

October 7, 2004

The October 7, 2004 meeting of the Foster Town Council was called to order Janet G. Dannecker, Council President, at the Benjamin Eddy Building, 6 South Killingly Road, Foster, RI at 6:30 p.m.

Those present were as follows:

Janet G. Dannecker, Council President
Harold R. Shippee, Sr. Vice President
Peter Baribault
Ralph Berkowitz
Lynne S. Rider
Robert E. Craven, Esq., representing Town Solicitors,
Robert E. Craven & Associates

Peter Baribault moved, Harold R. Shippee, Sr. seconded and it was unanimously so voted to go into executive session according to 42-46-4&5 for the purpose of discussing collective bargaining for public works and to reconvene for the purpose of holding the regular council meeting and further to keep the minutes of said meeting closed and the minutes of all executives sessions held previous to this meeting be closed and remain closed pursuant to provisions of General laws of Rhode Island 42-46-4.

Gordon Rogers of Cucumber Hill Road complained that he and 25 people were waiting in front of the Ben Eddy Building on September 23, 2004 for the last town council meeting and it was cancelled without notice. And it was listed in the Providence Journal.

Mrs. Dannecker responded that the meeting was not cancelled there wasn't a meeting scheduled and she had no control over what the Providence Journal printed.

Steven Bellucci of East Killingly Road remarked that at 10:45 am on Wednesday, he was driving by Shady Acres and a Budweiser Truck had pulled in and the back door was open and the Chief of Police was taking pumpkins out of the back of his vehicle and placing the pumpkins in the back of the Budweiser Truck with Harold Shippee watching. Mr. Bellucci asked what the deal was for that and was in done on duty and was that regular police business.

Harold R. Shippee, Sr. remarked that Chief Kettelle was a friend of the retired State Trooper and he now works for Budweiser and was bringing the beer truck to a golf tournament. Mr. Shippee explained that the former State Trooper called the Chief up and asked to pick up three pumpkins for his grand children and meet for breakfast and that was all that was done. Mr. Shippee said can't the Chief go and eat breakfast when he works a ten hour shift.

Mr. Bellucci so what you are saying we are paying the Chief to deliver produce. He said people are speeding on Route 6 and he thought we would have better things to do instead of delivering produce and all the other little things these two are doing during the course of the day.

Mr. Shippee reminded Mr. Bellucci that he cut the police budget and now he is the only one working all day and he can stop for.... Mr. Bellucci began to yell and Mrs. Dannecker banged her gavel and said Gentlemen, Gentlemen, when she pounds the gavel people should stop talking.

Mrs. Dannecker said that the last time she checked the General laws of Rhode Island it is not against the law to give out produce to the citizens of town.

Ronald Cervasio of Old Plainfield Pike said he wants a report from Ms Irons of the last two years of how many executive sessions there have been and how many votes were announced to the citizens because he believes that if there has been no votes taken they are all still ongoing.

Mr. Craven said unless the matter was concluded without a vote.

Ronald Cervasio said well that should be added to the report and he stated that would also like again stated that executive session is being used as a guise to the open meeting law and he would like to take Harry Shippee to executive session because he has a personal and personnel complaint against Harry Shippee and this thing with Mr. Bellucci is talking about.

Mrs. Dannecker said that the council was done with that issue.

Ronald Cervasio said that it was probably the third or fourth incident like this that has been reported to the council. Mr. Cervasio said it is in bad taste for our police department to use our vehicles and make jokes. He said do you think any Chief of Police in the State of Rhode Island would be delivering produce or going to farmer's to pack the car with bread. Ronald Cervasio said that every team is a reflection of its coach and every coach is the reflection of management and the council is management. Mrs. Rider remarked it was good will. She said that she doubted there was one person here who didn't grow zucchini or tomatoes who didn't go to work with a bag and giving them to anyone they can find because they have so much.

Ronald Cervasio asked if she was really talking about Police Chiefs in the State of Rhode Island or just the general populace Mrs. Rider answered what difference does it make a job was a job and if he meets a kid on the corner and give him a tomato. Ronald Cervasio remarked he would let it go but it was a joke and he said Mrs. Rider was a joke.

John Gustafson of Kennedy Road spoke up and said that Chief Kettelle travels all over the town every single day, putting in long hours and looks in on the elderly and others and does give vegetables out here and here and that is an extra and it is part of his duty to go on these premises and he believed it was a nice thing.

Steven Bellucci answered that the Chief was growing the tomatoes on town time and on town property when he is getting a salary. He said how many people get paid to grow stuff and that is absolutely wrong.

Councilmember Baribualt answered that was absolutely not true and you have an axe to grind and you should go outside and grind it. He does it on his time, he takes vacation time and after work.

Gordon Rogers asked the council about their response to a letter he sent the council about be threatened on the scene as an EMT. He was told that he referred it to the Attorney General's office and Mrs. Dannecker already explained it to him that since he forwarded it to the Attorney General's Office you took it out of the council's hands. Mr. Rogers said "so you guys are not going to take any action to that situation". Mrs. Dannecker answered that she would refer to her solicitor and asked if he has heard anything on the matter. Robert Craven remarked that he has not heard anything from the Attorney General's Office. Mr. Rogers said he was threatened on the scene as an EMT Personnel showing up to a fire emergency call and the Council requested him to right a letter which he did and nothing was done on it they just swept in under the rug.

Mrs. Dannecker answered that it was not swept under the rug and reminded Mr. Rogers he wrote a letter and in that letter you informed the council that you referred the matter to the Attorney General's Office. She explained that the Attorney General's Office supersedes her investigatory abilities.

Ronald Cervasio of Old Plainfield Pike said he was told that the Chief was going around and telling people not to vote for him. He said he wrote to the Board of Elections on that matter and he received a letter back and was told if he had the names, the times, the dates and a sworn affidavit they would investigate. Ronald Cervasio believed it was illegal for the Chief of Police to approach people and tell them how to vote. He also said that the Chief and Harold R. Shippee, Sr. went around and had Declaration Papers signed. He said the Chief brought the laws of the State of Rhode Island.

Harold R. Shippee, Sr. said that was untrue. Mrs. Dannecker said there is something called a burden of proof and if Ronald Cervasio provides the burden of proof then she will investigate but his allegations alone do not require it.

Lynne S. Rider, Harold R. Shippee, Sr. seconded and it was so voted approve the July 22, 2004 minutes as corrected.

Lynne S. Rider moved, Harold R. Shippee, Sr. seconded and it was so voted to approve the minutes of September 9, 2004.

Harold R. Shippee, Sr. moved, Lynne S. Rider seconded and it was unanimously so voted to approve Payroll Warrant #11 in the amount of \$20,877.58, Payroll Warrant #12 in the amount of \$23,523.51, Payroll Warrant # 13 in the amount of \$28,500.11 and Payroll Warrant #14 in the amount of \$23,088.66 and General Warrant # G-5 in the amount of \$549,834.67. Ralph Berkowitz questioned the Public Works Director on page 8 regarding the asphalt invoice. He asked about the bid process. Mr. Gove explained that it went out to bid last year in September and they held their price for this year and it was \$5.50 less than the price if it went out to bid this year. He told Mr. Berkowitz that they could hold the price for one year. Mr. Berkowitz again mentioned that Mr. Gove used up all the oil line item and the road will have to be sealed. Mr. Gove explained that 9.2 miles of road sealing was done and the section on South Killingly Road will be done next year which is perfectly acceptable. Mr. Berkowitz noted that on the expenditure report in the police department budget the salary line item is about 8% over than it should be and the way it is going now there won't be enough money to pay the salaries of these officers for the full complete year. Mr. Shippee reminded him that the budget was cut \$85,000. Ralph Berkowitz answered that no it was level funded. Mr. Berkowitz said there was a meeting that if we retired a police officer we could save an x amount of dollars. Mrs. Dannecker explained that those savings have not been met yet. Ralph Berkowitz argued that the town will not see any savings on this department even though the retirement is there because the numbers are showing that it is increasing. Mr. Berkowitz said now another police officer is out because he was hurt and now there is overtime. Ralph Berkowitz said that in the discussion of that meeting it was said that the Chief would do more of the overtime to offset this \$85,000. He said that the way it is going now there will not be enough money to pay these police officers for the end of this fiscal year. He said that the department head was supposed to work in the parameters of what he's got. Peter A. Baribault so we should not have police coverage? Ralph Berkowitz said the Police Chief is the department head, the administrator and he has to work within the parameters of what the town taxpayers set forth at the town financial meeting. He said to say it's all right to overspend he is not agreeing with that. Peter A. Baribault said he does not remember the Chief saying that. Mr. Baribault said he should be talking with the Police Chief and he could get the answers. He said if that wage line is out of whack then what the council would have to do is not to have police coverage for a certain amount of time to bring in back in line. Ralph Berkowitz said that it was the chief's discretion and he was just bringing it to the council's attention that the chief is 8% over.

Lynne s. Rider said to Mr. Berkowitz that when she and he negotiated the contract they did not anticipate a freeze and so the council had negotiated an increase in their salaries and just because there is a town freeze it does not mean that their salaries are frozen. Mrs. Rider said contractually they get that raise. She reminded

him that in the workshop after the financial town meeting because the budget was level funded the council looked at several scenarios and reviewed it with the Town Treasurer and negotiated an early retirement for one officer was the best of the bad choices and she is not saying it was perfect but it was the only choice that still allows the town to be covered otherwise two officers would have had to be laid off. Mrs. Rider said that those who attended the meeting believed that the early retirement was the best solution to that problem. Ralph Berkowitz said he was only bringing it to the council's attention that there was an 8% increase.

Harold R. Shippee, Sr. moved, Peter Baribualt seconded and it was unanimously so voted to approve the monthly reports as published. Mr. Shippee reminded everyone that they were available at the Town Hall.

The proposal for an Onsite Waste Water Management Plan for Foster was presented by Lorraine Joubert from the University of Rhode Island Cooperative Extension and Brenda Dillman, the Plan author. The plan provides no regulatory requirements but focuses on the need to understand the workings of a septic system and proper operation and maintenance of the system. A copy of the plan is available on-line at <http://www.muni.ri.net/foster/planning.html>. The presentation was done in PowerPoint and took 30 minutes.

The Council decided to make a decision at the next council meeting.

A Public Hearing was opened for the application of a transfer of a liquor license from Eileen Mende d/b/a Maple Glen Inn Inc to Lisa Mills d/b/a Woodland Meeting House, LLC located at 115 East Killingly Road; amusement and game room licenses and live entertainment license.

Lisa Mills of 130 East Killingly Road explained her plans to the council on how she would keep it the same for now but would be changing it to a restaurant and banquet facilities as time went on.

There were no questions from the audience.

Lynne S. Rider moved, Ralph Berkowitz seconded and it was unanimously so voted to approve the transfer of the alcohol beverage license from Eileen Mende dba Maple Glen Inn Inc to Lisa Mills dba Woodland Meeting House pending the successful inspection by the fire Marshall and the Department of Health Inspection

Lynne S. Rider moved, Ralph Berkowitz seconded and it was unanimously so voted to approve the application for amusement license and gameroom license for Woodland Meeting House

Lynne S. Rider moved Ralph Berkowitz seconded and it was unanimously so voted to approve the application for the Open Recreational & Amusement Live Entertainment License for the Woodland Meeting House.

The Council wished Eileen Mende well in her retirement.

Bradford Gove, Public Works Director recommended that the town purchase winter sand from Ernest Joly & Son to be delivered at a cost of \$9.00 per ton.

Peter Baribualt moved, Harold R. Shippee, Sr. seconded and it was unanimously so voted to approve the Public Works Director recommendation to award the bid for winter sand to Ernest Joly & Son.

Peter Baribualt moved, Harold R. Shippee, Sr. seconded and it was unanimously so voted to approve the Tax Assessor's recommendation for abatements in the amount of \$858.09 to the 2004 tax roll.

Peter Baribault moved, Harold R. Shippee, Sr. seconded and it was unanimously so voted to approve the Tax Assessor's recommendation for prorated additions in the amount of \$7,577.66 to the 2004 tax roll.

Peter Baribault moved, Harold R. Shippee, Sr. seconded and it was unanimously so voted to approve the Tax Assessor's recommendation for abatements in the amount of \$184.83 to the 2003 tax roll.

William DiLibero, Esq. proposed to prepare an affordable Housing Plan for the Town of Foster on his own time. He explained that the town has received a grant from RI Affordable Housing in the amount of \$8,000 with a \$1,000 match from the Town to do an Affordable Housing Plan. He explained that he received one proposal from about a half dozen consultants that he sent specifications to and that most were too busy and one came back in the amount of \$20,000. He said he called URI to see if any student would be interested and he was unsuccessful there also. He said he is working part time and he has spoken with the RI Housing and sent his proposal to them and it was acceptable to them for Mr. DiLibero to work on his own time to do the proposal housing plan for the Town of Foster. He reported to the council that the town had the grant money and it was good practice to use the money when it was received. He asked the council to consider it. He would have the Plan done within 8 weeks.

Peter A. Baribault moved, Harold R. Shippee, Sr. seconded and it was unanimously so voted to authorize William DiLibero to prepare an Affordable Housing Plan for the Town of Foster to be submitted to the State of Rhode Island by December 31, 2004 at a rate of \$75.00 per hour.

An application was before the council for a Sunday Sales License for Lady Love Llamas, 82 Cucumber Hill Road. The applicant had already been approved by the Zoning Board of Review

Lynne S. Rider moved, Harold R. Shippee, Sr. seconded and it was unanimously so voted to approve the application for a Sunday Sales License to Lady Love Llama from 10: 00 a.m. to 5:00 p.m.

The Tax Collector requested that the council adopt the following Resolution and forward to Senator Blais and Representative Gorham. The Resolution would enable the Tax Collector to collect any motor vehicle taxes that are due when there is a sale of property. It was noted that taxpayers would no longer leave town and not pay their motor vehicle taxes.

Peter A. Baribault moved, Lynne S. Rider seconded and it was unanimously so voted to adopt the following Resolution and forward to Senator Blais and Representative Gorham for the upcoming legislative session.

RESOLUTION

The Foster Town Council respectfully requests that its representatives in the General Assembly, Senator Blais and Representative Gorham, introduce and work for the passage of legislation which would provide for the collection of motor vehicle taxes at the time of real estate closings on properties located in the Town of Foster.

Upon passage of this Resolution, the Town Clerk is instructed to send copy of the same to all those members of the General Assembly, who represent the Town of Foster in whole or in part.

Adopted this 7th day of October, 2004.

Attest:

Foster Town Council

Anne M. Irons, Town Clerk

Janet G. Dannecker, President

A letter was received from William Howe, Chief of Inspections, Executive Department Rhode Island State Fire Marshall notifying the Town of Foster of deficiencies in the town house. There were 13 items listed as follows:

The egress doors swing in.

The front door is secured by a wood drop in board.

There is less than the required 80 inches of egress width

There is insufficient emergency lighting, especially on the balcony

The fire alarm system is local only and does not comply with existing fire alarm requirements.

The stairs from the balcony area have a tread depth range from 10 to 10 ¾ inches.

The stairs from the balcony area have a riser height range from 8 to 8 ½ inches.

The outside front stairs vary by 4 inches.

There is no record on premises for quarterly fire alarm testing or maintenance

The balcony does not have two separate means of egress

There is only one handrail on the balcony stairways. The stairs to the lower level lack handrails.

The handrails are 28 1/2inches high.

The front balcony seating aisle accessway clearance varies from 4 ½ to 9 inches

The facility does not have a sprinkler system.

Janet G. Dannecker read a letter from Ann Grenier of Walker Road proposing for the formation of a Friends of the Town House Group whose mission will be to assist the Town in the preservation, maintenance and promotion of the Town House. They would identify specific issues regarding the current and ongoing needs of the Town House; prepare a fund development plan to carry out goals and objectives for the buildings which would supplement the annual town appropriation. The Friends of the Town House would be a 501 ©(3) non profit nonpartisan organization.

Mrs. Dannecker believed it was a good idea and she noted that the town house trust fund had about \$40,000 in the account.

Mrs. Grenier was a concerned about the deadlines from the Fire Marshall's Office. Mrs. Dannecker believed that because the building was not opened the town could apply for extensions. She said the building go be opened for people to go in and out but you cannot have public meetings at this time.

Ralph Berkowitz asked if the town was libel because we have these deficiencies and something happens in there. Robert Craven asked if he meant if someone fell. Ralph Berkowitz answered yes something like that. The Solicitor answered that was different that had nothing to do with fire. The Solicitor noted that they were fire violations and you could walk through you cannot have a meeting.

Harold R. Shippee, Sr. Fire Chief of the district said he recommends that if the doors are under control, the exit signs in and emergency lighting and then it could be opened up for meetings.

Harold R. Shippee, Sr. said that he had sat down with Mrs. Grenier and he also thought it was a good idea and the more people involved in keeping the building up would be good.

Donna Mooney of North Scituate believed that at the Old Home Days Committee should some how share some of their funds to help maintain the town House.

Janet G. Dannecker said she would be very happy to work on the project with Mrs. Grenier and Donna Mooney and thanked them for their concerns and interest.

Mrs. Dannecker asked the Public Works Director to get an estimate on the cost of fixing the fire deficiencies that were listed.

Janet G. Dannecker read a request from Anne M. Irons regarding opening the town house on Sunday October 24, 2004 to participate in a state wide historical open house to give voters the opportunity to see state wide historical buildings in reference to Question 11 for Historic Preservation and Heritage Bonds that is on the November Ballot. The Foster Preservation Society would open the Town House from 12:00 to 3:00 p.m.

Peter A. Baribault moved, Harold R. Shippee, Sr. seconded and it was unanimously so voted to approve the request from the RI Historical Preservation & Heritage Commission to open the town house on Sunday October 24, 2004 from 12:00 noon to 3:00 p.m.

The Annual meeting will be scheduled for October 28, 2004 at 5:00 pm.

The meeting was adjourned at 9:40 p.m.

Attest:

Anne M. Irons, Town Clerk

An electronic tape is made a part of this record for a **complete account** of the council meeting. This tape is on file in the Town Hall vault