

Town Council Meeting
February 23, 2023

The February 23, 2023 Town Council Meeting was called to order by Denise L. DiFranco, President, in Foster, RI at 5:50 p.m. at the Benjamin Eddy building.

The following members were present:
Denise L. DiFranco, President
Steve Bellucci, Vice President, excused
Chris Stone
Heidi Rogers
David Paolino, Arrived at 6:15 p.m.

Also present:
Kelli Russ, Finance Director
Julia Chretien, Assistant Solicitor
Michaela Johnson, Deputy Town Clerk

- I. EXECUTIVE SESSION PURSUANT TO RIGL 42-46-5, (A), (1) Personnel

1. Interview for Tax Assessor/Deputy Treasurer Position, Personnel

Heidi Rogers moved, Chris Stone seconded, to go into Executive Session pursuant to RIGL 42-46-5 for a work session regarding Personnel according to RIGL 42-46-5A (1) 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.

The council convened in to Open Session at 5:58 p.m.
No votes taken.
- II. PLEDGE OF ALLEGIANCE

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

Denise L. DiFranco said Steve Bellucci was excused and that David Paolino was running late. Denise requested a moment of silence for the 20-year anniversary of the West Warwick Station Fire victims. Denise L. DiFranco announced that RIPTA is having a public hearing March 1st at the Town House regarding the bus. No votes were taken in executive session. Denise L. DiFranco announced there was no public comment.
- IV. CONSENT AGENDA

1. Meeting Minutes – Approval of February 9, 2023

2. Warrants - Approval of General Warrant FY 2023 # 13 \$35,732.62

3. Monthly Reports – BPZ, DPW, Police, RIRRC, Tax Assessor, Finance.

Chris Stone moved, Heidi Rogers seconded, to accept the Consent Agenda as presented.
Discussion: None
Motion passed 3 - 0.
Heidi Rogers, aye; Chris Stone, aye; and Denise L. DiFranco, aye.

Item 3 under New Business moved here

Heidi Rogers moved, Chris Stone seconded, to move Item 3 to this position, the Appointment of Tax Collector/Deputy Treasurer.
Motion passed 3 - 0.
Heidi Rogers, aye; Chris Stone, aye; and Denise L. DiFranco, aye.

3. Appointment of Tax Assessor/Deputy Treasurer Position

Heidi Rogers moved, Chris Stone seconded, to appoint Karen Williams to the position of Tax Assessor/Deputy Treasurer
Motion passed 3 - 0.
Heidi Rogers, aye; Chris Stone, aye; and Denise L. DiFranco, aye.
- V. PUBLIC HEARING

ABID LLC d/b/a Village Gas, 173 Danielson Pike. Applying for Victualing and Holiday Sales Licenses.

Denise DiFranco announced the public hearing for ABID LLC d/b/a Village Gas for the year ending December 31st, 2023. Lynne Rider asked what they sell. Denise DiFranco stated that they would be selling gas and snacks. Discussion, none.

Heidi Rogers made a motion to approve the Holiday Sales license upon renewal of annual licensing fee and approvals from the building official, tax collector, and police chief where applicable for ABID LLC d/b/a Village Gas, 173 Danielson Pike.
Chris Stone Seconded
Motion passed 3-0
Heidi Rogers, aye; Chris Stone, aye; and Denise L. DiFranco, aye.

Heidi Rogers made a motion to approve the Victualing license upon renewal of annual licensing fee and approvals from the building

official, tax collector and police chief where applicable for ABID LLC d/b/a Village Gas, 173 Danielson Pike.

Chris Stone Seconded

Motion passed 3-0

Heidi Rogers, aye; Chris Stone, aye; and Denise L. DiFranco, aye.

VI. OLD BUSINESS

1. Police Station Update

Denise L. DiFranco said they asked at the last meeting for someone to appear from the Police Station Building Committee. Joe Walsh is the Chairman and he is present.

Heidi Rogers said she had spoken to Gordy Brayton and he is meeting with the architect on Monday. Kelli Russ said she had an email from Gordy. Denise L. DiFranco read the email (see Exhibit A).

Joe Walsh, 53C Danielson Pike, Chairman of the Police Building Committee updated the council with a timeline of events to explain why things have taken the time they have.

- Police department never should have been housed in the Aylsworth House in 1964
- 2014 Chief Ziehl raised the question of a new police station
- 2016 the Town Council appointed a committee to devise a plan
- The Town Council made a clear choice and appointed a lay board, which is not uncommon. Volunteers included a land use attorney, registered building contractor, and licenses electrical contractor, experienced chief of police, EMA resource who is also a volunteer firefighter, building materials and building systems expert who is also a fire chief, an engineer and a successful entrepreneur.
- The ad hoc committee from day one was not provided with a budget or size target, an outline, or any advice on the project. They had only a mission statement.
- They were not provided the services of the Town Clerk or solicitor at the meetings. Attorney Rene Bevilacqua attended every meeting when she was the solicitor.
- Kelli Russ suggested that the Town Council allocate \$30,000 to develop a plan.

Mr. Walsh read the mission statement: "The committee is charged to evaluate and report back to the Town Council regarding the location, design, and building of a new police station that meets the needs of the police department and that will serve the Town of Foster. This station shall be constructed in order to provide a safe, efficient, and cost effective building that will consider both current and future needs of the Town of Foster. The committee shall contain one member of the Town Council, the police chief, and five members at large with the treasurer and the building and zoning official as consultants. Said committee will be appointed by the Town Council and report back to the council no later than August 25, 2016."

Mr. Walsh said that, as everyone knows by now, there was an article in the *Observer* that inaccurately painted the committee in an unfavorable light. He wanted to address this:

- It is a police station and not a fire station. That statement will be consistent with the accuracy of the entire article.
- The building committee did not fail to meet a single time when a vote or action was needed. He has not missed a single meeting, including meetings on weekends. These were not the cause for a single delay.
- There was documentable opposition from day one from elected representatives from the town, which sent the committee in another direction and,
- We had to redesign for historical compatibility and then to reduce costs to cope with inflation, so one might think it's a miracle we have made it to the point we are at today with so many obstructions.
- The committee completed the mission statement requirements in three and a half months in 2016.

Mr. Walsh said the milestone dates include:

- July 7, 2016 the location was selected and a rough design drafted.
- April 20, 2017 the first schematic designs were submitted by the architect.

- October 25, 2017 a modified plan was reviewed.
- May 7, 2019 a presentation was made at the Financial Meeting.
- January 30, 2020 historic changes were reviewed.
- August 13, 2020 the location on Rt. 6 was recommended.
- September 15, 2020 a public presentation took place.
- June 15, 2021 a presentation was made at the Financial Town Meeting.

So here at the time frames:

- Three months to investigate the Scituate merger, town hall options, renovations to existing house, and develop a plan. We were told there was already a merger in place with Scituate and Foster and there was a settlement from Google that was going to build this free and clear.
- The Town of Scituate decided not to proceed.
- Nine months to investigate the following: The town hall option. The square footage was half what was needed, it would require two additions, and included adding an elevator. It was too expensive and there were accreditation issues with the police station being inside the town hall. The Aylsworth house, renovations would be ridiculously expensive. We created an RFP to get prices for the first plans from the architect.
- Six months for updated plans and modifications
- Eleven months to get an RFP processed to complete the survey of the Howard Hill location, and there was a review of 109 Danielson Pike.
- Four months waiting for the answer to a question if there needed to be an oversight historic committee because it was in a historic zone. There was no answer.
- Two months when the Town Council decided to move forward investigating and combining with the library, which did not move forward.
- Nine months for a new design to be developed with the Historic Society. We reviewed with the Town Council and planned a public meeting.
- Five months after that, the land was offered on Route 6. The committee recommendation was to move to the 110 Danielson Pike location.
- One and a half months later, there was a public presentation and well and septic data was sent to the architect.
- Three weeks after that, site plans were developed.
- Financial town meeting and a vote.
- Modifications to plan to reduce the cost.
- Addition of a community room to try to acquire a grant.
- They attempted to get funding from the Foster Town Council, but they wanted to wait until after the vote.
- Work with the architect so as not to have to put out to bid.
- June 10, 2022 signed contract. This took seven months.
- RFP for the survey took six months. This was delivered last week. Nothing to do with the committee at all.

Do the professionals we are working with see Foster as a priority? In general, rural towns aren't see as a priority but there were a least three different times when elected representatives of this town with the majority support of the Town Council publicly said we were working with Scituate police in the works. The merger never existed. The Google lawsuit money never existed. The committee is an ad hoc committee anyway and would have zero authority to take action to merge police departments. The Scituate Town Council chose not to pursue that direction.

A member of the Town Council went on to produce artistic renderings and architectural plans for the merger, but it was from Scituate, Massachusetts. At least one time, a very public effort by a member of the Town Council with the majority support of the Town Council was made to disband the police department by asking the state police to take over the town policing. The committee had no authority to act on that, and the state police rejected it; however, the architect questioned working on a plan that was going to

be disbanded. The Town Council appointed the same elected representative who repeatedly demonstrated that he did not want a police department.

He continued:

- Awarding a survey contract only if they lower their prices by \$900
- False rumors of lawsuits against the town on ownership of the town on Rt. 6 land besmirching the generous benefactor of the land donation.
- False rumors that the land is not deeded to the South Foster Volunteer Fire Dept. now
- False rumors that the land will not be deeded by the Foster Police Dept.
- We met twice a month for some of the time, and some months there were no meetings as there was nothing to be discussed.
- The Town Council may not know this as they chose not to utilize the town council appointment to the building committee.
- When Representative Mike Chippendale is diligently stumping for 1.3 million dollars in funding at the state house, he, Brendan Mara, and Gordon Brayton were there to testify, Amita Rodman was there to testify, and Denise DiFranco submitted written testimony. The other Town Council members were not there but somehow, it is the committee's fault that we have these problems. We have a senator in town who was noticeably absent.
- Lastly, it was not the Town Council who called U.S. Senator Jack Reed to try to obtain federal assistance. Jack came to this building to meet with Madame President and himself to discuss options.

Mr. Walsh said people have asked him about lawsuits that don't exist, South Foster Volunteer Fire Dept, backing out, deeds, parking spots, moving the building to another piece of land.

Mr. Walsh said here is where we are today:

- The contractor's construction plans have finally been signed by the town.
- Besides minor adjustments, all modifications have been sent to the architect.
- The overall survey has been completed and sent to the architect last week.
- The architect is currently modifying the site plan to get the building closer to the former Backdraft restaurant location (far over to the left).
- Upon approval of the building plan, the architect will add parking spaces.
- The town will draft an RFP or hire a professional to invite people to bid on the project.
- The town will perform an Administrative Subdivision.
- The town council will perform scope reviews on all responders to the construction RFP.
- The project will be awarded and construction schedule established.
- It will be up to the town council to determine how to manage the project.
- This assumes the town will not relocate the station back to the land over on South Killingly.
- There are other items such as bonding applications and insurance that will happen along with the process. Many bids will come in over budget. There are some tricks to minimize that, but as with any town every year with every public project that he has been involved with and, with few exceptions, the project passes with governing body support. He said that based on historical evidence, this will not happen in this town. The rumors will fly, the fingers will point, and the project will die, only to be rekindled down the road for a higher impact on the taxpayer.

Mr. Walsh continued: None of us can change the cost of materials or interest rates. With more cooperation from day one, this would not be a concern or question today.

He said he has volunteered in this town for fifteen years, when he arrived in this town, he was immediately refused a hearing at the zoning board for

a variance by the zoning clerk because she did not like the previous owner of the land. He thought that attitude was a fluke, but he was clearly wrong. He did win that battle, but he moved his business from Hartford Pike to Pennsylvania. He currently serves on more than a dozen boards and committees across the state, seven of which he serves on as the chairman. Never in his life has he ever had to defend his volunteers on any board except for one rogue member having a bad day. Never has he had to dispel so many unfounded rumors for any project, particularly one that has such benefit for a municipality. Never has he ever been so disrespected as in this town where he has heard that the committee is stalling the project; a project they completely support. When he drives through Foster on Route 6, and he is welcomed by bombed out buildings, shanties, abandoned boats, cars on blocks, dumpsters on every corner, and even an abandoned camper parked illegally across from his house for five years. He stands in amazement that any sane person would not jump at the chance to build a new public building on the main thoroughfare. It certainly won't fix the mess, but may distract enough people that they won't see quite as much crap as they drive through. Maybe then, some business may decide to take a shot at us.

Mr. Walsh thanked Denise L. DiFranco and the council for the invitation. Heidi Rogers said she appreciated the history and his service on the committee, but she felt that there were personal attacks directed at her and her husband. When she was running for council and they were discussing goals, her number one goal was to get the police station done. All she is doing is questioning why it is taking so long.

Mr. Walsh said that it was offensive to the committee.

Ms. Rogers said she has been an EMT and understands what it means to be a volunteer. All she is trying to do is get answers; don't take it personally.

Mr. Walsh asked her if she asked the Planner why it took seven months to get the survey done? Did she ask any of the architects why? Did she call them?

Ms. Rogers said there were a lot of delays, a lot of things that were changed. The location cost two and a half years. She was told there were conflicts for meeting dates and certain members couldn't make it because of the time. She wants the station done; she still has no dates.

Denise L. DiFranco said that every member of that committee has taken this personally. She was there representing the council but at the last meeting Ms. Rogers said she would like somebody from the committee to come. Well, Ms. DiFranco said, she was there [at the committee meeting].

Ms. DiFranco said she comes back and reports, but that [Ms. Rogers thinks] that she wasn't good enough.

Ms. Rogers said no one said she wasn't good enough.

Ms. DiFranco said that Ms. Rogers asked for someone else and; that, to her, is personal. Whether they are personal or not, she is taking them personally, so she assumes the other people on the committee are also taking it personally. She has not been on it as long as Gordon, Brendan, Tom Walden, and Anthony [Renzi]. People have been doing this for years and they want it done, too.

Ms. Rogers asked if Ms. DiFranco minded that it be put on the agenda for every meeting.

Ms. DiFranco said she did not.

Ms. Rogers said she apologized if they took it personally.

David Paolino said he should have been at the State House; we should have all been there. He apologized that Mr. Walsh felt so disrespected. He said he does feel there is a movement to undermine what is going on, to make it seem absurd.

Mr. Walsh said that when they say he shouldn't take things personally, maybe he does. The town council appointed him and Jon Restivo, Mr. Rogers was on the board, and at the same time, he was trying to outsource the police to the State Police.

Ms. Rogers said those were options being explored. Ms. Rogers said she spoke to him, and it was decided that the best thing was to move forward with new station.

Mr. Walsh said that the State Police denied it, and that's the only reason it moved forward.

Ms. Rogers said they decided to move forward and had two financial town meetings, and it was approved. She said it's been two years and she thinks he can understand her frustration.

Mr. Walsh said when they move to different locations and different plans, it's the town council that decides that we're going to do that. At any point in time, if we made a recommendation, the town council could say no. We have no authority over that.

Ms. Rogers said she just wants it done.

Mr. Walsh said everybody wants it done.

Gordon Rogers discussed the State Police issue. The article in the *Observer* was taken off the minutes off the public website formulated from the camera. He does not believe anyone on the council was even called.

That thing was an attack from beginning to end to name names. Mr.

Rogers said that Mr. Walsh had mentioned Mike Chippendale, but he knows how things work; whenever a bill is brought in, it is sent to two people in the legislature. Mr. Rogers said that Mr. Walsh falsely stated that he [Mr. Rogers] did nothing. There was one letter sent to one legislator, not the two, so you don't get to take the high moral ground on the accusation that the senator did nothing. Mr. Rogers was told that he [Mr. Chippendale] would handle that, and if it moved forward which he didn't think it would, there would be a second resolution coming from the senate.

Mr. Rogers said that Mr. Walsh fabricates things that fit his personal attack about how this went. The biggest delay on this project was when said—knowing it was going there because it was already planned to go there—that in six months we should have a shovel in the ground. To unfairly throw a lot of things out there and a lot of accusations; the State Police issue, six times. Residents of this town kept coming up to him asking why we weren't going to the State Police. His answer was "I don't know.

Maybe it would cost us a lot more." So he reached out. He gave them our numbers. We have a 1.6 million dollar budget for this police department, before we build a five million dollar police station, and we also buy police cruisers in capital, we also negotiate contracts, we also pay a solicitor for prosecution. So what's going to happen is that we could come in to Foster and provide equal or greater police presence—at that time was ten officers—for one million dollars a year. Unfortunately, some people got involved, a lot of union phone calls were made, and all of a sudden it went as high as Gina Raimondo. A phone call was made saying, "You will end this now." The officer he was talking to was reassigned and is now retired, and this thing got buried. You know who suffered? The taxpayers in this town.

Mr. Walsh said he did not know what happened.

Julia Chretien said this is not on the agenda. The public can make comments but please don't respond.

Mr. Paolino said he remembered a meeting after the financial meeting where the vote was passed, he thinks it was delayed by a question that came up on the land. He thinks the council said not to move forward with the drawing until we had a signed deed. Mr. Walsh said that was correct.

Cheryl Hawes said that the incident that was spoken of regarding the police came to her attention; it was being worked on by two council members, no one else was apprised of it, it was just to bring it on at a meeting, and she made phone calls to the people who work and live in this town to ask them show up. They did show up and they didn't want the police station to disappear. They did not want to be taken over by the State Police; it was made abundantly clear. The reason it got squashed was that a colonel of the State Police sent a letter to us stating that this was not going to happen nor was it ever going to happen. That's the truth.

Denise L. DiFranco said this is all water under the bridge.

Mr. Walsh said there were delays because of the land question, there definitely was. He doesn't know why it is taking so long but it doesn't have anything to do with his committee.

Heidi Rogers thanked him for coming.

Ms. Hawes said she appreciated all their efforts and all the time the committee put in. Ms. Hawes said she asked to be put on that committee, and would still like to be on the committee, and that went nowhere.

Bob Moreau asked where we are standing right now. He understands the survey has been completed.

Ms. DiFranco said yes, and the architect has now been given the digital survey.

Heidi Rogers said that Gordy [Brayton] is going to meet with the architect to approve or revise the plan.

Mr. Moreau said the survey should be recorded.

Ms. DiFranco said that she didn't know about that part but would find out. Kelli Russ asked if Sue said last week that they had recorded it. Julia Chretien said it wasn't the survey of it separated out. Ms. DiFranco summarized that the survey has been done, a digital copy has been sent to the architect, the architect is working on putting it on the land, Gordon [Brayton] told Heidi that he's meeting on Monday with the architect to finalize that, and then we would move forward. At the last meeting Mr. Bellucci said he spoke with Mr. Renzi and said that they will do the Administrative Subdivision quickly and then we can go from there. Mr. Moreau said the Administrative Subdivision is based on the survey, which should be recorded. Ms. DiFranco said it's not there yet. Lynne Rider asked if they would consider moving the New Business item about the location of the police station to here? Ms. DiFranco said they haven't finished all about the police station yet because we need to discuss financing.

2. Financing of
Police Station

Ms. DiFranco said that the Finance Director requested this to be on the agenda. Kelli Russ said she would like to start moving forward with it because we just paid something like \$50,000 to the architect and we've only budgeted \$65,000 for the year. She said she thought it was time to secure the financing. It takes some time to go out for a bond; the interest rates aren't going lower. We already have a financial planner in place, we've already gone out for an RFP for that, we already have the solicitor in place for the bond issue who specialized in this kind of thing. Ms. DiFranco agreed. Ms. Chretien said no motion was needed.

moved

Plat 20, Lot 009 South
Killingly Road;
Location of Police
Station

Heidi Rogers moved to move Item 5 of New Business to this point on the agenda. David Paolino seconded.

Discussion: None.

Motion passed 4 – 0.

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

Denise L. DiFranco said that Mr. Bellucci requested that this be on the agenda to ask Gordon [Rogers] to evaluate how much it would cost to situate the police station there [on South Killingly Road]. Mr. Rogers said to move it there would be at almost exactly the same cost just to design. Denise L. DiFranco asked if that would put us back. Mr. Rogers said it would. David Paolino discussed excavation. Mr. Rogers discussed expansion because there is 14 acres. Ms. Rogers said she doesn't want to start over.

Chris Stone moved to continue this to a future meeting. Heidi Rogers seconded.

Discussion: Lynne Rider said they are going down the same rabbit hole. Why even discuss it? Cheryl Hawes said she doesn't want to see the process start over again. David Paolino agreed that we should move forward. This was a fail-safe, plan B.

Motion passed 4 – 0.

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

3. Consultant for the
Police Department

Denise L. DiFranco said Kelli Russ had asked for this item. Bob Bolger had offered his assistance [as a consultant]. Ms. Russ said they need it for the preparation of the budget. The chief was not comfortable with proposals for next year because he would not be here to see it through. She would like to have him see us through the preparation of the budget and to guide us through hiring laterals and putting a few people through the academy to fill personnel.

Heidi Rogers asked how much time would be needed. Ms. Russ said he could only work so many days a year. David Paolino asked if it would be 25 – 40 hours; could we set a cap? Denise L. DiFranco said we need Bob because we are in a tough spot.

David Paolino moved, if he agrees, to allow Kelli to work with Mr. Bolger and the chief on developing the budget for 2024, and also to use Mr. Bolger for personnel interviewing and academy hiring process for a new chief and not to exceed \$4,800. Heidi Rogers seconded.

Discussion: None.

Motion passed 4 – 0.

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

4. Municipal Court Update

David Paolino said that he and Chris Stone worked on the municipal court, and requested a motion to move forward with the process. He had to go with the North Smithfield model to present to the State House, he hopes in June we will have a Foster Municipal Court and we're going to change it up a little to include the traffic tribunal. We want to get funding to use a company called Curious Systems. The court will reside here. We have a judge. The judge's fee will be a set yearly fee. We're looking at roughly \$6,000 per year. The budget we're going to model is going to be approximately \$23,000 per year which will include the judge and miscellaneous purchases for material, a laptop for the administrative assistant; it's going to be to pay for the administrative assistant overtime, and to pay a police officer to be here overtime once a month. The State and Curious Systems will allow us to manipulate that schedule based on our needs. The municipal court judicial cases will be handled by Curious Systems. They currently service 27 municipal courts in RI so they are experts and will help us with everything: data entry, the software, the database, information transfer from the DMV to the traffic tribunal. It's a one-time fee of \$7,000 for the software. They will, for a fee, train us. Burrillville and North Smithfield have said they would help. The police chief's administrative assistant will handle it. It's an impressive thing that we want to model. He said he and Chris Stone want to get the ball rolling. Gordon Rogers said they can get that going now. Philip Keefe, 18 Barbs Hill Road, asked if the fees went to the police budget. Kelli Russ said regardless of how you record it, if you are fully funding the police department, all of that money goes to offset that and your taxes. Lynne Rider said that \$23,000 is very reasonable. What would it be for every year? David Paolino said he didn't know, but that the \$23,000 includes the fee for the judge and assistant.

5. Rescheduling of Budget Workshop

Denise L. DiFranco said they had scheduled a budget workshop for next Tuesday but she and Heidi cannot make it, so they would like to reschedule. We do have one scheduled for the 7th. Kelli suggested moving the meeting of the 2nd to the 7th it would be better because she won't have the police budget ready. Denise L. DiFranco said it would be March 7 at 4 p.m. for the budget workshop.

VII. NEW BUSINESS

1. Open Meeting Procedure: Public Participation

Denise L. DiFranco said that she and Mr. Bellucci had discussed public comments. She would like to move the discussion to the next meeting when he is present.

Heidi Rogers moved to continue the Open Meeting Procedure: Public Participation to the next meeting. David Paolino seconded.

Discussion: None.

Motion passed 4 – 0.

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

2. Appointment of Planner

Denise L. DiFranco said they said at the last meeting that they would appoint him [the planner] depending upon a BCI check and references. He passed.

~~3. Appointment of Tax Assessor /Deputy Treasurer Position~~
moved

Heidi Rogers moved to appoint Grant McGregor as Town Planner. David Paolino seconded.

Discussion: None.

Motion passed 4 – 0.

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

4. Memorandum of Understanding between the RI State Police and the Town of Foster

Denise L. DiFranco said that we are low on staff and for safety concerns they asked the chief to cancel the late night third shift. The chief reached out to Colonel Weaver, and we have a temporary Memorandum of Understanding (see Exhibit B) for FY for 2023 and FT 2024. Discussion regarding signing.

5. ~~Plat 20, Lot 009~~
~~South Killingly~~
~~Road; Location of~~
~~Police Station~~
moved
- Heidi Rogers moved to enter into the Memorandum of Understanding between the RI State Police and Town of Foster for the overnight shift on a temporary basis. David Paolino seconded.
Denise L. DiFranco said that's 11 p.m. to 7 a.m.
Discussion: David Paolino said he wanted the rumor to get out that this is temporary and they are not happy about having to do it because there is not enough people. It is a matter of public safety and no one is trying to do something underhanded.
Lynne Rider asked if they would be at the police station. Denise L. DiFranco said no, in town, but she does not know where; they can be called out of town if there is a state-wide emergency.
Motion passed 4 – 0.
Heidi Rogers, aye; Chris Stone, aye; David Paolino, aye; and Denise L. DiFranco, aye.
6. Cost of
Engineering for
ADA employee
Entrance Ramp
- Denise L. DiFranco said the total cost would be \$7,175.00 just for the engineering. Julia Chretien said the ADA office was invited to inspect the Town Hall. She suggested that any action they take should be in light of the ADA report. Denise L. DiFranco said they could wait until that is done.
7. Northern RI 4H
request: Animal
Buildings on Fair
Grounds
- Denise L. DiFranco read a letter from Lori Cardillo (see Exhibit C). David Paolino asked if this were adopted, what would stop them from refusing the use of the barn by anyone else. The American Dairy Goat Association would love to do a show here. The Fairgrounds could be used more and more. Kelli Russ would like to see what that would lead to with the auditor. We pay the insurance and it's included with [the town's] fixed assets. Julia Chretien discussed leasing.
8. Resolution 2023-
02 in support of
H5309; Relating
to Primary
Elections
- Denise L. DiFranco said that the Town Clerk asked for this to be put on the agenda. Heidi Rogers said that this was because the day before the election is Labor Day, and there wouldn't be time to set up.
Heidi Rogers read the resolution (see Exhibit D).
David Paolino moved to adopt the resolution as written. Chris Stone seconded.
Discussion: None.
Motion passed 4 – 0.
Heidi Rogers, aye; Chris Stone, aye; David Paolino, aye; and Denise L. DiFranco, aye.
9. Economic
development
consultant
presentation
- Denise L. DiFranco said the presentation date would be on Wednesday night March 22 at the Paine School at 7 p.m. and it will be on Zoom. She would like the ad in the Observer Valley Breeze so they will get more participation.
Heidi Rogers moved to advertise the Economic Development consultant presentation in the Observer. Chris Stone seconded.
Motion passed 4 – 0.
Heidi Rogers, aye; Chris Stone, aye; David Paolino, aye; and Denise L. DiFranco, aye.
11. Town Council
meeting; March 23rd
- Heidi Rogers, aye; David Paolino, aye; and Denise L. DiFranco, aye.
Denise L. DiFranco said that because they are having a meeting on the 22nd, they might want to cancel the meeting on the 23rd. Heidi Rogers said they had some budget workshops in there too. Kelli Russ said you can cancel the meeting on the 23rd but they have to have a meeting on the 30th because that's the last public hearing date according to the Charter and State Law. Denise L. DiFranco said they canceled the March 2nd one, and rescheduled for the 7th with the possibility of having one on the 16th-- Kelli Russ said no, that's a definite--Denise L. DiFranco said might we need one on the 23rd? Kelli Russ said you may need one on the 23rd for a budget workshop in order to be ready for the public hearing on the 30th.
Chris Stone moved to cancel the Town Council meeting on the 23rd and hold it on the 30th. David Paolino seconded.
Motion passed 4 – 0.
Heidi Rogers, aye; Chris Stone, aye; David Paolino, aye; and Denise L. DiFranco, aye.

**VIII. EXECUTIVE
SESSION**

PURSUANT TO RIGL
42-46-5A (2) Contract
Negotiations

1. Contract
Negotiations between
the ToF and RI
Laborers District
Council, Local 1322

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

1. National
Opioid
Litigation

2. PC-2022-05617
Edward R. Fallens, Jr.
et al. v. Kelli Russ, in
her capacity as
Treasurer for the
Town of Foster

Heidi Rogers moved, Chris Stone seconded, to go into Executive Session pursuant to RIGL 42-46-5 for a work session regarding contract negotiations and 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.

The council reconvened in to Open Session at 8:15 p.m. Denise L. DiFranco announced that five votes were taken in Executive Session.

One to have Chris Stone and David Paolino, with advisement from Kelli, be the negotiators for contract negotiations with Local 1322.
Motion passed 4 – 0.

The second is to empower Julia Chretien to execute the second amendment to RI Memorandum of Understanding between the state and cities and towns receiving opioid settlement funds.

Motion passed 4 – 0.

The third is to execute the subdivision participation relief form specific to the CVS settlement.

Motion passed 4 – 0.

The fourth is to empower Denise to execute the subdivision relief form specific to the Walgreens settlement.

Motion passed 4 – 0.

The fifth is to execute the subdivision relief form specific to the Walmart settlement.

Motion passed 3 – 0.

IX.

ADJOURNMENT

Heidi Rogers moved, David Paolino seconded, to adjourn.
Meeting ended at 8:30 p.m.

Submitted by,

Michaela Johnson, Deputy Town Clerk

Exhibit A
TC Mtg. 2/23/2023
to David Paolino from Gordon Brayton

Kelli Russ

From: Kelli Russ
Sent: Thursday, February 23, 2023 2:35 PM
To: Kelli Russ

Hi Dave. I was thinking about your question and I know you had to ask.

The fire company is committed to giving enough property at 6 and 94 to the town for a police station. The fire company wants to do this, we think it will be the best for the police department and the town.

For free:

The property is a flat gravel cleared lot with a septic system, well, no fill needed, ready access to Danielson Pike. Access to Rt94 is also possible. Again for free. This is perfect location for a safety complex.

All the fire company is asking for is a plan showing the layout of the buildings and grounds before we deed the property.

We want to maximize the use of the land. When this is done we will divide and deed the property, no sooner.

Again this is free for those that do not understand free the definition is in the dictionary.

Sent from my iPhone

**MEMORANDUM OF UNDERSTANDING
BETWEEN
THE RHODE ISLAND STATE POLICE
AND
THE TOWN OF FOSTER**

This MEMORANDUM OF UNDERSTANDING ("Agreement") is entered into by and between the Rhode Island State Police ("RISP") and the Town of Foster ("Town").

PURPOSE

The RISP and the Town have agreed to enter into an Agreement whereby the Town agrees to pay the actual hourly costs incurred by the RISP to assign two (2) sworn members (referred to as "trooper" regardless of actual rank throughout this Agreement) to the Town during the hours of 11 p.m. to 7 a.m. ("late-night shift"). In sum, this Agreement sets forth the parameters of this Agreement and the process for the reimbursement of the actual hourly costs incurred by the RISP to assign two (2) RISP troopers to the Town during the late-night shift. This Agreement provides for a timely reimbursement of the actual hourly costs for the troopers assigned to the Town to temporarily supplement its patrol operations during the late-night shift.

PROVISIONS

The Town currently operates a municipal police department. Due to staffing shortages, the Town has sought assistance from the RISP to supplement its patrol operations during the late-night shift. Because the RISP has statewide jurisdiction to enforce criminal statutes, the Town has requested the RISP to temporarily supplement its law enforcement needs to ensure residents of the Town continues to maintain a high-level of public safety protection.

The RISP operates statewide and has barracks and substations set up strategically throughout the state. Currently, there is no barracks or substation located within the Town. The closest permanent RISP location to the Town is the Scituate barracks located in Scituate, RI.

The RISP is responsible for the supervision and management of its personnel. The selection of the troopers assigned to the Town is within the sole discretion of the RISP. The RISP may assign a trooper holding the rank/position/title of Trooper through Sergeant to the late-night shift. The pay schedule contained herein sets forth the actual hourly rates for each rank/position/title. It is understood that the troopers assigned to the Town may rotate depending on daily assignments. The same two troopers will not be assigned specifically to the Town. Instead, it will be a daily assignment that will be assigned to a trooper working each shift. In the event there is a legitimate need (i.e. emergency, civil

disturbance or the like), the RISP may require the RISP troopers assigned to patrol the Town to temporarily leave the Town to assist wherever needed. In addition, the scope of the RISP's assistance is limited to enforcing state law and responding to motor vehicle accidents. The RISP will not respond to calls for service involving the enforcement of town ordinances or other "quality of life" issues. Quality of life issues include, but is not limited to, noise complaints, illegal parking on town roads, excessive dog barking and other similar issues that typically implicate the enforcement of municipal code.

The Parties agree to meet in person a minimum of once every six (6) months or within seven (7) days of a request from either Party to evaluate whether the Town continues to need supplemental public safety coverage.

The Central Business Office of RISP shall bill the Town on a monthly basis for the actual hourly costs incurred by the RISP. "Actual hourly costs" means the cost incurred by the RISP to assign two (2) troopers to the Town to supplement its late-night patrol and can be either regular duty and/or overtime hourly rates. The Town understands that for the RISP to accept the request of the Town to supplement its late-night patrol, a minimum of one trooper will be on an overtime assignment. There may be times due to leave requests and other personnel issues that both troopers will be assigned on an overtime basis. The RISP will make a good faith attempt to limit overtime assignments to one trooper. The below tables provide the estimated actual hourly costs for FY 23 and FY 24. These rates are expected to increase for FY 24 because the current collective bargaining agreement expires on October 31, 2023. The Town agrees to pay the actual hourly rates regardless of the amounts listed in the below tables. The rates are being provided to assist the Town setting financial expectations and not to limit the RISP from invoicing the actual hourly rates incurred.

Fiscal Year 2023 (through June 30, 2023)

Rank/Title	Hourly Rate	Hourly OT Rate
Trooper	\$37.92	\$56.88
Senior Trooper	\$42.79	\$64.19
Trooper First Class	\$44.90	\$67.35
Corporal	\$51.99	\$77.99
Sergeant	\$57.60	\$86.40

Fiscal Year 2024 (July 1, 2023 through June 30, 2024)

*rates will likely increase following CBA negotiations

Rank/Title	Hourly Rate	Hourly OT Rate
Trooper	\$39.70	\$59.55
Senior Trooper	\$43.15	\$65.73
Trooper First Class	\$45.24	\$67.88
Corporal	\$52.41	\$78.62
Sergeant	\$58.08	\$87.12

The Town agrees to remit funding as soon as possible after each monthly bill is received. It is expected the Town will remit payment within 30 days of receipt of the invoice. The Town has no additional financial responsibility. The Town is not responsible for any additional cost, including but not limited to, housing, maintenance of vehicles/equipment, training and the like. To be clear, the RISP will be responsible for these costs.

RULES AND REGULATIONS AND POLICIES:

The RISP and the Town agree that any sworn member of the RISP assigned to the late-night shift shall comply with rules and regulations, policies and general orders of the RISP. Any complaint into the alleged actions of a RISP employee will be investigated by the RISP Professional Standards Unit, not the Town. Likewise, the Town will be responsible for investigating complaints alleged against the actions of Town officers. To the extent required, both Parties agree to cooperate with the other's investigation.

OPERATIONAL POINTS OF CONTACT:

FOR RISP:

Colonel Darnell S. Weaver
401-444-1000

FOR TOWN:

XXXXXX
401-XXX-XXX

THIRD PARTIES

This Agreement is an internal arrangement between the RISP and the Town and does not confer any right or benefit on any other person or party, either private or public.

LIABILITY/INDEMNIFICATION

The Town agrees to indemnify and hold harmless the RISP from any and all claims made from any actions taken or not taken by the RISP for supplementing the Town's late-night patrol operations within the borders of the Town, including, but not limited to, liability, damages, awards, costs, expenses and reasonable attorneys' fees, to the extent any such claim directly and/or indirectly relates to the scope of this Agreement.

EFFECTIVE DATE

The terms of this Agreement shall become effective on the date on which the last of the parties affix their authorized signatures thereto; subject only to the approval of the necessary funding by the Town Council.

MODIFICATIONS/AMENDMENTS

The terms of this Agreement may be modified or amended at any time by written consent of all parties. Modifications to this Agreement shall have no force and effect unless such

modifications are reduced to writing and signed by an authorized representative of each participating agency.

If either party requests to amend this agreement in writing, the parties agree to meet within 30 days of the notice to amend to discuss the terms of this agreement and suggested change.

INTEGRATION

This Agreement supersedes any and all prior discussions or agreements, oral or written, between the RISP and the Town and represents the totality of the understanding in respect to the subject matter hereof.

SEVERABILITY

If any provision of this Agreement shall be invalid, illegal or unenforceable, the validity, legality and enforceability of the remaining provisions shall not in any way be affected or impaired thereby.

DISPUTES

Any disputes between the Parties relating to this MOU will be resolved by consultation between the Parties. It is agreed that the remedies for any breach of this Agreement shall be limited to whether payment is appropriate under the terms of the Agreement and/or termination of the Agreement. The Parties agree to waive injunctive relief.

TERMINATION

Either Party may terminate this MOU at any time for any reason by providing thirty (30) days prior written notice to the other Party. Upon termination of this MOU, the RISP shall no longer provide two (2) troopers to supplement the Town's late-night patrol. In the event of a termination of this MOU, the provisions regarding indemnification shall survive and continue in full force and effect.

SUCCESSORS AND ASSIGNS

The terms contained herein will inure to the benefit of, and be binding upon, the RISP and the Town and their successors and assigns.

AUTHORIZATIONS

The Parties warrant that they are authorized to execute and deliver this MOU and to perform the obligations set forth herein, and each person executing this MOU on behalf of each of the Parties warrants that he or she is authorized to do so.

GOVERNING LAW

The terms and conditions of this Agreement will be governed by and construed in accordance with the laws of the State of Rhode Island.

IN WITNESS WHEREOF, the Rhode Island State Police and the Town of Foster have each caused this Agreement to be duly executed by its authorized officer as of the day and year first written above.

Colonel Darnell S. Weaver
Superintendent
Rhode Island State Police

Date

~~XXXXXX~~
Town of Foster

Date

Exhibit C
TC Mtg. 2/23/2023

From: Denise DiFranco
To: Sue Dillon; Michaela Johnson
Subject: Fwd: [Foster RI] 4H buildings (Sent by Lori A Cardillo, Lorick1863@yahoo.com)
Date: Tuesday, February 21, 2023 9:01:35 AM

Susan/Michaela,
Please add the email below to SugarSync and add Northern RI 4H request: Animal Buildings on Fair Grounds to the agenda under new business.
Also, please add Planner Position to the First Executive Session.
Thank you,
Denise

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

From: Contact form at Foster RI <cmsmailer@civicplus.com>
Date: Fri, Feb 17, 2023 at 11:50 AM
Subject: [Foster RI] 4H buildings (Sent by Lori A Cardillo, Lorick1863@yahoo.com)
To: [ddifranco](mailto:ddifranco@gmail.com) <ddifranco@gmail.com>

Hello ddifranco,

Lori A Cardillo (Lorick1863@yahoo.com) has sent you a message via your contact form (<https://www.townoffoster.com/user/46/contact>) at Foster RI.

If you don't want to receive such e-mails, you can change your settings at <https://www.townoffoster.com/user/46/edit>.

Message:

Hello Denise,
I'm writing to you to regarding the animal buildings on the fair grounds.
I'm the 4H coordinator for Northern RI, which means I oversee the animal portion of Foster Old Home Day's.
I would like to address the fact that the animal barns are not listed as being owned by 4H. This causes a problem when trying to apply for grant money from the 4H Foundation.
4H has always done all repairs on animal barns, and some repairs and upgrades have been provided by others volunteering there time and funds.
Im requesting the council to designate that 4H is the owner of the animal barns.

Thank you for your time,
Lori Cardillo
Northern RI 4H coordinator

TOWN OF FOSTER RHODE ISLAND

RESOLUTION 2023-02

RESOLUTION OF THE FOSTER TOWN COUNCIL TO THE HONORABLE RI GENERAL ASSEMBLY IN URGING SUPPORT OF 2023 H 5309

BE IT RESOLVED BY THE TOWN COUNCIL OF FOSTER AS FOLLOWS:

WHEREAS, H 5309 was introduced into the General Assembly on February 1, 2023, by Representatives Place, Rea and Nardone; and

WHEREAS, This act provides that if a primary election is scheduled for the day after Labor Day, then the primary election shall be held on the Wednesday after Labor Day, instead of the Tuesday after Labor Day.

NOW THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF FOSTER, RHODE ISLAND AS FOLLOWS:

SECTION 1: That the Town Council of the Town of Foster officially expresses its support of H 5309 and respectfully requests the Honorable General Assembly to enact H 5309.

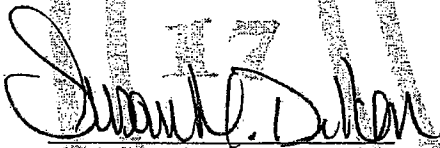
SECTION 2: THAT THIS RESOLUTION SHALL BECOME EFFECTIVE IMMEDIATELY UPON ITS PASSAGE BY THE FOSTER TOWN COUNCIL.

Approved by vote the Foster Town Council on this 23rd day of February 2023.

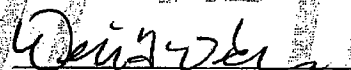
WHERE TO the following bear witness:

Signed:

Foster Town Council



Susan M. Dillon
Town Clerk



Denise L. DiFranco
President

