

Town Council Meeting  
November 18, 2021

The November 18, 2021, Town Council Meeting was called to order by Denise L. DiFranco, President, in Foster, RI at 7:00 p.m.

The following members were present:

**Denise L. DiFranco, President**  
**Heidi Rogers, Vice President**  
**David Paolino**  
**Cheryl Hawes**  
**Chris Stone**

Also present:

Mark Tourgee, Solicitor  
Kelli Russ, Finance Director  
Michael Antonellis, Planner  
Gordon Rogers, DPW Director

- I. PLEDGE OF ALLEGIANCE** The Pledge of Allegiance was recited.
- II. ANNOUNCEMENTS** Denise L. DiFranco asked for a moment of silence for the passing of Cheryl Doar, Judy Helfgott and Bernie Lemire. Ms. DiFranco also read a note from Carol Mauro thanking the council for their thoughtful gift.
- III. PUBLIC COMMENT** Lynne Rider mentioned that there are trees hanging over the south side of the parking lot of the Town House. People have to park along the other side. Ms. Rider also stated that Foster Preservation received confirmation that they were awarded a Champlin Grant for the Town House in the amount of \$33,165 to do interior renovation including entrance door and clapboard repair. Ron Cervasio asked how the second part of the Recreation facilities are progressing. He also asked about the asbestos in the school building. He said the clapboard on the Town House needs to be completely taken off, primed and have two coats; otherwise it will dry rot.
- IV. CONSENT AGENDA** Approval of Minutes for October 14, 2021  
Approval of General Warrants  
1. General Warrant FY2022 #6 \$130,933.13  
2. General Warrant fy2022 #7 \$71,154.16  
3. General Warrant FY2021 #24 \$210.00  
Monthly Reports (September 2021)  
a. Planning Department b. Building & Zoning c. DPW  
d. Police e. RIRRC  
f. Social Services g. Finance Dept.  
Quarterly Reports (July, August & September)  
a. South Foster Fire Co. b. Moosup Valley Fire Co.  
c. EMA d. Foster School Dept.  
e. Libraries of Foster f. Conservations  
g. Foster Ambulance Co. h. Canvassing
- Chris Stone moved, Cheryl Hawes seconded, to accept the consent agenda as presented.  
Motion passed 5 - 0.  
Heidi Rogers, aye; Chris Stone, aye; David Paolino, aye;  
Cheryl Hawes, aye; Denise L. DiFranco, aye.

**V. PUBLIC HEARING**  
Liquor License Renewals

Denise L. DiFranco said the liquor licenses have been advertised, and opened the public hearing.  
Heidi Rogers moved that, in conformity with and under the authority of the provisions of Title 3, Chapter 3-5 of the General Laws of the State of Rhode Island, Revision of 1956, as amended, and any and all amendments thereto, the annual fees for Class A Package Store License shall be and are hereby fixed at Four Hundred Dollars (\$400.00) each.

That the Annual Fees for Class B Victuallers (BV and BVL) shall be and is hereby fixed at Four Hundred Dollars (\$400.00) each.

That the Annual Fees for Class D unlimited shall be and is hereby fixed at Eight Hundred Dollars (\$800.00) each.

That the Annual Fee for extra hour closing shall be and is hereby fixed at Two Hundred Dollars (\$200.00)  
That the Annual Fee for an Entertainment License shall be and is hereby fixed at Two Hundred Dollars (\$200.00)

That the Annual Fee for Holiday Sales is Twenty-five Dollars (\$25)

Chris Stone seconded. Motion passed 5 - 0.  
Heidi Rogers, aye; Chris Stone, aye; David Paolino, aye; Cheryl Hawes, aye; Denise L. DiFranco, aye.

Heidi Rogers moved that that all holders of such licenses hereunder granted except Class A Package Store Licenses are hereby granted permission to hold dances in their respective places so licensed.

Chris Stone seconded. Motion passed 5 - 0.  
Heidi Rogers, aye; Chris Stone, aye; David Paolino, aye; Cheryl Hawes, aye; Denise L. DiFranco, aye.

Heidi Rogers moved that no transfer application or applications that may be made to have one or more granted licenses transferred from one person to another person or persons at the same location without a specific consideration and determination by the Town Council.

Chris Stone seconded. Motion passed 5 - 0.  
Heidi Rogers, aye; Chris Stone, aye; David Paolino, aye; Cheryl Hawes, aye; Denise L. DiFranco, aye.

Heidi Rogers moved that the following persons and corporations be and are hereby granted renewal licenses for their respective places of business pending receipt of Certificates of Good Standing from the Rhode Island Division of Taxation to the Town Clerk, with the approval from the Police Chief,

Tax Collector, Building Inspector, Fire Chief, and the Rhode Island Department of Health and Certificate of Server Training Program.

Class A Package Store including Sunday and Holiday Sales

- License for Healey's Liquor, Inc., d/b/a Healey Liquor Store, 144 Danielson Pike;
- License for The Watering Hole, LLC, d/b/a The Watering Hole, 185 Hartford Pike;

Heidi Rogers reiterated her motion for the following:  
Class BV licenses:

- License for Thomas Breard d/b/a Lucky's Pizza, 143 Danielson Pike;
- License for Tykamac Enterprises, LLC., d/b/a Foster Country Club, Inc., 67 Johnson Road;
- License for Helen's Place Inc. d/b/a Helen's Place, 172 Danielson Pike;
- License for Woodland Meeting House, LLC, d/b/a Woodland Meeting House, 115 East Killingly Road
- Shady Acres Fry Shack, LLC d/b/a Shady Acres, 164 Danielson Pike

Chris Stone seconded, Motion passed 5 - 0.  
Heidi Rogers, aye; Chris Stone, aye; David Paolino, aye;  
Cheryl Hawes, aye; Denise L. DiFranco, aye.

Heidi Rogers reiterated her motion for the following  
Class D license

- License for Little Rhody Vasa Park, Inc., d/b/a Little Rhody Vasa Park, 10 Boswell Trail

Heidi Rogers moved that the number of liquor licenses to be granted and issued for and during the current term next ensuing December 2, 2021 and ending December 1, 2022 shall be as follows:

- Class A Package Store Two (2)
- Class B Victuallers Five (5)
- Class D Unlimited One (1)

And furthermore that the Town Clerk shall not receive any other applications without the approval of the Town Council.

Chris Stone seconded. Motion passed 5 - 0.

Heidi Rogers, aye; Chris Stone, aye; David Paolino, aye;  
Cheryl Hawes, aye; Denise L. DiFranco, aye.

Heidi Rogers moved that the following persons be and are hereby granted Entertainment/Ongoing Open Recreation Event renewal licenses for their respective places of business with the approval from the Police Chief, Tax Collector, Building Inspector, Fire Chief and the RI Department of Health Certificate of Server Training program.

Entertainment/Ongoing Open Recreational Event  
Licenses

- License for Thomas Breard d/b/a Lucky's Pizza, 143 Danielson Pike;
- License for Tykamac Enterprises LLC, d/b/a Foster Country Club, Inc., 67 Johnson Road;
- License for Woodland Meeting House, LLC d/b/a Woodland Meeting House, 115 East Killingly Road
- License for Helen's Place, Inc., d/b/a/ Helen's Place, 172 Danielson Pike

Chris Stone seconded. Motion passed 5 - 0.

Heidi Rogers, aye; Chris Stone, aye; David Paolino, aye;  
Cheryl Hawes, aye; Denise L. DiFranco, aye.

Heidi Rogers moved to approve that the following businesses have applied for renewal of Game and Amusement Devices Licenses:

- Lucky's Pizza 2 machines 1 pool table
- Helen's Place n/a 1 pool table
- Woodland Meeting House 1 machine 1 pool tables

Chris Stone seconded. Motion passed 5 - 0.

Heidi Rogers, aye; Chris Stone, aye; David Paolino, aye;  
Cheryl Hawes, aye; Denise L. DiFranco, aye.

Heidi Rogers moved that it is ordered, in granting the previously specified and numbered licenses, that the provisions of said General Laws of 1956, as amended and all amendments thereof and thereto, and also the provision for any and all laws affecting such licenses shall apply and such licenses are hereby granted subject to such rules and regulations and conditions heretofore established or that may hereafter be established by the Town Council of Foster and that licenses hereby granted shall expire on the first day of December 2022 at twelve o'clock midnight, unless sooner revoked for cause.

Chris Stone seconded. Motion passed 5 - 0.  
Heidi Rogers, aye; Chris Stone, aye; David Paolino, aye;  
Cheryl Hawes, aye; Denise L. DiFranco, aye.

**VI. OLD BUSINESS**  
Police Building Update

Denise L. DiFranco said that the Police Building Committee met last night. They received an amendment from the contractor regarding the RFP, and it was turned over to the solicitor's office for review. We will have a decision on how we will be moving forward with that.

**VII. NEW BUSINESS**  
*Item f Perpetual Care moved here.*

Heidi Rogers moved to move Item f Perpetual Care to this position. Chris Stone seconded.  
Motion passed 5 - 0.  
Heidi Rogers, aye; Chris Stone, aye; David Paolino, aye;  
Cheryl Hawes, aye; Denise L. DiFranco, aye.

Denise L. DiFranco said that as discussed at previous meetings they had received a substantial amount in fines collected and discussed putting it back into the Perpetual Care fund. Ms. DiFranco reached out to Foster Preservation and Kelli Russ reviewed it.

Ed Robinson of the Preservation Society said that the figure was \$33,000 that they could prove according to town records. Ms. Russ said it was \$30,891.50. The town funded it in 2015, 16 & 17 and in 2018, they funded as well.

Cheryl Hawes moved, Chris Stone seconded, to move the \$12,000 into the Perpetual Fund Care.

Discussion: Kelli Russ said the way to record it from an accounting standpoint is to overfund the appropriation transfer that we discussed, and then the net surplus or loss will, the \$75,000 is there.

John Lewis confirmed that the \$12,000 in the motion would bring up the balance to \$33,000. Ms. Russ said yes.

Mr. Robinson noted that they get peanuts for interest. He said he contacted the RI Foundation to buy three units of their endowments which they guarantee at 4.5% per year which will give you \$14-15 hundred every December when they disperse it. Mr. Robinson said that the Land Trust does that. Kelli Russ said that the Land Trust is not a town entity. Bonds were discussed.

Gordon Rogers expounded on the history and problems of perpetual care.

Lynne Rider asked about not being able to give that money to another entity to hold. Atty. Tourgee said they might be able to go into it as a 501.3c and put the money into that. Mr. Robinson said that [the FPS] is a 501.3c.

Mr. Rogers explained it was not taxpayer money.

Ms. Rider asked if that doesn't pan out, can they be set up as joint custodians of that money with another group? Atty. Tourgee said he would have to look into it because it only takes one person against it to file a lawsuit or something. He suggested that Senator Gordon Rogers and Representative Mike Chippendale look into it for State legislation to approve it. Ms. Russ said it's clearly the town's responsibility, otherwise they wouldn't be making it whole. If our legal rep says it is okay, she is fine with it. Mr. Cervasio said the bottom line is that there is never going to be enough money. Ken Battey has been doing this [the mowing] for nothing. He should get an award. Motion passed 5 - 0.  
Heidi Rogers, aye; Chris Stone, aye; David Paolino, aye; Cheryl Hawes, aye; Denise L. DiFranco, aye.

a. Recognition of Patti Moreau

Patti Moreau was recognized for her years of service as Tax Collector. Heidi Rogers presented her with a digital picture frame.

b. Future of Fire & Rescue services – Creation of Fire District

Denise L. DiFranco stated that this was for discussion only. Ambulance Corps Commander Virginia Colwell read a letter to the council outlining the issues facing the Foster emergency services and proposing a Fire District. (See Exhibit A).

Denise L. DiFranco asked Atty. Tourgee to address it. Atty. Tourgee said they could take a vote. It would need State Legislature approval. They would need a District Charter. If the council votes to approve to allow the research for this, they would need their own attorney. After State approval, the town council has to approve, and then the taxpayers need to approve. Gordon Rogers, [speaking as senator] said they have a time frame to get it in by March or April.

Cheryl Hawes moved, David Paolino seconded, to allow them to explore the possibility of setting up a fire district in Foster.

Discussion: Cheryl Hawes said she feels it is needed and is the way to go but she realizes that it will take time. Atty. Tourgee said that in his town of West Greenwich there is one fire department that missed 100 runs from January to June. Once they [the town] became aware of the runs that weren't made they knew that the town had a liability. It was due to a lack of volunteers. You lose good volunteers because once they have the training, they want to move to a paid position in a department. The main responsibility of government is health and safety, and welfare. Volunteerism is down across the country.

Cheryl Hawes said she thought it could be sold to the town if it's done well and done right. We all need this. Cmdr. Colwell agreed, the way the board will be set up, the voters will be making the decisions in how the money will be spent.

Denise L. DiFranco thanked each department for coming out and being represented. Kelli Russ offered to help in any way.

Motion passed 5 - 0.

Heidi Rogers, aye; Chris Stone, aye; David Paolino, aye; Cheryl Hawes, aye; Denise L. DiFranco, aye.

c. Ordinance Amendment

Denise L. DiFranco said that next was an amendment to town ordinances by adding "Chapter 34 Taxation, Article IV, Section 61-69 "An Ordinance Involving State Law Regarding Unutilized Commercial Property" allowing for taxation of non-utilized commercial property.

Michael Antonellis, Town Planner, said that this was suggested during the Town Council / Planning Board joint meeting regarding efforts along Rt. 6. RIGL enables towns to adopt a local ordinance to tax properties that are vacant at the rate of \$100 for each \$1000 of assessed value for underutilized properties. The draft language lists out what the ordinance should have. This one is based off Warwick's. Pawtucket, Warren and Providence have passed them. The intent is to create an incentive for people to not leave their commercial properties vacant because it devalues the land around it. The town is losing out on tax money because of that.

Heidi Rogers asked if this was for people who are current on their real estate taxes and pay it yearly and who don't happen to want to run a business there right now? This is an additional tax?

Mr. Antonellis said that if it is a vacant property, yes.

David Paolino said he thought the intent was that we came to believe over time that property owners who were not using the property were benefiting by the value of the property going down year after year. In six years you can see a property going down from \$6000 to \$3000 and it seems to be intentional. Mr. Antonellis agreed and said that according to the definition, vacant and abandoned property means any property which is a structure which has been determined to be continuously unoccupied by the building official during the privilege year and has been under continuous citation by the building or minimum housing official, has not been maintained as evidenced by the exterior condition of the building. A lot with no existing structure that is littered with trash and has obviously abandoned.

Gordon Rogers says he knows of someone who purchased a property as an investment and used it as a depreciation.

Lynne Rider read RIGL 44-5.1-1 for clarification of the purpose:

(a) There are numerous vacant and abandoned properties throughout the cities and towns of Rhode Island.

(b) The existence of vacant and abandoned properties within a city or town contributes to the deterioration of its viable real estate.

(c) Vacant and abandoned properties sometimes place a greater demand on essential city or town services such as police and fire protection than do occupied properties comparably assessed for real estate tax purposes.

(d) The owners of vacant and abandoned properties do not always contribute a fair share of the costs of providing the foregoing essential city or town services financed in part by real estate tax revenues, which revenues are solely based on the assessed value of properties.

(e) Some properties are deliberately left vacant by their owners in the hope that real estate values will increase, thereby enabling the owners to sell these properties at a substantial profit without making any of the required repairs or improvements to the property.

(f) The nonutilization of property whether for profit speculation, tax benefit, or any other purposes is the making use of that property and as such, is a privilege incident to the ownership of the property.

(g) Owners of vacant properties must be encouraged to use the properties in a positive manner to stop the spread of deterioration and to increase the stock of viable real estate within a city or town.

(h) Owners of vacant and abandoned properties must be required, through a city's or town's power to tax, to pay a fair share of the cost of providing certain essential city or town services.

- d. Nike Site Solar Presentation
- e. Bid Award for Solar

Mike Antonellis introduced Matthew Tremblay of Balanced Rock Energy. He recommended Kearsarge Energy. (See Exhibit B.)

Lynne Rider asked about the size. Mr. Tremblay said there were restrictions on how the property can be used. The larger arrays would require an additional 50-ft. boundaries. Cheryl Hawes asked who would approve that. Mr. Antonellis said it would be the zoning board. David Paolino asked what model would fit best. Mr. Tremblay said the 249KW project.

Mr. Cervasio asked about the cost. Mr. Tremblay said the cost would be borne by the developer.

Cheryl Hawes moved, Heidi Rogers seconded, to approve the recommendation of Kearsarge Energy and to move ahead with signing the letter of intent.

Motion passed 5 - 0.

Town Council Meeting  
November 18, 2021

- f. (Perpetual Care  
*Moved up*)
- g. Thanksgiving  
Proclamation
- h. Bid Award Land  
Evidence Recording  
System
- i. American Recovery  
Rescue Plan
- Heidi Rogers, aye; Chris Stone, aye; David Paolino, aye; Cheryl Hawes, aye; Denise L. DiFranco, aye.
- Denise L. DiFranco said that next was the Thanksgiving Proclamation, which will be this Sunday at 3 o'clock at St. Paul's Church.  
Heidi Rogers read the proclamation. (See Exhibit C.)  
David Paolino moved, Heidi Rogers second, to accept this proclamation for the Thanksgiving service.  
Motion passed 5 - 0. Heidi Rogers, aye; Chris Stone, aye; David Paolino, aye; Cheryl Hawes, aye; Denise L. DiFranco, aye.
- Denise L. DiFranco said next is the bid award for Town Hall's land evidence recording system. We have Mrs. Dillon's recommendation and explanation why she chose this particular company.  
Cheryl Hawes moved, David Paolino seconded, to accept Mrs. Dillon's recommendation of NuVision providing us with the equipment stated in the bid.
- Discussion: Mrs. Dillon said she was hoping to get another \$18,000 to put an additional 30 years of Land Records and Mortgages online. It would be beneficial when using the online system. She can only put on 10 years of records with the money allocated in the bid.  
Atty. Tourgee said to put that discussion on the next meeting on December 9<sup>th</sup>.  
Kelli Russ noted that this was not a bid we put out but one that Gloucester put out. We are piggybacking, and she noted that a good portion of this was coming from the American Rescue Plan Act.  
Motion passed 5 - 0.  
Heidi Rogers, aye; Chris Stone, aye; David Paolino, aye; Cheryl Hawes, aye; Denise L. DiFranco, aye.
- Denise L. DiFranco said they would be having a hearing on January 27<sup>th</sup> regarding this as is required to get the moneys and spend the money. She suggested that each one of them [councilmembers] select one of the things discussed at the last workshop and present something at the public hearing so that it shows they are invested in this and it is coming from us as a council. Some items were the covered bridge, well at Recreation Field, Fairgrounds developing across the street, electric parking spaces, electrical being improved there. She added one about the bleachers, making sure they meet the guidelines. Kelli Russ she created a cheat sheet showing what they can spend the money on. Ms. DiFranco said

that if they all agreed with that she would put it on the next agenda.

Discussion about various possibilities. Kelli Russ would like to assign dollar figures.

Lynne Rider asked about having a public forum. She asked if what they are zeroing in on could be publicized ahead of time. Kelli Russ said she would post it on the website. Denise L. DiFranco said she would put it on the December 9<sup>th</sup> agenda.

j. December Mtg. Dates

Denise L. DiFranco said two meetings were scheduled: December 9 and December 23.

Cheryl Hawes moved, Heidi Rogers seconded, to skip the meeting on the 23<sup>rd</sup>.

Motion passed 5 - 0.

Heidi Rogers, aye; Chris Stone, aye; David Paolino, aye; Cheryl Hawes, aye; Denise L. DiFranco, aye.

### **VIII. EXECUTIVE SESSION**

PURSUANT TO RIGL 42-46-5, (A), (1) Personnel

- a. Assistant EMA Director Position
- b. Town Hall Staffing

PURSUANT TO RIGL 42-46-5A (2) Litigation

1. TOF v. R.P. Investment Company LLC d/b/a Price Auto – PC-2020-01954

Heidi Rogers moved to go into Executive Session according to RIGL 42-46-5 for discussions or work sessions regarding Personnel and Job Performance according to RIGL 42-46-5 (A) (9) and for collective bargaining, contract negotiations or litigation according to RI General Laws 42-46-5(a)2, and to reconvene in open session and further to keep the minutes of said meeting closed and the minutes of all Executive Sessions held previous to this meeting be closed and remain to provisions of the General Laws of Rhode Island 42-46-4 & 5.

### **RETURN TO OPEN SESSION**

Denise L. DiFranco said there were two votes taken. One to remove the Assistant EMA Director from his post and pay his salary to the EMA Director. Vote was 5 – 0. The second was to allow the Deputy Treasurer and Tax Collector to temporarily fill the Tax Assessor's position and be paid the difference. Vote was 5 – 0.

### **IX. ADJOURNMENT**

Chris Stone moved, Heidi Rogers seconded to adjourn. Meeting adjourned at 9:14 p.m.

Submitted by,

Susan M. Dillon, Town Clerk

A few members of Foster's Fire Departments and Ambulance Corps have had some discussions regarding the future of fire/ems in our town. As members of the fire departments and the Ambulance Corps and as residents, we are stakeholders in Public Safety. In the recent past, several members brought to the attention of the town council that the departments are struggling keeping and recruiting new members as well as having serious financial issues. This group has met on several occasions to discuss, where we are today and where we are going, providing the necessary 911 emergency services to the residents of Foster for the future.

First and foremost, Foster's Emergency services need additional staffing and support, we have been unsuccessful in attracting adequate number of new volunteers. This shortage can be attributed to Covid, people's busy lives, as well as the ever-changing requirements, in patient care, documentation and training imposed on emergency services by the RI DOH. The burden has increased a great deal due to COVID.

As this group of a few senior ranking members of Foster Fire/EMS we have discussed at length, and weighed many options. We have been fortunate to have others who have been in our situation, attend some of our discussions and pass along their expertise. This has led the group to conclude that creating a Fire District/Tax District for Fire/EMS services is the best course of action going forward for Foster. The Foster Fire District would be governed by a Board of Commissioners made up of representatives from each of our Fire Departments and Ambulance Corps as well as residents at large, all whom will manage the fire district. This board will hold regular meetings open to the public. The board would receive budget requests from each of the departments, South Foster Fire, Moosup Valley Fire, Foster Center Fire and Foster Ambulance Corps, formulate and adopt a budget to give the registered voters of Foster an opportunity to attend the annual fire district meeting where they will be able to vote to approve or reject the budget presented by each department. This will give the taxpayers a clear picture of how their tax dollars are being spent.

We have researched similar communities and their public safety operations and are looking to create a model like Exeter. In the Exeter Fire District, (created in 2004 at the approval of the residents) the common line items in their

budget is ex: Exeter #1 Fire, Exeter #2 Fire, Exeter EMS, Exeter Emergency Dispatch and Exeter Fire District Administration.

The time has come for us to work for a common cause regarding Emergency Services which are constantly changing and more and more difficult to keep up to. Currently we have 4 independent operations with 4 separate sets of by-laws, ideals and policies. The creation of this fire district would make the necessary changes to continue providing emergency service 24/7, which they have become accustomed to to the residence of Foster for the foreseeable future.

30 years ago, volunteer fire/ems departments were made up of neighbors who came out to help one another in their time of need. The number of incidents was much lower and the demands of training, committee meetings, increased requirements imposed by the RI DOH and the alike were much less. A simpler time for certain. In today's world we are expected to be proficient in so many different areas.