

**September 11, 2008**

The September 11, 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  
Debra McGee, Town Treasurer  
Robert Clarkin, Public Works Director

The Pledge of Allegiance was recited.

**MOMENT OF SILENCE** There was a moment of silence to pay respect to those who lost their lives and loved ones on September 11, 2001.

**PUBLIC COMMENT** No one spoke under public comment.

**MINUTES** John Lewis moved, Roger L. Hawes seconded, and it was so voted to approve the minutes of the August 7, 2008 council meeting.

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

John Lewis moved, Lynne S. Rider seconded, and it was unanimously so voted to approve the minutes of the August 14, 2008 council meeting.

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

**CHANGE OF ORDER** Lynne S. Rider moved, John Lewis seconded, and it was so voted to move the order of the agenda for "Concerned Citizens" and move it to the top to number five after "Reports".

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

**REPORTS** Tom and Sally Freestone of 48 Mt. Hygeia Road presented a pottery clock to the town council that they had made in Tennessee before recently moving to Foster.

Colette Matarese read a report from the RIRRC which stated that Foster was at a rate of 23.8% for recycling, which put the town above the 20% minimum rate. Therefore the Town of Foster received a check from RIRRC in the amount of \$13,517.00.

Tina W. Freeman, Town Clerk announced that since the Town Hall has been closed on Fridays, the town has saved approximately \$100.00 per week in electricity costs, based on kilowatt hours.

**CONCERNED CITIZENS** People who spoke under concerned citizens were: Gordon Rogers about the proposed charter amendments and also about the joint workshop the Town Council had with the Planning Board. Ronald Cervasio about Regional School issues. Robert Peterson thanked the Town of Foster and the Police Department for the Public Safety Day. Colette Matarese thanked the volunteers in town-from the dispatcher who took the call, to the police officer and the ambulance crew who responded-for all of their professionalism when she needed to call them for help when her grandson was injured.

People who spoke and identified themselves under concerned citizens about outdoor wood furnaces were: Pasquale Piccolino who spoke against outdoor wood furnaces. Filomena Piccolino who spoke against outdoor wood furnaces, Thomas Grabbert spoke in favor of wood stoves and outdoor wood furnaces. Louis Pezza spoke in favor of outdoor wood furnaces. Gordon Rogers spoke in favor of wood stoves and outdoor wood furnaces, Larry Daniels spoke in favor of wood stoves and outdoor wood furnaces. Christine Crum spoke in favor of outdoor wood furnaces and stated she has one. Robert Castelli spoke in favor of the outdoor wood furnaces. John Devine of Glocester, R.I. spoke in favor of the outdoor wood furnaces.

Colette Matarese, at this point of the meeting, asked the opinion of John J. Bevilacqua, Jr., Town Solicitor, if was appropriate to continue Concerned Citizens in this manner due to the fact it was testimonial from the audience. John J. Bevilacqua, Jr., Town Solicitor replied that the discussion should end at this point in this manner because the outdoor wood furnaces were not on the agenda. Colette Matarese stated that if anyone had any questions concerning outdoor wood furnaces they should contact the Building and Zoning official.

**WARRANTS** Peter Baribault moved, John Lewis seconded, and it was unanimously so voted to approve Payroll Warrant #3 in the amount of \$33,051.53, Payroll Warrant #6 in the amount of \$26,605.90, Payroll Warrant #7 in the amount of \$30,863.38, Payroll Warrant #8 in the amount of \$34,635.13, Payroll Warrant #9 in the amount of \$28,339.39, General Warrant #3 in the amount of \$87,774.39, General Warrant #4 in the amount of \$61,312.85.

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

Lynne S. Rider amended the motion to exclude from the list, Building & Zoning, and was seconded by John Lewis.

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

The main motion unanimously passed.

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 from CDBG, Foster Center Fire Co., Recreation, South Foster Fire Dept., Tax Board of Review.

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

**FOSTER BEAR ARMS PUBLIC HEARING** Colette Matarese opened the public hearings for Foster Bear Arms & Bait Shack. Ann-Marie Ignasher, Town Planner, stated that Mr. & Mrs. Chabot appeared before the Planning Board on Wednesday, August 20, 2008 and after discussion Mr. & Mrs. Chabot withdrew their application without prejudice because the maps were not correct. The Planning Board put some conditions on the withdrawal: 1.) All violations as stated in the "Notice of Violation" dated July 21, 2008 and recorded on July 21, 2008, be resolved. 2.) That the land/business owners make proper application(s) to the Foster Zoning Board of Review for all appropriate and necessary variances, special use permits, etc. as are required by the Foster Zoning Ordinances. 3.) Such variances are supposed to include, but are not limited to the following items: Proper variances for the Foster bait shack, proper variances for the small trailer directly next to the gun shop and the proper variances for the signs. 4.) The land/business owner are to pay the proper application fees to the Zoning Board, Planning Board and any building applications fees that may be required, including fees that may be doubled due to the fact that they were built without permits. 5.) That the land/business be aware that the building fees and inspection fees may be doubled, that was made clear at that meeting. 6.) Land/business owner pay all required notification fees to all those required, which is notifying all of the abutters, going before the zoning & planning boards. 7.) That the land/business owners resubmit an application and all appropriate fees to the Planning Board for a commercial site review. 8.) That the land/business owners keep the Planning Board, through the town planner, appraised of the status while that is going on. Ann Marie Ignasher, Town Planner, stated that the applicants have been in the office to complete their zoning applications and they have made proper application to the zoning board and are scheduled to appear before the zoning board on October 8, 2008.

John J. Bevilacqua, Jr., Town Solicitor, stated that he has been in contact with the applicants' attorney, and that they are working on a stipulation of agreement as to an admission on the violations that have occurred on the property. There have been active changes on the property. The stipulation, once signed and completed, will give them sixty day period of probation. Failure to respond in a reasonable time will result in a fine imposed of \$2,000.00, but that fine will be stayed so long that they meet all of the conditions that the planning board has outlined. Most importantly during their course of probation and thereafter, they must re-file for a commercial site review and also file all the petitions necessary for variances in order to rectify the violations that exist.

Lynne S. Rider stated her concern that the violations on this property have continued long enough and that the council should enforce the town ordinances.

John Lewis said that he concurred with Lynne S. Rider.

Ann-Marie Ignasher, Town Planner, suggested that the owners be on probation until every violation is addressed.

John J. Bevilacqua, Jr., Town Solicitor, amended the probation period until December 31, 2008.

John Lewis moved, Peter Baribault seconded, and it was so voted to continue the public hearing until the next scheduled town council meeting.

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

**WOODLAND  
MEETING  
HOUSE  
PUBLIC  
HEARING**

Colette Matarese, President stated the next agenda item was the public hearing for the Woodland Meeting House

John J. Bevilacqua, Jr., Town Solicitor read the Consent Agreement, which is as follows;

This matter involves a Notice of Violation involving the Woodland Meeting House which hosted a function on July 12, 2008. The conduct of the Licensee was such that the Licensee offered for sale, stored and consumed, certain alcoholic beverages outside the licensed building in violation of State law and municipal ordinance. The Licensee and the Town have agreed to the following disposition:

**CONSENT  
AGREEMENT**

The Licensee admits that it sold, stored and allowed the consumption of alcoholic beverages outside the licensed building in violation of the law.

A. The Town will impose the following penalty considering that this is the Licensee's first (1<sup>st</sup>) offense.

1. The Licensee shall be on probation for a period of thirty (30) days. Said probation period shall commence retroactive to August 7, 2008. (Initialed by Lisa M. Mills and John J. Bevilacqua, Jr., Town Solicitor)

2. The Licensee shall be fined \$1,000.00 and said fine will be stayed during the period of the 30-day probation. Said fine shall be waived upon the Licensee's completion of the 30-day probation.

3. Said matter will be reviewed at the first meeting of the Town Council after the probationary period has ended.

Signed on August 28, 2008, by Lisa Mills, Licensee, V. Edward Formisano, Attorney for Licensee, and John J. Bevilacqua, Jr., Town Solicitor for the Town of Foster.

John Lewis moved, Lynne S. Rider seconded, and it was unanimously so voted to accepted the "Consent Agreement" between the Woodland Meeting House and the Town of Foster.

Colette Matarese, President then closed the public hearing.

**APPOINTMENT OF BART HEY**

John Lewis moved, Peter Baribault seconded, and it was unanimously so voted to appoint Harold Bart Hey as a constable for the Town of Foster.

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

**APPOINTMENTS TO THE BOARD OF CANVASSERS**

Colette Matarese, President stated that the town has received two letters of resignation from the Board of Canvassers, one from Sandra DiRaimo and the other from Denise DiFranco. As it is the council president who makes the appointments, Mr. Russell Dannecker, and Patricia Morgan were appointed to the Board of Canvassers. Tina W. Freeman, Town Clerk, swore in Patricia Morgan.

**MILEAGE REIMBURSEMENTS**

John Lewis moved, Lynne Rider seconded, and it was unanimously so voted to approve the mileage request dated August 18, 2008 from Deb McGee, Town Treasurer.

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

John Lewis moved, Peter Baribault seconded, and it was unanimously so voted to approve the mileage request dated September 8, 2008 from Deb McGee, Town Treasurer.

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

John Lewis moved, Peter Baribault seconded, and it was unanimously so voted to approve the mileage request dated September 8, 2008 from Nancy Johnston, Human Services Director.

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

**POLE PETITION**

Peter Baribault moved, John Lewis seconded, and it was unanimously so voted to approve the recommendation of Robert Clarkin, Public Works Director, for the pole petition for 4 Shippee Schoolhouse Road

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

**SECOND-HAND LICENSE**

John Lewis moved, Peter Baribault seconded, and it was unanimously so voted to table the public hearing for Tiff-Britt Antiques due to the fact that Mr. & Mrs. Fusco were not present and there was an error on the placement of the hearing on the agenda.

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

**REQUEST FOR THE USE OF TOWN HOUSE**

Lynne S. Rider moved, Peter Baribault seconded, and it was unanimously so voted to grant the request from John Lewis of Ram Tail Road, to use the Town House on Sunday, October 12, 2008 for a wedding ceremony.

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

**PERPETUAL CARE REQUEST** Lynne S. Rider moved, Roger L. Hawes seconded, and it was unanimously so voted to accept payment for perpetual care in cemetery #30, for the grave of Mary Mountford, in the amount of \$200.00, paid by Gordon Mountford.

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

**REQUEST FOR ADDITIONAL FUNDS** Lynne S. Rider moved, Roger L. Hawes seconded, and it was unanimously so voted to approve the additional mowing of the cemeteries done by Kenneth Battey which is an additional amount of \$1,000.00.

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

**REQUEST FROM WRIHR** John Lewis moved, Roger L. Hawes seconded, and it was so voted to table the request from Western Rhode Island Home Repair for an additional \$2,000.00 until the town council can identify the source for the funds.

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

**REMOVAL OF MATTRESSES & BOX SPRINGS** Colette Matarese, President announced that Rhode Island Resource Recovery has now started to charge \$50.00 for removal of a mattress or box spring, which they have never charged before. President Matarese asked Robert Clarkin, Public Works Director if he has come up with any suggestions on what the town can do in this situation.

Robert Clarkin, Public Works Director, stated that he has spoken with Rambone Disposal about the situation and, on a temporary basis, Rambone Disposal would place a container at the Public Works Garage for one month for the placement of the mattresses and box springs, at no charge to the town.

John Lewis, Vice President and Lynne S. Rider, council member agreed to meet with Robert Clarkin, Public Works Director to discuss a solution to the disposal of the mattresses and box springs.

**BID OPENINGS** Colette Matarese read the following bid openings:

- 1.) Replacement of Winsor Road Bridge; Dot & Dot Associates - \$38,662.00
- 2.) Construction of Salt Shed; Tomark - \$42,500, and C & D Construction - \$156,900.00
- 3.) Design & Build Wash Bay; C & D Construction - \$105,123.00
- 4.) Police Station Windows; Tomark - \$22,300.00 & C & D \$34,500.00
- 5.) Police Station Roof; Tomark \$13,380.00 & C & D \$14,975.00 with replacement cost of \$9.25 a square foot for replacement of rotted boards.
- 6.) Salt Shed Roof, Tomark \$4,660.00 & C & D - \$3,611.00, with replacement cost of \$9.25 a square foot for replacement of rotted boards.
- 7.) Renovations in Town House; C & D Plaster on South Wall, \$1,490.00 Repair large crack in ceiling and walls, \$1,025.00, Scrape and Paint Interior \$3600.00, Scrape and Paint Trim \$2,950.00, Clean and Refurbish Main Floor, \$1,350.00, Paint & Refurbish Balcony Floor, \$1,395.00, Clean & Repair Balcony Benches, \$710.00, Paint the Benches on main floor to match trim,

\$735.00, Replacement of the outside door leading to the Foster Preservation office, \$3,812.00, Repair of old stone and cement steps, \$1,350.00. Included was a alternate bid to remove and pout new steps, \$2,974.00. Totals for C & D bid is \$18,417.00 or with the new steps, \$21,392.00. Tomark Plaster of South Wall, \$800.00, Repair large crack in ceiling and walls, \$800.00, Scrape and Paint Interior \$8,000.00, Scrape and Paint Trim, \$6,400.00, Clean and Refurbish Main Floor \$4,800.00, Clean and Refurbish Balcony Floor, \$3,200.00, Clean and Repair Balcony benches \$1,920.00, Paint the Benches on main floor to match trim, \$3,840.00, Replacement of the outside door leading to the Foster Preservation office, \$550.00, Repair of old stone and cement steps,\$200.00. Totals for Tomark bid is \$30,510.00. Shreco Construction Co., Which included a Bid Bond. Plaster of South Wall, \$1,500.00, Repair large crack in ceiling and walls, \$3,875.00, Scrape and Paint Interior, \$7,350.00, Scrape and Paint Trim, \$7,825.00, Clean and Refurbish Main Floor, \$3,500.00, Clean and Refurbish Balcony Floor including stairs, \$3,200.00, Clean and Repair Balcony benches \$3,375.00, Paint the Benches on main floor to match trim, \$4,800.00 Replacement of the outside door leading to the Foster Preservation office \$1,800.00, Repair of old stone and cement steps, \$1,200.00. Totals for Shreco Construction Co. bid is \$38,425.00.

- 8.) Two Tag A Long Emergency Generators, Universal Electric, Bid Total is \$94,000.00 for one unit and alternate bid #1 of \$76,000.00.
- 9.) Crack sealing of various roads, Crack Sealing Road Repair and Maintenance, \$1.05 per lineal foot with "ROUT" and \$.49 per lineal foot without "ROUT", Seal Coating Inc. \$.75 per lineal foot with "ROUT".

John Lewis moved, Roger L. Hawes seconded and it was unanimously so voted to forward the bids to Robert Clarkin, Public Works Director for review.

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

**CONCERNED** No one spoke under concerned citizens.  
**CITIZENS**

The meeting was adjourned at 9:27 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