

August 14, 2008

The August 14, 2008, 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 7:00 p.m.

The following members were present:

Colette Matarese, President, excused

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

Robert Fallon, Building & Zoning Official

Robert Clarkin, Public Works Director

The Pledge of Allegiance was recited.

**PUBLIC
COMMENT**

Connie Polouski of Old Danielson Pike spoke of her concerns about the Foster Bear Arms & Bait Shack. The lights from the business are still shining at her house.

Patti Moreau of Central Pike also was concerned with the Foster Bear Arms & Bait Shack. The trailer that was on the property has been moved to Rickard Road.

John Lewis, vice president, responded that their concerns were noted and the status of Foster Bear Arms & Bait Shack was on the agenda.

MINUTES

Peter Baribault moved, Lynne S. Rider seconded to approve the minutes of the June 26, 2008 council meeting. The motion was withdrawn, due to the fact there were not enough members present from that night's meeting. The minutes were tabled until the next council meeting.

Peter Baribault moved, Lynne S. Rider seconded, to approve the minutes of the July 10, 2008, council meeting.

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

Peter Baribault moved, Roger L. Hawes seconded, and it was unanimously so voted to approve the minutes from the July 24, 2008, with a minor correction on page three.

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

WARRANTS

Lynne Rider moved, Roger L. Hawes seconded, and it was unanimously so voted to table Payroll Warrant #3 in the amount of \$33,051.53. Councilwoman Lynne S. Rider has some questions for the treasurer.

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

Peter Baribault moved, Roger L. Hawes seconded, and it was unanimously so voted to approve Payroll Warrant #4 in the amount of \$28,715.19.

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

Peter Baribault moved, Roger L. Hawes seconded, and it was unanimously so voted to approve Payroll Warrant #5 in the amount of \$27,681.54.

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

Peter Baribault moved, Lynne S. Rider seconded, and it was unanimously so voted to approve the General Warrant #2 in the amount of \$79,534.75.

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

MONTHLY REPORTS

Lynne S. Rider moved, Peter Baribault seconded, and it was unanimously so voted to approve the monthly reports as submitted from Building & Zoning, Planning, Police, Public Works, Tax Assessor and Tax Collector.

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

PUBLIC HEARING PI LICENSE AULETTA

John Lewis stated that a Public Hearing for a Private Investigator's license was in continuance from the July 24, 2008, Town Council Meeting and that Attorney, John J. Bevilacqua, Jr., Town Solicitor was going to look into some legal questions that were asked.

Attorney Bevilacqua, stated that the property is not zoned for the purpose for which he intends to use it for light commercial or office. The property is zoned Agricultural/Residential. The people who occupy the building are not the people who own the business, nor are they running a business. The business is located out of state, intending to operate a business within the jurisdiction of Rhode Island, more particularly the Town of Foster, which is not zoned for that particular purpose.

Ann Marie Ignasher, Town Planner stated that Mr. Auletta met with her and said that the council should have a letter that has been signed by the home owner and the business owner indicating that Kimberly Shagraw, owner of the property, is acting as their registered agent, However, they are still going to be running everything out of their Connecticut office.

John J. Bevilacqua, Jr., Town Solicitor, stated that the applicant should at least live at the East Killingly Road site. A registered agent is not the owner of the business. They need to obtain a variance from the Zoning Board, and go to Planning for a commercial site review; that would be the avenue to take. If the business was located in an area that this was zoned for, then there would be no problem.

John Lewis, Vice President, stated that as this was a public hearing, the council would take any comment either for or against the application.

John J. Bevilacqua, Jr., Town Solicitor, stated that since it does not conform to the zoning requirements, the license cannot be granted for that location. He recommended to the council allow the petitioner to withdraw the application and then renew it once he goes through zoning and gets that situation corrected.

Peter Baribault, council member stated that the council should place this in continuance.

Attorney Bevilacqua, stated that he would recommend the council continue the hearing if they so choose.

John Lewis, Vice President, stated that the applicant could either seek a new address or obtain the variance from the zoning board.

Applicant Michael Auletta stated that he did not understand why he had to go the zoning board when on that past Wednesday, everything was okay with the town planner, and that the owner of the property was in agreement. It was not going to affect the town itself in terms of traffic or in any other manner.

Peter Baribault moved, Roger L. Hawes seconded, and it was unanimously so voted to continue the public hearing at a later date.

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

**PUBLIC
HEARING
FOSTER
BEAR ARMS**

John Lewis, Vice President, opened the Public Hearing for Foster Bear Arms & Bait Shack. He read a letter of request from Mr. Henry Chabot's attorney, Thomas DeSimone. Attorney DeSimone requested a continuance of the public hearing until the hearing with the Planning Board has been completed.

Patricia Moreau, planning board member, asked if the planning board would still hold the hearing if the applicant has not met all of the requirements as of this date.

John J. Bevilacqua, Jr., Town Solicitor, stated that the council cannot tell the planning board what they can or cannot do. The planning board has to state their findings and facts.

Robert Moreau of Central Pike was concerned that this issue of violations will be going back and forth between the town council and the planning board.

John J. Bevilacqua, Jr., Town Solicitor, stated that this is the first request from Mr. Chabot's Attorney. He does not find that to be unreasonable.

Lynne S. Rider, council member, stated that if there were no action on the property concerning the license, she would vote to have the license revoked. She had asked that a date be stated in the motion when the town council votes on this issue.

Gordon Rogers of Cucumber Hill Road asked when the Building Official was notified of these violations.

John J. Bevilacqua, Jr., Town Solicitor, said that he could answer that: the previous planner Mr. Grant failed to inform the administration that Mr. Chabot failed to file the necessary drawings for the site plan. They were never approved by the planning board. At that time, someone should have been notified. If it weren't for the efforts of the planning board and the planner, seeking out the information that was necessary to determine whether or not those plans were filed, we would still be in the dark as to that particular aspect. The planner and planning board should be commended for their efforts. Right now the violations have been registered, the planning board has acted upon the site plan, is reviewing it, and the solicitor's office is prepared to go before the district court and file any proceedings to impose fines on a daily basis until all the necessary zoning violations are in compliance. That is the status of the violations.

John Lewis, Vice President, stated this is why we are here at this public hearing, so it will be resolved. In front of the council now is a request from Attorney DeSimone for a continuance.

Peter Baribault moved, Lynne S. Rider seconded, and it was unanimously so voted to continue with the public hearing on the August 28, 2008, council meeting.

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

STIPENDS

John Lewis, Vice President, stated that the ambulance stipends were being continued from the last agenda and that the council has asked the Ambulance Corps to explain why and how they planned to resolve the issue of over expending the budget by \$4,000.00 for the stipends. John Lewis spoke with Thomas Walden, who is the treasurer at the Ambulance Corps to help come up with a solution to the overage. Mr. Walden stated at that meeting that the Ambulance Corps would be able to cover a portion of the amount; a total of \$2,200.00, with the request of the town could cover the remaining amount of \$2,200.00. There is money in the contingency fund that could cover this amount. The town would be able to cover the amount.

Heidi Rogers, Ambulance Corps member, explained some of the ways the Ambulance Corps was working on to stay within the adopted budget each year.

Peter Baribault moved Roger L. Hawes seconded, and it was unanimously so voted to appropriate up to \$2,200.00 to the Foster Ambulance Corp. to be taken from the contingency fund of the fiscal year 2007/2008.

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

OLD ROAD SIGNS

Peter Baribault moved, Lynne S. Rider seconded, and it was unanimously so voted to table the old road signs agenda item until the next meeting.

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

WOODLAND MEETING HOUSE LIQUOR LIC.

John J. Bevilacqua, Jr., Town Solicitor, asked that the Woodland Meeting House Liquor License be put on the agenda. He spoke to the attorney who represents Lisa Mills, owner of the Woodland Meeting House, and said they agreed to the following stipulations to be signed by her and her attorney. The stipulations indicate for the town council and the public, that there had been violations on the premises, that alcohol was consumed and sold during a particular event and that they agreed to be placed on probation for a period of thirty days, with a thousand dollar fine. If no violations have occurred within the thirty days, the thousand dollar fine will be delayed. His last discussion was this afternoon with Ms. Mills attorney and forwarded the agreement to him for review and will probably be signed by this Monday or Tuesday of next week. With this being done there is no need for a public hearing because they are going to agree to these stipulations. This matter will be on the next council agenda.

BART HEY

Lynne S. Rider moved, Roger L. Hawes seconded to appoint Mr. Bart Hey as a constable for the Town of Foster.

The motion was withdrawn pending the required background check.

Peter Baribault moved, Roger L. Hawes seconded and it was unanimously so voted to table the agenda item.

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

INFORMATION TECHNOLOGY

Peter Baribault moved, Lynne S. Rider seconded, and it was unanimously so voted to table "Information Technology" from the agenda until the council president was present.

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

IADVAIA LETTER

Lynne S. Rider read a letter from Patricia Iadevaia of Hartford Pike commending Captain Eric Rollinson, Lieutenant Robert Bolger, Patrolwoman Kristen Pond and Dispatcher Jo Ann Law, for the jobs well done in response to her home being broken into this past May 2008.

Lynne S. Rider moved, Roger L. Hawes seconded, and it was unanimously so voted to enter this letter into these town employees' personnel files.

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

CONCERNED

People who spoke under concerned citizens were Robert Peterson, about the Town Web Site, Gordon Rogers, about the Solicitor's Salary, and Heidi Rogers about the fines imposed on Woodland Meeting House.

Lynne S. Rider moved, Roger L. Hawes seconded, and it was unanimously so voted to go into Executive Session according 42-46-4 & 5 (1) personnel 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 to provisions of the General Laws of Rhode Island 42-46-5

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

A vote was taken to allow an employee an unpaid leave of absence.

The meeting was adjourned at 8:30 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