

December 17, 2009

The December 17, 2009, Town Council Meeting was called to order by Colette Matarese, President, of the Foster Town Council at the Benjamin Eddy Building, Foster, Rhode Island, at 7:00 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
Robert Clarkin, Public Works Director
Robert E. Coyne, Police Chief
Ann-Marie Ignasher, Town Planner

The Pledge of Allegiance was recited.

Colette Matarese, President, said that she wanted to thank everyone for all of the support given to her, and for the respect for her late husband by those attending his wake, funeral and sending cards. She also said that the one thing she has learned over the past year is that there are very few things in this life that matter. The only things that matter are the people's lives that we touch in a positive way, compassion that is shared, caring relationships, and doing for the least of the people that are around us. And those we care about last forever, Thank you.

**PUBLIC
COMMENT**

No one spoke under public comment.

WARRANTS

Lynne S. Rider moved, John Lewis seconded, and it was unanimously so voted to approve the following warrants: Payroll Warrant #22 in the amount of \$40,295.12, Payroll Warrant #23 in the amount of \$28,106.19, and General Warrant #12 in the amount of \$155,634.24.

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

**QUARTERLY
REPORTS**

Lynne S. Rider moved, Roger L. Hawes seconded, and it was unanimously so voted to approve the quarterly report from the Foster Land Trust as written.

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

John Lewis made a motion to amend the agenda to include a bid opening for processed gravel of \$5000.00 and winter sand to purchase throughout the year, and to place it under "New Business", letter "g". The motion was seconded by Joe Cardillo.

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

**OLD BUSI-
NESS -
TWISTED
LIQUORS**

William Fortin, license holder for Twisted Liquors, read a letter of thanks to the town council for all of the consideration they have given him over the past three years. He stated that his landlord is still delinquent for payment of real estate taxes, which is a requirement for any town license renewal. Mr. Fortin asked the council if he could maintain his license until December 31, 2009.

John Lewis stated that the council approved his license at the last council meeting, contingent on some sort of arrangement for payment of taxes. The license was approved with an expiration date of December 1, 2010. John Lewis, Vice President, asked the solicitor if the council needed to take any further action since an approval was already made.

OLD BUSINESS CONT. John J. Bevilacqua, Town Solicitor, stated that the town council has voted on the renewal, and voted to approve the renewal. If Mr. Fortin decided to close before the license expiration date, then he could ask the council to hold the license for one year, from the date of closing, so he could renew the license. The council can give him the opportunity to maintain the license for one year. That would give Mr. Fortin an opportunity to find another location in town for his business.

John Lewis moved, Roger L. Hawes seconded, and it was unanimously so voted to allow Mr. William Fortin to retain his liquor license through December 2010, even in the event that he needs to close his doors for a short period of time in order to relocate his business.

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

BID AWARD WOODY LOWDEN ROOF Roger L. Hawes moved, Joe Cardillo seconded, and it was unanimously so voted to accept the recommendation from Robert Clarkin, Public Works Director, to award the bid to Roofing Unlimited, with a bid of \$11,250.00, for the installation of 40 year shingles for the Woody Lowden roof. It was decided to purchase the shingles and postpone the installation until the weather is appropriate for shingling. Discussion was held about the urgency of the job.

John Lewis, Vice President, amended the motion to award the bid as recommended but initiate installation as soon as possible. The amendment was seconded by Roger L. Hawes.

The vote on the amendment;

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

The vote on the main motion;

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

Both motions passed.

BID AWARD "DAM PLANS" John Lewis moved, Joe Cardillo seconded, to award the Dam Plan bid, as recommended by Ann-Marie Ignasher, Town Planner, to Pare Corporation for a total of \$6,700.00. This bid is for the Spear Pond Dam & Gorham N. Farm Pond Dam.

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

The vote was unanimous.

REQUEST FROM OHD COMMITTEE Colette Matarese read a letter from James Carlson, Chairman of the Foster Old Home Days Committee, asking permission to install a new, separate electric service for the agricultural buildings on the south side of the town grounds.

John Lewis moved, Lynne S. Rider seconded, and it was unanimously so voted to approve the request from Old Home Days Committee to install the electric service.

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

REQUEST FROM CAST Lynne S. Rider read a letter from CAST (Citizens and Students Together) concerning a request for \$4,922.00. John Lewis explained that the request was asking to allocate funds for the current fiscal year. CAST has not submitted a request for funds during the budget process, for the past two fiscal years.

Lynne S. Rider moved, John Lewis seconded the motion for the purposes of discussion, to approve the request of \$4,922.00 from CAST. Colette Matarese recommended that the

council vote the motion down and send a letter of regret due to budget constraints, and include a request for next year's budget to come back in front of the council at the end of the fiscal year to see if there is any money remaining. Right now the town cannot fund this request.

Lynne S. Rider stated that if the council had to choose between the roof at Woody Lowden or fund this request, it would have to be the roof.

**REQUEST
FROM CAST
CONT.**

John Lewis also stated that CAST did not request these funds up front for the current year. This request is part of matching funds that CAST has received in grant money, so they have approximately \$52,000.00 in grant money and they utilize this money as the part of a "match". He stated that if CAST did not get this money, then they would not have their "match". If he had \$52,000.00 grant riding on a "match" fund, I would have a letter in at the appropriate time, or have a representative be present at the time of the meeting, making sure that everyone knew what they needed. Unfortunately that did not occur.

Colette Matarese asked for a vote on the approval of the request.

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

The motion did not carry.

**REQUEST
FROM
FOSTER
SENIOR
HOUSING**

Lynne S. Rider recused herself for the next agenda item; she is a board member for the Foster Senior Housing.

John Lewis read a letter from Mr. Thomas Walden, President of the Foster Senior Housing. The letter asked for a response to an earlier request to have the driveways at Hemlock Village sanded by the town. Roger L. Hawes, councilperson, asked if the Foster Senior Housing paid property taxes. John J. Bevilacqua, Town Solicitor, said that they do pay them.

Roger L. Hawes moved, Joe Cardillo seconded, to sand the driveways at Hemlock Village. A citizen asked who presently has been doing the sanding. John Lewis stated that the Town had been sanding the driveways in the past. Last year when they asked for a "Tax Treaty", Foster Senior Housing withdrew their request for the town to sand the driveways. At that point the town stopped during the negotiation process. And as John J. Bevilacqua, Town Solicitor, stated, the investigation went on and the "Tax Treaty" was not going to happen, so that is why the Foster Senior Housing has submitted the request for sanding again. Mr. Robert Clarkin, Public Works Director, stated that he started working for the Town of Foster in September of 2007 and the town did sanding for approximately three or four storms but then he was asked to stop, due to the negotiations. Colette Matarese, council president, asked the solicitor if the costs of sanding went beyond what they received in rent, would that be covered by the Federal Government since they are federally subsidized. John J. Bevilacqua, Town Solicitor, said yes, it would be. Another aspect the town council should consider is the liability. If the town took the responsibility of the sanding, that would be accepting the liability, also, Foster Senior Housing is considered to be private property.

John Lewis nay, Roger L. Hawes nay, Colette Matarese, nay, Joe Cardillo nay.
Lynne S. Rider recused herself before discussion.

The motion did not pass.

**LETTER OF
RESIGNA-
TION**

John Lewis moved, Joe Cardillo seconded, and it was so unanimously voted to accept the letter of resignation, with regret, from Thomas Bargeon, zoning board alternate.

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

Colette Matarese asked for a motion to consider the next two items on the agenda as one item.

**COMBINE
AGENDA
ITEMS**

John Lewis moved, Joe Cardillo seconded and it was unanimously so voted to consider the next two items on the agenda as one item.

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

**APPOINT-
MENT OF
DISPATCHER
& ADMIN.
AIDE**

John Lewis moved, Joe Cardillo seconded, and it was unanimously so voted to appoint Daniel Hernandez of Providence as a full time dispatcher, replacing Jon Barrette. And Joyce A. Grenier as an Administrative Aide, as recommended by Robert E. Coyne, Jr., Police Chief. Colette Matarese, President, asked if these positions were in the police budget. Robert E. Coyne, Jr., Police Chief, said that the dispatcher was in the budget and the administrative aide salary was Federal money.

Lynne S. Rider asked if Mr. Hernandez had any training or if he was going through the training process. Mr. Hernandez stated that he has had training in the private corporation and about one hundred fifteen hours of training.

A citizen asked if the Federal money being used for the administrative aide was fully funded for the first year and subsequent years after. Robert E. Coyne, Jr., Police Chief stated that it is "stimulus" money and he has until the year 2013 to spend it.

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

Tina W. Freeman, Town Clerk swore them in.

The following bid openings is the amended agenda item added earlier in this meeting.

Colette Matarese opened the following bids for winter sand and processed gravel:

GRAVEL BIDS:	Per Ton Price	
	Delivered	Picked-Up
Koszela, John Est.	\$11.75	\$9.75
Laframboise	\$ 9.50	\$6.00
Material Sand & Stone	\$11.00	\$8.90
Ernest Joly & Sons	\$12.90	\$9.00
J.R. Vinagro Corp.	\$11.89	\$9.00

SAND BIDS:	Per Ton Price	
	Delivered	Picked-Up
Koszela, John Est.	\$12.75	\$10.00
Laframboise	\$10.00	\$ 6.50
Material Sand & Stone	\$11.48	\$ 9.00
Ernest Joly & Sons	\$ 8.90	\$ 6.00
J.R. Vinagro Corp.	\$16.28	\$11.00

Colette Matarese stated that these bids would be forwarded to Robert Clarkin, Public Works Director, for a recommendation, and would be awarded at the next town council meeting.

**2010 LICENSE
RENEWALS**

Colette Matarese opened the Public Hearing for the 2010 License Renewals. She asked if there was anyone who would like to speak concerning the granting of these licenses. No one spoke. Then she asked if there was anyone who would like to speak against the licenses. Constance Polouski of 72 Old Danielson Pike Foster, RI, read a statement concerning the renewal of the licenses for the Foster Bears Arms & Bait Shack located at 52 Danielson Pike. She asked that this statement be considered as part of the record for this meeting. A full copy is attached at the end of these minutes marked "Exhibit A".

Colette Matarese stated that she had spoken to John J. Bevilacqua, Town Solicitor, about the zoning violations and the solicitor has spoken with the zoning official on this issue. John J. Bevilacqua, Town Solicitor, said that he did not disagree with anything that Ms. Polouski stated. He said that he spoke with Carl Riccio, Building and Zoning official,

and since he was recently appointed, John J. Bevilacqua said that he updated Carl on the history and current activity of the business. He recommended to the town council to postpone the granting of the license until after the first council meeting in January 2010. Lynne S. Rider, councilperson asked how many times the town council needed to extend the ordinances for this business. The business should be following the ordinances like all of the other businesses in town. John J. Bevilacqua, Town Solicitor, stated that Carl Riccio, Building and Zoning official, would be performing an inspection on the property this Friday, December 18, 2009.

Colette Matarese closed the public hearing session.

John Lewis moved, Roger L. Hawes seconded, and it was so voted to approve the following Holiday sales Licenses upon receipt of the annual licensing fee and approvals from the Building Official, Fire Chief, Tax Collector and Police Chief where applicable:

Aniello V. Calise, d/b/a/ Danny's Auction Barn, 150B Danielson Pike
Robert Forrest, d/b/a/ Foster Country Club, 67 Johnson Road
Lucine Gyuieseryan, d/b/a/ Foster Quick Stop, 173 Danielson Pike
Beatrice Gabriele, d/b/a Gabriele's Package Store, 144 Danielson Pike
Russell J. Smith, d/b/a/ Chelsea's Trading Post, 151 Danielson Pike
Bonita Lambert, d/b/a/ Lladyllove Llama, 82 Cucumber Hill Road
John & Darlene Fusco, d/b/a/ Tiff-Britt Antiques, 69 Old Danielson Pike
Leonard Antos, d/b/a Xtra Mart, 186 Danielson Pike
William Fortin, d/b/a Twisted Liquors, 180 Hartford Pike

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

John Lewis moved, Joe Cardillo seconded, and it was so voted to approve the following Secondhand Licenses upon receipt of the annual licensing fee and approvals from the Building Official, Fire Chief, Tax Collector and Police Chief where applicable:

Russell Smith, d/b/a Chelsea's Trading Post, 151 Danielson Pike
Aniello V. Calise, d/b/a Danny's Auction Barn, 150B Danielson Pike
Joseph Osmanski, d/b/a/ Foster Auto LLC, 40 Mill Road
Newell Wright II d/b/a/ Hemlock Brook Auto Sales & Service, 37A Mill Road
Martin Austin, Jr., d/b/a Marty's Antiques, 195 Danielson Pike
Michael Coggeshall, d/b/a Mike's Auto Repair, 45 Anthony Road
Peter Wilson, d/b/a/ Price Auto Sales, 184 Danielson Pike
John & Darlene Fusco, d/b/a/ Tiff-Britt Antiques, 69 Old Danielson Pike
Robert Gautreau, d/b/a Things Made Wonderful, 114 Danielson Pike
Edward Butola, d/b/a Wilson's Auto Enterprises, Inc., 175 Danielson Pike

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

John Lewis moved, Roger L. Hawes seconded, to approve the following Victualling Licenses upon receipt of the annual licensing fee and approvals from the Building Official, Fire Chief, Tax Collector and Police Chief where applicable:

Aniello V. Calise, d/b/a/ Danny's Auction Barn, 150B Danielson Pike
Janet Brayton, d/b/a/ Shady Acres, 164 Danielson Pike
Scott & Wanda Kopka, d/b/a State Line Diner, 195 Danielson Pike
Leonard Antos, d/b/a Xtra Mart, 188 Danielson Pike

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

John Lewis moved, Joe Cardillo seconded, and it was so voted to approve the following Gun Shop Licenses upon receipt of the annual licensing fee and approvals from the Building Official, Fire Chief, Tax Collector and Police Chief where applicable:

Laurence Costa Mello, d/b/a/ Allary Farm, 7 Rickard Road
Keith LaFazia, d/b/a/ Breezy Hill Outdoors, 2 Gold Mine Road
Robert Boyden, Independence Enterprises, 18 King Road
Leon DeFranco, d/b/a/ LJD Gun & Supplies, 9 King Road
Steven C. Brown, d/b/a/ Steve's Gun Shop, 66 Central Pike

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

2010 LICENSE RENEWALS CONT. John Lewis moved, Joe Cardillo seconded, to approve the following Campground Licenses upon receipt of the annual licensing fee and approvals from the Building Official, Fire Chief, Tax Collector and Police Chief where applicable:

Virginia Bassett, d/b/a/ Ginny B Campground, 7 Harrington Road
John Hawkins, d/b/a/ Whippoorwill Hill Campground, 106 Old Plainfield Pike
Muriel Walker, d/b/a Dyer Woods Campground, 114 Johnson Road

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

John Lewis moved, Joe Cardillo seconded, to approve the following Private Investigator's License upon receipt of the annual licensing fee and approvals from the Police Chief, Fire Chief, Building Official and Tax Collector where applicable:

Alan Pittman, d/b/a Alan Pittman Investigations, 117 Central Pike

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

John Lewis moved, Joe Cardillo seconded, to approve the following Licenses for a three month extension to allow for the receipt of payment of taxes:

A Holiday Sales License for Monica Paolino, d/b/a BD Food Mart, 189 Hartford Pike.

A Secondhand License for Morris Maglioli, d/b/a Wright's Auto Salvage, 37 Mill Road.

A Victualling License for Monica Paolino d/b/a BD Food Mart, 189 Hartford Pike

John Lewis amended, Joe Cardillo seconded, the amendment to reflect the name Mitesh Mehta, not Monica Paolino for BD Food Mart on both those license renewals.

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

John Lewis stated that the only Foster Bear Arms as the only applicant that the council has not addressed with a motion.

John Lewis moved, Joe Cardillo seconded to table all licenses for Henry Chabot, Foster Bear Arms & Bait Shack until a later meeting.

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

CONCERNED CITIZENS A citizen recommended to the town council that they look into combining town services with neighboring towns to save money. Another citizen had concerns about the ATV's and dirt bikes riding on Shippee Schoolhouse Road and East Killingly Road. She was concerned that someone might get hurt riding in the road. She also stated that the Police Chief was aware of the situation and was doing everything that is possible.

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 to provisions of the General Laws of Rhode Island 42-46-4 & 5

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

Lynne S. Rider 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.

The meeting adjourned at 8:47 p.m.

Lynne S. Rider moved, Joe Cardillo seconded, and it was unanimously so voted to adjourn the executive session portion of the meeting.

There were no votes taken in executive session.

The executive session portion of the meeting adjourned at 9:15 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