

At the Regular Meeting of the Town Council of the Town of North Kingstown, County of Washington, and State of Rhode Island, held in and for said Town, County, and State this 23rd day of January, 2023 at the Town Hall Council Chambers, 80 Boston Neck Road, at 6:40 p.m.

PRESENT WERE: Gregory A. Mancini, President
Katherine K. Anderson
Lawrence C. Mandel
Matthew B. McCoy
Dr. Kimberly Ann Page

ALSO PRESENT: A. Ralph Mollis, Town Manager
Jeannette Alyward, Town Clerk
Susan A. Murray, Deputy Town Clerk
Matthew F. Callaghan, Jr., Town Solicitor

An audio recording and video recording of this meeting was made to supplement the written record.

1. Call to Order

The Regular Meeting of the Town Council of the Town of North Kingstown held on January 23, 2023 was called to order by President Mancini.

2. Notice of Meeting being posted

Pursuant to R.I.G.L. 42-46-6(c), notice of this meeting has been posted on the Secretary of State's Website.

3. Salute to Flag

President Mancini led those in attendance in a salute to the flag.

4. Public Comment

President Mancini read the following statement:

“This past Spring, I participated in a national study about violence in politics by the University of Illinois at Chicago. The study focused on negative, hostile, and menacing communications between constituents and public officials. It concluded that the constant personal and negative discourse fuels threats and abuse. Experts warn that this climate may get worse.

Unfortunately, this trend has hit North Kingstown. In 2019 a resident made a post on social media that said that the members of the Town Council “deserved to be covered in stones or better still hanged in the village center”. Recently a School Committee member received a death threat in an e-mail. No matter where you are on the political spectrum, death threats are not okay.

We have a great community, our quality of life is superb. Overall North Kingstown is a great place to live, and we are lucky to be here.

I can also tell you that we, as your public servants, do not have a monopoly on good ideas and in fact sometimes we are wrong. However, none of us deserve death threats. We, as public servants, welcome constructive criticism. But it does not have to be personal and definitely does not have to be life threatening.

So, let's work together to make our community better, not tear it down. With that we want to hear your concerns.”

George Brennan, 70 Boone Street, stated that he would like to thank the Planning Department, Town Manager Ralph Mollis, and Ben Mandel for their idea for the Post Road Christmas Decorating. There were 17 businesses involved this year. He also stated that he was in favor of Agenda Item #23 Appointment to the Wickford Advisory Committee. He is the Vice Chair of this committee and is supporting the appointment of Suzanne Mancini to the committee.

Richard Welch, 8 Arrow Lane, stated that the Town Council is the head of Town Government. He stated that the Council oversees the municipal side of the Town, and he feels that they should oversee the School Committee as well. He stated that the School Committee meeting involving the Interim Superintendent was an embarrassment to the town, and the Town Council needs to be more active.

Brett Mallery, 731 Annaquatucket Road, stated that he heard the Town received Federal money for the Post Road sidewalk project. He further stated that there needs to be sidewalks on Annaquatucket Road for the safety of the students. (Spoke between Agenda Item Numbers 5 and 6).

I. SPECIAL BUSINESS

5. Discussion of Legislative Priorities with the North Kingstown Legislative Delegation

President Mancini welcomed Representative Craven, Representative Casimiro, and Senator DiMario and thanked them for attending tonight. He further stated that Senator Valverde is unable to attend tonight as her son is a finalist in a spelling bee.

President Mancini stated that the legislative delegation has been provided with correspondence of topics of discussion that were submitted by the Council and the School Committee. He further stated that there are two pressing issues. The first issue being legislation that would allow our existing interim superintendent to continue in that capacity. Secondly, we do our best to maintain tax increases with 2% increases over the last 3 budget cycles. He is concerned that we will need a tax increase as he doesn't see state aid coming through for North Kingstown and he doesn't feel that the taxpayers of North Kingstown should get a significant increase. The Governor talked about a \$600 million surplus in his State of the State address, as well as broad based tax cuts. He feels that before those tax cuts are considered we should increase funding for education. He would like to drive home the point that we do a good job being frugal and so does the School Committee and the School Department, but he is concerned that we will potentially receive a \$44,000 decrease in state aid. There is a teacher shortage and the teachers' contracts are soon to be up and he is concerned.

Mr. Mollis stated that we understand that the legislatures are difficult; however, he is disappointed at the preliminary numbers for state aid. This is going to be a unique year and he understands that there are a lot of hands in the pot to change education. We need an aggressive voice at the state house to do everything possible to hold the Town harmless. He feels that we as a community and district shouldn't be punished by the fact that our home values have gone up and the free and reduced lunch program has decreased. It is concerning for the Town taxpayers to have to come forward to handle any increase the school district needs without any assistance from the State. He further stated that if there is anything the Council or he can do by testifying on bills, please let us know.

President Mancini stated that the School Committee also has a few other priorities such as universal Pre-K and free lunch. However, the one thing he would like to advocate for is the need to increase social workers. Over the last four to five years, the School Department has stated that there is a significant need for more social workers; however, that comes with a cost where taxpayers would bare that burden. He feels that is unfair to our taxpayers and again requested that before any tax cuts be approved at the state level that our community receive increase funding for our existing services and funding for more social workers.

School Committee Chair Erin Earle thanked the Council for the invitation to be part of this discussion and the legislative delegation for attending tonight. She stated that it has been clear how important relationships are between the Town and our legislative delegation. As President Mancini has stated we have some priorities and in addition to what has already been discussed, we are considering new school buildings which is a timely issue. Also, to reinforce the need for nice amazing educators to continue to work after retirement longer than the existing 90 day limit, we would like to see that time frame increased not only for North Kingstown but for all communities. It is also essential that we look at getting individuals ready to move into the Superintendent and Assistant Superintendent roles. Again, with the social worker challenge in this state to support our students due to the impact of learning loss, mental health challenges in

the schools are time consuming and we need proper staff to not only support our students but our teachers as well.

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School Committee Member Jen Lima stated that she would like to reiterate Erin's comments regarding the need for social workers and understands that Senator DiMario was a co-sponsor on these bills last year and hopes that they are introduced again this session. She further stated that she understands that Rep. Caldwell has introduced a bill for universal free lunch and we have received good feedback from North Kingstown residents. The other priority is to amend the statute that requires termination of a teacher be done by March 1st and doesn't become effective until June 30th. She would like to see that statute amended to allow immediate termination for gross misconduct. She thanked the Council and the legislative delegation for including them in this discussion.

Representative Craven stated that we know there is a lot of money out there and there is a lot of people looking for that money for different reasons. He recognizes and speaks for his colleagues that we got elected to bring the bacon home. There are several communities losing state aid, Tiverton is losing \$750,000. From his own experience at home as his wife is a school principal, there is a huge need for social workers in all communities and we need to fix that. He agrees that with a \$600 million surplus we need to find a way to help all of the communities. There are all kinds of one-time fixes for permanent problems, and this is definitely one of them. It is going to be his approach. He further stated that the North Kingstown delegation works very well together, and he is confident that the four of them will formulate their plan of attack on how to obtain a fair portion of this surplus. He will keep the Council and School Committee informed of how things are going.

Rep. Casimiro stated that as a substitute in North Kingstown she is well aware of the importance of mental health and social workers in our schools. Things are really bad for our kids and teachers and she will do everything she can to support these initiatives.

Sen. DiMario thanked the Council for the invitation to meet tonight. She stated that she echoes Rep Craven and Rep Casimiro's comments. The social worker bills that were introduced last year have increased attention this year and there will be a bill introduced on the house and senate side to seek one social worker per 400 students which is considered best practice nationally and will come with funding. We are also going to work to ensure that we have the social workers to fulfill the one social worker per 400 students obligation. Social work is a difficult job, and we have an issue recruiting and maintaining this workforce.

Councilor Mandel thanked the delegation for attending. He stated that the stoplights on Route 4 are a continual problem, a nuisance, and an aggravation but more importantly a safety factor. When he was campaigning, he heard about this issue from many residents. One resident said that he used to work for the Rhode Island Department of Transportation, and this is not a high priority for them and to get earmarks for this issue. We need to fix this issue. Sen. DiMario stated that when she was campaigning, she heard the same concerns about Route 4 as well as traffic calming in neighborhoods. She agreed that this is not a state issue and hopes that the Council and delegation can work together to get the various agencies to work together to solve these issues. Rep. Craven stated that 3 months ago he had a meeting with the DOT Director about this issue and as a delegation, we will meet with the Director. Director Alviti outlined a three prong approach to this issue. The first was adjusting the timing of the lights to calm traffic without having a back-up situation. The second was that on both sides of West Allenton Road there is more than sufficient land for a right turn only lane which will alleviate a lot of back-ups. The third is something that goes back to when he was on the Council in 1994-1996 which was an overpass. Mr. Alviti has applied for a grant for Oak Hill Road and West Allenton Road, and he will make sure he is prioritized for this coming year's budget. President Mancini stated that the grant is federal, which North Kingstown was the recipient of one of the grants for the sidewalk projects on Post Road.

President Mancini stated that Harbormaster Jim Broccoli and the Harbor Management Commission are requesting to submit enabling legislation that will allow all cities and towns to regulate houseboats.

Mr. Broccoli gave the following presentation:

Request for support of "enabling legislation" for Cities & Towns to regulate all houseboats



North Kingstown
Harbor Management Commission
January 2023

Background

- RIGL § 46-4-6.4 only allows the regulation of non-motorized houseboats in NK
- Houseboat owners could attach a motor to a houseboat (even if inappropriately sized) circumventing this law
- RICRMC policies state "houseboats are a low priority use in tidal waters"
- Demand for Dock space in NK has out paced availability



Houseboat in Wickford Cove



Without Regulation Houseboats could:

- Dominate the waterfront
- Crowd out recreational & fishing boats
- Block waterview
- Create 12 month residence without fire or building regulations

Potential issues with unregulated houseboats

- Two Story
- Dockside/block view
- Limiting recreational & fishing boats
- AirBnB Type Rental
- No septic regulations
- Police/Fire Access issues



Potential look of RI harbors without regulation

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SUMMARY

- The North Kingstown Harbor Management Commission and Harbormaster are requesting a resolution from the Town Council to our State Legislators to introduce and support “enabling legislation” to allow Towns and Cities to regulate all houseboats.
- Thank you for your consideration.

President Mancini stated that the Harbor Management Commission and Harbormaster are essentially looking to insert “all houseboats whether self-propelled or not” and strike the language “that are not self-propelled”. He further stated that he doesn’t think it is a heavy lift. Rep. Casimiro stated that there has been a bill drafted in the house already which she has signed on to. President Mancini asked if there is a lobbying group that could assist with passage. Rep. Casimiro stated that she doesn’t believe there will be any opposition; however, the Council could send written testimony. Sen. DiMario stated that this will also be introduced on the senate side and agrees that there will be no opposition as the issue is well understood. President Mancini asked if the League of Cities and Towns has taken a position on this issue. Mr. Mollis stated that it hasn’t come up but he will certainly ask them to weigh in on this especially the coastal communities. He asked the delegation to let him know when this is going to be heard so we can testify. Ms. Alyward asked if this will apply statewide, Rep. Casimiro stated yes. Rep. Craven stated that this is enabling legislation which will allow any city or town by ordinance to regulate this issue.

President Mancini stated that the Town Clerk and Town Solicitor are requesting the legislative delegation to submit legislation to ratify amendments of the Home Rule Charter which were passed by the voters on November 8, 2022.

President Mancini thanked the legislative delegation for coming tonight as the discussion was very productive and the Council looks forward to working with the delegation.

6. Presentation/Receipt of Donation - Five (5) Framed Original Paintings and Prints

Mike Donohue of Historic Wickford Inc. (HistWick) stated that they wish to donate to the Town a series of five (5) framed original paintings and prints that were used in the historic marker project celebrating the history and heritage of Wickford. We hope that the Town will use this artwork in the newly renovated Town Hall building on Boston Neck Road.

The five works included in this gift are:

- The Narragansett – The People of the Small Point, painted by Dawn Spears
 - This marker is found on the path to the North Kingstown Land Trust property on Bush Hill.

- The Founding of Wickford, painted by Lorraine Bromley
 - This marker faces the home on Pleasant Street, currently owned by Chris Scofield and Ellen Cullum.
- Ten Rod Road, painted by Daniel Urish
 - This marker is found on Phillips Street, along the sidewalk to the west of Wickford Elementary School.
- Wickford as a Maritime Center, painted by Donato Beauchaine
 - This marker is next to the south sidewalk on West Main Street facing Academy Cove.
- Wickford's Golden Age, painted by Harley Bartlett
 - This marker is found on the south sidewalk in front of 17 Main Street

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The Council thanked Mr. Donohue and HistWick for their generous donation and all the work they do for Wickford.

Motion by Councilor Page, seconded by Councilor Mandel and unanimously

VOTED: To accept with gratitude a donation of the following five (5) Original Paintings and Prints to be displayed at the Town Hall given by Historic Wickford, Inc.:

The Narragansett - The People of the Small Point painted by Dawn Spears
 The Founding of Wickford painted by Lorraine Bromley
 Ten Rod Road painted by Daniel Urish
 Wickford As a Maritime Center painted by Donato Beauchaine
 Wickford's Golden Age painted by Harley Bartlett

7. Introduction/Presentation of Municipal Office Building Renovation Project

Town Manager Mollis gave the following presentation:

Introduction



PERSPECTIVE VIEW 1
 8/14/18

NORTH KINGSTOWN MUNICIPAL OFFICE BUILDING
 NORTH KINGSTOWN, RHODE ISLAND
 JANUARY 23, 2023

Over the years we've talked about the necessity of a community such as ours --- proud of our history and wanting to provide residents, visitors, and employees with the best of conditions when visiting our offices --- to build a new Municipal Office Building.

We've proudly restored our Town Hall at 80 Boston Neck Road, bringing this historic building back to life, and we now must turn our attention to providing a structure in which over 30 employees, the majority of our town departments, and thousands of residents and visitors visit each year - one which we can be proud of. We know that to do so would require a commitment of well over \$25 million and with our current priorities of new educational buildings, a

Recreation Center, and necessary renovations or replacement of our Public Safety Complex, this isn't feasible.

Over the past year we've been meeting internally as to how we could accomplish this. A step which would renovate this critical building while putting off the \$25 million investment for many years to come.

A little history first. The current home of our Municipal Operations was vacated by the School Department due to the condition of the building and returned back to the ownership of the Town. I believe this took place sometime in 2015 and the Town then proceeded with plans to move operations from 80 Boston Neck Road to 100 Fairway Drive. Despite the many improvements made over the past few years, the building's aesthetics leaves much to be desired and the building lacks a suitable HVAC System. The sidewalks have cracks which jeopardize ADA accessibility, handicap doors need repair or replacement, the trim on the outside of the building is in dire need of replacement, and much more.

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Back in April, we brought on Aharonian and Associates – with the approval of the Town Council – and they have worked with us to develop a proposal which provides a new interior design, small addition, new inviting entrance, lobby, new windows, siding, HAVA and infrastructure upgrades.



PERSPECTIVE VIEW 3
MAD 176



NORTH KINGSTOWN MUNICIPAL OFFICE BUILDING
NORTH KINGSTOWN, RHODE ISLAND
JANUARY 23, 2023

New Exterior/Entrances



INTERIOR VIEW 1
MAD 176



NORTH KINGSTOWN MUNICIPAL OFFICE BUILDING
NORTH KINGSTOWN, RHODE ISLAND
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INTERIOR VIEW 2
SCALE: 1/8"



NORTH KINGSTOWN MUNICIPAL OFFICE BUILDING
NORTH KINGSTOWN, RHODE ISLAND
JANUARY 28, 2023

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New Lobby



PROPOSED FLOOR PLAN
SCALE: 1/8"



NORTH KINGSTOWN MUNICIPAL OFFICE BUILDING
NORTH KINGSTOWN, RHODE ISLAND
JANUARY 28, 2023

Very small addition providing a much-needed Conference Room and more up to date restrooms.

It's something we feel the residents can be proud of, visitors will be impressed by and improvements to the quality of work space for our employees ---- and at a small investment we can put off a \$25+ million investment for many, many years.

Funding / Next Steps



PERSPECTIVE VIEW 3



NORTH KINGSTOWN MUNICIPAL OFFICE BUILDING
NORTH KINGSTOWN, RHODE ISLAND
JANUARY 23, 2023

While we need formal proposals, our estimates are that this minor upgrade will cost between \$2 - \$2.5 million. My funding proposal for this project would be 50% from ARPA as we will be addressing HVAC upgrades as well as providing an improved service to our residents and a healthier working environment for our employees --- and 50% from a combination of Fund Balance and any Capital Funds we can obtain via appropriate unrestricted and restricted funds within our assets.

What I am looking for from the Town Council tonight is:

- A consensus that we need to and should move forward on this vision.
- A consensus that my funding plan is something the Town Council could support.
- A consensus to move forward on an RFP or RFQ for an Architectural Engineer to begin moving forward on this project, realizing that the award of the RFP or RFQ would still need to be approved by the Town Council.

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President Mancini thanked Mr. Mollis for his presentation. He stated that when he was first elected, he noticed that the Town's assets were not in the best of shape and the Town Hall was vacant. He thought it would be great to have Town Hall expanded; however, the bond to accomplish that failed. The people spoke. He was concerned about the cost of a new municipal office building along with our other capital needs including the schools. This proposal is very appealing to him.

Councilor Page stated that she was on the School Committee in 2014 when we voted to take the School Department out of the building that the municipal offices are now located in. She was surprised that the Town Council would take on the challenges of that building. In seeing this presentation today and having been in the current Municipal Office Building, the Town has changed that building for a greater benefit. However, she feels that changes still need to be made to address some of the challenges. She is willing to take the next steps to look into something more specific and likes the idea of Mr. Mollis's funding recommendations.

Councilor Mandel stated that he salutes the Manager's creativity. Clearly the building needs help and is a lot to swallow at once and would like to think about this a little more. Not because he has a question about this particular project but more in the context of what we do with our assets. Councilor Mandel asked if the Asset Management Commission has seen this proposal and do they have any recommendations. Mr. Mollis stated the Asset Management Commission is an advisory committee. He is sure somewhere in their report that they are looking for a new Town Hall, but we have not received any input on the Municipal Office Building, and he didn't feel the need to at this point because we don't need bonding as we have funding for the project. With all due respect, the Asset Management Commission knew we needed to address the Municipal Office Building. That is his opinion, and it doesn't mean the Council can't ask them to review this. He understands that this is the first time seeing this proposal and if the Council would like to refer action at this time, the Council would have to approve any award of an RFP

or RFQ. Upon that approval, then we would move forward with drafting bid documents for construction and that would also be required to be approved by the Council.

Adam White, Public Works Director stated that several years ago the Asset Management Commission was in favor of saving the Municipal Office Building. There is a report that was done by them which he can provide to the Council. Councilor Mandel stated that it would help to see the whole picture to get a perspective of this project, public safety complex, and rec center.

Mr. Mollis stated that he will probably be on a different page than the Asset Management Commission on the list of priorities. That is okay as they are a valuable resource. When it comes to a \$2.5 million project, he didn't see the need to bring in another committee. With that said if we defer this for one month, it is not going to hurt this project at all.

Councilor McCoy thanked Mr. Mollis for the presentation. He stated that he doesn't have any desire to delay this project and thinks we should consider it, allow it from a planning perspective to move forward. We need to continue operations of our Town Hall and it sounds that from what was presented tonight we have a plan for that. He likes the cost avoidance aspect of this as opposed to going for a bond for a new building from the ground up. He thinks the taxpayers appreciate this. He is in favor of moving forward to explore this project further.

Councilor Anderson stated that she agrees and is comfortable moving forward knowing that we are exploring and planning at this phase. She trusts the Manager and his team and knows we can continue to ask questions. This proposal is reasonable and necessary.

President Mancini stated that he agrees with Councilor Anderson, Councilor McCoy, and Councilor Page. He further stated that in the grand scheme of things this is a very small project in which he believes is going to save the taxpayers millions of dollars. He doesn't think in terms of priorities that it should be vetted based on larger bond required projects. He further stated that we should look at a list of all these bigger projects including the potential of new schools.

President Mancini stated that it appears that it is the consensus of four of the Council Members to move forward. He further stated that he would like to see as much ARPA funds be utilized for this project.

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Mr. Mollis stated the next step will be to go out to bid for an RFQ or RFP and have the Council approve that contract which will provide a cost for this project. We are approaching the threshold where we are going to be required to start spending down some of our fund balance and ARPA funds need to be allocated to projects and spent by the end of 2026. He further stated that the Asset Management Commission will be presenting their CIP at the February 6th Council Meeting. He thanked the Council for the consensus to move this project forward.

President Mancini stated that he thinks the Asset Management Commission's work is more related to bonded projects. Mr. Mollis stated they will touch on every project but for the most part, they prioritize the larger projects. He further stated that he is meeting with the School Committee Chair next week to discuss bonding projects.

President Mancini thanked the Manager.

II. PUBLIC HEARING

8. Class B-Full Alcoholic Beverage, Victualling, Amusement, Billiard, Jukebox, Dance, and Entertainment Licenses (renewal)

Motion by Councilor Anderson, seconded by Councilor Page and unanimously

VOTED: To open the Public Hearing.

There was no public comment.

Motion by Councilor Anderson, seconded by Councilor Mandel and unanimously

VOTED: To close the Public Hearing.

Motion by Councilor Page, seconded by Councilor McCoy and unanimously

VOTED: To approve the renewal applications for a Class B-Full Alcoholic Beverage, Victualling, Amusement, Billiard, Jukebox, Dance, and Entertainment Licenses, expiring on December 1, 2023, by S.A.T. Enterprises Inc., dba Wickford Tavern aka Duffy's Tavern, 235 Tower Hill Road, subject to taxes and water paid to date; receipt of Alcohol Server Training Certificates; receipt of a certificate from the Rhode Island Department of Health; receipt of a Rhode Island Retail Sales Tax Permit; receipt of Liability Insurance; receipt of a Certificate of Good Standing; and compliance with the recommendations of the Building Official, the Fire Marshall, and the Planning Department.

9. Class B-Full Alcoholic Beverage License and Victualling License (renewal)

This Public Hearing was continued from January 9, 2023 and there was no public comment.

Motion by Councilor Mandel, seconded by Councilor Anderson and unanimously

VOTED: To close the Public Hearing.

Motion by Councilor Mandel, seconded by Councilor Page and unanimously

VOTED: To approve the renewal applications for a Class B-Full Alcoholic Beverage License and a Victualling License, expiring on December 1, 2023, by Wickford Diner LLC, dba Wickford Oyster Bar, 95 Brown Street, subject to taxes and water paid to date; receipt of Alcohol Server Training Certificates; receipt of a certificate from the Rhode Island Department of Health; receipt of a Rhode Island Retail Sales Tax Permit; receipt of Liability Insurance; receipt of a Certificate of Good Standing; and compliance with the recommendations of the Building Official, the Fire Marshall, and the Planning Department.

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III. CONSENT AGENDA

Motion by Councilor Page, seconded by Councilor Mandel and unanimously

VOTED: To approve Consent Agenda Item Numbers 10 through 17 as presented with the exception of Agenda Items Numbers 10, 13, and 17.

10. Acceptance of a Grant

Motion by Councilor Page, seconded by Councilor Mandel and unanimously

VOTED: To accept the grant from the Thomas and Erma Wood Peirce Cemetery Fund in the amount of \$437.00 for the upkeep and maintenance of the William Smith Cemetery (NK013).

11. Receipt of Donation

VOTED: To accept with gratitude the following donation in the amount of \$25.00:

For: Beechwood Senior Center

To be used for the Mealsite

From: William McGill

\$25.00

12. Receipt of Donations

VOTED: To accept with gratitude the following two (2) donations to be used by the North Kingstown Animal Shelter, 395 Hamilton Allenton Road, for assisting in the care and shelter of animals in need:

Robert and Susan Crowley \$100.00
Mary C. Teixeira \$ 20.00

13. Ratification of Town Manager’s Approval

Motion by Councilor Mandel, seconded by Councilor Anderson and unanimously

VOTED: To ratify the Town Manager's approval of an emergency replacement of a water heater at the North Kingstown Golf Course to Cola Plumbing and Heating, Inc., in the amount of \$22,400.00.

Funding is from FY2023 - Golf Course Special Projects Account 43321020-550801.

14. Letter of Resignation

VOTED: To accept the letter of resignation from Danny Humbyrd, resigning from the Library Board of Trustees, and that the Town Council President send a letter of appreciation to him for the dedicated service he gave to the Town of North Kingstown.

15. Refuse Collector – Commercial Not For Hire License (renewal)

VOTED: To approve to January 1, 2024 the renewal application for a Refuse Collector - Commercial Not for Hire License by Tim Flynn, 151 Sachem Road, subject to taxes, water, and any other assessments paid to date.

16. Request that the North Kingstown Legislative Delegation submit Legislation – Home Rule Charter Amendments

VOTED: That the North Kingstown Legislative Delegation is hereby requested to submit legislation and seek passage of an Act validating and ratifying amendments to the Home Rule Charter of the Town of North Kingstown.

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17. Request that the North Kingstown Legislative Delegation submit Legislation – “Town of North Kingstown – Powers Conferred – Relative to “Houseboats”

Motion by Councilor Page, seconded by Councilor McCoy and unanimously

VOTED: To table the request to have the North Kingstown Legislative Delegation submit legislation to amend RIGL 46-4-6.4(a), entitled, “Town of North Kingstown – Powers Conferred – Relative to “Houseboats”.

IV. REPORTS

18. Report by the Town Manager

Town Manager Mollis gave the following report:

- I’m happy to announce that we unveiled our new website and website address today. We can now be found at www.northkingstownri.gov. In addition, our new website design has significant user-friendly improvements with a fresh, easy to navigate design and helpful information to residents and visitors alike. I encourage everyone to visit our new website as well as including all of our Social Media Platform links in your Social Media portfolio. You will find the platforms informative and interesting.
- In follow up of Wickford Village’s designation as the USA Today Reader’s Choice “Best Historic Small Town of 2022”, we have put together an application to be considered for their 2023 award as well. There will be 27 days of voting from now until February 18th. You can vote once per day. I encourage everyone to visit one of our Social Media

Platforms for the link on how to vote so that we can secure this impressive distinction for the second year in a row.

- We continue our work on the FY2024 Budget. I will be presenting my Fiscal Year 2024 Budget to you during your March 13th Council Meeting. You will then meet with Department Heads and me all day on Thursday March 16th and the evening of Monday, March 20th before adopting a preliminary Budget that evening. That will be followed by a Public Hearing the week of April 17th --- we are working on a final date for the Public Hearing.
- We had a successful event last week where we hosted Senator Jack Reed and DOT Director Peter Alviti as we announced a \$2 million federal earmark towards the Post Road/West Main Street Sidewalk Project. As we know, the cost of this project has increased significantly since it was first requested, and this federal earmark will bring this important project closer to reality. RIDOT is working with us on design work, and we are hoping to break ground on this project sometime in 2024.

19. Town Manager's Update on Annex/Old Library Building Project

Mr. Mollis gave the following update:

"I've had a series of recent conversations with the owner of 55 Brown Street – or what we know as the Annex and our "Old Library", and I want to bring the Town Council up to date as well as receive some guidance for the short-term future.

First a very brief history:

At a Special Election on April 24, 2018, almost 80% of the voters approved the sale of the land and building at 55 Brown Street. The plans for the building at that time included a multi-purpose venue for performing arts, a restaurant, and other creative possibilities to contribute to the Village of Wickford. Most importantly, the sale required maintaining the integrity and historic aspects of the original structure.

Because the election and sale were taken to Court as well as the Attorney General, the closing didn't take place until September 17, 2020. As a result of the Court action and Attorney General's opinion, \$94,000 of the \$100,000 sales price was required to be donated to the town's Library while \$6,000 was retained by the Town for reimbursement of various costs such as surveying, etc.

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It should be noted that there were significant structural code issues that needed to be addressed by the new owner as well as the requirement of hookup to our Sewer System, repair of the Fire Alarm system, historic deed restrictions, and other requirements. It is assumed that these requirements resulted in \$100,000 being the highest bid.

While Ms. Clulow's bid and project vision was approved in 2018, with the legal action pushing the closing to September of 2020, Ms. Clulow obtained ownership of 55 Brown Street during the heart of the COVID Pandemic. In addition to the borrowing interest rate practically doubling during this time, so has the cost of goods and supplies. As a result, Ms. Clulow received a project cost in September of 2017 from Case Construction of \$1.3 million just for renovations and bringing the building up to code with a total projection to open the business of \$2 million. Ms. Clulow then received an updated budget from Site Specific Design, Build and Restoration in 2020 of \$3.5 million. Ms. Clulow has recently received an updated budget figure from Site Specific Design on January 12th of this year of \$5.2 million.

It should be noted that Ms. Clulow has invested over \$300,000 to date including the purchase price, the cost to the state of the historic easement and historic tax credit, and other costs.

As you know, the Purchase and Sale Agreement was drafted with numerous protections to the Town. One of the many protections was Section 15 of the P&S where "in the event the buyer has not completed its renovations and obtained a Certificate of Occupancy for the Premises within three years of the Closing Date and the buyer has no bona fide offers to purchase the Premises, the Town shall have the option to repurchase the Premises for \$100,000 plus the cost of verified improvements made by the buyer after the date of the closing, including sewer hook-up fees, etc."

While Ms. Clulow is moving forward with attempting to receive appropriate investors and financing due to the increase of the cost of this project from \$1.3 million to \$5.2 million, and while she expects to begin work sometime this summer, it is obvious that she will not have completed the project and obtained a CO by September of this year. As a result, she is requesting the Town consider amending this section as she does not want to continue moving forward on financing and construction as this will adversely affect her as well as adversely affect the Town due to the town being responsible for reimbursement of any costs Ms. Clulow incurs during construction but prior to September of this year.

Ms. Clulow is also happy to appear before the Town Council at one of their February meetings to discuss this further.

I am therefore recommending, and asking, that the Town Council authorize me to extend an invite to Ms. Clulow to attend one of your February meetings to update the Town Council and discuss this further and the Town Council be prepared in February to consider extending the deadline or advise Ms. Clulow that they will not entertain an extension and begin discussions on reimbursement of her costs to date and the repurchase of this property.

I strongly recommend that we consider an extension of this agreement as this building will require significant repairs and the current environment of high-cost goods and high interest rates will not work in our favor should we decide to obtain another proposal. However, that decision will be the Town Council's and I look forward to assisting and then administering whatever the Council's decision is.

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President Mancini feels that if she improves the property and ultimately doesn't move forward, it would not be a loss for her because she is improving the property and will be reimbursed.

Mr. Mollis stated his take is that it's not only monetary it's also time and he would rather know sooner than later that she would get an extension and not invest additional money and time.

President Mancini stated that he disagrees with that premise. He does feel that the Manager did a good job laying these issues out and would certainly welcome Ms. Clulow to come to a meeting.
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President Mancini stated that he would like to open this issue up for public comment.

There was no public comment.

Councilor Page stated that right now this building is Ms. Clulow's responsibility, and she has to maintain the building and she would consider that a win. She would rather extend the time period because the voters have spoken and approved the sale. She doubts that we want to buy it back and have it become another problem on our plate. If Ms. Clulow is still willing to put in the time, effort, and money to move forward on the project, she would give her that opportunity. We need to be mindful that the Pandemic affected materials, interest rates, etc. She would be in favor of extending the time frame.

Councilor Mandel stated that we all know how important it is to develop this building as it plays a central role in Town. If we had to take the building back, is this a site we would consider for Town Hall? If so, then that changes the nature of the proposed project at 100 Fairway Drive. Mr. Mollis stated the next step for Ms. Clulow is to obtain financing and complete the project. She wants assurances that if she moves forward with the financing, that the Town will extend the time for her to complete the project. If we are not willing to do that, she would like to know now rather than invest more time and money. As far as using this building as a Town Hall, it is probably one tenth of the space that we need. He further stated the work that would be required would be very expensive as well as parking would be an issue. Councilor Mandel stated that in that case he is in favor of the project presented earlier for Fairway Drive.

Councilor McCoy stated that Ms. Clulow may have difficulty obtaining financing if we do not extend the agreement. Mr. Mollis stated that is an excellent point.

President Mancini stated that the building has been vacated too long. There are businesses in Town that need a thriving Brown Street. He doesn't want to handicap Ms. Clulow; however, the Town needs assurances that this project can move forward. He is willing to work with Ms. Clulow, but we need to be smart in how we craft any agreement. He further stated that he understands Councilor Page's point that the voters voted to sell this building but that was in 2017.

Town Solicitor Callaghan stated that he thinks we should have Ms. Clulow meet with the Council and find out what her plans are. At this point, it seems that it is conditional upon her obtaining a mortgage commitment and as Councilor McCoy indicated it may be that she will need an extension from the Town to get financing. President Mancini asked if this is a conversation that should be held in Executive Session. Mr. Callaghan stated that we need to get a feel on how she intends to proceed and perhaps we need to say to her that we are interested in extending her agreement but want some type of financial commitment from her lending institution indicating that she will get that money. We have enough buildings in Town that we have trouble maintaining and we are not looking to take another one back as that building is a major maintenance concern. If she is able to move ahead with this project, he thinks we should encourage her to do so. President Mancini stated that again his problem is the length of time that building has been vacant, and the community wants reasonable assurances from Ms. Clulow. Mr. Callaghan stated that if we say no to the extension, we will need to go through the bidding process again and that will take time. We need to get more specific information from her.

Mr. Mollis stated that he is not asking the Council for approval of an extension tonight. President Mancini stated that he understands that, but this is a good discussion.

After brief discussion, it was the consensus of the Council to invite Ms. Clulow to the February 27th meeting.

20. Report by the Finance Director

Finance Director James Lathrop gave the following report:

The Council has been provided with the December 2022 year to date budget report. This is the sixth month of the fiscal year. Our projected surplus has increased from our last report, and we are now projecting a surplus of \$1,027,465.

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Revenues continue to be strong. We are seeing department revenues to be \$500,000 more than budgeted. Higher interest rates and good cash management is resulting in projections of interest income to also be more than \$500,000 over budget. The only area of concern is that Wickford Elementary property will not close in FY2023. We had projected \$300,000 of revenue from this.

As mentioned in previous reports, motor vehicle taxes appear low, but we have a positive variance in State revenue, as the motor vehicle tax was eliminated, but made up with additional State revenue after the budget was completed.

We are projecting positive variance in expenditures that is being driven by unfilled positions and the resulting savings in wages and benefits. We have been conservative in our projections as we are starting to see more applicants for job postings.

Energy costs continue to be an item on our watch list, but action we have taken in changes to our electric contracts and declining natural gas prices seem to be helping in this area.

We will continue to monitor and inform you of any concerns.

President Mancini asked if we are expecting a \$234,430 surplus for utilities. Mr. Lathrop stated that we could be. He doesn't like to get too much in the weeds with these reports. Our energy contract expired in December. We had discussions and we took a conservative risk and locked in all our pricing for transmission and fees with RI Energy. But we bought the energy

component in 90-day blocks as gas prices were high. We are hoping that at the end of March if warm weather continues and prices go down, we can lock in at a lower price. The other thing we didn't account for which helps us are rebates we are receiving for the consolidated energy program.

President Mancini stated that we budgeted \$1.5 million, and it looks like we are going to come in at \$1.25 million which is great. In answer to President Mancini's question what we came in at last year, Mr. Lathrop stated he is not sure.

President Mancini asked how we are doing with gas budgets as he is not seeing it in this report. Mr. Lathrop stated that when we budgeted last year, we figured a 30% increase. Gas prices are coming down and have been good. The problem we are currently facing is diesel fuel.

V. NEW BUSINESS

21. Coastal Resources Management Council Application Number 1995-08-013

Motion by Councilor Mandel, seconded by Councilor McCoy and unanimously.

VOTED: That no substantive objection be filed to Coastal Resources Management Council Application Number 1995-08-013 to allow the William J. Sabo GST Exempt Trust, c/o Peter Sabo, to construct and maintain an existing dock, realign it, and add a 150 sf. float, 497 Shore Acres Avenue, Plat 142, Lots 62, 63, and 64.

22. Groundwater Committee – Appointment

Motion by Councilor Anderson, seconded by Councilor Mandel and unanimously

VOTED: To appoint David Feeney, 59 Jenkins Court, to the Groundwater Committee to July 1, 2024 to fill the unexpired term of Richard Graefe.

23. Wickford Advisory Committee – Appointment

Motion by Councilor Anderson, seconded by Councilor Mandel and was

VOTED: To appoint Suzanne Mancini, 61 Main Street, Wickford Village Business Owner, to the Wickford Advisory Committee to October 1, 2023 to fill the unexpired term of Jean Miller-Ronci.

President Mancini recused himself from the vote as his wife is the applicant.

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24. National Gun Violence Survivors Week Proclamation

A motion was made by Councilor McCoy, seconded by Councilor Anderson and unanimously voted to adopt the following proclamation:

National Gun Violence Survivors Week Proclamation

WHEREAS, every year, more than 40,000 Americans are killed with guns and approximately 76,000 more are shot and wounded; and

WHEREAS, in Rhode Island, the rate of gun deaths increased 73% from 2011 to 2020 compared to a 33% increase nationwide; and

WHEREAS, every year, on average, 46 Rhode Islanders are killed in acts of gun violence and 165 more are shot and wounded; and

WHEREAS, in Rhode Island, 67% of gun deaths are suicides and 30% are homicides. This is compared to 59% and 38% nationwide, respectively; and

WHEREAS, by early February, more Americans are killed with guns than are killed in our peer countries in an entire calendar year; and

WHEREAS, a gun violence survivor is anyone who has personally experienced gun violence — whether you have witnessed an act of gun violence, been threatened or wounded with a gun, or had someone you know and cared for wounded or killed; and

WHEREAS, forms of gun violence can include, but are not limited to: gun suicides, gun homicides, domestic violence involving a gun, shootings by law enforcement, and unintentional shootings; and

WHEREAS, 59 percent of American adults, including 71 percent of Black and 60 percent of Latinx Americans, or someone they care for has experienced gun violence in their lifetime, demonstrating the reach and impact gun violence has in communities across America; and

WHEREAS, firearms are the leading cause of death for children and teens; and

WHEREAS, people in America in cities across the nation are working to end the senseless violence by advocating for commonsense gun safety legislation; and

WHEREAS, by commemorating National Gun Violence Survivors Week on February 1 to February 7, cities across America will raise awareness about gun violence and honor the lives stolen by gun violence; and

WHEREAS, we renew our commitment to reduce gun violence and pledge to do all we can to keep firearms out of the hands of those who are a danger to themselves or others and encourage responsible gun ownership to help keep our communities safe.

NOW, THEREFORE, BE IT RESOLVED: That the Town of North Kingstown declares February 1 to February 7, 2023 to be National Gun Violence Survivors Week. We encourage all citizens to support their communities' efforts to prevent the tragic effects of gun violence and to honor and value human lives.

25. Recommendation from the Audit Committee regarding Ordinance 14-25, entitled, "Whistleblower Complaints"

President Mancini stated that earlier Sarilee Norton requested to be allowed to address the Council regarding this item.

Ms. Norton, 58 West Cove Drive, stated that Audit Committee Chair Richard August is not present tonight and she appreciates the opportunity to provide comments regarding this item. She gave the following statement:

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"As a member of the Audit Committee I want to reiterate Dick August's comments in his letter about the current Whistleblower function not being appropriate as a screening subcommittee for the Audit Committee. If you do a google search for North Kingstown Whistleblower Policy, the first thing that comes up is a description of the policy for the School Department. Its second line says "Click to File an Anonymous Ethics Violation Report". This link will take you to the Ethics•Point's webpage for North Kingstown, with instructions for filing an anonymous complaint. Among the list of potential ethics violations include:

- Accounting and Auditing Matters
- Conflict of Interest
- Discrimination or Harassment
- Embezzlement
- Falsification of Contracts, Reports or Records
- Misconduct or Inappropriate Behavior
- Sabotage or Vandalism
- Substance Abuse
- Theft
- Unsafe working conditions

The Audit Committee's "charter" states that the purpose of this committee shall be to oversee the work of the Independent Auditors and assist the Town Council and School Committee in their oversight of (i) the integrity of the Town's financial statements and the Town's system of internal controls and compliance with the Town's Code of Ethics and Whistleblower Policy, (ii) the Town's compliance with legal and regulatory requirements:

From Ethics•Point, "The whistleblower system is monitored by a subcommittee of the town Audit Committee. This screening committee is charged with ensuring that reports and complaints are addressed in a timely manner. A complaint involving the town manager or superintendent of schools may be made directly to the screening committee through the Ethics•Point hotline or website." A few questions:

- How many here know about this policy, how to submit an anonymous complaint or have ever heard of Ethics•Point?
- How many of these ethics' issues relate to accounting and financial expertise?
- How many serious financial issues has a very competent independent audit firm identified in the last several years?
- What other ethical issues has the community been dealing with in the last few years?

I don't believe this is the time to dissolve the Whistleblower function. In fact, I hope the Town Council will consider a new committee or monitor, reporting to them, specifically intended to deal with ethics violations. I also hope this committee will be given the visibility it deserves so that all townspeople are aware of it and how to use it."

Ms. Norton thanked the Council for allowing her to comment.

Councilor Anderson stated that she spoke with the Town Manager earlier today and it is her understanding which is echoed by Ms. Norton's comments that this is not an efficient or effective way to handle a very serious issue of what ought to be accessible and efficient for everyone in our community. As Ms. Norton alluded to, this isn't something that should be dissolved outright but rather is something she hopes that we can defer and evaluate further on how we can increase visibility and transparency and ease of access around this issue. She understands the manager may need to work with our legal team whether it be putting something on our website or creating a committee or something that can make this work better. She asked the Manager to outline why someone may wish to make a whistle blower complaint and the channels the complaint would take.

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Mr. Mollis stated that he and the School Superintendent have been responsible for this ordinance for the last six years and have only received about 5 complaints which usually regarded potholes, political issues, or personnel issues. His concern is that with the way the ordinance is written, it is not the right avenue to issue these complaints. Any personnel issues should go directly to the Town Manager and/or Superintendent. There is no reason for a whistleblower as that is not the definition of a "whistleblower". By the charter, any personnel issues are to go to the Manager or Superintendent. With any kind of financial crimes, we would immediately turn them over to the North Kingstown Police Department or the State Police Financial Crimes Unit. The whistleblower committee would have no jurisdiction over these types of complaints. Even with the whistleblower group and Ethics Point, any ethics complaints would go to the Ethic Commission. He further stated that he thinks that maybe this was drafted before the Ethics Commission was involved.

Councilor Anderson stated that certainly it was done before the Whistleblower Protection Act. Mr. Mollis agreed. Mr. Mollis further stated that federally and statewide we have whistleblower protections. If someone was working for an entity and they wish to say something about the proprietor of that entity, they would have protection through the federal and state polices. He likes Councilor Anderson's recommendation to look into this and maybe give direction to the

citizenry as to where they need to turn on this issue. If someone has an ethics complaint on someone, they shouldn't go to the Council, Town Manager or Superintendent, they should go to the Ethics Commission. If someone came to him and said they think that a staff member is related to someone they are doing business with, he would instruct them to take it to the Ethics Commission or he would take it to them. If we suspected a financial crime, he would go to the State Police Finance Crime Unit. He likes the concept of working with legal to put a plan in place, but it is his opinion that the Whistleblower Ordinance is not the appropriate mechanism. Councilor Anderson stated that she works in healthcare management, and they have a decision tree which is visual and is posted and provides direction of what to do relative to different scenarios. It is very transparent and easy to access and allows complaints or concerns to be resolved in a timely manner. It seems to her on this important issue that is what the public needs, direction on how to report these concerns.

Mr. Mollis stated that we would be happy to work on something. He further stated that he respects the concerns that we should at least give the citizens some direction of what the mechanism should be. Once we craft a policy/plan, we could come back to the Council.

Councilor Anderson stated that we can defer this item until such time as the Manager comes back with a proposal.

Councilor Page stated that she does not want to take any action on this tonight. She also spoke at length with the Manager. As a member of the School Committee in 2006, she was part of this discussion of the whistleblower. At that time, there a number of people who very unhappy with the Superintendent and the finances in the school district. They would come to the School Committee Meetings and tell us we needed a whistleblower policy. The policy committee worked and discussed this diligently, but we realized that we needed to follow whatever the Town did. So, at that time when the Town adopted a whistleblower policy, the School Committee stated that they would be required to follow that policy as well. Again, the push was because people were not happy with the Superintendent and to report concerns to the Superintendent would have been ineffective. This is part of the reason the ordinance was written as it was. She can see it is not working as we had hoped at that time. She further stated that she agrees with Councilor Anderson to make it easy for the citizens to understand the appropriate way to report a complaint. She feels that until we have that in place, we should leave the policy in the ordinance, but it does need to change.

Mr. Mollis thanked Councilor Anderson and Councilor Page for sharing these concerns and comments as he initially wanted to get rid of the ordinance but now agrees that we need to have some time of mechanism in place for citizens to address their concerns.

After a brief discussion, it was the consensus of the Council to defer action on this item and direct the Manager to work with legal to formulate an appropriate plan or policy.

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26. Correspondence

Christie, Diana (Constituent)

1/15/23 – E-mail to Councilors Mandel and McCoy regarding concerns over Pinewood development.

Earle, Erin (NKSD)

1/13/23 – NKSC statements regarding two investigations of NKSD teachers.

Hand, Alex (NKCOC)

1/17/23 – An Invitation to NKCOC Engaging Evenings event at LINX Indoor Golf.

Rhode Island Green Infrastructure Council (RIGIC)

1/10/23 – Invitation to attend upcoming GIC meetings.

1/18/23 – Invitation to attend GIC meeting on 1/19/23

Rhode Island Interlocal Risk Management Trust (Colleen Bodziony)

1/5/23, 1/9/23, and 1/12/23 – Information and invitation to attend the 36th Annual Dinner Meeting.

Rhode Island Public Expenditures Council (RIPEC)

1/12/23 – News Release – RI falls to the bottom ten in business tax climate index.

South County Tourism Council (SCTC)

1/15/23 – Weekly Tidings Newsletter.

Urbach, Kristin (NKCOC)

1/11/23 – Information regarding WindWinRI SPRAT training.

1/18/23 – Invitation to upcoming NKCOC meetings on 2/9/23 or 3/9/23.

Verria, Lawrence (NKHS)

1/9/23 – Invitation to participate in NKHS's Dialogues in Democracy Night on 01/19/23.

1/18/23 – Follow up e-mail with additional information for participants.

Waterman, Michael (NKSD)

1/12/23 – Invitation to attend the NKSD Building Subcommittee meeting on 1/18/23.

1/13/23 – Meeting Agenda.

1/18/23 – Supporting documentation.

Wickford Art Association

1/13/23 – Note from John Pitocco.

1/14/23 – Thank you to artists.

1/16/23 – Notice that classes are filling fast.

VI. ADJOURNMENT

The meeting adjourned at 8:55 p.m.

Jeannette Alyward
Town Clerk