

Town Council Meeting
January 25, 2024

The January 25, 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
Chris Stone
David Paolino

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

- I. PLEDGE OF ALLEGIANCE** The Pledge of Allegiance was recited.
- II. EXECUTIVE SESSION**
MOU – Radio Tower at
Woody Lowden – *disc only*
Heidi Rogers seconded, Chris Stone seconded, to add an Executive Session pursuant to RIGL 42-46-5 for a work session regarding Contracts according to RIGL 42-46-5, (A), (2) 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.
- RETURN TO OPEN SESSION** Denise L. DiFranco said no votes were taken.
- III. ANNOUNCEMENTS/
PUBLIC COMMENT**
Lynne Rider, Burgess Road, said it is common knowledge in town [of something] that is angering and frustrating a lot of people. A lot of that comes from not having a clear explanation. She did her homework, even contacting a parliamentarian; it all came back the way she thought. If it is different, where is it written? If it is out there, she would like to know because that would assuage the angst.
- IV. CONSENT AGENDA**
Meeting Minutes
Approval of December 28, 2023 and January 11, 2024
Approval of General Warrants FY2024 #13 \$ 72,982.16
Chris Stone moved David Paolino seconded, to accept the consent agenda as presented.
Heidi Rogers asked to pull the meeting minutes for January 11.
Heidi Rogers amended the motion to pull the meeting minutes for January 11. Cheryl Hawes seconded.
Motion passed 5 - 0.
Heidi Rogers, aye; Chris Stone, aye; David Paolino, aye; Cheryl Hawes, aye; and Denise L. DiFranco, aye.
Main motion passed 5 - 0
Heidi Rogers, aye; Chris Stone, aye; David Paolino, aye; Cheryl Hawes, aye; and Denise L. DiFranco, aye.

Heidi Rogers said on the January 11 meeting, under appointment of planning board member Anthony Renzi, it has her voting “yes” and she voted “no.” For the adjournment, Ms. Rogers said she was not present and the motion passed 5 – 0, so it should be 4 – 0.
Chris Stone moved to accept the changed version of January 11 council meeting. Heidi Rogers seconded.
Motion passed 5 - 0.
Heidi Rogers, aye; Chris Stone, aye; David Paolino, aye; Cheryl Hawes, aye; and Denise L. DiFranco, aye.
- V. PRESENTATION**
Rhode Island 250 “Semiquincentennial” (250th) RI250 Commission

Rob Rock, Deputy Secretary of State, presented the RI250 Commission plan. He noted that in 2026 they are set to embark on the 250th anniversary of the founding of the country and the signing of the Declaration of Independence. The 250 Commission is tasked with restoring civic education, economic development, and anything related to the American Revolution. One of the tasks it has is to work with local organizations to make 2026 special. One idea was to visit all 39 town and city councils to see if they would establish a local 250 committee or add to an already established committee. The 33 already visited have voted to participate. What that looks like has varied throughout the State. Many towns are relying on their historical societies to be part of it. The Secretary of State's office is ready to help in any way they can. They have a 250 program coordinator that works with the office. The State Archives said they have many historic documents: The Declaration of Independence, The Bill of Rights, the Act of Renunciation, and some relating to the 39 cities and towns. He brought 3 copies with him. One is the Petition from the Town of Scituate in regards to the Town of Foster, we have the Act Incorporating the Town of Foster from 1781, the votes of the free men from 1788, and his favorite, the Scituate-Foster Bicentennial Colonial Gala event. He hopes they can establish a committee.

Lynne Rider asked what he means when he says the Secretary of State's office is willing to help. Mr. Rock said he can bring the documents up, and potentially they could help financially. They would like to bring the tall ships in. If you have a parade or a speaker. We just signed with the Historical Society so we can start raising money. Cheryl Hawes asked about what other towns are doing. Mr. Rock said he would forward that. Denise L. DiFranco said she would put it on the next agenda. Mr. Rock noted that Foster was the first town in RI established after the Revolution. The Dorr Rebellion was discussed. Mr. Rock said he would look for information. Mr. Rock noted that he has worked on the election process for years and complimented the Town Hall staff.

Item 8 under New Business
Radio tower moved here

Chris Stone moved, to move up Item 8 under New Business to this position in the agenda. Heidi Rogers seconded.

Discussion: None.

Motion passed 5 - 0.

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

Denise L. DiFranco said we discussed the MOU [Memorandum of Understanding] previously. One of the questions was the exact location at the Woody. Gil Woodside of RIEMA said it depends on the plans. He said a complete survey has been done.

Denise L. DiFranco requested planner Grant McGregor to explain how it moves forward through planning and zoning. Mr. Woodside said they were at the point where they have to get an MOU signed by the State and Town. Heidi Rogers asked what the height [of the tower] would be. Mr. Woodside answered 175 feet, and there will be a 15-foot lightning rod at the top, so 190 feet. Ms. Rogers asked what the footprint was. Mr. Woodside said the

fenced compound would be 100 x 100 [feet]. Ms. Rogers said there are neighbors who have concerns. Denise L. DiFranco said there would be a public hearing. Mr. Woodside said the closest house is 500 ft. The building at Woody Lowden is 125 feet [away].

Lynne Rider said that when this first came up she mentioned that back in there is an old chimney which is the remnant of the CCC camp. Mr. Woodside said that is well outside the area.

Grant McGregor said that it will require a Special Use Permit and a Development Plan review. You will hear about the Special Use Permit during the first public hearing tonight. A State law was adopted January 1. Abutters will be notified for a Planning Board meeting on February 21st. Julia Chretien said that Grant can fill out the application.

Julia Chretien explained the MOU (see Exhibit A).

Cheryl Hawes asked if there will be a road to it. Mr. Woodside said the driveway would be extended. Ms. Hawes how long it would be till completion. Mr. Woodside said three or four months.

Cheryl Hawes moved, to have Denise L. DiFranco sign the MOU between the town and RIEMA. David Paolino seconded.

Discussion: Denise L. DiFranco said we need it down in that section of town.

Motion passed 5 - 0.

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

VI. PUBLIC HEARINGS

Denise L. DiFranco said this is the first hearing so the council will not be voting.

Heidi Rogers read the ad (see Exhibit B).

Denise L. DiFranco opened the public hearing.

Planner Grant McGregor explained the proposed ordinances.

1st Hearing – Zoning

1. Sec. 38-231 – Nonconforming by dimension.
 - Recommendation to include an example of a use which is nonconforming by dimension which cited in RIGL 45-24-31(53) (ii).
2. Sec. 38-271 – Purpose of article.
 - Recommendation to remove setting specific standards for the granting of special-use permits from the purpose of supplementary regulations. The standards for granting special-use permits are found in Article VII – Special-use permits and Variances.
3. Sec. 38-293 – Stone wall protection and preservation.
 - Recommendation to add development plan review and unified development review provisions to the types of applications requiring identification of the proposed alteration, relocation, excavation, dismantling, or demolition of a historic stone wall (or part thereof).
Recommendation to cross-reference RIGL 11-41-1, 11-41-5, 11-41-32, and 45-2-39.1 as those statutes relate to the theft of stone walls.
4. Sec. 38-321 – Procedure generally
 - Recommendation to amend the procedure for applying for a variance or special-use permit. Recommendation to add procedures for applying for a modification.
5. Sec. 38-322 – Applicability of article

- Recommendation to replace former procedure for applying for both a commercial site plan and a special-use permit with the procedure for unified development review as required by RIGL 45-23-50.1 and 45-24-46.4 as amended.
- 6. Sec. 38-323 - Standards for granting
 - Recommendation to specify that this section covers standards for granting special-use permits. Sec. 38-324 – Issuance of variances and special-use permits covers standards for granting both use variances and dimensional variances.
- 7. Sec 38-324 - Issuance of variances and special use permits
 - Recommendation to amend the standards and procedures for issuing special-use permits and variances as required by RIGL 45-24-41 and 45-24-42 as amended and RIGL 45-24-44(d).
- 8. Sec. 38-325 – Unified development review
 - Recommendation to add provisions for unified development review as required by RIGL 45-23-50.1 as amended and RIGL 45-24-46.4 as amended. Review and decision on variances and special use permits for properties undergoing land development or subdivision review, which qualifies for unified development review by the planning board, shall be conducted and decided by the planning board. This process is to be known as unified development review.
- 9. Sec. 38-326. – Dimensional variance in conjunction with special-use permit
 - Recommendation to add provisions for a dimensional variance to be granted in conjunction with a special-use permit as required by RIGL 45-24-42(d) as amended
- 10. Sec. 38-327 - Specific and objective criteria for categories of special use permits
 - Recommendation to establish specific and objective criteria for the issuance of each type of use category of special-use permit as required by RIGL 45-24-42(b)(3) as amended.
- 11. Sec. 38-357 - Development standards for general business (GB) development
 - Recommendation to remove the current review procedure for GB development. The current procedure for review is by major land development if a proposed GB use does not involve a percentage based building footprint expansion criteria. The current review procedure for review is by development plan review if the proposed GB use does involve building footprint expansion. Recommendation to review applications by the procedures under which a given application would be reviewed if the proposed use was not in the GB district.
- 12. Sec. 38-358 - Development standards for Highway Commercial 2 (HC2) development
 - Recommendation to remove the current review procedure for HC2 development. The current procedure for review is by minor or major land development if a proposed HC2 use does not involve a percentage based building footprint expansion criteria. The current review procedure for review is by development plan review if the proposed HC2 use does involve building footprint expansion. Recommendation to review applications by

the procedures under which a given application would be reviewed if the proposed use was not in the HC2 district.

13. Sec. 38-386 – Requirements and purpose of article

- Recommendation to explain that land development projects and development plan review applications which are reviewed under Article IX must submit a site plan for review. These applications are reviewed by the planning board. Review of special-use permits and variances do require site plans to be submitted. These procedures are regulated under Article VII – Special-use permits and Variances and the respective checklists for Zoning Relief. Recommendation to use the term “development plan review” pursuant to RIGL 45-24-58 as amended. The amendment to RIGL 45-24-58 requires commercial site plans to be titled development plan review.

14. Sec. 38-394 – Site plan review for commercial and industrial development

- Recommendation to amend application submission and review procedures for formal development plan review, formerly known as commercial site plan review as required by RIGL 45-24-49, 45-23-50, and 45-24-58 as amended.

15. Sec. 38-395 – Administrative development plan review

Denise L. DiFranco asked three times if there were any who were in opposition to these ordinances.

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

Heidi Rogers asked about 38-321; do neighbors need to be notified? Mr. McGregor said it would be modifications more than 5 percent, the abutting owners would be notified. Denise L. DiFranco asked for clarification of 38-325 and 38-327. Mr. McGregor said they come from the Table of Uses. Chris Stone asked if anyone who had horses not would be grandfathered in. Mr. McGregor said yes.

Denise L. DiFranco said they will be voting on these on February 8. Ms. DiFranco closed the public hearing.

2nd Hearing – Zoning

Cheryl Hawes read the ad for the next public hearing (see Exhibit C).

Denise L. DiFranco opened the public hearing.

Planner Grant McGregor reviewed the proposed ordinances.

1. Sec. 38-239 Adaptive reuse – Nonconformance

- Recommendation to add provisions for nonconforming dimensional uses which are part of adaptive reuse projects pursuant to RIGL 45-24-37(h)(3)(4).

Lynne Rider asked about existing setbacks, specifically a barn that is literally s feet from the road being changed to a residence. Mr. McGregor said a barn to a residence would not qualify as adaptive reuse; the only way that could be granted is if it was upgraded to meet existing building codes. The planning board could deny it.

2. Sec. 38-273 - Corner lots

- Recommendation to amend the designation of front, side, and rear yards in the case of corner lots and in the case of through lots pursuant to RIGL 45-24-46(i)(ii)(iii). The side opposite the front yardage would be the rear yard and the remaining would be the sides.

3. Sec. 38-289 – Historic cemeteries
 - Recommendation to cite relevant sections RIGL 23-18 regarding excavation near historic cemeteries.
4. Sec. 38-298 – Screening standards
 - Recommendation to replace the former Note under Sec. 38-191 regarding screening or open lot storage uses to the supplementary regulations. Recommendation to require screening standards for uses requiring trash or waste accommodations and additional business/industrial uses.
5. Sec. 38-360 – Adaptive Reuse
 - Recommendation to add adaptive reuse of commercial buildings to residential units pursuant to RIGL 45-24-37(h) as amended.
6. Sec. 38-470 – Development requiring both planning board and zoning board review
 - Recommendation to cite Unified Development Review (review of land development/subdivision applications requesting zoning relief) in the appropriate vested rights section. The procedure for vested rights is proposed to remain the same.

Denise L. DiFranco asked three times if anyone wanted to speak who was in opposition to the proposed ordinances. Denise L. DiFranco asked three times if anyone wanted to speak in favor of the proposed ordinances.

Lynne Rider said she was in favor in particular of the screening because she thinks the problems on Route 6 were due to having no screening required.

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

Chris Stone questioned 38-273 Corner lot. If you have a substandard lot of record, which is considered a corner lot, so if a person is building a house, who decides which is the front and which is the rear. Mr. Stone asked about right-of-ways for frontage. Mr. McGregor said that only if the right-of-way is maintained by the town.

Heidi Rogers asked about 38-298 Screening. She stated she has an issue when it's talking about trash. What if it was way off in the back of the business, would they still need screening? Mr. McGregor said yes as initially proposed, yes, but currently we require for open lot storage but that's it.

David Paolino moved to accept the Planning Board recommendations as read. Heidi Rogers objected to approving them all at once.

Cheryl Hawes moved to adopt Sec. 38-239 Adaptive reuse – Nonconformance. David Paolino seconded.

Discussion: None.

Motion passed 5 - 0.

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

Cheryl Hawes moved to adopt Sec. 38-273 - Corner lots. David Paolino seconded.

Motion passed 5 - 0.

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

Cheryl Hawes moved to adopt Sec. 38-289 – Historic cemeteries. David Paolino seconded.

Discussion: None.

Motion passed 5 - 0.

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

Cheryl Hawes moved to adopt Sec. 38-298 – Screening standards. David Paolino seconded.

Discussion: None.

Motion passed 3 - 2.

Heidi Rogers, no; Chris Stone, no; David Paolino, aye; Cheryl Hawes, aye; and Denise L. DiFranco, aye.

Cheryl Hawes moved to adopt Sec. 38-360 – Adaptive Reuse. David Paolino seconded.

Discussion: None.

Motion passed 5 - 0.

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

Cheryl Hawes moved to adopt Sec. 38-470 – Development requiring both planning board and zoning board review. David Paolino seconded.

Discussion: None.

Motion passed 5 - 0.

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

VII. OLD BUSINESS

1. Police Building Update

Denise L. DiFranco said they had a meeting last Thursday and discussed reviewing the plans. Gordon Brayton and Chief Lindell went through them; Denise L. DiFranco was an observer. They made some changes. On Thursday night, the committee met and reviewed the changes and it was being sent back to the architect. As of yesterday, the architect had not gotten back to them. Chief Lindell said they made the building smaller and put it on a slab. Denise L. DiFranco said there was discussion about sending out RFPs in separate pieces and removing the requirement for municipal builders. David Paolino said his concern was reducing an 8-foot foundation, he isn't sure the savings is significant considering the loss of space. Utilities would have to be moved outside or in the slab; hard to repair or expand. There would also be a loss of storage.

2.State Fire Marshall Report Update

Denise L. DiFranco said the 30 days are up. She had been in contact with Mr. Lopez discussing different ideas. The biggest thing is storage on the second floor. The concern is that if it is not [removed], all the other variances we have been granted will be taken away. Mrs. Dillon pointed out that these are all permanent records, and we are going to have to move them to a storage area across from Wal-Mart on Plainfield Pike. Lynne Rider asked if we have to give mileage when we go get something. Mrs. Dillon said yes, we will have to pay mileage. Cheryl Hawes asked if we use them every day. Mrs. Dillon said the records that we use every day will be stored in the Town House. Mrs. Rider asked if the floor can take it. Denise L. DiFranco said this was her concern. The building and zoning official said to put it along the perimeter and if you have to, down the center aisle. Ms. Rider said so that eliminates the Town House for Old Home Days. Ms. DiFranco said that is supposed to be a temporary fix. Ms. Rider asked how many boxes. Ms. Dillon said 250; all the building and zoning documents, the rest are going to storage.

Cheryl Hawes asked if there is any thought of what to do before Old Home Days? Julia Chretien said there has to be engineering plans, stamped, and submitted to the board for acceptance. The Fire Marshall said he would aid in the fast-tracking.

2. Foster Police Department
New Policy: 200.04

Denise L. DiFranco said they are doing contractual talks with Chief Lindell, Kelli Russ, Cheryl Hawes, and herself. We are proposing that this be part of the contract so there is nothing to discuss tonight.

3. Update on Second Floor

Heidi Rogers said that Kelli Russ had answered some of the questions and is there \$25,000 in ARPA funds? Ms. Russ said she did not recall off the top of her head. Ms. Rogers said if we use the \$25,000 from the ARPA funds, where would we get the rest? Chris Stone asked how are we going to finish the project? Ms. Russ said she thought it was \$50K that we put aside. David Paolino said for all intents and purposes, the new construction is done minus the estimates for the egress. Chris Stone said so we are scrapping the idea of raising the... David Paolino said the second phase is still open for discussion and funding. Denise L. DiFranco said she hadn't heard anything on pricing. David Paolino said he had estimates of \$9-11 thousand. It's not technically a fire escape.

Heidi Rogers said she wanted to clarify misinformation that's been out on social media that the DPW Director broke in to the upstairs when the Fire Marshall came out. It's been put out there that he shouldn't have had access. She wanted to say that he is in charge of buildings and grounds. Chris Stone said he doesn't understand why we're spending \$11,000. David Paolino said we got a price for labor only, not including any material. If we were to guess, labor was around \$30K just to raise the roof. We're looking at \$50-\$60 thousand.

Denise L. DiFranco asked the audience not to go places that are not appropriate for the second floor item on the agenda.

Lynne Rider said she didn't think it was appropriate that a council member brought that up. Is there no plan of ever putting the storage back? Denise L. DiFranco said yes. Ms. Rider asked then don't you need a fire suppression system? Mrs. Dillon said that over the vault, we could go in there and sheet rock it with a 2-hour burn time, take out the vent, the floor would be whatever they put on it and they would paint the whole thing with fireproof paint. That would be enough room to put my boxes. It would have to have heat. We have no place to put our storage, at all. Denise L. DiFranco said we've been through it every which way we can think of. David Paolino said the State dictates now that we have invited them in.

Grant McGregor said the council member made reference to misinformation on social media regarding the DPW Director. Did the DPW Director have a key to the upstairs on the Finance side? Mrs. Rogers said no. Mr. McGregor asked if the DPW Director should have a key to that side? Denise L. DiFranco stopped the discussion.

Someone brought up Iron Mountain where scanned information is stored. Mrs. Dillon said those records have to be stored in the cloud and that's so much money per year. Kelli Russ said we don't have the money for that. We will get pricing. We only had 30 days to move it.

VIII. NEW BUSINESS

1. Appointment of Technical Review Committee Members

Denise L. DiFranco asked what the Technical Review Committee is. Grant McGregor said it would be made up of board members authorized to review land development applications and issue approvals or be an advisory committee. Basically, every planning department in the State is promoting the use of these committees because the timeline to review subdivision and land development applications has been shortened. Minor land development applications used to be reviewed by the planning board and are now reviewed administratively, so what that results in is staff getting in the way of the need to review subdivision plans closely and takes out the planning board's ability to see those plans. The administrative officer is allowed to utilize the technical review committee in the review of a minor subdivision application, or any subdivision application. Because the membership of a technical review committee may include members of the planning board, planning department staff, other municipal staff representing departments with responsibility of enforcement, conservation commission members, members of the public, or other duly appointed local commission members, the most sensible thing in his opinion would be to have the planning board double as the technical review committee because that board is familiar with the way to review and approve subdivision applications. It actually causes an agenda to be drafted because the technical review committee is a public body so that would give abutters notification.

Cheryl Hawes asked if the planning board would have other meetings to go over these things? Mr. McGregor said yes, the review committee would ideally meet an hour before the planning board meetings. Ms. Hawes said that sounds very reasonable. Heidi Rogers asked if they would be appointed to a five-year term. Denise L.

DiFranco said they would have to discuss that because it could be a Charter change because the planning board is part of our Charter. David Paolino asked if they could recommend they overlap the exact same schedule.

Lynne Rider said at some point there was a committee that was an ad hoc committee. Denise L. DiFranco said she did not think the State was considering this an ad hoc.

Julia Chretien said she would check on whether or not it needed a Charter change. Ms. DiFranco said another question was if there was a time frame that the State is telling us that we need to have this committee in place.

Mr. McGregor said it was optional, but the reason why he thinks we need to have a technical review committee is because he has gone to three different planners' meetings in Warwick, and every single municipality in the State is adopting a technical review committee. A little over half of them had technical review committees prior to it being further pushed. Denise L. DiFranco said we had no objection to it, just some questions. Ms. Chretien asked Mr. McGregor if he was comfortable being the chair. He said he was. David Paolino said we should encourage more applications, and that would put a bigger workload on you. Cheryl Hawes asked if this is not mandated by the State but suggested heavily isn't it up to us how we do it? If we do it as an ad hoc committee, why would we need to go through all those changes? Denise L. DiFranco said she wants to make sure we aren't violating anything. She

says that she thinks we jump in and ask questions later.
Denise L. DiFranco said to put it on the next agenda.

2. 2024 Food Truck Events
(Wednesday 6/26 and 8/21
with rain dates or alternate
dates of 7/10, 7/17 and
8/28)

Denise L. DiFranco asked Susan Dillon if those dates [requested] were available. Mrs. Dillon said yes. Heidi Rogers moved to approve the—Julia Chretien said it needs a public hearing because we are not going to get the mass gathering ordinance changed before then. Denise L. DiFranco recommended that we send this back because there are no dates of 2024 on it and that he may wish to resubmit at a later date.

3. Mass Gathering Ordinance

Denise L. DiFranco said that Recreation Director Tammy Steinkamp had requested this item. Ms. Steinkamp said she was hoping to amend the ordinance so that they would not have to have a public hearing for every event. It is a Recreation event and none of the other events have to have a public hearing. This ordinance came about when the food truck event were a new event. Julia Chretien said the ordinance was based on the Dept. of Business Regulation, and other towns' ordinances. It requires a public hearing for a mass gathering for events where there are going to be two or more food trucks and significant traffic. It provides additional protection for the town and that you can add conditions. Susan Dillon said that because Recreation has been handling this right along for four years now and we have not had problems we could treat it just like Foster Old Home Days—we don't ask them for anything. They are still going to give us what we need but there's no public hearing needed, so we put one amendment in for them. Julia Chretien said as long as it's done properly.

Cheryl Hawes moved, Heidi Rogers seconded, to allow Julia Chretien to review the current ordinance with the possibility of amending it for town use.

Discussion: None.

Motion passed 5 - 0.

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

4. Recognition of Kelli Russ
– AFRA Award

Cheryl Hawes read from a letter from the Government Finance Officers Association awarding Finance Director Kelli Russ an Award of Financial Reporting Achievement (see Exhibit D). Ms. Hawes noted that she has been awarded this every year.

5. Appointment of
Conservation Committee
Member

Denise L. DiFranco said this was on the last agenda. Chair of the Conservation Commission requested that this be held over. Mr. Rathbun invited the two applicants Bob Horton and Richard Laprie to attend Conservation. Both of them attended. He recommended that Bob Horton be appointed to the Commission, and Richard Laprie appointed as an alternate.

Cheryl Hawes moved, David Paolino seconded, to appoint Bob Horton to the Conservation Commission and Richard Laprie as an alternate.

Motion passed 5 - 0.

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

6. Letter of Resignation as
Liaison to Engineering
Board (Charles Stockwell)

David Paolino read the letter of resignation from Charles Stockwell (see Exhibit E).

Heidi Rogers moved to accept the resignation of Charles Stockwell with regrets. Cheryl Hawes seconded.

Discussion: None.

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

7. Appointment as Liaison to
Engineering Board (David
Rathbun)

Denise L. DiFranco said the David Rathbun has sent a request to be appointed as liaison to the Engineering Board.

Cheryl Hawes moved to appoint David Rathbun as liaison to the Engineering Board. David Paolino seconded.

Discussion:

Motion passed 5 - 0.

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

~~8. Radio Tower at the
Woody Lowden moved~~

9. Letter to Hon. K. Joseph
Shekarchi, Speaker of the
House

Cheryl Hawes read the letter to Mr. Shekarchi from the Foster Town Council (see Exhibit F).

Heidi Rogers moved to send this letter to House Speaker Shekarchi. Cheryl Hawes seconded.

Motion passed 5 - 0.

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

IX. EXECUTIVE SESSION
Pursuant to RIGL 42-46-5,
(A), (2) Litigation

1. Town of Foster vs. Amita
Rodman

Pursuant to RIGL 42-46-5,
(A), (2) Contracts

1. MCM Lease

Heidi Rogers moved, Chris Stone seconded, to go into Executive Session pursuant to RIGL 42-46-5 for a work session regarding Litigation and Contracts according to RIGL 42-46-5-(A)(2) 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.

X. ADJOURNMENT

The council reconvened in to Open Session at 9:28 p.m. Denise L. DiFranco announced that no votes were taken in Executive Session

Motion to adjourn passed 5 - 0.

Meeting ended at 9:30 p.m.

Submitted by,

Susan M. Dillon, Town Clerk

**MEMORANDUM OF UNDERSTANDING
BETWEEN
THE RHODE ISLAND EMERGENCY MANAGEMENT AGENCY
AND
THE TOWN OF FOSTER, RHODE ISLAND**

1. This Memorandum of Understanding is entered into between the State of Rhode Island, by and through the Rhode Island Emergency Management Agency (RIEMA) and the Town of Foster, Rhode Island, (Owner), effective on the last date signed.
2. The Rhode Island Emergency Management Agency (RIEMA) operates and maintains the Rhode Island statewide communications network (RISCON) for the purpose of promptly collecting, exchanging, disseminating, and distributing information relating to police, fire, first responder, and first receiving health care facilities of the state pursuant to R.I. Gen. Laws § 30-15-43. Components of the RISCON system include radio towers, antennas, cabinets, routers, power systems, generators, heating, ventilation, and air conditioning systems, and other radio communications equipment.
3. Owner is the owner of the Premises located at 16 Howard Hill Road, Foster, Rhode Island, Parcel ID:02/0062 ("the Premises").
4. To improve statewide radio communications and enhance public safety, Owner agrees to permit RIEMA and its agents to construct a RISCON tower and pre-fabricated communications shelter on the Premises in accordance with the attached site plan (Exhibit A).
5. The shelter will house RISCON communications equipment, a heating and air-conditioning system, and electric service to supply power to the communications equipment and HVAC systems.
6. RIEMA will purchase and install a diesel generator on the Premises and will be solely responsible for maintaining the diesel generator and for purchasing and providing fuel for the diesel generator.
7. All costs associated with the purchase, construction, installation, operation, maintenance and repairs for the RISCON tower, shelter, generator, diesel fuel, HVAC, and electric service to the shelter RISCON will be paid for by RIEMA.
8. Components of the RISCON system will be owned and maintained as follows:

Tower Owner and Maintenance: RIEMA
Shelter Owner and Maintenance: RIEMA
Generator Owner and Maintenance: RIEMA
HVAC Owner and Maintenance: RIEMA
9. Owner shall be permitted to use space for its own equipment in the RIEMA shelter on the Premises and there shall not be a charge for the use of said shelter space.
10. Owner shall be solely responsible for the maintenance, repairs and insurance of its equipment housed in the shelter on the Premises.
11. Owner shall apply for and obtain any necessary planning and/or zoning variances and/or construction permits required for the construction of or modification to the tower. RIEMA will assist the Owner by providing technical support but shall not be named as a co-applicant.

12. Owner shall be responsible for clearing snow and vegetation from the entrance to the Premises to the shelter.
13. Owner agrees to allow RIEMA and its agents to access the Premises 24 hours per day, 7 days per week, for the purpose of constructing, operating and maintaining the components of the RISCON system on the Premises.
14. RIEMA agrees to obtain all authorizations, permits and licenses required to maintain and operate the RISCON system to be located on the Premises and to comply with all Federal Communications Commission requirements.
15. Owner will provide RIEMA with a key(s) or security code(s) or other device(s) to enable RIEMA to access the Premises for the purpose of maintaining and/or operating the RISCON system.
16. RIEMA will provide Owner with a key(s) or security code(s) or other device(s) to enable Owner to access its equipment inside the shelter on the Premises.
17. RIEMA agrees to assume all responsibility for operating the RISCON system in a manner that does not cause interference to Owner. Owner shall cooperate in fully identifying and correcting any interference problems the RISCON system may cause and shall provide written notice of such interference to RIEMA. Upon receipt of written notice of such interference, RIEMA agrees to remedy the interference at its cost and expense within seventy-two hours. In the event the interference cannot be remedied within such seventy-two hour period, RIEMA agrees to immediately cease the interfering operations until such interference is eliminated by RIEMA, at its sole expense, except for short tests reasonably necessary to determine if the interference has been remedied, or during a declared state of emergency.
18. Owner agrees to prohibit additional parties from using the components of the RISCON system on the Premises in any way that causes measurable interference, as defined by the FCC, with the RISCON system.
19. Should Owner determine that repairs and/or improvements to components of the RISCON system and/or Premises are necessary, Owner maintains the right to undertake said repairs and/or improvements at its convenience and will endeavor to give five (5) days' notice to RIEMA should any disruption in service be anticipated. Said repairs and/or improvements may interfere with the placement and/or operation of RISCON equipment. Owner will endeavor not to disrupt RISCON service; however, Owner will bear no responsibility should any repairs and/or improvements cause any disruption in service.
20. RIEMA shall indemnify, defend and hold harmless Owner against any loss or liability for any claims, demands, costs, expenses, or damages of any person or entity for property damages or personal injury, including bodily injury and death, resulting from or related to entry upon the Premises by RIEMA and/or its employees, servants, contractors or agents.
21. RIEMA shall indemnify, defend and hold harmless Owner, its respective officers, directors, members, employees, and agents against any loss or liability for any claims, demands, costs, expenses, or damages of any person or entity for property damages or personal injury, including bodily injury and death, resulting from or related to (i) the equipment located on the site; (ii) the use of the site by RIEMA and/or its servants or agents; (iii) any disruption in RISCON service not caused by Owner, its agents, students or employees; (iv) the negligent acts or omissions of RIEMA

and/or its employees, servants, contractors or agents.

22. Owner shall indemnify, defend and hold harmless RIEMA, its officers, directors, members, employees, and agents against any loss or liability for any claims, demands, costs, expenses, or damages of any person or entity for property damages or personal injury, including bodily injury and death, resulting from or related to the negligent acts or omissions of Owner and/or its employees, servants, contractors or agents.
23. RIEMA shall, at its sole cost and expense, obtain or self-insure its inventory, equipment and all other items associated with the RICON system against loss.
24. This Memorandum shall extend to and bind the successors and assigns of RIEMA, and Owner, to the extent allowed by law.
25. Breach of any of the terms and/or conditions of this Memorandum by RIEMA shall constitute a default and, at the option of Owner, this Memorandum may be terminated for such cause forthwith.
26. The parties reserve the right to terminate the Memorandum upon providing written notification of said desire to terminate to the other party at least sixty (60) days prior to requested termination date. Upon termination of this Memorandum for any reason, RIEMA shall promptly remove or cause to be removed all of its equipment, and shall leave the Premises in the same condition that currently exists. The failure to remove all equipment from the Premises within sixty (60) days from the date of termination shall constitute an abandonment of the said equipment by RIEMA and operates to transfer all rights and title to said equipment to Owner.
27. Neither party shall be liable to the other party for breach or delay in the performance of RIEMA's obligations hereunder caused by any act or occurrence beyond its reasonable control, including, but not limited to, war, strike, riot, crime, hurricane, flooding, earthquake, volcanic eruption, that prevents one or both parties from fulfilling their obligations under this memorandum. Whenever the provisions of this section are believed to apply, the party relying thereon shall give prompt written notice to the other party of the circumstances, the basis for applicability of this section, and the time required to cure such breach or delay.
28. This instrument contains the entire agreement between the parties and both this agreement and the performance hereof shall be governed, interpreted, construed, and regulated by the laws of the State of Rhode Island.
29. This Memorandum shall be valid and in effect on the last date signed.

Marc R. Pappas
Director
Rhode Island Emergency Management Agency

Denise DiFranco
President
Foster Town Council

TOWN OF FOSTER

On **January 25, 2024** The Foster Town Council will conduct a Public Hearing at 6:00 PM at 6 South Killingly Road (Benjamin Eddy Building). On the agenda will be discussion of fifteen (15) zoning ordinances recommended by the Planning Board at its October 18th and November 1st meetings.

The recommendations include amendments and additions to fifteen (15) Foster Zoning Ordinances. Sec. 38-231 – Nonconforming by dimension; Sec. 38-271 – Purpose of article; Sec. 38-293 – Stone wall protection and preservation; Sec. 38-321 – Procedure generally; Sec. 38-322 – Applicability of article; Sec. 38-323 – Standards for granting special-use permits; Sec. 38-324 – Issuance of variances and special-use permits; Sec. 38-325 – Unified development review; Sec. 38-326 – Special use permit and dimensional variance; Sec. 38-327 – Specific and objective criteria for categories of special-use permits; Sec. 38-357 – Development standards for general business mixed use development; Sec. 38-358 – Development standards for highway commercial 2 (HC2) development; Sec. 38-386 – Requirements and purpose of article Sec. 38-394 – Site plan for commercial and industrial development; and Sec. 38-395 – Administrative development plan review.

Copies of the proposed amendments, additions, and removals can be found online at <https://www.townoffoster.com/planning-department>. Copies can also be obtained from the Foster Planning Office during regular business hours. The proposed amendments, additions, and removals may be altered or amended prior to the close of the public hearing without further advertising, as a result of further study or because of the views expressed at the public hearing. Any alteration or amendment must be presented for comment in the course of the hearing.

Individuals requiring interpreter service must notify the Town Clerk's Office at (401) 392-9200 at least 72 hours in advance of the hearing date.

By order of the Town Council,
Susan M. Dillon, Town Clerk

TOWN OF FOSTER

On January 11, 2024 The Foster Town Council will conduct a Public Hearing at **6:00 PM** at 6 South Killingly Road (Benjamin Eddy Building). On the agenda will be discussion of six (6) zoning ordinances recommended by the Planning Board at its **October 4th, October 18th, and November 1st** meetings.

The recommendations include amendments and additions to the Foster Zoning Ordinance Sec. 38-239 – Adaptive reuse – nonconformance; Sec. 38-273 – Corner lots; Sec. 38-289 – Historic cemeteries; Sec. 38-298 – Screening standards; Sec. 38-360 - Adaptive reuse; and Sec. 38-470 – Development requiring both planning board and zoning board approval.

Copies of the proposed amendments, additions, and removals can be found online at <https://www.townoffoster.com/planning-department>. Copies can also be obtained from the Foster Planning Office during regular business hours. The proposed amendments, additions, and removals may be altered or amended prior to the close of the public hearing without further advertising, as a result of further study or because of the views expressed at the public hearing. Any alteration or amendment must be presented for comment in the course of the hearing.

Individuals requiring interpreter service must notify the Town Clerk's Office at (401) 392-9200 at least 72 hours in advance of the hearing date.

By order of the Town Council,
Susan M. Dillon, Town Clerk



Government Finance Officers Association
203 North LaSalle Street, Suite 2700
Chicago, Illinois 60601-1210
312.977.9700 fax: 312.977.4806

1/10/2024

Denise DiFranco
Council President
Town of Foster, Rhode Island

Dear Denise:

We are pleased to notify you that your annual comprehensive financial report for the fiscal year ended June 30, 2022 qualifies for GFOA's Certificate of Achievement for Excellence in Financial Reporting. The Certificate of Achievement is the highest form of recognition in governmental accounting and financial reporting, and its attainment represents a significant accomplishment by a government and its management.

When a Certificate of Achievement is awarded to a government, an Award of Financial Reporting Achievement (AFRA) is also presented to the individual(s) or department designated by the government as primarily responsible for its having earned the Certificate. This award has been sent to the submitter as designated on the application.

We hope that you will arrange for a formal presentation of the Certificate and Award of Financial Reporting Achievement, and give appropriate publicity to this notable achievement. A sample news release is included to assist with this effort.

We hope that your example will encourage other government officials in their efforts to achieve and maintain an appropriate standard of excellence in financial reporting.

Sincerely,

A handwritten signature in cursive script that reads "Michele Mark Levine".

Michele Mark Levine
Director, Technical Services

Charles A. Stockwell
76A Winsor Rd.
Foster, RI 02825

Susan M. Dillon, Town Clerk
Town of Foster
181 Howard Hill Rd.
Foster RI, 02825

Mrs. Dillon,

Please accept this letter as official notice of my resignation from the position of Liaison to the Foster Town Council for the Foster Engineering Board effective immediately.

Thank you.

Respectfully,
Charles A. Stockwell
South Foster Fire Company