

**August 26, 2010
Town Council Meeting**

The August 26, 2010, 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 7:00 p.m.

The following members were present:

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

The Pledge of Allegiance was recited.

MINUTES Lynne S. Rider moved, Roger L. Hawes seconded, and it was so voted to approve the July 19, 2010, council minutes as presented.

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

WARRANTS Lynne S. Rider moved, Roger L. Hawes seconded, and it was so voted to approve Payroll Warrant #6 in the amount of \$33,222.69, Payroll Warrant #7 in the amount of \$32,966.17, General Warrant #4 in the amount of \$155,634.45, and General Warrant #29 in the amount of \$68.00.

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

MONTHLY REPORTS Lynne S. Rider moved to accept the monthly reports from the Planning Department and the Tax Assessor as written. The motion was seconded by Roger L. Hawes.

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

The motion passed.

QUARTERLY REPORTS Lynne S. Rider moved to approve the quarterly report from the Foster Center Fire Co. as written. The motion was seconded by Joe Cardillo.

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

The motion passed.

NEW BUSINESS Lynne S. Rider moved, Roger L. Hawes seconded, and it was so voted to approve the prorated additions to the 2010 tax roll as submitted by the Tax Assessor in the amount of \$2,964.51, and regular abatements in the amount of \$2,874.78.

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

The motion passed.

Roger L. Hawes moved, Joe Cardillo seconded, and it was so voted to approve the request from Lisa Tourgee to use the Foster Fair Grounds on October 31, 2010, contingent upon proof of insurance.

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**NEW BUSINESS
CONTINUED**

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

The motion carried.

Lynne S. Rider moved, Joe Cardillo seconded, and it was so voted to approve the request from the Fostering Arts, the use of the Benjamin Eddy Building for the following dates; September 10th and 21st, October 19th, November 16th, and December 21st 2010.

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

The motion carried.

Roger L. Hawes made a motion to allow the recreation committee to use the Foster Fair Grounds on September 18, 2010 with a rain date of September 19, 2010, and then seconded by Joe Cardillo.

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

The motion carried.

Roger L. Hawes moved, Lynne S. Rider seconded, to allow the Foster Center Baptist Church Youth Group to hold its car wash fundraiser at the Town Hall parking lot on September 18, 2010. The motion was amended by Lynne S. Rider, and seconded by Joe Cardillo, to include the approval be contingent the approval of the Police Chief for any parking and “traffic flow” issues.

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

The amendment passed.

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

The main motion passed.

Roger L. Hawes made a motion which was seconded by Lynne S. Rider to allow the Old Home Days Committee to build a permanent roof extension to the Supper Shed to replace the canvas which overhangs the cement apron in front of the building.

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

Lynne S. Rider moved, Joe Cardillo seconded, and was so voted to reappoint Steve Croteau to the Juvenile Hearing Board for a three year term ending in 2013.

**NEW BUSINESS
CONTINUED**

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

Lynne S. Rider moved, Joe Cardillo seconded, and was so voted to reappoint James Janis to the Juvenile Hearing Board for a one year term ending in 2011.

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

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Lynne S. Rider made a motion to accept, with deep regrets, the resignation of Marcia Bowden from the Planning Board, which was seconded by Joe Cardillo.

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

Lynne S. Rider moved, Roger L. Hawes seconded, and it was so voted to accept, with regrets the resignation of Sisan(Rosanna) Smallman from the Conservation Commission.

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

Lynne S. Rider moved, Joe Cardillo seconded, and it was so voted to appoint Sisan(Rosanna) Smallman to the Foster Planning Board, with the term ending December 2011.

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

Lynne S. Rider moved, which was seconded by Joe Cardillo, to appoint Brendan Mara to the Conservation Commission, with a term ending December 2012.

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

**BID OPENINGS
FOR DPW**

The following were bid openings for the Department of Public Works:

Heating Oil

- Reichert & Sons Fuel Oil Inc.-\$2.19.9 per gallon
- Brennan Oil & Heating Co.,Inc.-\$2.32 per gallon

Flail Mower Head

- Tri-County Contractor's Supply, Inc.-\$8,980.00
- W.H. Rose-\$10,314.00 New, \$7,800 Demo model

Northwest Ed. Roof

- Stone Solid Contacting-\$46,000.00
- C&D Construction Co.,Inc.-\$46,780.00
- Gerard Building Co.,Inc.-\$51,988.00
- Timothy Johnson-\$39,800.00

Northwest Ed. Boiler

- HK Heating Service-\$11,300.00
- RISE-\$13,530.00
- Brennan Oil-\$8,475.00

Joe Cardillo moved and was seconded by Roger L. Hawes to refer the bids to Robert Clarkin, Public Works Director for a recommendation.

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

**PUBLIC
HEARINGS:**

**Natural Hazard
Mitigation Plan**

John Lewis, Vice President opened the Public Hearing for the Natural Hazard Mitigation Plan.

Ann-Marie Ignasher, Planner stated that this is an advertised public hearing and is only to receive permission from the Town Council to move forward with a plan to meet the requirements from FEMA. FEMA does not want formal adoption of a plan until the State Emergency Management Agency along with the

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Federal Emergency Management Agency has had a chance to review the information on the plan.

John Lewis then closed the Public Hearing.

Lynne S. Rider moved, Roger L. Hawes seconded and it was so voted to refer the information back to Ann-Marie Ignasher, Planner for further review.

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

**Proposed
Amendments
regarding Route
Six (6) Rezoning.**

John Lewis, Vice President opened the Public Hearing for the Proposed amendments regarding Route Six (6) Rezoning. John then read the Procedures for the Public Hearing:

**PROCEDURES FOR THE PUBLIC HEARING ON
THE
ROUTE 6 ZONING UPGRADE**

1. Any person who wishes to speak must give his or her name and address. All questions and statements must be addressed to the Town Council. There will be no cross talk in the audience.
2. The Town Council will hear from a representative, or representatives, from the Planning Board and Planning Department. It will be their duty to present the proposed Route 6 Zoning Upgrade to the Town Council.
3. Only after the representatives have completed their presentation will anyone else be given the opportunity to speak.
4. Once the presentation is completed, the Town Council members will be given a short opportunity to ask any questions they may have regarding the presentation.
5. Once the Town Council members have completed their questions then any landowner, abutter, or member of the general public, in favor of the presentation will be given a reasonable time to speak; however, **no landowner, abutter or member of the general audience shall be given more than 3 minutes to speak, and no landowner, abutter or member of the general audience shall speak twice until all interested parties have spoken.**
6. Once those in favor have spoken any landowner, abutter or member of the general public opposed to the proposal will be given a reasonable time to speak; however, **no landowner, abutter or member of the general audience shall be given more than 3 minutes to speak, and no landowner, abutter or member of the general audience shall speak twice until all interested parties have spoken.**
7. The order of speaking shall be landowners of real estate abutting Route 6, abutters to those properties, members of the general audience.
8. If at any time during the public discussion questions arise regarding the proposal, a representative from the Planning Board or Planning Department shall be given the opportunity to respond to such questions. Again, all questions, answers and statements must be addressed to the Town Council.

**Proposed
Amendments
regarding Route
Six (6) Rezoning,
Continued**

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9. The Town Council shall be given the opportunity to ask final questions regarding the proposal, and to allow the Planning Board or Planning Department to make final comments.

10. Once all comments are heard, the Town Council shall review the proceeding, and determine whether they have received enough information to close the hearing and start formal deliberations of the proposal, or if they wish to continue the hearing to another date and time to gather more information.

11. If the Town Council wishes to continue the hearing, the Council shall announce the date and the time of the continuance.

12. If the Town Council wishes to close the hearing, the Council President, or her representative, shall close the hearing. Once the hearing is closed formal deliberations on the matter will start and no further comments from the audience will be allowed.

13. The Town Council reserves the right to amend the proposal prior to the close of the public hearing without further notice, as a result of further study, or because of the views expressed at the public hearing. Any such alteration or amendment must be presented for comment in the course of said Public Hearing.

**Proposed
Amendments
regarding Route
Six (6) Rezoning,
Continued**

Julia Parmentier, Patti Moreau and Ann-Marie Ignasher, Planner then presented a short presentation, highlighting the changes. The following is the advertisement and synopsis:

Town of Foster - Town Council

**PUBLIC HEARING FOR PROPOSED AMENDMENTS
TO THE FOSTER ZONING MAP AND ZONING
ORDINANCE**

RE: Route 6 Corridor Zoning Upgrade

Notice is hereby given of a Public Hearing before the Foster Town Council regarding proposed amendments to the Foster Zoning Map and the Foster Zoning Ordinance. These amendments are made in accordance with the provisions of Chapter 24 of Title 45 of the R.I.G.L.

Amendment Summary:

The proposed amendments to the Foster Zoning Map and the Foster Zoning Ordinance regarding the Route 6 Corridor Zoning Upgrade; the amendments shall occur to parcels along the Route 6 Corridor *west of Rams Tail Road as follows:*

1) All parcels along Route 6 that are currently zoned Agricultural / Residential will maintain that Agricultural / Residential designation; and

2) All parcels along Route 6 that are currently zoned Neighborhood Commercial or Highway Commercial, and are currently used as a private residence will be re-zoned Agricultural / Residential – as that is their current use; and

3) All parcels, or portions thereof, along Route 6, that are designated as Neighborhood Commercial or Highway Commercial, and are currently being used commercially shall keep their commercial designation and the whole parcel will be re-zoned General Business / Mixed Use designation; and

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**Proposed
Amendments
regarding Route
Six (6) Rezoning,
Continued**

- 4) Parcels, or portions thereof, along Route 6, that are designated as Neighborhood Commercial or Highway Commercial that are currently vacant, and have environmental constraints to development, will be re-zoned to Agricultural / Residential; and
- 5) All parcels along the Route 6 Corridor will now have only one zoning designation; and
- 6) The Highway Commercial designation will cease to exist, and shall be replaced with a General Business Mixed Use designation; and
- 7) The Neighborhood Commercial designation, along Route 6 only, shall be replaced with the General Business / Mixed Use designation;
- 8) There will be wording changes to the Foster Zoning Ordinance to accommodate the above amendments.

Maps Posted For Public Viewing:

Copies of the current zoning map and the proposed zoning map are posted for viewing at the Foster Town Hall during normal business hours; a list of all proposed amendments to the Foster Zoning Ordinance is available for review at the Foster Town Hall during normal business hours. (Mon – Thu 8:30 a.m. to 5:30 p.m.)

Public Hearing:

The public hearing will be held on Thursday, August 26, 2010 during the Town Council's regularly scheduled meeting which begins at 7:00 PM at The Foster Town House, located at 181 Howard Hill Road, Foster, RI 02825, at which time opportunity will be given to all persons interested in being heard upon the matter of the proposed zoning amendments. Interested persons may obtain a copy of the proposed amendments at the Town Clerk's Office, Foster Town Hall, 181 Howard Hill Road, Foster, RI during normal business hours (Mon – Thu 8:30 AM to 5:30 PM). The proposed amendments may be altered or amended prior to the close of the public hearing without further advertising, as a result of further study, or because of the views expressed at the public hearing. Any such alteration or amendment must be presented for comment in the course of said Public Hearing.

The public is welcome to any meeting of the Town Council. If communication assistance (readers/interpreters/captions) is needed or any other accommodation to ensure equal participation, please contact the Town Clerk's Office (401-392-9200) at least two (2) business days prior to the meeting.

By Order of the Foster Town Council,

Tina W. Freeman, CMC
Town Clerk

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PROPERTY OWNERS WHO WERE NOTIFIED BY CERTIFIED MAIL:

The following is the list of property owners who were notified by certified mail:

**ROUTE 6 ZONING UPGRADE
LIST BY PLAT AND LOT**

PLAT/ LOT	OWNER(S)	CURRENT ZONE	CURRENT USE	PROPOSED
<u>NORTH SIDE OF ROUTE 6</u>				
10/0020	NW HEALTH HC	VACANT	COMMER	GBM
10/0021	BW INVESTMENTS	HC	MIXED USE	GBM
10/0022	CARNEVALE	HC/AR	VACANT LAND	AR
10/022A	GENEREUX	HC/AR	RESIDENCE	AR
10/0023	SOUCIE	HC/AR	RESIDENCE	AR
10/0024	COLWELL	HC	MIXED USE	GBM
10/0025	PAOLISSI	HC/AR	VACANT	AR
10/025A	BASELINE	HC	COMMERCIAL	GBM
10/025B	Q-BAR	HC/AR	COMMERCIAL	GBM
10/0026	OLIVO	HC/AR	RESIDENCE	AR
10/026A	RP INVESTMENTS	HC	COMMERCIAL	GBM
10/027A	NARY	HC/AR	RESIDENCE	AR
10/0028	LUCAS	HC/AR	VACANT LAND	AR
10/028A	PROVOST	HC/AR	RESIDENCE	AR
10/0031	ROGERS	HC/AR	RESIDENCE (3)	AR
10/0032	LF ASSOCS	HC	COMMERCIAL	GBM
10/0033	SMITH	HC/AR	COMMERCIAL	GBM
10/0034	ELIADES	HC/AR	COMMERCIAL	GBM
10/0035	TUCKER	HC/AR	COMMERCIAL	AR
10/0036	LINDSAY	HC/AR	COMMERCIAL	GBM
10/0037	ROGERS	HC/AR	COMMERCIAL	GBM
10/037A	GABRIELE	HC/AR	COMMERCIAL	GBM
10/0038	OEXNER	HC/AR	RESIDENCE	AR
10/038A	OEXNER	HC/AR	RESIDENCE	AR

PLAT/ LOT	OWNER(S)	CURRENT ZONE	CURRENT USE	PROPOSED
<u>SOUTH SIDE OF ROUTE 6</u>				
10/0008	VENTO	HC	OTHER USE	HC
10/0088	SHEPPERD	HC/AR	MIXED USE	GBM
10/0087	CEDAR	HC/AR	COMMERCIAL(V)	GBM
10/0086	ALWAR	HC	COMMERCIAL	GBM
10/0085	CHURKO	HC	COMMERCIAL(V)	GBM
10/0084	TACELLI	HC/AR	RESIDENCE	AR
10/0083	NOTAR / TACELLI	HC/AR	VACANT LAND	AR
10/0082	HAYES	HC/AR	WETLANDS (V)	AR
10/0081	BUTOLA	HC/AR	COMMERCIAL	GBM
10/0079	BRAYTON	HC/AR	TRAILER/COMM	GBM
10/0078	MOSHER	HC/AR	MIXED USE	GBM
10/0047	MAGEE	HC/AR	RESIDENCE	AR
10/0046	AMATO	HC/AR	RESIDENCE	AR
10/0045	RANTA	HC/AR	RESIDENCE	AR
10/0044	McENTEE	HC/AR	RESIDENCE	AR
10/0043	CLM/REALTY	HC/AR	VACANT LAND	GBM
10/0042	WOLF	AR	VACANT LAND	AR

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PROPERTY OWNERS WHO WERE NOTIFIED BY CERTIFIED MAIL: CONTINUED

PLAT/ LOT	OWNER(S)	CURRENT ZONE	CURRENT USE	PROPOSED
<u>NORTH SIDE OF ROUTE 6</u>				
13/0026	TOWN	HC/AR	VACANT – TAXES	AR
13/0027	COSTANTINO	HC/AR	RESIDENCE	AR
13/0028	CAMPBELL	HC	COMMERCIAL	GBM
13/029A	MARANDOLA	HC	RESIDENCE (2)	AR
13/0029	SMITH	HC	MIXED USE	GBM
13/0024	MIHAILIDES	HC/AR	MIXED USE	GBM
13/0025	DER MANQUELIAN	HC/AR	VACANT LAND	AR

After the presentation there was discussion on the floor.

Roger L. Hawes made a motion to extend the Public Hearing to the September 9, 2010 Town Council meeting, which was seconded by Joe Cardillo.

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

The motion passed.

CONCERNED CITIZENS

A citizen asked about any upcoming budget meetings. Another citizen, Scott Ulrickson, resigned as a Conservation Commission member stating that he has other responsibilities that needs his attention. One other citizen spoke about the town budget.

FUTURE AGENDA ITEMS

- Continuation of the Public Hearing of the route Six Zoning.

Lynne S. Rider moved, Roger L. Hawes seconded, and it was so voted to adjourn the meeting.

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

The meeting adjourned at 9:30 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, CMC
Town Clerk