

Town Council Meeting
January 11, 2024

The January 11, 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
Mark Tourgee, Town Solicitor
Police Chief Gina-marie Lindell
Gordon Rogers, DPW Director
Grant McGregor, Planner

I. PLEDGE OF ALLEGIANCE

Denise L. DiFranco called the meeting to order. The Pledge of Allegiance was recited.

**II. ANNOUNCEMENTS/
PUBLIC COMMENT**

Denise L. DiFranco thanked DPW for the past couple weeks [of weather damage]. Robert Moreau, Central Pike, said he reviewed the plans for the new police station and said it is a fabulous building. The design is absolutely incredible; however, it is not the building that this town needs. That building is for a town probably ten times our size. The cost of that building could never be borne by this town. He asked the council to reconsider this design, completely, and build a station that fits our town in a much better matter. Lynne Rider, Burgess Road, brought up the flooding in the basement of the Town House this week. She showed pictures of white patches on the floor which is the reflection of the overhead lights. It covers about 85% of the floor and is $\frac{3}{4}$ to an inch deep. There may or may not be a sump pump in the furnace room; however, the furnace room is uphill from the area. It appears to be ground water coming up around the base of a post. She wondered if there is some kind of sump pump that can be used. Heidi Rogers asked if there is a hole somewhere to put a sump pump in? Chris Stone said there is a new kind you can put right on the floor. Harry Shippee, Jr. explained the set-up of the foundation and how the pipes were severed in the 90s. He said we could get one that sits on the floor and run a hose to the sump pump.

III. CONSENT AGENDA

1. Meeting Minutes
Approval of December 14, 2023
2. Approval of General Warrants FY2024 #12
\$631,944.37
3. Monthly Reports (November)

Chris Stone moved to accept the Consent Agenda. Heidi Rogers asked that the December 14 minutes be pulled. Chris Stone moved to accept the Consent Agenda with the exception of the minutes from December 14, 2024. 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.

Heidi Rogers said she had to abstain from the vote. Chris Stone moved to accept the minutes of December 14, 2024. David Paolino seconded.

Discussion: None.

Motion passed 4 - 0 - 1 with one abstention.

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

IV. PUBLIC HEARINGS
1st Hearing – Zoning

Town Planner Grant McGregor read the ad for the Public Hearing (see Exhibit A).

Denise L. DiFranco opened the Public Hearing. She noted that the council would not be voting on this first hearing.

Grant McGregor reviewed the changes.

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).

Denise L. DiFranco explained that this is a State requirement.

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).

Mr. McGregor explained what his designations would be for the front, sides and back of a lot. There were no other comments.

Sec. 38-289 – Historic cemeteries

- Recommendation to cite relevant sections RIGL 23-18 regarding excavation near historic cemeteries.

Mr. McGregor stated this ordinance required an archaeological excavation within 25 feet of a cemetery.

Lynne Rider said some graves may be outside the wall but most are fairly well defined. Atty. Tourgee said in most cases, the landowner won't know this ordinance exists, so you would have to inform your building inspector to inform them.

Richard Cucino, Hartford Pike, asked about expanding existing development. Mr. MacGregor said, if you are expanding and there is a possibility of it you would have to have one.

David Paolino asked if taking out a permit would trigger a need to pay attention to those boundaries.

Denise L. DiFranco asked should we add that when we do permits? Lynne Rider said that she knows Grant has been very diligent with the GIS, using the cemetery coordinates that we have. The State is reviewing all those coordinates to be more accurate.

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.

Mr. MacGregor said areas of open lot storage, gravel, trash, automotive repair, off street parking in an open lot, etc. must have an opaque fence or hedge not less than 6 feet in height.

Richard Cucino, Hartford Pike, said he has 30 acres on Hartford Pike and Winsor Road and he has off-street parking and doesn't think he should have to put up a fence. Denise L. DiFranco said we need to have a definition of "off-street". Mr. MacGregor said the Table of Uses says "off-street parking facilities that are accessory to a use permit in the district" which would mean any parking lot. Cheryl Hawes asked if that means the auction barn on Route 6 should have a

fence all along it? Mr. MacGregor said we could add a couple of uses, so we could change it to open lot storage. Mr. Cucino said it was open lot storage. Mr. MacGregor said you are supposed to have a special use permit for open lot storage and it's supposed to be screened. Denise L. DiFranco said we will have to look into this further.

Lynne Rider, Burgess Road, said there must be a difference between parking your car at Shady Acres, and having trucks there. Denise L. DiFranco said we would have to look into it.

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.

Sec. 38-470 – Development requiring both planning board and zoning board review

Mr. MacGregor said this is an ordinance concerning a commercial building being changed to residential use and the requirements. Regulations state that up to 15 units can be on a private well. Atty. Tourgee said this is coming down from the State and we will have no say. He recommends voting it down to send a message.

Sec. 38-470

- 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 said they will have the 2nd Hearing on January 25 at which time the council may vote.

Denise L. DiFranco asked three times for anyone who has opposition to the ordinances.

Atty. Tourgee suggested people raise their hand if they have opposition.

Denise L. DiFranco asked three times if anyone was in favor of the ordinances.

Denise L. DiFranco closed the public hearing.

Denise L. DiFranco said we have a second hearing on these ordinances that the council may vote on.

Kelli Russ read the previous advertisement for these ordinances (see Exhibit B).

Denise L. DiFranco opened the public hearing.

2nd Hearing – Zoning

Sec. 38-2 – Definitions

- Recommendation to amend definitions to come into compliance with RIGL 45-24-31 as amended.
Grant McGregor reviewed the definitions added or removed.

Sec. 38-38 – Public notice requirements

- Recommendation to amend public notice requirements for public hearings pursuant to several relevant sections of RIGL including 45-24-41 and 45-23-42.
Recommendation to require public notice without newspaper ad for any application not reviewed administratively.

Grant McGregor said there are slight distinctions made through updates notable on variances of special use permits that need to be posted in addition to the town hall.

Sec. 38-191 – Table of uses

- Recommendation to add references to the type of review required for various uses. Recommendation to come into compliance with RIGL 45-24-37 as amended. Recommendation to come into compliance with RIGL 45-24-42 as amended. Requires a procedure under which a proposed land use that is not specifically listed be heard as a special-use permit. Grant McGregor said it would be the responsibility of him and the building official to determine if the proposed use is one that is similar one allowed. Denise L. DiFranco said that this is one coming from the State. Robert Moreau, Central Pike, asked for clarification.

Sec. 38-193 – Prohibited uses

- Recommendation to come into compliance with RIGL 45-24-42 as amended. Requires a procedure under which a proposed land use that is not specifically listed be heard as a special-use permit. Mr. MacGregor said the primary reason is because to clarify that there is a procedure for hearing uses that are not expressly permitted. He suggested that they add to the prohibited uses adult entertainment uses involving nudity or partial nudity. Denise L. DiFranco asked if we could add on to it in the future. David Paolino asked if we changed breweries to allowed uses. Mr. MacGregor said, yes, we should change that. Harold Shippee, Jr. asked if that would affect the nudist camp. Denise L. DiFranco and Heidi Rogers said that is not entertainment. David Paolino asked why we would be against a laundromat. Mr. MacGregor said for environmental reasons.

Sec. 38-226 – Substandard lot of record

- Recommendation to come into compliance with RIGL 45-24-38 as amended. Requires reduced dimensional regulations be in place for all dimensional requirements and lots not meeting the reduced dimensional standards proceed with a modification or variance application, whichever is applicable. Mr. MacGregor said the State is trying to encourage development on small lots and this is the language required to be added by reducing the setbacks by 50 percent. Gordon Rogers, Cucumber Hill Road, also State Senator District 21 said he looked at it. This will play into future problems with the ADU [Accessory Dwelling Unit] with separate building with housing with minimal setbacks. Mr. MacGregor said this isn't required by State law and Foster does have this provision in place and he hasn't seen anything in the State's amendments to deem this not allowed anymore. Subsection A says that no yard or open space provided around any building for the purpose of complying shall be used as

a yard or open space for any other building. So that mean if you have a house on a substandard lot you can't add another building to that substandard lot because Foster's provisions says that the yard or open space cannot be used again for any other building. David Paolino said that would be the simple interpretation, but how does that figure into the new State mandate? Mr. Rogers said the ADU will supersede and change that. Atty. Tourgee asked how many ADUs can go on a two-acre lot? Mr. Rogers said that right now there is one. This is a complete assault on single-family housing. It will completely throw out the possibility of single-family housing on a piece of property. If you have a two-car garage that is separate, you will be entitled to switch that over to a two-bedroom apartment and rent it to anybody you want. You can even build on as long as the septic system can accommodate it. They can't stop you from overbuilding one [septic system] if you have plans for the future.

Robert Moreau, Central Pike, said a lot of our substandard lots, if you build they are almost on top of their well and their septic systems. Where are they going to put their ADUs? That's going to be a limitation. David Paolino said in all reality, you can't add two bedrooms to your home unless your septic is allowed to be enlarged with the DEM setbacks. Mr. Macgregor said you would need a variance from the town and DEM. Mr. Rogers said he is a licensed installed designer; we are talking about existing septic systems. When you upgrade, you are already there; it would be an alteration of an existing system so it can't come any closer to an existing well.

Lynne Rider, Burgess Road, said there will be some that will just not be allowed to have an ADU. There is a new house on a half-acre. How could you put your setbacks on a half-acre? Mr. Rogers said you would have to apply for a hardship variance.

Denise L. DiFranco asked three times for anyone who would like to speak in favor.

Denise L. DiFranco asked three times if anyone would like to speak in opposition to these ordinances.

Denise L. DiFranco closed the public hearing.

Heidi Rogers said in regard to 38-2 Definitions she moved to approve the recommendation to amend definitions to come into compliance with RIGL 45-24-31 as amended. Cheryl Hawes seconded.

Discussion: Heidi Rogers said this was just housekeeping. Motion passed 5 - 0.

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

Heidi Rogers in regard to 38-38 Public Notice Requirements she moved to approve the recommendation to amend public notice requirements for public hearings pursuant to several relevant sections of RIGL including 45-24-41 and 45-23-42. Recommendation to require public notice without newspaper ad for any application not reviewed administratively. 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.

Heidi Rogers in regard to 38-191 Table of Uses, she moved to approve the recommendation to add references

to the type of review required for various uses.
Recommendation to come into compliance with RIGL 45-24-37 as amended. Recommendation to come into compliance with RIGL 45-24-42 as amended. Requires a procedure under which a proposed land use that is not specifically listed be heard as a special-use permit. 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.

Heidi Rogers said in regard to 38-193 Prohibited Uses, she moved to approve the recommendation to come into compliance with RIGL 45-24-42 as amended. Requires a procedure under which a proposed land use that is not specifically listed be heard as a special-use permit. Chris Stone seconded.

Discussion: None.

Motion passed 5 - 0.

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

Heidi Rogers said in regard to 38-226 Substandard lot of record she moved to approve the recommendation to come into compliance with RIGL 45-24-38 as amended. Requires reduced dimensional regulations be in place for all dimensional requirements and lots not meeting the reduced dimensional standards proceed with a modification or variance application, whichever is applicable. David Paolino seconded.

Discussion: None.

Motion failed 0 - 5.

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

3rd Hearing – Zoning

Sec. 24-32 – Duties

- Recommendation to amend the duties of the Planning Board to meet the duties prescribed to such boards by RIGL 45-22-7.

Mr. MacGregor stated that what he was proposing is that the Planning Board would not need the approval of the Town Council to conduct its general operating practices. This met with opposition, so he looked into 45-22-7 stating the State enabled powers and duties of the Planning Board and he has copy and pasted State law into the town ordinances.

Denise L. DiFranco opened the public hearing and asked if anyone would like to comment.

Robert Moreau, Central Pike, said it takes more responsibility from the Town Council and the Zoning Board. Denise L. DiFranco said a lot of it is the State coming in. She thinks it is because of the LMI coming in. Mr. Moreau said it is taking away the decisions people should be making about their own property.

Denise L. DiFranco agreed. Mr. MacGregor said the power isn't reduces, there are just more applications to be heard by the Planning Board so there will be less hangups. It is not something new, it is just something Foster did not comply with. The power has always been with the Planning Board, it just didn't say so.

Denise L. DiFranco asked three times for people to speak against.
Denise L. DiFranco asked three times if anyone would like to speak in favor.
Denise L. DiFranco closed the public hearing.
Heidi Rogers said at the beginning he spoke about the budget committee; it would be the Town Council because we don't have a budget committee. Ms. Rogers asked about continuing education for the Planning Board members. Atty. Tourgee said that is a State requirement. Denise L. DiFranco said she still has concerns regarding calling on others for assistance. Mr. MacGregor said the duties do not included tracking down town employees or solicitors to make suggestions. The protections are already in there.

Heidi Rogers said in regard to Sec. 24-32 Duties, she moved to approve recommendation to amend the duties of the Planning Board to meet the duties prescribed to such boards by RIGL 45-22-7. 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.

V. **OLD BUSINESS**
Police Building Update

Denise L. DiFranco referred to a letter from the Police Building Committee. David Paolino read the letter (see Exhibit C).
Denise L. DiFranco said she has spoken to Chief Lindell and Gordy Brayton and Kelli Russ. She recommended that we take a step back, take a breath, the building is quite extensive. We were looking to build something when we originally started for the future. She is looking at the immediate future, and we need a police station right now, and have them take a look at those plans. We need to get a rein in on this. She has not heard from the president of Glocester and Scituate and none of them have been returned. She is not in favor of going back to the residents without an exact amount. She has learned what we did wrong and how to move forward. Going back is going to cost us money, but in the long run, it will save us millions. We can send out a new RFP once the plans are done at a reduced rate and opening it up to those that have no prior history [in municipal].

VI. **NEW BUSINESS**
• Police Building Excavation to be completed by DPW (tabled)

Denise L. DiFranco said the Police Building Excavation is not something we can address at this time. We may have a slab. David Paolino agreed we should get an idea of the actual building we can afford. Cheryl Hawes agreed and said we need a better handle on it, but we need to put a timeline on it. Denise L. DiFranco said that on April 15 we have to go through the budget. Heidi Rogers said she is 100% against going back to the taxpayers. Chief Lindell said she will be sitting down tomorrow with Gordy Brayton to go over the plans. She knows what a police department needs and doesn't need. She hopes to come up with a plan tomorrow on what is absolutely essential right now and leave room for [other things] down the road. Patty Moreau, Central Pike, said she totally agrees that we do need a new police station. She wanted the old one condemned 10 years ago and the building inspector

wouldn't do it. What you need to do first is get the land in our name. It has to be done. Denise L. DiFranco said they were ready to sign it over, but they were advised not to do that. We don't know who will be sitting at this table a year from now.

Lynne Rider said she thinks it is good to take a breath but not to step back. Gordy said he could have plans by tomorrow. So they are going to have those fast. April 15th is longer than you need as a deadline. Haunt the architect; we need this now.

Michael Dillon, Mt. Hygeia Road, said he was under the impression that nobody told the architect that we had three million dollars to spend. What did they miss? The design of this building is grossly-overdesigned. He doesn't feel the layout is compatible with the way Foster works. We're not Cranston or East Providence, and he doesn't think we will ever be there. We're never going to have 100 cops. Denise L. DiFranco agreed. Chief Lindell explained what she feels they need. Lynne Rider said there are so many things we have never had but are absolutely required and we have to accommodate that.

Dave Costa, Gene Allen Road, said he has been a commercial builder for forty years. You are not going to get a plan in a couple weeks, eight weeks is more reasonable. The building is grossly over-designed. He asked who the consultant was who recommended that we put a basement in the building? This building should be a slab on grade building on whatever square footage we need. The site package is over a million dollars. Has the town ever got an appraisal on the land? Just because it's free doesn't mean it's free. We are developing this whole parcel of land that 10,000 people need. Why aren't we buying it, and letting South Foster develop what they need, and we just develop what we need? Chris Stone said South Foster already has the property. Mr. Costa said have you looked at the civil drawings? You are paying to develop the whole piece of land. You're not developing just the police station. Three million went to the town, probably two million is in the site works, so that leaves you a million dollars to build the building. Anybody do the math? You're not going to get it. We need a new police station but not what is designed. We need a slab on grade, if we were sitting on a postage stamp and you had to build a four-story building, I get it; but land's not the issue here. It needs to be redesigned to be more efficient. Mr. Costa said he had built shopping centers, apartment buildings, sub shops, supermarkets, Home Depots; he's talking from experience. Right now you need drastic changes. He offered his expertise to get this [project] more efficient and his support to get the money. You need drastic changes. It's grossly over designed. There's no control. You're not going to go back and ask for four million dollars when you don't have a plan that works. If you started this building today, you would have 5,000 cubic yards [of excavated dirt] you have to haul off site because the civil engineer did not accommodate for the 5,000 yards that are coming out of the hole. Mr. Rogers would be there for quite a long time, then he has to find a place for that dirt. Or you need to redo the civil drawing to find out what you do with 5000 yards of dirt. Nobody knows me in this room, but I am against spending this kind of money. He said he would offer his services. Chief

- Lindell said she would love to see a local company come in and assist or build our police station. Denise L. DiFranco said she appreciates his offer of expertise. Gordon Rogers spoke about utilizing slopes. Denise L. DiFranco said her opinion is that she sees the police station as being the cornerstone of Rt. 6 and she is hoping that will help with revitalizing.
- Appointment of the Authorized Community Official and NFIP Administrator
Appointment of the Authorized Community Official and NFIP (National Floodplain Insurance Program) Administrator. Heidi Rogers read the letter from the RI Emergency Management Agency (see Exhibit D). Grant McGregor explained that RIEMA is required to have a community assistance visit every eight or so years, and one of the items they ask for is the Flood Insurance Program Administrator letter, so this is a formality showing that our Building Official is the designated administrator of that program. Denise L. DiFranco explained that this will be sent if approved. Heidi Rogers moved to appoint George Dumont as the NFIP Administrator for the town and authorize Denise L. DiFranco to send a letter stating so to the RI Emergency Management Agency. 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.
 - Committee and Board Appointments/Resignations
Resignation of Charles Stockwell as Engineering Board Liaison / Appointment of David Rathbun as Engineering Board Liaison
Denise L. DiFranco said she had spoken to Charlie Stockwell about the Engineering Board and asked him to send a letter resigning. Heidi Rogers requested something in writing first. Appointment of David Rathbun as Engineering Board Liaison. Kelli Russ asked that David be contacted for the Capital Plan.
 - Conservation Committee: Dave Rathbun (re-appointment: 12/26)
Conservation Committee: Cheryl Hawes moved to reappoint Dave Rathbun to the Conservation Committee, expiring on 12/2026. 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.
 - Ian (Page) Wooller (resignation)
Ian (Page) Wooller (resignation) David Paolino moved to accept the resignation of Ian Wooller with regret. 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.
 - Land Trust: Linda Los Tibbetts (re-appointment: 12/26)
Land Trust: Linda Los Tibbetts Heidi Rogers moved to reappoint Linda Los Tibbetts to the Land Trust for a term expiring December 2026. David Paolino seconded. Discussion: None. Motion passed 5 - 0.

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- Heidi Rogers, aye; Chris Stone, aye; David Paolino, aye; Cheryl Hawes, aye; and Denise L. DiFranco, aye.
- Zachary Bain (re-appointment: 12/26)

Zachary Bain
Heidi Rogers moved to reappoint Zachary Bain to the Land Trust for term expiring December 2026. 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.
 - Planning Board:
Susan Joyce (re-appointment: 12/28)

Planning Board:
David Paolino moved to reappoint Susan Joyce to the Planning Board for a term expiring December 2028. 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.
 - Anthony Renzi (re-appointment: 12/28)

David Paolino moved to reappoint Anthony Renzi to the Planning Board for term expiring December 2028. Cheryl Hawes seconded.
Discussion: None.
Motion passed 5 - 0.
Heidi Rogers, aye; Chris Stone, aye; David Paolino, aye; Cheryl Hawes, aye; and Denise L. DiFranco, aye.
 - Zoning Board Alternates:
Jason Simmons (re-appointment: 12/24)

Zoning Board Alternates:
David Paolino moved to appoint Jason Simmons as an alternate to the Zoning Board expiring December 2024. 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.
 - Rudolph DiCenzo III (re-appointment: 12/24)

Denise L. DiFranco said she spoke to Rudolph DiCenzo III. His business is doing well and he is not able attend the meetings. He had not requested reappointments.
 - Contract Negotiations between the Town of Foster and IBPO Local 637

Denise L. DiFranco said that next is Contract Negotiations between the Town of Foster and IBPO Local 637. Heidi Rogers read the letter from Sgt. Peters (see Exhibit E). Denise L. DiFranco asked for two volunteers to be on the negotiating committee. Cheryl Hawes and Denise L. DiFranco volunteered. Heidi Rogers moved, David Paolino seconded to appoint Cheryl Hawes and Denise L. DiFranco to be on the committee.
Motion passed 5 - 0.
Heidi Rogers, aye; Chris Stone, aye; David Paolino, aye; Cheryl Hawes, aye; and Denise L. DiFranco, aye.
 - Two Town Council Members attending Engineering Board (1/30/24)

Denise L. DiFranco said that next they need to have two Town Council Members attend the Engineering Board. It is always the fourth Tuesday of the month.
Heidi Rogers moved to that Chris Stone and herself attend the meeting on January 30. David Paolino seconded.
Motion passed 5 - 0.
Heidi Rogers, aye; Chris Stone, aye; David Paolino, aye; Cheryl Hawes, aye; and Denise L. DiFranco, aye.

- State Fire Marshall Report

Denise L. DiFranco said one of the bigger things that need to be discussed is moving the files that are upstairs. We have time to do that but it's going to be expensive. Mrs. Dillon had Tracy Croce, head of the State Archives, come in to the Town Hall for advice. She said there are three things we could do: 1. Put a fire suppression system in which would be the best and easiest thing; 2. Send all boxes to Iron Mountain to be scanned, and when we need something, they have to pull it and bring it to us. It would take a week, and then return and pick them up; and 3. We could have them all scanned in which would cost more because of the storage involved. Every year the files are updated.

Denise L. DiFranco said everything is expensive. Looking at the initial cost of each. Costs and possible arrangements were discussed. Denise L. DiFranco said she will speak to Mr. Lopez tomorrow.

- Foster Police Department New Policy: 200.04 Transitional Employment/Light Duty

Denise L. DiFranco said they have the Foster Police Department New Policy: 200.04 Transitional Employment/Light Duty information. Chief Lindell said she is proposing a new policy for Light Duty for people who are injured or ill. She went through the specifics. Denise L. DiFranco said she does not feel comfortable voting on this because they have just received the corrected version. Chief Lindell reviewed the document for the council and answered questions from the council. Denise L. DiFranco said it would have to go on the next agenda in Executive Session.

- Municipal Resilience Program (MRP) Participation Agreement

Denise L. DiFranco said that next was the Municipal Resilience Program (MRP) Participation Agreement. Grant McGregor said the program is one that will alert the town of the funding availability of infrastructure improvements. Thirty-five of thirty-nine towns are in this program. There's no financial obligation. The planner would be responsible for annual updates. David Paolino asked why we would join it. Mr. MacGregor said there are a number of bridges out and he is sure there are other kinds of infrastructure repairs that are necessary and there will be funding available.

David Paolino moved to allow Denise L. DiFranco the right to sign the Municipal Resilience Participation Agreement. 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.

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

- Police Contract - Memorandums of Understanding

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

- PC22-05617 Edward R. Fallens, Jr. et al. V. Kelli Russ

Heidi Rogers moved, Chris Stone seconded, to go into Executive Session pursuant to RIGL 42-46-5 for a work session regarding Contracts according to RIGL 42-46-5, (A), (2) and for Personnel and Job Performance according to RIGL 42-46-5-(A)1; and to reconvene into open session, and to further keep the minutes of said meeting closed, and that 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.

VII.

Potential Litigation

- Re. 6 Wetherbee Road
(Use Agreement)
- Proposed Lease
Agreement between TOF
and MCM (tower)
- DPW Director’s Contract

**RETURN TO OPEN
SESSION**

The council reconvened in to Open Session at 9:55 p.m. Denise L. DiFranco announced that four votes were taken in Executive Session. One was to sign in to agreement the Police Contract Memorandum of Understanding for Joshua Andrade effective January 14, 2024. Vote was 5 – 0. The second vote was to authorize the DPW Director to engage the services of a surveyor not to exceed \$5,000 to be taken from contingency to survey the town’s frontage along 78 Winsor Road. Vote was 5 – 0. The third vote was to have the solicitor’s office prepare an ordinance to adopt a two-rod width road for public safety and traversing. Vote was 5 – 0. The fourth vote was to renew the contract between Town of Foster and the DPW Director for three years to include two weeks and one day vacation. The vote was 2 – 2.

VIII. ADJOURNMENT

David Paolino moved to adjourn.
Motion passed 5 - 0. Meeting adjourned at 10:00 p.m.

Submitted by,

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

NEW DATE - PREVIOUSLY 11/30/23 • TOWN OF FOSTER

On December 4, 2023 The Foster Town Council will conduct a Public Hearing at 6:00 PM at 181 Howard Hill Road (Town House Building). On the agenda will be discussion of five (5) zoning ordinances recommended by the Planning Board at its October 4th and October 18th meetings.

The recommendations include amendments and additions to the Foster Zoning Ordinance Sec. 38-2 – Definitions; Sec. 38-38 – Public notice requirements; Sec. 38-191 – Table of uses; Sec. 38-193 – Prohibited uses and Sec. 38-226 - Substandard lot of record.

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

Foster Police Department Building Committee

January 6, 2024

Foster Town Council
181 Howard Hill Road
Foster RI, 02825

RE: Foster Police Station Project

Madam President and members of the Town Council,

In my capacity as chair of the Foster Police Department Building Committee, I am submitting the following recommendations from the Building Committee that have been Motioned, Seconded and Approved.

I will preface this with the liner notes of our discussion. We were all disappointed, as you were, that the bids were far in excess of the estimated figures supplied by the architect and other professionals over the past several years. We do understand that there are unwarranted inflationary costs that have impacted nonresidential construction 50% or more just in the post Covid period and we are feeling the brunt of that.

Of the original bidders, only three replied with "Best and Final" with "Value Engineering adjustments". Two of which made the deadline requested by the Architect, one did not. Ahlborg Construction arrived later in the evening of the bid date. I have included all three for reference. At this time, there is no reason to believe the remaining three that did not submit updated figures would have been less than those we received.

Contractor	Original Bid	New Bid	Reduction
Tower Construction	\$7,779,000	\$7,094,000	\$685,000
Bentley Builders	\$8,978,216	\$7,730,765	\$1,247,451
Ahlborg Construction	\$9,357,000	\$7,148,000	\$2,209,000

As disappointing as it continues to be, we are where we are and we need to act accordingly.

The Building Committee recommends the following:

1) The Foster Town Council (FTC), or their appointed agent(s), continue their investigation and receive commitments in the next 30 days with surrounding communities on regionalization of Dispatch, Municipal Court, EMA or any other services to relocate in the town of Foster. We need to prepare our case to request potential additional funds from the Municipal Public Safety Infrastructure Grant Program. We do not know if the Grant Committee will accept any of these options or if we will need a different plan if we have no parties willing to commit. We believe that Foster meets the qualifications for as much as \$1,000,000 in Grant Funding currently

however we also feel there are avenues for more funding due to the overarching need to the region and timelines for all projects that could meet the criteria.

2) The Building Committee (BC) members to complete the suggested revisions, that are in process now, to the plans to further reduce cost. The drafts will be submitted to the architect and we request the FTC embrace any changes.

3) The Town and the BC will continue to investigate and act on every possible opportunity of alternative funding that will not impact the tax payer in Foster. However, we believe, in an effort to avoid any further exponential increases in cost, the FTC should secure a vote from the citizenry for the gap in funding for the project. We believe this figure is 2.5 M-2.7M. We suggest constant input from Kelli Russ on this matter. Again, it is our sincere intention to avoid this bond but we must be prepared and avoid any delays that will further increase cost.

4) We wish the FTC to engage ERA to embrace the revisions and get a 100% solid commitment on how long to revise the plans and their cost for said revisions. If the timeline is considerable, then revisions may actually work against our best interests and we must be cognizant of that.

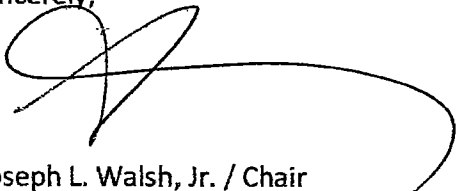
5) We believe whereas we have only two bids that met the deadline on the project, and we are making revisions, the Town *may* need to rebid the project. We feel the FTC should *consider* re-bidding the project and deleting municipal experience to broaden the field. That will NOT mean the FTC is forced to select the lowest bidder. The FTC could also choose to accept all three bids that were returned if the Solicitor feels it is proper. At that point, any revisions could be limited to the participating original three bidders.

6) We believe the FTC should consider carving out the excavation and foundation to reduce cost and expedite the process. It would also be included in any re-bid for complete package but there would be an option to dissect from the remainder of the project. Part of our proposed revisions **will impact** the excavation and the foundation.

7) The Town should examine any and all potential sources of revenue in the Town that could assist in the funding of this project.

In conclusion, these are the suggestions the Building Committee arrived at. We hope you will find some value in this information for your review.

Sincerely,

A handwritten signature in black ink, appearing to be 'J. Walsh', with a long horizontal flourish extending to the right.

Joseph L. Walsh, Jr. / Chair



TOWN OF FOSTER
EST. 1781
TOWN CLERK'S OFFICE
181 HOWARD HILL ROAD FOSTER, R.I. 02825
PHONE (401) 392-9201 FAX (401) 702-5010

December 18, 2023

Rhode Island Emergency Management Agency
645 New London Avenue
Cranston, RI 02920

To Whom It May Concern:

The Town of Foster, Rhode Island would like to confirm the designation of Mr. George Dumont, Building and Zoning Official, as the Authorized Community Official and NFIP Administrator for the Town. He was appointed to this position on December 13, 2023. His full name, address, and contact information are as follows:

George C. Dumont, Building and Zoning Official
Town of Foster, Rhode Island
181 Howard Hill Road, Foster, RI 02825
Telephone: 401-392-9205
Email: BZOfficial@Townoffoster.com

If you have any questions, please feel free to contact my office or Mr. Dumont. Thank you for your attention to this matter.

Sincerely,

Denise DiFranco
Town Council President, Town of Foster, Rhode Island

C: Grant McGregor, Planner, Town of Foster

/jms



International Brotherhood of Police Officers

A DIVISION OF THE NATIONAL ASSOCIATION OF GOVERNMENT EMPLOYEES

Date: 12/21/2023

Town Administrator/Mayor

Dear Ms. DiFranco

As you are aware, the collective bargaining agreement between IBPO Local 637 and the Town/City of Foster will expire on June 30, 2024.

Therefore, please let this serve as notice that in accordance with R.I.G.L. Section 28-9.2-13, IBPO Local 637 is requesting to commence negotiations for a successor collective bargaining agreement.

Please contact me for the purpose of discussion of a mutually acceptable date and time to begin negotiations. I thank you for your attention to this matter.

Sincerely,

Sergeant Raymond Peters

President, IBPO Local 637