

Town Council Meeting
May 26, 2022

The May 26, 2022 Town Council Meeting was called to order by Denise L. DiFranco, President, in Foster, RI at 7:01 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
Julia Chretien, Solicitor
Michael Antonellis, Planner
Gordon Rogers, DPW Director

- I. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.
- II. ANNOUNCEMENTS/
PUBLIC COMMENT

Denise L. DiFranco asked for a moment of silence for the families and children of Uvalde, Texas.
There was no public comment.
- III. CONSENT AGENDA

Meeting Minutes – Approval of April 28, 2022, May 12, 2022, and May 17, 2022

Warrants-Approval of General Warrant #19
\$100,840.38

Denise L. DiFranco asked what the warrant was for. Kelli Russ said they had gone out to bid and that it was for asphaltting and crack sealing. Gordon Rogers said they did all of Old Plainfield Pike, portions of Ram Tail and Walker Road.

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

1. Resolution 2022-06
Creation of a Municipal Court

David Paolino read the Resolution, which will go to the General Election in November (see Exhibit A). Julia Chretien said that it should say in addition “to include a question on the ballot for the November 2022 general election, shall an act be passed enabling the Town of Foster to create a municipal court.”

David Paolino moved to move forward with the resolution. Chris Stone seconded.

Discussion: Heidi Rogers said she had heard his plan and that he had some ideas to cut costs. David Paolino said yes, the way it would work to start would be to exclude a traffic tribunal and just have the municipal court hear ordinances and housing issues and other issues to be considered in that purview of authority. A traffic tribunal can be established later on if the town wants to. Right now, the cost to the town would be about \$16,000 to \$20,000 a year. That would include the judge, the software, and the one meeting a month. If we don't opt for the traffic tribunal, we might meet here once every two or three months which will bring the cost down.

Heidi Rogers asked if it would be on the ballot. Mr. Paolino said yes. Ms. Rogers said, and we wouldn't be bound by that, it's just enabling us, correct? Mr. Paolino said yes, and there is no mandatory structure. Cheryl Hawes said we would want this to expedite things pertaining to zoning violations, so once every three months wouldn't seem to be beneficial. Mr. Paolino said it would depend because the first year we would be cleaning up old cases. It will be a quicker turnaround. It would help to do something about Route 6.

Lynne Rider questioned not having the traffic tribunal because she thinks it would be a source of revenue to help pay for the rest of the court, and speed on the roads is an issue. Ten years ago, the police department was bringing in \$50-\$60 thousand a year from fines. If we get two-thirds of the fines, it would still pay for itself, and be a deterrent.

David Rathbun said he was not in favor of it being a source of revenue for the town or profitable.

Denise L. DiFranco said she liked it for zoning; you've seen litigation taking years.

Gordon Rogers said you can hire a judge per diem. After it's voted on the ballot then it has to pass in the legislature. David Paolino noted that none of this is taking place until 2023.

Anna Rao asked about the procedures.

David Rathbun asked about the timeline. David Paolino explained the steps involved.

Michael Antonellis said it is worth it to streamline dealing with the zoning issues.

Motion passed 5 - 0.

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

2. EMS: Budget and Operations

Denise L. DiFranco read a letter from Attorney Petrarca explaining that he could not attend this meeting and requested that it be put on hold.

Heidi Rogers asked Julia Chretien that since this is a public safety emergency, can it still be discussed? Denise L. DiFranco said that she had been told that they are not going to close on July 1, but that is not what has been put out. Ms. DiFranco questioned whether they could discuss it after receiving this letter. Ms. Rogers said this is not an order, just a simple letter.

Julia Chretien said they can discuss it; it's on the agenda and there is no violation.

Chris Stone moved, David Paolino seconded, to discuss the EMS situation.

Julia Chretien asked the deputy town clerk to note tonight's date to include these minutes in a required list of meetings.

Denise L. DiFranco said to continue with the agenda item.

Lynne Rider said that going forward is like shutting the door because you have already made up your mind.

Patti Moreau asked if we're giving them \$228,000 as of July 1st. Denise L. DiFranco said no, we voted at the last meeting to take that money back.

Denise L. DiFranco called for a vote on the motion.

Motion passed 5 - 0.

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

Patti Moreau asked, so as of June 30th, they are not funded; July 1st they have no money from the town?

Denise L. DiFranco said that was what was voted on. Ms. DiFranco said she contacted all the chiefs and notified them that it would be on the agenda tonight and [asked them] to continue meeting with us.

Ms. Rogers asked about the small meeting with the attorney and the client—who is the client? How many of them are going. David Paolino replied "He said one." Ms. Rogers said we should have two members of the council. Dates were discussed.

Heidi Rogers moved, David Paolino seconded, to have a special meeting workshop was scheduled for Saturday, June 4th at 9:00 a.m. at the Ben Eddy Building.

Motion passed 5 - 0.

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

Denise L. DiFranco said before they go on, can they address the letter.

Heidi Rogers moved, David Paolino seconded, to allow Denise DiFranco and Cheryl Hawes to meet with the attorney and members of the Ambulance Corps.

Motion passed 5 - 0.

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

Kelli Russ reviewed budget expenses \$777,500 and at her estimate was \$572,847, but she wanted to vet them with the guys and schedules. She budgeted \$125,000 in ARPA funds. She discussed averages. Denise L. DiFranco asked Will Paul if he would be able to man the ambulances if they were moved to Foster. He answered no.

Kelli reviewed budgeted items.

David Rathbun verified that they would be town employees at that time.

One item Ms. Russ looked into was breaking away from the State Pension system. It's expensive and not beneficial anymore.

Denise L. DiFranco asked if Kelli was presenting this as a temporary employee. Ms. Russ said for now.

Gordon Rogers noted that there are hundreds of qualified people who can fill in the holes. Ms. Dexter said she did not think so.

Lynne Rider asked if all levels of EMT certifications get the same amount of money. Ms. Russ said she budgeted one rate; she can change it if somebody tells her to change it.

Amita Rodman said she liked that it's on payroll, and asked about health benefits. Ms. DiFranco said that would only occur after a certain number of hours. Ms. Rodman also liked the idea of getting out of the State system. She discussed the ballot proposal and said she hopes the wording is flexible, because she can see that the fire district in the future may not just be Foster. Denise L. DiFranco said the wording was already set. Julia Chretien read the wording to Ms. Rodman.

Gordon Rogers noted that the language was changed because of union issues.

Catherine Bay asked if it was just the chiefs for Saturday. Denise L. DiFranco said no, it's a public meeting. Ms. Bay said she wanted everyone to attend meetings. Denise L. DiFranco said all she can do is invite; it's open to everyone.

Patti Moreau asked that if the Ambulance was defunded, where did the money come from for the attorney? The council said they would like to know, too.

Mike Dexter, Moosup Valley Road, said not to forget that those rescues are no good to you, they're not licensed—you have to go through the state to license them—you have to re-register them and it's going to be a big thing. Ms. Russ said they were going to look at service providers to fill the gap. She hopes people will have the estimates by the meeting.

Item 7 moved here:
Nike Site Lease

Chris Stone moved items 6 and 7 up to this position.

David Paolino seconded.

Motion passed 5 - 0.

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

Mike Antonellis said that someone is interested in moving into the Nike Site as a resident. Gordon is working to make those accommodations. They came up with conditions of the lease. He asked for a motion to approve the lease. Cheryl Hawes asked if the name on the lease had anything to do with the business. Mr. Antonellis said that they can change that.

David Paolino moved, Chris Stone seconded, to let Denise DiFranco to sign the lease with the edit of the title.

Motion passed 5 - 0.

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

Item 6 moved here:
RFP: Bleachers and
Electrical for Fair Grounds

Gordon Rogers handed out a packet of information on bleachers including options for portable and non-portable bleachers. Denise L. DiFranco said the Foster Old Home Days committee were concerned that they wouldn't be done in time.

Mr. Rogers said that today the current bleachers no longer meet requirements. New bleachers are necessary so he had found two sets of 35 feet in length and 3 tiers high with 18-inch risers. The old bleachers would have to be cordoned off.

David Paolino said he viewed the bleachers and it was the right call to prevent their use. They don't meet code and aren't safe. We would be liable.

Denise L. DiFranco read a letter from Maggie Stormont, Chair of Foster Old Home Days (see Exhibit B).

Gordon Rogers got a quote of \$43,000. It could be delivered in three weeks.

Amita Rodman asked what they were made of. Denise L. DiFranco said aluminum. Ms. Rodman said she has seen collapsible ones.

Kelli Russ said it would have to be an emergency, otherwise it would have to go out to bid. It would be necessary to get as many quotes as possible. David Paolino he has the mandate from the building official.

Lynne Rider pointed out that they can be rented.

David Paolino moved, Chris Stone seconded, to allow Gordon Rogers to purchase new replacement bleachers due to the fact that this is an emergency cited by the building official, it's a safety hazard, and that Gordon has reviewed multiple quotes and has chosen Highland Products Group, LLC, to provide the bleachers for the amount of \$43,155.00.

Gordon Rogers said it was almost \$7,000 for shipping costs.

Motion passed 5 - 0.

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

Denise L. DiFranco said she will send the report to Maggie [Stormont].

3. Animal Control
Discussion with
Gloicester

David Paolino said the meeting they had with Gloicester did not go well. Denise L. DiFranco said it was not on their agenda. They did move to go into discussion, they had a lot of questions and concerns, but they did not give us an answer. David Paolino said they got the feeling it was not going to happen.

4. Animal Control with
Scituate

Denise L. DiFranco reached out to Scituate. They had a phone conversation. Their proposal was a 3-year contract. They had initially proposed \$50,000. Ms. DiFranco thought it was \$50,000 for the animal control officer and another \$10,000 for the pound, but it was combined, not separated.

*Moved: RFP: Bleachers and
Electrical for Fair Grounds*

What they agreed to bring to each council was a 3-year contract. The first year would be \$36,000, we had budgeted \$34,000 [\$24,000 for the officer and \$10,000 for the pound]; the second year \$43,000, and the third year \$50,000. Denise L. DiFranco said she would tell Scituate the results of their council.

Denise L. DiFranco noted that the officer position was for Aaron and not Pat and included the increase in the price of fuel, car maintenance, etc.

Denise L. DiFranco said she felt it would be a plus for our own officer to be able to handle any incidents here.

David Paolino moved, Chris Stone seconded, to accept the officer from Scituate and move forward.

Moved: Nike Site Lease

		<p>Discussion: Cheryl Hawes asked Kelli Russ if she thought they should negotiate further. Ms. Russ noted that they were banking on a 10 percent inflation every year for the next three years, and even then it would be \$46,900 and not \$50,000. David Paolino said that is based on the premise that the \$29,000 was a good number, but he thinks it was low based on five years ago. We could never afford to hire an officer and build a pound.</p> <p>Julia Chretien said it would be in their best interesst to make the vote specific as possible. Kelli Russ said she thought we used it more than they did. Denise L. DiFranco noted they had 81 cat calls in a year.</p> <p>Motion passed 5 - 0.</p> <p>Heidi Rogers, aye; Chris Stone, aye; David Paolino, aye; Cheryl Hawes, aye; Denise L. DiFranco, aye.</p>
	5. Review of American Relief Funds	<p>Kelli Russ reviewed the expenditures of the American Relief funds and upcoming monies due. Ms. Russ said we don't know what it going to happen with the Emergency Services and if we will be getting an assist.</p> <p>Chris Stone moved, David Paolino seconded, to hire a consultant for economic development.</p> <p>Motion passed 5 - 0.</p> <p>Heidi Rogers, aye; Chris Stone, aye; David Paolino, aye; Cheryl Hawes, aye; Denise L. DiFranco, aye.</p>
V.	NEW BUSINESS Statewide Mutual Aid Agreement	<p>Denise L. DiFranco said Chief Breit had asked for this to be put on. He said the Chief's Association had asked all city and town councils for non-emergency mutual aid. If we needed help, Johnston could come in. Foster could go into Cranston. All the stations are hurting. The police are down 170 troopers, people are quitting the academy.</p> <p>Cheryl Hawes moved, Chris Stone seconded, to adopt the resolution and allow Denise L. DiFranco to sign it when it has been edited to fit the Town of Foster.</p> <p>Discussion: Chief Breit said the police are all in agreement. Heidi Rogers read the Resolution agreement (See Exhibit C).</p> <p>Motion passed 5 - 0.</p> <p>Heidi Rogers, aye; Chris Stone, aye; David Paolino, aye; Cheryl Hawes, aye; Denise L. DiFranco, aye.</p>
VI.	EXECUTIVE SESSION PURSUANT TO RIGL 42-46-5a(2) Collective Bargaining and Potential Litigation <ul style="list-style-type: none">• Local 3422, International Assn. of Firefighters• TOF v. R.P. Investment Company LLC d/b/a Price Auto – PC-2020-01954• TOF v. Wright's Auto• 1A Snagwood Rd /Rt 6 Hopscotch Sign• House on 119 Danielson Pike PURSUANT TO RIGL 42-46-5, (A), (1) Personnel <ol style="list-style-type: none">1. Investigation with Special Council-Issuing a Subpoena for a Witness	<p>Heidi Rogers moved, Chris Stone seconded, to go into Executive Session pursuant to RIGL 42-46-5 for a work session regarding Collective Bargaining / Negotiations or Litigation according to RIGL 42-46-5-a (2) and RIGL 42-46-5,(A),(1) Personnel, 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.</p> <p>Motion passed 5-0.</p>
VII.	FUTURE AGENDA ITEMS	<ul style="list-style-type: none">• Trash and Recycling• Paine and Regional School Construction Budget• Land Trust Workshop• Planning Board Workshop• Police Station• Legalization of Marijuana•

**VIII. RETURN TO OPEN
SESSION**

The council reconvened in to Open Session at 10:14 p.m. Denise L. DiFranco said that there was one vote taken and that was to allow Denise L. DiFranco to sign a subpoena for witness #14. Vote was 5 – 0.

IX. ADJOURNMENT

Meeting adjourned at 10:16 p.m.

Submitted by,

Susan M. Dillon, Town Clerk

TOWN OF FOSTER

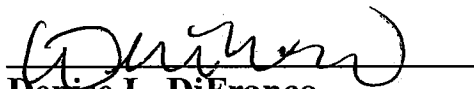
RESOLUTION OF THE FOSTER TOWN COUNCIL RESOLUTION NO. 2022-06

To Establish a Municipal Court

On the 26th day of May, 2022, the Foster Town Council did adopt the following resolution by a vote of 5-0, which resolution is set forth as follows;

RESOLVED, That the Foster Town Council hereby requests that the Rhode Island General Assembly hereby enable the Town of Foster with authority to establish a municipal court and confer upon that court original jurisdiction, notwithstanding any other provisions of the general laws; to establish a municipal housing court and confer upon that court original jurisdiction, notwithstanding any other provisions of the general laws; to appoint a judge and clerk of the municipal court; to appoint a judge and clerk to the housing court; to enact ordinances governing personnel, operation and procedure to be followed in the court; to establish a schedule of fees and costs; and to otherwise provide for the operation and management of the court.

**GIVEN UNDER THE SEAL OF THE TOWN COUNCIL OF THE TOWN OF
FOSTER THIS 26TH DAY OF MAY, 2022.**



Denise L. DiFranco

Foster Town Council President

ATTEST:



Susan M. Dillon

Town Clerk

From: Denise DiFranco
To: Sue Dillon; Michaela Johnson
Subject: Fwd: Bleachers
Date: Thursday, May 26, 2022 12:58:47 PM

Good Afternoon,
Please include this in SugarSync for tonight's meeting. Thank you.

----- Forwarded message -----

From: **Maggie Stormont** <fosterohd@gmail.com>
Date: Wed, May 25, 2022 at 9:28 PM
Subject: Bleachers
To: Denise DiFranco <ddifrancoftc@gmail.com>

Hi Denise,

I haven't heard any updates about the bleacher plan, though we notice there is a dumpster near the ring now, which makes me suspect the bleachers will be destroyed soon.

Three points:

The FOHD committee must be given complete information about the bleachers, and exactly why they need replaced. The 2 violations you reported to me this last week don't exist (there are handrails and the gaps are within code.). Those bleachers were 100% built and funded by FOHD. They were designed, built, and renovated by a licensed architect and experienced builders.

If the bleachers are going to be demolished without giving us that basic information, I need whomever is tearing them down to set aside the lumber and materials that are stored underneath the bleachers. That material may look like "garbage" but they are materials we use during the tractor pull. If that material gets thrown away, we will need the town to replace it before the fair.

The decision to demolish the bleachers needs to come from a building inspector or structural engineer. Tearing down thousands of dollars worth of materials without expert input is irresponsible and disrespectful to the efforts of the FOHD committee.

Thank you for trying to help out in this situation. You know my concerns. You have my permission to share this email with the Town Council should you see fit.

-Maggie Stormont

TOWN OF FOSTER

**A RESOLUTION ALLOWING THE POLICE DEPARTMENT OF THE TOWN
OF FOSTER TO COLLABORATE WITH NONADJACENT RHODE ISLAND
MUNICIPALITIES AND POLICE DEPARTMENTS THROUGH A PROPOSED
STATWIDE MUTUAL AID AGREEMENT
RESOLUTION NO. 2022-07**

WHEREAS, the Foster Town Council desires to promote cross-municipal police collaboration to achieve desired outcomes in the Town of Foster; and

WHEREAS, the General Assembly enacted RIGL 45-52-2 and then amended it in 2021 through P.L. 2021, ch.108, providing the Foster Town Council a mechanism to authorize nonemergency mutual aid agreements between nonadjacent municipalities, their police departments, and institutions of higher education within the Town of Foster; and

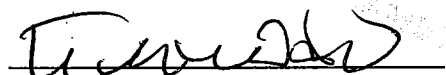
WHEREAS, the General Assembly has granted such authority to other municipalities in Rhode Island through enabling legislation;

NOW, THEREFOR, BE IT RESOLVED:

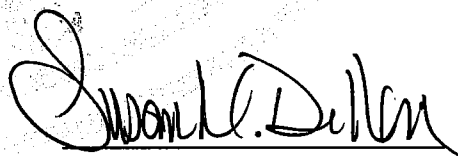
1. The Foster Town Council hereby authorizes the Town of Foster's police department to collaborate with nonadjacent Rhode Island municipalities and police departments;
2. This resolution shall take effect upon passage.

**GIVEN UNDER THE SEAL OF THE TOWN COUNCIL OF THE TOWN OF FOSTER
THIS 26TH DAY OF MAY, 2022.**

ATTEST:



**Denise L. DiFranco
Foster Town Council President**



**Susan M. Dillon
Town Clerk**