

**November 12, 2009**

The November 12, 2009, 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 6:30 p.m.

The following members were present:

**Colette Matarese, President**  
**John Lewis, Vice President,**  
**Lynne S. Rider,**  
**Roger L. Hawes**  
**Joe Cardillo,**  
**John J. Bevilacqua, Town Solicitor**

The following department heads were present:

Kelli Russ, Town Treasurer

The Pledge of Allegiance was recited.

**EXECUTIVE SESSION** 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 42-46-5a(2) Collective Bargaining 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 closed to provisions of the General Laws of Rhode Island 42-46-4 & 5

John Lewis aye, Joe Cardillo aye, Lynne S. Rider aye, Roger L. Hawes aye, Colette Matarese aye.

John Lewis, Vice President, of the Foster Town Council called the public meeting back into order.

No votes were taken in executive session.

**MINUTES** Roger L. Hawes moved, Joe Cardillo seconded, and it was unanimously so voted to approve the meeting minutes from November 5, 2009, as written.

Roger L. Hawes aye, Joe Cardillo aye, John Lewis aye, Lynne S. Rider aye, Colette Matarese abstained.

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

**WARRANTS** Lynne S. Rider moved Roger L. Hawes seconded, to approve the following warrants: Payroll Warrant #18 in the amount of \$40,931.04, General Warrant #10 in the amount of \$367,383.64

Lynne S. Rider withdrew her motion, and Roger L. Hawes withdrew his second. The motion from the October 8, 2009 needs to be corrected with a new motion to include the actual total amount of the training fund bill. The amount passed was not sufficient and is included in General Warrant #10

**TRAINING FUNDS** Colette Matarese moved, Joe Cardillo seconded, and it was unanimously so voted to approve the additional amount \$3,046.43 from the Public Safety Training Funds to replace the previous motion made on the October 8, 2009, meeting for up to \$2,800.00.

Roger L. Hawes aye, Lynne S. Rider aye, John Lewis aye, Joe Cardillo aye, Colette Matarese aye.

**WARRANTS CONT.** Lynne S. Rider moved, Roger L. Hawes seconded, to approve the following warrants: Payroll Warrant #18 in the amount of \$40,931.04, General Warrant #10 in the amount of \$367,383.64

John Lewis aye, Roger L. Hawes aye, Lynne S. Rider aye, Colette Matarese, aye, Joe Cardillo aye.

**MONTHLY REPORTS** Colette Matarese moved, Joe Cardillo seconded, and it was unanimously so voted to approve the monthly reports from Building and Zoning, Police, Tax Collector, and Planning as submitted.

Roger L. Hawes aye, Lynne S. Rider aye, John Lewis aye, Colette Matarese aye, Joe Cardillo aye.

**QUARTERLY REPORTS** Colette Matarese moved, Lynne S. Rider seconded, and it was unanimously so voted to approve the quarterly report from the Foster Libraries.

John Lewis aye, Colette Matarese aye, Roger L. Hawes aye, Lynne S. Rider aye, Joe Cardillo aye.

**REAPPOINTMENT TO FOSTER LAND TRUST** Lynne S. Rider moved, Joe Cardillo seconded, and it was unanimously so voted to reappoint Kristen Cole to the Foster Land Trust for a three year term as a regular member, with a term ending December 2012.

**REQUEST FOR A CLASS F LICENSE** Joe Cardillo moved, Colette Matarese seconded, and it was unanimously so voted to grant the request of a Class F Liquor License to the Thornton Beagle Club for December 6, 2009.

John Lewis aye, Joe Cardillo aye, Lynne S. Rider aye, Colette Matarese aye, Roger L. Hawes aye.

**DECEMBER COUNCIL MEETINGS** John Lewis placed “December meetings” on the agenda because the regular meeting dates fall on Christmas Eve and the heating costs of the Town House, John suggested that the December, January, February and March meetings be held in the Benjamin Eddy Building and the dates for December be the 3<sup>rd</sup> and 17<sup>th</sup>, 2009.

Colette Matarese moved, Joe Cardillo seconded, and it was unanimously so voted to change the council meeting dates to the first and third Thursday of the month, which is December 3<sup>rd</sup>. and December 17<sup>th</sup>. 2009, to be held at the Benjamin Eddy Building.

John Lewis aye, Roger L. Hawes aye, Colette Matarese aye, Lynne S. Rider aye, Joe Cardillo aye.

**APPOINTMENT OF BLDG. & ZONING OFFICIAL** Roger L. Hawes recused himself from the council table for the following discussion and vote.

John Lewis, Vice President, explained that Robert Fallon has resigned as Building and Zoning Inspector. The position was advertised at the beginning of the month for his replacement; the interview process occurred the beginning part of the week. John J. Bevilacqua, Town Solicitor, explained the procedure to make it clear for the record that councilman Roger L. Hawes did not participate in any way shape or fashion in the filling of this position because of the fact that a had member of his family applied. There were only nine individuals that filed an application, four received interviews. One individual withdrew his application. The interviews were conducted on Monday night, November 9<sup>th</sup> from 4 p.m. to 9 p.m. The committee felt that the individual who had the best qualifications to serve the people of Foster as Building and Zoning Official was Carl Riccio of Foster. John J. Bevilacqua, Town Solicitor, contacted John Leyden, State Building Commissioner, to verify the qualifications of Mr. Riccio. It was determined that he has compiled all but two credits toward State Building Officials certification. The interview committee felt that Mr. Riccio was the best qualified. The interview committee consisted of John J. Bevilacqua, Town Solicitor, John Lewis, Town Council Vice President, and Lynne S. Rider, Council member.

John Lewis said that he concurred with the Solicitor, Lynne S. Rider concurred also.

**APPOINTMENT OF BLDG. & ZONING OFFICIAL CONT.**

Lynne S. Rider moved, Colette Matarese seconded, and it was so voted to appoint Carl R. Riccio as Building and Zoning Official with the condition he receive the certification from the State of Rhode Island.

Lynne S. Rider said that there were no other candidates who had the qualifications of Mr. Riccio except one. That gentleman stated that he was sure that the town wanted to “encourage development” and he would be happy to help the council with that. That candidate did not move forward in the interview. She further stated that she was very hesitant to even consider someone who had a family member sitting on the council, and would never appoint someone just because they had a family member on the council. She also said that she would never not appoint someone who is a “good fit” for the Town, and is the best qualified candidate just because they have a family member on the council.

John Lewis aye, Lynne S. Rider aye, Joe Cardillo aye, Colette Matarese aye, Roger L. Hawes recused.

Roger L. Hawes sat back down at the council table.

**REQUEST FROM FCVFC**

Lynne S. Rider read the request from the Foster Center Fire Co. asking for \$950.00 to cover the cost of sandblasting Engine 5’s Water Tank. Legislative grant funds have been already approved for tires and the special paint lining of the tank.

Colette Matarese moved, Joe Cardillo seconded, and it was unanimously so voted to approve the request of \$950.00 to sandblast Engine 5, from the Foster Center Fire Co. and the money be taken from the contingency fund.

John Lewis aye, Roger L. Hawes aye, Lynne S. Rider aye, Colette Matarese aye, Joe Cardillo aye.

**LIQUOR LICENSE RENEWALS**

John Lewis opened the public hearing portion of the meeting.

Colette Matarese moved, Joe Cardillo seconded, that in conformity with and under the authority of the provisions of Title I, Chapter 5 of the General Laws of the State of Rhode Island, Revision of 1956, as amended, and any and all amendments thereto, the annual fees for Class A Package Store License shall be and are hereby fixed at Four Hundred Dollars (\$400.00) each.

That the Annual Fees for Class B Victuallers (BV) shall be and is hereby fixed at Four Hundred Dollars (\$400.00) each.

That the Annual Fees for Class D unlimited shall be and is hereby fixed at Eight Hundred Dollars (\$800.00) each.

That the Annual Fee for extra hour closing shall be and is hereby fixed at Two Hundred Dollars (\$200.00)

That the Annual Fee for an Entertainment License shall be and is hereby fixed at Two Hundred Dollars (\$200.00)

That the Annual Fee for Sunday and Holiday Sales is Twenty-five Dollars (\$25) for each.

John Lewis opened the floor for public comment.

Danny LaPlume, Deputy Chief of the Foster Center Fire Co., stated that the fire codes in the town of Foster and other cities and towns were in the process of getting caught up with the State of Rhode Island fire codes. John J. Bevilacqua, Town Solicitor, stated that he has been in touch with the State Fire Marshall’s Office since there is no one in the town that is state certified for these inspections. Danny LaPlume stated that he was certified by the State Fire Marshall. Lynne S. Rider commended Mr. LaPlume. John J. Bevilacqua, Town Solicitor stated that if any of the establishments had any problems with these inspections, each establishment can be addressed at that time.

**LIQUOR  
LICENSES  
CONT.**

Roger L. Hawes aye, John Lewis aye, Colette Matarese aye, Lynne S. Rider aye , Joe Cardillo aye.

Colette Matarese moved, Lynne S. Rider seconded, that all holders of such licenses hereunder granted except Class A Package Store Licenses are hereby granted permission to hold dances in their respective places so licensed.

John Lewis aye, Roger L. Hawes aye, Lynne S. Rider aye, Colette Matarese aye, Joe Cardillo aye.

Colette Matarese moved, Joe Cardillo seconded, that no transfer application or applications that may be made to have one or more granted licenses transferred from one person to another person or persons at the same location without a specific consideration and determination by the Town Council.

John Lewis aye, Lynne S. Rider aye, Joe Cardillo aye, Colette Matarese aye, Roger L. Hawes aye.

Colette Matarese moved, Lynne S. Rider seconded, that the following persons be and are hereby granted renewal licenses for their respective places of business pending receipt of Certificates of Good Standing from the Rhode Island Division of Taxation to the Town Clerk, with the approval from the Police Chief, Tax Collector, Building Inspector, Fire Chief, and the Rhode Island Department of Health and Certificate of Server Training Program.

Class A Package Store including Sunday and Holiday Sales

License for Beatrice Gabriele, d/b/a Gabriele's Package Store, 144 Danielson Pike;  
License for William Fortin d/b/a Twisted Liquors 180 Hartford Pike;

Class BV

License for Thomas Breard d/b/a Lucky's, 143 Danielson Pike;

License for Foster Golf & Country Club, Inc., d/b/a Foster Country Club, 67 Johnson Road;

License for Helen's Place Inc. d/b/a Helen's Place Inc., 172A Danielson Pike;

License for Lisa M. Mills d/b/a Woodland Meeting House, LLC 115 East Killingly Road

Class D

License for Little Rhody Vasa Park, Inc 10 Boswell Trail

Colette Matarese moved, Lynne S. Rider seconded, that the following persons be and are hereby granted Entertainment renewal licenses for their respective places of business with the approval from the Police Chief, Tax Collector, Building Inspector and Fire Chief.

Entertainment Licenses

License for Thomas Breard d/b/a Lucky's, 143 Danielson Pike;

License for Foster Golf & Country Club, Inc., d/b/a Foster Country Club, 67 Johnson Road;

License for Lisa M. Mills d/b/a Woodland Meeting House, LLC 115 East Killingly Road

John Lewis aye, Roger L. Hawes aye, Lynne S. Rider aye, Colette Matarese aye, Joe Cardillo aye.

**LIQUOR  
LICENSES  
CONT.**

Colette Matarese moved, Joe Cardillo seconded that the number of liquor license to be granted and issued for and during the current term next ensuing and ending December 1, 2010 shall be as follows:

Class A Package Store	Two (2)
Class B Victuallers	Four (4)
Class D Unlimited	One (1)

And furthermore that the Town Clerk shall not receive any other applications without the approval of the Town Council.

John Lewis aye, Lynne S. Rider aye, Joe Cardillo aye, Colette Matarese aye, Roger L. Hawes aye.

Colette Matarese moved, Joe Cardillo seconded, that it is ordered in granting the previously specified and numbered licenses that the provisions of said General Laws of 1956, as amended and all amendments thereof and thereto, and also the provision for any and all laws affecting such licenses shall apply and such licenses are hereby granted subject to such rules and regulations and conditions heretofore established or that may hereafter be established by the Town Council of Foster and that licenses hereby granted shall expire on the first day of December 2010 at twelve o'clock midnight, unless sooner revoked for cause.

John Lewis aye, Lynne S. Rider aye, Roger L. Hawes aye, Joe Cardillo aye, Colette Matarese, aye.

Colette Matarese moved, Joe Cardillo seconded, to approve that the following businesses have applied for renewal of Game and Amusement Devices Licenses:

Lucky's	2 machines	1 pool table
Helen's Place	n/a	1 pool table
Woodland Meeting House	1 machines	2 pool tables

John Lewis aye, Roger L. Hawes aye, Lynne S. Rider aye, Colette Matarese aye, Joe Cardillo aye.

**CONCERNED  
CITIZENS**

Mr. James Finucane asked who was in charge of enforcing the ordinances, in particular, the noise ordinance. John J. Bevilacqua, Town Solicitor said that the Police Department was in charge of enforcing that ordinance, but that the town ordinance was subjective. Without some type of device to determine the noise level in which they are in violation of, how can the town enforce an ordinance that basically gives us none? The only recourse is a civil one in which Mr. Finucane needs to follow. The police or the town cannot bring that action. That is a civil action.

Colette Matarese moved, Joe Cardillo seconded, and it was unanimously so voted to adjourn the meeting.

Roger L. Hawes aye, John Lewis aye, Lynne S. Rider aye, Joe Cardillo aye, Colette Matarese aye.

The meeting 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