

The June 22, 2023 Town Council Meeting was called to order by Denise L. DiFranco, President, in Foster, RI at 5:58 p.m. at the Benjamin Eddy Building.

The following members were present:	Also present:
Denise L. DiFranco, President	Kelli Russ, Finance Director
Chris Stone	Julia Chretien, Assistant Solicitor
David Paolino	Allison Bouchard, Social Services
Heidi Rogers	Michaela Johnson, Deputy Town Clerk

- I. **PLEDGE OF ALLEGIANCE**

Denise L. DiFranco called the meeting to order. The Pledge of Allegiance was recited. Denise L. DiFranco asked for a moment of silence for Steve Paquin; he was a volunteer with Foster Center and the Ambulance Corps. He passed away recently.
- II. **EXECUTIVE SESSION – OPEN SESSION**
PURSUANT TO RIGL 42-46-5, (A), (1) Personnel

1) Allison Bouchard – Social Services Director

Denise L. DiFranco said we have Executive Session. She verified that Allison Bouchard, Social Services Director, chose to have the hearing in Open Session. Heidi Rogers recused herself. Denise L. DiFranco stated that Allison received a letter for an incident that happened June 5; and that she was given the opportunity to have the Executive Session in Open Session, and she chose Open Session. Denise L. DiFranco said she would let Ms. Bouchard start, and that she knows what the incident was about, and that they had discussed it. Ms. Bouchard stated that she was present to discuss the ongoing issues that unfortunately includes her behavior on Monday June 5th. There have been incidents with events happening over a year that have been destructive to the work she does in the Department of Social Services for the residents of Foster. Last July before Old Home Days, the basement storage area was badly flooded. There was water from the storage tank in the back of the basement to the other side of the basement where the cleaning supplies are kept. She said that she alerted Ms. Russ and she was told that the water would be mitigated. With any basement, especially in summer months, there is increased humidity and no open window or airflow except from the door to her office and the door to the upstairs at the town hall. Since this flood, there has been a musty odor in the entire basement. She suggested to discard the old wet pallets that the cleaning supplies had been kept on and replace them with new pallets. She expressed her concern with mold growing to Ms. Russ on more than one occasion. Denise L. DiFranco interrupted and asked if she had gone to a council member at that time; Ms. DiFranco said she was the liaison and she does not

recall. Ms. Bouchard said she went to her direct supervisor. Ms. DiFranco said that she [Kelli Russ] is not her direct supervisor; the council is her direct supervisor. Ms. Bouchard said she did not, but she was trying to go through the proper avenues. Ms. DiFranco said that is not the proper avenue. The proper avenue is any council member. Ms. Russ is Human Resources, and you can go to her if you have a complaint about us but not something to do with that.

Ms. Bouchard said she aired her concerns about mold to Ms. Russ on more than one occasion. She agreed and acknowledged my concerns. Ms. Bouchard suggested the purchase of a dehumidifier to keep the basement dry and was made responsible for emptying the water to keep it running. This responsibility was never in her job description, however, she took care of it so that anyone working or visiting the Town Hall wouldn't get sick from mold growing on the walls. A quick Google search showed 19 different molds in the Foster area.

One April 6, Ms. Bouchard said that she arrived at her office to find a heavy metal shelf along with a clothing rack and other items moved in front of the ADA bathroom, which is open to the public. Instead of being informed before these heavy items were moved barricading an ADA access bathroom, there was no discussion with Mr. Rogers that those items were in a spot that was considered a fire hazard. A text message to Mr. Rogers was sent asking him to please send someone to help her move the heavy objects, but this was never responded to.

Denise L. DiFranco said, as mentioned before, she cannot mention any other employee's names or departments. Ms. Bouchard said that was never clarified in the letter. Denise L. DiFranco said we talked about that. You and I talked about that. Ms. Bouchard asked if she could say DPW Director. Ms. DiFranco said no; you could bring up concerns that you had but could not be speaking of various department heads.

Julia Chretien asked if Ms. DiFranco was allowing public comment. Ms. DiFranco said no, she is not allowing public comment.

Ms. Bouchard said that, basically, her request for help was ignored. It was also met with rudeness and unprofessionalism. Eventually the DPW workers came to move the items. She did not feel it was appropriate to rearrange someone's office without first consulting them.

On Thursday, May 4 the basement was flooded again. She notified the person in charge, which also went unanswered. Later that afternoon, she ran into this person and informed him that the

basement was flooded. It was never properly mitigated for water and mold. The mold issue was somewhat acknowledged as the bottom half of the drywall has been cut away and new sheets of drywall are sitting in the basement.

Ms. Bouchard said she would like to discuss the DSS parking lot project. The new Senior Van has been stored in the back parking lot behind the DPW yard. She was approached regarding finding a more permanent place for the van to be parked. It was explained to her that it was in the way and it had to be moved during two separate fairground events during the course of the year. The proposition was the expansion of the DSS parking lot so the van could be parked there instead. She told this individual that it was fine with me as long as the work would not be done during her office hours. The individual told her that work would not be done during office hours so that would give them Thursday afternoons and all day on Friday to work on the parking lot. There was no further conversation. Please keep in mind that her office entrance has an ADA ramp.

She arrived at work on Monday May 22 to heavy machinery and excavators in the DSS parking lot. Again, there was no communication from the individuals in charge regarding a start date or schedule. She spoke to HR and aired her frustration at not being notified about any of this. Unable to serve residents that day, she took a vacation day and DSS was closed to the public. On her time off, she sent Ms. DiFranco, Mr. & Mrs. Rogers and Ms. Russ a very professional email sharing her concerns about the DSS lot project and work being done during her office hours when open to the public. She reiterated that construction during her office hours poses a safety and an access issue for elderly, disabled, and mobility challenged clients who use the office to access services. Ms. DiFranco was the only one to respond and wrote that she would communicate with the person in charge that construction work would have to be done after office hours for the week. This was the last Ms. Bouchard heard regarding the issue.

Moving forward she assumed there was no longer an issue. No work was done the DSS parking lot the following week. She was happy the issue was communicated and resolved. On Monday, May 5, she pulled into the DSS lot and a person was operating a digger to remove stumps that bordered the concrete and the DSS lot. Frustrated, Ms. Bouchard lost her composure and professionalism and uttered unkind words at the DPW workers and informed them that they were not supposed to be doing construction during DSS

office hours. Apparently Ms. DiFranco's communication was never received by the appropriate party. Ms. Bouchard said she had a moment of being a frustrated human. After calling Ms. DiFranco and communicating that work was still being done, Ms. DiFranco came to the Town Hall. She explained that the DPW was not technically doing work in the DSS lot. Ms. Bouchard said that again, her concerns about safety and access was dismissed. She took time off Tuesday and Wednesday that week due to the growing frustration with her workplace. She has also been dealing with a medical condition for which she is currently on the Family Medical Leave Act. She was called in on Thursday, her time off, by Ms. Russ due to food being delivered that was never ordered. Ms. Bouchard took that opportunity to sincerely apologize to the DPW worker for her unkind words. He graciously accepted her apology, and they have been cordial since. She wonders if the DPW worker filed a grievance.

After dealing with her 2000 lbs. of mistaken delivery, she was visited by Ms. DiFranco who explained that she was being called into Executive Session before the Town Council to discuss her behavior on June 5. She was also informed by Ms. DiFranco that she was welcome to bring a lawyer with her. She felt intimidated and uncomfortable by this conversation. Later that evening she had a successful Senior and Caregivers Resource Fair at Isaac Paine despite all this.

She is appearing to advocate for of her clients and herself. Noticing the systematic lack of communication between Department Heads and the Town Council, she feels she has done her job to serve the residents of Foster to the best of her ability. She feels she has advocated for folks in town who are unable to advocate for themselves. When she goes through the proper avenues to address work-related concerns, she assumed they would be dealt with. Instead, she has been met with roadblocks and work obstacles to jump. Her intentions is to serve residents to the best of her ability who are in need. When access to her office and safety regulations are not considered and negligently ignored and when no communication occurs, she feels disregarded not only as a person, but as an employee.

Denise L. DiFranco said that Ms. Bouchard was called before the council because of the incident on June 5 because of the language that you used to what would be considered a subordinate. He doesn't work under you but he would be considered a subordinate. The incidents you mentioned that brought you to your breaking

point had never been brought to the council.
Would she agree?

Ms. Bouchard said she made it aware—

Ms. DiFranco said not to the Council who were not aware. Now you talk about the fact that you were told you could bring a lawyer, that's standard and not to be concerned about that. It's a standard, cookie-cutter letter that goes out. When she heard, she was grocery shopping and she left. Ms. DiFranco said when you talk about the machinery. It was not in your DSS parking lot and it was not a threat to anybody's safety and certainly was not going to put a resident in danger. The other incidents we will address as a council. We will discuss that. We are here tonight because of your behavior on June 5. You had concerns, did you bring them to the council?

Ms. Bouchard said no, she brought them to Kelli Russ. Denise L. DiFranco said that's not Kelli's responsibility. You have apologized and the worker accepted your apology. We had to address that because it was not acceptable behavior in the workplace. No one was questioning your job performance.

Ms. Bouchard said that is what the letter said, her job performance, and her physical and mental capabilities. Ms. DiFranco said it was boilerplate. It's a template. Ms. Bouchard said she did not take it that way. Ms. DiFranco said she realizes she goes above and beyond, no one is questioning that, just the language.

David Paolino spoke about behavior and conduct. He told Ms. Bouchard that she works for the council. He doesn't think she treats others the way she wants to be treated. He sees no remorse and is not happy with what he heard. He said that she chose not to go to her liaison and did not follow protocol. Ms. Bouchard said she was never been informed of the protocol. He asked if she works for Kelli Russ? Ms. Bouchard said she works for the residents of Foster. Mr. Paolino said she works for the town council; she were hired by them, you work for them. The concerns you brought up today will be addressed by the council.

Julia Chretien said according to the Personnel Rules & Regulations under disciplinary procedures, for something that is a first offense and a less severe infraction, it is treated with a counseling session with the town council and a warning letter in the file. The head of DSS would have an opportunity to provide context in the situation so this was the extent of what happens. Denise L. DiFranco said now you know you can get in touch with Ms. Rogers or with me. From now on, if you have an issue, call any of us.

Kelli Russ said she wouldn't have had this conversation in this way in this form though some corrections have to be made.

Julia Chretien said you aren't a member of the Town Council.

III. PUBLIC COMMENT

Ron Cervasio spoke and said he wanted to congratulate every person on the council for the legal actions they took to protect the town against allegations of a hostile work environment. You took a 5 – 0 vote to defend Ms. Dillon and I spoke with her about his. She has no problem that this come forward. However, when I wrote this letter, asking for public information, I received this letter from the attorney that says I have no right to it. So my question is: why did you make the allegations public when you won't make public the defense that she was cleared? So I take back my congratulations. He asked if any of them took a vote to have the attorney send the letter.

Denise L. DiFranco said we cannot respond.

Mr. Cervasio said so why make the allegations public, but then you don't want to make public the investigation that cleared Ms. Dillon and the town of a hostile work environment. If the attorney did this on their own, that is very interesting.

IV. CONSENT AGENDA

Denise L. DiFranco said she would like to pull the minutes from May 25, May 23, and June 1. They all state that she was excused and she was present. Heidi Rogers moved, to remove the meeting minutes of May 25, May 23, and June 1, 2023 from the Consent Agenda. David Paolino seconded.

Motion passed 4 - 0.

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

1. Meeting Minutes

Approval of May 25, 2023; May 23, 2023; and June 1, 2023 (removed)

2. Warrants

Approval of General Warrant **FY2023 #20**
\$234,156.40 **FY2023 #21** \$89,955.66

3. Monthly Reports May 2023

a.B & Z b. DPW c. Finance d. Planning
e. Police f. RIRRC

Heidi Rogers moved to approve the Consent Agenda as presented with the removal of the Meeting Minutes. Chris Stone seconded.

Motion passed 4 - 0.

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

**V. SWEARING-IN
CEREMONY**

Police Chief Gina-marie Lindell swore in three officers: Oliver Casale, Joseph Buban, and Joshua Andrade as official Foster police officers.

VI. PUBLIC HEARING
Kennel License
application for Wild
River Kennels, LLC.

Denise L. DiFranco said that next was a Public Hearing for a kennel license for Wild River Kennels, LLC, 110-A Foster Center Road for the year ending December 2023.

Ms. DiFranco opened the public hearing.

Heidi Rogers read the advertisement (see Exhibit A).

Chris Parry, applicant, introduced himself and talked about his family and background. He explained his training and kennel background as well. Kiira Parry explained how their kennel is within the home and not a typical idea of a kennel. They work with the dogs seven days a week. She is an obedience trainer and is also is certified as a canine good citizen evaluator. The dogs are trained as retrievers, waterfowl training, and upland hunting so they can participate in events. Heidi Rogers asked if the facility is just for boarding and not for breeding?

Ms. Parry said that breeding is in their future. We're not looking to produce massive amounts of puppies but it is in their future goals.

Denise L. DiFranco asked if there was anyone in the audience who would like to speak on behalf of the kennel.

Lynne Rider, Burgess Road, asked how many dogs at one time would be there.

Kiira Parry said eight to ten being the absolute top number.

Ms. Rider said she had heard of setups like this referred to as a doggy hostel rather than a kennel because you incorporate it into your home.

Ms. Parry said, yes, that's what we want to provide for the dogs, that homey feeling stay.

Chris Parry said they both came from a larger, commercial sized kennel, a beautiful facility where we learned to care for animals but we also learn that too many hands were on those dogs. We are much more intimate.

Cheryl Hawes, Cucumber Hill Road, asked if they were working with a particular breed of dog.

Mr. Parry said it was not breed specific but something we are very strict on is that we don't deal with aggressive dogs.

Ralph Wilbur, 107 Foster Center Road, said it has been very peaceful next door. His concern is if there is any way to stop it from becoming a grandiose kennel.

Denise L. DiFranco said that this license is only until December 31st of this year. Every year they would have to apply for the license again, and we would have a public hearing again. If there are concerns, they could be brought up at that time.

Gina Lindell, 94-1/2 Foster Center Road, asked if they were doing any boarding. Ms. Parry said only on an individual basis. She showed their website. We are also have partnered with a rescue. She said she does a lot of their transport work along with fostering dogs to get them back on their feet.

Denise L. DiFranco asked three times if anyone would like to speak in opposition to the kennel.

There were

none. Denise L. DiFranco closed the public hearing and opened discussion within the council.

David Paolino said he was in favor. He asked about setbacks and if they are boarded outside. Ms. Parry said the dogs are not outside without supervision.

Denise L. DiFranco asked if it was a doggy day care. Ms. Parry said they tailor the program to the client.

They have dogs that will stay with them for an extended period of time especially before waterfowl testing. Mr. Parry said they are limited in capacity.

Heidi Rogers moved to approved the kennel license application for Kiira and Chris Parry d/b/a Wild River Kennel, LLC. David Paolino seconded.

Motion passed 4 - 0.

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

VII. OLD BUSINESS

Police Station Building
Updates -
Rowse Architects
Architectural /
Engineering Fee
Adjustment + \$24,350

Denise L. DiFranco said that last night they had a Police Building Committee meeting. They showed a rendering of what the police station will look like. Chief Lindell, Capt. Domingo, and Gordy [Brayton] have met and viewed them. All the changes have been made. Now it has to go to civil engineering survey. Then the property will be turned over.

Chief Lindell said it is going to be a beautiful facility. We need it, and we're looking forward to working with the architects. You will be very proud of the building.

David Paolino moved to approve the Architectural Engineering fee adjustment. Heidi Rogers seconded.

Motion passed 4- 0.

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

Denise L. DiFranco in the packets is the fee adjustment. The reason being supply and demand, and the cost.

Julia Chretien reviewed the adjustment costs (See Exhibit B).

Heidi Rogers moved to approve the additional sum of \$24,350.00 to be paid to Rowse Engineering.

David Paolino seconded.

Motion passed 4 - 0.

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

1. EMS Funding

Denise L. DiFranco said there were several ledgers in the packet. Ms. Russ reviewed the reports. Once the money comes in, we should catch up. Medicare should pay by the end of June. We can appeal the loss back to January.

Lynne Rider asked how much would be reimbursed. Kelli Russ said she can't predict what they will reimburse. Based on what the Ambulance Corps was collecting regularly, we are not making less runs. Gordon Rogers said he could look into it on the State level.

VIII. NEW BUSINESS

1. July 13th Town Council Meeting – assign town council member to run meeting

Denise L. DiFranco said she will not be available to run the meeting for July 13.

Chris Stone moved to appoint Heidi Rogers. David Paolino seconded.

Discussion: Lynne Rider discussed ordinances that will be part of the meeting on the 13th.

Motion passed 4 - 0.

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

2. Heating Oil Bid Award

Kelli Russ said there were only two bidders on both (heating oil and diesel). We asked for a fixed price. \$2.81 per gallon if you lock in for Rambone; and \$3.499 for Reichert. The price if you didn't lock in was very close. Gordon said the fixed price for Rambone is what we are going to do.

Heidi Rogers moved, David Paolino seconded, to award the bid for winter heating oil to Rambone & Sprague at the price of \$2.81 per gallon for the season.

Motion passed 4 - 0.

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

3. Diesel Bid Award

Kelli Russ said for this they bid the price over their cost. For gasoline Rambone & Sprague bid \$.40 per gallon above cost; and Reichert bid \$.259 per gallon.

For Diesel Rambone & Sprague bid \$.15 above cost; and Reichert bid \$.159. So overall Reichert & Sons were better.

Heidi Rogers moved, Chris Stone seconded, to award the bid for gasoline & Diesel to Reichert & Sons at for gasoline \$.259 above cost and Diesel for \$.159 above cost.

Discussion: David Paolino asked how we know what his cost is. Gordon Rogers said by a slip. Mr. Paolino asked how he can be sure it is a valid price. Mr. Rogers said yes.

Anthony Renzi said he gets his home heating oil from Reichert, and I get my diesel at his office, 2000 gallons a week, from Rambone & Sprague. When they're telling you it's their cost, it doesn't mean it's their cost.

David Paolino said there's no way to know his cost.

Motion passed 4 - 0.

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

4. EMS Capital Purchase (Stretcher)

Kelli Russ said the price is 20K because it's a floor model. This was approved at the Engineering Board, unanimously, and it's paid from their capital funds, and not the operating funds. It's going to be our purchase for them.
Heidi Rogers moved, David Paolino seconded, to purchase a Stryker stretcher in the amount of \$20,000 to come from the engineering department.
Motion passed 4 - 0.
Heidi Rogers, aye; Chris Stone, aye; David Paolino, aye; and Denise L. DiFranco, aye.
5. Fund Balance Policy

Kelli Russ explained the Fund Balance Policy (see Exhibit C). We followed the policy from 2011 set by Government Accounting Standards Board (GASB), but we need to have a formal Fund Balance Policy established.
Heidi Rogers moved, Chris Stone seconded, to approve the Fund Balance Policy as presented contingent upon approval from Julia Chretien.
Motion passed 4 - 0.
Heidi Rogers, aye; Chris Stone, aye; David Paolino, aye; and Denise L. DiFranco, aye.
6. Update to Purchasing Policy

Kelli Russ explained that we were cited for weaknesses in purchasing so we need to make some updates to the policy. We changed the Charter to follow the State so this policy is now outdated. Ms. Russ said it is in process and she will bring it to the council at a later date.
7. Update on Funding for Police Station – Bond Issue and Rating

Kelli Russ said we have a bond rating which is AA2, which is above average and very good. She explained all the factors that apply. Denise L. DiFranco said this is kudos for Ms. Russ and said she has guided them in the right direction.
Ms. Russ said they are going public on the 27th [of June], and the rate will be set on that date and we will be closing on the bond issue on July 11. Then shortly thereafter we will have the money and we will go from there.
8. Statute of Limitations Collections Abatements
 - a. 2011 Motor Vehicles \$16,959.97
 - b. 2010 Motor Vehicles \$9692.97

Kelli Russ said this is a list we have every single year. These receivables have been at Rossi & Rossi collection agency for years. We have updated the list several times. We have not received one dime of 2010 and 2011 tangible taxes or motor vehicles. It is her opinion we are overstating our receivables. People are not going to pay because they have already found another way around it. The motor vehicles of \$9,692.97 will be over \$24,000 because of interest. That is the other reason nobody is going to pay.

c. 2011 Tangibles
\$5112.28

Heidi Rogers moved, Chris Stone second, to approve the abatements because of the statute of limitations in the amounts of 2011 Motor Vehicles \$16,959.97, 2010 Motor Vehicles \$9692.97, and 2011 Tangibles \$5112.28.

Discussion: Kelli Russ noted that the collection agencies don't want anything that far back and will not accept them.

Gordon Rogers said once you get behind at 12 percent interest it becomes almost impossible to catch up. So three communities are allowing a 60-day grace period where you are allowed to pay principle only and wash the interest. Three towns came for legislative approval.

Motion passed 4 - 0.

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

**IX. ANNOUNCEMENTS /
FUTURE AGENDA
ITEMS**

X. ADJOURNMENT

Denise L. DiFranco said that Foster Old Home Days is coming up; we need to come up with a Citizen of the Year. Ms. DiFranco asked if the Town House is ready to have meetings there. Lynne Rider said it could use a deep cleaning. Ms. DiFranco asked if they could have their meeting in August there. Lynne Rider said that hopefully after July 1 they can get on the national register so they can go for the big grants.

David Paolino moved to adjourn. Heidi Rogers seconded. Meeting adjourned at 8:20 p.m.

Submitted by,

Susan M. Dillon, Town Clerk

TOWN OF FOSTER NOTICE OF PUBLIC HEARING

NOTICE is hereby given by the Foster Town Council, being the Licensing Board in said town under RIGL 4-13-10 of the General Laws of RI, 1956, as amended; that a Public Hearing will be held on June 22, 2023 at 6:00 p.m., at the Benjamin Eddy Building, 6 South Killingly Road, Foster, RI. Kiira and Chris Parry D/B/A Wild River Kennels LLC of 110A Foster Center Rd, Foster, RI has applied to said Council for a Kennel License for the year ending December 31, 2023. At which time and place all persons are entitled to be heard. If communication assistance is needed please contact the Town Clerk at least 72 hours in advance.

By Order of the Foster Town Council
Susan M. Dillon, Foster Town Clerk



June 9, 2023

Foster Police Department Building Committee
181 Howard Hill Road
Foster, Rhode Island 02825

Attn: Mr. Joseph L. Walsh Jr.,
Building Committee Chairman

**RE: A / E Fee Adjustment
New Foster Police Department Building
Located at the Corner of Danielson Pike & Mount Hygeia Road, Foster, RI 02825**

Dear Mr. Walsh,

As discussed, we are submitting this letter in regard to our A/E fee adjustment for the new Foster Police Department building to be built at the corner of Danielson Pike and Mount Hygeia Road in Foster, RI.

Our current fee for this project per Exhibit A, dated November 16, 2021 included with the Rowse Architects, Inc. Contract Amendment AIA Document G802 – 2017 Amendment to the Professional Services Agreement document, dated April 8, 2022 was established at \$350,000.00. The design process for this project at the new site location started in 2023 once we received the property survey information and we developed and obtained approval for the schematic design documents, dated March 7, 2023 (See attached approved Rowse Architects Schematic Design documents).

Our original civil engineering fee prepared by our civil engineering consultant, Collins Engineers, Inc. that was included as part of our overall fee indicated above (See attached Collins Engineering, Inc. proposal, dated November 16, 2021) did not include preparing applications for RIDEM stormwater permitting, Town of Foster local soil erosion and sediment control permitting, and RIDOT state highway access permitting civil scope of work requirements for the new building site work at the new site location. The revised civil engineering proposal we received from Collins Engineers, Inc. dated May 12, 2023 (See attached) includes the additional costs associated with the additional required civil site scope of work items which increased their original fee amount of \$92,300 to \$110,050 which resulted in an additional \$17,750 increase to the civil engineering fee amount.

Also, our original structural engineering fee prepared by our structural engineering consultant, Structures Workshop, Inc. that was included as part of our overall fee indicated above (See attached Structures Workshop, Inc. proposal, dated November 2, 2021) was based on their fiscal year 2021 hourly design rate which was \$120/hr verses their current fiscal year 2023 hourly design rate cost at \$140/hr. Based on their review of the attached approved schematic design documents, dated March 7, 2023 that includes an additional 1300 sf of attic storage space located above the first floor plan that was not originally included as part of their original

A/E Fee Adjustment
New Foster Police Department Building
Foster, RI 02825
June 9, 2023
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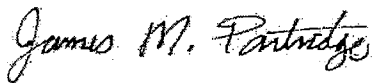
proposal, dated November 2, 2021. Structures Workshop, Inc. will maintain their \$18,000 fee amount for the structural design associated with schematic design, design development, and construction document project phases based on a maximum of 130 design hours total for all three phases of the project at the current hourly design rate cost at \$140/hr in lieu of the fee amount for all three phases being a lump sum figure as outlined in the attached November 2, 2021 proposal. The construction administration phase of the project will maintain their assume 20 total hours at the current hourly design rate cost at \$140/hr which equates to \$2,800 total in lieu of the original \$2,400 total cost based on the fiscal year 2021 hourly design rate at \$120/hr. The additional structural design cost associated with the 1300 sf additional attic storage space taking into account their updated hourly design rate at \$140/hr will be capped at a maximum percentage of 30% added to the \$18,000 fee amount for the schematic design, design development, and construction document phases plus the \$2,800 fee for the construction administration phase for the total maximum cost increase amount of \$6,200 that equates to the total revised structural fee amount of \$27,000 in lieu of the original fee amount of \$20,400 which resulted in an additional \$6,600 increase to the structural engineering fee amount. This fee adjustment is included in the attached Structures Workshop, Inc. email, dated April 17, 2023. The additional \$6,600 structural fee increase to accommodate the above referenced modifications we believe is a fair and reasonable request.

Based on all the above information, we are requesting approval to increase our overall fee amount from \$350,000 to \$374,350 which is a total increase in fee amount of \$24,350.

As always, we thank you for your consideration to submit this fee adjustment letter and for your continued confidence in the services of our firm and our consultants. We would appreciate this proposal acceptance, and provide us with this approval in writing at your earliest convenience.

If you have any questions, concerns or need additional information, please feel free to call me at the East Providence office number below or on my cell phone at 401-439-1298.

Sincerely,



James M. Partridge, AIA
Principal Architect

Enclosures as noted.

Cc: Edward Rowse, President,
Janet Lever, Office Manager

TOWN of FOSTER
Foster, RI

FUND BALANCE POLICY

PURPOSE:

The purpose of this policy is to establish and express the philosophy, guidelines and expectations of the Foster Town Council (Council) regarding and pertaining to compliance with the Governmental Accounting Standards Board Statement No. 54 ~ *Fund Balance Reporting and Governmental Fund Type Definitions*.

BACKGROUND:

The Governmental Accounting Standards Board (GASB), an independent, not-for-profit organization founded in 1984, establishes and improves standards of accounting and financial reporting for U.S. state and local governments. Its standards guide the preparation of external financial reports of those entities. GASB statements are considered generally accepted accounting principles (GAAP) and must be followed in order to receive an unqualified opinion on financial statements.

The intent of GASB Statement No. 54 (GASB 54) is to enhance governmental fund balance reporting in order for financial statements to be more consistent and comparable (between similar governmental entities). Further, it is intended to eliminate the significant variation in how standards are applied; confusion about terminology; and the mismatch between what governments are reporting about fund balance and what users of financial statements actually need. Included is a clarification of governmental fund type definitions.

Under GASB 54, fund balance should be reported in classifications that: “comprise a hierarchy based primarily on the extent to which the government is bound to honor constraints on the specific purposes for which amounts in those funds can be spent.”

GASB 54 became effective for periods beginning after June 15, 2010 and thus became effective for the Town of Foster for fiscal year ending June 30, 2011.

PHILOSOPHY:

The Council concurs with the objectives, intent and spirit of GASB 54 and, by adopting this policy, will comply and conform to its requirements.

DEFINITIONS:

Fund Balance: The term “fund balance” describes the net assets (i.e., the difference between assets and liabilities) of governmental funds calculated in accordance with GAAP. Accountants distinguish up to five separate categories of fund balance, based upon the extent of which the government is bound to honor constraints on the specific purposes for which amounts can be spent:

- **Nonspendable Fund Balance:** The amount of fund balance that cannot be spent because it is either (a) not in spendable form or (b) legally or contractually required to be maintained intact. The “not in spendable form” criterion includes items that are not

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FUND BALANCE POLICY

expected to be converted to cash, e.g., inventories and prepaid amounts, and under certain circumstances long-term amounts of loans and notes receivable and property acquired for resale. The corpus (or principal) of an endowment or permanent fund is an example of an amount that is legally or contractually required to be maintained intact.

- **Restricted Fund Balance:** The amount of fund balance that is restricted to specific purposes, for example, when constraints are placed on the use of resources are either:
 - Externally imposed by creditors (such as through debt covenants), grantors, contributors, or laws or regulations of other governments; or
 - Imposed by law through constitutional provisions or enabling legislation.
- **Committed Fund Balance:** The amount of fund balance that can only be used for specific purpose pursuant to constraints imposed by formal action at a Town of Foster Financial Town Meeting, the Town's highest level of decision-making authority. Committed amounts cannot be used for any other purpose unless the specific use is removed or changed by taking the same type of action employed to previously commit those amounts (i.e., at a Town of Foster Financial Town Meeting). Formal action that commits fund balance to a specific purpose should occur prior to the end of the reporting period, but the amount which will be subject to the constraint, may be determined in the subsequent period.
- **Assigned Fund Balance:** The amount of fund balance that is constrained by the Council's approval and intent to be used for specific purposes, but is neither restricted nor committed.
- **Unassigned Fund Balance:** The amount of fund balance (in the General Fund) that has not been assigned to other funds and has not been restricted, committed, or assigned to specific purposes within the general fund. It includes spendable amounts not subject to any intended use or constraint. Unassigned fund balance is the residual classification for the general fund and is available to be used for any purpose.
- **Special Revenue Funds:** Special Revenue Funds are used to account for and report the proceeds of specific revenue sources that are restricted or committed to expenditure for specified purposes other than debt service or capital projects. The term "proceeds of specific revenue sources" establishes that one or more specific restricted or committed revenues should be the foundation for a Special Revenue Fund. The substantial portion of the revenue sources or inflows cannot be a "transfer" of funds.
- **Capital Projects Funds:** Capital Projects Funds are used to account for and report financial resource that are restricted, committed, or assigned to expenditure for capital outlays, including the acquisition or construction of capital facilities and other capital assets.

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FUND BALANCE POLICY

- **Debt Service Funds:** Debt Service Funds are used to account for and report financial resources that are restricted, committed, or assigned to expenditure for principal and interest.

POLICY:

Revenue streams:

The revenue streams in all governmental funds will be reviewed and appropriately classified and reported in the financial statements as determined by and in accordance with the definitions listed above and in compliance with the budgeting parameters.

Committing funds:

Funds may be committed only by formal action at a Town of Foster Financial Town Meeting, the Town's highest level of decision-making authority. Committed amount will not be used for any other purpose unless the constraint is removed or the specified use changed by the same type of action employed to previously commit those amounts (i.e., at a Town of Foster Financial Town Meeting). Formal action that commits fund balance to a specific purpose will occur prior to the end of the reporting period, but the amount which will be subject to the constraint, may be determined in the subsequent period.

Assigning funds:

Funds may be assigned and be designated and used for specific purposes by the Council and/or the Finance Director. The Council and/or the Finance Director may also unassign previously assigned funds.

Order of expenditure of funds by classification:

Expenditures may be incurred for purpose for which both restricted and unrestricted (committed, assigned, or unassigned) amounts are available. Composition of the ending fund balance will be determined by applying the following: In those instances where both restricted and unrestricted amounts are available, restricted amounts will be considered to have been spent first [as allowed and in compliance with stated and specified terms or requirements], followed by committed amounts, followed by assigned amounts, and then unassigned amounts.

Classification of fund balance amounts:

The fund balance amount in all governmental funds will be reviewed and appropriately classified and reported in the financial statements as determined by and in accordance with the definitions listed above.

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FUND BALANCE POLICY

Minimum committed fund balance for the Foster reserve fund:

An adequate level of fund balance is essential to mitigate current and future risks and to ensure service levels. Specifically, amounts are and will be held in committed fund balance for the Foster reserve fund:

- Extreme events (i.e., allows the Town to respond quickly and decisively to events of emergency, declared by the Council involving the public peace, health, safety, comfort, or welfare of the inhabitants of the town and for the protection of persons and property.) Such appropriations need to be approved at a special town meeting called for that purpose.
- At any time prior to May 1 of a fiscal year, upon notification by the Finance Director to the Council that it is indicated that total general resources will be less than the original estimates upon which current appropriations were based, the Council may submit to a special or annual town meeting a resolution for proposed appropriations from the reserve fund. The Finance Director's notifications shall be based upon the revenues projected at the previous town meeting.

Per the Town's *Code of Ordinances, Article IV, Finance, Section 2-101 – Reserve fund*:
"Whenever the aggregate of the monies and securities held for the credit of the reserve fund exceeds ten percent of total projected fiscal year expenditures, consisting of the aggregate of (1) town's share of the expenditure for the Foster-Glocester Regional School District, (2) the expenditures for the Foster School District, and (3) the expenditures for the town municipal government minus the two percent capital investment; the excess shall be transferred to the capital reserve fund to be used solely for the purposes of reduction of town indebtedness, payment of debt service, funding of capital projects, and/or to carry out provisions of subsection (f)" of the Ordinance found in Article IV, Finance, Section 2-101.

It is anticipated that this is a level sufficient to provide for the required resources to ensure short-term cash availability when revenue is unavailable or unanticipated expenditures (including emergencies) occur. If the committed fund balance for Foster reserve fund falls below the minimum parameter, the amount shall be returned to the reserve fund in the second fiscal year following the fiscal year in which the funds were used, and, if necessary, in subsequent fiscal years.

Funding fund balance target:

Funding of the General Fund fund balance target, will come generally from one-time revenues, excess fund balance (e.g., unused or excessive assignments or commitments), and projected revenues in excess of projected expenditures.

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FUND BALANCE POLICY

Use of reserves:

It is the intent of the Town to comply with the minimum 10% fund balance as defined above and to limit use of the General Fund unassigned balance in excess of the 10% minimum to address unanticipated, non-recurring needs or known and planned future obligations. Fund balances shall not normally be applied to recurring annual operating expenditures. Reserves may, however, be used to allow time for the Town to restructure its operations in a deliberate manner, but such use will only take place in the context of an adopted long-term plan.

Excess reserves:

At the end of each fiscal year, the Finance Director will report on the audited year-end financial results. Should annual General Fund revenues exceed expenditures, a year-end operations surplus shall be reported. Any promotion of the year-end operating surplus that contributes to the General Fund balance in excess of established fund balance policy shall remain as part of the fund balance or be deemed available for allocation to:

- replenish any other established fund balance targets or assignments or commitments, so as to meet target levels,
- re-appropriate to offset one-time shortfalls contributing to budget-year operating expenditures,
- re-appropriate to provide funding for the General Fund operating budget,
- transfer to the capital program fund for appropriation to capital improvement program budget and/or deferred maintenance needs.

ADOPTED BY TOWN COUNCIL

DATE: _____