

Town Council Meeting
March 10, 2022

The March 10, 2022, 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
Chris Stone
David Paolino
Cheryl Hawes
Heidi Rogers, Vice President excused

Also present:
Kelli Russ, Finance Director
Mark Tourgee, Solicitor

- I. PLEDGE OF ALLEGIANCE** The Pledge of Allegiance recited. Denise L. DiFranco
- II. PUBLIC COMMENT / ANNOUNCEMENTS**
- Denise L. DiFranco asked for a moment of silence for Gold Cane recipient Robert Dolbey who passed away; he lived in Foster for over 60 years and owned the Chopmist Gas Station.
- Ms. DiFranco said that Heidi Rogers was excused.
- Ms. DiFranco referred to the article in the *Observer* regarding Foster Old Home Days. If you have not heard, they are considering closing shop for lack of volunteers. There will be an email blast going out and there will be a Zoom meeting on March 24th at 7 p.m. If you are interested in volunteering, the email address is FosterOHD@gmail.com. If you can help out in any way please help us keep this going.
- Lynne Rider commented on Foster Old Home Days. She said that it is at least six or seven of the key people, and it's not for any other reason than that they have been doing it for 30 or 40 years, and they're done. The core group that is left is excited about carrying it on and would be happy to get newcomers up to speed to work with them. If the town could put out a blast because it is so hard to find volunteers. For small organizations like Foster Preservation, that is our bread and butter. That is our main fundraiser every year.

III. CONSENT AGENDA

Minutes

1. Approval of Minutes for February 24, 2022
2. Approval of General Warrant #14 \$99,461.45

Monthly Reports (January)

*Building & Zoning * DPW * Police * Social
Services * Planning * RIRCC

Chris Stone moved, David Paolino seconded, to accept the Consent Agenda as presented.

Discussion: None

Motion passed 4 - 0.

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

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<i>Items 1, 2 & 3 moved to this position</i>	Denise L. DiFranco requested items 1, 2 & 3 from New Business be moved to this position Chris Stone moved, David Paolino seconded, to move these items. Motion passed 4 - 0. Chris Stone, aye; David Paolino, aye; Cheryl Hawes, aye; Denise L. DiFranco, aye.
1 Swearing in of Police Officers	Police Chief David Breit called Officers Roca, Duarte, and Kinzer forward, swore them in, and welcomed them to the Town of Foster.
3 Promotion of Officer Stephanie Choiniere	Police Chief David Breit called Officer Choiniere forward and promoted her to rank of lieutenant. Officer Choiniere's sister pinned her badge.
2 Promotion of Officer to Ray Peters	Police Chief David Breit called Officer Peters forward and promoted him to the rank of Sergeant. Chief Breit pinned his badge.
IV. OLD BUSINESS	Denise L. DiFranco requested that Item 4 of Old Business be moved to this position. Chris Stone moved, David Paolino seconded to move this item Motion passed 4 - 0. Chris Stone, aye; David Paolino, aye; Cheryl Hawes, aye; Denise L. DiFranco, aye.
<i>Moved to this position</i> Status of Senior Van	Allison Bouchard, Human Services Director, updated the status of the Senior Van. She has been in touch with RIPTA but there is no specific date on completion due to COVID. Carol Mauro, former Director, reviewed what had been done in the past. She stated that all the money for the van has been paid. Denise L. DiFranco said that money was not needed for the pantry. Ms. Bouchard said they always need money for food supplies.
1. Appointment to Recreation Committee	Denise L. DiFranco said Elaine Gugliotti requested a position on the Recreation Committee, and that she had received a letter of recommendation from Director Tammy Steinkamp. Chris Stone moved, David Paolino seconded, to appoint Elaine Gugliotti to the Recreation Committee. Motion passed 4 - 0. Chris Stone, aye; David Paolino, aye; Cheryl Hawes, aye; Denise L. DiFranco, aye.
2. Resignation from Recreation Committee	Denise L. DiFranco said they had received a resignation letter from Denise Wetzal who said she could no longer participate in the Recreation Committee. David Paolino moved, Chris Stone seconded, to accept her resignation with regrets.

Motion passed 4 - 0.

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

3. ARPA Funds

Denise L. DiFranco said that she had been informed by Kelli Russ that they do not have to spend all the money now. April 30 is the first report; however, she would like to get things rolling. Ms. DiFranco said that she thought the consultant was the number one priority. She stated that Planner Mike Antonellis has someone in mind and has prepared an RFP. Kelli said that he has a price estimate of \$30,000.

David Paolino moved, Chris Stone seconded, to move forward with an RFP for the consultant position.

Discussion: None

Motion passed 4 - 0.

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

David Paolino asked for clarification from Kelli concerning the live streaming and police station, would that count as money spent before April? Ms. Russ said that we don't have to spend it, we just need to have better numbers. David Paolino asked about the live streaming, we had a written quote for that. Ms. Russ asked if it was complete. Mr. Paolino said not for the electrical. Ms. Russ said they needed everything.

Denise L. DiFranco talked about the engineering for the covered bridge. Ms. Russ said they were doing that already. We already have a fee for that, and we had already awarded the RFP, in fact Julia wrapped up the contract, and they are looking at it. It was about \$55,000. Cheryl Hawes said she would like Green Acres on. Denise L. DiFranco said that she knew Ms. Hawes was working with Gordon Rogers on it. Ms. Hawes said they don't have estimates yet. They need to determine what needs to be done and get quotes. If he does the dredging, it should cost around \$12,000.

Denise L. DiFranco said there was also Town Hall renovations—raising the roof, the public well at the recreation site; sprinklers, electrical and bleachers for the Fairgrounds; and the Town House. Also the land across the street but that could wait. David Paolino said we could get electrical, bleachers and a possible gazebo, and that we can get individual numbers (for the recreation field). Denise L. DiFranco said she wanted prices for the Town Hall and the Town House.

Lynne Rider said that she thought what Mike Antonellis needs is permission to get, hopefully, a pro bono engineer to find out exactly what needs to be done. It won't be a quick thing to write up. Champlin changes their grants so

they will have three during the year. It will be costly even with matching grants.

South Foster was looking for the Jaws of Life for \$42,060. Denise L. DiFranco said they should make that decision tonight because it affects their budget. Ms. Russ asked if they wanted to make that Capital money to free up the money for the rest of the projects. Cheryl Hawes said they had talked about a set amount. Denise L. DiFranco said she had an issue with stipends because some do more than others. Chris Stone said he thought it was \$50,000 apiece to the four stations. Denise L. DiFranco said that it wasn't just Foster Center using the Jaws of Life. David Paolino suggested just dealing with the Jaws of Life separately. Denise L. DiFranco said it needs to be purchased.

David Paolino moved, Chris Stone seconded, to purchase the hydraulic system for the Jaws of Life.

Motion passed 4 - 0.

*4. Status of Senior Van
Moved*

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

Denise L. DiFranco said something else came to light and that was the Food Pantry

Kelly Russ said she would give them the amount for the Land Records Recording System and the E-Permitting.

*5. Trash Removal – Tipping
fees moved*

Denise L. DiFranco if Gordon Rogers was present. He was not. Ms. DiFranco asked to move Item 5 to the end of New Business

Cheryl Hawes moved, David Paolino seconded, to move Item 5 Trash Removal – Tipping fees to the end of New Business

Motion passed 4 - 0.

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

V. NEW BUSINESS

*Swearing in of Police Officers -
moved*

*Promotion of Officer to Ray
Peters - moved*

*Promotion of Officer Stephanie
Choiniere – moved*

Virginia Colwell, Ambulance Commander asked about the stipends. Denise L. DiFranco said that would be on the March 24 agenda because they didn't have the police department yet. Ms. Russ said that yes, they are all in there. Denise L. DiFranco said she didn't look.

4. Grant Writer Position

Denise L. DiFranco said that next was the grant writer position. Present were Matthew Haynes and JoAnn Johnson who applied as a team. Cheryl Hawes asked if the one stipend would be split. Kelli Russ said it would be a set price. Ms. DiFranco said that she felt the position was intended to free up the planner, but he would oversee it. Mr. Haynes proposed \$35 an hour plus two percent of the grant award. Denise L. DiFranco suggested that Cheryl Hawes, Kelli Russ, Matt Haynes, Joann Johnson

and Mike Antonellis work out a plan for the March 28 meeting.

5. Foster Fire District
Referendum

Denise L. DiFranco noted that Representative Chippendale was present. She noted that there was a Resolution and Referendum question. Rep. Chippendale explained how the referendum worked: one resolution is a creation of a Charter. Any taxing authority has to be done so through a legislative act, so one of those resolutions has the proposed Charter to establish the district itself. The second piece is a separate procedural resolution requesting the Secretary of State to place a referendum question on the ballot relative to the Resolution creating the Charter and the taxing authority of the district. The two go hand in hand.

Denise L. DiFranco asked if they should do the Fire Tax Resolution first. Mr. Chippendale said yes.

David Paolino moved, Chris Stone seconded, to approve the Foster Fire Tax District as Chartered, including that the taxes assessed and payable for the Foster Fire District in any one year shall not exceed \$5 for each \$1000 of real property valuation, provided further, however, that the minimum charge for any Foster Fire District tax bill rendered shall not be less than \$20. (See Exhibit A)

Discussion: Cheryl Hawes said there were many questions before this goes in to play and she does not think that any of them have been answered. Do they have a business plan?

David Paolino said one question he had was would the Fire Tax be subject to a cap similar to what the town operates with for the budget each year? The answer is no, it has to be written in the bylaws as such that the Fire Tax District, once created in the Charter will have to cap it the same as the town by law. Someone said he believed the 30/50 would apply, Kelli Russ said it doesn't. In their Charter, they say that.

David Paolino said the second question was if there was a loss of elderly tax credit or freeze, so the Charter needs to honor that in the same way. Mr. Paolino said there should be open meetings so that everyone on town can ask their own questions. Then we can all get an education on what to expect.

Virginia Colwell said that she would vote for more than one. Kelli Russ said that the freeze and the tax credit are both legislated so she would recommend it. Denise L.

DiFranco asked if that was in the Resolution. Atty.

Tourgee said it was not. Cheryl Hawes asked how long it would take and how much it would cost. Would you be hiring your own people? You can't rely on the town. Atty.

Tourgee said they would be all on their own; Kelli and the

Town Council would not be involved. It would be a separate entity operating under its own bylaws. Virginia Colwell said that the majority of towns have their own Fire Districts so we would be following those. David Paolino said the bylaws should be available before the vote.

Denise L. DiFranco said that they are asking for permission to put it on the ballot. Then once that happens, then they will have information meetings. Ms. Colwell said that would give us time to inform the people before they go to the polls. Cheryl Hawes said she did not want to commit to something without knowing the answers. She is being asked by a lot of people but she has no clue. Denise L. DiFranco said we did not want to make the decision; they want the people to make the decision. Pam Fontaine said she has worked for fire companies, and that they have their own bylaws, and they do have to abide by State laws for taxation. Atty. Tourgee suggested they vote on it now so the four entities can move forward with setting up workshops and setting up the Fire District for the vote in November. We can do the second motion at the next meeting.

Cheryl Hawes asked if they were all in agreement. Virginia Colwell said yes, there were multiple meetings. Bill Paul, Foster Center Chief said that Foster Center Fire Company does not want to go with a Fire Tax. He does not want to pay for a lawyer or go along with the proposal. David Paolino asked how many were residents. Mr. Paul said all the ones who voted were residents. Denise L. DiFranco called out someone who had voted who was not a resident. Catherine Bey said they were late to the game and felt they were unprepared. Cheryl Hawes suggested that they get together again. Denise L. DiFranco said she didn't want people to feel like they were excluded. Virginia Colwell said that all the chiefs were invited to the meetings. The bylaws were presented to all the chiefs and it was their obligation to bring it to the membership. If the membership wasn't informed, that was not up to the committee.

Lynne Rider said that is what the council is voting on tonight. A yes vote doesn't mean that every single fire department has to opt in. This vote is to open the possibility. Denise L. DiFranco agreed that their vote is whether it moves on to the legislature.

Rep. Mike Chippendale, agreed that it is to enable the town to do this but not compel them to do it; furthermore, it will be very clearly articulated in the legislation that the only chance for approval will be in the 2022 General Election. After that, whatever is approved tonight is mute and dead. So that helps to clarify.

Motion passed 4 - 0.

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

David Paolino further moved, to approve the Fire District Tax Resolution as presented and the additional amendment language as presented. This must be approved by the majority of all qualified electors voting in the 2022 General Election, and if not supported by the majority of voters in the 2022 General Election, this resolution shall be null and void. Chris Stone seconded.

Discussion: None

Motion passed 4 - 0.

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

8. ARPA Resolution

Denise L. DiFranco asked that Item number 8 be moved. David Paolino moved to move item 8, the ARPA Resolution, to this position.

Motion passed 4 - 0.

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

Resolution 2022-02 American Rescue Plan Act Funds.

Rep. Chippendale said he spoke with Joe Walsh who asked if this was possible. Essentially, what the resolution is seeking to do is seeking money above and beyond the distribution to say that we passed a referendum to build a new police station but the costs have gone up, so we are asking the state for additional funding to meet what is required to complete the police station. It is a slim chance, and the town will get the chance to testify as to why we need this above the regular ARPA money.

Denise L. DiFranco read the resolution (See Exhibit B)

Cheryl Hawes moved, David Paolino seconded, to present this Resolution as written.

Discussion: Kelli Russ asked if we needed to do anything. Rep. Chippendale said to submit it to the legislation immediately.

Motion passed 4 - 0.

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

6. Municipal Court feasibility

Denise L. DiFranco said that next was the feasibility of a municipal court. David Paolino said they were doing some investigative work. It has been coming up for years. What he has seen is an inability to be effective in some of the things that we are required to do as far as ordinances, violations, and quite a few things we cannot get done quickly and we are criticized for not moving fast enough—for example blight on Route 6—on pending cases in

litigation. We don't have "teeth" to most of our ordinances. There's not much reason for people to comply with request from building and zoning officials. So we are trying to get information on getting our own municipal court. The court is empowered to hear cases on minimum housing, occupancy codes, and zoning ordinances, including violations of RIGL 8-18-3. Traffic too. Lynne Rider has been very helpful and a motivator. What he has found so far is that we could entertain having a municipal court one Friday a month from 2 – 6. We would utilize the services of the existing town clerk. The cost would be minimal. We might be able to hire a judge for only when court is in session. The most efficient cost effective way to stay out of District Court for a large majority of cases today. We keep kicking the can down the road.

Denise L. DiFranco asked Atty. Tourgee what would need to be done. Atty. Tourgee said they would have to change the Charter and vote on it, it would have to be approved by the State. You will be taking some things away from the traffic tribunal. He noted that there is a program we have to use to match with the one at DMV. Where it really helps is with the blight that you have. It will allow you to put a lien on the property when they don't show up. You can handle things locally.

Denise L. DiFranco said she would put it on as a Future Agenda Item for March 24th.

Discussion over the fees and traffic tickets. Cheryl Hawes asked that if it has to go to the legislature, we have to get moving on it. Lynne Rider said she has reached out to Jon Restivo who had looked into it before, and he said that we don't have to have a Charter change. The general assembly does have to pass the enabling legislation but you really don't want a Charter change because sometimes these things are fluid and you'll be making changes all the time. In Bristol they advised that they have to make changes from time to time and it is better if it is not part of the Charter. Especially if it's not working out for us.

Engineering Board Capital

Denise L. DiFranco said she discussed with Kelli Russ the idea of having money put aside for the Engineering Board to utilize. There was discussion that all four departments had to agree and sign off on it. She cannot find any minutes stating that. There seems to be some disagreement; do we want it to be a majority? David Paolino noted that the reason to go with majority rule is to end this impasse. Cheryl Hawes said they should come to an agreement; they have to listen to everyone. David Paolino asked how to you make people agree? Cheryl Hawes said if all four have to agree, you have to set up parameters and come up for a way to agreeing with each

other. Virginia Colwell said she is frustrated by the tension. The meetings have been open to every chief to bring back to their department. She feels very blindsided. Catherine Bey agreed that repairs went to Stations 2 and 1, the remaining capital would go to station 3. We're always put to the back. If you are going to close, then close it, why should she waste her time. David Paolino asked why it didn't happen?

Denise L. DiFranco asked if we could send two council members to the Engineering Board meeting because this is not the time to discuss it? Kelli Russ said she is not going to release the funds until they make that decision of whether or not to go with majority rule. Kelli felt that Heidi Rogers would like to be included.

**Regional School Budget
Presentation**

Dr. Barnes presented the Regional School Budget.

*5. Trash Removal – Tipping
fees moved here
Not discussed*

Chris Stone moved, David Paolino seconded, to table Item 5 to a future agenda.

Motion passed 5 - 0.

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

VI. EXECUTIVE SESSION
Pursuant to RIGL 42-46-5A
(2) Litigation
1 ToF vs. Saint 23, LLC et al
2 ToF vs. Wright's Auto

Cheryl Hawes moved, David Paolino seconded, to go into Executive Session pursuant to RIGL 42-46-5 for a work session regarding pending Litigation according to RIGL 42-46-5-A (2) 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. No discussion.

Motion passed 4-0.

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

**RETURN TO OPEN
SESSION**

Denise L. DiFranco said no votes were taken.

VII. ADJOURNMENT

Meeting adjourned at 9:40 p.m.

Submitted by,

Susan M. Dillon, Town Clerk