

Town Council Meeting
March 14, 2024

The March 14, 2024 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, Vice President
Cheryl Hawes
David Paolino
Chris Stone, excused

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

- I. PLEDGE OF ALLEGIANCE** The Pledge of Allegiance was recited.
- II. ANNOUNCEMENTS / PUBLIC COMMENT** Denise L. DiFranco said there were new signs by Paine Schobl saying 30 mph, Slow Down. Thank you to Chief Lindell. Chief Lindell has also tried to get a stop light at 101 and 94 but they did not see any need for that. Chief Lindell said they would be getting large signage for that.
- III. CONSENT AGENDA**
- 1. Meeting Minutes
Approval of February 8th and February 22nd
December 14, 2023 Scrivener's error
 - 2. Approval of General Warrants FY2024
#16 \$181,053.74
- Denise L. DiFranco said we had to pull the December 14, 2023 minutes because Mr. Paolino and Ms. Rogers cannot vote on it, and Mr. Stone is not here.
- Heidi Rogers moved to approve the consent agenda as presented with the exclusion of the minutes from December 14, 2023. David Paolino seconded.
- Discussion: Heidi Rogers said she had spoken to the solicitor and she would like a reconsideration of February 22 in regard to the licenses. Julia Chretien said she had to discuss it under here. Ms. Chretien said it would be a future agenda item of the specific ordinances that Councilwoman Rogers would like to reconsider.
- Motion passed 4 - 0.
Heidi Rogers, aye; David Paolino, aye; Cheryl Hawes, aye; and Denise L. DiFranco, aye.
- Heidi Rogers moved to move Item 1 under New Business a. Farmers Market and b. location to here. David Paolino seconded.
- Discussion: None.
Motion passed 4 - 0.
Heidi Rogers, aye; David Paolino, aye; Cheryl Hawes, aye; and Denise L. DiFranco, aye.
- Denise L. DiFranco asked Jenn [Huff] to come up. Ms. DiFranco said we had a Farmers' Market last year, which was successful. She went to Scituate and spoke to Jenn about what they did to make it successful. We had an issue with the fact that the police station will be going there. Grant McGregor said there would be no construction on Sunday. Ms. DiFranco said it would [still] be a construction site. Jennifer Huff spoke and said she was with the Scituate Rotary Club. She summarized how they came up with the Farmers' Market in Scituate.
- David Paolino said he thought the Recreation Dept. was going to take it over. Denise L. DiFranco said they didn't have enough volunteers. Mr. Kinsley said he would like to run it from June 2 to October 27. They would also like to set up during Old Home Days, and that would have to go through the Old Home Days committee. Ms. DiFranco said she has spoken to Mr. Haynes in regard to location. Paine School, Shady Acres, and the Fairgrounds were discussed. Cheryl Hawes asked what prohibits the South Foster Station from taking it over. Denise L. DiFranco said she had spoken with them and they didn't want to.

two food trucks. They will have to notify all their neighbors. Ms. Chretien said yes, but the way that it stands now, they would have to have a public hearing. Ms. Chretien said they changed it to non-residential, so it's only commercial property.

Denise L. DiFranco said in a nutshell, it saves money and it saves time. We don't have to have two public hearings to approve. Ms. Chretien said the three-week time frame is on there, she doesn't think we should keep that in there because it caused an issue when the applicant failed to provide the full amount of dates.

Denise L. DiFranco said we're not voting on this tonight. We can make the motion at the next meeting on March 28. Our agenda goes out two days before, how would we notify people? Ms. Chretien said they would apply, the proof of filing had to be with the clerk one week before the meeting, and then the clerk has the evidence of it. Ms. Hawes asked when do they come before the council? They go to the Town Clerk, get the forms, fill them out and request an appearance before the Town Council. Ms. Chretien said it would be the same application. In lieu of advertising, they would send out mail notices. Ms. Hawes said so we trust them that when they get that form, that's the truth and we go about our business. Suppose somebody comes back at us saying they weren't notified, who is responsible for that? They are responsible for lying and the council can revoke the permit.

Denise L. DiFranco closed the public hearing.

Denise L. DiFranco asked three times if there was anyone in favor of this.

Denise L. DiFranco asked three times if there was anyone opposed to this.

B. Hearing –Zoning

Denise L. DiFranco opened the next public hearing.
Grant McGregor read the advertisement.

Sec. 8-217 – Application for initial issuance.

Recommendation to specify that an application for initial kennel license requires a development plan review application or waiver request or minor land development application to be submitted to the Planning Board.

Mr. McGregor said the reason to amend is because there is no hearing required under RIGL 14-13-10, which covers breeding kennels, and also there is no public hearing under RIGL 4-19-6 which covers boarding kennels. So if an application is for a boarding or breeding kennel, the Town Clerk upon receiving the application notifies the town planner, the planner notifies the applicant that either a Development Plan Review or a Minor Land Development application shall be made to the planning board before the Town Clerk issues the license.

Sec. 8-218 – Contents of application.

Recommendation to amend contents of application to meet RIGL 4-13-10. Recommendation to add procedure for issuance of license and penalties for noncompliance to meet RIGL 4-13-10.

These changes come directly from the referenced State law. There is no hearing requirement for those kennel licenses.

Sec. 8-219 – Notice of hearing.

Recommendation to remove Sec. 8-219. A public hearing is held by the Planning Board at the development plan review stage, and the hearing requirements are specified in Sec. 38-394. Mr. McGregor said the proposal here it to remove the notice of hearing because there is no hearing required.

Sec. 8-220 – Hearing.

Recommendation to remove Sec. 8-220. A public hearing is held by the Planning Board at the development plan review stage and the hearing requirements are specified in Sec. 38-394. Mr. McGregor said there is no longer any hearing required.

violation. Ms. Rogers asked where does the complaint go? Mr. Paolino said the police department initially. Is there an appeal process? Mr. McGregor said the state law says that the police chief can also deem that the kennel is the public nuisance. Cheryl Hawes says there will be stipulations that they would have to follow, right Grant? Mr. McGregor said yes. Susan Dillon said it's not "I don't like you so I'm taking your license away."

Denise L. DiFranco said this is the second hearing so we will be voting.
Denise L. DiFranco opened the public hearing.
Heidi Rogers read the advertisement.

2nd Hearing –Zoning

1. Sec. 12-1. Penalty for violation of chapter; authority.
Recommendation to add a one hundred dollar (\$100.00) fine as a penalty for violation of chapter 12. Grant McGregor said this is to add a penalty for business violations.

2. Sec. 12-48 – Businesses – Dumpsters.
Recommendation to add a requirement for all businesses to have dumpsters. Mr. McGregor said that the businesses must apply for a dumpster permit from the DPW Director. Obtaining a license will not be granted without a dumpster. Does not apply to home businesses.

3. Sec. 16-1 – 16-30 – Reserved.
Removal of section. There is not a need for this reserved section. There will not be a need for this reserved section in the future. RIGL 23-27.3-100.1.7 Effect of local codes — Repeal of local authority has prohibited municipalities from enacting any local building codes since the adoption of the state building code on July 1, 1977. Mr. McGregor said this is just to remove the "reserved" section.

4. Sec. 16-61 - Temporary permits following damage.
This section is not moving forward with recommendation. Mr. McGregor said that on the next agenda will be Sec. 16-60 which will cover this.

5. Sec. 16-81. - Unlicensed trailers prohibited.
Recommendation to state that no person shall maintain or use any manufactured home as a dwelling unit without a permit without exceptions. Mr. McGregor said the reason they are changing "trailer" to "manufactured home" is because mobile homes or trailers are pre-HUD prior to 1976 and anything built to the HUD standards after 1976, whether on foundation or permanent chassis, is a manufactured home. What we are saying here is that we have to follow the State building code and obtain a permit through that process. The reason this is being put forward is because we have approved manufactured homes under the current one or two family residential code, and we have approved the type that has a foundation. By definition the type of manufactured homes that have a foundation are under the same definition as the type of manufactured homes that do not have a foundation, so by allowing the type that does have a foundation, we are required to allow the type that doesn't. If he is wrong about that, we should not move forward because the zoning ordinance takes precedence. We are too far past the fact that we don't have a zoning district for manufactured homes because we have allowed manufactured homes before. Discussion regarding definitions. Mr. McGregor said the only way you could get a trailer park is if you reduced the minimum lot size. There is no proposal to reduce lot size.

18. Sec 18-1- Dumpsters.

Recommendation to add a requirement for all businesses to have dumpsters. Mr. McGregor discussed setbacks for placement, screening, maintenance, and painting of dumpsters.

19. Sec. 18-2. – Recyclable receptacles.

Section is not moving forward with recommendation. Recycling is adequately covered under Chapter 28.

20. Sec. 18-32. - Penalty for violation of article; authority.

Recommendation to make the one hundred dollar (\$100.00) fine for violation of the Noise article (Article II) of chapter 18 applicable to all articles of chapter 18. Mr. McGregor said since they cannot enforce the noise ordinance.

21. Sec. 24-35 – Organization.

Recommendation for a Recording Clerk to be present at the Planning Board meetings. Recording Clerk would not be a member of the Planning Board. Recommendation to allow for one Planning Board meeting per month, opposed to two. Recommendations are made pursuant to RIGL 45-22-5(a) and this section. Ms. Chretien clarified that he was not referring to the [land evidence] recording clerk.

22. Sec. 38-3 Penalty for violation of chapter.

Recommendation to refer to the zoning official as the zoning enforcement officer. Recommendation to increase the fine for a zoning violation from \$100.00 to \$500.00 if the matter causing repeated violation is not alleviated fourteen (14) days after imposition of fine.

Denise L. DiFranco asked three times if there was anyone who would like to speak in favor of these ordinances.

There were none.

Denise L. DiFranco asked three times if there was anyone who would like to speak against these ordinances.

There were none.

Denise L. DiFranco closed the public hearing and opened it to the council.

Julia Chretien said there were two that they can pull because they aren't going forward. 16-61 and 18-2 and would suggest not voting on 24-35 and have a separate motion to remove the word "recording."

Denise L. DiFranco asked if we should add something about affecting the budget. Mr. McGregor said they want to get away from having someone on the Planning Board be the clerk. Mrs. Dillon said if he is going to pay a clerk, it has to be in his budget. Denise L. DiFranco said we have not approved the budget yet, so are we locking ourselves into it? Mr. McGregor said because the planning board under

State law has the authority to make any rules or regulations it deems necessary for the conduct of its business, to deny the clerk would be not supporting the town as proscribed under State law. Denise L.

DiFranco said she does not want to be locked in. Julia Chretien suggested they change "shall" to "may". Kelli Russ said if you put it in there, and it's not a budgetary concern for them, what is to prevent them from doing it and you having to find the money. Cheryl Hawes said how can they do it? David Paolino said because it's a State law.

Heidi Rogers moved to approve the recommendations from the Planning Board for zoning ordinances **Sections:**

12-1 and 12-48, 16-1 to 16-30, 16-121,16-122, 16-123, 16-124, 16-125, 16-126, 16-151,16-152 as presented. David Paolino seconded.

Discussion: None.

Motion passed 4 - 0.

Heidi Rogers moved to approve the planning board's recommendations to amend **Sec. 12-41 License for Theater and Sec. 12-47 License for gravel banks** as presented David Paolino seconded.

Motion passed 4 - 0.

Heidi Rogers, aye; David Paolino, aye; Cheryl Hawes, aye; and Denise L. DiFranco, aye.

V. OLD BUSINESS

1. Police Station Update

Denise L. DiFranco said they had a meeting Monday night. They received a proposal and a bill from the architect for \$270,000.00. After much discussion, it was decided that the Chair, Joe Walsh, could reach out to the architect. He explained the predicament in regards to the money we already have allocated. She told him we need all options on the table to try to make the project work. That could include ending our contract with them and trying to find a less detail-oriented firm.

David Paolino said if we paid them \$250,000 so far, I think we own those plans. Denise L. DiFranco said those aren't the plans we want to use now. Cheryl Hawes said there's a disclaimer on the bottom that says we don't own them. Ms. DiFranco said that's where we stand now. It will be on the agenda next time.

**2. Urgent Request
Address Correction
Initiative to Enhance
Emergency Response
Efficiency**

Cheryl Hawes read a letter from David Rathbun (see Exhibit A). Ms. Hawes said she had attended the Engineering Board meeting. All three fire stations and EMS expressed their hope that we will do something to rectify this. Mr. Rathbun, Engineering Board, said he needs a full-time employee to patrol the roads and make note of the ones that are missing [numbers] and bring that in front of the council. Who would be in charge of that? Mrs. Dillon explained how the numbers have been assigned since 2017. It's not that easy [to change] because of people's Deeds, all their information is linked to their address. Cheryl Hawes said they're not asking to change the people's addresses, they're asking to label their houses out front with the proper numbers. Mr. Rathbun said no, they have to change the physical address of the home. Mrs. Dillon said that going forward, there are properties that are subdivided. That's the problem. Mr. Paolino says what they are looking for is signage. Mrs. Dillon said in order to get electrical in your house, you have to have a number, and that's when you get it, when you get a building permit. Chief Lindell asked if there is a possibility of doing a mailing? Kelli Russ said we will be doing that. David want to know how the numbers are being chosen going forward. Mr. Rathbun said you have to fix the problem. Lynne Rider, Burgess Road, said when a piece of property is sold, it has to have a number. Mrs. Dillon said they put Plat and Lot on it. Mr. Rathbun said going forward you need to set a policy. Denise L. DiFranco asked Mr. Rathbun to let them know which roads need the most correction.

**3. Foster Center
Volunteer Fire
Company Cell Tower
Lease Amendment**

Julia Chretien said we have the proposed language for the amendment from last time. It's an extension of the already existing lease with Foster Center Vol. Fire Co. It will be extended 40 years to October 22, 2082, and includes language that should Foster Center voluntarily dissolve, merge, or transfer all of its assets, then the town will take over all rights and responsibilities associated with that. Any compensation they will share equally.

Heidi Rogers moved to approve the agreement between Foster Center Fire Volunteer Fire Company Cell Tower Lease Agreement. David Paolino seconded.

Discussion:

Motion passed 4 - 0.

Heidi Rogers, aye; David Paolino, aye; Cheryl Hawes, aye; and Denise L. DiFranco, aye.

**4. Budget Workshop
Meeting Dates**

Denise L. DiFranco said we have missed a couple so she wanted to schedule two more. Next Thursday, the 21st, starting at 6 not 4:30. And the 23rd which is a Saturday starting at 9:30.

McGregor said the reason he suggested this is because the intent is for homeowners who generally do not rent out their units to be the ones receiving that exemption. If you are renting more than one unit, you would probably be able to pay your taxes.
Ms. Russ said since it will pertain to 90 percent of the residents, we will most likely send out an individual mailer. Mr. McGregor asked how we break up the exemption not to exceed 40%, who gets the bigger exemption? Ms. Russ said everyone would get the same. Say the values on the property are going up 37% town-wide based on the statistical reval, so that year we would do a Homestead Exemption for 37%.

Construction Permit Fees Continued to 4/28

Foster Old Home Days,
Use of Town Grounds July
26, 27, and 28, 2024 Heidi Rogers read the letter (see Exhibit B). David Paolino moved to approve the request. Cheryl Hawes seconded.
Discussion: None.
Motion passed 4 - 0.
Heidi Rogers, aye; David Paolino, aye; Cheryl Hawes, aye; and Denise L. DiFranco, aye.

Potential Survey and
Pavement of Winsor Road Denise L. DiFranco said the DPW Director is requesting that Winsor Road be paved and is requesting that Winsor Road be surveyed. He is concerned about where the funds should come from, DPW or the Contingency fund. Kelli Russ asked how much it would be. Cheryl Hawes asked if all residents agree to it. Denise L. DiFranco said this is just potential, to survey in case. The company wants partial payment. Grant McGregor asked why it would come out of Contingency if it is a town road. Mrs. Rogers said it is complicated and Julia Chretien said there is more to it.
Denise L. DiFranco said it will be on a future agenda item.

VII. ADJOURNMENT David Paolino moved to adjourn. Heidi Rogers seconded.
Motion passed 4 - 0.
Heidi Rogers, aye; David Paolino, aye; Cheryl Hawes, aye; and Denise L. DiFranco, aye.

Meeting ended at 10:10 p.m.

Submitted by,

Susan M. Dillon, Town Clerk

Dear Members of the Foster Town Council,

I trust this correspondence reaches you in good health and high spirits.

I am writing to express a critical concern that directly impacts the safety and well-being of our community. It has been observed that a significant number of residences within our town are misaddressed, presenting a considerable risk of delaying emergency response services in times of crisis.

The precision of residential addresses is paramount for the swift and accurate deployment of emergency services, including fire, police, and medical teams. In emergency scenarios, where every second counts, any delay attributable to address inaccuracies can escalate into life-threatening situations. It is with this in mind that I respectfully urge the Council to initiate a comprehensive readdressing project to rectify these discrepancies.

Implementing such a corrective measure would not only expedite emergency response times but also stand as a testament to the Council's dedication to ensuring the safety and security of its constituents. While acknowledging the potential challenges and resources required for this undertaking, I firmly believe the long-term benefits, including enhanced public safety and trust in local governance, will significantly surpass the initial investment.

I appreciate the Council's attention to this matter and am readily available to further discuss the proposal or contribute towards the facilitation of this critical initiative. Your prompt and positive action in response to this issue would greatly contribute to the safety and peace of mind of all residents within our community.

Thank you for your consideration.

Sincerely,

Dave Rathbun,
President.
South Foster Volunteer Fire Company

Foster Town Council
Foster Town Hall
181 Howard Hill Road
Foster, RI 02825

MAR 11 '24 PM2:33

Dear Foster Town Council Members,

The Foster Old Home Days Committee is requesting that Old Home Days be held July 26, 27, and 28, 2024 on the Town House grounds.

The Foster Old Home Days Committee is also requesting the use of the fairgrounds, to set up for Old Home Days, from July 22 through 26, 2024.

In the schedule of events, we will have time available Friday evening for the annual Council awards.

Please send written confirmation for permission to hold Foster Old Home Days on the town house grounds, July 26-28, 2023.

Sincerely,

Shelly Kozun
Secretary, FOHD Committee