

The July 30, 2020, Town Council Meeting was called to order at 7:00 p.m. by Denise L. DiFranco, President. This was a hybrid meeting combining an in-person and virtual meeting using Zoom

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
Patti Moreau
Anthony Renzi
Linda Tibbitts
Walter May

Town Charter Commission members present:
Jon Restivo
Bob Boyden
David Paolino
Susan Sprague

I. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

II. PUBLIC COMMENT / ANNOUNCEMENTS

Denise L. DiFranco asked for a moment of silence for Joann Law who was an employee of the town for 30 years and recently passed away.

III. CONSENT AGENDA

- Approval of Minutes for July 9, 2020
- Approval of Payroll Warrants
 - a. # 2- \$36,318.56 b. # 3 - \$32,505.22
 - c. #4 - \$31,292.13
- Approval of General Warrants
 - General Warrant #23 - \$20,849.84
 - General Warrant # 2- \$111,375.14 FY2021

Chris Stone moved, Bob Moreau seconded, to accept the consent agenda as presented.

Discussion: Cheryl Hawes asked about the charges from the solicitor on the General Warrant, which were not part of litigation. Atty. Tourgee said they were for phone calls and hours of research.

Motion passed 4-0.

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

IV. PUBLIC HEARING

Denise L. DiFranco reviewed the procedure to be followed for the Public Hearing and directions as to how to participate.

Proposed Articles & Sections as presented by the Charter Review Committee; changes underlined and / or in red.

• **Article II, Town Council, Section 2.01. Composition, Election and Terms**

- (a) Composition. There shall be a Town Council of five members elected at large by the qualified electors of the Town for a term of ~~two years~~ four years. At the 2022 election, the two (2) candidates who, among the five (5) winning candidates, receive the most votes, shall be elected to serve for terms of four (4) years, and the three (3) candidates who, among the five (5) winning candidates, receive the fewest votes, shall be elected to serve for terms of two (2) years. At the 2024 election, and every fourth year thereafter, three (3) members shall be elected to serve for terms of four (4) years (and thereafter until their successors are elected and qualified), and at the 2026 election, and every fourth year thereafter, two (2) members shall be elected to serve four (4) year terms (and thereafter until their successors are elected and qualified).

- (b) Election and Terms. The terms of the Council Members shall begin at the regular December meeting of the council on the first Thursday after the first Monday in December immediately following the approval of the minutes by the out-going council as the first order of business. Prior to this meeting the outgoing council shall meet in work sessions with the in-coming council to plan an orderly transition. **(Revised November 2012)**
- (c) Following the election of Council Members in the November General Election and until such a time as the newly elected council takes office as provided in Section 2.01.b, the agenda of council meetings and decisions of the Council shall be limited to the approval of payroll warrants, general warrants and other such obligations that routinely come before the Council and which are required for the day to day operation of the town or to provide for the citizens of the town during natural disasters, civil disturbances and other similar emergencies. This section shall not apply if all ~~five~~ incumbent council members are re-elected in the General Election ~~in the General Election~~. **(Revised November 2012)**

Bruce Campbell, Plainwoods Road, clarified that it was three and two alternating. Bob Boyden, Charter Commission, explained that, yes, it was to make the transition--two, then three. The intention is to provide some continuity for the council.

Denise L. DiFranco explained that by 2026 everyone would be on 4-year terms. Mr. Boyden agreed.

Jon Restivo, Charter Commission, explained that the template was the same as used by the School Committee. It was implemented with minimal confusion.

Denise L. DiFranco closed the public hearing.

Bob Moreau moved, Chris Stone seconded, to accept as presented. Mr. Moreau was not visible on Zoom so the motion was not accepted.

Cheryl Hawes moved, Chris Stone seconded, to accept the proposal.

Bob Boyden stated that the motion should be to present it to be put on the ballot.

Cheryl Hawes withdrew her motion.

Cheryl Hawes moved to have Article II, Section 2.01 presented to the November ballot. Chris Stone seconded.

Motion passed 3 – 0.

Chris Stone, aye; Cheryl Hawes, aye; Denise L. DiFranco, aye.
(Bob Moreau not visible, Heidi Rogers temporarily off screen.)

Denise L. DiFranco opened the public hearing.

- **Article II, Town Council, Section 2.04. General Powers and Duties**

All powers of the Town shall be vested in the Council, and in a Town Manager appointed by the Council, except as otherwise provided by law or this Charter, and the. The Council shall provide for the ~~exercise thereof enactment of local legislation, and the Town Manager shall provide for the performance of execution thereof as well as the administration of the Town government at the direction of the Town Council, in accordance with the provisions of this Charter, and all other duties and obligations imposed on the Town by law.~~

Denise L. DiFranco explained that this section would be contingent on the approval of the position of Town Manager. Ms. DiFranco recommended waiting and coming back to it. Amita Rodman, Tucker Hollow Road, asked if it was necessary to go through each article. Denise L. DiFranco said that it is required.

- **Article II, Town Council, Section 2.06. Vacancies
Forfeiture of Office, Filling Vacancies**

The office of a member of the Council shall become vacant upon the death, resignation in writing filed with the Town Clerk, removal from office in any manner authorized by law or forfeiture of office of the Council member. (b) Forfeiture of Office. A member of the Council shall forfeit the office if the member (1) lacks at any time during the term of office any qualifications for the office prescribed by this Charter or by law, (2) violates any express provision of this Charter, (3) is convicted of a crime involving moral turpitude, or (4) fails to attend three consecutive regular meetings of the Council without being excused by the Council. RI Constitution, [Article II, Section 3](#)

Denise L. DiFranco explained this is a change to agree with the RI Constitution. Jon Restivo explained that it is one of a series of corrected typos. Denise L. DiFranco said that these did not need to be voted on.

Bob Boyden noted that they also removed all gender specific terms which did not change the regulations. Denise L. DiFranco suggested that all of the changes that did not need to be voted on be listed together and a group to vote on at the end.

- **Article II, Town Council, Section 2.16. Town Employees**

The employment of all employees of the Town, and their promotion, suspension for a period of greater than three days, or discharge shall be the responsibility of the Town Council, provided, that no such action shall be taken by the Town Council except with the written approval of that employee's department head. Suspension for a period of three days or less may be imposed by a department head at ~~his/hersuch~~ [department head's](#) sole discretion. Rates of pay and employee benefits and changes to the same shall be the sole responsibility of the Town Council within the limits of the amounts appropriated.

Denise L. DiFranco said that this one could be added to a list of typos and language corrections to be voted on at the end.

- **Article III, Moderator, Section 3.03. Financial Town Meeting**

The Moderator shall preside at all financial Town meetings and shall have the power to conduct, manage and regulate the business of each meeting conforming to law and Article X, section 10.02 herein, and shall maintain peace and good order therein. If any person shall ~~conduct himself or herself~~ [fact](#) in a disorderly manner in any Town meeting, the Moderator may order ~~him or hersuch~~ [person](#) to withdraw from the meeting, and, on refusal, may order any police officer or any constable present, or any other person, to take ~~him or her~~ [that person](#) from the

meeting ~~and confine him or her to be confined~~ in some convenient place until the meeting shall be adjourned; and the person so refusing to withdraw shall, for each offense, be fined not exceeding twenty dollars. The Moderator shall have such other duties and powers as shall pertain to the office. (Revised November 8, 2016 in General Election.)

Denise L. DiFranco said that this one could be added to a list of typos and corrections at the end.

- **Article IV, Town Clerk, Section 4.01. Election**

There shall be a Town Clerk who shall be elected at ~~each~~ general election for a term of ~~two~~four years and until a successor is elected and qualified. The term of office shall start on the first Thursday after the first Monday in December in even numbered years. (Revised November 2012)

Discussion: Lynne Rider asked to clarify that this only applied to the Town Clerk and not the Council which was confirmed.

Denise L. DiFranco closed the public hearing.

Chris Stone moved, Bob Moreau seconded, to place this on the ballot.

Motion passed 5 – 0.

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

Denise L. DiFranco opened the public hearing.

- **Article IV, Town Clerk, Section 4.04. Powers and Duties**

The Town Clerk shall be the Clerk of the Financial Town Meeting, Clerk of the Town Council, Clerk of the Board of Canvassers, Clerk of the Probate Court and the Recorder of Deeds. ~~(Remove: the Town Clerk shall also be the Director of the Department of Administration.). The Town Clerk shall also be the Director of the Department of Administration.~~ It shall be the duty of the Town Clerk to:

- (a) Make a permanent record of all proceedings and certify by ~~his/her~~the Town Clerk's signature all actions of the aforesaid bodies.
- (b) Be custodian of the Town seal and of the official documents and records of the Town.
- (c) Direct and supervise the recording of deeds, mortgages, vital statistics, licenses and permits and such other records as shall by ordinance and law be required to be kept by the Town Clerk.
- (d) Issue marriage licenses, burial permits and such other licenses and permits as are required by ordinance and law to be issued by Town Clerks.

~~(e) — As director of the Department of Administration, the~~(e)

~~(Remove: As director of the Department of Administration, the)~~ The Town Clerk shall be responsible for: the supervision and assignment of all clerical and office employees of the Town, to include those required by boards, committees, and commissions of the Town, setting of hours of work for such employees, receipt and distribution of all correspondence to the Town, maintenance of a central filing system for all Town agencies (except confidential police files), and assignment of Town office space, except where such space is specifically

otherwise assigned by the Town Council, excepting in each case the school department.

- (f) Perform such other duties as may be prescribed by this Charter or by law pertaining to Town Clerk, and such other duties appropriate to ~~his/her~~the office as the Town Council may require.

Cheryl Hawes questioned why the title of the Town Clerk was changed. Jon Restivo stated that it was because there was no other references to the Department of Administration so it was not a thing.

Denise L. DiFranco said it could be added to the list.

Bob Moreau said that he got the impression that the Town Manager would be taking away duties from the Town Clerk and that this was the reason. Jon Restivo said that it was not because the town did not have such a position.

Denise L. DiFranco said the position does not exist, as it is not referred to anywhere else.

Mike Dillon, Mt. Hygeia Road, said he was not clear on the Town Manager's duties and if that would take away from the Town Clerk's.

Denise L. DiFranco said that the Town Manager and Director of Administration are totally different, they are just removing the language.

Lynne Rider, Burgess Road, asked then why is it in the Town Manager description?

Bob Moreau said that the Administration branch is a concept, not a chartered entity.

Mike Dillon, Mt. Hygeia Road, said that if you read the duties of the Clerk, she is director of six people in the Town Hall—isn't that administrative?

Cheryl Hawes clarified that this is not taking anything away from the Town Clerk, it is just changing words stuck in there.

Denise L. DiFranco said this would not take power away from the Town Clerk.

Denise Arrighi, 37 Balcom Road, said she agreed with the changes. She asked if the Charter Commission questioned why the Clerk is elected rather than appointed.

Jon Restivo stated that he believed they did discuss it and decided it was not a bad thing.

Bob Boyden said we don't take things away from the voters, and a 4-year term was a good thing.

- **Article V, School Committee, Section 5.01. Membership, Term of Office and Vacancies**

Section 5.01. Membership, Term of Office and Vacancies.

There shall be a School Committee consisting of three members who shall be elected to serve staggered four (4) year terms.

(Removed dates particular to 2018 referring to staggered terms).

~~In the November 2018 general election, the two candidates receiving the greatest number of votes will be designated Members one (1) and two (2); each will serve a four (4) year term. The third (3rd) Member elected will serve a two (2) year term. In 2020, there will be an election for one (1) four year term for Member three (3). In every general election held~~

~~thereafter~~In every general election, one (1) or two (2) Committee positions will be open for election/re-election on an alternating schedule. (Revised November 8, 2016 in General Election.)

Denise L. DiFranco added it to the list.

- **Article VI, Appointive Officers and Town Sergeant,
Section 6.01. Director of Human Services**

Section 6.01. Director of Human Services.

There shall be a Director of Human Services appointed by the Town Council to serve at the pleasure of the Council. The Director of Human Services shall administer all welfare statutes of the state or federal government, the administration of which is delegated to the town, and shall have all powers and duties relating to low and moderate income households and those persons in need as shall by law be appropriate to ~~his/her~~the office. The Director of Human Services shall receive such compensation as the Town Council may fix, within the limits of the amount appropriated by the financial town meeting. (Revised November 8, 2016 in General Election.)

Denise L. DiFranco added it to the list.

- **Article VI, Appointive Officers and Town Sergeant,
Section 6.02. Tax Assessor**

(b) Duties. It shall be the duty of the Tax Assessor to:

(1) ~~It shall be the duty of the Tax Assessor to~~ (1) fix the assessed valuation for purposes of taxation upon all real estate and taxable personal property.

(2) ~~He/she shall~~ apportion upon the assessed valuation the amount of tax ordered to be levied thereon.

(3) ~~He/she shall~~ make and prepare all regular and special assessment rolls and tax rolls for the Town in the manner prescribed by law.

(4) ~~He/she shall~~ perform such other duties as may be required by law.

(Removal of he / she.)

Denise L. DiFranco added it to the list.

- **Article VI, Appointive Officers and Town Sergeant,
Section 6.03. Tax Collector**

(a) Appointment. There shall be a Tax Collector appointed by the Town Council to serve at the pleasure of the Council. The Tax Collector's office shall be under the supervision of ~~the Town Treasurer~~Finance Director.

(b) Duties. It shall be the duty of the Tax Collector to collect and receive all taxes and special assessments for the collection of which the town is responsible. ~~He/she, and~~ shall have all the powers, rights and duties prescribed by the laws of the state for Tax Collectors.

(c) Transfer of Funds. The Tax Collector shall periodically at such times, as the Town Treasurer shall direct, transfer to the Town Treasurer all town funds collected ~~by him/her.~~

Bruce Campbell, Plainwoods Road, asked why there was a title change for the Town Treasurer.

Jon Restivo replied that the title of “Town Treasurer” implied a scope of duties out of step and does not describe the skill set needed for the position. “Finance Director” is a more accurate description.

Walter May, Anthony Road, said to select what would do the most good for Charter changes.

Denise L. DiFranco said that is what they are doing and asked that the town clerk send the voted on changes out as an email blast.

Denise L. DiFranco closed the public hearing.

Heidi Rogers moved to change Town Treasurer to Finance Director.

Bob Boyden stated as a point of order, that the motion should be to advance the question to the voters. Heidi Rogers withdrew her motion.

Heidi Rogers moved, Bob Moreau seconded, to place this change on the ballot.

Motion passed 5 – 0.

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

Denise L. DiFranco opened the public meeting.

- **Article VI, Appointive Officers and Town Sergeant, Section 6.04. Sealer of Weights and Measures**

(Remove entire section. Position taken over by the state and no longer exists.)

Lynne Rider, Burgess Road, asked why it would be necessary to take up a slot on the ballot when it has to be taken off anyway?

Heidi Rogers agreed.

Denise L. DiFranco said it could remain on the Charter but just not make the appointment. She closed the public hearing.

Bob Moreau moved, Chris Stone seconded, to leave the section as is.

Motion passed 5 – 0.

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

Denise L. DiFranco opened the public hearing.

- **Article VI, Appointive Officers and Town Sergeant, Section 6.10. Town Sergeant**

Section 6.10. Town Sergeant.

There shall be a Town Sergeant who shall be elected at each general election for a term of two years and until ~~his~~ successor is elected and qualified. Appointment of the Town Sergeant shall take place on the first Thursday after the first Monday in December in even numbered years. Should a vacancy occur in the office of Sergeant, the Town Council shall fill the same until the next general election following the vacancy. The Sergeant shall have such powers and duties as are prescribed by law and shall receive such fees as are prescribed by law and such additional compensation as may be fixed by the Town Council. Denise L. DiFranco added it to the list.

- **Article VI, Appointive Officers and Town Sergeant,
Section 6.12. Town Manager**

(a) Office and Appointment. There shall be a Town Manager who shall be appointed by the Town Council for a term of five (5) years, pursuant to an employment contract setting forth the terms of the Town Manager's employment and the compensation for the same. The contract shall provide for removal by a majority vote of the Town Council only in the event of the following: conviction of any felony or any misdemeanor involving moral turpitude, or violation of any provision of the employment contract.

(b) Qualification. The Town Manager shall be chosen by the Town Council solely on the basis of character, knowledge of the community, and executive and administrative qualifications. The Town Manager, with the prior approval of the Town Council, may assume and perform, in addition to the duties of the office of Town Manager, any other administrative office or offices under the Town Manager's supervision but, by virtue of such action, shall not be entitled to additional compensation. The Town Manager, with the prior approval of the Town Council, may assign the duties of two or more administrative officers to one person or divide the duties of any office between two or more persons.

(c) Compensation. Compensation for the Town Manager shall be fixed at the Financial Town Meeting.

(d) Powers and Duties. The Town Manager shall be head of the administrative branch of Town government and shall see that the laws and ordinances of the Town are faithfully executed; supervise the activities of all Town officials, departments and agencies under the Town Manager's jurisdiction; and recommend such measures to the Town Council for consideration as deemed appropriate for the welfare of the Town.

In addition to the foregoing, the Town Manager shall:

(1) Recommend to the Town Council for appointment all Town officials and department heads whose appointment is not otherwise provided for in this charter. All other employees of the Town shall be appointed, promoted or dismissed by the Town Manager with concurrence of the cognizant department head and Town Council, or such other authority as this Charter or the Town Council may provide. The Town Manager shall search for Town citizens to fill vacancies on Town Boards and Commissions and such other Council appointments as set forth in this Charter, and shall make recommendations for their appointments to the Town Council.

(2) Supervise and coordinate the development of the annual budgets of the Town departments. Review the annual budget requests of the volunteer fire and rescue companies. Prepare recommended rates of compensation for town office holders and employees. The Town Manager shall not recommend rates of compensation for the Town Manager position, or members of the Town Council.

(3) Submit the annual budget recommendations, as developed in (2) above, to the Town Council, and attend Town Council budget

workshops, the public budget hearing and the Financial Town Meeting.

(4) The Town Council may require the Town Manager to attend any regularly scheduled Town Council meetings as well as such other meetings as the Council may require.

(5) Serve on all labor contract-negotiating committees.

(6) Perform such other duties as may be prescribed by the Charter or required of the Town Manager by the Town Council.

(e) Temporary absence or Disability. In the event of the extended absence of the Town Manager, or a temporary vacancy in the position of Town Manager, the Town Council shall have the authority to appoint an Acting Town Manager.

Discussion: Patti Moreau, Central Pike, stated that she thought adding this position is absurd. It takes away duties from people in the Town Hall and gives them to the Town Manager, and all that's needed is "character". It reads "solely on the basis of character", anyone could do that.

Denise L. DiFranco said there are other things listed. Patti Moreau said the person would not prepare the budget but present it to the council. Where is the money going to come from? You can't give the employees raises. She totally disagrees with it. Bruce Campbell, Plainwoods Road, said that he thought the proposal was a huge waste of money. He stated that he has been involved for over 50 years and thinks the town works fine. He questioned how you could make a contract before getting the funds approved at a Financial Town Meeting?

Walter May, Anthony Road, suggested that the qualifications include that they must be a resident of the Town of Foster.

Lynne Rider, Burgess Road, asked if it was full or part time?

Jon Restivo said that would be up to the Financial Town Meeting and council. Lynne Rider said it brought us back to the Administrative Branch which they just said doesn't exist.

Bob Boyden said it does presuppose one.

Jon Restivo said it does not talk about a Department of Administration. Administrative is not referring to a department, but the section of government that acts as administrative. Bob Boyden says it doesn't exist but it acts that way.

Lynne Rider said then back to the duties of the Town Clerk—she asked if those duties remain with the Town Clerk and not the Town Manager. Jon Restivo said they did. Susan Dillon asked to clarify that the Town Manager would have no say over the people in her department. Jon Restivo confirmed that this was true, and that individual employees would report to the council. Susan Dillon asked if they could combine jobs. Mr. Restivo said only with approval of the council. Denise L. DiFranco said the manager would be a liaison between the Town Hall and the Town Council.

Lynne Rider said she could not see how the Town Manager would oversee the Fire and Rescue budgets. Bob Boyden said it would not change how the town handles Emergency budgets. Tom Walden, Central Pike, said that he was opposed since the qualification was based only on character. Amita Rodman stated

that if the town can't afford it, it doesn't exist. Bob Boyden said to create the right environment, they would need \$100,000 per year. Jon Restivo commented that the idea is to have one person take over jobs that are no one's responsibility under the Charter. The qualifications were intended to provide as wide a pool as possible and pointed out that the candidate could also hold another position in the town, such as town planner.

Kevin Donovan, Plainwoods Road said that the position has now been walked back to be a liaison, adding a layer of management which is not a good thing, and we can't afford it.

Bruce Campbell, Plainwoods Road, objected to a five-year contract and the fact that the person can only be removed if they commit a felony or misdemeanor.

Mike Dillon, Mt. Hygeia Road, stated that he had never heard of anyone getting a five-year contract. The Town Clerk's office is struggling to get into the 21st century because we can't get the money, but we're going to add an administrator?

Denise L. DiFranco closed the public hearing.

Heidi Rogers moved, Chris Stone seconded, to place the position of Town Manager on the ballot.

Discussion: Heidi Rogers said that to put it in the Charter in case we need it is not how it was written. It is written as "there shall be" which requires it. There will be a lot of duplication of duties. Cheryl Hawes said she was not in favor because the work is already being done. Kelly Russ would work out the budget but have someone else present it? She would have to answer all the questions anyway.

Motion failed 0 – 5.

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

Denise L. DiFranco opened the public hearing.

- **Article VII, Public Works Department, Section 7.02.
Director**

There shall be a working, properly-licensed, Director of the Department of Public Works who shall be the head of the department and shall be responsible for the supervision and administration of the work of the department and shall also have all the powers, rights and duties prescribed by the laws of the state for highway surveyors. The Director shall be appointed by the Town Council for a term of three (3) years, ~~with the first term to commence on January 2, 2017,~~ pursuant to an employment contract setting forth the terms of ~~his or her~~ the Director's employment and the compensation for same. The contract shall provide for removal only in the event of the following: conviction of any felony or any misdemeanor involving moral turpitude, violation of any provision of ~~his or her~~ the employment contract, or violation found by the Rhode Island Ethics Commission. (Revised November 8, 2016 in General Election.)

Denise L. DiFranco added it to the list.

Back to 2.04. Denise L. DiFranco stated they would remove the terminology regarding the Town Manager.

- **Article VIII, Police Department, Section 8.02. Chief of Police;**

There shall be a Chief of Police appointed by the Town Council for a term of three years, ~~with the first term to commence on January 1, 2007,~~ pursuant to an employment contract setting forth the terms of ~~his or her~~ the Chief of Police's employment and the compensation for same, which shall not be reduced during the period of the contract; such contract shall provide for removal only in the event of conviction of any felony or any misdemeanor involving moral turpitude, violation of any provision of ~~his or her~~ the employment contract, violation found by the Rhode Island Ethics Committee, or disability certified by a physician selected by the Town Council. (Revised November 2012)

Denise L. DiFranco added to the list.

- **Article X, Financial Procedures, Section 10.03. Preparation of the Budget**

All budget requests shall be submitted to the Council not later than March 1 each year. The Town ~~Council~~ Manager shall obtain from the head of each department, office and agency estimates of its revenues and expenditures and such supporting data as ~~it may request.~~ be requested in connection with the discharge of the Town Manager's duties under Section 6.12(d) above. After receiving and reviewing the Town Manager's recommended budget, the Town Council shall prepare a proposed annual budget for the Town. In preparing the proposed budget, the Town Council shall review the ~~estimates~~ recommended budget and may revise ~~them~~ it, as it may deem advisable. The proposed budget as prepared by the Town Council shall show all anticipated revenues and all proposed expenditures, and the total of proposed expenditures shall not be greater than the total of anticipated revenues, surplus, authorized borrowing and reserves.

Denise L. DiFranco said they would correct text, remove Town Manager. She closed the public hearing.

Denise L. DiFranco listed the articles on the list for changing gender specific terms and making corrections, which are not needed to put on the ballot.

Bob Moreau moved, Chris Stone seconded, to make the clerical changes and not place them on the ballot. Cheryl Hawes thanked the Charter Commission for their hard work.

Motion passed 5 – 0.

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

Denise L. DiFranco said that was the end of those they could vote for at present but they could discuss the others.

- **Article X, Financial Procedures, Section 10.10. Capital Reserve Fund**

Denise L. DiFranco said it was a change to 4 percent from 2 percent.

- **Article XI, Treasurer's Department, Section 11.01. Appointment, Qualifications, Organization**

Changing to "Director of Finance" language. Gender specific language changed. Considered a clerical change.

- **Article XI, Treasurer's Department, Section 11.04. Powers and Duties;**

Also a clerical change.

- **Article XI, Treasurer's Department, Section 11.05. Specific Powers;**

Also a clerical change. Jon Restivo said the reference to the Deputy Treasurer is intentional because the finance director will have all of the Treasurer's duties, but the Deputy Treasurer would have only the Treasurer duties.

- **Article XI, Treasurer's Department, Section 11.06. Compensations;**

Also a clerical change to Finance Director

- **Article XI, Treasurer's Department, Section 11.07. Bonds;**

Also a clerical change to Finance Director

- **Article XII, Board of Tax Review, Section 12.03. Duties;**

Clerical change to correct gender specific language.

- **Article XII, Board of Tax Review, Section 12.04. Correction of Assessments;**

Clerical change to correct gender specific language.

- **Article XIII, Nominations and Elections, Section 13.03. Forfeiture of Office;**

Clerical change to correct gender specific language.

- **Article XIII, Nominations and Elections, Section 13.05. Non-partisan Elections**

Denise L. DiFranco said that this one would be one to be placed on the ballot.

All municipal elections in the Town of Foster, whether primary, general, or special election, shall be non-partisan. There shall be no party mark or designation upon any declaration of candidacy, nomination, petition, or list of candidates.

At a primary election, the number of candidates equal to twice the number of places to be filled at the general or special town election who receive the greatest number of votes shall be declared nominated as candidates for office.

Lynne Rider, Burgess Road, spoke in favor of it, stating that many people do not want to be involved in partisan politics. Kevin Donovan, Plainwoods Road, opposes it because it would prevent people from knowing what people's values are. Bruce Campbell, Plainwoods Road, said that would cause ten people to run, and it is hard to get people to run in the first place. Amita Rodman, Tucker Hollow Road, stated that she thought it should be on the ballot. The citizens should decide. She knows of five or six people shying away because of the partisanship in the town.

Jon Restivo, Mill Road, said this was put forward because a lot of people feel partisan politics are damaging communities. The only

question people who are running have been asked is what political party do you belong to? This would encourage people to get to know the candidates individually. The people have a right to decide for themselves.

Walter May stated that he was not in favor of changing to non-partisan because candidates would not be answerable to anyone. Mike Dillon, Mt. Hygeia Road, asked what would happen to the Town Committees.

Denise L. DiFranco said they would not be dissolved; there would just be no mark on the ballot.

Brendan Mara, Mill Road, spoke about partisanship. Voters react to people instead of party. The thinks there is something to be said for that; there is value there. It might relieve some of the pressure of partisanship.

Susan Sprague said that to know what someone's beliefs are because of a party doesn't mean that these are their only beliefs, some may be from both parties.

Lynne Rider said that in this town there are 900 or so registered Republicans, 1000+ Democrats and then 2000+ unaffiliated.

Those people are not always represented. She has never subscribed to the idea that one had to agree with a party and do everything they say. We need people who think for themselves and are not held accountable by party. It is up to the individual to get out what they stand for.

Kevin Donovan asked if that meant that committees could still endorse people? Jon Restivo said yes. The committees would do all the same things they do not. It is only to not mark a party designation on the ballot. Mr. Donovan said he absolutely opposed it.

Bruce Campbell said the finances would be very complicated; they would have to have ten bank accounts! Denise L. DiFranco said that the individual parties could still support their candidates. Jon Restivo said that it wouldn't change the campaign finance arrangements, just the ballot.

Atty. Tourgee commented that he didn't know if that was accurate. It would be a Board of Elections issue.

Brendan Mara responded that the school committee already does it, and Jon Restivo responded that the individual candidates would report finances in the same way.

- **Article XIV, General Provisions, Section 14.01. Personal Financial Interest;**

Clerical change.

- **Article XIV, General Provisions, Section 14.02. Bidding;**
Section 14.02. ~~Bidding~~Purchases.

~~All purchases by the Town involving any expenditure greater than Ten Thousand (10k) Dollars, in the aggregate, for construction or Five Thousand (5k) Dollars for all other purchases shall be made only after such purchases have been advertised for bids or quotations have been solicited by one or more methods requiring advertising in a newspaper of general circulation in the Town as deemed appropriate by the Town Council or School Committee. Contracts for professional engineering and architectural services are exempt here as in the General Laws of the State of Rhode Island [See RIGL Sect. 45-55-8.1]~~

~~The Town Council or School Committee shall not be bound to accept the lowest bid or quotation received but shall in each instance have reserved to itself the right to reject any or all bids.~~

~~In an emergency, the Town Council or School Committee may make purchases or secure services without the necessity of bidding. In each instance labeled an Emergency, the Town Council or School Committee shall enter into its public record a statement of the emergency and the constraints forcing immediate action.~~

~~Other purchases of less than Ten Thousand (10k) Dollars, in the aggregate, for construction projects and less than Five Thousand (5k) Dollars for all other procurements are considered small purchases within the meaning of RIGL Section 45-55-9 (Award of Municipal Contracts, Small Purchases.) These procurements may be made based upon the recommendation of a Department Head or Town Council/School Committee.~~

~~No procurements or contracts for services shall be artificially divided so as to constitute a small purchase avoiding the requirements of advertising and bidding. (Revised November 8, 2016 in General Election.)~~

All purchases by the Town shall be in conformance with the provisions of Chapter 55 of Title 45 of the Rhode Island General Laws and amendments thereof, under such rules and regulations, and with such exceptions, as the Town Council shall prescribe by ordinance.

This is a clerical change of wording from “bidding” to “purchases.

- **Article XIV, General Provisions, Section 14.03. Removal From Office;**

(e) Any elected officer of the Town, having been in office for at least six months, may be removed from office by a recall petition prepared and approved by the voters of the Town in the manner hereinafter provided for recall procedure.

1. Upon application of five qualified voters, the Chairperson of the Board of Canvassers shall issue the recall petition blanks, which shall be dated and which shall demand the removal of said elected officer. The petition is to be filed with the Town Clerk (or Deputy Town Clerk, if the Town Clerk is the subject of the recall petition) within 60 days after issuance in order to be certified in accordance with the certification process.

2. The signatures to a recall petition need not all be appended to one paper but each signer shall add such signatory's signature as it appears on the Board of Canvassers' records, the signatory's place of residence giving the street and number or other sufficient designation if there be no street and number. Each paper of a petition shall have attached to it when filed, an affidavit executed by the person circulating it stating the number of signatures thereon and affirming that the circulator personally circulated the paper, that all the signatures were affixed in the presence of the circulator, and that the circulator believes them to be genuine signatures of the persons whose names they purport to be. Recall petitions must be signed by qualified voters equal in number to at least twenty percent (20%) of the average of the total number of persons that actually voted at the last two (2) General elections in the town.

3. The petition is to be submitted by the Town Clerk (or Deputy Town Clerk, if the Town Clerk is the subject of the

recall petition) to the Board of Canvassers for certification forthwith. If the petition shall be found and certified by the Board of Canvassers to be sufficient within 10 days, the Board shall submit the same with its certificate to the Town Council without delay, and the Town Council shall order an election to be held on a Tuesday fixed by them not more than 60 days after the date of the Board of Canvassers' certificate that a sufficient petition is filed; provided, however, that if any other Town election is to occur within 90 days after the date of the certificate, the Town Council shall postpone the holding of the recall election to the date of such other election.

4. If a majority of the votes cast on the question of removal is affirmative, and the number of ballots cast on the question equals or exceeds thirty percent (30%) of the number of ballots cast in in the election where said elected officer was most recently elected, then said elected official shall thereupon be deemed removed from office upon certification of the election results. Any vacancy resulting from a successful recall petition shall be filled in accordance with the provisions set forth elsewhere in this Charter concerning the filling of vacancies for each applicable office.

IV. ADJOURNMENT

Bruce Campbell, Plainwoods Road, was opposed stating that all it takes is five grumpy people to hassle those in office. Kevin Donovan, Plainwoods Road, agreed saying there are those in town who like to stir the pot and would cause constant turmoil. Lynne Rider, Burgess Road, said she agreed with the concept but not the number. Currently the only way to remove a council member is if the council votes them out; they will never vote out one of their own.

Jon Restivo, Mill Road, said this was included because of the extension to a four-year-term. It is a common provision in most towns, and it does take more than five people, it is five people to start the signature process. It then must be twenty percent of 1000-1500 votes before it could appear on a ballot.

- **Article XV, Transitional Provisions, Section 15.06.**
Continuation of Administrative Personnel;
Clerical change.

- **Article XV, Transitional Provisions, Section 15.07.**
Director of Public Welfare;
Clerical change.

- **Article XVI, Land Trust, Section 3;**
Clerical Change

Denise L. DiFranco closed the Public Hearing and thanked the Charter Commission.

Chris Stone moved to adjourn, Cheryl Hawes seconded.

Motion passed 4 – 0.

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

Submitted by,

Susan M. Dillon, Town Clerk