

The July 9, 2020, Town Council Meeting was called to order by Denise L. DiFranco, President.
This was a Virtual Meeting using Zoom via Computer or Phone at 6:30 p.m.

The following members were present:

Denise L. DiFranco, President
Cheryl Hawes, Vice President
Chris Stone
Heidi Rogers
Bob Moreau

Also present:

Joanna Achille
Susan Dillon
Kelli Russ
Bruce Colwell
Patti Moreau
Anthony Renzi

EXECUTIVE SESSION

Heidi Rogers moved, Chris Stone seconded, to go into Executive Session pursuant to RIGL 42-46-5A(2) for the purpose of discussions pertaining to Litigation. The council returned to open session, and Denise L. DiFranco announced that one vote was taken in regard to DEM vs. ToF:

Chris Stone moved, Heidi Rogers seconded, to accept the engineer's recommendation and submit it to DEM for approval in order to cure the Notice of Violation. Motion passed 3 – 0.

I. PUBLIC COMMENT/ANNOUNCE- MENTS

Denise L. DiFranco stated that Cheryl Hawes was excused.

II. CONSENT AGENDA

Chris Stone moved, Heidi Rogers seconded, to approve the Consent Agenda as presented.

Motion passed 3 – 0.

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

III. OLD BUSINESS

*Recreation Field Update moved
here*

Heidi Rogers moved, Chris Stone seconded, to move Item 4 to this position on the agenda.

Motion passed 3 – 0.

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

Recreation Field update: Acting DPW Director Bruce Colwell said that he had called Jay DaSilva but that he was on vacation. When he returns he will submit a plan to the ADA person. When this is approved, he will do the infield and the cement at the same time.

Chris Stone said we might have to go out to bid for the ADA parking area. Kelli Russ asked why it could not be on a change order. Chris Stone stated that the ramps were not in the original plans. Joanna Achille said she would need to see the bid to see if it could be a change order. Kelli Russ stated that she and Planner Michael Antonellis walked the area and that he had suggestions; before it is sent in to ADA, we should go over it.

A. Police Building Committee update

Denise L. DiFranco stated that there was a meeting last night. They determined that Mr. Valentine did donate the property to South Foster. At this point, it is being discussed between two lawyers. South Foster is offering the property for the police building to be built on as well as a Farmers' Market. The next meeting will be on Wednesday. Once the lawyers get it set down, there are two sets of plans—one is 1-story, the other 2-stories—to look at. Chief Breit will meet with the Scituate police to see what worked and what didn't on their building. We will need to have a Financial Town Meeting in September to present it to the citizens. Heidi Rogers asked if the voters would be given a choice? Denise L. DiFranco said she believed the committee would make several options. Heidi Rogers asked if it would be between property owned by the town or not owned by the town.

Denise L. DiFranco said they would look at that. Chris Stone stated that there would be a deed. Heidi Rogers

asked if it could be deeded to the Town of Foster. Denise L. DiFranco said yes.

Lynne Rider stated that her understanding was that the property deeded to the town would have restrictions, reverting it to the Fire Station. Only what is needed for the police station and parking lot would be deeded. If South Foster did not accept the property, it would be deeded to another non-profit but would never be offered as commercial property again.

Patti Moreau stated she had reservations about building on land the town doesn't own. Chris Stone stated that there would be a deed. Ms. Moreau asked if they would be able to see the deed. Chris Stone said yes. Denise L. DiFranco said it would not take place unless voted on. Joanna Achille said that you would be able to see the deed before the Financial Town Meeting. Joanna Achille stated that it is not uncommon for land to be deeded over to a municipality; it could be done quickly.

Bob Boyden said he would like to participate. He stated that he did not want to run a Financial Town Meeting without a clear question—the question needs to be voted up or voted down. He doesn't want to run a town council meeting. Denise L. DiFranco said they appreciate his offer of assistance.

Public Comment opened

Julia Parmentier asked if there had been public comment because she missed it.

Heidi Rogers moved, Chris Stone seconded, to allow public comments at this point in the meeting.

Motion passed 3 – 0.

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

Julia Parmentier asked about the recent appointment to the Planning Board. She had submitted a letter of interest but was not considered as a candidate. She was concerned about how appointments were being made, and the appearance that discussions were going on behind the scenes. She stated that the townspeople are entitled to hear the reasoning behind appointments.

B. Charter Review discussion

Denise L. DiFranco said they had discussed a Public Hearing and scheduled for July 23. Several calls were received at Town Hall from people who were concerned that it would be on Zoom. Town Clerk Susan Dillon said that the callers wanted an in-person meeting. Denise L. DiFranco discussed the problem of excluding people because of a Zoom meeting, or excluding people who weren't comfortable coming in to an in-person meeting, and mentioned the possibility of having a hybrid meeting. The fairgrounds were also considered, but it would be very expensive to do that, so they decided to postpone, however, Deputy Town Clerk Susan Sprague said there was still enough time to advertise for a Public Hearing. We have to get information to the state by August 5th.

Bob Boyden said that he didn't think there were any requirements saying it has to be in a statewide general election. It could be a special election. Denise L. DiFranco said she was told that they had to wait until 2022. Joanna Achille said she would check.

Susan Dillon suggested we could have it at Paine School.

Denise L. DiFranco said it had not been an option until today but now it is. Joanna Achille said there is a difference between a public hearing and a statewide election.

Lynne Rider said the committee worked very hard on it and suggested putting it on the ballot even without a public hearing by sending out a flyer rather than wait two years. Some things are felt to be necessary to change now.

Chris Stone said the purpose of the meeting is to allow the council to make changes. State Representative Mike Chippendale said the only changes that require legislative action are those involving money but they carry much more weight if the townspeople vote on it.

Denise L. DiFranco stated the issues were due to the COVID pandemic.

Jon Restivo clarified that Article 13 of the State Constitution that controls Home Rule Charters states that the only requirements are that they be submitted by the town council to the voters to approve if there are amendments as opposed to the initial adoption of the Charter. That can happen at a Special Election, there's no role for Representative Chippendale or Senator Gordon Rogers to play in that. The only way to get it approved is for the town council to submit them for a vote and the town accepts them.

Heidi Rogers agreed but said the question was how to get it out to the public. Denise L. DiFranco was under the impression that it had to be in a Statewide Election.

Lynne Rider noted that she had never attended a public hearing where there were proposed charter changes and there were more than 20 people attending.

Maggie Fennessey said that if you put this on a ballot, people can say yea or nay, and if that becomes a problem, we can look into it. We are already involved in it, and we've read it, now it needs to be solidified.

Heidi Rogers said that we have citizens who want to see this on.

Chris Stone thinks there should be modifications.

Anthony Renzi asked what the problem was with having it at the school. Denise L. DiFranco stated she did not know until today that we could use it. Mr. Renzi said why not do it and move forward.

Chris Stone moved, Heidi Rogers seconded, to have a Public Hearing at the school for a Charter Review on July 30.

Motion passed 3 – 0.

Denise L. DiFranco said the meeting would be at 7:00 p.m. at the Capt. Island Paine School. She thanked the Charter Commission.

C. Engineering Board Report

Denise L. DiFranco stated that she had attended the Engineering Board meeting. South Foster and Moosup Valley have two tankers that need extensive repair. They did have a motion that money from capital be put toward repairs, and the leftover moneys used to purchase a used replacement for Engine 4 if one can be found, and if it is approved by all four chiefs. Chris Stone said the issue is that one of the trucks are very expensive: Moosup Valley's truck estimate is \$63,000. The way it is set up on the Engineering Board is that all four chiefs must agree. Denise L. DiFranco said that at the present time we have no paperwork from them stating that.

IV. NEW BUSINESS

Finance Report moved here

Kelli Russ reviewed the Finance Report because it was thought not to be under the Consent Agenda.

A. Appointment of Town Council Member

Denise L. DiFranco stated that Joe Cardillo had resigned and a new Town Council member was needed.

Heidi Rogers moved, Chris Stone seconded, to appoint Bob Moreau as recommended by Joe Cardillo in his resignation letter.

Bob Moreau said he was willing to take the position.

Motion passed 3 – 0.

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

Town Clerk Susan Dillon swore Mr. Moreau in and he joined the meeting.

(Cheryl Hawes entered the meeting.)

Cheryl Hawes moved, Denise L. DiFranco seconded, to add on to the agenda a discussion regarding the noise ordinance modification for discussion only.

Motion passed 5 – 0.

Chris Stone, aye; Heidi Rogers, aye; Denise L. DiFranco, aye; Bob Moreau, aye; Cheryl Hawes, aye.

Discussion: Cheryl Hawes stated that the proposed ordinance was for nuisance noise only.

Joanna Achille reviewed the overview written by solicitor Mark Tourgee. She stated that it is completely neutral and talks about time frames and decibel levels.

Lynne Rider asked to hear it.

Julia Parmentier stated that she thought the Planning Board proposed ordinances. Cheryl Hawes said it would get sent to the Planning Board. Joanna Achille said the Town Council could put one forward to send it to the Planning Board.

Aaron Marsland asked if it would include barking dogs.

Denise L. DiFranco said that it would.

Joanna Achille reviewed the proposed ordinance (see Exhibit A).

Gordon Rogers clarified that it also would pertain to chainsaws, lawn mowers, and he wanted people to be aware of that.

Cheryl Hawes said that her reason for the ordinance was because several people had contacted her regarding noise that goes on from over an hour to all day and into the night. There was no sinister purpose to take away anyone's rights. Timothy Poland said that this is not about gun rights. If you had to listen to five or six hours of it, it sounds like Iraq. They blow things up. People have made a gun range on their property. He has lived there for twenty years and it has never been this bad. If it was your backyard, you would say "please help us".

Ginny Bassett said she has a problem, she had been in business for 54 years and it has never been a problem but now it is so loud people are considering leaving the campground. We're being tortured. We need some consideration.

Mr. Poland said they are bringing their friends out who can't shoot at home.

Bob Moreau said he understands but has a problem with the ordinance because it affects others like gun clubs. He can't see punishing them because of the abusers.

Gordon Rogers said that he fields calls from people complaining about the gun clubs and this ordinance opens the door.

Representative Michael Chippendale spoke about the decibel levels. He feels it would be a burden on the police.

Lynne Rider said that no one is talking about gun clubs.

We have a few bad actors so it is not unreasonable to put in restrictions that can be used to stop them. Other towns have restrictions with exemptions, so it can be done.

Joy Pettrossi-Poland asked what about her rights? We moved here because it was peaceful. You need to have your house be a sanctuary in these times. We ask the town to enforce the noise ordinance, and we will continue to call the police. Maybe if they were fined it could curtail the activity.

Anthony Renzi asked if anyone had talked to the people—is this about one guy?

Cheryl Hawes said yes and that he was considerate for a while but started again. The ordinance that is proposed, she

wanted it to be read because it is about consideration, about time and length.

B. Letter regarding noise ordinance

Representative Michael Chippendale read a letter submitted by him and Senator Gordon Rogers (see Exhibit B).

Mr. Chippendale felt that this was thrusting a burden on the police, and that it would take two hours for a police officer to find the house, listen for the sound, make sure of its duration, and cite the people.

Cheryl Hawes said that the letter presented is an opinion from an attorney, and the ordinance is not about 2nd Amendment rights, which is what the letter is addressing. It is not about what that letter is stating.

Joanna Achille said that the legal opinion provided cited RIGL 11-47-58, which does not address discharges.

Rep. Chippendale said that all they were talking about were firearms so that is exactly what the ordinance is about.

Gordon Rogers asked that the council get it out to the public.

Lynne Rider said 11-47-58 says nothing about using the weapon. Other communities have banned the use of firearms completely, how can that be done if it is prevented by this law?

Mr. Chippendale stated that it is because those areas are in compact areas, there is a section in the law that pertains to that in RIGL 11-47. If you exempt everything but firearms, you can't say it's not about firearms. Let's not make it appear as anything else.

Joanna Achille says it has to be enacted and enforced across the board. It won't be appropriate only against firearms.

Mr. Chippendale said the problem will disappear with the virus. This is a temporary situation and doesn't need to be done.

Cheryl Hawes stated there was a motorcycle revving for two hours. It isn't just guns. It's about noise in general and being considerate.

Gordon Roger asks that it gets out to the public to hear input. There were many people who moved to the town because of the lenient dog ordinance. To get it out to the public.

Joanna said there would be a Public Hearing. It would be discussed at the Planning Board before that.

Lynne Rider said that it is already out on social media and being painted as a 2nd Amendment problem so as to vote Cheryl Hawes out of office, and that is very unfair to use it politically. I don't think you are ever going to separate it from that.

Heidi Rogers says it sounds like it is just one offender. She is leery of making an ordinance because of one bad apple.

Timothy Poland stated that it is not just one offender, he is within a triad of offenders. Multiple people are not complaining because they are afraid for their lives and property.

Lynne Rider asked if you don't have an ordinance, how do you stop the bad apples? There are more and more of them.

Mr. Chippendale said the RIGL is 11-47-50 that specifies compact areas.

Anthony Renzi asked about safety. Mr. Chippendale stated that the police have checked that.

C. Engineering board request

Denise L. DiFranco said she did not have the Engineering Board request at this time.

D. Solar Array Proposal

Walter May, treasurer of the Land Trust, explained that about a year and a half ago, the Preservation Society asked the Land Trust to take responsibility for the Historical Cemeteries. There is \$19,000 available, and \$50,000 is

needed. The Land Trust suggested a Solar Farm on Theodore Foster Drive. It will bring in \$30,000 / year in tax revenue. The first year could go to the cemetery fund, second year to help fund the police station.

(Cheryl Hawes leaves the meeting.)

An existing Regional School Bond matures in 2021. It is costing us \$121,000 per year. Bonding 2-1/2 million at 3-1/2 percent plus the cost of bonding is \$130,151.25. No tax increase for the taxpayer, plus income from sand and gravel, and perhaps getting a crusher through the police. The council needs to approve the Solar Project, put out the RFPs, and get approval for a bond.

Kelli Russ noted that there is a moratorium on solar farms. Patti Moreau said it had expired. Joe Carey said he thought it went to October. Item was added to the July 30th meeting.

V. ADJOURNMENT

Chris Stone moved, Heidi Rogers seconded, to adjourn.

Motion passed 3 – 0.

Chris Stone, aye; Bob Moreau, aye; Heidi Rogers, aye;

Denise L. DiFranco, aye.

Meeting adjourned at 9: 15 p.m.

Submitted by,

Susan M. Dillon, Town Clerk