the 2005, 2006, and 2007 tax rolls in the amount of \$418.89.

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

**ABATE-  
MENTS**

Lynne S. Rider moved, Peter Baribault seconded, and it was unanimously so voted to approve the abatements for the tax rolls 1992 – 1998 due to the statute of limitations from Pamela Fontaine, Tax Collector in the amount of \$6,308.69.

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

**FAMILY  
FUN DAY**

Peter Baribault moved, John Lewis seconded, and it was unanimously so voted to approve the request from the Foster Police Department to use the Foster Fairgrounds to hold a “Foster Public Safety Day” on August 23, 2008, with a rain date of August 24, 2008, with the hours being 5 p.m. until dusk.

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

**FOSTER  
CTR. FIRE CO.  
ALLOCATION**

John Lewis moved, Peter Baribault seconded, and it was unanimously so voted to approve the allocation of \$3,070.00 to the Foster Center Fire Co., for the training of three members.

John Lewis amended his motion, Peter Baribault seconded, to only expend this money upon receiving documentation that these individuals successfully completed these courses at stated.

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

The main motion passed.

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

**FOSTER  
BEAR ARMS  
LICENSE**

Colette Matarese read a letter from the Foster Planning Board concerning the Foster Bear Arms & Trading Post/Bait Shack and asked John J. Bevilaqua, Jr., Town Solicitor, for his recommendation. John J. Bevilaqua, Jr., Town Solicitor, said that he would recommend a letter of Notification of Intent from the Town of Foster, Town Council, as the licensing authority.

John Lewis moved, Peter Baribault seconded, the presidents’ recommendation to consider the revocation of the business license for Foster Bear Arms & Trading Post, attention Henry Chabot, at the next Town Council meeting as a result of notification by the planning board and the building inspector’s notice of violation 21-0026-07-21-2008. A letter informing all necessary and interested parties is directed to it be sent by the Town Clerk and the Solicitor.

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

John Lewis stated that we now have a federal mandate requiring us to replace our old road signs with reflective signs. We have a number of road signs remaining. John Lewis asked if the council could discuss disposition of the signs.

John Lewis moved, Lynne S. Rider seconded and it was unanimously so voted to give as a gift to the Foster Preservation Society the Howard Hill Road sign.

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

**OLD ROAD SIGNS** John Lewis also wanted to ask the Town Council about possibly having a silent auction for the signs, to benefit the Human Services Home and Heating Oil Fund. The fund was cut by the State of RI by 50 %. He anticipates the department will have a problem with supply due to price of oil. He did give some information to John J. Bevilaqua, Jr., Town Solicitor for his opinion. The item was tabled until the Town Council could get an opinion about the silent auction.

**PUBLIC HEARING DUCHARME** Colette Matarese, Council President, opened the public hearing for an application for an entertainment license from Roger Ducharme of 22A Boswell Trail for August 9, 2008. Roger Ducharme spoke in favor of the license. He said that he has had these parties for the past seven years and has no problems.

Peter Baribault asked Police Chief, Robert Coyne if there had been any complaints in the past. Chief Robert Coyne replied with that there had been some complaints about the time of the noise, and how late the music was. Chief Robert Coyne also stated that he advised Mr. & Mrs. Ducharme to obtain an entertainment license to be sure that everyone was on the same page as to what will be happening.

Virginia Colwell of Salisbury Road stated that she lives in back of the Ducharme's and she did not have any problems with them having a party once a year, even if it goes until 1:00 am.

Robert Moreau of Central Pike stated the Ducharmes have this party once a year, and you can hear the music once in awhile, but you can hear the cows on Cucumber Hill Road also. I know the Ducharmes have had some problems with some of the neighbors over there, but I have never had any problems with them, just let them have their party.

Thomas Casey of Boswell Trail said he and his wife had no objections of having a party over there.

James Finucane of Boswell Trail stated the he has no objections to this party, but he does have a problem with how late the band played.

Warren Ducharme of Boswell Trail stated that he did not have any problems with the party and the reason why we are here is to keep reasonable controls on the activities that go on. Sometimes the band is good, and sometimes not so good. This is no different than Vasa Park having a party.

Colette Matarese closed the public hearing.

Peter Baribault moved, John Lewis seconded, to allow the band to play until 12:00 midnight.

Peter Baribault amended his motion, John Lewis seconded and it was so voted to allow the band to play until 11:00 pm.

Colette Matarese aye, John Lewis aye, Peter Baribault aye, Lynne S. Rider aye, Roger L. Hawes nay.

The main motion passed.

Colette Matarese aye, John Lewis aye, Peter Baribault aye, Lynne S. Rider aye, Roger L. Hawes nay.

**AULETTA  
PI LICENSE**

Colette Matarese, president opened the public hearing for a private detective license application from Michael Auletta of Lemieux & Associates.

Michael Auletta spoke of why he wanted to get a private investigator's license in Foster. The company he works for has a license in the state of Connecticut and the state of Massachusetts, New York and Florida and is looking to work in Rhode Island, but in Rhode Island, licenses are issued by each city and town rather than at the state level. The company has a family member of one of the employees who lives in Foster, on South Killingly Road.

John J. Bevilaqua, Jr., Town Solicitor, stated that if the person lives on South Killingly Road that it could not be issued because the application was advertised for 121 East Killingly Road. Also the person at this address, and plat and lot, is not zoned for this particular license. Another issue is that the name of the owner of the property is not on the application. There are certain zoning requirements that have to be met before a license can be issued.

Peter Baribault asked that the applicant contact the Town Planner

Colette Matarese stated that the public hearing is to remain open until the next council meeting.

Peter Baribault moved, John Lewis seconded and it was unanimously so voted to continue the public hearing until the August 14, 2008 town council meeting.

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

Colette Matarese, council president opened the public hearing for the Town Charter recommendations from the Charter Committee.

Colette Matarese, council president read the following recommendations,

**1.)                    AMENDMENTS TO FOSTER HOME RULE CHARTER  
                          Section 17.01, 17.02, 17.03, Recreation Committee  
                          (Resolution of the Town Council adopted July 24, 2008)**

**Section 17.01 Recreation Committee**

There shall be a Recreation Committee, which shall be responsible for assessing the need for and developing recreation programs that respond to the needs of all the citizens of the town. The Committee shall be responsible for facilities and for the development and administration of the capital and operating budgets for same.

**Section 17.02 Membership, Terms of Office and Vacancies**

The recreation committee shall consist of seven members appointed by the Town Council from the citizens and electors of the Town, each for a term of five (5) years. One or two members shall be appointed each year at the December meeting of the Town Council, to the end that the members shall have staggered five-year terms. At the December 2008 council meeting, the council shall appoint two members for five (5) years, one member for four (4) years, two members for three (3) years and one member for one (1) year. No member shall be an elected official or employee of the Town. Vacancies shall be filled by the Town Council for the remainder of the term of unexpired term of the member being replaced. The Committee shall annually elect from its membership a Chairman, Vice Chairman, and a Secretary. The Committee may assign specific duties to members as required. The Committee shall serve without compensation.

**Section 17.03 Recreation Director**

There shall be a recreation Director appointed by the Town Council to serve at the pleasure of the Council. The Director shall be responsible for the implementation and operation of all town recreation programs and facilities as proposed by the Recreation Committee and approved by the Town Council. The Director shall receive such compensation as the Town Council may fix, within the limits of the amount appropriated by the Financial Town Meeting.

Robert Moreau stated that this was attempted to be placed in the charter previously and was voted down. He felt it was a good idea.

John Lewis moved, Peter Baribault seconded, and it was unanimously so voted to approve the recommendations of Recreation Sections 17.01, 17.02, 17.03, and to be forwarded to the Secretary of State to be placed on the November 4, 2008, ballot.

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

**2.) AMENDMENTS TO FOSTER HOME RULE CHARTER  
Section 11.01, 11.01a Town Treasurer  
(Resolution of the Town Council adopted July 24, 2008)**

**Section 11.01 Town Treasurer Appointment and Qualifications.**

There shall be a Town Treasurer appointed by the Town Council for a term of three years with the first year to commence no earlier than January 1, 2009 and no later than April 30, 2009, pursuant to an employment contract setting forth the terms of his or her employment and compensation for same, which will not be reduced during the period of the contract. Such contract may provide for an initial probationary period of employment and shall provide for removal, following the probationary period, if any, only in the event of: the conviction of a felony or any misdemeanor involving moral turpitude, violation of any provision of his or her contract, which may include performance commitments and penalty clauses, a violation of any provision to the Town Charter, or violation found by the Rhode Island ethics committee. The Treasurer appointee must be qualified for the position by virtue of a recognized, relevant degree(s) or certification(s) or equivalent experience in financial management.

**Section 11.01a**

The Treasurer, in place at the time of this transition shall serve until a Treasurer is appointed under Section 11.01.

Thomas Mercier, charter committee member, stated that part of the intent of the committee was to tighten up some of the requirements of these positions. There are no actual requirements in the charter now for any of these positions; we have narrowed it down to where the people have to have credentials to fill these positions.

Peter Baribault stated that we now have a personnel policy with descriptions in it.

Mr. Mercier replied that these descriptions are not in the charter.

Lynne S. Rider stated that the personnel policy can be tossed out, but the town charter cannot.

James Bowden, charter committee member stated that it also gives the town the opportunity to recruit better people for the positions.

Robert Moreau stated that he had a problem with the job requirements being defined because it would require a lot more money from the town if they were looking for a person of higher quality. He would see problems with that, especially during the times where money is limited. He knew of no other towns that have a contract for the treasurers' position.

Colette Matarese stated that money was not was being discussed here, it was whether or not the position should be on the November ballot.

Gordon Rogers stated that with a contract, the town could be stuck just like the school was last year.

John J. Bevilacqua, Jr. Town Solicitor, stated that a change should be made in the verbiage of the fourth line from the bottom, the word "any" should be replaced by "a" before the word violation, and that should be changed for all of the sections presented.

John Lewis moved, Lynne S. Rider seconded, and it was so voted to approve the recommendations of Town Treasurer Sections 11.01, 11.01a, and to be forwarded to the Secretary of State to be placed on the November 4, 2008 ballot.

Colette Matarese aye, John Lewis aye, Lynne S. Rider aye, Peter Baribault nay, Roger L. Hawes aye.

**3.) AMENDMENTS TO FOSTER HOME RULE CHARTER  
Section 9.02a, 9.02b, 9.02c, Town Planner  
(Resolution of the Town Council adopted July 24, 2008)**

**Section 9.02 (a) Planning Official Appointment and Qualifications.**

There shall be a Planning Official appointed by the Town Council for a term of three years with the first year to commence no earlier than January 1, 2009 and no later than April 30, 2009, pursuant to an employment contract setting forth the terms of his or her employment and the compensation for same, which shall not be reduced during the period of the contract. Such contract may provide for an initial probationary period of employment and shall provide for removal, following the probationary period, if any, only in the event of the conviction of a felony or any misdemeanor involving moral turpitude, violation of any provision of his or her contract, a violation of any provision to the Town Charter or violation found by the Rhode Island ethics committee. The Planning Official appointee must be qualified for the position by virtue of a recognized, relevant degree(s), certification(s), or equivalent experience in zoning, land use law, and/or town planning. The Planning Official shall be responsible for maintenance of the Comprehensive Plan, the Zoning Ordinance, the Subdivision Ordinance, a Five-Year Highway Plan, long range and short range planning, and such other duties as may be prescribed by: Rhode Island law; town ordinance; the Town Council or the Planning Board.

**9.02(b) Compensation.**

The Planning Official shall receive such compensation as the Town Council shall fix, within the limits of the amount appropriated for the financial town meeting.

**9.02 (c)**

The Planning Official, in place at the time of this transition shall serve until a Planning Official is appointed under section 9.02a.

Robert Moreau stated that he was again against this change for the same reasons he stated concerning the treasurer position

Marcia Bowden stated that she would like to see this passed because it is very important for the town to have stability in the planning office.

John J. Bevilaqua, Jr., Town Solicitor, stated that as a citizen of the town, he had personal knowledge that the planning board was handicapped as a result of the episode when, for a number of years, they were without a planner, and there were problems that existed with that department and with the planning board. There are issues that a planner can easily rectify for the planning board to assist the planning board in their function. If you don't have a secured person in that position, you definitely run the risk of jeopardizing programs that were initiated and have to be followed through. The planning board was without a planner during a critical time in which much of the lower and moderate income housing was being developed. Between the ordinances, and the grants, and the changes that needed to be made for new regulations, it is very difficult for the planning board to do their job without a planner.

Cheryl Wright asked if the planner position was in the union.

Colette Matarese, replied that it was not.

John Lewis moved, Lynne S. Rider seconded, and it was so voted to approve the recommendations of Town Planner, Sections 9.02a, 9.02b, 9.02c, and to be forwarded to the Secretary of State to be placed on the November 4, 2008 ballot.

Colette Matarese aye, John Lewis aye, Lynne S. Rider aye, Peter Baribault nay, Roger L. Hawes aye.

**4.) AMENDMENTS TO FOSTER HOME RULE CHARTER**

**Section 7.02a, 7.02b, Director of Public Works  
(Resolution of the Town Council adopted July 24, 2008)**

**Section 7.02a. Department of Public Works Director Appointment and Qualifications.**

There shall be a Director of the Department of Public Works appointed by the Town Council for a term of three years with the first year to commence no earlier than January 1, 2009 and no later than April 30, 2009, pursuant to an employment contract setting forth the terms of his or her employment and the compensation for same, which shall not be reduced during the period of the contract. Such contract may provide for an initial probationary period of employment and shall provide for removal, following the probationary period, if any, only in the event of: the conviction of a felony or any misdemeanor involving moral turpitude, violation of any provision of his or her contract, a violation of any provision to the Town Charter or any violation found by the Rhode Island ethics committee. The Director of the Department of Public Works appointee must be qualified for the position by virtue of a recognized, relevant degree(s), certification(s), licenses, or equivalent experience in the public works field, to include construction and maintenance of roadways, maintenance and operation of heavy equipment and staff supervision. The director shall be the head of the department and shall be responsible for the supervision and administration of the work of the department and shall also have all the powers, rights and duties prescribed by the laws of the State of Rhode Island.

**Section 7.02b**

The Director of Public Works in place at the time of this transition shall serve until a Director of Public Works is appointed under section 7.02a.

Robert Moreau stated again that, "By putting these positions in a contract, you are taking the control out of the hands of the council. At the end of the three year contract with a new council seated, that person still could be terminated. But if the individual is doing a fine job now, I see no reason why you wouldn't keep that individual on. As long as the individual is doing the bare minimum as what he is supposed to be doing, that is fine. Whereas at this point in time the council does have the right to terminate the department of public works head if he is not doing his job".

Lynne S. Rider stated that in the last five years it would have never occurred to her to propose we put people under contract. "I think that we were naïve, and that we have to learn from what had happened, and we have to try to put safeguards in place so that the wholesale wiping out of the town's infrastructure cannot happen again because of personality conflicts. There has to be a real concrete reason other than "I don't like you".

Thomas Mercier, charter committee member, stated that one of the benefits of a contract is to lure qualified individuals to apply for these positions in the first place.

John Lewis moved, Lynne S. Rider seconded, and it was so voted to approve the recommendations of Director of Public Works, Sections 7.02a, 7.02b to be forwarded to the Secretary of State to be placed on the November 4, 2008 ballot.

Colette Matarese aye, John Lewis aye, Lynne S. Rider aye, Peter Baribault nay, Roger L. Hawes aye.

**5.)                    **AMENDMENTS TO FOSTER HOME RULE CHARTER**  
                              **Section 4.01a, 4.01b Town Clerk**  
**(Resolution of the Town Council adopted July 24, 2008)****

**Section 4.01a. Town Clerk Appointment and Qualifications.**

There shall be a Town Clerk appointed by the Town Council for a term of three years with the first year to commence no earlier than January 1, 2011 and no later than April 30, 2011, pursuant to an employment contract setting forth the terms of his or her employment and the compensation for same, which shall not be reduced during the period of the contract. Such contract may provide for an initial probationary period of employment and shall provide for removal, following the probationary period, if any, only in the event of the conviction of a felony or any misdemeanor involving moral turpitude, violation of any provision of his or her contract, a violation of any provision to

the Town Charter or violation found by the Rhode Island ethics committee. The Town Clerk appointee must be qualified for the position by virtue of certification as a Municipal Clerk. A person with equivalent experience in records and/or office management and staff administration will have one year from contract commencement to obtain such certification.

**Section 4.01b**

The Town Clerk, in place at the time of this transition shall serve until a Town Clerk is appointed under Section 4.01a.

Robert Peterson stated that from what he understands the office of the town clerk has been an evolving office. Whether we like it or not society is changing. It has, can you find any families in Foster where you don't have both father and mother working? You don't have people, unless they are retired, who have time to go around and volunteer, it is difficult to get volunteers sometimes. The issue with the town clerk is that the requirements of the State of RI have not gone down, they require more and more. To get an individual who has the training and have that person continue to stay in that office, it makes sense to have that person appointed so their credentials can be analyzed by somebody who is responsible to the voters. You do get what you pay for, and if you think that you are going to get people to work for less and less, then you are going to get poorer and poorer quality people.

Robert Moreau, stated that he has a real problem with this," I can understand what that gentleman was saying. This position should be answerable to the public. Currently the town clerk is answerable to the public. Unless our town clerk does a good job, and gets the job done that person will not be reelected. What you are proposing is to take away the right to elect their town clerk and put it in the hands of the council."

Carl Riccio Jr., stated that from he heard tonight, the people want the power to do what they want to do and vote on the issues. Put them on the ballot and let the people decide.

Robert Salisbury stated that there should be two town moderators instead of one since there are two polling places.

Colette Matarese, council president closed the public hearing.

John Lewis moved, Peter Baribault seconded, and it was so voted to approve the recommendations of Town Clerk, Sections 4.01a, 4.01b, and to be forwarded to the Secretary of State to be placed on the November 4, 2008 ballot.

Colette Matarese aye, John Lewis aye, Lynne S. Rider aye, Peter Baribault nay, Roger L. Hawes aye.

The meeting was adjourned at 9:00 p.m.

A digital sound file is made a part of the record for a complete account of the council meeting.

Submitted By

Tina W. Freeman  
Town Clerk