

**TOWN OF FOSTER****ADOPTED CONSTITUTIONAL CHARTER****PREAMBLE**

The people of the Town of Foster in the State of Rhode Island in order to secure for themselves the right of self-government in all local matters, pursuant to the power granted by the provisions of Article XIII of the Article of Amendment to the Constitution of the State of Rhode Island, and all other powers, hereby adopt and establish this Charter.

**INCORPORATION**

The inhabitants of the Town of Foster in the State of Rhode Island within the corporate limits as now established or as hereafter established in the manner provided by law, shall continue to be a municipal body politic and corporate, under the name of the Town of Foster and the provisions of this Charter.

## ARTICLE I

### POWERS OF THE TOWN

#### Section 1.01. Powers of the Town.

- (a) Powers. The Town shall have all powers possible for a Town to have under the constitution and laws of this state as fully and completely as though they were specifically enumerated in this Charter. Provided that the power of eminent domain shall be exercised only for municipal purposes and not to benefit a private party.
- (b) Property. The Town may acquire property within or without its corporate limits for any municipal purpose, in fee simple or any lesser interest or estate, by purchase, gift, devise or lease, and within its limits by condemnation, and may sell, mortgage, hold, manage and control such property as its interest may require, provided that any sale, mortgage or lease of real property must first be authorized by the Financial Town meeting.

#### Section 1.02. Construction.

The powers of the Town under this Charter shall be construed liberally in favor of the Town, and the specific mention of particular powers in the Charter shall not be construed as limiting in any way the general power stated in this Article.

#### Section 1.03. Intergovernmental Relations.

The Town may exercise any of its powers or perform any of its functions and may participate in the financing thereof, jointly or in cooperation, by contract or otherwise, with any one or more states or civil divisions or agencies thereof, or the United States or any agency thereof.

**ARTICLE II**  
**TOWN COUNCIL**

**Section 2.01. Composition, Election and Terms.**

- (a) **Composition.** There shall be a Town Council of five members elected at large by the qualified electors of the Town for a term of two years.
- (b) **Election and Terms.** The terms of the Council Members shall begin at the regular December meeting of the council on the first Thursday after the first Monday in December immediately following the approval of the minutes by the out-going council as the first order of business. Prior to this meeting the outgoing council shall meet in work sessions with the in-coming council to plan an orderly transition.

**Section 2.02. Compensation and Expenses.**

The Council members shall receive such salaries and expenses as shall be fixed by the financial town meeting. Council members shall receive their actual and necessary expenses incurred in the performance of their duties of office.

**Section 2.03. President and Vice President.**

The Council shall elect from among its members a President and a Vice President each of who shall serve at the pleasure of the Council. The President shall preside at all meetings of the Council and shall be recognized as the head of the Town government. The Vice President shall Act as President during the absence or disability of the President.

**Section 2.04. General Powers and Duties.**

All powers of the Town shall be vested in the Council, except as otherwise provided by law or this Charter, and the Council shall provide for the exercise thereof and for the performance of all duties and obligations imposed on the Town by law.

**Section 2.05. Prohibitions.**

Except where authorized by law, no member of the Council shall hold any other Town office or employment in any position for which the Town Council has appointive power, during the term for which the member was elected to the Council. **R.I.G.L. §17-1-5.1**

Section 2.06. Vacancies, Forfeiture of Office, Filling Vacancies.

- (a) Vacancies. The office of a member of the Council shall become vacant upon the death, resignation in writing filed with the Town Clerk, removal from office in any manner authorized by law or forfeiture of office of the Council member.
- (b) Forfeiture of Office. A member of the Council shall forfeit the office if the member (1) lacks at any time during the term of office any qualifications for the office prescribed by this Charter or by law, (2) violates any express provision of this Charter, (3) is convicted of a crime involving moral turpitude, or (4) fails to attend three consecutive regular meetings of the Council without being excused by the Council. **RI Constitution, Article II, Section 3**
- (c) Filling of Vacancies. If a vacancy shall occur in the Town Council more than six months prior to the next succeeding general election, a special election shall forthwith be called by the Town Clerk in the manner prescribed by law, to fill such vacancy for the remainder of the term. Vacancies occurring less than six months prior to the next general election shall be filled by the Town Council until the next general election.

Section 2.07. Judge of Qualifications.

The Council shall be the judge of the qualifications of its members and of the grounds for forfeiture of their office and for that purpose shall have power to subpoena witnesses, administer oaths and require the production of evidence. A member charged with conduct constituting grounds for forfeiture of office shall be entitled to a public hearing on demand, and notice of such hearing shall be given by one or more methods of general circulation of such notice in the Town as deemed appropriate by the Town Council at least one week in advance of the hearing. Decisions made by the Council under this section shall be subject to review by the courts.

Section 2.08. Clerk of the Council.

The Town Clerk shall be the Clerk of the Council and shall keep the minutes of its proceedings, which shall be a public record, and shall perform such other duties as are assigned to the Clerk by this Charter or by the Council.

Section 2.09. Investigations.

The Council may make investigations into the affairs of the Town and the conduct of any Town

department, office or agency and for this purpose may subpoena witnesses, administer oaths, take testimony and require the production of evidence. Any person who fails or refuses to obey a lawful order issued in the exercise of these powers by the Council shall be guilty of a misdemeanor and punishable to the extent permitted by law. **RI Constitution Article 1§5**

#### Section 2.10. Independent Audit.

The Council shall provide for a five-year audit cycle by bid, with financial audits conducted in years two through five and a performance audit in the first year, beginning at the close of fiscal year 2000. The auditor shall be selected by the Town Council and the Treasurer from those who bid.

#### Section 2.11. Procedure.

- (a) Meetings. The Council shall meet regularly, at least once in every month, at such times and places as the Council may prescribe by rule. Special meetings may be held on the call of the President or of three or more members and, whenever practicable, upon no less than twelve hours notice to each member. All meetings shall be public; however, the Council may recess for the purpose of discussing in a closed or executive session limited to its own membership any matter which would tend to defame or prejudice the character or reputation of any person, provided that the general subject matter for consideration is expressed in the motion calling for such session and that final action thereon shall not be taken by the Council until the matter is placed on the agenda. **RIGL§42-46-2 thru 14**
- (b) Rules. The Council shall determine its own rules and order of business.
- (c) Voting and Quorum. Upon the request of any Council member, a roll call vote shall be taken on any matter and the ayes and nays shall be recorded in the minutes of the meeting. Three members of the Council shall constitute a quorum, but a smaller number may adjourn from time to time and may compel the attendance of absent members in the manner, and subject to penalties, prescribed by the rule of the Council. No action of the Council except as otherwise provided in the preceding sentence shall be valid or binding unless adopted by the affirmative public vote of three or more members of the Council.

#### Section 2.12. Action requiring an Ordinance.

In addition to other acts required by law or by specific provisions of this Charter to be done by ordinance, those acts of the Town Council shall be by ordinance which are for the preservation of the public peace, health, safety, comfort and welfare of the inhabitants of the Town and for the protection of persons and property.

Section 2.13. Introduction and Enactment of Ordinances.

Every proposed ordinance, except an emergency ordinance, shall be filed with the Town Clerk by a member of the Town Council not later than three days previous to the date of the Town Council meeting at which it is to be introduced. Upon receipt of a proposed ordinance, a copy thereof shall be forthwith posted in the Town Clerk's office by the Town Clerk. No ordinance, except an emergency ordinance, shall be adopted by the Town Council at the meeting at which it is introduced, but it shall be referred to a subsequent regular or special meeting, to be held not earlier than five days from the Town Council meeting at which the proposed ordinance was introduced. The Town council shall hold a public hearing on such ordinance. Notice of such public hearing shall be given by one or more methods of general circulation of such notice in the Town as deemed appropriate by the Town Council. Such notice shall state the date, time and place of the hearing and a general description of the subject matter of such ordinance. Whenever other and further procedure and notice is required by the general laws for the enactment of a particular ordinance, the same shall be followed in addition to the requirements of this Section. As used in this Section and Sections 2.14 and 2.15, "ordinance" shall include an amendment to an ordinance.

Section 2.14. Emergency Ordinances.

In an emergency affecting the public peace, health, safety, comfort and welfare of the inhabitants of the Town and for the protection of persons and property, the Council may adopt on the day of its introduction, without previous filing with the Town Clerk, an ordinance containing a declaration of the emergency, which shall take effect upon its passage. Such an emergency ordinance shall be temporary and for the period of the emergency only.

Section 2.15. Recording and Publication of Ordinance.

The Town Clerk shall record in full in a properly indexed book kept for the purpose all ordinances adopted by the Council. The Council may provide from time to time for the publication of all ordinances currently in effect.

Section 2.16. Town Employees.

The employment of all employees of the Town, and their promotion, suspension for a period of greater than three days, or discharge shall be the responsibility of the Town Council, provided, that no such action shall be taken by the Town Council except with the written approval of that employee's department head. Suspension for a period of three days or less may be imposed by a department head at his/her sole discretion. Rates of pay and employee benefits and changes to the same shall be the sole responsibility of the Town Council within the limits of the amounts appropriated.

### 2.17. Appointments.

All other appointments, including the appointment of Town officers not specifically listed herein, except as this Charter may otherwise prescribe, shall be made by the Town Council.

### Section 2.18. Committees, Boards and Commissions.

The Town Council may establish such Committees, Boards, and Commissions to serve in an advisory capacity with or without compensation, as the Town Council may see fit; but may not establish additional departments or offices than those provided by this Charter, and no function assigned by this Charter to a particular department, office or agency may be discontinued or, unless this Charter so provides, assigned to any other.

### Section 2.19. Resignations.

Except where otherwise provided in this Charter, the Town Council shall fill any vacancy caused by a resignation within sixty days, or the same shall take effect on the sixtieth day after its submission and the position will become vacant.

### Section 2.20. Reports.

All Town departments, boards and committees, including the school committee, shall make a quarterly report to the Town Council, except when more frequently required by the Town Council.

### Section 2.21. Quarterly Meetings.

The Town Council shall receive at the Council meeting following the close of each quarter a written report from the Director of Administration, Director of Human Services, Director of Public Works, Chief of Police, Town Treasurer and all committee and board chairpersons, and such other persons as the Town Council may require. Each quarterly report shall summarize the activities, accomplishments, and concerns of the department director, committee or board chairperson since the last quarterly report. The report shall be in the form and include the content as prescribed by the Town Council. The Town Council shall meet once a year during the month of September with the Director of Administration, Director of Human Services, Director of Public Works, Chief of Police, and Town Treasurer.

### Section 2.22. Tax Revaluation.

The Town Council shall, at intervals of ten years provide for an independent revaluation and equalization of the assessment of all property situated in the Town subject to taxation. Such revaluation is to be conducted by an independent appraisal firm experienced in this field to be selected by the Town Council from a list of no less than three such firms submitted to the

Council by the Tax Assessor. RIGL§ 44-5-11

### **ARTICLE III**

#### **MODERATOR**

##### **Section 3.01. Election, Term and Qualification.**

There shall be a Town Moderator who shall be elected at each general election for a term of two years and until a successor is elected and qualified. The term of office shall start on the first Thursday after the first Monday in December in even numbered years.

##### **Section 3.02. Vacancies.**

Should a vacancy occur in the office of Moderator, the Town Council shall fill the same until the next general election following the vacancy. If the Office of Moderator be vacant or the Moderator be absent on the date and hour set for any annual or special financial Town meeting, the Town Clerk shall open the meeting and the qualified electors present shall elect a Moderator to preside at such meeting.

##### **Section 3.03. Financial Town Meeting.**

The Moderator shall preside at all financial Town meetings and shall have the power to conduct, manage and regulate the business of each meeting conforming to law, and shall maintain peace and good order therein. If any person shall conduct himself or herself in a disorderly manner in any Town meeting, the Moderator may order him or her to withdraw from the meeting, and, on refusal, may order any police officer or any constable present, or any other person, to take him or her from the meeting and confine him or her in some convenient place until the meeting shall be adjourned; and the person so refusing to withdraw shall, for each offense, be fined not exceeding twenty dollars. The Moderator shall have such other duties and powers as shall pertain to the office.

##### **Section 3.04. Supervision of Elections.**

The Moderator shall have the duty of supervising all elections in accordance with the provisions of the general election laws and shall appoint district Moderators at each polling place as may be required by the election laws. RIGL§17-8-5 and RIGL§17-11-1 thru 17

##### **Section 3.05. Compensation.**

The Moderator shall receive such compensation as may be fixed by the Town Council for services at financial Town meetings, and such compensation as may be fixed by the general election laws for services at elections.

## **ARTICLE IV**

### **TOWN CLERK**

#### **Section 4.01. Election.**

There shall be a Town Clerk who shall be elected at each general election for a term of two years and until a successor is elected and qualified. The term of office shall start on the first Thursday after the first Monday in December in even numbered years.

#### **Section 4.02. Deputy Town Clerk.**

There shall be a Deputy Town Clerk appointed by the Town Clerk, with the approval of the Town Council. The Deputy Town Clerk shall have all the powers and perform all the duties which are granted to the Office of Town Clerk.

#### **Section 4.03. Vacancy.**

If a vacancy shall occur in the office of the Town Clerk, the Deputy Town Clerk shall succeed to that office.

#### **Section 4.04. Powers and Duties.**

The Town Clerk shall be the Clerk of the Financial Town Meeting, Clerk of the Town Council, Clerk of the Board of Canvassers, Clerk of the Probate Court and the Recorder of Deeds. The Town Clerk shall also be the Director of the Department of Administration. It shall be the duty of the Town Clerk to:

- (a) Make a permanent record of all proceedings and certify by his/her signature all actions of the aforesaid bodies.
- (b) Be custodian of the Town seal and of the official documents and records of the Town.
- (c) Direct and supervise the recording of deeds, mortgages, vital statistics, licenses and permits and such other records as shall by ordinance and law be required to be kept by the Town Clerk.
- (d) Issue marriage licenses, burial permits and such other licenses and permits as are required by ordinance and law to be issued by Town Clerks.

- (e) As director of the Department of Administration, the Town Clerk shall be responsible for: the supervision and assignment of all clerical and office employees of the Town, to include those required by boards, committees, and commissions of the Town, setting of hours of work for such employees, receipt and distribution of all correspondence to the Town, maintenance of a central filing system for all Town agencies (except confidential police files), and assignment of Town office space, except where such space is specifically otherwise assigned by the Town Council, excepting in each case the school department.
- (f) Perform such other duties as may be prescribed by this Charter or by law pertaining to Town Clerk, and such other duties appropriate to his/her office as the Town Council may require.

#### Section 4.05. Salary and Fees.

The Town Clerk and Deputy Town Clerk shall receive such compensation as the Town Council may fix, within the limits of the amount appropriated by the financial town meeting. All fees collected by either the Town Clerk or the Deputy Town Clerk shall be transmitted to the Town Treasurer and deposited in the general funds of the Town unless otherwise directed by the laws of the state.

#### Section 4.06. Bonds.

The Town Clerk and Deputy Town Clerk shall respectively, within fifteen days of the time of being sworn into office, give bond to the Town Treasurer with sufficient surety in such sum as the Town Council shall prescribe for the faithful performance of the duties of said office, the cost of such bonds to be paid by the Town.

## ARTICLE V

### SCHOOL COMMITTEE

#### Section 5.01. Membership, Term of Office and Vacancies.

There shall be a School Committee consisting of three members who shall be elected at each general election for a term of two years.

#### Section 5.01a. Non-Partisan Candidacy for School Committee

Candidates for the School Committee shall file as non-partisan candidates with the Board of Canvassers and will appear on the ballot as such.

#### Section 5.02 Vacancies.

Any vacancy in said Committee shall be filled by the Town Council until the next general election.

#### Section 5.03. Powers and Duties.

- (a) Procedure. The School Committee shall elect one of its members as Chairman, who shall preside at meetings and sign any orders or official papers of the Committee, and shall elect a Clerk who, under the direction of the Committee, shall keep a journal of the proceedings of the Committee. The Clerk need not be a member of the Committee. Either Chairman or Clerk may be removed at the pleasure of the Committee. The Committee shall adopt its own rules and order of business and shall hold at least nine regular public meetings in every year, at such time and place within the Town as the Committee shall by general order fix and determine.
- (b) Duties. The School Committee shall determine and control all policies affecting the administration, maintenance and operation of the public schools, and shall have all the powers and perform all the duties prescribed by the laws of the state.

#### Section 5.04. Compensation and Expenses.

The School Committee members shall receive such salaries and expenses as shall be fixed by the Financial Town Meeting, to be paid from the appropriation for the school department.

#### Section 5.05. Maintenance of School Buildings and Grounds.

The Public Works Department, when requested by the School Committee, and with the approval of the Town Council, may be made responsible for the care and maintenance of school buildings and grounds, provided that the costs of such care and maintenance shall be charged against the appropriation for the schools.

## ARTICLE VI

### APPOINTIVE OFFICERS AND TOWN SERGEANT

#### Section 6.01. Director of Human Services.

There shall be a Director of Human Services appointed by the Town Council to serve at the pleasure of the Council. The Director of Human Services shall administer all welfare statutes of the state or federal government the administration of which is not delegated to the town, and shall have all powers and duties relating to the poor, needy, dependent and defective persons as shall be law be appropriate to his/her office. The Director of Human Services shall receive such compensation as the Town Council may fix, within the limits of the amount appropriated by the financial town meeting.

#### Section 6.02. Tax Assessor.

- (a) Appointment. There shall be a Tax Assessor appointed by the Town Council to serve at the pleasure of the Council.
- (b) Duties.
  - (1) It shall be the duty of the Tax Assessor to fix the assessed valuation for purposes of taxation upon all real estate and taxable personal property.
  - (2) He/she shall apportion upon the assessed valuation the amount of tax ordered to be levied thereon.
  - (3) He/she shall make and prepare all regular and special assessment rolls and tax rolls for the Town in the manner prescribed by law.
  - (4) He/she shall perform such other duties as may be required by law.
- (c) Compensation. The Tax Assessor shall receive such compensation as the Town Council may fix, within the limits of the amount appropriated by the financial town meeting.

#### Section 6.03. Tax Collector.

- (a) Appointment. There shall be a Tax Collector appointed by the Town Council to serve at the pleasure of the Council. The Tax Collector's office shall be under the supervision of the Town Treasurer.
- (b) Duties. It shall be the duty of the Tax Collector to collect and receive all taxes and special assessments for the collection of which the town is responsible. He/she shall have all the powers, rights and duties prescribed by the laws of the state for Tax Collectors.
- (c) Transfer of Funds. The Tax Collector shall periodically at such times, as the Town Treasurer shall direct, transfer to the Town Treasurer all town funds collected by him/her.

- (d) Bond. The Tax Collector, within fifteen days of the time of being sworn into office, shall give bond to the Town in such sum and with such sureties as the Town Council shall prescribe, for the faithful performance of the duties of such office. The cost of such bond is to be paid by the Town.
- (e) Compensation. The Tax Collector shall receive such compensation as the Town Council may fix, within the limits of the amount appropriated by the financial town meeting.

#### Section 6.04. Sealer of Weights and Measures.

There shall be a Sealer of Weights and Measures appointed by the Town Council to serve at the pleasure of the Council. The Sealer of Weights and Measures shall have such powers and duties as are prescribed by law and shall receive such fees as are prescribed by law.

#### Section 6.05. Animal Control Officer

There shall be a Animal Control Officer appointed by the Town Council, to serve at the pleasure of the Council, who shall be responsible for the supervision and enforcement of laws and ordinances pertaining to dogs and shall have such other powers and duties as are prescribed by law or ordinance. The Animal Control Officer shall receive such compensation as the Town Council may fix, within the limits of the amount appropriated by the Financial Town Meeting. The Town Council shall appoint one or more Appraisers of Dog Damage, one of whom may be the same person as the Animal Control Officer, who shall serve at the pleasure of the Council and who shall have such powers and duties as are prescribed by law or ordinance and shall receive such fees as are provided by law. The Animal Control Officer and any Appraiser of Dog Damage may be appointed as Town Constables under Section 6.06.

#### Section 6.06. Constables.

The Town Council shall appoint Constables from among the members of the volunteer emergency service organizations so as to ensure adequate authority in cases of accident, fire, or other such incident. The Council may appoint such additional Constables, as it shall deem necessary. All appointed Constables shall have such powers, duties, and responsibilities as may be prescribed by law.

Section 6.07. Building and Zoning Official and Zoning Board Alternate Member

There shall be a Building and Zoning Official appointed by the Town Council to serve at the pleasure of the Council who shall be responsible for the supervision and enforcement of ordinances relating to buildings, zoning, trailers, campgrounds, minimum housing and other matters which come under the official's jurisdiction pursuant to statute or ordinance. The Building and Zoning Official shall receive such compensation as the Town Council may fix, within the limits of the amount appropriated by the financial town meeting. **RIGL§23-27.3-108.0, 108.1 and RIGL§23-27.3, et al**

Section 6.08. Probate Court.

There shall be a Probate Court as provided by statute, which shall exercise the jurisdiction set forth by statute. The Town Council shall appoint a Judge of the Probate Court for a term of two years at the first meeting following the election of the Council. The Judge of the Probate Court shall be a member of the Bar of the State of Rhode Island, who shall have been admitted to practice for at least five years at the time of appointment. The Judge of Probate shall receive such compensation as the Town Council may fix, within the limits of the amount appropriated by the financial town meeting. The Judge of Probate shall not hold any other elected or appointed position in the Town. The Town Clerk shall act as Clerk of the Probate Court. All probate fees collected shall be promptly remitted to the Town of Foster by the Clerk of the Probate Court.

Section 6.09. Town Solicitor.

There shall be a Town Solicitor, appointed by the Town Council, who shall serve as chief legal adviser to the Council and all Town departments, offices and agencies; shall represent the Town in all legal proceedings and shall perform any other duties prescribed by this Charter or by ordinance except as the Council may otherwise provide. The Town Solicitor may appoint an Assistant Solicitor with the approval of the Town Council. The Assistant Solicitor shall have all the powers to perform all duties, which are granted to the office of Town Solicitor. The Town Solicitor shall receive such compensation as the Town Council may fix, within the limits of the amount appropriated by the financial town meeting.

Section 6.10. Town Sergeant.

There shall be a Town Sergeant who shall be elected at each general election for a term of two years and until his successor is elected and qualified. Appointment of the Town Sergeant shall take place on the first Thursday after the first Monday in December in even numbered years. Should a vacancy occur in the office of Sergeant, the Town Council shall fill the same until the next general election following the vacancy. The Sergeant shall have such powers and duties as are prescribed by law and shall receive such fees as are prescribed by law and such additional compensation as may be fixed by the Town Council.

## ARTICLE VII

### PUBLIC WORKS DEPARTMENT

#### Section 7.01. Department Responsibilities.

There shall be a Department of Public Works that shall be responsible for the building, repairing and upkeep of Town highways, bridges, other public works and Town recreation areas and the repair and upkeep of Town buildings. The department shall also be responsible for such other duties of a like nature as may be assigned to it from time to time by the Town Council.

#### Section 7.02. Director.

There shall be a Director of the Department of Public Works appointed by the Town Council to serve at the pleasure of the Council who shall be the head of the department and shall be responsible for the supervision and administration of the work of the department and shall also have all the powers, rights and duties prescribed by the laws of the state for highway surveyors.

#### Section 7.03. Compensation.

The Director of the Department of Public Works shall receive such compensation as the Town Council may fix, within the limits of the amount appropriated by the financial town meeting. The compensation shall be paid from the appropriation for the Department of Public Works.

## ARTICLE VIII

### **POLICE DEPARTMENT**

#### Section 8.01. Department Responsibilities.

There shall be a Police Department that shall be responsible for the preservation of the public peace, prevention of crime, apprehension of criminals, protection of the rights of persons and property and the enforcement of the statutes of the state and the ordinances of the Town. The Police Department shall also be responsible for assisting other Town departments and inspectors in the performance of their duties whenever required.

#### Section 8.02. Chief of Police.

There shall be a Chief of Police appointed by the Town Council for a term of three years, with the first term to commence on January 1, 2007, pursuant to an employment contract setting forth the terms of his or her employment and the compensation for same, which shall not be reduced during the period of the contract; such contract shall provide for removal only in the event of conviction of any felony or any misdemeanor involving moral turpitude, violation of any provision of his or her contract, violation found by the Rhode Island Ethics Committee, or disability certified by a physician selected by the Town Council.

#### Section 8.03. Compensation.

The Chief of Police shall receive such compensation as the Town Council may fix, within the limits of the amount appropriated by the financial town meeting. The compensation shall be paid from the appropriation for the police department.

#### Section 8.04. Police Officers

All police officers of the Town of Foster shall comply with the laws of the state concerning standards and qualifications for police officers.

## ARTICLE IX

### PLANNING AND ZONING

#### Section 9.01. Planning Board.

There shall be a Planning Board, which shall act in an advisory capacity to the Town Council in all matters concerning the physical growth and development of the Town and affecting the health, safety, morals and general welfare of the people. The Planning Board shall administer the subdivision ordinance of the Town as required by that ordinance

#### Section 9.02. Membership, Terms of Office and Vacancies.

##### (a) Planning Official.

There shall be a Planning Official appointed by the Town Council to serve at the pleasure of the Council who shall be responsible for maintenance of the Comprehensive Plan, the Zoning Ordinance, the Subdivision Ordinance, the Five-Year Highway Plan, long range and short range planning, and such other duties as may be prescribed by Rhode Island law, by town ordinance or by the Town Council or Planning Board. The Planning Official shall receive such compensation as the Town Council shall fix, within the limits of the amount appropriated by the financial town meeting.

The Planning Board shall consist of seven members appointed by the Town Council from the qualified electors of the Town, each for a term of five years. One or two members shall be appointed each year at the December meeting of the Town Council. In December 2002, the Town Council will appoint three members, two for five years and one member for four years. No member shall be an elected official of the Town nor shall any member be an employee of the Town. Any vacancy which may occur in the membership of the board shall be filled by the Town Council for the remainder of the unexpired term.

#### Section 9.03. Zoning Board of Review.

There shall be a Zoning Board of Review which shall have such powers and duties as are prescribed by the laws of the state and ordinances of the Town for such boards. The Zoning Board of review shall also serve as the Platting Board of Review and shall have such powers and

duties as are prescribed by the laws of the state and ordinances of the Town for such boards.

Section 9.04. Membership, Terms of Office and Vacancies.

The Zoning Board of Review shall consist of five members appointed by the Town Council from among the qualified electors of the Town, each for a term of five years. One member shall be appointed each year at the December meeting of the Town Council. No member shall be an elected official of the Town nor shall any member be an employee of the Town. Any vacancy, which may occur in the membership of the board, shall be filled by the Town Council for the remainder of the unexpired term. The Town Council shall, each year at its December meeting, name two alternate members of said board who shall sit as active members whenever required.

Section 9.05. Conservation Commission.

There shall be a Conservation Commission, which shall act in an advisory capacity to the Town Council in all matters concerning the following: wetlands planning and mapping; environmental planning; open space planning; preservation of farmlands; erosion control; gravel and loam stripping control; such other areas of study as may be requested by the Planning Board.

Section 9.06. Membership, Terms of Office and Vacancies.

The Conservation Commission shall consist of seven members appointed by the Town Council from among the qualified electors of the Town, each for a term of three years. Members shall be appointed in December of each year. Commencing in December, 1990 appointments shall be as follows: 1990, one member, 1991, three members, 1992 three members, 1993, one member, and so forth. The Town Council may also in December of each year appoint an alternate member for a term of one year, who shall serve as an active member whenever required. Any vacancy which may occur in the membership of the commission shall be filled by the Town Council for the remainder of the unexpired term. No member of the commission shall be an elected official of the Town nor shall any member be an employee of the Town.

## ARTICLE X

### FINANCIAL PROCEDURES

#### Section 10.01. Fiscal Year.

The fiscal year of the Town shall begin on the first day of July and end on the last day of the following June.

#### Section 10.02. Financial Town Meeting.

The electors of the Town shall assemble each year in Financial Town Meeting on the first Tuesday in May at 7:00 p.m. for the purpose of ordering any tax which lawfully may be ordered, making appropriations, and transacting any other business appertaining to the financial affairs of the Town which legally may come before such meeting.

#### Section 10.03. Preparation of the Budget.

All budget requests shall be submitted to the Council not later than March 1 each year. The Town Council shall obtain from the head of each department, office and agency estimates of its revenues and expenditures and such supporting data as it may request. In preparing the proposed budget, the Town Council shall review the estimates and may revise them, as it may deem advisable. The proposed budget as prepared by the Town Council shall show all anticipated revenues and all proposed expenditures, and the total of proposed expenditures shall not be greater than the total of anticipated revenues, surplus, authorized borrowing and reserves

#### Section 10.04. Public Hearing on Budget.

The Town Council shall hold a public hearing on its preliminary recommended budget, prior to its adoption, which hearing must be at least thirty days prior to the annual Financial Town Meeting. Sufficient copies of the budget shall be made available by the Town Clerk for the use of all offices, departments and agencies and for the use of interested persons.

#### Section 10.05. Recommended Budget.

The Council shall adopt a recommended budget for presentation to the Financial Town Meeting not later than fifteen days preceding its date. No revenue from any source other than the Town tax levy shall be included in the budget as recommended by the Council unless the facts clearly warrant the expectation that such amount will be realized in cash during the fiscal year. Any motion to add a new line item to the budget as adopted by the Town Council for presentation to the Financial Town Meeting shall be filed with the Town Clerk no later than seven (7) days

preceding the date of the Financial Town Meeting. Any motion that has not been so filed shall not be considered or voted on at the Financial Town Meeting.

Section 10.06. Publication of the Budget.

A copy of the budget, as finally adopted by the financial Town meeting, shall be certified by the Town Clerk and filed in the Town Clerk's office. Sufficient copies thereof shall be made available by the Town Clerk for the use of all offices, departments and agencies, and for the use of interested persons.

Section 10.07. Capital Program.

Purchases of equipment, supplies, improvements and motor vehicles with individual unit prices of less than \$10,000 or an expected useful life of less than five years shall not be considered capital improvements.

- (a) Submission to the Council. The Planning Board shall prepare and submit to the Council a five-year capital program at least ninety days and not more than one hundred twenty days prior to the annual Financial Town Meeting.
- (b) Contents.
  - (1) a clear, general summary of its contents;
  - (2) a list of all capital improvements which are proposed to be undertaken during the five-fiscal years next ensuing, with appropriate supporting information as to the necessity for such improvements;
  - (3) cost estimates, methods of financing and recommended schedules, for each such improvement;
  - (4) the estimated annual cost for operating and maintaining the facilities to be constructed or acquired;

The capital program may be revised and extended each year with regard to capital improvements still pending or in process of construction or acquisition.

Section 10.08. Public Hearing on Capital Program.

- (a) Notice and Hearing. The Council shall give notice by one or more methods of general circulation in the Town giving a general summary of the capital program and stating the time and place where copies of the capital program are available for inspection by the public, and the time and place, not less than two weeks after such notice, for a public hearing on the capital program.
- (b) Adoption. The Council shall adopt the capital program with or without amendment after public hearing and not later than fifteen days preceding the annual Financial Town Meeting.

#### Section 10.09. Public Records.

Copies of the capital program as adopted shall be public records and shall be made available to the public in suitable places in Town.

#### Section 10.10. Capital Reserve Fund.

There shall be an annual addition to the amount appropriated by the financial Town meeting equivalent to 2% of the total of all other appropriations approved at the meeting, as a capital reserve fund. Such appropriation, and the addition of the same to the amount to be raised by taxation, shall be made by operation of this section of the Charter, without the necessity of any vote or any other action by the Town. Such amount and any accumulations shall be held and invested by the Town Treasurer as a separate fund, and from time to time any amount from such funds may be expended upon authorization by the annual or a special Financial Town Meeting for the purchase of improvements set forth in the capital program.

#### Section 10.11. Borrowing.

All borrowing by the Town, including borrowing in anticipation of taxes, shall require the approval of the Financial Town Meeting in accordance with state law.

#### Section 10.12. Accounting Control of Purchases.

All purchases made and contracts executed on behalf of the Town shall be pursuant to a written requisition from the head of the office, department or agency whose appropriation will be charged, and no contract or order shall be issued, or payment made to any vendor unless and until the Town Council shall certify that there is to the credit of such office, department or agency a sufficient unencumbered appropriation balance to pay for the supplies, material, equipment or contractual services for which the contract or order is to be issued.

#### Section 10.13. Emergency Appropriations.

To meet a public emergency affecting life, health, property or the public peace, the Council may make emergency appropriations. Such appropriations may be made by emergency ordinance in accordance with the provisions of Section 2.14 of this Charter. To the extent that there are not available unappropriated revenues to meet such appropriations, the Council may by such emergency ordinance authorize the issuance of emergency notes, which may be renewed from time to time, but the emergency notes and renewals of any fiscal year shall be paid not later than the last day of the fiscal year next succeeding that in which the emergency appropriation was made.

#### Section 10.14. Lapse of Appropriation.

Every appropriation, except an appropriation for a capital expenditure, shall lapse at the close of a fiscal year to the extent that it has not been expended or encumbered. An appropriation for a capital expenditure shall continue in force until the purpose for which it was made has been accomplished or abandoned; the purpose of any such appropriation shall be deemed abandoned if two fiscal years following the date of appropriation pass without any disbursement from or encumbrance of the appropriation.

#### Section 10.15. Administration of Budget.

At such time as the Town Council shall specify, each department, office or agency shall submit work programs for the ensuing fiscal year showing the requested allotments of its appropriation by periods within the year. The Town Council shall review and authorize such allotments with or without revision as early as possible in the fiscal year. The Town Council may revise such allotments during the year if it deems it desirable.

#### Section 10.16. Fees Shall be Paid to Town.

All fees received by any office or employee of the Town shall belong to the Town and shall be paid to the Town Treasurer at such intervals as the Town Council may require, except as otherwise provided in this Charter.

#### Section 10.17. Land Use Conveyance Tax.

The Town Council shall set aside, as part of each annual budget, no less than 100% of all funds collected pursuant to the Land Use Conveyance Tax which are retained by the Town of Foster as provided by State law. The funds shall be used exclusively by the Foster Land Trust for the acquisition and preservation of open space pursuant to the legislative Charter of said Land Trust. Such funds shall be used for capital expenditures only and no portion thereof shall be used for administrative expenses.

#### Section 10.18. Special Donative Accounts.

The Town Council may authorize accounts to receive donations from private parties for specified public purposes (such as donations to the Recreation Committee for Little League). Such accounts shall be controlled and monitored by the Town Treasurer who may authorize persons to expend from the account on behalf of the town organization, without the necessity of the Town Council approval.

## ARTICLE XI

### TREASURER'S DEPARTMENT

#### Section 11.01. Appointment, Qualifications, Organization.

There shall be a Town Treasurer appointed by the Town Council for a term of two years and until the Treasurer's successor is appointed and qualified. Appointment of the Town Treasurer shall take place on the first Thursday after the first Monday in December in even numbered years.

#### 11.02. Deputy Town Treasurer.

There shall be a Deputy Town Treasurer appointed by the Town Treasurer with the approval of the Town Council. The Deputy Treasurer shall have all the powers and perform all the duties, which are granted to the office of Town Treasurer. The Deputy Treasurer and the Tax Collector shall not be the same individual.

#### Section 11.03. Vacancy.

If a vacancy shall occur in the office of the Town Treasurer, the Deputy Town Treasurer shall succeed to that office until such time as the Town Council shall appoint a successor.

#### Section 11.04. Powers and Duties.

The Town Treasurer is hereby vested and shall have and exercise all the powers and duties now and hereafter vested by law in the Town Treasurers, and he/she shall have and exercise all the powers and duties vested by this Charter in the Town Treasurer or that may hereafter be vested in Town Treasurers by resolution.

#### Section 11.05. Specific Powers.

The Town Treasurer shall:

- (1) Cooperate with the Town Council in compiling the expenditure and revenue estimates for the budget.
- (2) Receive all fees, rents, funds, money receivable by the Town from the state or federal government, the courts and any department, office or agency of the Town, except as otherwise provided in this Charter or by law.
- (3) Have custody of all public funds belonging to or under the control of the Town or any department, office or agency of the Town, and deposit all funds coming into his hands in such depositories as may be designated by the Town Council, or, if no such designation shall be made, in such depositories as he may choose, provided, however, that deposits in such depository are insured by an agency of the United States. All interest received on deposits shall be the property of the Town and shall be accounted for and credited to the proper accounts.

- (4) Have custody of all investments and invested funds of the Town or in the possession of the Town in a fiduciary capacity, and have the safekeeping of all bonds and notes of the Town and the receipt and delivery of Town bonds and notes for transfer, registration or exchange.
- (5) Exercise control over all expenditures by pre-auditing all bills, invoices, payrolls or other evidence of claims or charges against the Town and seeing that budget appropriations are not exceeded by disbursements in any department, office or agency of the Town.
- (6) Pay out funds by check, such payments being made only after compliance with the provisions of paragraph (5) above and authorization by the Town Council.
- (7) Prescribe and maintain an accounting system for the Town and adopt and require standard accounting procedures for all departments, offices and agencies of the Town, which accounts shall include the amounts of all appropriations, and the amounts paid from each, and show in reasonable detail the person to whom and the purpose for which the payments were made, the unpaid obligations against each and the unencumbered balance.
- (8) Prescribe uniform forms of receipts, vouchers, bills and claims to be used by all departments, offices and agencies of the Town.
- (9) Prepare a monthly statement of all receipts and disbursements in such detail as the Town Council may require.
- (10) Prepare as soon as possible and at of the end of each fiscal year, a completed financial statement and report in accordance with state law, for submission to the Town Council and the taxpayers of the Town.
- (11) Be responsible for the administration of the Tax Collector's Office.

#### Section 11.06. Compensation.

The Town Treasurer shall receive such compensation as the Town Council may fix, within the limits of the amount appropriated by the financial town meeting.

#### Section 11.07. Bonds.

The Town Treasurer and the Deputy Town Treasurer within fifteen (15) days of the time of being sworn into office shall give bonds to the Town in such sums and with such sureties as the Town Council shall prescribe for the faithful performance of their duties, the cost of such bonds to be paid by the Town.

**ARTICLE XII**  
**BOARD OF TAX REVIEW**

Section 12.01. Election and Term.

There shall be a Board of Tax Review consisting of three members elected by the electors of the Town for staggered six-year terms.

Section 12.02. Vacancies.

Any vacancy in said board shall be filled by the Town Council until the next general election following such vacancy, at which election a member shall be elected for the remainder of such unexpired term.

Section 12.03. Duties.

The Board of Tax Review shall hear and consider the appeal of any property owner concerning the amount of his assessed valuation as determined by the Tax Assessor. The board shall keep an accurate record of its proceedings, which shall be available for public inspection. It shall be the responsibility of the board to meet monthly and to publish the place and time of its meetings.

Section 12.04. Correction of Assessments.

If it shall appear that the valuation of any property has been erroneously or incorrectly assessed, the board shall have authority to order a correction. Such determination shall be certified by the board to the Assessor whose duty it shall be to make such corrections in the valuation as the board may determine. If the tax roll has been certified by the assessor, he/she shall transmit the findings of the board to the Council, which shall cancel, in whole or in part, the tax based on such valuation in order to effect a correction.

Section 12.05. Procedure.

The Council shall provide for the procedure of the board of tax review and for the manner of receiving, considering and disposing of appeals.

Section 12.06. Appeal.

The taking of an appeal to the Board of Tax Review, or any action thereon shall not be construed to limit or restrict the right of any taxpayer to apply to a court of competent jurisdiction for relief from any assessed valuation or tax originally determined by the Tax Assessor or subsequently by the Board of Tax Review.

Section 12.07. Compensation.

The members of the Board of Tax Review shall receive such compensation as the Town Council may fix, within the limits of the amount appropriated by the financial town meeting.

## ARTICLE XIII

### NOMINATIONS AND ELECTIONS

#### Section 13.01. Town Elections.

The provisions of the Constitution and the general laws of the state now or hereafter in effect pertaining to elections, special, general and primary, shall govern all Town elections, so far as they may be applicable.

#### Section 13.02. Qualifications.

All elected officials shall be qualified electors of the Town.

#### Section 13.03. Forfeiture of Office.

Any elected official shall forfeit his office if he/she (1) lacks at any time during his/her term of office any qualifications for the office prescribed by this Charter or by law, (2) violates any express provision of this Charter, or (3) is convicted of a crime involving moral turpitude.

#### Section 13.04. Canvassing Authority.

There shall be a bipartisan canvassing authority appointed by the Town Council as provided by the laws of the state, and such authority shall be vested with all the powers and duties now or hereafter vested by law in the canvassing authority. The Board of Canvassers shall receive such compensation as the Town Council may fix, within the limits of the amount appropriated by the financial town meeting. RIGL§17-8-1, §17-8-2, §17-8-3

## ARTICLE XIV

### GENERAL PROVISIONS

#### Section 14.01. Personal Financial Interest.

Any Town officer or employee who has a substantial financial interest, direct or indirect or by reason of ownership of stock in any corporation, in any contract with the Town or in the sale of land, material, supplies or services to the Town or to a contractor supplying the Town shall make known that interest and shall refrain from voting upon or otherwise participating in his/her capacity as a Town officer or employee in the making of such sale or in the making or performance of such contract. Any Town officer or employee who willfully conceals such a substantial financial interest or willfully violates the requirements of this Section shall forfeit his/her office or position. Violation of this Section with the knowledge, express or implied, of the person or corporation contracting with or making a sale to the Town shall render the contract or sale voidable by the Town Council.

#### Section 14.02. Bidding.

All purchases by the Town involving any expenditure of \$5,000 or more shall be made only after such purchase has been advertised for bids or quotations have been solicited by one or more methods of general circulation in the Town as deemed appropriate by the Town Council or School Committee. The Town Council or School Committee shall not be bound to accept the lowest bid or quotation received but shall in each instance have reserved to it the right to reject any and all bids. Provided, always, however, that in an emergency, the Town Council or School Committee may make purchases without the necessity of bidding. In each instance the Town Council or School Committee shall cause to be entered in its records a statement of the emergency.

#### Section 14.03. Removal from Office.

- (a) All officers, commissions, boards and officials appointed by the Town Council for an indefinite term may be removed from office by the Council at any time and with or without cause and with or without a hearing except as otherwise specifically provided in this Charter.
- (b) All officers, commissions, boards and officials appointed by the Town Council for a definite term, except those appointed to fill the unexpired term of an elected official, may be removed from office for cause by the Council upon the procedure set forth in paragraph (d) of this Section 14.03.
- (c) All elected officers of the Town, their deputies, and those appointed to fill the unexpired term of an elected official, except for the Town Council, may be removed from office by the Town Council only in the event that such officer (1) lacks at any time during his/her term of office any qualifications for the office prescribed by this Charter or by law, (2) violates any express provision of this

Charter, or (3) is convicted of a crime involving moral turpitude. The Council shall carry out such removal upon the procedure set forth in paragraph (d) of this Section 14.03.

- (d) Removal of a Town official under the provisions of paragraph (b) and (c) of this Section 14.03 shall be upon the following procedure: A statement of the reasons for removal shall be given in writing by the Town Council to the individual being removed. That individual may, within fifteen days of such notification, request in writing a hearing before the Town Council, such hearing to be public or private at the choice of the individual being removed. Upon receipt of a request for hearing, the Town Council shall schedule the same for a date no later than twenty-one days after the date of the initial notification of removal, and shall give the individual being removed notice of the time, place, and date of the hearing. At the hearing, all interested parties shall be afforded an opportunity to be heard. The decision of the Town Council shall be rendered within ten days after the conclusion of the hearing.

During the period between the initial notification of removal and the decision of the Town Council, the Town Council may suspend the individual from office. Removal proceedings hereunder shall be subject to review by the courts, and the courts may, in appropriate cases, reverse any order of suspension made by the Council for the period between the initial notification of removal and the decision of the Council.

#### Section 14.04. Charter Revision Committee.

The Town Council shall by December 15<sup>th</sup> of every fifth year after the adoption of this Charter, or more often if it is deemed necessary, appoint a study committee of five members to review this Charter. Said committee shall, within six months of its appointment, submit to the Town Council a report with its recommendations for amendments, additions or deletions.

#### Section 14.05. Amendments To Charter.

Amendments may be made to the Charter in the manner provided by the Constitution of the State.

#### Section 14.06. Separability.

If any provision of this Charter is held invalid, the other provisions of the Charter shall not be affected thereby. If the application of the Charter or any of its provisions to any person or circumstances is held invalid, the application of the Charter and its provisions to other persons or circumstances shall not be affected thereby.

## **ARTICLE XV**

## TRANSITIONAL PROVISIONS

### Section 15.01. Effective Date.

This Charter shall be in effect on and after the first day of December 1976.

### Section 15.02. Ordinances Pursuant to Charter.

The Town Council shall proceed to enact or adopt as promptly as possible all ordinances, resolutions, rules and regulations which may be necessary to implement the provisions of this Charter.

### Section 15.03. State and Town Laws and Ordinances.

All Town ordinances, resolutions, orders and regulations which are in force when this Charter becomes effective are repealed to the extent that they are inconsistent with or interfere with the effective operation of this Charter or of ordinances, resolutions, orders and regulations adopted pursuant thereto. To the extent that the constitution and laws of the State permit, all laws relating to or affecting the Town or its agencies, officers or employees which are in force when this Charter becomes effective are superseded to the extent that they are inconsistent or interfere with the effective operation of this Charter or of ordinances, resolutions, orders and regulations adopted pursuant thereto.

### Section 15.04. Continuation of Ordinances.

All ordinances, resolutions, orders and regulations of the Town in effect at the time this Charter becomes effective, not inconsistent with the provisions of this Charter, shall continue in force until amended or repealed.

### Section 15.05. Continuation of Government.

All committees, commissions, boards, departments and offices of the Town in existence at the time this Charter becomes effective shall continue until abolished, reorganized or superseded by this Charter or Action taken under this Charter in accordance with law.

### Section 15.06. Continuation of Administrative Personnel.

Any person holding an office or position in the government of the Town at the time this Charter takes effect shall retain such office or position and continue in office and in the performance of his duties until provision shall have been made in accordance with this Charter for the performance of such duties by a person or body thereunto authorized, or the discontinuance of such office, unless as otherwise provided in this Charter or by law.

### Section 15.07. Director of Public Welfare.

The Director of Public Welfare elected at the November 1976 election shall continue in office until the next general election at which time his/her term shall expire and the Town Council then

elected shall appoint his/her successor in accordance with Section 6.03 of this Charter.

Section 15.08. School Committee.

Members of the Town School Committee in office on the effective date of this Charter shall continue in office until the next general election at which time all terms shall expire.

Section 15.09. Continuation of Tax Obligations.

All taxes levied or assessed by the Town prior to the effective date of this Charter which have not been collected by the Town, shall be collected with any interest and penalties due thereon, by the Town government established by this Charter.

Section 15.10. Continuation of Contracts and Obligations.

All leases, franchises and obligations entered into by the Town or for its benefit, prior to the effective date of this Charter, shall continue in force and effect.

Section 15.11. Pending Actions and Proceedings.

No action or proceeding, civil or criminal, in law or equity, pending on the effective date of this Charter, brought by or against the Town or any office, department or agency or officer thereof, shall be affected or abated by the adoption of this Charter or by anything in this Charter contained.

Section 15.12. Transfer of Records and Property.

All records, property and equipment whatsoever of any office, department or agency or part thereof, the powers and duties of which are assigned in whole or in part thereof to another office, department or agency by this Charter, shall be transferred and delivered forthwith to the office, department or agency to which such powers and duties are assigned.

Section 15.13. Decennial Tax Revaluation.

The first decennial tax revaluation called for in Section 2.22 of this Charter shall be performed in 1979.

Section 15.14. Continuation of the Conservation Advisory Commission.

The members of the present Foster Conservation Advisory Commission shall continue in office and shall constitute the initial seven members of the Conservation Commission upon the adoption of the proposed amendment to the Foster Home Rule Charter establishing the conservation commission, to be voted on at referendum on November 6, 1990. New members of the conservation commission shall be added in accordance with the schedule set forth in Section 9.06 of the Charter, as amended, and as such new members are appointed, the Town Council shall designate the person or persons being replaced by the newly appointed member or members.

## **ARTICLE XVI**

### **LAND TRUST**

#### **Section 1.**

There is hereby established by the Foster Land Trust (hereinafter call the Trust) a body politic and corporate and a public instrumentality. The Trust shall have the authority to acquire, hold, and manage real property and interest therein, including development rights, situated in the town. Such acquisition and management shall be for the purpose of protecting, managing and preserving natural areas, forest land, farm land, aquifer recharge areas, rivers and streams, swamps and marshes, wildlife habitats, walking and bicycle paths, sports and playing fields and historical sites.

#### **Section 2.**

The Trust shall be administered by seven (7) trustees, five (5) of whom shall be appointed by the Town Council, one (1) of whom shall be a member of and selected by the Planning Board, and (1) of whom shall be a member of and selected by the Conservation Commission. Each of the Trustees shall be appointed for a three-year term. The initial appointments by the Town Council shall be for a one-year term (1 Trustee), a two-year term (2 Trustees), and a three-year term (2 Trustees) so as to stagger the terms of the Trustees. The initial appointment of the Planning Board shall be for one-year term. The initial appointment of the Conservation Commission shall be for a two-year term.

#### **Section 3.**

Trustees shall be electors of the Town of Foster and shall hold office until appointment of a successor trustee. Trustees shall not be elected inspectors or salaried employees of the town. Trustees shall serve without compensation. The trustees shall annually elect a chairman and vice-chairman from their members and shall appoint a secretary who may either be a member or a non-member. Copies of all meeting minutes shall be submitted to the Town Council President for distribution as he/she shall see fit and shall be filed with the Town Clerk.

#### **Section 4.**

The Trustees shall adopt reasonable rules and regulations governing the conduct of Trust affairs, including the acquisition and management of its holdings, not inconsistent with the provisions of this Act. All rules and regulations of the Trust are subject to the approval of the Town Council President. Decision of the trustees shall be by majority of those present and voting, except that decisions on the acquisition of land, easements, rights of way and other uses referred to in Section 1 of this Trust shall be by majority vote of all trustees.

The trustees shall prepare a budget that shall be submitted to the Town Council for review and

approval and then be presented to the financial town meeting for adoption. The funds so authorized will be paid by the Town Treasurer in accordance with the usual procedures of the town.

#### Section 5.

The Land Trust shall have the authority to:

- (a) purchase or otherwise acquire fee simple or any lesser interest in real property owned by consenting land owners, including development rights and conservation easements, or any other interest consistent with the purposes of this Act;
- (b) accept and apply for gifts, grants or loans of funds or services from any source, public (local, state or federal) or private, and comply, subject to the provisions of this Act, with any terms or conditions thereof;
- (c) administer and manage land and interests in land held by it in a manner consistent with the purposes of this Act and with the terms of any grant or devise by which such land or interest was acquired; convey any such land or interest to a nonprofit corporation subject to the provisions of section (5e) provided that such land shall continue to be used in a manner consistent with the purposes of this Act and with the terms of any grant or devise by which such land was acquired by the Trust;
- (d) employ such persons as are necessary to acquire, manage and preserve land and interests in land held by the Trust.
- (e) dispose of all or any portion of its real property or interest therein held by it, whenever in the opinion of the trustees said lands or properties have become unsuitable or have ceased to be used for the purpose set forth in this Act. Such disposition shall be made only by a vote of the trustees in which at least five (5) members vote in favor of such a disposition and further only after having been approved by vote of the Town Council and or a financial Town meeting in accordance with the provisions of the Charter of the Town of Foster governing disposition of land. Nothing in this subsection shall be construed to authorize the sale, lease or conveyance of lands or improvements held by the Trust as part of a charitable trust or acquired by gift or devise for the public use, unless authorized by the deed conveying same to the Trust or by agreement entered into between the donor and the Trust;
- (f) invest such portions of its funds as may be deemed prudent, in any investment that the Town of Foster may invest its funds in, including but not limited to "homeowners notes", so called through the Town Treasurer;
- (g) Otherwise do all things necessary for the performance of its duties, the fulfillment of its obligation and the conduct of its business.

#### Section 6.

All funds collected by virtue of the Town's bonding authority for the purpose of financing the Activities of the Trust under this Act, any applicable federal or state funds, and funds received under the provisions of section 5 (b) of this Act shall be deposited in a fund for the Trust to be established by the Treasurer of the Town. Additional monies or other assets received as voluntary contributions, grants or loans, funds appropriated to the Trust by vote of the financial town meeting, or proceeds from disposal of real property or interests shall be deposited into said account. All expenses lawfully incurred by the Trust in carrying out the provisions of this Act shall be evidenced by proper vouchers and shall be paid by the Treasurer of the town only upon submission of warrants duly approved by the Trust and the Town Council. All investment income shall accrue for the benefit of the Trust.

Upon termination or dissolution of the Trust, the title to real estate and interests thereon, all funds and other properties owned by the Trust which remain after payment or making provision for payment of all bonds, notes and other obligations of the Trust shall vest in the town.

#### Section 7.

The Trust and all its revenues, income and real and personal property used by the Trust for furtherance of its public purposes, shall be exempt from taxation and the Trust shall not be required to pay any tax, excise or assessment to the state of any of its political subdivisions.

#### Section 8.

The provisions of this Act are severable; and, if any provision hereof shall be held invalid in any circumstances, such invalidity shall not affect any other provisions or circumstances. This Act shall be construed in all respects so as to meet all constitutional requirements. In carrying out the purposes and provisions of this Act, all steps shall be taken which are necessary to meet constitutional requirements whether or not such steps are required by statute.

#### Section 9.

This section shall take effect upon passage of this Act. The remainder of this Act shall take effect upon its approval by a majority of those voting thereon at the general election to be held November 6, 1990. The question to be voted upon shall be as follows: "Shall an Act passed at the January 1990 session of the General Assembly entitled 'An Act Establishing the Foster Land Trust' be approved".

PREAMBLE

Rhode Island Constitution, Article 13

PROHIBITIONS – Article II, Section 2.05  
Rhode Island General Law §17-5.1

VACANCIES, FORFEITURE OF OFFICE, FILING VACANCIES – Article II, Section 2.06(b)  
Rhode Island Constitution, Article III, Section 3

INVESTIGATIONS – Article II, Section 2.09  
Rhode Island Constitution, Articles 1 and 5

PROCEUDRE, Article II, Section 2.11(a)  
Rhode Island General Law §42–46–2 thru 14

TAX REVALUATION, Article II, Section 2.2  
Rhode Island General Law §44-5-11

SUPERVISION OF ELECTIONS, Article III, Section 3.04  
Rhode Island General Law §17-8-5 and §17-11-1 thru 17

BUILDING AND ZONING INSPECTOR, Article VI, Section 6.08  
Rhode Island General Law §23-27.3-108.0–108.1 and Rhode Island General Law §23-27.3, et al

CANVASSING AUTHORITY, Article XIII, Section 13.04  
Rhode Island General Law §17-8-1, §17-8-2, §17-8-3