

Town Council Meeting
April 28, 2022

The April 28, 2022 Town Council Meeting was called to order by Denise L. DiFranco, President, in Foster, RI at 6:30 p.m.

The following members were present:

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

Also present:

Kelli Russ, Finance Director
Mike Antonellis, Town Planner
Julia Chretien, Solicitor

**I. EXECUTIVE SESSION
PURSUANT TO RIGL**

42-46-5A (2) Litigation,

1. TOF v Saint 23, LLC, et al. -PC-2018-3588
2. TOF v. R.P. Investment Company LLC d/b/a Price Auto – PC-2020-01954

Executive session at 6:30 p.m.

Open session began at 7:00 p.m. Denise L. DiFranco stated that no votes were taken.

Ms. DiFranco reported that she had COVID but has tested negative and is fine; her quarantine is over.

Ms. DiFranco noted that Ms. Rider had raised the issue of the garden in front of Town Hall. There has been a fence ordered because the fence there now is falling apart and once the fence is in, they will move forward with that.

Ms. DiFranco noted that Mr. Antonellis needed to leave by 7:30 and wanted to move items up.

II. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

**III. PUBLIC COMMENT/
ANNOUNCEMENTS**

Denise L. DiFranco asked for a moment of silence for Shelly Pezza's sister who passed away; she was a member of the ambulance corps.

Lynne Rider, Burgess Road, discussed the garden and said that Ms. Rodman was looking for some kind of commitment from the council for the group she is forming so they can research plants.

Ron Cervasio discussed the people having to wait outside in the cold when there is an Executive Session at the beginning. He also said that people have been misunderstanding the ambulance corps financing.

IV. CONSENT AGENDA

Minutes

Approval of Minutes for April 6, 2022; April 7, 2022; and April 14, 2022

Warrants

Approval of General Warrant #17 \$86,790.51

Monthly Reports (February)

*Building & Zoning *DPW *Police *Social Services
*Planning *RIRCC
*Finance *Tax Assessor

Additions and Abatements

*Abatement \$212.95

Chris Stone moved, Heidi Rogers seconded, to accept the consent agenda as presented.

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Moved to this position:

Heidi Rogers moved, Chris Stone seconded, to move up items one, three, and seven in New Business.

Motion passed 5 - 0.

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

1

*Captain Henry R. Phillips
Memorial Athletic Field RFP*

Mike Antonellis, town planner, discussed what was needed to complete the athletic field. He recommended the bid be awarded to Cardi for \$815,500.00. Kelli Russ noted that they would be short on the funding so she suggested moving 150,000 from capital and to do this they would need to make a motion at the Financial Town Meeting.

Heidi Rogers moved, David Paolino seconded, to award the bid for Phase Two of the Recreation Field to Cardi Corporation for \$815,500.00

Motion passed 5 - 0.

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

3

*Use of Captain Henry R.
Phillips Memorial Athletic
Field - moved*

Denise L. DiFranco said that there was discussion about use of the field. She spoke to Tammy Steinkamp, Recreation Director, who has a list of when the field will be in use. They will be done by May 16th unless they make the playoffs. Mr. Antonellis said that should be fine.

7

Nike Site Rental

Mike Antonellis said that he currently has someone interested in using that site, but he wanted council feedback for the types of uses they would be comfortable with going in there. He and David Paolino will be meeting with someone next week. There was also the issue of problems with the building itself. He found that Rhett Bishop, the former building official, had issued a notice back in 2020 relative to the building and suggested we make sure before we proceed. Julia Chretien suggested that the Fire Marshall look at it.

Susan Dillon said she thought there was a report that was done concerning the asbestos. Denise L. DiFranco said she thought a company came out. Mr. Antonellis said he would look for that report. Denise L. DiFranco asked if the use of the property would be a future agenda item? Mr. Antonellis said yes, after he speaks with the interested person.

Ron Cervasio said that in the early 90s there was a Nike Site research committee. At that time there were six garages built by the Army Corps of Engineers. The building still exists. We recommended it be sold. Maybe they could consider selling it; it's a white elephant. Mr. Antonellis said that was also a consideration. Kelli Russ noted there were other financial consideration including mitigation by the Army Corps of Engineers, and also that

part of that land is contracted for solar. That person had to pay the consultant and hopefully, the solar will come to fruition.

V. PUBLIC HEARING

Peddler License for Denise Costa-Mello who will be selling party products by Color Street, Perfectly Posh and Young Living at various locations in Foster, Rhode Island, pursuant to the provisions of the Foster Town Charter, Article 5 Sec. 12-137 and Chapter 5-11-1.1 of the General Laws of Rhode Island

Denise L. DiFranco read the advertisement. Ms. DiFranco opened the public hearing and reviewed the procedure. Heidi Rogers asked what the product was. Ms. Costa-Mello stated that Color Street is dry nail polish and other items. She wants to set up in places and have people aware so she can have parties. Posh products are all about skin pampering and also on the party plan. Young Living is essential oils and supplements. Ms. Costa-Mello stated that she just got her liability insurance. She would be setting up at Dr. Daycare, American Karate, Chelsea's, and John's at JP's. She also has her retail sales certificate. Denise L. DiFranco asked if anyone would like to speak in favor.

There were none.

Denise L. DiFranco asked if there was anyone who wanted to speak against.

There were none.

Denise L. DiFranco asked if the council wanted to speak.

David Paolino asked if a copy of the insurance should be filed. Atty. Chretien said yes.

Cheryl Hawes moved, David Paolino seconded, to grant Denise Costa-Mello the peddler license on a condition that she provides approval from the property owners that she is going to set up shop in.

Chris Stone wanted to know why do we care where she goes? Julia Chretien says it gives them the opportunity to revoke the license if she sets up somewhere they don't want.

Heidi Rogers amended the motion, Chris Stone seconded, to grant the peddler's license to Denise Costa-Mello provided that the Town Clerk has all the required information.

Amendment passed 5 - 0.

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

Denise L. DiFranco asked for all those opposed to the main motion. Vote was 0 - 5.

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

VI. OLD BUSINESS

Opioid Funds

Denise L. DiFranco said that Kelli had requested that we speak with Chief Breit in regards to the opioid funds. Chief Breit said he reached out to some opioid counseling services and made contact with Counselor Steven Riccio, a retired Pawtucket police officer. Chief Breit told Mr. Riccio what has happened the past four or five weeks in

the town and he is more than willing to come and speak at a future council meeting regarding what services he can provide. He mentioned that once a month he could come to Foster and make himself available to anyone who feels that they are suffering from substance abuse issues such as opioid abuse. Mr. Breit said he was also going to reach out to Chris Dorval, a Providence Police Dept. therapist, who is also with Ocean State recovery, and if the council would like to have one or both to come to a future meeting he will reach out to them tomorrow and advise them.

Denise L. DiFranco said they were limited at what they could use the funds for. Ms. DiFranco said they will schedule that as a future agenda item. Kelli Russ said she will take the funds and put them in a special revenue fund so that they will roll into the next year and not run into fund balance. Ms. Russ said she was also going to look into using the funds for some of the legal fees.

Fire District Tax Resolution
and Proposed Act

Denise L. DiFranco said that they sent their Resolution in and that it got kicked back by the State with some clarifications needed. Ms. DiFranco asked if those things were clarified after a meeting with Chris and Heidi. Tom Walden introduced the fire district attorney, David Petrarca from the offices of Ruggiero, Brochu and Petrarca in North Kingstown, RI, stated that he had spoken with the solicitor and with the legislative counsel at the General Assembly and said he thinks they have reached an understanding. The main thing was the tax levy cap and how that was to be dealt with. He submitted language taken from the Exeter Fire District charter that says they are subject to the cap, however, if you want to exceed the cap you would need a two-thirds vote of the electors. There were a couple other matters regarding names of the fire companies but the substantive change deals with the tax cap.

Denise L. DiFranco asked for questions. Julia Chretien asked that the between the words “annual” and “meeting”, if he could add “financial.” Mr. Petrarca agreed.

Ms. DiFranco said there was a new Resolution dated today. Ms. Chretien said it is the same Resolution, just the date change; she will forward it to the Town Clerk.

Heidi Rogers moved, Chris Stone seconded, that the Council President be authorized to sign the Fire Tax District Resolution on the 28th day of April 2022.

Heidi Rogers read the Resolution (see Exhibit A).

Denise L. DiFranco clarified that the Act to Create the Foster Fire District does say “to wit, South Foster Volunteer Fire Company, Moosup Valley Volunteer Fire Company, Foster Center Volunteer Fire Company, and

Foster Ambulance Corps (each hereinafter, a “public safety organization”) so everybody is listed.

Motion passed 5 - 0.

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

VII. NEW BUSINESS

1.

*Captain Henry R. Phillips
Memorial Athletic Field RFP
–moved up*

2.

Discussion of RFP for
Fairgrounds/Improvements

Kelli Russ said that she, Mike Antonellis, and Gordon Rogers went to prepare an RFP but didn't know exactly what was needed. Denise L. DiFranco said that if you talk to Gordy Brayton, they were looking at the electrical and Gordy needs to be present because of what is there and what their people have done. They also spoke with Mike Paolucci.

Ms. Russ asked if they wanted bleachers. Denise L. DiFranco said they could look at the bleachers. Ms. Russ asked if they want to go out for new bleachers. Ms. Russ asked how big they want them to be. Denise L. DiFranco said she thought the same size. Chris Stone said the problem with it is the top step is four feet wide; it doesn't meet code.

Ms. Russ asked yes or no on the gazebo. Chris Stone asked where would they put it? Denise L. DiFranco suggested they hold off on that.

Ms. Russ asked about lights and where to put them; over by the sheds? Chris Stone said by the animal sheds. Denise L. DiFranco agreed.

Lynne Rider asked since they are using the ARPA funds do they have to consider ADA compliance with the bleachers? Ms. Russ said that was the whole point. Ms. Rider said she meant about cement walkways like the athletic field. Ms. Russ said that had been for parking. Ms. Rider asked about the placement of the gazebo near the supper shed. Ms. DiFranco said there is coveted land because that is where they do the chicken barbeque. Ms. Russ said eventually it would be in somebody's way.

3

*Use of Captain Henry R.
Phillips Memorial Athletic
Field - moved*

4.

Animal Control Officer,
Options Moving Forward

Denise L. DiFranco said that Scituate approached Chief Breit and her in regards to continuing the agreement but they raised the fees substantially, so she and Chief Breit went to Gloucester and spoke with them. They have just hired a new animal control officer, so they did not feel it was fair to have a new officer take on Foster. They did offer their pound, and she and Chief Breit discussed how

to move forward with it. Chief Breit said it would behoove the town to hire their own part-time animal control officer. He spent two days drawing up guidelines, specifications, and qualifications that would be required. He suggested that they put the job out, have a process, and then conduct interviews, and [the applicants] would have to have credentials such as 80 hours of training, etc. As far as a vehicle, they could probably convert one of the oldest cruisers into an animal control vehicle, basically yellow lights, change the markings, put in a cage, snare pole and standard equipment. Uniforms could be the equivalent to what a dispatcher would wear, gray shirt, navy blue pants, and have a sewn-in badge saying "Animal Control Officer."

Heidi Rogers asked how many hours it would be? Chief Breit said part-time is 20 hours, so basically, during off hours they would only come out for an emergency—a vicious dog, a dog bite, but not a stray animal—but they might get lucky [and get] a retired animal control officer from a bigger department that's looking to stay busy. Ms. Rogers asked how much it would cost and if they were going to charge per animal. Chief Breit said from what he's heard it sounds like they will allow us to use their pound but he doesn't have any prices. Once an animal is brought to the Gloucester pound, the policy is the Gloucester guidelines will be followed as far as care of the animals. Kelli Russ said the way they have done it in the past is to pay a flat rate to Scituate. The first time we went to Gloucester, they charged us by the number and health of each animal, and it became super expensive.

Chris Stone asked if they still had those records. Ms. Russ said it was \$10,000 for the pound and then they paid Mr. Caprarelli, and he was about \$16 per week. Denise L. DiFranco said she was thinking of a flat rate. Kelli Russ said there would be also Worker's Compensation. Denise L. DiFranco suggested they run the numbers and see what they will be looking at.

5.
Request for a Class F Liquor
License-Thornton Beagle
Club

Chris Stone moved, Heidi Rogers seconded, to allow Thornton Beagle Club a liquor license for May 22.

Motion passed 5 - 0.

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

6.
Conservation Commission
Appointment (Raisa
Oliveira)

Susan Dillon said Ms. Oliveira had been going to Conservation Meetings. Denise L. DiFranco said Ms. Oliveira had also been going to Preservation Meetings. Heidi Rogers moved, David Paolino seconded, to appoint Raisa Oliveira to the Conservation Commission for the vacant position.

Motion passed 5 - 0.

7
Nike Site Rental – moved

8.
Fair Grounds Request for
Foster Old Home Days

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

Denise L. DiFranco said they had a request for the use of the Fairgrounds for the Foster Old Home Days on July 29, 30, & 31. They would also be setting up the week before.

Heidi Rogers moved, Chris Stone seconded, to allow Foster Old Home Days to use the Fairgrounds for July 29, 30, & 31 and for the days in the week prior to set up.

Discussion: Denise L. DiFranco said they also informed us that on Friday evening they have set aside between 7 and 7:30 for the Town Council award.

Motion passed 5 - 0.

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

9.
Creation of a Municipal
Court

David Paolino said that what he worked on this with Julia in Mark Tourgee's office. He presented a preliminary summary of what he has. It doesn't look complicated but there is a lot of workings in the background. For right now, the 2023 potential court, they would need a clerk, so he talked to people in [the Town of] Warren and they have one clerk and one judge presiding over municipal court. Mr. Paolino suggested one meeting a month for four hours, utilizing the town clerk and offer someone—we would have to ask Mrs. Dillon—and it would start off with that clerk handling the admin portion of ordinances, building violations and the potential add of a traffic tribunal. In the first year if we decided not to have a traffic tribunal that would be no problem. We would use the clerk and automated systems, and a combination of manual and data entry and we would just have to adjust the hours. He is assuming four hours court time, and two hours a month for paperwork so six hours per month. He calculated the clerk at \$25 per hour for the six hours which would about \$1,800 per year we would have to budget for. The next item would be the judge magistrate, his name is Joel Guerstonblatt. He gave me a proposal of four hours per month presiding of all traffic and ordinance violations, for a budget request for about \$6,000 a year for him. We would have to discuss if that is a flat rate. The clerk in Warren is using a firm that handles the software, they do all the data storage and billing. They have a system where you can go online and pay with a credit card. It is desktop and laptop. The contract Warren has for 21-22 costs \$7,000 per year. First 1000 tickets are free, then after that the admin cost is \$5 per ticket. He thought that 1000 tickets could probably last 10 years. The operational cost would be about

\$20,000 to start. If the town decides not to go with the traffic tribunal, then we would subtract the \$7000 per year and that would change the number of hours the judge would be needed.

Cheryl Hawes asked if there was a mandatory time they would have to be here. Mr. Paolino said the judge would have to get back to him. We might not have a hour or two a month. We might want a flat rate. It would be contractual. Kelli Russ asked how much would go to the State. Mr. Paolino said he thought that now 75% goes to the State and 25% to the town, but if we had our own court, it flip flops, he thinks it would be 80/20. Ms. Russ said she discussed it with the town clerk and if it was a full 4-hour court, it would take more time for the clerk because of the prep work and wrap up, and they have to keep notes.

Denise L. DiFranco said they had talked about it coming out of the ARPA funds. It is creating a line item in the budget. It might be offset with fines we collect.

Paul Vanasse said he had some experience with municipal court, he was not sure 4 hours would be enough because if you have a probate of a will, that will take time. Denise L. DiFranco said we have probate court now; that is separate.

Lynne Rider said that our revenue from tickets used to be substantial, then it decreased, but at one point it was \$60,000, and that was with the State taking the lion's share. Ms. Russ said it wasn't just tickets. Catherine Bey asked how many tickets they write out a year. Chief Breit said they were operating with a premium police department then; young officers enforcing the traffic laws. Denise L. DiFranco said the last two years were difficult for everybody. David Paolino said Chief Breit came in at a time when it had past that and has never seen a full force of 8 to 10 people.

**IX. FUTURE AGENDA
ITEMS**

- Denise L. DiFranco said that they were going to meet with the Land Trust this week but they could not meet with them so it will be at some point in May.
- Opioid – someone will come and talk to us about that
- Animal Control

Ms. DiFranco reminded everyone that the Financial Town Meeting is Tuesday

X. ADJOURNMENT

Heidi Rogers moved, Chris Stone seconded, to adjourn.
Meeting adjourned at 8:26 p.m.

Submitted by,

Susan M. Dillon, Town Clerk