

Town Council Meeting  
December 4, 2023

The December 4, 2023 Town Council Meeting was called to order by Denise L. DiFranco, President, in Foster, RI at 6:00 p.m. at the Benjamin Eddy Building.

The following members were present:  
**Denise L. DiFranco, President**  
**Heidi Rogers (Excused)**  
**Chris Stone**  
**David Paolino**  
**Cheryl Hawes**

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

- I.  
II.  
III.  
IV.

**PLEDGE OF ALLEGIANCE**  
  
**PUBLIC COMMENT/ ANNOUNCEMENTS**  
  
**CONSENT AGENDA**  
  
**Public Hearings**  
**A. 1st Hearing - Zoning**

The Pledge of Allegiance was recited.

Denise L. DiFranco announced there were no public comments.

1. Meeting Minutes  
Approval of November 9, 2023  
2. Approval of General Warrants FY2024 #9  
\$85,866.86 #10 \$71,170.97  
3. Approval of October Monthly Reports

Chris Stone moved to accept the consent agenda as presented.  
David Paolino seconded. Motion passed 4 - 0.  
Chris Stone, aye; David Paolino, aye; Cheryl Hawes, aye; Denise L. DiFranco, aye.

David Paolino read the advertisement, see Exhibit A.  
Denise DiFranco stated that this was the first hearing and that there would be no voting.

Grant McGregor explained Sec. 38-2 – Definitions.  
“Recommendation to amend definitions to come into compliance with RIGL 45-24-31 as amended.”  
Denise L. DiFranco asked if there were any questions.  
There was none.

Grant McGregor explained Sec. 38-38 – Public notice requirements. “Recommendation to amend public notice requirements for public hearings pursuant to several relevant sections of RIGL including 45-24-41 and 45-23-42. Recommendation to require public notice without newspaper ad for any application not reviewed administratively.” Denise DiFranco asked if this would apply to driveways. Grant McGregor said no. Julia Chretien said all of this would go into effect January 1st, 2024 and would apply to the new police station building. David Paolino asked where the notices would be posted and suggested the Town Hall bulletin board. Kelli Russ suggested either the Post Office or the Library. Grant said it would have to be Town Hall and one other location. Denise DiFranco asked if there were any questions regarding this section. There was none.

Grant McGregor explained Sec. 38-191 – Table of uses.  
“Recommendation to add references to the type of review required for various uses. Recommendation to come into compliance with RIGL 45-24-37 as amended.  
Recommendation to come into compliance with RIGL 45-24-42 as amended. Requires a procedure under which a proposed land use that is not specifically listed be heard as a special-use permit.”  
Denise L DiFranco asked if there were any questions.  
Lynne Rider, 20 Burgess Rd. Lynne asked if this is the way it is listed in the ordinances. She said that it would be

helpful to have the table listed at the top. Julia Chretien said that is a second hearing vote.

Matt Gillooly, 95 Winsor Rd. Matt asked about the rationale of changing to agricultural use for local sale of animal products for any number of animals. He asked if it would be zoned agricultural/residential. Grant McGregor said that some decisions are appealed to the zoning board and some decisions are appealed to the superior court. If someone applied for a development plan review for the sale of animal products then it is likely that nearly every single requirement will be waved and the applicant would be allowed whatever agricultural use they wanted. Denise L. DiFranco asked if this was similar to having a vegetable stand at the end of your driveway. Grant McGregor said yes. Matt said that if he has some chickens and wants to sell some eggs to people would a development plan review be needed. Grant McGregor said yes. Grant suggested changing the ordinance to say that a developmental plan won't be needed for agricultural use. Denise L. DiFranco asked for further discussion on this at the next hearing. Julia Chretien suggested adding a caveat differentiating selling products from your personal farm animals as opposed to selling directly to a retailer. Denise L. DiFranco thanked everyone for their suggestions and asked if there were any other questions. There was none.

Grant McGregor explained Sec. 38-193 – Prohibited uses “Recommendation to come into compliance with RIGL 45-24-42 as amended. Requires a procedure under which a proposed land use that is not specifically listed be heard as a special-use permit.”

Denise L. DiFranco asked if there were any questions.

Denise L. DiFranco said that she has concerns about things that are not listed and the potential for prejudice.

Julia Chretien said that this way is less subjective and that any prejudice would be flushed out by the Superior Court. The check is that the Superior Court isn't always going to side with the town.

Grant McGregor explained Sec. 38-226 – Substandard lot of record. “Recommendation to come into compliance with RIGL 45-24-38 as amended. Requires reduced dimensional regulations be in place for all dimensional requirements and lots not meeting the reduced dimensional standards proceed with a modification or variance application, whichever is applicable.”

David Paolino said that he feels the setbacks for substandard lots is very lenient. Grant said that anything exceeding 5% would not be able to be approved administratively and would need a hearing.

Joe Walsh, 53 Danielson Pike. Joe Walsh said that this raises huge concerns based on personal experience.

David Paolino agreed that there needs to be relief for property owners to be able to build but the minimal setbacks concern him.

Lynne Rider asked if there is any recourse for prior land owners abutting a substandard lot. Julia Chretien said yes.

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

Denise L. DiFranco asked if anyone would like to speak in favor to any of the ordinances three times.

Denise L. DiFranco stated that the second hearing will be at the first meeting in January on the 11<sup>th</sup>.

## **B. 2nd Hearing - Zoning**

David Paolino read the advertisement for the second hearing. See Exhibit B.

Denise L. DiFranco reiterated that this is the second hearing and that the council may choose to vote. Grant McGregor explained Sec. 24-32 – Duties. “Proposes addition of subsection (g), which describes the authority of the Planning Board to issue decisions under RIGL 45-24 when an application submitted under RIGL 45-24 requires approval under RIGL 45-23. This process is known as Unified Development Review.” Denise L. DiFranco opened the public hearing and asked if anyone would like to speak in opposition three times. Denise L. DiFranco asked if anyone would like to speak in favor three times. Denise L. DiFranco closed the public hearing. Denise L. DiFranco asked Grant McGregor if the changes were from the State or from the Planning Board. Grant McGregor said that they were not from the State. Denise L. DiFranco does not think the Planning Board has the right to ask another board for assistance and that it needs to come from the Town Council. Grant McGregor said that is not the intent and stated that the language could be changed. Denise L. DiFranco is concerned because of things that have happened in the past. Kelli Russ agreed. Lynne Rider said that the word assistance concerns her. Cheryl Hawes agreed. Chris Stone made a motion to continue. David Paolino Seconded. Motion passed 4 - 0. Chris Stone, aye; David Paolino, aye; Cheryl Hawes, aye; Denise L. DiFranco, aye.

**V. NEW BUSINESS**

David Paolino made a motion to move the police station bid item to this position. Chris Stone seconded. Motion passed 4-0. Chris Stone, aye; David Paolino, aye; Cheryl Hawes, aye; Denise L. DiFranco, aye.

**This item moved  
2. Awarding of Police  
Building RFP**

Denise L. DiFranco reminded everyone that the reason for tonight’s special meeting was to award the police station bid. Denise L. DiFranco said that the bids were higher than they expected. Joe Walsh is here to present the Police Building Department Committee’s recommendation. Joe Walsh read a letter addressed to the Foster Town Council President Denise L. DiFranco. See Exhibit C. Joe Walsh requested to change the invitation from 3 bidders to all 6 for a vote. Cheryl Hawes made a motion to go forward with Joe’s proposal of meeting with the 6 contractors on Thursday, December 7th, at 2:00 p.m. David Paolino seconded. Motion passed 4-0. Chris Stone, aye; David Paolino, aye; Cheryl Hawes, aye; Denise L. DiFranco, aye.

David Paolino asked about the possibility to renovate the old police station. Joe Walsh said that his opinion is that the old police station would need to be gutted entirely and we would still need to build an addition equal to the size of the new building. You would save nothing. You would need to house the police department during construction and there could be a million surprises such as abatements of asbestos. He said that renovating might make sense if the old building was already sitting right on Route 6. David Paolino said that he believes the Police Station Building Committee is doing what is best for the town. Kelli Russ stated that she spoke to the bond council today and in order to keep the integrity of the bid we should include all 6 bidders. She also mentioned that we could lose our tax-

exempt bond if we do not move forward the way we are doing.

Chief Gina-marie Lindell asked if there is a way to soften the blow to taxpayers. For example, if we can't get the price down from the value engineering and additional funding through the state, rather than saying we are a million and a half short we could instead say that over the course of a year the cost per household would be, for example, \$75.

Joe Walsh said the way that it needs to be presented to the tax payers is "the honest truth". He said the current police building should have been shut down in 1990 and that there has been a dereliction of duty.

Kelli Russ said that she is not sure the taxpayers would go for it or if the town would even be approved for the increased debt. Kelli Russ is concerned that recertifying for more debt would affect the interest rate of the bond they currently have negatively.

Joe Walsh said that the option of it not happening at all is not an option.

Kelli Russ asked at what point are we going to be able to award a bid without the true ability to pay for it.

Joe Walsh said we don't know what is going to be coming down the pipeline from the State for this specific type of work and that it comes down to timing.

David Paolino said we need to keep moving forward otherwise we have already lost.

Joe Walsh agreed that if we do not keep moving forward it will fall apart and reminded everyone that this is a necessity, not an amusement park. Joe Walsh says we need to know what is behind every single door and explore every option.

Chief Gina Marie Lindell asked about the three communities splitting 11 million dollars.

Joe Walsh said that was Woonsocket, Foster and North Smithfield. He said that 1 million was for Foster based on the size of the project relative to the other projects. He does not think Woonsocket is going to go through and that Woonsocket was allocated 7 million. Right now, the department of administration has it.

Cheryl Hawes suggested continuing with the conversation until a later date.

Denise L. DiFranco thanked Joe Walsh.

### **1. Municipal Resilience Program Application/ Letter of Support**

Denise L. DiFranco asked Grant McGregor to speak about the Municipal Resilience Program Application Letter of Support. Denise L. DiFranco passed out the letter. See Exhibit D. Grant McGregor said that Foster, Scituate, Glocester, and North Smithfield are the four municipalities in Rhode Island that are not currently a part of this program. The goal is to make Foster more prepared for any type of natural disaster. We can use funds, that we will be made aware of through this program, to improve infrastructure. A workshop is going to be held to determine what the biggest priorities are and it would be open to the public.

David Paolino made a motion to submit the letter.

Cheryl Hawes seconded. Motion passed 4-0.

Chris Stone, aye; David Paolino, aye; Cheryl Hawes, aye;

Denise L. DiFranco, aye.

### **3. Rural Community Roundtable/League**

Denise L. DiFranco announced that the League has formed a committee of small rural communities and the first meeting is on December 13th from 9:30 p.m. to 11:00 p.m. at the Smithfield Town Hall. Denise L. DiFranco stated that she cannot attend. David Paolino volunteered to attend the roundtable. Denise L. DiFranco said that Susan Dillon, Town Clerk, is also attending.

Cheryl Hawes made a motion to send David to the roundtable discussion for rural communities.  
Chris Stone seconded. Motion passed 4-0.  
Chris Stone, aye; David Paolino, aye; Cheryl Hawes, aye; Denise L. DiFranco, aye.

**VI. ADJOURNMENT**

Chris Stone made a motion to adjourn. David Paolino seconded. Motion passed 4 – 0 at 8:00 p.m.

Submitted by,

Michaela Johnson, Deputy Town Clerk

## **NEW DATE - PREVIOUSLY 11/30/23 • TOWN OF FOSTER**

On December 4, 2023 The Foster Town Council will conduct a Public Hearing at 6:00 PM at 181 Howard Hill Road (Town House Building). On the agenda will be discussion of five (5) zoning ordinances recommended by the Planning Board at its October 4th and October 18th meetings.

The recommendations include amendments and additions to the Foster Zoning Ordinance Sec. 38-2 – Definitions; Sec. 38-38 – Public notice requirements; Sec. 38-191 – Table of uses; Sec. 38-193 – Prohibited uses and Sec. 38-226 - Substandard lot of record.

Copies of the proposed amendments, additions, and removals can be found online at <https://www.townoffoster.com/planning-department>. Copies can also be obtained from the Foster Planning Office during regular business hours. 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

## TOWN OF FOSTER

On November 9, 2023 The Foster Town Council will conduct a Public Hearing at 6:00 PM at 181 Howard Hill Road (Town House Building). On the agenda will be discussion of thirty-five (35) subdivision/land development ordinances and one (1) planning ordinance.

The recommendations include amendments and additions to of the Foster Subdivision Regulations Sec. 32-2 Purpose of chapter; Sec. 32-5 Definitions; Sec. 32-42 Planning board of appeals; Sec. 32-47 Waivers and modifications; Sec. 32-71 Procedure; Sec. 32-72 Public hearing; Sec. 32-73 Standards for review; Sec. 32-74 Appeals to the superior court; Sec. 32-75 Enactment or amendment of local regulations; Sec. 32-107 Certification of completeness; Sec. 32-108 Preapplication meeting and concept review; Sec. 32-146 Generally; 32-46 Unified development review; 32-49 Technical review committee; Sec. 32-50 Public notice requirements; Sec. 32-224 Lots; Sec. 32-296 Minor subdivision involving no road creation or extension; Sec. 32-298 Major subdivision involving no road creation or extension; Sec. 32-301 In general; Sec. 32-302 Submission requirements; Sec. 32-303 Certification of completeness; Sec. 32-304 Pre-application conference; Sec. 32-305 Review of applications; Sec. 32-306 Powers of the board; Sec. 32-307 Submission requirements – Final plan review; Sec. 32-308 Certification – Final plan review; Sec. 32-309 Review of applications – Final plan; Sec. 32-310 Infeasibility of conditions of approval; Sec. 32-311 Fees; Sec. 32-312 Recording of written decisions; Sec. 32-313 Majority vote required; Sec. 32-314 Construction timetable; Sec. 32-315 Remanded applications; Sec. 32-316 Density bonuses; Sec. 32-317 Definitions.

The recommendations include amendments and additions to one (1) of the Foster Planning Ordinances. Sec. 24-32 – Duties.

Copies of the proposed amendments, additions, and removals can be found online at <https://www.townoffoster.com/planning-department>. Copies can also be obtained from the Foster Planning Office during regular business hours. 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

Exhibit C

# Town of Foster Police Department Building Committee

December 4, 2023

**RE: Police Facility RFP results**

President Denise DiFranco  
Foster Town Council President  
181 Howard Hill Road  
Foster RI, 02825

Madam President and Esteemed Members of the Foster Town Council,

As you are aware, the Town of Foster had a Public Bid Opening on Thursday November 30, 2023. This Public Bid Opening was for pricing for the Foster Police Department facility to be located on Route 6, Foster Rhode Island.

The bid results spanned from \$7,779,000 to \$9,357,000 that is a 20% + spread or \$1,578,000 delta on the base bid. The results were a more extreme in the Alternate 1 at over 70% spread and Alternate 2 at 100% spread.

With the massive amount of construction growth in Rhode Island and Nationwide over the past few years, we did anticipate that we may not hit our target price as desired. Those in the industry on the committee are repeatedly surprised at the enigmatic overall end cost of construction, during such construction booms, on every municipal project with Foster being no exception. Rising construction costs have not slowed construction growth by much, which further exacerbates our situation.

Although significant increases in cost is a historical occurrence we have witnessed many times during strong economies, it is still disheartening when it is a project we have given so many hours on to be more challenging.

We did have six well-known and qualified bidders for this project, however they also have been afforded the luxury to pick and choose whatever jobs they want in this economy which does not help our quest.

After a lengthy discussion by the committee, a motion was made seconded and unanimously voted to present to the Foster Town Council a plan to see if it is possible to bring the project to a more desirable cost without further impact to the taxpayers.

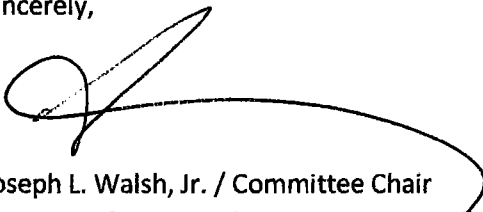
The recommendation from the Committee is the get approval from the Foster Town Council to invite the three low bidders: Tower Corp, Mill City and Bentley Companies to the Ben Eddy Building on Thursday December 7, 2023 at 2:00 PM. This meeting will involve a discussion and collaboration on value engineering items. We as the committee have identified many items and other items the bidders may identified. The contractors will leave that day with a clear understanding of budget and what they must do for this project to move forward with any of them. We will then provide those contractors seven days to return with their best and final.

The committee is continuing to attempt to source funding on a State and Federal level to further reduce the impact. We also have ideas on other reasonable ways to reduce the overall cost considerably.

Upon approval of this plan from the Town, I will contact these three bidders and invite them to participate on Thursday of which I presume they all will do without hesitation.

In closing, we believe this is the best plan at this point and respectfully request swift approval.

Sincerely,



Joseph L. Walsh, Jr. / Committee Chair  
cc: Town of Foster Police Department Building Committee Members



Exhibit D

To: Rhode Island Infrastructure Bank

From: Denise L. DiFranco, Foster Town Council President

Date: December 4, 2023

RE: Municipal Resilience Program Participation Application

At the December 4, 2023 Foster Town Council Meeting the council voted to approve the submittal of the Municipal Resilience Program Participation Application by the Town Planner, Grant McGregor. The council also approved Grant acting on ~~behalf~~ <sup>behave</sup> of the town as Project Manager.

The council realizes the importance of this program and is committed to providing sufficient staff time to complete the project. The core team will consist of the members of the Hazard Mitigation team. Other members of the community will also participate as needed.

Thank you for this opportunity,

Denise L. DiFranco

Foster Town Council President