

The April 22, 2021, Town Council Meeting was called to order by Heidi Rogers , Vice President, via Zoom™ in Foster, RI at 7:00 p.m.

The following members were present:  
**Heidi Rogers, Vice President**  
**Chris Stone**  
**Cheryl Hawes**  
**David Paolino**  
**Denise L. DiFranco, President, excused**

Also present:  
Mark Tourgee, Solicitor  
Julia Chretien, Solicitor  
Kelli Russ, Finance Director  
Police Chief David Breit

**I. PLEDGE OF ALLEGIANCE/ ANNOUNCEMENTS**

Heidi Rogers called the meeting to order at 7:00 p.m. She explained that Ms. DiFranco’s sister-in-law had passed away and that she was excused from the meeting. Ms. Rogers noted that there were appointments to the Zoning Board for a full member and an alternate member, but in the absence of Ms. DiFranco, she, Kelli and Sue were trying to coordinate the agenda and they missed listing the resignation for Zephyr Inkpen so those appointments will be moved to May 13<sup>th</sup> meeting. She spoke to the gentleman who applied as an alternate member and informed him of the of the move to the May agenda.  
Earth day is this Saturday from 8 a.m. to 2 p.m. There is a flyer on the town website under News and Notices and under Foster Conservation Commission on Facebook.  
The Pledge of Allegiance was recited.

**II. PUBLIC COMMENT**

Lynne Rider noted under New Business under 2, there is new policeman hire and in Executive Session there is DPW hire. Ms. Rogers says one is an introduction and one has stipulations. Lynne Rider asked if that person was contacted and given the right to be in open session. Julia Chretien said it was not an individual being discussed but a procedure. Ms. Rider said that was kind of mislabeled, should have been DPW hiring procedure. Heidi Rogers said that was right.  
Lynne Rider asked if the Police Chief’s contract should be under 5(A)(2) Collective Bargaining. Chris Stone said it was not Collective Bargaining. Heidi Rogers said he is not in the union. Ms. Rider asked if it is just his job performance. Atty. Tourgee said it is just for talking about his contract. The council will sit and discuss whether or not they want to enter into a contract with the chief. Chris Stone asked if Ms. Rider thought it shouldn’t be under Personnel? Ms. Rider said it didn’t seem to fit. Heidi Rogers asked Atty. Tourgee if this is how we always handled the contracts. Atty. Tourgee said yes, it doesn’t fit into any particular box. It’s just a decision to enter into a contract.  
Cheryl Hawes read a letter from Joe and Audrey Carey in praise of Aaron Marsland and Patricia Howarth’s work in the Animal Shelter (see Exhibit A).

**III. CONSENT AGENDA**

1. Approval of Minutes for March 25, 2021 and April 8, 2021
2. Approval of Payroll Warrants
  - a. #41 - \$39,455.73      b. #42 - \$42,854.93
3. Approval of General Warrants  
General Warrants #15 - \$86,117.04

Chris Stone moved, David Paolino seconded, to approve the Consent Agenda with the removal of the April 8 meeting.

Chris Stone said they did not get all the pages. Susan Dillon said she would put it in the next meeting.

Motion passed 4 - 0.

Heidi Rogers, aye; Chris Stone, aye; David Paolino, aye; and Cheryl Hawes, aye.

**IV. PUBLIC HEARING**

Chapter 16 "Manufactured Homes and House Trailers" Ordinance. The proposed changes will include the removal of Section 16-86.

Heidi Rogers recused herself because she does own a trailer.

Chris Stone opened the public hearing. He asked for anyone in favor. Lynne Rider asked for clarification of what part of the ordinance it was for. Susan Dillon said it was only for the fees.

Chris Stone asked for anyone in favor.

There were none.

Chris Stone asked for anyone against it.

There were none.

Chris Stone closed the public hearing.

Chris Stone asked if anyone on the council wanted to comment. David Paolino said he was in favor.

Motion passed 3 – 0 – 1 with one recusal.

Chris Stone, aye; David Paolino, aye; and Cheryl Hawes, aye.

**V. OLD BUSINESS**

1. New Police Station

Heidi Rogers said there was a lot of chatter on Facebook about the delay in getting this before the voters for a vote. She asked for an update from (building committee members) Joe Walsh and Gordon Brayton. Ms. Rogers asked if the land would be leased or deeded to the town, and is (the project) anywhere near close enough to be presented in the Financial Town meeting.

Gordon Brayton said that the Fire Company officially owns the land now, and they have applied to the Zoning Board for a zoning change. The Town Council should receive a letter of recommendation. Heidi Rogers said they have not. Mr. Brayton said they should and then they are waiting for the Town Council to approve it. Once the lot is zoned as Municipal, they can move ahead. Heidi Rogers said the next meeting is May 13<sup>th</sup>. If we vote to change the zoning, and the project fails, do we have to change it back? Mr. Brayton said, no, it should stay municipal because the fire company owns it. Cheryl Hawes asked if the other fire departments were zoned Municipal. Mr. Brayton said no, they should be, but they are not. Ms. Hawes asked how long it would be to work up the costs again. Mr. Brayton said

they should budget \$3 million so as to be safe. We won't get a chance to start building until fall. Even if we approve it, we have to put it out to bid.

Heidi Rogers said that answers the question of whether we can include it in the financial town meeting in June: we don't have enough time.

Mr. Brayton said the budget has to be approved before they send it out to bid. Julia Chretien said there has to be a public hearing and it has to be advertised.

Mr. Rogers asked Atty. Tourgee how it would happen with the zoning--can they just cut out a certain area? Mr. Tourgee said yes, and it is a very quick process.

Cheryl Hawes said she had gotten calls about the people who deeded it over, she understood that they were supposed to pay (property) taxes at the closing but these taxes were not paid.

Julia Chretien said they will look into it and make sure the town is protected. Mr. Brayton said they will take care of it.

Lynne Rider asked when the transfer was complete. Susan Dillon said December 14.

Bob Boyden asked how the deed would be (handled) and would that not be subdividing a lot? There is a whole process to do that.

Heidi Rogers said it was different because it was a municipal piece of property. Julia Chretien said it is like a subdivision situation, and they are looking into options. Mr. Boyden said that was another fly in the ointment here because it's a fairly extensive exercise. Julia Chretien said that we will need the same survey anyway.

Cheryl Hawes said that question was discussed at a Building Committee meeting. Joe Walsh said there were a number of different options:

Make exempt all municipal property from zoning, or rezone and reclassify to municipal or industrial so there is no minimum plot size.

When you eliminate the square footage requirement, then you can subdivide very easily.

Heidi Rogers said a zoning change to the ordinance requires advertising to go that way.

Mr. Walsh said that to exempt municipal; we could have done that last October, but this is the path it went. Once it is rezoned municipal then you can subdivide it.

Heidi Rogers said that it becomes a change to a zoning ordinance. Julia Chretien said, no, the MI, municipal / industrial, district doesn't have the 5-acre parcel requirement. This parcel has been approved by the planning board to be deemed MI, which exempts it from the 5-acre lot size requirement, so the subdivision will be less strenuous, so we've already taken the step to change the zoning. Then we advertise, have a public hearing, and then we get the ball rolling. Heidi Rogers asked Ms. Rider if that answered her question about why it has taken this long.

Ms. Rogers said it had just gone to the planning board and they needed that to happen.

Ms. Rider asked if they couldn't have directed the planning board to do that in January. It has taken way too long and the council should have been driving this instead of waiting, and they haven't been, and now it will take another year before they break ground. It will probably be \$4 million by then. Ms. Rogers said they can't help inflation.

Gordon Brayton asked for a review of the timeline, and when it could be voted on. Julia Chretien said it would need three weeks of advertising after we receive the letter. Cheryl Hawes asked if we receive it on Monday, can we advertise instead of waiting for May 14<sup>th</sup>?

Mark Tourgee suggested a Special Town Council meeting to get it done, counting three weeks it would be May 20<sup>th</sup>. Heidi Rogers asked if they had to meet to decide to advertise that? Julia Chretien said a public hearing had to be held in order for the council to discuss it. Heidi Rogers asked if the clerk could advertise that on her own.

Cheryl Hawes moved that as soon as the letter is received, the clerk can advertise. Chris Stone seconded.

Discussion: None

Motion passed 4 – 0.

Kelli Russ asked if all of this is so we can get it on the Financial Town Meeting. We could always back it out if we are not ready. Joe Walsh said that a project isn't real until you have funding. You get the best estimate to move forward; you can't do it the other way around. No one would bid on it. Heidi Rogers said she understood, to put it before the voters, you need a number.

Bob Boyden said he had two questions. What would the motion be? And what about the bonding process?

Kelli Russ said you need public approval before bonding. A bond specialist attorney would have to help. Bob Boyden said so you would move to go out to bond for \$3 million.

Patti Moreau so we vote on that it *may* cost \$3 million? Kelli Russ said this is the common procedure.

Lynne Rider said she hoped the council would really advertise this. She says the public needs to know what happens if you *don't* build it.

What are the ramifications? Rent trailers and still have to build a police station.

Ron Cervasio said we have two attorneys here. They should have a whole list of the sequence of events right next to them and all the questions with answers so they don't go through this every week.

## **VI. NEW BUSINESS**

### **1. E-Permitting**

Heidi Rogers said the next thing on the agenda is E-permitting and the departments that will be impacted. This was brought forward by the

zoning official. Patti Moreau went with the Building & Zoning Clerk to Narragansett to see how it works. Ms. Moreau said it is a much easier then dropping (a permit) off, coming back to pay for it. Everything is done online. The State looks into the contractor's license status and stops the permit if there's a problem. Then we went to Scituate. Heidi Rogers asked they are already doing it. Ms. Moreau said yes. It is a much easier process because they can do it from their house, and we don't have to say the clerk isn't here yet or the clerk already left. You pay online, none of the cash is handled by us, less errors. It does more than building permitting, they could do liquor licenses, too. The State has a bill in with the General Assembly to make this mandatory. If we don't jump on board with this--I was supposed to let them know today, and they gave us another day.

Heidi Rogers asked about the cost. Patti Moreau said that the State is picking up the \$10,000. Kelli Russ said it is \$1,092 for a block of permits. All in all, it's going to cost us about \$3000 more. Heidi Rogers asked if it's in the budget. Kelli Russ said she thought it was already in the budget. Ms. Russ noted that this will be an annual fee, but if you don't do it this year, you'll have to do it next year. Heidi Rogers asked if it will save a lot of time. Ms. Russ said it adds a step for us, but truthfully if it saves time and is more convenient, we'll figure it out. Patti Moreau said that as long as we say yes, we can start in July. Kelli Russ said the \$10,000 they are going to give us is for the initial setup but the \$3000 will be maintenance that will be on July 1<sup>st</sup>.

Chris Stone moved that we go with the E-permitting. Cheryl Hawes seconded.

Motion passed 4 - 0.

Heidi Rogers, aye; Chris Stone, aye; David Paolino, aye; and Cheryl Hawes, aye.

## 2. Police Department Hire

Heidi Rogers said that next, Chief Breit is introducing our new police officer. Chief Breit said there is a serious manpower shortage. As for new recruits, they won't be ready for a year, and there is another officer out on National Guard leave, so he said he decided on a lateral transfer of Capt. Joseph McConaghy (see Exhibit B).

Heidi Rogers questioned whether or not the chief needed council approval.

Chief Breit had a start date of May 3<sup>rd</sup>. Mr. McConaghy thanked the council and said he was looking forward to it and wouldn't let them down. Cheryl Hawes welcomed to Foster. Heidi Rogers said he should be sworn in in-person before he starts on May 3<sup>rd</sup>.

Lynne Rider said she was curious as to what a lateral transfer was. Chief Breit said he was retiring from one police department to another one.

3. Deputy Town Clerk  
Appointment

Heidi Rogers said moving on, next is the appointment of the Deputy Town Clerk. The Town Charter says the Town Clerk selects the Deputy and the council approves the choice. Cheryl Hawes asked to read the letter from Town Clerk Susan Dillon recommending Michaela Johnson (See Exhibit C). Heidi Rogers said she read the resume and is fine with that, and asked if Susan would like to say anything personal regarding the interview process because we weren't in on that. Susan Dillon said they had quite a few people apply, and we were down to two very qualified people and we chose Michaela. Ms. Dillon said she thinks Michaela will do a fantastic job; she grew up in Foster and knows a lot of people in town. She won't be starting until May 10<sup>th</sup>. Cheryl Hawes asked if she wanted to introduce her. Michaela Johnson greeted the council and said she was ready. Heidi Rogers said she was fine with that and Chris Stone said he was glad to get a resume. Cheryl Hawes moved to appoint Michaela Johnson as Deputy Town Clerk. Chris Stone seconded.

Discussion: none.

Motion passed 4 - 0.

Heidi Rogers, aye; Chris Stone, aye; David Paolino, aye; and Cheryl Hawes, aye.

4. Appointment of New  
Zoning Board Full  
Member - postponed  
5. Appointment of New  
Zoning Board Alternate  
Member - postponed

Heidi Rogers reiterated that the Zoning Board appointments would be postponed until the next meeting.

**VII.**

- EXECUTIVE SESSION**  
**PURSUANT TO RIGL**  
**42-46-5a(1)**  
**Personnel**  
1. Police Chief's hiring  
2. DPW hire

Cheryl Hawes moved, Chris Stone seconded, to go into Executive Closed Session pursuant to RIGL 42-46-5 for a discussions or work session regarding Personnel according to RIGL 42-46-5a(1) and to reconvene into open session and to further keep the minutes of said meeting closed and the minutes of all executive sessions held previous to this meeting remain closed in accordance with provisions in RIGL 42-46-4 & 5.

**RETURN TO OPEN  
SESSION**

Heidi Rogers reconvened into open session. She said that one vote was taken to approve the chief's contract.  
Motion passed 4 - 0.

**VIII. ADJOURNMENT**

Cheryl Hawes moved, David Paolino seconded, to adjourn.  
Motion passed 4 - 0.  
Heidi Rogers, aye; Chris Stone, aye; David Paolino, aye; and Cheryl Hawes, aye. Meeting adjourned at 8:17 p.m.

Submitted by,

Susan M. Dillon, Town Clerk

Audrey Carey  
2 Oak Hill RD  
Foster RI 02825

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April 21, 2021

To the Towns of Foster and Scituate,

My letter is in regards to the Animal Control we have in our towns and my experience.

What wonderful and outstanding people Pat and Aaron are, and all the others that work at the shelter. I don't think they would have it any other way. The caring and devotion these people have goes above and beyond.

We think they should be Citizens of the year for all they do, they absolutely earn the pay for all the hours and hard work they put in day after day and night. We would like to thank them with all our hearts.

Also special thanks to Dispatcher Chris Baxter for all his help and information.

Sincerely,  
Joe and Audrey Carey



## *Foster Police Department*

DAVID J. BREIT  
CHIEF OF POLICE

To: Town Clerk Susan Dillon

From: Chief David J. Breit

Cc: Foster Town Council

I respectfully request that Joseph McConaghy be appointed a Police Officer with the Town of Foster Police Department. Joseph has had an exemplary career with the West Warwick Police Department that has spanned 30 years, with Joseph attaining the rank of Captain. During his time in West Warwick Joseph served in many different capacities and worked in several different divisions.

Joseph is a graduate of Bishop Hendricken high school and New England Institute of Technology where he earned a degree in criminal justice. Joseph was active in the Boy Scouts and became an Eagle Scout, he is also a member of the Freemasons and the Sons of the American Legion Post 2. Joseph also regularly participates in the annual Special Olympics Events.

Respectfully,

Chief David J. Breit

A handwritten signature in black ink, appearing to read "David J. Breit", written over a horizontal line.





**TOWN OF FOSTER**

**EST. 1781**

**TOWN CLERK'S OFFICE**

**181 HOWARD HILL ROAD FOSTER, R.I. 02825**

**PHONE (401) 392-9201 FAX (401) 397-9736**

April 19, 2021

Foster Town Council  
181 Howard Hill Road  
Foster, RI 02825

Dear Council Members:

As you know, after nearly seven years of committed service to the Town of Foster, Susan Sprague, the Deputy Town Clerk has left to take another position. In accordance with the Town Charter 4.02 Deputy Town Clerk, the Deputy Town Clerk is appointed by the Town Clerk. As such, I would like to appoint Michaela Johnson as the Deputy Town Clerk effective immediately.

Michaela attended the University of Rhode Island and obtained a Bachelor of Science degree in Environmental Economics and Resource Management in 2016. Since then she has worked at SUEZ Water in Wakefield, RI, first as a Customer Service Representative and then as the Planning Coordinator. Michaela is familiar with the Town of Foster having previously lived on South Killingly Road and attended Ponaganset High School.

Ms. Johnson has significant knowledge in office management, experience with customer service, the ability to handle many tasks simultaneously, and proven ability to learn complex procedures. I am confident that she will be an asset to my office and the Town of Foster.

Thank you for your consideration.

Respectfully,

Susan M. Dillon  
Town Clerk