

The August 10, 2023, Town Council Meeting was called to order by Heidi Rogers in Foster, RI at 6:00 p.m. at the Benjamin Eddy Building.

The following members were present:
Chris Stone
David Paolino
Heidi Rogers
Denise L. DiFranco, President,
excused

Also present:
Kelli Russ, Finance Director
Julia Chretien, Assistant Solicitor
Grant McGregor, Planner

- I. PLEDGE OF ALLEGIANCE

Heidi Rogers called the meeting to order.
The Pledge of Allegiance was recited.
- II. ANNOUNCEMENTS

Denise L. DiFranco is excused. Three items on the agenda will be continued because Ms. DiFranco wanted input on them. One is Item 5, Dept. Head Meetings; one is Item 9 Signage and Landscaping; and Item 12, Review of July 18 minutes.
- III. PUBLIC COMMENT

Lynne Rider asked when the Zoom meetings would begin. She said she knew the funds were available in July. Town Clerk Susan Dillon said she has a meeting with him [Chris Judge] and the electrician next Thursday to go over everything. She does not know how long it would take to complete but she is doing the best she can.
- IV. CONSENT AGENDA

1. Meeting Minutes

Approval of July 13, 2023 amended,
and July 27, 2023

2. Warrants

Approval of General Warrant **FY2023 #24** \$53,613.00,
and **FY2024 #03** \$207,059.96

3. Monthly Reports for June 2023

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

4. Additions and Abatements

2020 Motor Vehicle Abatement \$401.10
2021 Motor Vehicle Abatement \$389.76
2023 Tangible Tax Abatement \$5,178.57
2022 Tangible Tax Abatement \$250.82

Chris Stone moved, David Paolino seconded, to accept the consent agenda as presented with the removal of Additions and Abatements.
Motion passed 3 - 0.
Heidi Rogers, aye; Chris Stone, aye; and David Paolino, aye.

Kelli Russ requested the abatements for 2020 for 401.10, 2021 for \$389.76, and 2022 for \$250.82 to be voted on as they are correct. Chris Stone moved, David Paolino seconded, to accept the additions and abatements as requested.
Discussion: None.
Motion passed 3 - 0.
Heidi Rogers, aye; Chris Stone, aye; and David Paolino, aye.

Chris Stone moved, David Paolino seconded, to accept the corrected 2023 Tangible Tax Abatement for \$4,812.92.
Motion passed 3 - 0.
Heidi Rogers, aye; Chris Stone, aye; and David Paolino, aye.

PUBLIC HEARINGS

Chris Stone moved to move the other hearings up. David Paolino seconded.
Motion passed 3 - 0.
Heidi Rogers, aye; Chris Stone, aye; David Paolino, aye.

Moved: Event Permit

1. Ordinances - Second Hearings

Grant McGregor read the amendments as recommended by the Planning Board at its May and June meetings.

- The recommendations include amendments to:
Sec. 38-191–Public and Semi Public Uses - #2 & #3 regarding churches;
Sec. 38-191–Business Uses #19 regarding medical office buildings
Sec. 38-191–Notes: #3 regarding open lot storage screening no less than 8 feet high
- The recommendations also propose an addition to Sec. 38-191 Wholesale Business and Storage regarding 8 ft. opaque fencing and 600 square footage
- The recommendations propose the removal of Sec. 10-101 – 10-113 regarding building permits which are expired

Heidi Rogers opened the Public Hearing.

Heidi Rogers asked three times if anyone would like to speak in favor of the changes to the amendments.

Heidi Rogers asked if anyone would like to speak against the changes.

Gordon Rogers spoke against the amendments as being against the Right to Farm Act because his farm equipment would not fit the restrictions. Mr. McGregor said they would consider bringing it back to something appropriate. Mr. Rogers said he did not think there should be any restrictions because of the Right to Farm Act.

Lynne Rider asked for clarification on whether the equipment that is stored could belong to someone outside of the town. Mr. McGregor said yes as long as they own the property.

Phillip Keefe, 18 Barbs Hill, said it doesn't prohibit one from building something; it just prohibits it from being in front of the primary structure, correct?

Mr. McGregor said it may have read that way but not that we are aware.

Mr. Rogers said there is confusion on that statement that you can build a building without a house on it. That's not the case. You cannot build a barn or outbuilding in an AR district without a primary residence on it. Somebody owning a construction company cannot come into the town, put up a 500 square foot or a 10,000 square foot building, and strictly store construction equipment in it without a home on the lot. Mr. Keefe thought it said that it didn't depend on the size as long as you were building on the side or the rear of the primary structure. Mr. McGregor said it was limited to 600 square feet.

Heidi Rogers asked if anyone wanted to speak in opposition.

Lynne Rider asked if we were talking about land anywhere in town? Mr. McGregor said yes. Ms. Rider said that people have barns with animals in them. Her impression was that you could not have animals stored in them. Mr. McGregor said not without a primary residence. So 600 square feet

without someone living there. Ms. Rider said it should go back to the planning board.

Heidi Rogers asked for the third time if anyone would like to speak in opposition.

Ms. Rogers closed the public hearing.

David Paolino agreed with sending it back to the planning board. He was under the assumption that we could not build non-residential buildings first. There is some confusion about it. Mr. McGregor said the goal of proposing that was to allow that to be the case where it is currently not. Heidi Rogers said she thought an 8 feet tall fence is excessive. Mr. Paolino said he thought that was put in because of the inadequate fencing around the solar farms. You can see them over a 6-foot fence.

David Paolino moved, Chris Stone seconded, to accept the amendment Sec. 38-191–Public and Semi Public Uses - #2 & #3;

Discussion: None

Motion passed 3 - 0.

Heidi Rogers, aye; Chris Stone, aye; and David Paolino, aye.

David Paolino moved, Chris Stone seconded, to accept the changes that the planning board suggested for business uses #19 Section 38-191.

Discussion: Heidi Rogers said this is about medical offices being on a state highway. Mr. Paolino said he thought it was a different one.

David Paolino withdrew his motion. Chris Stone withdrew his second.

David Paolino moved to accept the planning board's revision of Business Uses #19 Section 38-191. Chris Stone seconded.

Discussion: None.

Motion passed 3 - 0.

Heidi Rogers, aye; Chris Stone, aye; and David Paolino, aye.

David Paolino moved to accept the planning board's recommendation as written for changes to Sec. 38-191 Notes 3: Wholesale Business and Storage. Chris Stone seconded.

Discussion: Chris Stone said he thought they should send it back. Heidi Rogers explained that the motion was made in the affirmative so if it fails, it can be sent back to the planning board.

Motion failed 0 - 3.

Heidi Rogers, no; Chris Stone, no; and David Paolino, no.

David Paolino moved to send back Section 38-191 : 3 back to the planning board for revision. Chris Stone seconded.

Motion passed 3 - 0.

Heidi Rogers, aye; Chris Stone, aye; and David Paolino, aye.

Ms. Rogers said this would be sent back to the planning board.

Motion passed 3 - 0.

Heidi Rogers, aye; Chris Stone, aye; and David Paolino, aye.

Mr. Paolino told Grant McGregor that they want them [the members of the planning board] to get in line with the Right to Farm Act; and they also want clarification on how the zoning official came up with the idea that we can build a structure on a vacant piece of property without a primary

residence; he does not think that is consistent with what we did in the past.

David Paolino moved, Chris Stone seconded, to accept the planning board's recommendation to remove Sec. 10-101 – 10-113.

Discussion: Ms. Rogers noted that this has already expired and this is just housekeeping.

Motion passed 3 - 0.

Heidi Rogers, aye; Chris Stone, aye; and David Paolino, aye.

2. Event Permit
Application

Chris Stone moved to move the event permit back in. David Paolino seconded.

Discussion: None.

Motion passed 3 - 0.

Heidi Rogers, aye; Chris Stone, aye; and David Paolino, aye.

David Paolino read the advertisement for Eric Weiner of P&EE Consulting Inc. dba PVD Food Truck Events, with the support of the Recreation Department, for a Mobile Food Establishment Event to be held on 8/23/2023 at the Foster Fairgrounds, 181 Howard Hill Road, Foster.

Heidi Rogers said that this is just a rescheduling; all the permits are in place.

Heidi Rogers opened the public hearing.

Heidi Rogers asked three times if anyone would like to speak in favor of the application.

Heidi Rogers asked three times if anyone would like to speak in opposition to the application.

David Paolino moved to grant the application with the date change. Chris Stone seconded.

Discussion:

Motion passed 3 - 0.

Heidi Rogers, aye; Chris Stone, aye; and David Paolino, aye.

3. Ordinance Changes –
First Hearings

David Paolino read the advertisement (see Exhibit A). Grant McGregor provided a synopsis of the changes.

Heidi Rogers opened the public hearing.

Heidi Rogers asked three times if anyone would like to speak in favor of the recommended amendments to the Foster Zoning Ordinance Sec. 38-2 (Definitions) of "Community residence"; "Day care — Family daycare home"; to meet RIGL 45-24-31.

Lynne Rider asked if there was anything out of all of this that is specific to Foster and not just conforming to State Law. Heidi Rogers said she thought adding the microbrewing. Mr. McGregor said everything is done to meet State law.

Heidi Rogers asked three times if anyone would like to speak in opposition to the changes.

Heidi Rogers asked three times if anyone would like to speak in favor of the recommendations include additions to the Foster Zoning Ordinance for Sec. 38-2 (Definitions) of "Cannabis Cultivator"; "Cannabis establishment"; "Cannabis product manufacturer" or "marijuana product manufacturer"; "Cannabis retailer" or "marijuana retailer"; "Medical cannabis treatment center" or "Medical marijuana treatment center"; "Winery"; "Farm Brewery"; "Micro-Brewery"; "Distillery"; and "Farm Distiller".

Heidi Rogers asked if anyone would like to speak in opposition to these changes.

Matt Gillooly, Winsor Road, noticed that the microbrewery accounts for ciders and malt beverages in addition to beer but the farm brewery did not. He thought it would be great if apple orchards could include a farm cidery. Mr. McGregor said the definitions are from a separate section of RI General Law. Mr. Gillooly said he read the RI General law and it does say "cidery".

Heidi Rogers asked two more times if anyone would like to speak in opposition to the recommended changes.

Heidi Rogers asked three times if anyone would like to speak in favor of the recommendations to include amendments to the Foster Zoning Ordinance Sec. 38-191 (Table of Uses) for the residential use of "Community residences, and family daycare homes"; and for the restaurants and entertainment use of "Microbrewery, attached to or maintained as part of a restaurant".

Lynne Rider asked what an entertainment use of a "Microbrewery" would be. Mr. McGregor said it's under the Restaurants and Entertainment in the table of uses. What we are proposing is that a microbrewery could stand alone, but currently it needs to be attached to a restaurant.

Heidi Rogers asked if anyone would like to speak in opposition to the recommendations.

Heidi Rogers asked three times if anyone would like to speak in favor of the recommendations to include additions to the Foster Zoning Ordinance Sec. 38-191 (Table of Uses).

The additions include business uses for "Winery"; "Farm Brewery"; "Micro-Brewery"; "Distillery"; "Farm Distiller"; "Cannabis or marijuana cultivator"; "Cannabis establishment or marijuana establishment"; "Cannabis product manufacturer or marijuana product manufacturer"; "Cannabis retailer or marijuana retailer"; "Medical cannabis treatment center or Medical marijuana treatment center"; and "Day care — Family daycare home"

Heidi Rogers asked three times if anyone would like to speak in opposition to this recommendation.

Heidi Rogers asked three times if anyone would like to speak in favor of the recommendation proposing the removal of "Brewery or distillery" from Sec. 38-193 – (Prohibited Uses)

The recommendation also proposes the addition of supplementary regulations for recreational marijuana uses.

Heidi Rogers asked three times if anyone would like to speak in opposition to this recommendation.

Heidi Rogers closed the public hearing. The next will be September 14.

Public Comment added

Ron Cervasio asked if he could make a public comment because he thought the meeting would be at 7 and wanted to present some financial facts. He said about five meetings ago we talked about our financial processes, so he brought some facts. In 1990, our budget was 10 million. In 1990, Scituate's budget was 15 million. Today, Scituate's budget is \$375 million, which means they are really wasting a lot of money, or they've kept up with inflation. Today our budget is \$165, which means we have the best financial wizards in the world but that possibly can't be because all the buildings and roads

are falling apart. Our mill rate is \$22. Their mill rate, spending all the money, is \$17. My school committees gave this town back 15 million dollars in expenditures it didn't spend. The Feds gave us a million four of which we wouldn't have built the police station or saved the ambulance corps. What's really an interesting fact is that we've been sliding back into the General Fund the police budget every year someplace between two and five hundred thousand that nobody knows about. When we build a police department, that's going to go away. Another fact, Heidi, you and your husband have been on the council 25 years. Denise has been on the council for fifteen years. Cheryl and her father for fifteen years. Maybe it's time to look at a different way to go.

V. OLD BUSINESS

1. Police Building Update

Heidi Rogers said Denise L. DiFranco was going to provide that so it will be continued until she is here.

VI. NEW BUSINESS

1. Always Learning Rhode Island: Community Center

Heidi Rogers said they have a letter from Dr. Barnes. She thinks we are getting \$335,000 if we apply. Kelli Russ said she and Grant McGregor sat in a meeting and the grant was very specific in use. It started off with a community room to be added to the police station. That will not qualify. It is specifically to used for education, health or work. The building has to be for programs for job centers, education so the school can have a homework club, health, and welfare. Mr. McGregor said that progress would have to be measurable. Ms. Russ said yes, such as getting a GED, or certification for CPR and AED. Ms. Russ said that they have heard that people wanted to build a center like a Senior or Rec Center. You could do that if you programmed it a certain way to show that it met all these criteria. So there's 81 million dollars allocated. You have to commit, then you have five weeks to develop a plan. Providence gets something like 18 million, Central Falls is 3-something million, they aren't going to be able to use the money with the restrictions that they are using. That money will go back into the program and be evenly distributed again, so you could get as much as \$500,000 to build a structure. All we have to do is file the first section of this and say we are in the process. We filled out the form today.

Heidi Rogers said for right now we don't need to take any action. Ms. Russ said that she would like them to say yes they are on board with the first initial phase. If we can't use it, she said the Library is prequalified and she would recommend them.

Lynne Rider asked if it was different from Education 365. Ms. Russ said this is, so it's education and health, it's Learn 365. Ms. Rider said she read about it and noted that Foster never applied, she doesn't know what Ms. Rider is referring to but we have until December 2026 to meet the requirements. It must be completed. If you don't meet the standards at the end, you will lose it.

David Paolino moved, Chris Stone seconded, to move it along.

Discussion: None.

Motion passed 3 - 0.

Heidi Rogers, aye; Chris Stone, aye; and David Paolino, aye.

David Paolino moved to form a committee to work on a plan with a representative from the Library, the Police, Dr.

- Barnes, Social Services, Kelli Russ, Planner, President of the Council, and EMA Director. Chris Stone seconded.
Motion passed 3 - 0.
Heidi Rogers, aye; Chris Stone, aye; and David Paolino, aye.
2. Recreational Field Update
Gordon Rogers says they have 89 percent done. The sprinkler systems are all installed in the soccer/football field. The heads are not in yet but the lines are in. The shed box was put up where the power comes in. Wells are both hooked up and we are waiting for RI Energy to drop the meter in. Cardi is transitioning to two different companies. The construction side is being taken over by Manafort, and they meant to continue with all their projects, but many have jumped ship. They are looking for subcontractors. He was asked to get prices on certain issues. The walking path he got a price for \$30,000 to pave the walking track. To add loam to the ballfield would be \$17,500 to re-loam and hydro-seed. Ron Cervasio asked Kelli how much over budget we are now. Ms. Russ said we made adjustments on the budget as we went. We have to be complete to get the grant. Lynne Rider asked at what point does it become usable. Mr. Rogers said not this year. We are going to have an extreme problem with parking.
3. Land Trust Appointment
Chris Stone moved to appoint Beth Smith, David Paolino seconded.
Discussion: Heidi Rogers said that there were other applicants but the Land Trust sent their own letter recommending their choice.
Motion passed 3 - 0.
Heidi Rogers, aye; Chris Stone, aye; and David Paolino, aye.
4. Recreation – Letters of Resignation
Jayne and Joseph Stoos have been on the Recreation Committee for some time and they feel that at this point in their lives they cannot honor the commitment.
David Paolino moved to accept the letter of resignation of Jayne and Joseph Stoos as written. Chris Stone seconded with regrets.
Discussion: None.
Motion passed 3 - 0.
Heidi Rogers, aye; Chris Stone, aye; and David Paolino, aye.
5. Department Head Meetings (per Charter Sec.2.21)
Heidi Rogers said that Denise L. DiFranco wanted to participate in the Department Head Meetings so that would be part of the next agenda.
6. Juvenile Board Reappointment David Sweet
Chris Stone moved to reappoint David Sweet to the Juvenile Hearing Board to a three-year term. David Paolino seconded.
Discussion: None.
Motion passed 3 - 0.
Heidi Rogers, aye; Chris Stone, aye; and David Paolino, aye.
7. Juvenile Board Reappointment Mary Jo Chretien
Chris Stone moved to reappoint Mary Jo Chretien to the Juvenile Hearing Board for a one-year term. David Paolino seconded.
Discussion: None
Motion passed 3 - 0.
Heidi Rogers, aye; Chris Stone, aye; and David Paolino, aye.
8. Bid Award for Tree Removal
Gordon Rogers said that they can piggyback over other municipalities and he found out through Malec that they have several bids out and one is Pawtucket Water Supply at a

cheaper rate than on the master price agreement on the State website so he wants to go with that. Kelli Russ explained that we are using their hourly and daily rates.

David Paolino moved to accept the DPW Director's recommendation for a bid piggybacked on the Pawtucket Water Supply to hire Malec Tree Service.

Discussion: Ron Cervasio noted the tree roots in front of the police station.

Motion passed 3 - 0.

Heidi Rogers, aye; Chris Stone, aye; and David Paolino, aye.

9. Maintenance at the
Town Hall

Heidi Rogers said that this next item will also be on a future agenda because Denise L. DiFranco wanted to participate.

10. Request from
Cornerstone Farm horse
shows; Date are Aug.
20th, Sept. 27th and Oct.
15th, to use the
fairgrounds.

Heidi Rogers said we cannot address the horseshow because Chris Stone cannot vote so it will be continued to another date.

11. Assignment of Bid
Award Authority- Police
Admin Vehicles

Kelli Russ said there was a lot of detail in this so the Chief and Captain Tyler Domingoes vetted so many cars to find something affordable. They want the authority to move forward once we open the bids if they meet these standards. Chris Stone moved to grant authority to approve the bid if it meets budgetary guidelines and it's the lowest bidder. David Paolino seconded.

Discussion: None.

Motion passed 3 - 0.

Heidi Rogers, aye; Chris Stone, aye; and David Paolino, aye.

12. Review July 18th
Meeting Minutes

Heidi Rogers said that she cannot vote on these minutes because she was not present so they will have to be put on the next agenda.

VII EXECUTIVE SESSION

1. Pursuant to RIGL 42-46-5, (A),
(2) Litigation PC-2022-04591
Mill Road Realty Associates,
LLC et al .v. Town of Foster et.al.
2. Pursuant to RIGL 42-46-5, (A),
(1) Personnel
Alison Bouchard – Social
Services Director, drafting and
approval of written warning (no
substantive discussion)
3. Pursuant to RIGL 42-46-5 (A)
(2) Contracts Proposed
Amendment to Lease between
Town of Foster and Foster Center
Volunteer Fire Company

David Paolino moved, Chris Stone seconded; to go into Executive Session pursuant to RIGL 42-46-5 for a work session regarding Litigation and Contract Negotiations, according to RIGL 42-46-5 (A)(2) and for Personnel and Job Performance according to RIGL 42-46-5-(A)(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.

Motion passed 4-0.

RECONVENE IN OPEN SESSION

The council reconvened in to Open Session at 7:55 p.m. Heidi Rogers announced that no votes were taken in Executive Session
Motion passed 3 - 0.

VIII ADJOURNMENT

Meeting adjourned at 7:51 p.m.

Submitted by,

Susan M. Dillon, Town Clerk

TOWN OF FOSTER

On August 10, 2023 The Foster Town Council will conduct a Public Hearing at 6:00 PM at 6 South Killingly Road (Benjamin Eddy Building). On the agenda will be discussion/action of/on three zoning ordinances recommended by the Planning Board at its June meeting.

The recommendations include amendments to the Foster Zoning Ordinance Sec. 38-2 (Definitions) of "Community residence"; "Day care — Family daycare home"; to meet RIGL 45-24-31.

The recommendations include additions to the Foster Zoning Ordinance Sec. 38-2 (Definitions) of "Cannabis Cultivator"; "Cannabis establishment"; "Cannabis product manufacturer" or "marijuana product manufacturer"; "Cannabis retailer" or "marijuana retailer"; "Medical cannabis treatment center" or "Medical marijuana treatment center"; "Winery"; "Farm Brewery"; "Micro-Brewery"; "Distillery"; and "Farm Distiller".

The recommendations also include amendments to the Foster Zoning Ordinance Sec. 38-191 (Table of Uses) for the residential use of "Community residences, and family daycare homes"; and for the restaurants and entertainment use of "Microbrewery, attached to or maintained as part of a restaurant".

The recommendations also include additions to the Foster Zoning Ordinance Sec. 38-191 (Table of Uses). The additions include business uses for "Winery"; "Farm Brewery"; "Micro-Brewery"; "Distillery"; "Farm Distiller"; "Cannabis or marijuana cultivator"; "Cannabis establishment or marijuana establishment"; "Cannabis product manufacturer or marijuana product manufacturer"; "Cannabis retailer or marijuana retailer"; "Medical cannabis treatment center or Medical marijuana treatment center"; and "Day care — Family daycare home".

The recommendation also proposes the removal of "Brewery or distillery" from Sec. 38-193 (Prohibited Uses). The recommendation also proposes the addition of supplementary regulations for recreational marijuana uses.

Copies of the proposed amendments, additions, and removals can be found online at <https://www.townoffoster.com/planning-department/pages/planning-board-recommended-ordinances-be-voted-town-council-august-10-2023>. Copies can also be obtained from the Foster Planning Office during regular business hours by appointment only. The proposed amendments, additions, and removals may be altered or amended prior to the close of the public hearing without further advertising, as a result of further study or because of the views expressed at the public hearing. Any alteration or amendment must be presented for comment in the course of the hearing.

Individuals requiring interpreter service must notify the Town Clerk's Office at (401) 392-9200 at least 72 hours in advance of the hearing date.

By order of the Town Council,
Susan M. Dillon, Town Clerk

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