

The April 8, 2021, Town Council Meeting was called to order by Denise L. DiFranco, President, via Zoom™ in Foster, RI at 7:00 p.m.

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

Also present:  
Mark Tourgee, Solicitor  
Julia Chretien, Solicitor  
Kelli Russ, Finance Director

- I. PLEDGE OF ALLEGIANCE/ ANNOUNCEMENTS**  
Denise L. DiFranco called the meeting to order at 7:00 p.m.  
The Pledge of Allegiance was recited.  
Cheryl Hawes asked for a moment of silence for the passing of Natalie Arnold.
- II. PUBLIC COMMENT**  
There was none
- III. CONSENT AGENDA**  
Approval of Payroll Warrants  
a. #39 - \$35,913.86    b. #40 - \$41,750.16  
Approval of General Warrants  
a. General Warrant #14 - \$86,734.82  
Monthly Reports (February Reports)  
• Building and Zoning    • DPW  
• Human Services    • Planning  
• Police Reports    • RIRRC    • Tax Assessor  
  
Chris Stone moved, Cheryl Hawes seconded, to approve the Consent Agenda as presented.  
Motion passed 5 - 0.  
Heidi Rogers, aye; Chris Stone, aye; David Paolino, aye; Cheryl Hawes, aye; Denise L. DiFranco, aye.
- IV. PUBLIC HEARING**  
Hearing for Proposed  
Hawkers, Peddlers, Mobile  
Food Establishments and  
Door to Door Salespersons -  
*continuation*  
  
Denise L. DiFranco opened the public hearing.  
Chris Stone moved, Cheryl Hawes seconded, to accept the changes to the Hawkers, Peddlers, and Mobile Food Establishments ordinance and put it into effect.  
Discussion: Cheryl Hawes complimented Julia Chretien on the final markups.  
Motion passed 5 - 0.  
Heidi Rogers, aye; Chris Stone, aye; David Paolino, aye; Cheryl Hawes, aye; Denise L. DiFranco, aye.
- V. OLD BUSINESS**  
1. Financial Town Meeting  
Date/Location  
  
Denise L. DiFranco said there was a letter from Mr. Boyden requesting that the Financial Town Meeting be moved to a location outside of Foster (see Exhibit A).  
Denise L. DiFranco asked Susan Dillon what was available. Mrs. Dillon said the Field House or the Auditorium.  
Heidi Rogers said the Field House worked well for the Regional Financial meeting.  
Denise L. DiFranco said she sent an email to Liz Tanner who had no issue with the proposed plan and reminded them of masks, social distancing, and facilitated ingress and egress.  
Mr. Boyden said he would like to have it wherever we can comply. He said there were many inconsistencies with the COVID

restrictions. He had no objection to the field house. His only concern would be a reasonable sound system. Heidi Rogers said that perhaps the school would let us use theirs. Susan Dillon said she would ask them.

Denise L. DiFranco said there was concern about the restrooms, to go out one door and came in another door. Mr. Boyden said that this was serious flaw in the design of the restrooms as the bathrooms are so far down the corridor. The Board of Canvassers would have to keep an eye on that.

Gordon Rogers said he heard that as of May 15 there may be (allowed) 150 capacity indoors and 250 out. As of June 5, it could be 200 inside and 300 outside. Mr. Boyden asked if that would be with social distancing still in place? Mr. Rogers answered, yes, he believed so, but they may move that to three feet for those who are vaccinated.

Mr. Boyden said that with everything in flux, we pick the biggest venue we can and hope that it works; from everything he is hearing, that is the Field House.

Cheryl Hawes moved, David Paolino seconded, to hold the Financial Town Meeting in the Field house at Ponaganset High School.

Mr. Boyden asked about the date. Denise L. DiFranco asked Kelli Russ what a good date would be. Ms. Russ said the 15<sup>th</sup> would be good. Cheryl Hawes amended her motion to hold the Financial Town Meeting in the Field House at Ponaganset High School on June 15<sup>th</sup> at 7:00. Motion passed 5 - 0.

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

2. Future Public Hearing  
Dates

Denise L. DiFranco noted that the public hearings for the trailer fees and the budget appear to be falling on the same night. Also the Planning Board voted on a zoning change for Rt. 6 and 94 from GBM to municipality. Mrs. DiFranco asked if that needed to be a public hearing or could it be voted on as a recommendation? Atty. Tourgee said they only needed a recommendation. Mrs. Dillon said April 22 is the trailer fees, and Kelli Russ said May 13 is the budget.

3. Budget Workshop Dates

Denise L. DiFranco asked Kelli Russ what the dates would be for the Budget Workshops. Ms. Russ replied that everybody agreed on the 15<sup>th</sup> and 29<sup>th</sup> (of April). Kelli Russ asked what if we have more on one day and less on another, do you want them all to come on one day? Denise L. DiFranco said her brain goes to mush if they hear everybody on one night; she prefers splitting them up. Cheryl Hawes and Chris Stone agreed. Kelli suggested starting at 5:30 because at 5, everybody showed up late. Everyone agreed on 5:30.

**VI. NEW BUSINESS**

**1. Update on Hiring a  
Deputy Town Clerk**

Denise L. DiFranco asked how the search for a new Deputy Town Clerk was going. Susan Dillon said they are in the process of interviewing now. Mrs. DiFranco asked how many applied and how many they are interviewing now? Mrs. Dillon said they received 130 applications and are interviewing 8.

Denise L. DiFranco said she spent last Saturday at the Vaccine Clinic, and was seated next to the Deputy Clerk from Glocester who started a year ago and was a former teacher. Ms. DiFranco asked her what she thought was a prerequisite. The Deputy said being flexible, being able think on your feet, and having good customer relationships were the three top things. Mrs. DiFranco said she thought that was what a good teacher is, so she was wondering what Ms. Dillon was looking for? Mrs. Dillon said she was looking for someone with management background, office experience, and someone we would work with well. Sue's shoes are going to be hard to fill. We will find the right person.

Denise L. DiFranco said that the Charter says that the Clerk appoints with the approval of the council. Will the council be informed ahead of time, so if we choose to meet with the person, we could? Mrs. Dillon said she did not think it was necessary that the council meets with the person.

Kelli Russ said their name would be posted and Sue would put in a letter with their qualifications. Is it an issue if they wanted to speak with them beforehand?

Cheryl Hawes said that we've done it in the past when we're going to appoint, we get the information ahead of time. If we had to meet with them separately ahead of time then we would have to have another meeting and post it.

Heidi Rogers said she thought Denise's point is that Sue appoints the Deputy, and we approve. We should have some kind of basis on which to approve them and have some kind of background and see a resume.

Mrs. Dillon said, of course, she would do that, absolutely.

Kelli Russ said in the past we've given you a letter with their qualification and background and then put that in the packet and the candidate has attended the meeting that night.

Denise L. DiFranco said that in the past we have known the Deputy Clerk; we knew Susan Sprague. Kelli Russ said they didn't know Jane Christopher. Denise L. DiFranco said she was an elected position. Kelli Russ said not as a deputy. Denise L. DiFranco said she did not know her as the Deputy.

Chris Stone asked for the final resumes to be put in the packet so they could talk to them on the telephone. Denise L. DiFranco said that,

yes, she would like that. Ms. DiFranco said it was brought to their attention that they were not thorough in their appointments, and she would like to rectify that, so they would like to talk to them individually.

Heidi Rogers said if we are going to speak to this person, she would not like to do so where you have them out in public having them drilled. Kelli Russ said she would hope it wouldn't be a drilling. Denise L. DiFranco said that would be uncomfortable for all.

Bob Boyden asked how many people from town applied? Susan Dillon said there were 4 or 5.

Mr. Boyden asked if they were in the top running? SD said no.

Mr. Boyden asked if there were any human resources that might be breached by the council's thoughts? Atty. Tourgee suggested interviews should be done in private. Secondly, that they were not talking about anyone by name at this point so it is all in hypotheticals. He also suggested a background check by the police department, a national check not just a state check. Those should be done in private. Denise L. DiFranco said she thought Susan and Kelly are doing that.

Patty said when she was appointed 11 years ago, she was in Executive Session first, then in Open Session was when she was appointed.

Atty. Tourgee pointed out that some people don't want their employer to know.

Denise L. DiFranco asked what was the pleasure of the council. Heidi Rogers asked when the interviews were being done and would they have a decision by the end of next week. Cheryl Hawes asked so by the next meeting then? Mrs. Dillon said yes. Cheryl Hawes moved to meet with the person in Executive Session and then make the appointment in Open Session. Heidi Rogers seconded.

Discussion: Lynne Rider asked if the applicant would have a choice to interview in Open Session if they wanted to, Atty. Tourgee said yes.

Motion passed 5 - 0. Heidi Rogers, aye; Chris Stone, aye; David Paolino, aye; Cheryl Hawes, aye; Denise L. DiFranco, aye.

Kelli Russ said it is Sue's appointment and the council approves it; she asked if it should be posted a different way? Atty. Tourgee said to send it to him. Kelli Russ verified that we don't have to list a name, just the position. Denise L. DiFranco said you were part of that OMA training; you don't have to list a name.

2. Advertising for new  
Building & Zoning  
Official

Denise L. DiFranco said next is the advertisement for Building and Zoning. At the last meeting, she had forgotten to include the advertisement. She sent an email to Susan and Kelli to advertise where it did not cost money, so they advertised in the RI Association for Building and Zoning. Ms. Sholly posted to

News & Notices on our website, and it was forwarded to the League for advertisement. Heidi Rogers if we received anything? Kelli Russ said nothing.

Denise L. DiFranco noted that Rhett and Jeff said it would be difficult. She looked briefly today, Gloucester and Burrillville have a full-time Building & Zoning official, Scituate does not. Kelli Russ said they have to come up with two solutions: what do we do in the interim and how do we go about filling the position? Because she didn't think it's going to happen overnight.

Denise L. DiFranco said Mr. Lykins would be willing to be available. David Paolino said he had spoken to Mr. Lykins and he said he would be able to sign permits and do inspections. We had discussed an hourly rate and Mr. Paolino said he wanted to run it by Kelly because he wanted to come up with a flat fee schedule if possible. He wanted their thoughts on how to handle the billing. Denise L. DiFranco said they would discuss it in Executive Session and it's something to consider.

Denise L. DiFranco asked how we wanted to proceed with advertising. Kelli Russ said not on Indeed; she would get everybody who owns a hammer. Heidi Rogers asked where she would recommend. Kelli Russ said we should use the *Valley Breeze* because they post in multiple areas; she also suggested contacting the state for a list of everyone who is certified. They are the ones requesting certification. Perhaps it wouldn't be too much of a challenge to send a letter, council approved, to everyone who is certified. Heidi Rogers asked if they needed a motion? Atty. Tourgee said that was an administrative thing, Sue can just do that, they do not need a motion. Atty. Tourgee said he was speaking to another solicitor and he said that it is one of the most difficult positions to fill. It is surprising how many violations occur. Kelli Russ said we could share someone closer to the 24 hours (per week). Kelli asked Julia Chretien if she had someone to contact. Ms. Chretien said it could be the DBR (Dept. of Business Regulation).

Susan Dillon asked how many weeks to advertise; the *Valley Breeze* is \$210 a week. Heidi Rogers start with two? Denise L. DiFranco said that works for her; who should they send it to? How much more would it cost to have it sent to her too? Kelli Russ said that would only be an extra line. Mrs. Dillon said she could forward all resumes to Ms. DiFranco.

3. Interview Committee for  
B&Z Official

Denise L. DiFranco said that in the past they had two members of the council. She feels it should be the whole council. Heidi Rogers agreed. David Paolino thought more eyes are better. Cheryl Hawes asked if it would be in Executive Session. Denise L. DiFranco said yes.

She noted that in the past the council met in the Teacher's Room at Paine School and it was just the council.

Lynne Rider suggested perhaps having a Building and Zoning official from another town sit in on the interviews, too. They might be able to help pick out the best candidates since they are the ones doing the job. Denise L. DiFranco said that was a good suggestion.

Cheryl Hawes said obviously Kelli would be in on the meetings; would she call them and bring up the best candidates? Kelli Russ said that isn't going to be an issue. If you get one, don't hesitate, do it as quickly as possible. With the Deputy Town Clerks, we're meeting on Thursday anyway. She has talked to other people and they are not waiting (to hire).

Denise L. DiFranco asked if they need a motion on that. Atty. Tourgee said no.

Heidi Rogers asked if they were going to do this as a whole council. Denise L. DiFranco said she felt that they should. Kelli Russ suggested that a solicitor sit in because they know what they are looking for. Atty. Tourgee said that would have to be Julia or Joanna. Julia said she could make it work.

#### 4. DPW Office

Denise L. DiFranco said that next was the DPW office. Lynne Rider had mentioned it in Public Comment and, as you know, we could not respond, so Mrs. Rogers put it on the agenda. David Paolino said the issue was with COVID. They felt it would be a good idea to create some space in the office because of COVID. They looked at the DPW building and spoke to Kelli about a small block addition. He also looked at the second floor. The second floor has a lot of usable space that is not being utilized. They reached out to Gordy Brayton on what it would take to make the second floor usable. They don't have a definitive answer. It is still a fluid ongoing discussion about the best approach. Mr. Paolino couldn't nail down a presentation yet. He questioned waiting because of the police station and whether we would have to hold off for a bit.

Chris Stone said the DPW grounds had a lot of liability for an office there if the public want to meet with him they have to go into the grounds. There are a lot of DPW directors who have their office at the site, but we don't have that luxury.

Heidi Rogers said she went there yesterday and it is a tiny space. The entire right side is the workers lockers and dressing room. The other thing that concerned her was that there was a truck on the lift; if you did not duck and swerve to the right, you would hit your head. Also there is no second egress. There would be a lot of work that would need to be done. There is no internet. Also there is no clerk. She looked at the space upstairs (at the Town Hall) and the ceilings are done, the lighting is in, the walls

are plastered and there is a lot of space for a conference room and offices. She thought the original plan was to accommodate additional offices, so that is a space we can utilize.

David Paolino said the reason he didn't mention the old section of the building is because it is not a suitable area for a director. He said he thought all the department heads were kept centralized to the Town Hall for a reason. He thought it was a good idea for the purpose of serving the public. If they had to build an addition on the DPW building, he talked to Gordy Brayton about lifting the roof and creating an entrance way and creating a bridge to both sides to have egress. There's a couple of things we can look at to save money. Chris Stone said it would still have to be approved by the State Fire Marshall. David Paolino said to review that and get an up-to-date ruling to see what would need to be done. Cheryl Hawes asked which one they were talking about because he keeps switching. Kelli Russ said when David was talking about upstairs she was thinking about the Town Hall, and lost which one it was too.

Mr. Paolino said the upstairs at the DPW is not a good idea. He asked Kelli if any department heads were not in Town Hall. Ms. Russ said only the police chief. David Paolino said that his opinion would be to make it the upstairs in Town Hall. Cheryl Hawes said she was over there yesterday. She asked Ms. Dillon to share the photos. When Ms. Hawes said if you are doing construction at the Town Hall, you can do construction at the garage. Ms. Hawes said if it's not safe up there, it's not safe for the other man up there. Atty. Tourgee says it has to be ADA compliant. There is no point to talk about something that isn't going to be doable. You have to have a conference room available. Denise L. DiFranco said this is at the infant stages.

Heidi Rogers asked if they would renovate the upstairs at the Town Hall, where would we get funding? It's never been an issue before, now it's an issue. Cheryl Hawes said it was because of COVID. Chris Stone said some of the money could come from what we are getting from COVID. Kelli Russ said that she would need better numbers because you would have to convince whoever it is auditing it. She said the sell would be because of COVID; the close proximity of all of the employees was an inhibiting factor in continuing our work. Should that come up again, we would have the same problem. It would be an easier sell for about \$10,000 rather than \$30,000 or \$40,000 or \$50,000. We have now said multiple times that we have put someone in an office that is a hazard. This has now created a problem for us as a liability. We are creating a wash bay, we are looking into that for creating an office there that would be available, or how

expensive it is to put one upstairs. We have zero guidelines on the COVID money. We are waiting on that so that we would not be held responsible for money we didn't earn. To say that this has not come up in 30 years is not true because Bob Clarkin created that office because he didn't want to be in the Town Hall. It was a secondary place to go. Is has been discussed before. Kelli said she was the one who pushed it for COVID because it was not good for them to be in the office together. Even though Jeff didn't publicly say he had a problem with it, he did have a hard time hearing on the phone. Jeff was in the office a lot more, so if we hire someone for 24 hours we are going to need a lot more space.

Denise L. DiFranco asked people to wait on discussion until they come back with something formal and move forward.

Ron Cervasio asked if he could give them the code to solve the problem. Upstairs you cannot connect the rooms and call it two egresses. All you need to do is add a fire escape. The other problem is that she (Carol Mauro) can't run up the stairs to get away from a fire; she doesn't have two egresses. Kelli Russ says there is no Building and Zoning official so there is no problem currently.

**VII. EXECUTIVE SESSION**

PURSUANT TO RIGL 42-46-5A (2) Litigations

1. TOF v Saint 23, LLC, et.AL-PC-2018-3588
2. TOF v. R.P. Investment Company, LLC d/b/a Price Auto – PC-2020-01954
3. TOF v. Wright's Auto

PURSUANT TO RIGL 42-46-5a(1) Personnel

1. Personnel - Hiring Practices-

Heidi Rogers moved, Chris Stone seconded, to go into Executive Closed Session pursuant to RIGL 42-46-5 for a discussions or work session regarding Collective Bargaining / Contract Negotiations or Litigation according to RIGL 42-46-5-a (2) and for Personnel according to RIGL 42-46-5a(1) and to reconvene into open session and to further keep the minutes of said meeting closed and the minutes of all executive sessions held previous to this meeting remain closed in accordance with provisions in RIGL 42-46-4 & 5.

No discussion.

Motion passed 5-0.

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

**RETURN TO OPEN SESSION**

The council reconvened into Open Session at 9:30 p.m. Denise L. DiFranco announced that one vote was taken in Executive Session to authorize David Paolino and Kelli Russ to enter into negotiation with Jeff, the former Building and Zoning official to potentially come on as a paid consultant until a suitable replacement can be found and hired by the Town of Foster, and it was voted on to enter into negotiations and sign a contract in the interim.

The motion passed 5 – 0.

**VIII. ADJOURNMENT**

Cheryl Hawes moved, Chris Stone seconded, to adjourn.

Motion passed 5 - 0.



Town Council Meeting  
April 8, 2021

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

Meeting adjourned at 9:20 p.m.

Submitted by,

Susan M. Dillon, Town Clerk

March 30, 2021

From: Bob Boyden, Foster Town Moderator

To: Honorable Town Council Members

Foster Town Clerk

Foster Board of Canvassers

Once again as we approach the designated day for this year's Financial Town meeting it is apparent that, short of a complete removal of all social distancing orders, we will not be able to use the Paine School cafeteria for our meeting.

Rhode Island General Law specifically addresses this issue for the Town of Foster;

**§ 45-3-3.2. Town of Foster financial town meeting -- Scheduling outside of town.**

(a) In the event that in the judgment of the town moderator there is no facility in the town of Foster large enough to accommodate the electors reasonably expected at the annual financial town meeting, then the moderator may make arrangements to schedule the financial town meeting at a facility in either the town of Scituate or the town of Glocester large enough to accommodate the financial town meeting. The moderator shall make this determination in writing and shall transmit it to the town council of the town of Foster on or before the regularly scheduled town council meeting on the first Thursday after the first Monday in the month of April.

(b) Notice of the meeting shall be given pursuant to § 45-3-8.

Please accept this letter as notice of my determination that we will need to meet at an alternative location and that location may well need to be outside the town of Foster.

As of this writing it is difficult to know what restrictions will or will not be in place when a date for the meeting is determined so I believe there needs to be an ongoing dialog. I am more than willing to be a part of that discussion. I would ask that the Council move quickly to approve an alternate date even if it is not a specific one at this time as I believe we are still under executive order(s) that allow for bypassing the Town Charter which designates the first Tuesday in May.

Respectfully submitted,

Bob Boyden, Moderator

