

September 25, 2008

The September 25, 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

Robert E. Coyne, Jr., Police Chief

Robert Clarkin, Public Works Director

Brenda L. Duquette, Deputy Treasurer

The Pledge of Allegiance was recited.

MINUTES John Lewis moved, Lynne S. Rider seconded, to table the September 11, 2008, meeting minutes, and was so voted.

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

No one spoke under public comment.

WARRANTS Peter Baribault moved, John Lewis seconded, and it was unanimously so voted to approve Payroll Warrant #10 in the amount of \$32,845.23; Payroll Warrant #11 in the amount of \$28,001.00; General Warrant #AP 07-08 in the amount of \$6,458.20; and General Warrant #5 \$79,993.51.

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

REPORTS Lynne S. Rider moved, John Lewis seconded, and it was unanimously so voted to approve the updated building and zoning report.

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

PUBLIC HEARINGS Colette Matarese, President, opened the public hearing for John & Darlene Fusco of 69 Old Danielson Pike, Foster, RI, dba Tiff-Britt Antiques for a second hand license. Mr. Fusco spoke in favor of the license. No one spoke in opposition.

John Lewis moved, Roger L. Hawes seconded, and it was unanimously so voted to approve the second hand license to John & Darlene Fusco dba Tiff-Britt Antiques, expiring on December 31, 2008.

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

FOSTER BEAR ARMS Colette Matarese, President, read the signed stipulation for Foster Bear Arms, which is as follows:

TOWN OF FOSTER V FOSTER BEAR ARMS

STIPULATION

Petitioner, the Town of Foster, and the above Respondent, Foster Bear Arms, hereby stipulates the following:

1. The Respondent admits that it was in violation of the various Zoning Codes by failing to file and comply with Zoning codes that relate to site review, construction of an addition to bait shop, signage, and dimensional setbacks.
2. The Respondent has recently made efforts to correct the above violations.
3. The Town has agreed to impose the following penalties:
 - a. That the Licensee will be placed on probation for a period up to and including December 31, 2008.
 - b. That the fine of \$2,000.00 is imposed and said fine is stayed during the period of probation on the following conditions: 1.) that any and all applications be filed by the Licensee that relate to the violations that exist; 2.) that any and all reasonable requirements of the Zoning Board and Planning Board be met without delay; and 3.) that the Respondent commit no further violations.

Signed the 25th day of September, 2008.

Respondent, Foster Bear Arms
By their attorney
Thomas DeSimone, Esq.

Petitioner, Town of Foster
By their attorney
John J. Bevilacqua, Jr., Town Solicitor

Julia Parmentier, chair for the Foster Planning Board, spoke of the boards concerns with the commercial site plans and other violations on the property and would like to see the license suspended.

John J. Bevilacqua, Jr., Town Solicitor, stated that by not allowing the business owners an opportunity to correct the violations with the signed stipulation in place would not be a "fair" action of the licensing board, since the town council has just been through the same situation with another license holder in town, in which the licensing board gave that business owner an opportunity to correct the violations without losing their license.

Julia Parmentier, chair for the Foster Planning Board stated that if the business had been set up in accordance with the plan that was brought to the Planning Board in the preliminary stages, without adding buildings to the property and made all of the violations, the situation would have never arisen. She felt it was a lack of respect for the town and its zoning regulations and officials.

Peter Baribault, council member, stated that he felt the business should be given the chance to comply with the zoning and planning ordinances. The violations have been going on for a long time and that the town at fault for not enforcing the ordinances during that time. The property owners should be given the chance to correct them, they have signed the stipulation in good faith, and they should not be shut down.

Colette Matarese, President, stated that the stipulation covers all the violations and conditions that the business owner must comply with; if they do not, the license will be revoked or not renewed for 2009.

Tina W. Freeman, Town Clerk, asked the town council if there were any other formal applications that would be needed by the Foster Bear Arms for renewal other than the current sign-off sheets for the each of the necessary departments which includes the zoning department.

John J. Bevilacqua, Jr., Town Solicitor, replied that there would be no other applications necessary for the renewal.

Colette Matarese, President, stated that along with the regular renewal applications, there should be a letter from the Town Planner that a commercial site review has been presented to the planning board and accepted and filed. Colette Matarese then closed the public hearing.

Roger L. Hawes moved, Peter Baribault seconded, and it was unanimously so voted to approve the signed stipulation.

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

**REQUEST
FROM THE
WRIHR**

John Lewis, Vice President, stated that Western Rhode Island Home Repair has asked the town council to contribute an additional \$2,000.00 towards the cost of administration for the program. The request was on the last town council meeting agenda and was tabled so that he could look into where the funds could be drawn from. Councilman Lewis stated that he had met with the treasurer to see where the funds could come from and there were no line items at this time. He recommended to the council that they re-visit the issue at a later time to see if the funds could be paid to the program, rather than say no.

Peter Baribault moved, Lynne S. Rider seconded, and it was unanimously so voted to table the request from WRIHR so that the request could be heard at a later date.

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

**MATTRESS
& BOX
SPRING
REMOVAL**

Colette Matarese, President, stated that at the last town council meeting, the town council was notified of the new Rhode Island Resource Recovery Guidelines concerning the removal of mattresses and box springs.

John Lewis, Vice President, and Lynne S. Rider, council member, stated that they had not come up with any kind of permanent solution and that they would conduct further research to find a solution that would not create a financial burden on the town if possible. The agenda item was tabled until the next meeting for an update.

BID AWARDS John Lewis, Vice President, read the bid award recommendations from Robert Clarkin, Public Works Director. There were seven bid awards that Mr. Clarkin recommended not to award, Emergency Generator, Replacement of Winsor Road Bridge, construction of Salt Shed, Design and Construction of Wash Bay, Replacement of roof at Police Station. Replacement of roof of Old Salt Barn and the two “tag a long” emergency generators.

John Lewis moved, Lynne S. Rider seconded, and was unanimously so voted to award the bid for the replacement of the windows at the Police Station to Tomark Inc. who was the lowest bidder of \$22,300.00. The windows are wooden interior and vinyl exterior.

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

John Lewis moved, Lynne S. Rider seconded, and was unanimously so voted to award the bid for the renovations in the Town House to C & D Construction Co., which was the lowest bid of \$13,255.00.

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

John Lewis moved, Lynne S. Rider seconded, and was unanimously so voted to award the bid for the Crack-Sealing of various town roads to Sealcoating Inc., the town will be “piggy backing” of the State of Rhode Island with a bid of \$.30 cents per linear foot.

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

**MEMORAN-
DUM OF
AGREEMENT** Peter Baribault read the Memorandum of Agreement between the Town of Foster and the Collective Bargaining Unit of the Local Union # 1322 of the Laborers International Union which referenced an inadvertence on both parties to include in the contract, a matter that was negotiated which referred to medical coverage buy back paid to a member.

Peter Baribault moved, Lynne S. Rider seconded, and was unanimously so voted to approve the Memorandum of Agreement as written.

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

**ADDITIONS
& ABATE-
MENTS**

John Lewis moved, Peter Baribault seconded, and it was unanimously so voted to approve the additions from Anne L. Carlson, Tax Assessor, for a total of \$4,188.10.

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

John Lewis moved, Lynne S. Rider seconded, and it was unanimously so voted to approve the abatements from Anne L. Carlson, Tax Assessor, for a total of \$857.80.

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

**DOG
DAMAGES**

John Lewis moved, Lynne S. Rider seconded, and it was so voted to approve the request from Mr. Charles Borders for dog damages because one of his calves was killed by a dog or coyote.

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

**ZONING
BOARD
APT.**

Lynne S. Rider moved, John Lewis seconded, and it was unanimously so voted to appoint Mr. Thomas Bargeon as an alternate member on the Zoning Board, with a term ending December 31, 2008.

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

**1997 FORD
AMBULANCE**

John Lewis, Vice President, stated that the old ambulance that was in the DPW garage which was to be used as a trade-in to cover a \$7,000.00 overage for the new ambulance has been advertised on the Town web site and Ambulance Traders.com with some communication from potential buyers. We have an offer from RATAE LLC for \$5,000.00

John Lewis moved, Lynne S. Rider seconded, and it was so voted to approve the offer from RATAE LLC of \$5,000.00.

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

**REAP
CONTRACT**

John Lewis moved, Peter Baribault seconded, and it was unanimously so voted to approve the REAP (Rhode Island Energy Aggregation Program) Contract for Electricity for the Town of Foster through Mr. Dan Beardsley, Executive Director of the Rhode Island League of Cities and Towns and as program manager of the Rhode Island Energy Aggregation Program.

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

**POLE
PETITION
ROUND HILL**

John Lewis moved, Lynne S. Rider seconded, and it was unanimously so voted to approve the pole petition recommended by Robert Clarkin, Public Works Director for 17, 17 1/2 and 18 Round Hill Road

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

**REQUEST
FROM MR.
WALLACE**

John Lewis Vice President, read a request given to the town council from Robert Clarkin, Public Works Director, written by Mr. Robert Wallace, Superintendent of Foster Schools. Mr. Wallace forwarded a 2007 report from the Trust. The letter asked that the Public Works Department dispose of the playground at the Capt. Isaac Paine School. The report from the Trust did not state that the playground needed to be torn down. The report did state that the playground did need some repairs and signs.

Peter Baribault moved, John Lewis seconded, and it was unanimously so voted to deny the request and strongly urge the school committee to research other options.

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

OLD John Lewis moved, Roger L. Hawes seconded, and it was unanimously so voted to
PLAINFIELD approve and sign the Old Plainfield Pike resurfacing agreement.
PIKE
RESURFACING

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

No action was taken on the request for the outside entertainment license from Robert Hohler for a charity event due to incomplete paperwork. The item was on the agenda for information only.

CONCERNED Gordon Rogers asked about a public hearing for the planning board.
CITIZENS

Lynne S. Rider moved, John Lewis seconded, and it was unanimously so voted to go into executive session according to 42-46-5 (a) Litigation, and 42-46-4-5(1) Personnel and to reconvene in to 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.

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

The council recessed at 9:44 P.M. and went into executive session at 10:00 P.M.

In executive session the council discussed litigation. No votes were taken.

The meeting was adjourned at 10:30 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