

## **FOSTER TOWN COUNCIL MEETING**

**April 22, 2010, 7:00 p.m.**

Town House, Foster, RI

The April 22, 2010, 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,**  
**Lynne S. Rider,**  
**Roger L. Hawes,**  
**Joe Cardillo,**  
**John J. Bevilacqua, Town Solicitor**

The following Department Heads were present:

Pamela Fontaine, Tax Collector  
Robert Clarkin, DPW Director  
Robert Coyne, Chief of Police

The Pledge of Allegiance was recited.

There were no public comments, minutes or reports.

**WARRANTS:** Lynne S. Rider moved, Roger Hawes seconded, and it was so moved to approve Payroll Warrant #40 in the amount of \$28,326.74, Payroll Warrant #41 in the amount of \$26, 880.35 and General Warrant #20 in the amount of 65, 486.52.

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

**QUARTERLY REPORTS:** Lynne S. Rider moved, Roger Hawes seconded, and it was so moved to approve the Quarterly Reports from Human Services, the South Foster Volunteer Fire Company, and the Board of Canvassers as presented.

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

**FIRE CO. INSPECTION REPORTS:** Equipment Inspection Reports were received from the Foster Center and Moosup Valley Volunteer Fire Companies as requested by the Town Council.

John Lewis moved, Roger Hawes seconded, and it was so moved to accept the inspection reports as presented.

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

John Lewis, Council Vice President, noted that the four cascade air bank cylinders had been certified. He requested that a folder be set up to hold the inspection reports from all the volunteer fire companies.

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**PUBLIC  
HEARING:  
OPEN REC.  
EVENT- J-DAY  
DIRT BIKE  
SCRAMBLE**

Outdoor Open Recreation Event application from John Brian Day for July 31, 2010, to hold a "J Day Scramble" dirt bike event situated in and around the sand and gravel pit of Mathew S. Chmura, 15 Jencks Road.

Colette Matarese, Town Council President, opened the hearing, and requested anyone in favor of the event to speak.

John Brian Day spoke and explained the event. He noted that EMTs and staff were notified to be on hand. There would only be a fee for parking and ½ of that would go to the Food Bank and ½ to Mr. Chmura. He explained that he has been doing this for many years and has never had any kind of problem escalate.

Town Council President Colette Matarese asked that anyone who was against the event to speak.

Residents Neil and Dorothy Whitelaw mentioned concerns that were brought up at the Zoning Meeting. They asked what the age range of the participants would be, and John Day replied that it would range from age 12 on up. No one would begin racing before 8:30 a.m., and it would stop by 6:30 p.m.

Mr. Whitelaw objected to the noise of 100 dirt bikes and the traffic it would cause, pointing out that Jencks Road is a very narrow dirt road.

Mr. Day replied that even though there might be 100 participants, not all of them would be racing at the same time, in fact there would only be about 15 at a time for each event with ½ hour in between.

Residents Mr. & Mrs. Cliff Venator said their house is only 20 feet from the road. They had noise concerns, and were also concerned about setting a precedent.

Resident Audrey Carey pointed out that it was only for one day, and offered her property for the event.

Dorothy Whitelaw said that the land formed a hollow there and that the entire valley will be affected by the noise.

Resident Joseph Carey said that he participated in these types of bike races in his youth, and that it is a family-oriented sport. He explained how hard it is to find a place to meet.

Mrs. Whitelaw said she had a right to peace and quiet.

Lynne S. Rider asked if a detail was recommended by the police. Colette Matarese pointed out that Robert Coyne, Chief of Police, and Robert Clarkin, DPW director needed to evaluate the area.

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John J. Bevilacqua, Town Solicitor, stated that an Open Recreational Event is a permitted use and that the application has already been passed by the Zoning Board.

Lynne S. Rider said she was familiar with “hare” scrambles and always asks herself in a situation like this, “would I want it next to me?” Her answer would be: not on a constant basis, but for one day it wouldn’t be so bad.

Carol Lyons, Deputy Town Clerk, added that approval from Fire Chief Paul Cuniff was called in today for fire and ambulance.

Police Chief Robert Coyne stated that all of his concerns were answered to his satisfaction, including adequate parking. Mr. Venator asked that they at least look at the road before making a decision. Colette Matarese, Town Council president, stated that they would need some time to visit the road.

Another town resident stated that she is against the event because it is a one-car-only road. She questioned the zoning decision, stating that it was an event to make money and not in compliance with what they understood at the Zoning Board meeting. Colette Matarese pointed out that the Council cannot overturn a Zoning Board decision.

Neil Whitelaw quoted from the Zoning Ordinance that “Racetracks of any description where a fee is charged or donations made” is a prohibited use. John Bevilacqua stated that it was not a “racetrack”.

Robert Hohler argued that they were charging a parking fee. John Bevilacqua pointed out that it is no different than a horse event where you can charge entry and stall fees and that it was a not-for-profit event.

Mr. Whitelaw argued that it was a racetrack. John Bevilacqua pointed out that the Zoning Board had already decided that it was not a racetrack, and Colette Matarese pointed out that they already ruled. Mr. Whitelaw stated that they are opening it up to be the ‘dirt bike capital of the world.’

Mr. Bevilacqua said that the Zoning Board stated it to be an “Open Outdoor Recreational Event” limited to a time and day. It is a permitted use under the zoning regulations and the board has placed their limitations on it. The Town Council deals with police, fire, insurance, etc., Mr. Hohler stated that it sets a precedent: it happened once, it can happen again. Mrs. Whitelaw stated that is her concern as well.

Colette Matarese stated that she has heard their concerns and felt that more information needed to be gathered before making a decision. If the hearing was continued, there would be time to receive the written Zoning Board decision. In the meantime, the Chief of Police and DPW director could visit the road and present their information as well.

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Mr. Petersen asked who reviewed the plan for health and safety. Heidi Rogers said the engineering board discussed it.

Mr. Whitelaw pointed out there is a 20-day appeal window after the decision is written.

Colette Matarese closed the public hearing and asked that it be continued until the second May meeting.

John Lewis moved, Joe Cardillo seconded, and it was so approved to continue the public hearing until the second meeting in May.

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

**APPT. TO  
CONS.  
COMMISSION**

Patrick Eaton sent in an application to be appointed to the Conservation Commission. John Lewis was not able to contact him, so the appointment was postponed until further information could be obtained.

John Lewis moved, Lynne S. Rider seconded, and it was so approved to postpone the decision on the appointment.

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

**DONATION  
REQ.  
MEET YOUR  
NEIGHBORS  
DAY**

John Lewis explained that the first “Meet Your Neighbors Day” was held last year. There was some difficulty in getting musicians for the event, so Kim McHale from fosteringArts.org requested \$50 apiece for two musicians to support the event.

Lynne S. Rider moved, John Lewis seconded, to approve \$50 for each of two musicians for the “Meet Your Neighbors Day” event.

The question arose as to where the money would come from as the Recreation department was not involved, though there might be \$1600 in the Council Administration fund. Colette Matarese said that even though it is only \$100, she felt that the organization should be self-supporting.

The motion was voted down 3 to 2.

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

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## **RESOLUTION TO OPPOSE 2010-S-2603**

John Lewis, Council Vice President, explained the Senate Bill, stating that it required that a contract be extended under the existing conditions forever, with no changes allowed. It would provide a disincentive for collective bargaining negotiation.

John Lewis moved to approve, Joe Cardillo seconded, and it was so voted to send a resolution in opposition to Senate Bill S-2603.

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

## **PROJECT LIST FOR WATER POLLUTION ABATEMENT**

A request for a Priority List for Water Pollution Abatement was received to be provided to RIDEM.

John Lewis moved, Joe Cardillo seconded, and it was so voted to refer the report to Ann-Marie Ignasher, Town Planner, and Robert Clarkin, DPW Director, for completion.

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

## **STIPENDS FOR FOSTER AMBULANCE CORPS**

The Third Quarter stipends for the Foster Ambulance Corps were submitted by Sharon Cotter, Commander, April 1, 2010.

John Lewis moved, Joe Cardillo seconded, and it was so voted to approve the stipends for the Foster Ambulance Corps in the amount of \$3,092.00.

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

## **CONCERNED CITIZENS:**

Neil Whitelaw presented a question concerning the budget. He noted that the numbers provided by the Paine School and the amount on the Town Budget did not agree. The Town Treasurer was not present at the meeting and no copies of the budget were available to review. Colette Matarese stated that she would have an answer for him by the Financial Town Meeting and to bring it up if he did not hear from her before then.

Another resident commented on a new line item to fund a \$45,000 deficit in the town's finances. John Lewis responded that the \$45,000 deficit was due to decreased revenue and not overspending and that spending was actually lower.

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Another resident commented on funding entities such as fosteringArts who are not strictly Foster entities.

### **EXECUTIVE SESSION**

Lynne S. Rider moved, John Lewis seconded, and it was unanimously so voted to go into Executive Session according to 42-46-5a (2) Collective Bargaining and Litigation 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

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

The meeting adjourned at 8:05 p.m.

There were no votes taken in Executive Session.

The executive session portion of the meeting adjourned at 8:35 p.m.

A digital sound file is made a part of the record for a complete account of the council meeting.

Submitted by,

Carol Lyons  
Deputy Town Clerk