

Town Council Emergency Meeting
October 13, 2022

The October 13, 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
Heidi Rogers, Vice President, excused
Chris Stone
David Paolino
Cheryl Hawes

Also present:
Kelli Russ, Finance Director
Julia Chretien, Solicitor

- I. PLEDGE OF ALLEGIANCE** The Pledge of Allegiance was recited.
- II. ANNOUNCEMENTS / PUBLIC COMMENT** There were none.
- III. CONSENT AGENDA**
- Warrants
Approval of General Warrant FY 2023 #5
\$657,654.38
Minutes
September 8, 2022, September 22, 2022, and
September 27, 2022
- Cheryl Hawes moved, David Paolino seconded, to accept the Consent Agenda as presented.
Chris Stone said he was not at the September 22 meeting.
Julia Chretien said to amend the motion to approve the Consent Agenda without the September 22 minutes and then everyone can vote on that; and then the three of you can vote the September 22 minutes separately.
Cheryl Hawes amended her motion to omit the September 22 minutes from the consent agenda. David Paolino seconded.
Discussion: Denise L. DiFranco said that she spoke to Catherine Bay and informed her that when she had spoken, the minutes said it was “inaudible”, so we need to have people come up to speak so we can hear.
Amendment passed 4 - 0.
Chris Stone, aye; David Paolino, aye; Cheryl Hawes, aye; Denise L. DiFranco, aye.
Cheryl Hawes moved to accept the September 22 minutes from the Consent Agenda. David Paolino seconded.
Motion passed 3 - 0.
David Paolino, aye; Cheryl Hawes, aye; Denise L. DiFranco, aye.
- IV. OLD BUSINESS**
1. EMS Update
- Gordon Brayton was unable to attend. Kelli Russ presented a trial balance to September 30. Maintenance bills for the building were discussed. Ms. Russ said there are things to iron out. The biggest things are the insurances; they are trying to combine that. We will need

to make some decisions before December. It is running well; there is plenty of coverage.
Lynne Rider asked if all the communications are housed in that building. Chris Stone said, no, all the communications are in Foster Center.
Anna Rao asked about full-time employees and ambulances in Florida.

2. Captain Henry Phillips
Recreational Field
Update

Denise L. DiFranco said there was a lot going on there. They did the extra fracking, and it didn't work. We need irrigation and we need to look at what else we have to do. We looked at Astro-Turf but that was dangerous to children. Mr. Rogers sought out a dowser who found two spots. She is not sure how the pricing will work because they have done work on one well and now there has to be another.

Ms. DiFranco said the other discussion was in regards to rocks. The contract called for a certain number of cubic yards and, of course, being Foster, we exceeded that, so we are over and above that quote. Ms. DiFranco said that Gordon [Rogers] and Kelli have had some discussions in the past regarding it. Gordon was aware and let Kelli know we had an overage. She asked Kelli if she had some suggestions.

Ms. Russ said we can start using the American Recovery Funds for the Recreation Field instead of using it for the Rescue Company and we can use the Rainy Day Fund for the Rescue company. Fiscal year 2022, we are going to end with a surplus and she is hoping it will fully pay for the amount we are using currently. She spoke to the auditor about this option. The Rainy Day fund is 10% of the operating budget and the operating budget changes every year. Say the budget went up \$500,000 in the year; we would need \$50,000 to bring the fund up to 10% again. Anything over that would go to capital. What we can do is assign fund balance as of 2022 for this situation that we have with the Rescue Company because this is an emergency. We have already used \$125,000 this year and we know we are going to use at least \$175 to \$200,000 in total to get us through this year. I am recommending that you reserve that \$200,000 and maybe a little bit more. Assign the fund balance as of June 30, 2022 so before you add to the capital reserve, the money will first fund the Emergency Medical Services and the extra will go to Capital. The money you have reserved for the Emergency Medical Services from the American Recovery Funds will then be available to fund the overages in the Recreation field so you can finish that project and still fund the Emergency Medical Services. This way, rather than projecting out to pay back the Rainy Day Fund, you are using this past year to fund the Emergency that now

exists and we knew was coming. You know you have a surplus in 2022. Use some of that.

Chery Hawes asked what the overage is. Ms. Russ said about \$75,000 for rock removal and another \$20,000 for tree removal. We also have hydro fracking and irrigation for about \$7,500 plus whatever the well costs. She asked for approval so they can work on this project going forward before they hit weather that would prevent drilling the well.

Ms. DiFranco said she spoke with Mr. Antonellis about the well. The well they completed was a 500 ft. well for \$15,221.00, including the hydro fracking cost of \$2500. Without the hydro fracking it was about \$12,700. Mr. Rogers thought it would be about \$10,000 if we don't have to do the casing and hydro fracking, so we could be looking at \$15,000.

David Paolino asked if they could reuse the casing from the original well that failed. Chris Stone said it would cost more to pull it out and added we don't have a choice. We have to finish the project.

Lynne Rider said she remembered back in April when they awarded the contract to Cardi. At that point, \$150,000 was coming out of capital. Ms. Russ said that was true. Ms. Rider said there was another \$19,800 in July for the berm and the trees; she asked where the money came from for the trees. Ms. Russ said the payment-in-lieu fund which is where we got our original match. We are using three sources to fund the project: the grant money, the payment-in-lieu fund, and the capital fund. Ms. Rider said she didn't remember them voting on the \$75,000 for the rock removal. Ms. Russ said that's what they on voting on now.

Ms. Rider said but it's already been done. Who authorized it?

Ms. DiFranco said that we had a discussion about it. Kelli and Gordon moved forward with it. It needs to be done.

Ms. Rider said that isn't chump change, she would think it would have been approved by the council first.

Kelli stated it was done before she actually knew anything about it, to be clear on that.

David Paolino said to pull that crew off and send them somewhere else while waiting for a vote tonight, would have cost the town tens of thousands more for them to leave and set up again. Ms. Rider said that was weeks ago. David Paolino said it was three weeks ago that they did the work.

Chris Stone said they called him on the phone and said it cost \$75,000. He asked if the work was done. It was too late. You're not going to not pay them.

Harold Shippee said one of the rocks they worked on was for three days, and it was so bad and so hot. Ms. Russ said that it was quick. They couldn't proceed. Gordon was going out to check the rocks they were marking but in the blink of an eye, they were gone. There seemed to be a communication issue. Yes, we were aware of the rocks and they were marking them. Then they were gone. Denise L. DiFranco said she agreed with Mrs. Rider but we are at that point. She asked what she needed in the motion. Kelli said we need a motion for the financial plan and the overages. Julia Chretien said the motion would be to take the \$225,000 from the rainy day fund for EMS, and since you are doing that, then use the money earmarked from the ARPA funds for EMS and use that for the rec field project, up to but not to exceed what we spend in overages. If we don't spend the \$225,000 it would stay in the recovery funds something else or stay in the rainy day funds.

Cheryl Hawes said so moved. David Paolino seconded.

Discussion: Denise L. DiFranco wants to include in the motion that any leftover from the \$225,000 will go back to the rainy day fund.

Motion passed 4 - 0.

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

Julia Chretien said now you need a motion to pay for the new well. She asked if they had an estimate.

Denise L. DiFranco said no, but she didn't want to hold them up. Our next meeting is the 27th.

Julia Chretien said they need two separate motions: one to approve for the excavations and one to free up the quoted amount of money for the new well.

Cheryl Hawes moved to pay the overage for the rock removal in accordance with the invoice provided. David Paolino seconded.

Motion passed 4 - 0.

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

Cheryl Hawes moved, Chris Stone seconded, to approve drilling of a new well, not to exceed \$15,221.

Motion passed 4 - 0.

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

3. Status of RIDOT Street
Lights Conversion

Kelli Russ said we just paid the bill. Julia Chretien said she needed to get information from Gordon Rogers. She will email him and put it on for the next meeting.

Lynne Rogers asked for conversion to what. Denise L. DiFranco said to LED / Prism.

V. NEW BUSINESS

1. Bid Awards

a. Gravel Bid

Denise L. DiFranco said Mr. Rogers submitted recommendations.
Cheryl Hawes moved that we accept Mr. Rogers' recommendation for J.R. Vinagro for gravel at a price of \$14.50 per ton delivered, and \$10.19 picked up.
Motion passed 4 - 0.
Chris Stone, aye; David Paolino, aye; Cheryl Hawes, aye; Denise L. DiFranco, aye.

b. Winter Sand Bid

Denise L. DiFranco said then we have the Winter Sand bid, and there is only one.
David Paolino moved, Chris Stone seconded, to accept the sand bid from DeFazio at \$18.45 per ton and \$15.45 picked up.
Motion passed 4 - 0.
Chris Stone, aye; David Paolino, aye; Cheryl Hawes, aye; Denise L. DiFranco, aye.

Denise L. DiFranco said there was something for winter salt but it is not on the agenda, so it will be at the next meeting

2. Route 6 streetlight –
change of policy for
reinstatement

Denise L. DiFranco said next is a request from Mr. Fontaine for the light at the end of his driveway, Pole 8, be put back up. When Prism went around, the decision was made to put lights only at intersections, so the light was moved to Round Hill Road. Mr. Fontaine reached out to Mr. Chippendale who reached out to her to ask that it be put on the agenda. Ms. DiFranco said she spoke to Mr. Fontaine, Chief Breit, and Mr. Chippendale.
Bob Fontaine, 8 Danielson Pike, asked that his name and driveway be left out of the discussion. He noted that in that area there has been accidents, some of which was fatal and others with major injuries. From the town line to the bottom of Dolly Cole Hill, we have had accident after accident. He noted that there are three poles in that area of highway, which is pitch black so if you are not familiar with the area you can't see where you are.
Harold Shippee said he was disappointed when they took them out, especially with the one at the Foster Center Fire Station. South Foster had two; when you come out of there at night, cars are parked along the road there. It is so dangerous there. It's nice to have a light at the end of a road when you're plowing. You can't see in the winter when it's snowing.
Denise L. DiFranco said she asked Mr. Rogers how much it would cost. To put up a light, it would be, generally speaking, \$750 to install. For maintenance, it would be \$150 to \$200.

Cheryl Hawes said you can't put a price on a life. She was against taking them down in the first place. Chris Stone noted that Prism didn't want to work on private property. Julia Chretien said Prism made the determinations back then.

Denise L. DiFranco asked the Chief about it. Chief Breit said he had his officers assess the area. He said the most recent accident was on the night of Sept. 30th at 11:35 at night. There were two other accidents with the past year, one during the daytime. Certainly, illumination is not a bad idea, but you can't say it is the cause. You could have a DOT assessor come out and look at it. Cheryl Hawes said that illumination is not a bad thing.

David Paolino said one of the concerns is that if we don't have a legitimate process to assess it, what do we do when more people say now that they need one? Chief Breit replied that you can have a DOT assessment.

Cheryl Hawes said we could set parameters; maybe we put them back where they were. Denise L. DiFranco said we could have the State do the State roads. Do we ask what the cost of that would entail? Julia Chretien said she would look through the contract with Prism to see if there is a line item in there.

Lynne Rider said that besides the fact that it's dark, there's something unnatural about making a sharp left turn at speed. It's a sharp turn over a hill. Denise L. DiFranco said she goes 35 there.

Anna Rao would like to know what kind of company is that. David Paolino said it is an electrical lighting company. They have been give the responsibility because we don't own the poles. Kelli Russ said they own the lights, we own the poles.

Catherine Bay said her thing was the lines on the road. If you don't have streetlights, that's her guide.

Harold Shippee suggested contacting RI DOT engineers to put up chevrons. Denise L. DiFranco said if we ask DOT to do a road safety assessment, they would have suggestions. Ms. DiFranco asked if Mr. Fontaine would be okay if it was discussed at the next meeting. Mr. Fontaine asked not to make it about him. They have taken a portion of the eastbound lane away because of the culvert they are putting in. Denise L. DiFranco asked that we move this to the October 27th meeting to allow the Chief and Julia to do research.

3. Engineering Board
Request: replacement of
Engine 4

Denise L. DiFranco said Mr. Paul had contacted her because they need a replacement for Engine 4. Mr. Paul said they want to convert Engine 3 for \$30,000. They will do the rest of the work, including ladder and lights. Denise L. DiFranco read the letter submitted from the Engineering Board (See Exhibit A).

Cheryl Hawes moved, Chris Stone seconded, to accept the expenditure of Engine 3 from capital funds in the amount of approximately \$30,000 in accordance with the bid from Bulldog to get it in working order.

Discussion: a further explanation of the retrofit was offered. (The speaker was not identified.) Denise L. DiFranco asked if having the work done in house affects his insurance. Mr. Paul said it was cosmetic only. He would be giving Engine 4 back to the town.

Motion passed 4 - 0.

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

4. Letter Regarding Status
of Police Station

Denise L. DiFranco said that the council approved that she and Cheryl Hawes put together a letter requesting an update of the Police Station. Ms. DiFranco read the letter (see Exhibit B). Ms. DiFranco said that she has sent it in to the Foster Home Journal.

Chris Stone moved, David Paolino seconded, to approve the letter.

Anna Rao asked what the cost would be. Denise L. DiFranco said three million. Ms. Rao asked if they were paying interest on that. Denise L. DiFranco said no.

Motion passed 4 - 0.

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

**VI. FUTURE AGENDA
ITEMS**

1. Trash Recycling
2. Planning Board Workshop
3. Board of Canvassers
4. Salt Bid
5. Streetlight on Rt. 6

**VII. EXECUTIVE SESSION
Pursuant to RIGL 42-46-
5a(5)**

- Nike Site Purchase
Proposal

Cheryl Hawes moved, Chris Stone seconded, to go into Executive Closed Session pursuant to RIGL 42-42-4 for reasons stated in RIGL 42-46-5 for a discussions or considerations relating to the acquisition or lease of real property for public purposes or the disposition of publicly held property where advance public information would be detrimental to the interest of the public according to RIGL 42-46-5a(5) 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.

Council went into Executive Session at 8:21 p.m.

Denise L. DiFranco announced that one vote was taken in Executive Session on a motion to provide a written

Town Council Emergency Meeting
October 13, 2022

response to a request for the purchase of the Nike Site.
The council was not interested in selling at this time.
Motion passed 4 – 0.

XI ADJOURNMENT

David Paolino moved to adjourn.
Meeting adjourned at 8:30 p.m.

Submitted by,

Susan M. Dillon, Town Clerk