

The December 14, 2023 Town Council Meeting was called to order by Denise L. DiFranco, President, in Foster, RI at 6:00 p.m. at the Town House.

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

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

- I.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.
- II.

ANNOUNCEMENTS/PUBLIC COMMENT

Denise L. DiFranco announced that Heidi Rogers and David Paolino were excused.

Ms. DiFranco said the bids had been opened for the new police building. They were all shockingly high and over our bond, so what has been decided to do is have the architect prepare a value-engineering list for all six companies. The list looks at the building to make changes that will not compromise the building but will bring the cost down. The six companies have until tomorrow at 5 o'clock to respond with questions or submissions to the architect. Then they will then make updates and come up with a value of each item. Then we will go from there.

There were no public comments.
- III.

CONSENT AGENDA

1. Meeting Minutes

Approval of December 4, 2023

2. Approval of General Warrants FY2024 #11

\$155,120.72

License Renewals

Secondhand Licenses:

1. Debra A. Parente, d/b/a Aunt B's Eclectic Finds, 114 Danielson Pike

2. Russell Smith, d/b/a Chelsea's Trading Post, 151 Danielson Pike

3. Raymond and Logan Cooke, CBI LLC d/b/a Cooke Brother's Imports, 184A Danielson Pike

4. Michael & Charlene Coggeshall, MCC Inc. d/b/a Mike's Auto Repair, 45 Anthony Rd.

5. Paul Hayhurst, d/b/a GCC Auto Sales, 175 Danielson Pike

6. Keith LaFazia, d/b/a Rhody Outdoors, 2 Gold Mine Rd.

7. Adam David Dacko, d/b/a Route 6 Outpost, 52 Danielson Pike

8. Carlos Bastos, Danny's Auction Barn LLC d/b/a Partners Auto Auction RI, 150 Danielson Pike

9. Wendy O'Shea, d/b/a Old Man Mercantile & Antiques, 52 Danielson Pike

10. William Wilbur, Coastal Atlantic, d/b/a Foster Auto, 40 Mill Road

Victualing License Renewals:

1. Drake Petroleum Company Inc., d/b/a Foster Xtra Mart, 188 Danielson Pike

2. Paul Oueidat, d/b/a JP's General Store LLC, 189A Hartford Pike

- 3. Zeshan Abid, ABID LLC d/b/a Village Gas 3 Inc.,
173 Danielson Pike

Gun Shop License Renewals:

- Laurence Costa Mello, d/b/a Alarry Farm, 7
Rickard Road
- Keith LaFazia, d/b/a Rhody Outdoors, 2 Gold
Mine Road
- Adam David Dacko, d/b/a Route 6 Outpost, 52
Danielson Pike

Holiday Sales Renewals:

- Adam David Dacko, d/b/a Route 6 Outpost, 52
Danielson Pike
- Drake Petroleum Company Inc., d/b/a Foster Xtra
Mart, 186 Danielson Pike
- Russell Smith, d/b/a Chelsea’s Trading Post, 151
Danielson Pike
- Wendy O’Shea, d/b/a Old Man Mercantile &
Antiques, 52 Danielson Pike
- Paul Oueidat, d/b/a JP’s General Store LLC, 189A
Hartford Pike
- Thomas Neves, d/b/a Diablo Custom Workz LLC,
52 Danielson Pike
- Debra A. Parente, d/b/a Aunt B’s Eclectic Finds,
114 Danielson Pike
- Zeshan Abid, ABID LLC d/b/a Village Gas 3 Inc.,
173 Danielson Pike
- Carlos Bastos, Danny's Auction Barn LLC d/b/a
Partners Auto Auction RI, 150 Danielson Pike

Private Investigator’s License Renewal:

- 1. Alan Pittman, d/b/a Alan Pittman Investigations,
117 Central Pike

Camp Ground License Renewals:

- 2. Gina Colaluca, Colaluca Family Campground
d/b/a Ginny B Campground, 7 Harrington Road
- 3. Legacy Land Preservation LLC, d/b/a Dyer
Woods Campground, 114 Johnson Rd

Chris Stone moved, Cheryl Hawes seconded to approve the Consent Agenda.
Discussion: None.
Motion passed 3 – 0.
Chris Stone, aye; Cheryl Hawes, aye; and Denise L. DiFranco, aye.

IV. PRESENTATION
Award to Chief of Police

Marie A. Robidoux, the Rhode Island State Grange Community Service Director made a presentation to Chief Gina-marie Lindell awarding her the RI State Grange Law Enforcement Officer of the Year 2023 recognition.

V. NEW BUSINESS
Recognition of Donation
from Electric Boat via
David Rathbun

Denise L. DiFranco said that Dave Rathbun has once again received a donation from Electric Boat in the amount of \$1,000. Cheryl Hawes read the award letter (see Exhibit A).
Denise L. DiFranco said we would like to thank both the ECSA (Employee’ Community Services Association) and Dave Rathbun and she would like to send a letter thanking them.

VI. OLD BUSINESS

**1. Municipal Court
Resolution**

Denise L. DiFranco said that David Paolino has been working on this for a while with Julia [Chretien], Representative Chippendale, with legal counsel. Ms. DiFranco said that yesterday she and Mrs. Dillon were at a RI League of Cities & Towns meeting, and a council member from Scituate was sitting with us and asked about a municipal court. She said it was going to be on the agenda tonight and that we were looking for a Resolution to move forward. He expressed that Scituate might be interested in joining with us. David [Paolino] had spoken with them and Glocester when we started but neither were interested [at the time]. Ms. DiFranco told David today that she would like to reach out to Scituate and Glocester [again] to discuss if a regional or district wide municipal court wouldn't be better for everyone involved. Ms. DiFranco said the Resolution will give us permission to move forward if we want to.

Cheryl Hawes asked if it would be discussed at a later date. Ms. DiFranco said yes. Ms. Hawes asked if a budget would be included. Ms. DiFranco said yes, that would be part of it.

Cheryl Hawes moved to go forward with the Resolution and the enabling act for the municipal court. (See Exhibits B and C).

Chris Stone seconded.

Discussion: None

Motion passed 3 - 0.

Chris Stone, aye; Cheryl Hawes, aye; and Denise L. DiFranco, aye.

Denise L. DiFranco said she would like to contact Will Worthy [Glocester] and Abbie Grove [Scituate] to see whether or not if they are interested in coming on board with us and place it on the agenda for January 11.

**2. Fire Marshal
Violation/2nd Fl. Egress**

Denise L. DiFranco said they have not received a formal letter yet regarding the State Fire Marshall court. They gave us some extensions on things that needed to be done. One of the things they definitely said was that we need to have a second egress on the second floor and that no one can work up there without the second egress, which is a funding issue. We have discussed two different ways to move forward with this: 1. was raising the roof; 2. was putting an escape fire escape out the back of the Town Hall. One thing about raising the roof is that storage is an issue. The basement is often a place to store things but water is an issue. We need to discuss how to move forward.

Cheryl Hawes said she has heard figures but she does not recall how we were going to come up with the money. Kelli Russ said there was some ARPA funds. The fire escape was \$15K if we lose the appeal. Chris Stone said his personal opinion is to do all that stuff is throwing money away; the way to do it is to raise the roof.

Denise L. DiFranco said she doesn't think we will get a variance. Cheryl Hawes said if you raise the roof, you would be all set. Mrs. Dillon said that would be \$60,000. Denise L. DiFranco said she doesn't know

which option is the best. Chris Stone said David has input, George has input, Gordon has input, so he thinks we should put it on the second January meeting. Ms. Russ said even if you wanted to do it in January you couldn't. Chris Stone said we need to make a plan. Ms. DiFranco said we need the costs and the pros and cons. Ms. Russ said the cons are \$35,000 more for one. Ms. DiFranco said and [the other is] putting a fire escape on the back. People were up in arms over a fence! Lynne Rider, Burgess Road, said as far as the water [problem] goes, that's not going to go away. As far as the fire escape, it's not going to be on the back of the Finance side— Ms. DiFranco said yes it would. Ms. Rider said if you raise the roof, is that going to look like a chicken coop? Mrs. Dillon said we would need an architect.

Harold Shippee, Jr. gave the history of the proposals. Matt Provost said he made an attempt to go to the meeting but was not allowed. Julia Chretien said they were granted an extension. Ms. DiFranco said just to make it clear, the council does not appoint you; it's by the fire chiefs. Cheryl Hawes asked if he was recommended by the fire chiefs. Ms. DiFranco said that yes, he was. He's not the State Fire Marshall, but the town fire marshal. Mr. Provost said, "No I'll be stepping in to the State one. Yes, that's on my certification."

Mr. Provost said the fire marshal's office cannot supersede the code. They are not going to give you the info. He thinks it would be cheaper for the town in the long run to put a galvanized steel structure, see-through stairs, metal stairs. The only people who will be looking at it is the police station and they may not be there much longer. You can keep your archives on the right hand side where it's dry.

Cheryl Hawes said that he mentioned if he had been able to speak to them, you might have been able to get a different decision. Is it too late now? Ms. DiFranco said who did you ask to attend? She was never informed.

Kelli Russ asked if they had gotten quotes for the galvanized one. Mr. Provost said he brought in a contractor for the AC system who gave you an exceptional deal for the heating and cooling on the second floor. He said he has been an electrician for almost 30 years.

3. Recreation Field Sign-Off

Chris Stone asked if Ms. DiFranco is available on the 18th to walk the field to sign off with Cardi. Mr. Stone said Gordon will not be here on that day so we can't do it. Originally, it was supposed to be an earlier date but we had to change it. It has to be done before the 30th.

Denise L. DiFranco said she had some concerns when she walked through today with Kelli and Grant and she expressed her concerns. She said she will type up her list and give it to Gordon [Rogers]. She said she was certainly not a professional but just looking, if it was my property, which technically it is, I wouldn't be happy with it.

Harold Shippee, Jr. said there are some things that have to be done in the Spring but that has to be put in writing.

Denise L. DiFranco said underneath the basketball court, it is washing out. Kelli Russ said the grant has to be done

by December 31; all payments have to be made by March 31. Ms. Russ said she had to report by next week. Mr. Shippee spoke about the stone intended to be used for the sign having a crack in it.

Denise L. DiFranco said then we need a motion for Gordon to recommend me to sign off on it. Julia Chretien said they need to have a meeting to sign off on it. Ms. Russ said she needed to say it was completed, she didn't think they need a sign-off. Denise L. DiFranco said they won't want to come out in the winter. Our next council meeting is January 11. Cheryl Hawes said it's done but they need to tweak a few things. Denise L. DiFranco so what do we do, do we have another meeting? Kelli Russ said to go to something else and she will look up the checklist.

4. Ben Eddy Building
Televised Meeting
Update

Denise L. DiFranco said Mrs. Dillon requested this agenda item. Mrs. Dillon said there's been a lot of talk about when the Eddy Building is going to be wired up for Zoom meetings. She said the TVs are hung but she is missing two parts. She has checked everywhere for them and they are on backorder. Those parts plug everything in to the one unit and that's the part that is missing. She had the electrician, carpenter, and IT person get it all wired. Kelli did a phenomenal job getting us Verizon, that was another problem because we didn't have good Verizon service so even if we had everything hooked up we couldn't even use it so we just got it [upgraded] on Monday. Denise L. DiFranco asked if it was Zoom or a livestream. Mrs. Dillon said we could do either one. Denise L. DiFranco asked if she would have to bring her laptop. Mrs. Dillon said no because she will be able to see everyone on the TV and they will be able to see you.

*Town House Grant
discussion*

Denise L. DiFranco said she had one other item that is not on the agenda regarding grants and Grant [McGregor]. Preservation received an award from Champlin for \$32,000 to paint the exterior of the Town House. The State Preservation has a lien on the property and they have to get approval from them.

Lynne Rider said she understood the issue because there wasn't enough money. She knows there was a question about using the money that was set aside for a consultant. Denise L. DiFranco said there is money set aside for the Town House but she doesn't know if it was earmarked for a consultant. Kelli Russ said it was set aside specifically for the Town House. Ms. Rider said it's become a whole mess. When they came to them, it was to get it on the National Register, and yes, it is in a National Historic District, which sort of automatically puts it on the register except if it's individually listed you have a better shot at grants. Somehow, that morphed into "National Historical Landmark" which is a huge difference. The expense of trying to get there is too much. She doesn't know how it happened. She still thinks that getting a consultant to put something together to get the historical society to submit to the register by submitting it to the park service.

Rec Field continued

Denise L. DiFranco asked Kelli if they need a sign-off on the Rec field because that is contingent on everything else. Ms. Russ said you have to attest to certain categories; each one you have to say it is

completed. If we have an agreement for them to come back and correct anything, I can say yes it's done but we would have to have an agreement with Cardi or we have to take ownership of it. Chris Stone said so you need a punch list from Gordon, or Denise. Denise L. DiFranco asked so what are we asking for a sign-off on. Chris Stone said Cardis; if we need to we can have a special meeting on the 21st, next Thursday. Then we can discuss the grants.
Anna Rao asked who has the liability. Denise L. DiFranco said it is ours.

- EXECUTIVE SESSION**
Pursuant to RIGL 42-46-5,
(A), (2) Litigation
1.SU23-0186-A/PC22-04591
Mill Road Realty Associates,
LLC et al. v. ToF, et al.
1. PC22-05617 Edward R.
Fallens, Jr. et al. V. Kelli
Russ
2. PC22-00975 Manuel
Linhares, Jr. v. ToF Tax
Board of Review
3. PC20-01954 ToF v. R.P.
Investment Company, LLC
4. PC18-3588 ToF v. Saint23,
LLC et al.
5. LSI-23-691/Appeal
2023140 State Fire
Marshall v. ToF

- Potential Litigation In RE:**
1. 2B Burgess Rd (AP 16/26)
2. 153 Danielson Pike (AP
10/43)
3. 190-191 Danielson Pike
(AP 10/21)
4. 192 Danielson Pike (AP
10/20)
5. 6 Potter Road (AP 1/41J)
6. 0 Tucker Hollow Road (AP
18/36A)
7. 4 Boswell Trail (AP 10/49)

- Pursuant to RIGL 42-46-5,**
(A), (2) Contracts
1. Foster Center Volunteer
Fire Company Cell Tower
Update

ADJOURNMENT

Chris Stone moved, Cheryl Hawes seconded, to go into Executive Session pursuant to RIGL 42-46-5 for a work session regarding Contract Negotiation and Litigation 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 3 - 0.

The council reconvened in to Open Session at 7:55 p.m. Denise L. DiFranco announced that no votes were taken in Executive Session

Meeting adjourned at 8:01 p.m.

Submitted by,

Susan M. Dillon, Town Clerk

**Employees' Community Services Association
Electric Boat Corporation - Quonset Point Facility
North Kingstown, Rhode Island 02852**

October 6, 2023

Foster Conservation Commission
Foster Town Hall
181 Howard Hill Road
Foster, RI 02825

Dear Commission,

The Employee's Community Services Association of Electric Boat Corporation at the Quonset Point Facility would like to make a donation of \$1,000 towards your organization on behalf of the employees of Quonset Point who are ECSA members.

ECSA member Mr. David Rathbun solicited us in support of the Earth Day Celebration.

Through the generosity of employees who have weekly deductions taken from their paychecks to assist our local non-profit community we're able to afford assistance to wonderful organizations as yourself impacting your local community.

If you have questions or require additional information, do not hesitate to contact me at (401) 268-2566 or cell 401-218-8259.

Sincerely,



Blake Laverdiere
ECSA Chairperson

TOWN OF FOSTER RHODE ISLAND

RESOLUTION 2023-05 To Establish a Municipal Court

On the 14th day of December, 2023, the Foster Town Council did adopt the following resolution by a vote of ___ – ___ which resolution is set forth as follows:

RESOLVED, that the Foster Town Council hereby requests that the Rhode Island General Assembly hereby enable to the Town of Foster with authority to establish a municipal court and confer upon that court original jurisdiction notwithstanding any other provisions of the general laws, to hear and determine causes involving the violations of the town of Foster charter, or code of ordinances, and concurrent jurisdiction with the Rhode Island traffic tribunal, notwithstanding any other provisions of the general laws; to establish a municipal housing court and confer upon that court original jurisdiction, notwithstanding any other provisions of the general laws; to appoint a judge and clerk of the municipal court; to appoint a judge and clerk of the housing court; to enact ordinances governing personnel, operation and procedure to be followed in the court; to establish a schedule of fees and costs; and to otherwise provide for the operation and management of the court.

WHERETO the following bear witness:

Signed:

Foster Town Council

Susan M. Dillon
Town Clerk

Denise L. DiFranco
Town Council President

AN ACT CREATING THE FOSTER MUNICIPAL COURT

It is enacted by the General Assembly as follows:

SECTION 1. Chapter 45-2 of the General Laws entitled "General Powers" is hereby amended by adding thereto the following section:

Town of Foster – Municipal court – Municipal housing court

(a) The town council of the town of Foster may establish a municipal court and confer upon this court original jurisdiction, notwithstanding any other provisions of the general laws, to hear and determine causes involving the violations of the town of Foster charter, or code of ordinances; provided, however, that any defendant found guilty of any offense, excluding violation of the minimum housing ordinances or chapter 24.3 of this title, may within seven (7) days of conviction, file an appeal from the conviction to the superior court for Providence county and be entitled in the latter court to a trial de novo.

(b) The town council of the town of Foster may establish a municipal housing court and confer upon the court original jurisdiction, notwithstanding any other provisions of the general laws, to hear and determine causes involving the violation of the zoning ordinances of the town and any violation of the provisions of chapter 24 of this title (the Rhode Island zoning enabling act of 1991); any violation of chapter 24.1 of this title (the historical zoning act); any violation of chapter 24.2 of this title (minimum housing standards act); any violation of 24.3 of this title (housing maintenance and occupancy code); any violation of chapter 23 of this title (subdivision and land development act)] any violation of any local Foster ordinance or regulation enacted pursuant to these chapters; and any violation of the provisions of chapter 27.3 of title 23 (the Rhode Island state building code); any violation of the provisions of those regulations promulgated by the state building code commission entitled SBC-1 Rhode Island state building code; SBC-2 Rhode Island

state one- and two- family (2) dwelling code; SBC-3 Rhode Island state plumbing code; SBC-4 Rhode Island state mechanical code; SBC-5 Rhode Island state electrical code; SBC-6 state property maintenance code; SBC-8 Rhode Island state energy conservation code; and SBC-20 Rhode Island state fuel and gas code; and provided, further, that any party aggrieved by a final judgment, decree, or order of the Foster housing court may, within twenty (20) days after entry of this judgment, decree, or order, file an appeal to the superior court and be entitled in the latter court to a trial de novo.

(c) With respect to violations falling under the jurisdiction of the Foster housing court, as outlined in subsection (b) of this section, the town council may also confer upon the housing court, in furtherance of the court's jurisdiction, the power to proceed according to equity:

- (1) To restrain, prevent, enjoin, abate or correct a violation;
- (2) To order the repair, vacation, or demolition of any dwelling existing in violation;
- (3) To otherwise compel compliance with all of the provisions of those ordinances, regulations, and statutes; and
- (4) To order a dwelling into receivership and to order the removal of any cloud on title to the building or property that shall be binding upon all those claiming by, through, under, or by virtue of any inferior liens or encumbrances pursuant to chapter 44 of title 34.

(d) The municipal court shall have concurrent jurisdiction with the Rhode Island traffic tribunal to hear and adjudicate those violations conferred upon the municipal court and enumerated in § 8-18-3. Adjudication of summons by the municipal court shall be in conformance with § 8-18-4. The municipal court shall hear and decide traffic matters in a manner consistent with the procedures of the traffic tribunal, and subject to review by the chief magistrate of the traffic tribunal in accordance with § 8-18-11. Any person desiring to appeal from an adverse decision of

the municipal court for violations enumerated in § 8-18-3, may seek review thereof pursuant to the procedures set forth in § 31-41.1-8.

(e) The town council of the Town of Foster is authorized and empowered to appoint a judge and clerk of the municipal court. The town council of the town of Foster is also authorized to appoint a judge and clerk of the housing court, who may be, but it is not required to be, the same person(s) holding the judgeship and clerk position in the municipal court. The town council of the town of Foster is authorized and empowered to enact ordinances governing the personnel, operation, and procedure to be followed in the court and to establish a schedule of fees and costs, and to otherwise provide for the operation and management of these courts. The municipal and housing courts may impose a sentence not to exceed thirty (30) days in jail and impose a fine not in excess of five hundred dollars (\$500.00), or both. The courts are empowered to administer oaths, compel the attendance of witnesses and punish persons for contempt and to execute search warrants to the extent that warrants could be executed by a judge of the district court.

SECTION 2. This act shall take effect upon passage.