

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 10th day of June, 2024 at the Town Hall Council Chambers, 80 Boston Neck Road, at 6:30 p.m.

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

ABSENT: Katherine K. Anderson

ALSO PRESENT: A. Ralph Mollis, Town Manager  
Jeannette Alyward, Town Clerk  
Susan A. Murray, Deputy Town Clerk  
James M. Callaghan, 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 June 10, 2024 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. Executive Session

Motion by Councilor Mandel, seconded by Councilor Page and unanimously

VOTED: To adjourn into Executive Session pursuant to Rhode Island General Laws 42-46-4 and 42-46-5, Subsection (2) – Collective Bargaining (IBPO Local 473).

MEETING RECONVENED AT 7:00 P.M.

Motion by Councilor Page, seconded by Councilor Mandel and unanimously

VOTED: To seal the minutes of the Executive Session.

4. Salute to Flag

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

**I. SPECIAL BUSINESS**

5. Library Board of Trustees introduction of new Library Director

Liz Suvari, Chair of the Library Board of Trustees thanked Susan Aylward for her long-term service as Interim Library Director. Her contribution to the day-to-day operations of the library was invaluable. Ms. Suvari stated that the Library Board of Trustees is very happy to introduce Megan Weeden who was recently hired by the Board.

Ms. Weeden thanked the Council for the opportunity to speak and stated that she is looking forward to serving the community as Library Director.

The Council welcomed Ms. Weeden and stated that they look forward to working with her.

## **II. PUBLIC HEARING**

6. Second Reading – Amendment to Chapter 9, Article XVII, Section 9-401 and Section 9-403

Motion by Councilor Mandel, second by Councilor Page and unanimously

VOTED: To open the Public Hearing.

There was no public comment.

Motion by Councilor Mandel, seconded by Councilor Page and unanimously

VOTED: To close the Public Hearing.

Motion by Councilor Page, seconded by Councilor Mandel and unanimously

VOTED: To adopt an Ordinance in Amendment of Section 9-401 of the Code of Ordinances, Town of North Kingstown, entitled, “Restrictions on Municipal Mobile Food Establishment Permit” and Section 9-403, entitled, “Number of Permits Granted”, and that this shall constitute the Second Reading thereof.

7. Class B-Full Alcoholic Beverage License and Victualling License (seasonal expansion of premises)

Motion by Councilor Page, seconded by Councilor McCoy and unanimously

VOTED: To open the Public Hearing.

There was no public comment.

Motion by Councilor Mandel, seconded by Councilor Page and unanimously

VOTED: To close the Public Hearing.

Motion by Councilor Mandel, seconded by Councilor Page and unanimously

VOTED: To approve the request by West Passage Brewing Company LLC, dba West Passage Brewing Company, 7835 Post Road, that the licensed premises of their Class B-Full Alcoholic Beverage License and Victualling License be expanded to include an outside seasonal seating area located at 7835 Post Road as indicated on the diagram filed in the Town Clerk's Office, subject to taxes and water paid to date and compliance with the recommendations of the Building Official, the Fire Marshall, the Planning Department, and the Police Department.

8. Public Comment

Joe Teixeira, 200 Delano Drive, sent an e-mail to the Council regarding Agenda Item #40 – Request by Towards an Anti-Racist North Kingstown that the Town raise a Pride Flag at Town Hall. He stated that he’s not in favor of putting the Pride Flag on any public building. He feels the only flags that should be displayed are the American Flag, the State Flag, the Town Flag, MIA Flag, and any Armed Forces Flags. In his e-mail, he suggested that the Council consider a Veteran Appreciation Month in June. He suggests June because we already have Flag Day and D-day.

Frances Slade, 30 Linwood Drive, stated that she received two anonymous letters regarding a new asphalt patching company located in Quonset. Because of the fumes, she feels this company will impact the Quidnessett and Shore Acres neighborhoods. It will especially impact the food companies, the marina, and the golf course and people do not want to smell this asphalt patching plant. The other issue to consider is the Seaview Railroad as it constantly has cars moving with flammable materials, and if an accident happens it will be catastrophic. She received from the State today all the regulations that are going into effect, and it tells of all the contaminates that will be in the air with this new company. She handed the packet to the Town Council and asked them to look at it.

Richard Welch, 8 Arrow Lane, stated that he agrees with Fran Slade. He would like to add that the wind will also bring the odors to the north end of town. He stated that many years ago there was an agreement between the Town and the industrial park on what could be in the park. One of the conditions was no petroleum and he would like to see the State held to that agreement which was back around 1978. Back in the day we stopped the incinerator because of the very same issue with contamination.

Kathleen Guarino, 139 Summit View Lane, stated she has two issues to speak on tonight. The first issue is on the Quidnessett Country Club. She is speaking as a private citizen, and she is also a member of the Conservation Commission that voted against the proposal by Quidnessett Country Club to change the water type conservation area from Type 1 to Type 2 – low intensity use. Her major concern is that changing the rules after the fact, just to make an unpermitted project legal, is setting a very dangerous precedent. To build first and apologize later would encourage all residents to do the same. She urged the Council to vote no against the change in water type.

For the second issue, she read the following statement:

“I am speaking tonight to ask the Town Council to approve a proposition to fly the Pride Flag in front of this historic building during pride month. Last week I was gladdened to see a large Pride Flag proudly flying on a tall flagpole on the side of Route 4 or 95. I was so surprised and happy to see it. It was a beautiful day, and the flying Pride Flag was just glorious. It took my breath away and made me proud that the Pride Flag was flying high in the sky over South County.

The Pride Flag is a beautiful symbol, and it sends a beautiful message. When it flies high overhead in front of this historic town hall, it sends a message, and that message is that North Kingstown is a good inclusive and welcoming town. North Kingstown and its people say, “Hate has no place here”.

So in that spirit of love and acceptance, I respectfully request that the Town Council approve the request to fly the Pride Flag in front of our beautiful historic Town Hall during Pride month.”

Jules Wagner, 180 West Main Street, stated that as a transgender, the Pride Flag sends a great message that this is an open and inclusive town.

Lee Domaszowec, 334 School Street, stated that he is a strong supporter of the Pride Flag, but he does have a concern that this could lead to numerous groups that want to do the same thing. He thinks that maybe we could find alternate solutions to let people know we are a welcoming community. Maybe rainbow sidewalks or murals as an alternative. He also agrees with having June as Veterans appreciation month. He would like to support the veterans in an appropriate way, but let’s be creative and come up with different ideas and not be negative. He stated that as a community let us choose to be problem solvers.

Rachel Armentano, 20 Sanford Avenue, read a statement for her 8 ½ year old who said it doesn’t make a difference what a family looks likes to belong to this town. If we are nice to them, they will be nice to us. She also stated she owns a book business in town, and she is a supporter of a Pride community.

Jennifer Lima, 4 Hickory Drive, read the following letter:

“I am speaking tonight in my capacity as President of TANK, Towards an Anti-Racist North Kingstown. I would like to thank the Town Council for placing our request to have the Town fly a Pride Flag in the month of June on the agenda this evening. I would also like to thank the individual council members for marching in the second annual NK Pride Parade earlier this month. It was a joyous event and a great example of all that is good about our town.

However, I need to apologize to the LGBTQ+ members of our community as well as their families, friends and allies. One of the big tenets in anti-racism work is intent vs impact, and I need to acknowledge that while my intent in proposing the flag raising was good, the impact has been an increase in outward and visible hate.

The ACLU has said that the Shurtleff decision does not mean that cities must either deny all private flags or allow all private flags, noting that municipalities may choose to take suggestions

from the public and select only those flags that “present” the image of the city that it wishes to project.

JUNE 10, 2024

BOOK 111 PAGE 4

I urge the Council to consider this when discussing flag policy later this evening. Hate is loud. You have an opportunity to show that we are a community where love is louder.

As of June 7, the ACLU was tracking 516 anti-LGBTQ bills in the United States, including Rhode Island, many of which use transphobic rhetoric to censor school curricula, limit access to gender-affirming healthcare, ban access to public restrooms and other accommodations and otherwise attempt to limit or remove transgender and nonbinary people from public life.

Flying a Pride Flag isn’t going to change those things, but it is a visible reminder that North Kingstown is a place that seeks to show respect and inclusivity for everyone.

Pride Flags, and other non-US and state flags, are flown on municipal buildings in Rhode Island and across the country on a daily basis. It is not disrespectful to do so. Other cities have successfully incorporated multiple cultural flags raising into their community celebrations.

Part of TANK’s mission is to work to move North Kingstown forward. Making this request is inline with that goal and progress does not come without pushback.

I would also encourage the Council to consider alternate ways of showing municipal support for our LGBTQ community if they find they are unable to proceed with a flag raising. They might include ensuring Town employment policies specifically protect people on the basis of sexual orientation, gender identity and gender expression, and taking steps to recruit LGBTQ employees. Ensuring that all employees and visitors to town buildings have appropriate and equal access to restrooms based on their gender identity and or expression as well as providing gender neutral bathrooms, ensure that human resource policies and benefits for employees are inclusive of LGBTQ persons and their families by removing any such exclusion. Thank you very much.”

Curtis Fisher, 104 Phillips St, asked the Council to prevent the Asphalt company for coming onto the Quonset point.

### **III. CONSENT AGENDA**

Motion by Councilor Mandel, seconded by Councilor Page and unanimously

VOTED: To approve Consent Agenda Item Numbers 9 through 33 as presented with the exception of Agenda Item Numbers 9, 10, 11, 16, and 28.

#### 9. Approval of Minutes

Motion by Councilor Page, seconded by Councilor McCoy and unanimously

VOTED: To continue to the Town Council Meeting of June 24, 2024 the approval of the minutes of the Regular Meeting of April 29, 2024.

#### 10. Acceptance of Donation

Motion by Councilor Mandel, seconded by Councilor Page and unanimously

VOTED: To accept with gratitude the donation of a Scoreboard given by the North Kingstown Wickford Little League to be installed at the Cooney Field in Wilson Park; and it was

FURTHER VOTED: To authorize the Town Manager to sign a Maintenance Agreement prepared by the Town Solicitor.

11. Sewer Assessment Abatement #006

Motion by Councilor Mandel, seconded by Councilor Page and unanimously

VOTED: To approve Sewer Assessment Abatement List #006, submitted by Adam White, Director of Public Works as follows:

United States Postal Service  
Facilities Service Office  
6 Griffin Road North  
Windsor, CT 06006

Plat 138/Lot 018  
7715 Post Road, North Kingstown  
Account #P200408500

Original Assessment	\$192,517.78
Interest Billed	\$ 45,197.72
Late Fees through 5/31/2024	\$ 62,709.28
Abatement Total:	\$300,424.78

and it was

FURTHER VOTED: With this abatement of this sewer assessment, the Town reserves the right to revisit the assessment, or portion thereof, if any of the property is conveyed or has a change of use.

12. Authorization to apply for funding under the Rhode Island Department of Environmental Management and Coastal Resources Management Council Ocean State Climate Adaptation and Resilience Fund Grant

VOTED: To authorize the Recreation Department and Planning Department to apply for the Rhode Island Department of Environmental Management and Coastal Resources Management Council Ocean State Climate Adaptation and Resilience Fund Grant for the design of the rebuilt and relocated seawall and stormwater improvements at the Town Beach.

13. Authorization for the Town Manager to execute a Third Amendment to the PCS Site Agreement

VOTED: To authorize the Town Manager to execute a Third Amendment to the PCS Site Agreement between the Town of North Kingstown and STC Five LLC, by Global Signal Acquisitions III, LLC, a Delaware limited liability company, commencing on May 26, 2027, for four (4) additional five (5) year renewal terms with an incentive payment in the amount of \$15,000, for the property located at Assessor's Plat 80, Lot 001, 395 Hamilton Allenton Road.

14. Authorization for the Town Manager to execute a Fourth Amendment to Lease Agreement

VOTED: To authorize the Town Manager to execute a Fourth Amendment to the Lease Agreement between the Town of North Kingstown and STC Five LLC, by Global Signal Acquisitions II, LLC, a Delaware limited liability company, commencing on August 5, 2027, for four (4) additional five (5) year renewal terms with an incentive payment in the amount of \$15,000, and a fifteen percent (15%) increase of the annual rent in effect for the year immediately preceding the adjustment date for the property located at Assessors Plat 157, Lot 038, 174 School Street.

15. Approval of Sole Source Purchase

VOTED: To approve the Sole Source Purchase of Portable Radio Equipment for the Fire Department from Motorola Solutions, in the amount of \$22,564.38 (MPA #395 Public Safety Communications Equipment - Motorola NASPO Contract 06913, Contract #3309688, expiration date December 31, 2025).

Funding is from the August 24, 2022 Council accepted 2021 Assistance to Firefighters Grant Account 1790000-530104.

JUNE 10, 2024

BOOK 111 PAGE 6

16. Award of Bid

Motion by Councilor Page, seconded by Councilor Mandel and unanimously

VOTED: To award the bid for the Department of Public Works for the demolition of two (2) buildings located at Signal Rock Park, a multi-use sports facility, located at 325 Signal Rock Drive, to Bilray Corporation, 75 Mill Street, Johnston, RI, in the amount \$28,800.00.

Funding for this project is from Facilities/Town Capital Reserve Account #00110070-531101.

17. Award of Bid

VOTED: To award the bid for the Department of Water Supply for a Portable Vacuum Unit for Valve Box Clean Out to E.H. Wachs, 600 Knightsbridge Parkway, Lincolnshire, IL 60069, in the amount of \$28,305.00.

Funding for this purchase is as follows:

Insurance Settlement - \$15,000.00

Water Department Fund Balance - \$13,305.00

18. Award of Bid

VOTED: To award the bid for the Department of Water Supply for the annual supply of Liquid Sodium Hypochlorite to Roberts Chemical Co., Inc., 330B Victor Road, Attleboro, MA 02703, in the amount of \$4.40 per gallon.

Funding is from FY2025 approved budget - Water Fund - Water Treatment/Water Supply Chemicals 44040020-540308.

19. Award of Bid

VOTED: To award the bid for the Department of Water Supply for the annual supply of Liquid Caustic Soda to Borden & Remington, PO Box 2573, Fall River, MA 02722, in the amount of \$3.1054 per gallon.

Funding will be from approved FY2025 approved budget - Water Fund - Water Treatment/Water Supply Chemicals 44040020-540308.

20. Approval of a Sole Source Purchase

VOTED: To approve the Sole Source Purchase for the Department of Water Supply for two (2) Two-Way Altitude Valves from CLA-VAL, 1701 Placentia Avenue, Costa Mesa, CA 92627, in the amount of \$33,588.00.

Funding is from FY2024 Budget – Operating Equipment – Pumping – Account #44040010-530702.

21. Class F Alcoholic Beverage License (new)

VOTED: To approve the application for a Class F Alcoholic Beverage License by Xavier Pedroza, dba Futbol Friends International, 645 Ten Rod Road, Exeter 02822, to serve beer and or wine in a secure approved area at a Soccer Marathon Fundraiser on the grounds of Wide World of Indoor Sports, 1610 Davisville Road, on Saturday, July 22, 2024, from 9:00 a.m. to 5:00 p.m., subject to taxes and water paid to date; receipt of a Certificate of Insurance; receipt of Alcohol Server Training Certificates; and compliance with the recommendations of the Fire Department, the Police Department, the Building Official, and the Planning Department.

22. Fireworks Permit

VOTED: To approve the application for a Fireworks Permit by Plum Beach Club, 224 Plum Beach Road, to have a Fireworks Display at the Plum Beach Club Dock, on Friday, June 28, 2024, at 9:00 p.m. (rain date July 13, 2024), subject to taxes and water paid to date, compliance with the recommendations of the Fire Department and the Police Department, and compliance with the State inspection of the vehicle transporting the fireworks.

23. Exhibition License (1-10 vendors)

VOTED: To approve the application for an Exhibition License with 1-10 vendors by Cocumscussoc Association, dba Smith's Castle, 55 Richard Smith Drive, to hold a Strawberry Festival on the grounds of Smith's Castle on Saturday, June 22, 2024, from 12:00 p.m. to 4:00 p.m., subject to taxes and water paid to date; receipt of a copy of a Show Promoter's Permit; receipt of a list of vendors at the Town Clerk's Office by June 21, 2024 (which shall include their name, address, phone number, Tax ID Number, type of merchandise, Department of Health if applicable, and date of birth); and compliance with the recommendations of the Fire Department, the Police Department, the Building Official, and the Planning Department.

24. Holiday Sales License (new)

VOTED: To approve to July 1, 2025 the application for a Holiday Sales License by Keystone Novelties Distributors LLC, 531 N 4th Street, Denver, PA, 17517, to temporarily sell sparklers and novelty devices under a tent at 5941 Post Road, subject to taxes and water paid to date and approval from the Building Official and the Fire Marshall.

25. Holiday Sales License (new)

VOTED: To approve to July 1, 2025 the application for a Holiday Sales License by Starbucks Corporation, dba Starbucks Coffee #68522, 105 Gate Road, subject to taxes and water paid to date.

26. Holiday Sales License Renewals

VOTED: To approve to July 1, 2025 the following list of Holiday Sales License Renewals subject to taxes and water paid to date:

	A	B	C	D	E	F
1	Business Name	DBA	Location of Business	Mailing Address (if different)	Phone	Hours
2	Advanced Communication Technologies, Inc.	dba Wireless Zone	76 Gate Rd	76 Gate Rd	886-8484	9:00 AM - 8:00 PM
3	Barron, Gregory L & Bianca M	dba Lafayette Antiques	814 Ten Rod Road	814 Ten Rod Road	295-2504	10:30 am- 4:30 pm
4	Baseball Cards of Rhode Island, Inc.		6861 Post Road	6861 Post Road	885-7340	10:00 PM-7:00 PM
5	BBA Donuts Incorporated	dba Dunkin Donuts	6923 Post Road	c/o David Batista 30 Pardons Wood Lane,	885-1127/290-8718	4:00 AM-10:00 AM
6	Beebe, Palmer	dba Yes Gallery	17 Brown Street	17 Brown Street	295-5525	10:00 AM - 8:00 PM
7	Campbell, Darlyn F ; and Kenyon, Marsha L.	dba The Corner Cupboard	835 Tower Hill Road	835 Tower Hill Road	294-4720	10:00 AM-5:00 PM
8	Capital Ventures Corporation	dba Amazing.net	5774 Post Road	44 Bedson Road	885-0209	10:00 PM-10:00 PM
9	Celco Partnership	dba Verizon Wireless	1310 Ten Rod Road	2200 Cabot Dr Ste 405	267-0053/630-857-2290	9:00AM-9:00PM
10	Chandronnet, Chester E.	dba Wickford Antique Estate Liquidators	200 Ten Rod Rd	35 West Main Street	294-9705	11:00 PM - 5:00 PM
11	Chandronnet, Chester E.	dba Wickford Antique Estate Liquidators	35 West Main Street	35 West Main Street	294-9705	11:00 PM - 5:00 PM
12	Cheryl A Fonseca	dba Pink Parasol Boutique	24 Brown St	24 Brown St	640-4539	10:00AM- 5:00PM
13	Colben Enterprises, LLC	dba Seasons Corner Market Shell #30	7025 Post Road	695 George Washington Hwy	884-9434	24 Hours
14	Colwen Management/RRH Hotel LLC	dba RRH Hotel LLC	55 Gate Rd	230 Commerce Way Ste 200	667-7500	24 Hours
15	Dave's Marketplace of Wickford, Inc	dba Dave's Marketplace	125 Tower Hill Road	1000 Division Street Ste 20	268-3991	7:00 AM-9:00 PM
16	Dave's Marketplace of Quonset, Inc.	dba Dave's Marketplace	105 Gate Road	1000 Division Street Ste 20	295-0019	7:00AM-9:00PM
17	Dollar Tree Stores, Inc.	dba Dollar Tree #1724	6649 Post Road	500 Volvo Parkway	884-0258	8:00 AM-9:00 PM
18	Dover Saddlery Retail Inc.	Dover Saddlery Retail Store #13	1340B Ten Rod Road	PO Box 1100 /525 Great Rd	295-2840	9:00 AM-8:00 PM
19	Erickson, Carl J & Tietze, Susan E	dba Rose Shack	2363 Tower Hill Road	2363 Tower Hill Road	294-6088	8:00 AM-6:00 PM
20	Everything Under the Sun, Inc.	dba Midnight Sun	13 Main St	13 Main St	316-0505	10:00AM-6:00 PM
21	Green Ink, Inc.		89 Brown Street	89 Brown Street	294-6266	10:00 AM-6:00 PM
22	Harbor View Artisans LLC		22 Brown St	42 Circle Dr	294-9020	10:00 AM- 6:00 PM
23	Harry & Elizabeth Spring	dba Spring Pottery	14 Brown St	14 Brown St	805-766-3254	9:00 AM - 5 PM
24	Home Depot USA, Inc	The Home Depot #4283	1255 Ten Rod Road	PO Box 8000	295-1184	6:00 AM- 10:00 PM
25	HomeGoods, Inc.	dba HomeGoods #133	50 Gate Road	PO Box 9358	884-8914	9:00 am - 10:00 pm
26	Jay Smit Inc.	Dbas Colonial Wine & Spirits	7745 Post Road	7745 Post Road	294-4623	9:00 AM-10:00 PM
27	Jitters Cafe, Inc.	dba Jitters Cafe	530 Tower Hill Road	530 Tower Hill Road	295-9155	6:00 AM-5:00 PM
28	Kayak Centre at Wickford Cove, LLC	Kayak Centre	70 Brown Street	70 Brown Street	295-4400	10:00 PM-5:00 PM
29	Kerry Oliver	dba Eclectic Bangalow	1 Brown St	1 Brown Street	667-0747	10:00 Am- 8:00PM
30	Keystone Novelty Distributors LLC		6653 Post Rd	531 N 4th Street	717-390-0844 x103	9:00 AM- 9:00 PM



	A	B	C	D	E	F
1	Business Name	DBA	Location of Business	Mailing Address (if different)	Phone	Hours
31	Kingstown Bowl, Inc.	dba Kingstown Bowl	6125 Post Road	6125 Post Road	884-4450	9:00 AM - 1:00 AM
32	Kristen A Murphy	Kristen's Krentions Bakery & Sandwiches	6670 Post Road	6670 Post Rd	885-0580	7:00 am- 4:00 pm
33	Lady Sycamore Bridal LLC		6 Main Street	6 Main Street	203-260-7306	9:00 AM-9:00 PM
34	Lyons, Lori	dba Beauty & the Bath	11 West Main Street	11 West Main Street	294-3576	10:00 AM-6:00 PM
35	Marine Consignment of Wickford, LLC		7725 Post Road	7725 Post Road	295-9709	9:00 AM-5:00 PM
36	Marshalls of MA, Inc.	dba Marshalls #410	20 Frenchtown Road	PO Box 9358	884-7850	9:30AM-9:30 PM
37	Marylou's News, Inc.	dba Marylou's Coffee	7025 Post Road	183 Whiting St	781-749-3557	5:00AM-9:00PM
38	McKay's Furniture, Inc.	dba McKay's Front Porch	751 Ten Rod Road	182 Lafayette Rd	295-3350	9:00 AM-5:30 PM
39	McKay's Furniture, Inc.		182 Lafayette Road	182 Lafayette Road	295-1915	9:00 AM-5:30 PM
40	Metro Mattress Corp	Metro Mattress	84 Gate Rd	3545 John Glenn Blvd	315-218-1233	10:00 am- 9:00 pm
41	MJ Donuts Inc.	dba Dunkin Donuts	6166 Post Road	c/o David Batista 30 Pardons Wood Lane,	290-8718	5:00 AM-8:00 PM
42	MTDS Inc.	Wickford Mini Mart, Inc.	684 Boston Neck Road	684 Boston Neck Road	295-2080	6:00 AM-10:00 PM
43	Nancy Reid Carr	Honey Gallery	6465 Post Rd	6465 Post Rd	525-0818	10:00 AM-5:00 PM
44	New Cingular Wireless PCS, LLC	dba A T & T Mobility	6670 Post Road	1010 N St. Mary's St., 15th Floor	561-527-3365	9:00 AM-7:00 PM
45	NK Donuts Inc (FKA Ten Rod Donuts)	dba Dunkin Donuts	1241 Ten Rod Road	c/o David Batista 30 Pardons Wood Lane,	290-8718	4:00 AM-12:00 AM
46	NK Mercantile Inc	Wickford Gourmet	21 W Main St	21 W Main St	294-8430	10:00 AM- 6:00 PM
47	North Kingstown Wines & Spirits Inc	Wickford Package Store	41 West Main Street	41 West Main Street	294-4681	9:00 AM - 9:00 PM
48	North Koffee Inc		7725 Post Rd	7725 Post Road	667-2889	5:00 AM - 4:00 PM
49	Northland Hearing Centers Inc.	dba Ascent Audiology and Hearing	70 Romano Vineyard Way, Ste 149	Attn: Tax Dept P O Box404	952-947-4857	M-F 9:00AM to 5:00PM
50	Ocean State Job Lot of RI2015, LLC	dba Ocean State Job Lot #123	5957 Post Road	375 Commerce Park Road	885-1890	8:00 AM-7:00 PM
51	O'Reilly Automotive Stores Inc	dba O'Reilly Auto Parts #6304	7570 Post Rd	Tax Dept POBOX 9167	522-5860	7:30 AM - 9:00 PM
52	Petco Animal Supplies Stores, Inc	Petco	1007 Ten Rod Road	654 Richland Hills Dr	401-372-9971	9:00 AM - 8:00 PM
53	Pleasant Street Wharf, Inc.		160 Pleasant Street	160 Pleasant Street	294-2791	8:00 AM-8:00 PM
54	Post Road Liquor Mart, Inc.	Dbu Kingstown Liquor Mart	6800 Post Road	6800 Post Road	884-4203	10:00 AM-6:00 PM
55	Quaker Lane Bait & Tackle, Ltd		4019 Quaker Lane	4019 Quaker Lane	294-9642	4:00 AM-9:00 PM
56	Quaker Lane Wine and Spirits, Inc		4020 Quaker Lane	4020 Quaker Lane	294-7766	9:00AM-10:00PM
57	RAYO-X, Inc.	dba Green River Silver Co. II	83 Brown Street	83 Brown Street	295-0086	10:00 AM-5:00 PM
58	Rhode Island CVS Pharmacy, LLC	dba CVS/Pharmacy #595	5495 Post Road	One CVS Drive, Mail Code 1160	885-4920	7:00 AM-10:00 PM

	A	B	C	D	E	F
1	Business Name	DBA	Location of Business	Mailing Address (if different)	Phone	Hours
59	Rhode Island CVS Pharmacy, LLC	dba CVS/Pharmacy #4544	4255 Quaker Lane	One CVS Drive, Mail Code 1160	372-9101	8:00 AM - 9:00 PM
60		dba Salk's Hardware & Marine	5939 Post Rd	5939 Post Rd	885-2700	8:00 AM-8:00 PM
61	Sew-Op, LLC	The-Sew-OP	31 W Main St	31 W Main St	447-5500	11:00 AM-5:00 PM
62	SHM Wickford Cove LLC	dba Wickford Cove Marina	65 Reynolds Street	65 Reynolds Street	884-7014	8:00 AM-6:00 PM
63	Smith, Susan Amelia	dba Different Drummer	15 W Main Street	15 West Main Street	294-4867	10:00 AM-7:00 PM
64	Star Smoke Shop Inc		6172 Post Road	6172 Post Rd	219-2934	10:00 am- 9:00 pm
65	Stickney Holdings LLC	Shell Food Mart	10 Ten Rod Road	10 Ten Rod Road	294-2616	24 Hours
66	Stop & Shop Supermarket Co.	dba Super Stop & Shop #737	1360 Ten Rod Road	1385 Hancock St	268-9845	7:00 AM-12:00 AM
67	Stop and Shop Supermarket CO	dba Super Stop & Shop #716	90 Frenchtown Road	1385 Hancock St	884-9400	6:00 AM-12:00 AM
68	Sunrich Inc	dba 7-Eleven #33099 H	7330 Post Road	7330 Post Road	295-7295	24 Hours
69	Teddy Bearskins, Inc	dba Teddy Bearskins	17 Brown Street	17 Brown Street	295-0282	M- S 10 -5/SUN 12-5
70	The Choc Shop LLC		7 W Main St	7 W Main St	641-1008	11:00 am- 4:00 pm
71	Therapy (Clothing) Boutique LLC	dba Therapy Boutiqe	5 West Main Street	3436 Main St	932-2006	10:00 a.m.-8:00 p.m.
72	TJX Company, Inc. (The)	dba T J Maxx #449	6653 Post Rd	PO Box 9358	884-7674	9:30 AM-9:30 PM
73	Tower Hill Conveniences LLC	Tower Hill Conveniences LLC	1085 Tower Hill Road	1085 Tower Hill Road	481-7608	6:00 AM- 9:00 PM
74	T's Vault LLC	T's Vault Smoothie & Juice	78 Gate Rd	78 Gate Rd	556-9579	7:30 am- 7:00 pm
75	Vanessa Piche	dba Vanessa Piche	10 Main Street	10 Main Street	353-5890	11:00 AM-4:00 PM
76	Village Veterinary Center, LLC	dba Village Veterinary Center	170 W Main St	170 W, Main St	401-583-4560	9:00 am - 5 pm
77	Walgreen Eastern Co	dba Walgreens #19680	7691 Post Road	PO Box 401	295-8811	7:00 AM-10:00 PM
78	Wal-Mart Stores East LP	dba Wal-Mart Store #2261	1031 Ten Rod Road	508 SW 8 <sup>th</sup> Street	294-0025	7:00 AM-10:00 PM
79	Wickford Building Company, LLC	dba Wickford Lumber Co	434 Tower Hill Rd	434 Tower Hill Rd	295-8866	7:00 AM-7:00 PM
80	Wickford Lanes, Inc		7565 Post Road	7565 Post Road	294-9886	9:30 AM-10:00 PM
81	Wickford Shipyard, Inc.		125 Steamboat Avenue	125 Steamboat Avenue	294-3361	9:00 AM-4:00 PM
82	World Store, LTD.	dba The World Store	16 West Main St-Bldg A-1st floor	16 West Main Street - Bldg A - 1st floor	295-0081	10:00AM-6:00PM
83						
84	All taxes/water assessments have been paid to date <i>S. Amato</i> Collection Dept.					
85	Date <i>6-6-2024</i>					

27. Laundry License (renewal)

VOTED: To approve to July 1, 2025 the application for renewal of a Laundry License by Wickford Shipyard, Inc., dba Wickford Shipyard Launderette, 125 Steamboat Avenue, subject to taxes and water paid to date.

28. Appropriation of Funds to the School Department

A motion was made by Councilor Page, seconded by Councilor Mandel and unanimously voted to adopt the following resolution:

WHEREAS, the Town Council approved a supplemental appropriation of state aid to the School Department for the FY2023/2024 Budget in the amount of \$336,922.00 at the March 25, 2024 Town Council Meeting; and

WHEREAS, the Town Council approved the Town's appropriation to the School Department for the FY2023/2024 budget be reduced by \$336,922.00 and be appropriated to a Town Reserve Fund to be held for future school appropriations; and

WHEREAS, the Town has chosen to amend the FY2023/2024 Budget and reappropriate the monies to the School Department.

NOW, THEREFORE, BE IT RESOLVED: That the Town Council approves the appropriation of funds to the FY2023/2024 School Department Budget in the amount of \$336,922.00.

JUNE 10, 2024  
11

BOOK 111 PAGE

29. Vote Ordering Tax

VOTED: That the Town Council of the Town of North Kingstown does hereby levy and order an assessment and collection of a tax on the ratable real estate and tangible personal property in a sum not less than \$85,868,527 and not more than \$89,373,365, said tax is for ordinary expenses and charges and sinking funds, for the payment of interest and indebtedness in whole or in part of said Town, and for other purposes authorized by law.

The Tax Assessor shall apportion said tax on the inhabitants and ratable property of said Town upon the assessed valuations determined by the Tax Assessor as of the 31st day of December A.D., 2023, according to law and shall, on completion of said apportionment, date, certify and sign the assessment and deliver to and deposit the same in the Office of the Town Clerk in accordance with law.

The Town Clerk on receipt of said assessment, shall forthwith make a copy of same and deliver it to the Town Treasurer, who shall forthwith issue and affix to said copy a warrant under his/her hand, directed to the Collector of Taxes of said Town, commanding him/her to proceed and collect said taxes of the persons and estates liable, therefore.

Real and personal property tax upon assessed valuations determined by the Tax Assessor as of December 31, 2023, shall be due and payable on or before the 31st day of July A.D., 2024.

Said taxes, if levied in excess of One Hundred Dollars (\$100.00), may be paid in quarterly installments, the first installment of twenty-five per centum (25%) on or before the 31st day of July A.D., 2024 and the remaining installments as follows: twenty-five per centum (25%) on or before the 31st day of October A.D., 2024; twenty-five per centum (25%) on or before the 31st day of January A.D., 2025; twenty-five per centum (25%) on or before the 30th day of April A.D., 2025.

Each installment of taxes if paid on or before the last day of each installment period successively in order shall be free from any charges of interest.

If the first installment or any succeeding installment of either real and personal property taxes is not paid by the last date of the respective installment period, but said delinquent taxpayer is otherwise current on his installment tax payments, then such installments of either unpaid real and personal property tax or excise tax upon registered motor vehicles and trailers, shall carry until collected an interest penalty at the rate of twelve percent (12%) per annum running from August 1, 2024 for the first installment, from November 1, 2024 for the second installment, from February 1, 2025 for the third installment, and from May 1, 2025 for the fourth installment. In all other circumstances, unpaid installments, of either real and personal property tax or excise tax upon registered motor vehicles and trailers, shall carry until collected an interest penalty at the rate of twelve percent (12%) per annum running from August 1, 2024; and it was

FURTHER VOTED: That should said due date of July 31st, October 31st, January 31st, and April 30th fall on a Saturday or Sunday, then the installment is due on the subsequent business day.

30. Vote of Appropriation – All Funds

VOTED: That the Final Budget as adopted by the Town Council on April 29, 2024, in accordance with Section 1008 of the Town Charter is hereby approved and appropriated. The final budget being appropriated for the current expenses of the Town for the ensuing fiscal year to be taken from any funds in the Town Treasury not otherwise appropriated. With reference to

the expenses of the School Department, estimated revenues, together with an amount received from General Property Tax and unappropriated funds balances sufficient to make the combination equal the total appropriation are hereby appropriated; and it was

FURTHER VOTED: That any and all grant funds received by the Town of North Kingstown during the current fiscal year be and the same are hereby appropriated.

JUNE 10, 2024  
12

BOOK 111 PAGE

31. Vote of Appropriation – Library Funds

VOTED: That the North Kingstown Free Library, represented by the Library Board of Trustees or its designated agents, be authorized to apply for, to receive and to disburse any and all funds to which the North Kingstown Free Library may be entitled under any grant programs in Fiscal Year 2024/2025; and it was

FURTHER VOTED: That all funds received under such grant programs are hereby appropriated.

32. Vote of Appropriation – School Fund

VOTED: That the North Kingstown School Department, represented by the School Committee or its designated agents, be authorized to apply for, to receive and to disburse any and all funds to which the North Kingstown School Department may be entitled under any grant programs in Fiscal Year 2024/2025; and it was

FURTHER VOTED: That all funds received under the foregoing be and are hereby appropriated and the receipt of same shall be reported to the Town Council.

33. Vote to Apply for and Receive Funds – Development Surety

VOTED: That the Town Council or its designated agent or agents be and hereby is authorized to apply for and to receive such funds as may be required to complete roadway construction, drainage, water pipe installation, surveying, and traffic and street sign purchase and erection in plat development areas wherein the developer has filed, or caused to be filed, with the Town, as surety, cash, letter of credit, a bank passbook in the name of the Town of North Kingstown from a bank located within the incorporated boundaries of the State of Rhode Island, or a certified check made payable to the Town, such sums to be drawn from the posted sureties of the defaulted developers; and it was

FURTHER VOTED: That all such sums of money as may be received by the Town for or on behalf of any such plat developer who may have defaulted, be appropriated, said monies to be utilized for the completion of roadway construction, drainage, water pipe installation, surveying and traffic and street sign purchase and erection in said development.

#### **IV. REPORTS**

34. Report by the Town Manager

Town Manager Mollis gave the following report:

##### **Projects**

- We continue with our bi-weekly meetings with Revolution Wind regarding their Offshore Wind Farm Project. The Pipe Pile driving continues, and it is projected that it will begin tapering off in the next 6 – 8 weeks. They continue their work with the duct bank installation which affects Circuit Drive Roadway. Work also continues at their Interconnection Facility. As part of their outreach efforts, they have had neighborhood meetings with the Shore Acres Neighborhood Association and the Cedarhurst Board of Directors. Attendees have been very appreciative of their efforts.

Revolution Wind has reached out to my Administration to work out an agreement regarding extended hours. I have explained to them the limitations of the laws and Ordinances and am attempting to assist them in any legal way possible.

I want to continue stressing to any residents who have concerns to please call Revolution Wind at 401-251-2207 or email them at [info@revolution-wind.com](mailto:info@revolution-wind.com). Revolution Wind provides us with a report on all calls and concerns they receive.

JUNE 10, 2024  
13

BOOK 111 PAGE

- The extensive Wilson Park and McGinn Park Court Restoration Project is coming to a close. My sincere thanks to everyone involved. The Wilson Basketball Courts are open and the Tennis and Pickleball Courts are soon following this week. We are still working out the final details of sound mitigation, landscaping, benches, bleachers, and signage. McGinn Park is seeing the final touches being addressed this week with a hopeful opening next week and the Skatepark open by the end of the month. We hope residents and visitors alike are pleased with the improvements.
- The Water Department's Rain Barrel Program has gotten off to a very successful start as 20 residents have already taken advantage of the \$75 discount the Town is offering at Wickford Lumber. This program will have numerous benefits in saving water, decreasing stormwater pollution, and decreasing demand during the higher water usage period of the Summer.

The Water Department has also rolled out its Water Bottle Filling Station Program with the installation of stations at the Wickford Restroom and Wilson Park over the next two weeks; the Senior Center and Beach Snack Bar building in early July; and the final four locations at Ryan Park, Yorktown Park, McGinn Park, and Signal Rock by the end of July.

- Our paving is complete for the season. We oversaw over \$1 million in paving in the past few months. Public Works is reviewing its upcoming paving plan, and it is expected that the contractor will be back in town in early Fall to begin the Fiscal Year 2025 paving. Our plan to budget \$700,000 each year, along with our participation in the State Program, has reaped incredible dividends in improving our roads.
- The Statistical Revaluation process continues, as required by State Law. I, along with our Tax Assessor, are keeping a close eye on the figures as we look to utilize these calculations and the tax classification system we implemented during our last Reval to ensure equalization and fairness in next year's tax rates.

### **Events**

- The Town will be hosting our annual Fireworks Display at our Town Beach on July 3<sup>rd</sup>, rain date July 7<sup>th</sup>. We will have a shuttle running from 100 Fairway Drive beginning at 4:30. Entertainment begins at 4:30 with a live band under the bandshell followed by the Lafayette Band at 7pm and fireworks sometime around 9pm. There will be numerous food and dessert trucks on the beach campus as well. Anyone arriving before 5pm will need a beach pass to park. We look forward to seeing you on the beach campus.
- This Tuesday we also begin our Summer Concert Series on the Beach Campus. Our thanks to the North Kingstown Arts Council, in concert with our Recreation Department, for putting on this concert series. Each Tuesday evening at 6:30 beginning this Tuesday, June 11<sup>th</sup> through Tuesday, August 27<sup>th</sup> you can enjoy a concert with Food Trucks available as well. Shuttles are available at 100 Fairway Drive. We will also be having our Thursday Family Concert Series beginning July 11<sup>th</sup> from 6pm – 7pm.

### **Public Notices**

- We are participating in the Governor's Litter Free RI Initiative. If you are interested in planning a community cleanup, please contact the Department of Public Works at 401-268-1561 to schedule your cleanup. We will assist by providing post-event haul away and can also assist with cleanup supplies such as trash bags, trash haul-away, drinking cups, participation stickers, water coolers, etc. Please help keep our community clean.
- Beach passes are on sale and can be purchased at our Town Clerk's Office at our Municipal Office Building and our Recreation Department at our Town Hall. To date, between both locations, we've sold over 2,500 beach passes.
- The National Guard has notified us that there will be an increase in Guard activity between June 25<sup>th</sup> and June 27<sup>th</sup> as they are conducting scheduled training exercises. We can expect to see survey teams driving dark blue commercial vehicles and individuals wearing uniforms and official outfits. They will be participating in simulated exercises in the vicinity of Davisville Middle School.

JUNE 10, 2024  
14

BOOK 111 PAGE

- Town Hall, our Municipal Office Building, our Senior Center, our Library, and Public Works will be closed on June 19<sup>th</sup>.

### Recognition

- Our Town, and team, received a Certificate of Special Recognition from Governor Dan McKee, as well as being recognized by our Federal Delegation, as part of the Lead By Example Awards for our adoption and implementation of clean energy measures.
- Congratulations to our Fire Chief Scott Kettelle as he was presented with the Emergency Manager of the Year Award for his leadership role in the Exeter Wildfire and the Block Island Harborside Inn Fire.
- Congratulations to Recreation Director Chelsey Gibbs on her achieving the Certified Playground Safety Inspector National Certification. This is a difficult certification to achieve and will be an incredible asset to our Recreation Department and our Playgrounds.
- Congratulations to the North Kingstown Police Department for the successful completion, by several officers, of the de-escalation training at Roger Williams University. This invaluable training, provided by the Northeast Regional De-escalation Training Center, enhances what was already outstanding skills within our department in conflict resolution and de-escalation.
- And finally, while it's a big loss for our Town, I want to announce, congratulate, and wish the very best to Water Director Tim Cranston as he has decided to retire at the end of July. Tim has been invaluable to our community, in particular during his last 5 years as Director of our Water Department. While he will be retiring, and I'll have more on that in the weeks ahead, I look forward to his continuing to assist us on a consulting or advising basis in the months following his retirement to ensure a smooth transition. All the best Tim.

The Council thanked Mr. Mollis for his very thorough report.

### V. OLD BUSINESS

#### 35. Discussion/Possible Action of Notice of Intent to Repurchase 55 Brown Street

Town Solicitor Callaghan stated that the Town sold 55 Brown Street several years ago. The original purchase and sales agreement was signed on March 28, 2018, and recorded in land evidence on September 17, 2020. The repurchase terms stated in the agreement are that the town has the option to repurchase at a certain time if the buyer has not completed renovations and obtained a certificate of occupancy within 3 years of the date of the closing. If the buyer **has does not have** a bona fide buyer to purchase the property, the Town has the option to repurchase the property for \$100,000 plus the cost of verified improvements including the costs for sewer hook-up fees. The closing shall take place within 90 days of seller's said notice to buyer. There



were various delays from that point forward. On March 30, 2023, the Town and the buyer executed a separate agreement which required the buyer to furnish the town on or before July 31, 2023 with a mortgage commitment and/or a building permit to commence construction by October 31, 2023. Neither of these things have occurred. At this point, the Town at its discretion has until September 30, 2024 to exercise its right to repurchase the Annex for \$100,000 plus costs of verified improvements. Any closing shall take place within 90 days of seller's intention to repurchase. His recommendation is the Council has to make a decision on whether to make notice which has to be done on or before July 1<sup>st</sup>.

President Mancini asked what the latest response is from the current owner. Mr. Mollis stated that he and Mr. Callaghan have been discussing this and again it is Mr. Callaghan's opinion that we need to decide our intentions by July 1<sup>st</sup>. He then reached out to the owner, and she completely understood. It appears that she is having difficulty obtaining financing and she was very open to what he thinks would be a fair negotiation to purchase it back. He further stated that he and his team have some reservations in doing so, however the July 1<sup>st</sup> date is coming quickly. At the Council's direction, he will determine what the next steps will be.

JUNE 10, 2024  
15

BOOK 111 PAGE

President Mancini asked if Ms. Clulow has offered any possibility of this project coming together in a reasonable time or is she not ready to make that assertion. Mr. Mollis stated that he doesn't believe she is ready to make that assertion and he thinks she is very discouraged. He isn't saying that she would object to an extension, and he isn't sure that an extension would change where we are today with this project. President Mancini asked if Mr. Mollis believes that is also her sentiment, Mr. Mollis stated that he believes it's a mutual assessment.

President Mancini stated that it is his perspective that we don't have a choice to have conversations with Ms. Clulow given the fact that she doesn't appear to have any optimism to complete this project.

Councilor Mandel asked Mr. Callaghan to review the dates again. Mr. Callaghan stated that those dates have changed over time. The purchase and sales agreement was signed in March of 2018 and there was litigation that happened after that. The actual closing didn't occur until September 2020 which gave her 3 years to complete the project. In anticipation of things not going as planned, the new agreement was executed in March of 2023. Since then, those dates of July 31, 2023 for a mortgage commitment and October 31, 2023 to obtain a building permit have lapsed. Councilor Mandel stated that one concern he has is he doesn't like the Council to not have the time to make an intelligent decision by July 1<sup>st</sup>. Mr. Mollis stated that it is his understanding that the Council doesn't have to decide by July 1<sup>st</sup> to repurchase the property, just to send a notice of intent of a desire to repurchase the property. President Mancini stated that this is the initial step of negotiation. Councilor Mandel asked if we know what the costs are that Ms. Clulow has incurred to date that we would be responsible for. Mr. Mollis stated that in the end it would be best to talk about this in Executive Session as you don't want to discuss negotiations in public. He further stated that the repurchase price is \$100,000 and we would need to determine if the Historic Preservation easement is considered an improvement, and she hasn't hooked up to the sewer but may decide to do so. He further stated that what Mr. Callaghan has advised is we have to show our intent by July 1<sup>st</sup>, and if we do not do so until July 2<sup>nd</sup>, we have lost our position. We are just exercising our right by this agreement.

Councilor Mandel asked if we decided to not exercise our intent what would Ms. Clulow do with the property. Mr. Mollis stated that she has the option to sell it or develop it. Councilor Mandel stated that we already know she has trouble raising money to develop it. If she were to look to sell the property, would she likely find buyers. Mr. Mollis stated that is more of a personal opinion. He further stated that he and staff are extremely concerned about owning this property due to the cost to rehabilitate it that will be in the hundreds of thousands of dollars just to address the primary issues.

President Mancini stated that he thinks it does make sense to move forward to start negotiations with the owner. In all fairness to the owner, the closing was September of 2020 at the height of Covid. Mr. Mollis stated that when she purchased this building the developers gave an estimate of \$2 million it has now escalated to \$6 million.

Councilor Page stated that this is not a building she wants the Town to own. She understands the nature of the agreement. She will look forward to hearing more of the assessment of the next steps at our next meeting but sees no advantage of the Town taking back this building.

President Mancini asked if we want to give Mr. Mollis and Mr. Callaghan the authority to at least start the conversation with the owner. Councilor Mandel stated that he agrees we need to start the discussion but cautioned that we don't want to signal that we will exercise that option. Councilor Page stated that she agrees.

Mr. Callaghan stated that we will start the discussion of sending a notice of intent, but reminded the Council that they also have the right of first refusal in the agreement. He further stated that we can craft it in that way and suggested that the motion should be to send a notice of intent to the buyer and to negotiate for the terms and conditions. Councilor Mandel suggested that the motion to be to send a notice of intent. President Mancini stated perhaps the motion should be to send a notice of intent to exercise our option or to not.

Motion by Councilor Page, seconded by Councilor McCoy and unanimously

VOTED: To authorize the Solicitor and Town Manager to send a notice of intent and negotiate thereafter.

JUNE 10, 2024  
16

BOOK 111 PAGE

## **VI. NEW BUSINESS**

36. Coastal Resources Management Council Advance Notice of Proposed Rulemaking related to a petition by Quidnessett Country Club

President Mancini recused himself from this item. President Pro Tem Page presided over the meeting.

Mr. Mollis stated that the Council has been provided a memo from the Planning Department staff and recommendations from the Harbor Management Commission and Conservation Commission.

Amy Sonder, member of the Conservation Commission, stated that the commission recommended denial of the application. Although there was a substantial point made that the application could qualify as Class 2, we didn't feel there was enough information to vote that way. This would have a substantial impact to conservation waters in that area to the north and south. There are multiple sensitive areas and associated wetlands and there are also environmental areas. This as someone mentioned is site specific to what has happened there and the repercussions to change type waters. We are unsure what that would do and would set a poor precedent if those waters were changed. If you were to read the definition, there are many examples of why it should stay Type 1.

Councilor McCoy thanked the commissions for their work. He asked if the applicant had followed the process appropriately from the beginning as you would have reviewed this information as part of the process. Ms. Sonder said that if they had gone to CRMC with an application to do shoreline restoration, they would have gone before our commissions at that time. Councilor McCoy stated that if that had been done properly, would the concerns that have been expressed this evening have been the same concerns. Ms. Sonder stated yes as there is a lot of detail of the impact to the south and north and we rely on an application being considered and there was no presentation to the commissions of what they would be doing in the future but just to change the type waters. Councilor McCoy asked if we know why they didn't follow the process. Ms. Sonder stated no.

Councilor Mandel asked if the commissions felt there was insufficient evidence presented and if there was an alternative presented to mitigate this issue. Ms. Sonder stated that there was an application for a 900 plus foot area, there was some mitigation done that was not done as part of our process, and some of the commission members felt if there was an application to restore the affected area there would be more comfort in changing the type waters. Councilor Mandel stated that the commissions didn't feel that there was enough information to make an intelligent decision. Ms. Sonder stated that is correct.



Richard Lemieux, member of the Harbor Management Commission, stated that why we objected to this proposal, is because it has far reached ramifications. We have had an increase in water quality in Narragansett Bay over the last 15-20 years which is due to EPA, DEM and CRMC. Regulations have forced communities and private individuals to follow regulations to clean up the bay. This proposal blatantly averted all those regulations. Not only that, but they also failed to take proper action over the years. They have suffered erosion, there is no question, and they took steps early on to seek remedy. The remedy was initially denied, and they sought additional remedial action by installing burritos which ultimately failed. At that point, their management failed to take the necessary steps to seek further remedy. It could have been done and by averting the process they put in a structure without any permits or authorization and now they seek to come before us for forgiveness. This is establishing a precedence for any business or community, any individual to do whatever they want along the waterfront to say I am sorry. Those are the underlying reasons why the commissions rejected this application. Mr. Lemieux further stated that as a disclosure, he is a waterfront property owner and he had suffered erosion at the cost of over \$100,000 to avert further erosion and he did through CRMC's guidelines.

Councilor McCoy stated that the only thing we are expected to do this evening is to provide a recommendation to CRMC and we are not deciding this issue, just offering an opinion. Mr. Callaghan stated that is correct.

President Pro Tem Page opened the floor for public comment.

JUNE 10, 2024  
17

BOOK 111 PAGE

Jennifer Cervanka, 225 Dyer Street, 2<sup>nd</sup> Floor, Providence, Legal Counsel for Quidnessett Country Club, stated that this is a multi-phase project, and they require the approval before they can move forward to renovate and mediate the issue. She urged the Council to not vote on this until more information can be provided.

Janice Mathews, 950 North Quidnessett Road, Quidnessett Country Club Vice President, stated that they have experienced a lot of loss due to the erosion and the burritos was only a short-term fix as they washed away. She further stated that this is crucial to the golf course.

Alex Parente, 264 Main Street, East Greenwich, stated that he has worked at Quidnessett Country Club for 20 plus years and the 14<sup>th</sup> and 15<sup>th</sup> holes are affected by the erosion. He asked the Council to help them preserve the golf course.

Peter Chwaliszewski, 138 Pequot Road, Wakefield, stated that he is the golf pro at Quidnessett who is a great employer. Quidnessett hosts many tournaments for charities and runs programs for youths. This is an important issue and he urged the Council to help them move forward.

Jon Janikies, 166 Waterway, Saunderstown, asked the Council to defer a vote on this until more information can be provided. He further stated that if we can't construct a retainer wall, it will have detrimental effect to the course.

Dan Johnson, 57 Pojac Point Road, stated that the erosion of coastal properties is real and respectfully asked the Council for help.

Armani Sepe, 860 North Quidnessett Road, Administrator for Bayview Nursing Home (Scalabrini Villa), stated that they have 900 feet on the water, whereas Quidnessett has 400, and this petition will also help the Scalabrini property.

James Kempf, 12 Overlook Drive, stated that if the 15<sup>th</sup> hole doesn't get improved it will also affect 46 homes. He asked the Council to wait for more information before taking a position on this application.

Richard Lemieux, 37 Buena Vista Drive, is now speaking as a resident and a waterfront property owner. He again noted that he had to replace a sea wall on his property and went through the appropriate process to do so. Quidnessett has known this has been an issue for many, many years and they should follow the required process.

Rick Deberardis, 89 Cassandra Lane, stated that he doesn't think a valid decision can be made without more information and feels that there should be some type of compromise. If the 14<sup>th</sup> and 15<sup>th</sup> holes cannot be saved, it would destroy the overall course.

President Pro Tem Page asked Mr. Callaghan to review what the Council's responsibility is tonight. Mr. Callaghan stated that there is no specific responsibility in the rule making process whereby an agency may solicit comments from the public, in this instance the Council is part of the public. He doesn't think that anyone is happy with the way this occurred, but the question is whether this should be a Type 1 or Type 2 designation not whether they should have built the wall. The enforcement action is within the scope of CRMC, which has been delayed until this petition moves forward. The commissions feel that there is not enough information to endorse the change of designation.

Councilor Mandel stated that he is sympathetic to the Country Club and Scalabrini, but the burden of proof is on the applicant. We rely on our commissions' recommendations, and he feels we should endorse their recommendations to oppose the change of the water category.

Councilor McCoy stated that he would like to understand why President Mancini recused himself. President Mancini stated that he has a relative on the board and he was a member for a period of time. He doesn't have a legal conflict but feels that if he voted for their position, members of the community would question that.

JUNE 10, 2024  
18

BOOK 111 PAGE

Councilor McCoy stated that he agrees with Councilor Mandel's position, and it bothers him that the appropriate process wasn't used and is sympathetic to the fact that we have coastal erosion along all the coastal properties in the state. He understands the challenges the property owners are facing. But this is a process and procedure which has not been followed and our boards are recommending that the Council take a position. He further stated that he doesn't feel sure that if we say nothing and CRMC holds their hearing, then what assurances do we have that Quidnessett will come back to our boards and commissions. Mr. Callaghan stated that they would have to get approval for the wall at that point and that is part of what would come back to our commissions.

President Pro Tem Page stated that she feels that the Council should defer a vote on this until there is more information.

After a brief discussion, a motion by Councilor McCoy, seconded by Councilor Mandel and was

VOTED: To endorse the Harbor Management Commission and Conservation Commission's recommendation to oppose Quidnessett Country Club's petition to the Coastal Resources Management Council Red Book (650-RICR-20-00-1) to change a map of water type classification from waters abutting a segment of the shoreline from the northeastern portion of the QCC property located at 950 North Quidnessett Road to the northern property line of the abutting property owned by Pious Society of Missionaries from Type 1 "Conservation Areas" to Type 2 "Low Intensity Use Waters" due to insufficient information presented by the petitioner. While the petitioner submitted significant information related to the land uses abutting the proposed water type change as well as examples of the water types for similar golf courses in Rhode Island, the commissions needed more information regarding the erosion rates along the petitioner's shoreline as well as more detailed information regarding the measures the petitioner has taken to date to mitigate the impacts of the erosion as well as potential mitigation options that could be utilized. The commissions would also like to see a wetlands delineation plan in order to better determine exactly where the water type change would begin and end and better assess the impacts of the change.

The Conservation Commission had the following primary areas of concern with the request to change water from Type 1 to Type 2:

1. If a water type change is permitted, shoreline protection options will be sought by the applicant. Shoreline protection measures which are structural in nature may cause

repercussions for other nearby properties and result in scouring and erosion at the ends of the structural protection as well as displacement of sand to other areas, negatively impacting properties near the petitioner's lot.

2. The negative impact the change to Type 2 waters may have on abutting waters noted above may most directly impact Tibbetts Creek to the south, altering this wetlands and estuarine marsh habitat also designated as a coastal barrier.
3. If the water type change is granted and structural shoreline protection is allowed, other properties with similar erosion issues in Type 1 water will seek structural protection and create a hardening of the shoreline.

The Harbor Management Commission had the following primary concern with the request to change the water type from Type 1 to Type 2:

1. If the water type change is granted and structural shoreline protection is allowed, other properties with similar erosion issues in Type 1 water will seek structural protection and create hardening of the shoreline.

Councilor Page voted in the negative.

(Clerk's note: For complete commentary by the public and the Council, please view the video starting at 01:28:00).

JUNE 10, 2024  
19

BOOK 111 PAGE

### 37. Adoption of a Fund Balance Policy for the Water Department Enterprise Fund

Motion by Councilor Page, seconded by Councilor Mandel and unanimously

VOTED: To adopt a Fund Balance Policy for the Water Department Enterprise Fund as follows:

The Town Council recognizes that the maintenance of fund balance is essential to the preservation of the financial integrity of the Town of North Kingstown Water Department Enterprise Funds. This policy ensures that the Community maintains adequate fund balances and reserves in order to:

- Provide sufficient cash flows for daily financial needs.
- Secure and maintain investment grade bond ratings.
- Provide funds for unforeseen expenditures.
- Adequate available funding for infrastructure replacement.

#### Definitions

Fund balance is a measurement of available financial resources and is the difference between total assets and total liabilities in each fund. The Governmental Accounting Standards Board (GASB) distinguishes fund balance classified based on the relative strength of the constraints that control the purposes for which specified amounts can be spent beginning with the most restrictive constraints, fund balance amounts are reported in the following categories:

- **Non-spendable:** Amounts that are not in a spendable form (e.g., inventory) or are legally or contractually required to be maintained intact (e.g., permanent fund principal).
- **Restricted:** Amounts that can be spent only for the specific purposes stipulated by external parties either constitutionally or through enabling legislation (e.g., grants or donations).
- **Committed:** Amounts that can be used only for the specific purposes determined by a formal action of the Town Council. Commitments may be changed or lifted only by referring to the formal action that imposed the constraint originally.
- **Assigned:** Amounts intended to be used by the government for specific purposes.

Intent can be expressed by the Town Council by a designee to whom the governing body delegates the authority (e.g., Town Manager).

- **Unassigned:** Amounts not contained in other classifications and is the residual classification of the general fund only. Unassigned amounts are available for any legal purpose.

## Policy

The responsibility for designating funds to specific classifications shall be as follows:

**Committed Fund Balance** - The Town Council is the Town's legislative branch and formal action that is required to be taken to establish, modify, or rescind a fund balance commitment is a resolution approved by the Council.

**Assigned Fund Balance** - The Town Council has authorized the Town Manager and the Town Finance Director as officials authorized to assign fund balance to a specific purpose as approved by this fund balance policy.

## Minimum Fund Balances

### Unassigned

Industry standards, as designated by the American Water Works Association, the New England Water Works Association, and others, suggest strongly that water departments maintain an easily accessible emergency cash reserve equivalent to one year's operating budget. This reserve amount will allow the Department to react in a rapid and appropriate manner to any possible emergency. With this in mind, a cognizant of the fact that the Department at present has surplus funds well in excess of the aforementioned amount, it would be financially prudent to transfer those excess funds into the Water Department's State required infrastructure replacement fund at this time. Additionally, it would be prudent to set up a mechanism that automatically allows for these transfers of surplus funds to occur when that excess money reaches a certain pre-determined overage amount.

JUNE 10, 2024

BOOK 111 PAGE

20

The Town of North Kingstown will maintain a Fund Balance in the Water Fund equivalent to, at a minimum, fifty percent (50%) of regular ongoing operating expenditures and, at a maximum, twelve months (100%) of regular ongoing operating expenditures. For the purposes of this policy, current fiscal year's actual expenditures will exclude significant non-recurring items and depreciation expense. Should the unassigned fund balance, at fiscal year-end, fall below the minimum range (50%), the Town Manager shall develop a restoration plan to achieve and maintain the minimum fund balance within 3 years. Should unassigned fund balance of the Water Fund ever exceed the maximum (100%) range, the Town Manager, with Town Council approval, will consider such fund balance surpluses for one-time expenditures that are non-recurring in nature, and which will not require additional expense outlays for maintenance, additional staffing, or other recurring expenditures.

**Capital Funding** - In addition to the aforementioned reserve for operating expenses, the Town of North Kingstown will maintain a Fund Balance in the Water Infrastructure Fund at a minimum of (50%) of projects identified in the first year of the Water funds ten-year capital improvement plan and, at a maximum, to fund (100%) identified in the plan. For the purposes of this calculation, any projects to be financed by new debt will be excluded. Should the fund balance at fiscal year-end fall below the minimum range (50%), the Town Manager shall develop a restoration plan to achieve and maintain the minimum fund balance within 3 years. Should unassigned fund balance of the Water Infrastructure Fund ever exceed the maximum (100%), the Town Manager, with Town Council approval, will consider such fund balance surpluses for projects identified in the Water fund's capital improvement plan.

**Debt Service** - The Town will maintain a minimum level of Fund Balance in the infrastructure fund equal to debt service payments due within the next 12 months.

## 38. Collective Bargaining Agreement between the Town and Local 473

Town Manager Mollis gave the following fiscal impact for the Collective Bargaining Agreement between the Town of North Kingstown and Local 473, International Brotherhood of Police Officers, as follows:

- The Agreement will be a three-year contract with a term of July 1, 2024 thru June 30, 2027.  
-0- Fiscal Impact
- The Agreement includes various language changes proposed by the Town regarding Department Rules & Regulations status; shift language to allow flexibility which may result in the possible creation of a traffic division; removal of extended Sick Leave Benefits/Sick Leave Bank Program; change in the awarding of points relative to promotions.  
-0- Fiscal Impact
- The Agreement provides for language allowing for time and one-half detail rate for emergency private details.  
-0- Fiscal Impact
- The Agreement revises comp time language, changing comp time for On Call Officers/Detectives from 1 hour to 2 hours; changing comp time for Field Training Officers from 1 hour to 2 hours; and reinstating a 120-hour max for comp time carryover.  
No Cost  
Potential (undetermined) savings due to maximum carryover and savings in overtime due to comp time being used in place of overtime.
- The Agreement results in language requiring that the Tuition Reimbursement Program requires participants to be enrolled in a Law Enforcement Degree Program.  
Possible (undetermined) savings due to participants now being limited to tuition reimbursement for Law Enforcement Degree Programs only.  
As a background, we've had 4 officers participate in this program over the past two fiscal years at a total cost of \$22,475.

JUNE 10, 2024  
21

BOOK 111 PAGE

- The Agreement includes language allowing for sick leave in excess of 1,020 hours be transferred into member's vacation bank at a reduction of 50%.  
This change should result in a savings. First, members currently receive a cash payout of sick leave in excess of 1,020 hours at a 50% reduction. Providing for an option of a transfer into vacation bank would result in a savings. Second, any incentive for an officer to not unnecessarily use sick time would result in an annual savings in overtime.
- The Agreement provides for a 1% increase to the Longevity Schedule in the second year of the Contract (effective July 1, 2025). This change affects personnel with 5 or more years of service only.  
The Fiscal Impact of this change will be in year two (July 1, 2025 – June 30, 2026) and is projected at \$51,098.
- The Agreement changes the policy for employees who waive Healthcare, reducing the buyback from 50% of the cost of healthcare (buybacks of \$8,795.18 for any employee waiving family coverage and \$3,894.31 for any employee waiving single coverage) to \$4,000 buyback for family coverage and \$2,000 for single coverage.  
This change will result in a \$4,795.18 savings per year, per employee, for any employee who in the future waives family coverage and \$1,849.31 savings per year and per employee for any employee who, in the future, waives single coverage. It should also be noted that this savings will grow over the years as the cost of healthcare increases each year and the current buyback would have increased as well while the new \$4,000 and \$2,000 buybacks are fixed with no inflation or cost adjustment.

- The Agreement provides wage increases for union members of 4% in year one (Fiscal Year July 1, 2024 – June 30, 2025); 3% in year two (Fiscal Year July 1, 2025 – June 30, 2026); and 3% in year three (Fiscal Year July 1, 2026 – June 30, 2027).  
 The Fiscal Impact in year one (FY 2025) is projected to be \$263,520.  
 The Fiscal Impact in year two (FY2026) is projected to be \$205,546.  
 The Fiscal Impact in year three (FY2027) is projected to be \$211,712.

Motion by Councilor Page, seconded by Councilor McCoy and unanimously

VOTED: To authorize the Town Manager to execute a Collective Bargaining Agreement between the Town of North Kingstown and Local 473, International Brotherhood of Police Officers, for a three-year term.

The Council recessed the meeting at 9:15 p.m.

The Council reconvened the meeting at 9:22 p.m.

39. Discussion/Possible Action of a Flag Policy for the display of flags on Town Property

Town Solicitor Callaghan stated that it is his understanding that the Town does not have a written policy for flying flags on Town property. However, there has been an unwritten policy where the Town has almost always denied flying flags other than the American flag, state flag, town flag and the POW/MIA flag; however, there may have been a few exceptions. In 2022 there was a Supreme Court decision which stated that with the absence of a written policy, flag raising on a government property can be consider free private speech and if you do not have a policy, you cannot deny one group or another. His recommendation is to adopt a policy which should include language that states, The choice of which flag to raise on Town-owned property is hereby declared to be governmental speech, communicating a message from the Town of North Kingstown to the public, to which the strictures of the First Amendment do not apply. He further stated that the policy should be limited to the American Flag, State Flag, Town Flag, and POW/MIA Flag.

After a brief discussion, a motion by Councilor McCoy, seconded by President Mancini and was

VOTED: To adopt a Flag Policy for the display of flags on Town property as follows:

JUNE 10, 2024  
22

BOOK 111 PAGE

**TOWN OF NORTH KINGSTOWN  
POLICY FOR THE EXHIBITION OF FLAGS FROM TOWN BUILDINGS AND  
PROPERTY**

Flags are permitted on Town-owned property and public buildings as follows:

1. This policy provides guidelines for the flying of flags in the Town of North Kingstown on Town-owned property. The choice of which flag to raise on Town-owned property is hereby declared to be governmental speech, communicating a message from the Town of North Kingstown to the public, to which the strictures of the First Amendment do not apply.
2. The Town Council of the Town of North Kingstown authorizes only the following flags on Town-owned property and public buildings:
  - (i) The official flag of the United States of America in accordance with the United States Code.
  - (ii) The official flag of the State of Rhode Island.
  - (iii) The official flag of the Town of North Kingstown.
  - (iv) The official Prisoner of War/Missing in Action (POW/MIA) Flag.
3. The flying of these flags is not intended to create or serve as a forum of free expression for the public.

Councilor Page voted in the negative.

40. Request by Towards an Anti-Racist North Kingstown (TANK) that the Town raise a Pride Flag at Town Hall in celebration of Pride Month

Motion by Councilor McCoy, seconded by Councilor Mandel and was

VOTED: To deny the request by Towards an Anti-Racist North Kingstown (TANK) that the Town of North Kingstown raise a Pride Flag at the Town Hall in celebration of Pride Month based on the adopted Flag Policy passed by the Council for Item Number 39.

Councilor Page voted in the negative.

41. Correspondence

The following is a summary of the e-mail correspondence received by the NKTC from constituents since the last regular NKTC meeting:

05/24/24 – Harry Aharonian Jr. – Handicapped Parking Signs at Wilson Park

05/28/24 (2x) – Heather Murphy – North Quidnessett Road

05/29/24 & 05/31/24 – Beverly Wood – HVAC at Senior Center

05/30/24 – Frances Slade – Bitumar USA Inc.

06/03/24 – Elizabeth MacMillan – Pickleball Courts

06/07/24 – Howard Brown [RI Coalition for Israel] – Pride Flag/Flag Policy

06/07/24 – Brian O’Dell – Pride Flag/Flag Policy

06/08/24 – Joseph Teixeira – Pride Flag/Flag Policy

06/08/24 (2x) – Alex Cesaro – Pride Flag/Flag Policy

JUNE 10, 2024  
23

BOOK 111 PAGE

06/09/24 – Denise Marks – Pride Flag/Flag Policy

06/10/24 – Melissa Kapalka – Pride Flag/Flag Policy

06/10/24 – Peter Lussier – Pride Flag/Flag Policy

Note: Information cutoff date/time is June 10, 2024 at 12:00 p.m.

## **VII. ADJOURNMENT**

The meeting adjourned at 9:52 p.m.

Jeannette Alyward  
Town Clerk