

September 9, 2010

The September 9, 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,
Lynne S. Rider,
Joe Cardillo,
John J. Bevilacqua, Town Solicitor,
Colette Matarese, President

Also present were Department Heads Ann-Marie Ignasher, Chief Robert Coyne, Robert Clarkin, and Kelli Russ.

The Pledge of Allegiance was recited.

**PUBLIC
COMMENT**

There were no public comments.

MINUTES

Lynne S. Rider moved, Joe Cardillo seconded, and it was so voted to approve the July 29, 2010, council minutes as written.

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

WARRANTS

Lynne S. Rider moved, Joe Cardillo seconded, and it was so voted to approve Payroll Warrant #8 in the amount of \$29,580.87; Payroll Warrant #9 in the amount of \$28,975.54, General Warrant #5 in the amount of \$48,612.75; and General Warrant #30 in the amount of \$70.00.

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

**MONTHLY
REPORTS**

Lynne S. Rider moved, Joe Cardillo seconded, and it was so voted to accept the monthly reports from the Public Works Department and the Recycling Coordinator, Tax Collector, Police Department, and Building & Zoning Department as written.

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

**ADDITIONS &
ABATEMENTS**

Lynne S. Rider moved, Roger L. Hawes seconded, and it was so voted to approve the corrected abatements in the amount of \$2,516.95, as presented by the Tax Assessor, Patricia Moreau.

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 approve the abatements in the amount of \$2,874.78.

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

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**CONSERVATION
COMMISSION
APPOINTMENT**

Lynne S. Rider moved, Joe Cardillo seconded, and it was so voted to appoint Patrick Eaton to the Conservation Commission, with the term ending December 2012

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

Tina W. Freeman, CMC Town Clerk “swore in” Mr. Eaton.

**NOISE
ORDINANCE**

Lynne S. Rider stated that she had been in contact with a resident who was having problems with “noise”, and that the Police department intervened. And the person complaining has tried to correct the problem. The Town’s noise ordinance does not have anything that is “enforceable”; there is not much anyone can do.

John Lewis moved, Lynne S. Rider seconded, and it was so voted to refer the “Noise Ordinance” to John J. Bevilacqua, Town Solicitor

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

**BID AWARD
FOR BOILER
AND HEATING
OIL**

Lynne S. Rider moved, Joe Cardillo seconded, and it was so voted to accept the recommendation from Robert Clarkin, DPW Director, to award the bid for the Boiler at the Northwest building to Brennan Oil & Heating of N. Providence, R.I. in the amount not to exceed \$8,775.00. The funds for the boiler will be 100% reimbursed from the American Reinvestment and Recovery Act.

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

**BID AWARD
FOR BOILER
AND HEATING
OIL**

Lynne S. Rider moved, Roger L. Hawes seconded, and it was so voted to accept the recommendation from Robert Clarkin, Public Works Director, to award the bid for the heating oil to Reichart Oil of Chepachet, RI, with a “lock in” price of \$2.199 per gallon thru May 30, 2011.

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

**BIDS FOR
ROOF AND
FLAIL MOWER
HEAD**

Roger L. Hawes moved, Joe Cardillo seconded, and it was so voted to accept the recommendation from Robert Clarkin, Public Works Director, to table the Northwest roof and flail mower head for further research.

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

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**PUBLIC
HEARING
CONTINUANCE**

John Lewis, Vice President, stated that the Public Hearing for the Route 6 Rezoning was now being continued. Ann-Marie Ignasher, Planner gave a brief presentation.

Exhibit A

**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.
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.

Exhibit B

**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
- 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.)

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**PUBLIC
HEARING
CONTINUED**

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

Exhibit B Continued

June 22, 2010

**LETTER FROM
THE PLANNING
BOARD TO THE
TOWN
COUNCIL**

Town of Foster Planning Board
Patti Moreau, Chairperson
181 Howard Hill Road
Foster, RI 02825

Foster Town Council
181 Howard Hill Road
Foster, RI 02825

RE: Proposal to Upgrade Commercial Zoning along Route 6

Dear Town Council Members:

The Foster Planning Board is pleased to present this proposal to the Foster Town Council to upgrade the zoning along Route 6 in Foster. Our proposal represents the results of a project that began more than five (5) years ago.

The Route 6 zoning upgrade committee met once a month on Saturday mornings. All these meetings were advertised and open to the public. Many townspeople participated; for example members of the Planning and Zoning Boards, Conservation Commission, Town Council, Tax Assessor's Office, Foster Preservation Society, and various State Officials provided input.

Committee members walked the length of Route 6 and reviewed tax assessor's, topographic, environmental and aerial maps of the area. Two public informational meetings were held for the owners of real estate along Route 6 and the general public, and suggestions from those meetings were incorporated into this proposal.

The purpose of the Route 6 zoning upgrade, as mandated by the Foster Comprehensive Plan, is to encourage commercial development while preserving the rural character of the Foster Community. Specifically, the Comprehensive Plan calls for the creation of "retail commercial development necessary to provide

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**PUBLIC
HEARING
CONTINUED**

convenient services to Foster residents within the confines of the existing commercial zoned areas. Nodes of activity will be encouraged to prevent strip commercial development.” (emphasis added) As called for in the Comprehensive Plan, structures are to reflect the defining features of the Town’s historic architecture, and land use that will not detract from, nor adversely affect the Town’s natural features.

The current Highway Commercial and Neighborhood Commercial zoning along Route 6, created in 1967, consists of 300 to 400 foot wide strips adjacent to the highway. Such zoning leads inevitably to strip malls, multiple entrances onto a major highway, and unsafe traffic circulation patterns. This zoning:

- No longer provides support for existing businesses;
- No longer provides protection for agricultural-residential properties; and
- Does not address environmental concerns.

This particular type of zoning does not encourage business development and needs to be upgraded to meet the current needs of the Town.

In the new proposal, Neighborhood Commercial and Highway Commercial zoning along the Route 6 corridor will be replaced by several General Business/Mixed Use zones (nodes). Mixed Use is a mixture of permitted land uses within a single development, building, or tract. Permitted land uses include residential, agricultural, commercial, and recreational. Three General Business / Mixed Use zones (nodes) along Route 6 have been designated for potential development and an additional four zones (nodes) have been identified for possible future development. These nodes all meet the following criteria:

- Large lot size;
- Safe access (ingress and egress);
- Buildable area of land;
- Environmental suitability; and
- Ability to accommodate such mixed use.

All of the above referenced nodes, together with existing commercial properties, will form the core of Foster’s business community. Existing commercial properties, including those not in designated nodes will be zoned so that that entire property will be commercial. All other properties along Route 6 will be zoned according to their existing use.

Properties developed under General Business/ Mixed Use zoning will incorporate design standards that will promote safe circulation and visual attractiveness, including:

- Access;
- Parking
- Lighting
- Utilities
- Signage

Building facades will reflect the Town’s historic architecture. Landscaping will be consistent and complimentary with the natural features. The Planning Board will take on the task to create design standards for future development.

**PUBLIC
HEARING
CONTINUED**

**Required Changes to the Foster Zoning Ordinance
to Accommodate Route 6 Zoning Upgrade**

Article I. Statement of Purpose

No changes are required for this particular section of the zoning ordinance.

Article II. Definitions (pages 3 through 10)

(NOTE: The following definition shall be added to the Foster Zoning Ordinance – Article II “Definitions”; #49A; on page 7 of the current ordinance, and #61. Mixed Use shall be changed to the following wording)

49A. General Business - Mixed Use Development

Is a planned, coordinated development of a single tract or tracts of land with one or more buildings for a variety of uses. These may include retail, service, office and related activities, residential and municipal uses. Such development is planned, designed, constructed and managed on an integrated and coordinated basis with particular attention given to on-site vehicular circulation, parking, utility needs, building design and location, and open space. The project is developed or controlled by a single proprietary entity and has an enforceable master plan and/or covenants, conditions and restrictions. The development may consist of one or more parcels, condominium ownership, or a combination thereof and may contain public roads.

61. Mixed Use

A land use where more than one classification of land use (residential, commercial, recreational) is permitted within a zoning district and is combined on a single tract or tracts of land, or within a single structure.

Article III. Zoning Districts (pages 11 through 13)

(NOTE: The following zoning district shall replace Section 3. HC – Highway/Commercial under Article III “Zoning Districts” on page 11 of the current ordinance).

(NOTE: Section 3. HC-Highway/Commercial shall no longer exist within the Foster Zoning Ordinance.)

Section 3. GBM -General Business - Mixed Use

This district is characterized by commercial establishments that serve town-wide shopping and service needs, such as retail businesses, offices, and restaurants. This district may also include compatible residential and municipal uses. It is designed to encourage planned development resulting in a sustainable and attractive commercial environment for the community.

Article IV. Zone Regulations (pages 15 through 24)

(NOTE: The designation of HC shall be replaced by the designation GBM {General Business-Mixed Use}

(NOTE: A more detailed listing for the use chart under Article IV is attached hereto and incorporated herein by reference thereto.)

Article IV Section 13 Dimensional Regulations (page 22 of current ordinance)

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PUBLIC
HEARING
CONTINUED

Subsection C. HC – Highway Commercial District shall be replaced by the following:

C. GBM – General Business Mixed Use

Minimum Lot Size	200,000 square feet
Minimum Front Yard Depth	50 feet
Minimum Lot Frontage	300 feet
Minimum Lot Width	300 feet
Minimum Side Yard Depth	50 feet
Minimum Rear Yard Depth	80 feet
Maximum Building Height	35 feet
Minimum Buffer Strip	30 feet
Minimum Distance of Structure from a A/R Zoning District	50 feet
Maximum Building Coverage	10,000 square feet**

*No parking, no signs (temporary or permanent, fixed or movable) or structures (other than mailboxes) are permitted within 30 feet of the highway right-of-way line (ie: the edge of the highway)

**Provided that all parking and design requirements are met.

Article V. Nonconforming Use

No changes are required for this particular section of the zoning ordinance.

Article VI. Supplementary Regulations (page 28 through 46)

Section 8. Number of Residential Structures Per Lot (pg 29 of ordinance)

No more than one (1) main residential structure shall be permitted on a lot except as may be permitted under the provisions of Article VI, Section 13 “Senior Citizens Group Housing” *and Article VIII, Section 3, “Development Standards for General Business Mixed Use Development”* (NOTE: this wording is to be added as written)

Exhibit C

ZONING AMENDMENTS, ADENDUM TO MAP, AS OF SEPT 9, 2010
ROUTE 6 ZONING UPGRADE
LIST BY PLAT AND LOT

PUBLIC
HEARING
CONTINUED

<u>PLAT /LOT</u>	<u>OWNER(S)</u>	<u>CURRENT ZONE</u>	<u>CURRENT USE</u>	<u>PROPOSED</u>
<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	SOUICIE	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

NORTH SIDE OF ROUTE 6

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<u>PLAT /LOT</u>	<u>OWNER(S)</u>	<u>CURRENT ZONE</u>	<u>CURRENT USE</u>	<u>PROPOSED</u>
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

<u>PLAT /LOT</u>	<u>OWNER(S)</u>	<u>CURRENT ZONE</u>	<u>CURRENT USE</u>	<u>PROPOSED</u>
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SOUTH SIDE OF ROUTE 6

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

**PUBLIC
HEARING
CONTINUED**

NORTH SIDE OF ROUTE 6

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

<u>PLAT /LOT</u>	<u>OWNER(S)</u>	<u>CURRENT ZONE</u>	<u>CURRENT USE</u>	<u>PROPOSED</u>
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SOUTH SIDE OF ROUTE 6

11/022A1	MORETTI	HC/AR	RESIDENCE	AR
11/0022	MARTUCCI	HC/AR	MIXED USE	GBM
11/021B	ALBANESE	HC/AR	RESIDENCE	AR
11/021A	PERRY	HC	RESIDENCE	AR
11/0020	GABRIELE	HC	COMMERCIAL	GBM
11/019B	GABRIELE	HC	COMMERCIAL	GBM
11/0019	GABRIELE	HC	RESIDENCE	AR

NORTH SIDE OF ROUTE 6

14/0001	ZELANO	HC/AR	VACANT	AR
14/002A	NW HEALTH	HC/AR	COMMERCIAL	GBM
14/0002	COURNOYER	HC/AR	RESIDENCE	AR
14/002B	SBC TOWER	HC/AR	COMMERCIAL	GBM

<u>PLAT /LOT</u>	<u>OWNER(S)</u>	<u>CURRENT ZONE</u>	<u>CURRENT USE</u>	<u>PROPOSED</u>
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September 9, 2010

**PUBLIC
HEARING
CONTINUED**

NORTH SIDE OF ROUTE 6

14/0003	BOUVIER	HC/AR	RESIDENCE	AR
14/003A	PAOLUCCI	HC/AR	VACANT	AR
14/0017	TALLY	NC/AR	RESIDENCE	AR
14/0018	VAZ	NC	RESIDENCE	AR
14/0019	ST PAUL'S RECT.	NC/AR	CHURCH	GBM
14/019C	ST PAUL'S CHURCH	HC/AR	CHURCH	GBM
14/019A	PROV DIOS	HC/AR	CHURCH	GBM
14/019B	5 F	HC/AR	COMMERCIAL	GBM
14/0086	NICKERSON	AR	RESIDENCE	AR
14/0087	JONES	AR	RESIDENCE	AR
14/0088	HANLON	AR	RESIDENCE	AR
14/0089	KURCZAP	AR	RESIDENCE	AR
14/0090	KENT	AR	RESIDENCE	AR
14/090A	BENSON	AR	RESIDENCE	AR
14/0091	TULLI	AR	RESIDENCE	AR
14/0092	PLOUFFE	AR	RESIDENCE	AR
14/0093	SPICER	AR	RESIDENCE	AR

PLAT /LOT OWNER(S) CURRENT ZONE CURRENT USE PROPOSED

SOUTH SIDE OF ROUTE 6

14/0119	GENTILE	HC	RESIDENCE	AR
14/0118	PINE TREE GUN	HC	VACANT LAND	AR
14/0117	GREEN ACRES	HC	VACANT LAND	AR
14/0116	STOCKWELL	HC	RESIDENCE	AR
14/0115	BRAYTON	HC/AR	RESIDENCE	AR
14/0114	PAGLIO	HC	RESIDENCE	AR
14/0113	RICHARDS	HC	RESIDENCE	AR
14/0112	MORGAN	HC	RESIDENCE	AR
14/0111	REUTER	HC	RESIDENCE	AR
14/0110	WAHTERA	HC/AR	RESIDENCE	AR
14/0109	GEROLD	HC/AR	RESIDENCE	AR
14/0107	YOUNG	HC	COMMERCIAL	GBM
14/0106	LOVELACE	HC	RESIDENCE	AR
14/0105	ACD DEVELOP.	HC/AR	COMMERCIAL	GBM
14/105F	PARENTE	HC/AR	RESIDENCE	AR
14/105D	BARKEN	AR	RESIDENCE	AR
14/0104	GOULET	AR	RESIDENCE	AR
14/102A	DI BONA	AR	RESIDENCE	AR
14/0102	BRAYTON	AR	RESIDENCE	AR
14/0101	BRAYTON	HC/AR	MIXED USE	GBM
14/0100	ESTMAN	AR	COMMERCIAL	GBM
14/0098	JADE	HC/AR	COMMERCIAL	GBM
14/0097	CLARK	NC/AR	COMMERCIAL	GBM
14/0096	WALSH	NC/AR	MIXED USE	GBM
14/0096A	GREEN ACRES	NC/AR	VACANT	AR

NORTH SIDE OF ROUTE 6

21/001A	JODOIN	AR	RESIDENCE	AR
21/0001	TERRY	AR	RESIDENCE	AR
21/0029	PRIORITY	NC	VACANT	AR

NORTH SIDE OF ROUTE 6

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HEARING
CONTINUED**

<u>PLAT /LOT</u>	<u>OWNER(S)</u>	<u>CURRENT ZONE</u>	<u>CURRENT USE</u>	<u>PROPOSED</u>
21/0028	WRIGHT	NC	COMMERCIAL	GBM
21/0027	WRIGHT	NC	COMM – RESID	GBM
21/0026	DANIELSON	NC	COMMERCIAL	GBM
21/0025	POLOUSKI	NC	RESIDENCE	AR
21/0023	DAVIS	AR	RESIDENCE	AR
21/0022	COSTELLO	AR	RESIDENCE	AR
21/0021	HOLMES	AR	RESIDENCE	AR
21/0020	FRACARETTA	AR	RESIDENCE	AR
21/019A	KENYON	AR	RESIDENCE	AR
21/0017	WHALEN	AR	RESIDENCE	AR

SOUTH SIDE OF ROUTE 6

21/0035	PETRONE	NC/AR	VACANT	AR
21/035B	VANNER	NC/AR	RESIDENCE	AR
21/035A	CANDELMO	AR	RESIDENCE	AR
21/0033	NTK INTER.	NC/AR	COMMERCIAL	GBM
21/0032	CARPENTER	AR	RESIDENCE	AR
21/0031	PROV WATER	NC/AR	UTILITY/VACANT	GBM
21/0030	WHALEN	AR	VACANT	AR

NO CHANGES WERE MADE TO PLAT 22

John Lewis asked if there was anyone who wished to speak against the Zoning Change. No one spoke. He then asked there was anyone who wished to speak in favor of the Zoning Change. No one spoke. John Lewis closed the Public Hearing.

Lynne S. Rider stated that she attended many of the meetings the Planning Board had on the Zoning Change, and that she wanted everyone to know that the Planning Board wanted to be fair and consistent with all of the changes.

Lynne S. Rider moved, Roger L. Hawes seconded and it was so voted to approve the changes as presented for , Article II “Definitions”& Article III “Zoning Districts”.

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

Roger L. Hawes moved, Lynne S. Rider seconded and it was so voted to approve the Zoning Tables as presented.

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

Lynne S. Rider moved, Joe Cardillo seconded, and it was so voted to approve the Zoning Maps, as presented.

The motion was amended by Lynne S. Rider and seconded by Roger L. Hawes to reflect the Title of the map to be “Route 6 Zoning Upgrade”, dated September 9, 2010

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

The amendment passed.

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

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**PUBLIC
HEARING
CONTINUED**

Joe Cardillo, aye.

The main motion passed.

Joe Cardillo moved, Lynne S. Rider seconded and it was so voted to approve the appeals process to be an eighteen month appeal time period.

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

The motion did not pass.

Roger L. Hawes moved, Lynne S. Rider seconded, and it was so voted to approve the appeals process to be a twelve month appeal time period.

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

The motion passed.

John Lewis stated that Kelli Russ, Treasurer has recommended a Tax Resolution for the Motor Vehicle Tax.

Lynne S. Rider read the following Tax Resolution;

TAX RESOLUTION

**MOTOR
VEHICLE
TAX
RESOLUTION**

I hereby move to authorize for this fiscal year (2010-2011) an additional exemption in the amount of \$5,500.00 on the automobile excise tax making a total exemption of \$6,000.00, since the State exempted \$500.00 and that the Tax Assessor is hereby authorized to levy said excise tax in an amount not to exceed \$739,526.47.

The Tax Assessor shall apportion said levy on the assessed valuations on the inhabitants and ratable property of said Town of Foster as of the 31st day of December 2009, at twelve o'clock midnight, said date being known as the date of assessment of Town valuations.

The Tax Assessor shall on completion of said apportionment, date, certify and sign the same and deliver to and deposit the same in the office of the Town Clerk. The Town Clerk on receipt of the same shall forthwith make a copy of same and deliver it to the Town Treasurer, who shall issue and affix to said copy a Warrant under her hand, directed to the Collector of Taxes of said Town of Foster, commanding her to proceed and collect said taxes of the persons and estates liable therefore.

Said Motor Vehicle tax shall be due and payable on the 30th day of September, 2010, and all taxes remaining unpaid on the 1st day of November, 2010, shall carry until collected, a penalty at the rate of 12% per centum per annum upon said taxes.

Said Motor Vehicle taxes may be paid in the remaining three quarterly installments; the second installment of twenty-five (25) per centum on or before the 15th day of November, 2010; the third installment of twenty-five (25) per centum on or before the 15th day of January, 2011; and the final installment of twenty-five (25) per centum on or before the 15th day of April, 2011.

In the event that remaining tax or any subsequent installment is not

September 9, 2010

**MOTOR
VEHICLE
TAX
RESOLUTION
CONTINUED**

paid when due, then the whole tax or any remaining unpaid balance shall then become due and payable immediately and shall bear interest at the rate of twelve (12) per centum per annum from July 1, 2010. Interest will be charged on all late payments in their entirety and shall not be calculated on a limited *per diem* basis.

In the event that payment is made by check and the check is for any reason dishonored or refused payment by the bank on which it is drawn, then the collector shall add a “bad check charge”, in the amount of twenty (\$20.00) dollars to the taxpayer’s account.

Joe Cardillo moved, Roger L. Hawes seconded, and it was so voted to accept the Tax Resolution as presented.

John Lewis stated that the Town Council is approving an exemption of \$6,000.00 for the Motor Vehicle Tax Bill, that the State of Rhode Island has taken away, and brings the Town of Foster into compliance to State Law and the Town Charter, and also the “will” of the Financial Town Meeting with relation to this Tax Resolution. Also the interest of the first quarter taxes for the Motor Vehicle bill will be waived until November 1, 2010.

There was some discussion of the “due dates”.

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

The motion passed.

**2010-2011
BUDGET
REDUCTIONS**

John Lewis stated that the Town Council has been meeting with various Department Heads in order to make some reductions that are necessary to make the nearly \$800,000.00 that was cut by the State. Some of the cuts are an increase from 10% to 20% co pay for health care for all non union employees. Also, all of the healthcare buy backs are reduced from \$4,800.00, to \$3,000.00, and some employees it was reduced to less than that.

Joe Cardillo moved, Roger L. Hawes seconded, and it was so voted to suspend any overtime for the Police and Public Works Department that is not necessary for public safety.

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

Lynne S. Rider stated the next agenda item was approved earlier, and the item was addressed out of order.

**CONCERNED
CITIZENS**

A citizen asked if the Solicitor’s benefits are still in effect. John Lewis stated yes. Robert Peterson stated that the previous Town Council listed the Solicitor’ salary on three different line items which totaled \$60,000.00. The present Town Council lists the salary as one line item and not various line items, making the budget more transparent.

**FUTURE
AGENDA
ITEMS**

There were none.

EXECUTIVE

Lynne S. Rider moved, Roger Hawes seconded, and it was

**September 9, 2010
SESSION**

unanimously so voted to go into Executive Session according 42-46-5a (2) Collective Bargaining, Litigation, and Contract Negotiations, and 42-46-5a (1) Personnel 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, Lynne S. Rider, aye; and Roger L. Hawes aye.

The meeting adjourned at 8:35 p.m.

There were no votes taken in Executive Session.

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

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

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