

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 5th day of February, 2018 at the Beechwood Senior Center, 44 Beach Street, at 6:30 p.m.

PRESENT WERE: Richard A. Welch, President
Kevin V. Maloney
Kerry P. McKay

ABSENT: Doreen M. Costa
Ellen S. Waxman

ALSO PRESENT: A. Ralph Mollis, Town Manager
Jeannette Alyward, Town Clerk
Susan A. Murray, Deputy Town Clerk
Matthew J. Callaghan, Town Solicitor
James Callaghan, Assistant Town Solicitor (left meeting at 8:18 p.m.)

1. Call to Order

The Regular Meeting of the Town Council of the Town of North Kingstown held on February 5, 2018 was called to order by President Welch.

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 McKay, seconded by Councilor Maloney and unanimously

VOTED: To adjourn into Executive Session pursuant to Rhode Island General Laws 42-46-4 and 42-46-5, Subsection (1) – Personnel (Town Solicitors’ Review) - and Subsection (2) –Litigation (Opioid Epidemic Litigation) – by the following Roll Call Vote:

Kevin V. Maloney	-	Aye
Kerry P. McKay	-	Aye
Richard A. Welch	-	Aye

MEETING RECONVENED AT 7:02 P.M.

VOTED: To close the minutes of the Executive Session pursuant to R.I.G.L. 42-46-4 and 42-46-5.

4. Salute to Flag

President Welch led those in attendance in saluting the flag.

5. Public Comment

Dianne Izzo, 62 Poplar Avenue, stated that she is in support of Agenda Item Number 24 (Award of Contract for Professional Architectural & Engineering Services for Town Hall Design and Renovations) to move back to the Town Hall.

Paul Waxman, 115 West Main Street, stated that he is confused on the word Resolution in Agenda Item Number 12 (Wickford Sewer Project Resolution - West Main Street). Town Manager Mollis explained it is a process to receive the money from the State of Rhode Island for the project and nothing else has changed as of this time.

April Brunelle, 250 West Main Street, stated that she was also thrown by the word Resolution in Agenda Item Number 12 (Wickford Sewer Project Resolution - West Main Street).

Sunny Albanese, PO Box 147, 7715 Post Road, stated that she is strongly opposed to the appointments to the Harbor Management Commission because the Town Council repeatedly appoints the same people. She is opposed to the appointment of Eric Collins because he has a huge conflict of interest. She asked that the vote be postponed to gather more information. She also stated that it is time for change in this Town.

Vincent Brunelle, 250 West Main Street, asked that Agenda Item Number 12 (Wickford Sewer Project Resolution - West Main Street) be pulled from the Consent Agenda for discussion.

Ed Hart, 181 West Main Street, stated that he also has questions on Agenda Item Number 12 (Wickford Sewer Project Resolution - West Main Street).

I. CONSENT AGENDA

Motion by Councilor McKay, seconded by Councilor Maloney and unanimously

VOTED: To approve Consent Agenda Item Numbers 6 through 20 as presented with the exception of Agenda Item Numbers 10 and 12.

6. Approval of Minutes

VOTED: To approve the minutes of the Special Meeting of January 3, 2018 and the Regular Meeting of January 8, 2018 as submitted by the Office of the Town Clerk.

7. Tax Abatement List #814

VOTED: To approve Tax Abatement List #814 submitted by Linda Cwiek, Tax Assessor, in the amount of \$739.80; and it was

FURTHER VOTED: That overpayments, if any, resulting from these abatements are hereby approved for refund by the Tax Collector.

8. Authorization for the Town Manager to Execute an Amendment to a Lease Agreement

VOTED: To authorize the Town Manager to execute an Amendment to the Lease Agreement between the Town of North Kingstown and T-Mobile Northeast LLC, a Delaware limited liability company (f/k/a Omnipoint Communications MB Operations, LLC), for a ten (10) year lease extension commencing on February 19, 2018, with two (2) additional and successive five (5) year terms with Town Council approval, for the property located at the Animal Shelter, 395 Hamilton Allenton Road.

9. Authorization for the Town Manager to Execute an Amendment to a Lease Agreement

VOTED: To authorize the Town Manager to execute an Amendment to the Lease Agreement between the Town of North Kingstown and T-Mobile Northeast LLC, a Delaware limited liability company (f/k/a Omnipoint Communications MB Operations, LLC), for a ten (10) year lease extension commencing on February 19, 2018, with two (2) additional and successive five (5) year terms with Town Council approval, for the property located at McGinn Park, 180 School Street.

10. Award of Bid – Golf Course – Golf Carts

Town Manager Mollis briefly explained the bid process and the funding of this purchase.

Councilor McKay stated that the purchase will be paid over a five year period and we will get \$183,000 back from the sale of the golf carts and \$90,000 will be used for the first payment and asked what the remaining \$93,000 will be used for. Mr. Mollis stated that nothing can be done with that money without Council approval. We hope to fund the replacement of the Driving Range netting and hopefully we will be coming to the Council for an award of that netting. Councilor McKay asked if it would be better to use that as a down payment and reduce what we are financing.

Mr. Mollis stated that he asked the same question and the Finance Director felt that with the low interest rate and by using the money from the buy back of the golf carts for the first payment of the lease, was beneficial. If the Council feels they want to apply the \$183,000 as a down payment, the Council can make that motion this evening. Councilor McKay stated that he is concerned about carrying more debt. In answer to Councilor McKay's question if we are just approving the award of the bid, Mr. Mollis stated yes but also the method of financing. If the Council wants to use a specific amount of the buy back of the golf carts, it can be incorporated into the approval. Again, the Finance Director was comfortable with what is being proposed. Councilor McKay asked where those funds would go. Mr. Mollis stated that those funds would be set aside. Councilor McKay stated that we would be approving the bid and financing method.

In answer to President Welch's question that we are looking at spending \$90,000 on the driving range with these funds, how do we improve the revenue from the driving range, Mr. Mollis stated that the Council passed an ordinance a few months ago increasing the fees for the driving range. Unless we fix the netting, we can't open the driving range in 2018 due to the liability.

President Welch stated that he didn't see anything in the agreement regarding maintenance. Mr. Mollis stated that because they are gas carts, there will not be any additional staff required.

John Rainone, Golf Course Operations Manager and Golf Pro stated that he is responsible for all aspects of the golf course, marketing, PR, human resources, accounting, staffing, leagues, T-time management and merchandising. He is also a proud member of the PGA of America, acknowledge experts in the game and business of Golf. He wants to make sure that everyone understands that he is a golf professional, not a professional golfer. In regards to the warranty on the golf carts, it is for four (4) years, and we have an in house mechanic.

President Welch asked what the anticipated rental return is on the golf carts. Mr. Rainone stated in excess of \$300,000. President Welch stated we are talking about spending \$75,000 for a \$300,000 return. Mr. Rainone stated that we are also considering increasing the fees for the carts and putting that additional revenue aside for the payments of these new carts.

President Welch stated that the past Council approved the purchase of the carts and it didn't happen. He wants to know when we will receive these carts. Mr. Mollis stated that it will happen in 30 days. Mr. Rainone stated that we didn't go forward with that purchase several years ago due to budget constraints.

Councilor McKay requested that when the Manager brings the award of bid for the netting to the Council, they can also have a discussion on what to do with the remaining funds from the buy back of our existing carts. Mr. Mollis stated absolutely, but if you are looking to buy down the lease program, that motion should be made tonight, although the motion is to not exceed \$75,000.

Councilor Maloney asked the Manager to entertain the possibility of shuffling things around at the course to see if there is any way we could add miniature golf which would significantly increase our revenues. The driving range right now is in the middle of the course. Mr. Rainone stated that we have in the past looked at doing some other things where the existing maintenance facility is, such as a 3-4 hole course. However, it hasn't happened as we haven't moved the maintenance building. Because the driving range is in the frame of the golf course, you are only getting avid golfers. We have looked at trying to move it out by the road, but there isn't enough room. Councilor Maloney stated if there is any way to move a couple of those greens around, he thinks we could attract our youth. Fiddlesticks was extremely successful. Mr. Rainone stated that where Councilor Maloney is suggesting (by the 4th green) that is the furthest spot away from the clubhouse. Councilor Maloney asked that staff at least look at the feasibility of a miniature golf course.

Motion by Councilor Maloney, seconded by Councilor McKay and unanimously

VOTED: To award the bid for 75 2018 Yamaha Quiet Tech Electronic Fuel Injection Gas Golf Carts to New England Golf Cars, 62 Industrial Way, Seekonk, MA 02771, for a bid price of \$4,575.00 per cart, to be financed under the Municipal Lease Program over a 5-year period for less than \$75,000.00 per year; and it was

FURTHER VOTED: To authorize the sale of the existing fleet of golf carts for a total amount of \$183,300.00.

11. Award of Golf Course Concession

VOTED: To award the bid for the North Kingstown Municipal Golf Course Restaurant Services to the highest responsive bidder, D & R II, 880 Victory Highway, West Greenwich, RI 02817, for April 1, 2018 - December 31, 2018 in the amount of \$4,300 per month and for January 1, 2019 - December 31, 2019 in the amount of \$4,500 per month; and it was

FURTHER VOTED: To authorize the Town Manager to execute the Concession Agreement between the Town of North Kingstown and D & R II.

12. Wickford Sewer Project Resolution - West Main Street

Mr. Mollis stated that in May of 2016, the Council authorized the design work for this project. It is his understanding that back then we were going to receive approximately \$180,000 from the State. In February/March of 2017, we extended the project up to Post Road and the State agreed to give us additional money, for a total of \$406,635.00 for the project. What is on the agenda tonight is a resolution to accept this amount. Mr. Mollis further stated that it has nothing to do with the assessments. He has guaranteed to the West Main Street residents that before we bring this to the Council, he will meet with them so they have a full understanding of what is going to be proposed.

After a brief discussion, a motion was made by Councilor Maloney, seconded by Councilor McKay and unanimously voted to adopt the following resolution:

WHEREAS, by Resolution 2017-21 dated March 6, 2017, the Town Council authorized Alternative W4A for the Wickford Sewer Project to install sewers along the entire length of West Main Street; and

WHEREAS, funding for portions thereof is available from the State of Rhode Island.

NOW, THEREFORE, BE IT RESOLVED THAT:

SECTION 1. The Town Manager is hereby authorized and directed to enter into and execute on behalf of the Town a Local Public Agency Agreement with the State of Rhode Island acting through the Rhode Island Department of Transportation to secure state funds not to exceed \$406,635.00 for the design and reconstruction of West Main Street, and to execute any and all necessary amendments thereto, and all actions heretofore taken by him with regard to same are hereby ratified, confirmed, and approved.

SECTION 2. This Resolution shall take effect upon its passage.

13. Holiday Sales License (renewal)

VOTED: To approve to July 1, 2018 the application for renewal of a Holiday Sales License by Sprint Spectrum, LP, dba Sprint, 5949 Post Road, subject to taxes and water paid to date.

14. Holiday Sales License (transfer)

VOTED: To approve the application for transfer of a Holiday Sales License from Maxi Drug South, L.P., dba Rite Aid #10223, 5945 Post Road, to Walgreen Eastern Co., dba Rite Aid #10223, 5945 Post Road, subject to taxes and water paid to date and receipt of a RI Retail Sales Tax Permit.

15. Holiday Sales License (transfer)

VOTED: To approve the application for transfer of a Holiday Sales License from Maxi Drug South, L.P., dba Rite Aid #10224, 7691 Post Road, to Walgreen Eastern Co., dba Rite Aid #10224, 7691 Post Road, subject to taxes and water paid to date and receipt of a RI Retail Sales Tax Permit.

16. Holiday Sales License (transfer)

VOTED: To approve the application for transfer of a Holiday Sales License from Maxi Drug South, L.P., dba Rite Aid #10225, 63 Brown Street, to Walgreen Eastern Co., dba Rite Aid #10225, 63 Brown Street, subject to taxes and water paid to date and receipt of a RI Retail Sales Tax Permit.

17. Holiday Sales License (new)

VOTED: To approve to July 1, 2018 the application for a Holiday Sales License by Domain Décor, LLC, 200A Ten Rod Road, subject to taxes and water paid to date and approval from the Building Official and the Fire Marshall.

18. Secondhand License (new)

VOTED: To approve to May 1, 2019 the application for a Secondhand License by Domain Décor, LLC, 200A Ten Rod Road, subject to taxes and water paid to date and approval from the Building Official, the Fire Marshall, and the Water Department.

19. Peddler License Renewals 2018/2019

VOTED: To approve to February 1, 2019 the attached list, as submitted, of Peddler License Renewals, subject to taxes and water paid to date and receipt of the following:

1. RI Retail Sales Tax Permit
2. Rhode Island Department of Health Certificate (if necessary)
3. Litter Tax Permit (if necessary)
4. Letter of consent from the property owner where vending (if stationary)
5. Motor Vehicle Registration (if necessary)

NK#	Cat.	Business Name	DBA	Mailing Address	Location	Phone	Reg #	Email	Perm. Driver	Town	State	Zip	SPARES
6.1	1	Knightstand, LLC	Del's Lemonade of North Kingstown	10 Woodridge Dr	6525 Post Road	885-2225	RI72994	kevinpkni ght66@y ahoo.co m	Kevin Knight	Saunderstown	RI	02874	TBD
6.3	1	Knightstand, LLC	Del's Lemonade of North Kingstown	10 Woodridge Dr	6525 Post Road	885-2225	RI 72996	kevinpkni ght66@y ahoo.co m	Kevin Knight	Saunderstown	RI	02874	TBD
6.4	1	Knightstand, LLC	Del's Lemonade of North Kingstown	10 Woodridge Dr	VARIOUS PLACES WITH LOP	885-2225	CART	kevinpkni ght66@y ahoo.co m	Kevin Knight	Saunderstown	RI	02874	TBD
91	1	Haven Brothers Mobile LLC		1542 Pippin Orchard Rd	Various	803-8124	RI 73518	havenbrot hersmobil e@gmail. com	Patrizia Prew	Cranston	RI	02921	NONE
82	1	Peter Chevalier	dba Gardener's Warf Seafood	170 Main Street	170 Main Street	255-4600	RI 52140	pete@gardn erswharfs post.com	Peter Chevalier	North Kingstown	RI	02852	TBD
79	1	Lucien F. Rajotte	dba Red Hot Hot Dogs	125 Hornet Rd	650 Ten Rod Rd	225-3661	RI 12340	lra@redhot dogs.com	Lucien F. Rajotte	North Kingstown	RI	02852	LINDA LEGACY
28	1	Dee Marcotte	dba Dee's Catering	121 Tarklin Rd	Catering	447-6740	RI Pending	dee@dees sol.com	Dee Marcotte	Chepachet	RI	02896	LAJRA DWELLY
29	1	Dee Marcotte	dba Dee's Catering	121 Tarklin Rd	Catering	447-6740	RI 6269		Dee Marcotte	Chepachet	RI	02896	None

ALL TAXES/WATER ASSESSMENTS HAVE BEEN PAID FOR THE ABOVE APPLICANTS. *[Signature]* COLL DEPT
DATE 1/30/18

20. First Reading – Amendment to Chapter 9, Article X and Section 9-236

VOTED: That this shall constitute the First Reading of an Ordinance in Amendment of Chapter 9, Article X, entitled, "Sunday Sales and Activities" and Section 9-236, entitled, "Required for retail sales on Sundays and holidays; exceptions" of the Code of Ordinances, Town of North Kingstown, and that this be advertised and referred to the Regular Town Council Meeting of March 5, 2018 for Second Reading and Consideration of Adoption.

II. SPECIAL BUSINESS

21. Capital Improvement Program for Fiscal Year 2019 – Fiscal Year 2024

President Welch asked Town Solicitor Callaghan if he has a position on this item as a result of e-mails received today. Mr. Callaghan stated that it appears that it was advertised properly but the concern is over a vote that was taken at the Asset Management Commission (AMC) meeting. Without seeing the minutes of that meeting, he cannot give an opinion if that vote was actually taken.

In answer to President Welch's question if a vote was not taken, how should we address this presentation? Mr. Callaghan stated that if a vote was not taken by the Asset Management Commission, he would ask if that was actually a product of that meeting.

Councilor Maloney stated that he also received a letter today and he is concerned whether it was voted on or not and if what is being presented is what the Asset Management Commission reviewed or if it had changed.

Councilor McKay stated that he spoke with two members and they feel it was what was endorsed by the Asset Management Commission. We are getting a lot of conflicting opinions, but again the members who I spoke with stated that what is being presented is an accurate reflection of their discussion.

Dianne Izzo, Asset Management Commission Member, stated that she can represent that there was no vote at the meeting. Mr. Bergeron is the staff liaison and does the meetings and can verify that there was no vote taken. There is a rule that when a vote is taken and a member votes in the negative, the minutes must reflect the reason for the negative. You do then have an opportunity to state the reason why, and had there been a vote, she would have stated the reason why she opposed this submission.

Mr. Bergeron stated that there was plenty of discussion of the cover letter. However, the minutes have not been formalized. There was discussion that there would be further comments sent to him to be distributed to all members. His notes reflect that there was no formal motion on the letter. In answer to President Welch's question if there was a formal motion to approve the submission, Mr. Bergeron stated that his notes do not reflect a formal motion.

In answer to Councilor McKay's question if there have been formal motions in the past to receive the CIP, Mr. Bergeron stated that he would have to go back and review the minutes, but believes so. In answer to Councilor McKay's question if it was a consensus or vote, Mr. Bergeron stated he doesn't recall and would have to go back and review prior minutes.

James McGwin, Chair of the Asset Management Commission, stated that Roberts Rule of Order allows consensus. The cover letter was reviewed over three meetings. We had a very tight time line, and met six times in December and January. We had one meeting to finalize this document. We did it by consensus and it was agreed upon. For members who had issues, those issues were addressed by making changes that all the members thought were appropriate. One member proofed the document. He has seen the Council get consensus on issues in the past. If this isn't allowed, it wasn't raised at the meeting. Again no one opposed making a general consensus and that is why we did it as it was done over three meetings. If that is not good enough, he will go back and look at past Council meetings and other meetings with decisions that have been made through general consensus. He further stated that no one has a problem with not following the Charter, and that is what everyone doesn't want to hear. He will make his presentation if the Council wants to hear it, if you don't, then fine.

Ted Walls, new Member of the Asset Management Commission, stated that he made the stylistic changes in the first two pages of the cover letter. There was substantive change that the group agreed upon regarding the Town Hall and another Committee member agreed to make the type-o changes. His sense was that the spirit of the Committee was that the cover letter would go forward. There were minor disagreements regarding some comments around the ratings. He hopes this helps.

Mr. Callaghan suggested that the Asset Management Commission schedule a meeting and formally vote on this submission.

Motion by Councilor McKay, seconded by Councilor Maloney and unanimously

VOTED: To continue to the Regular Town Council Meeting of March 5, 2018 the receipt and filing of the Final Report Recommendation for the Capital Improvement Program so the Asset Management Commission can vote on their final report.

Councilor McKay asked if the Asset Management Commission has seen the School Department's CIP.

President Welch stated that what Councilor McKay is referring to is Phase 1 and Phase 2 of the RIDE submission.

Councilor McKay stated that he received Ms. Izzo's letter which implied that she wants to do away with the Asset Management Commission but the charter is clear as to what the Asset Management's role is. He knows the School Department doesn't want to deal with the Asset Management Commission. Ms. Izzo stated that she submitted a letter after she read the proposed cover letter draft that was forwarded to members of the AMC that suggests that for many years recommendations made by the AMC have not been followed by the Council. She said that if there is no use or feedback from the Council as to why recommendations are not acted upon, it is time for the Council to either use these recommendations, or indicate why they are not being used, or get rid of the AMC. It is very time consuming to do the CIP not only for the members but also for staff. She also feels the information is not compiled in a useful form. Councilor McKay stated that the money has to be available to do some of these things. We have funded some projects through the budget. A lot of information that comes to us is used as guidance. He does agree at budget time it has not been acted upon appropriately. He is concerned that the charter is clear on who is in charge of our assets and who should be reporting to the Council. The School Facilities Subcommittee didn't send a representative to the AMC. Ms. Izzo stated that she takes exception to that as she is the School Committee Representative and she forwarded the same information to the AMC. There are over 600 items that facilities request to the Department of Education and there were substantial questions, just a lot of complaining that the School Department appointed her to be the representative. The purpose of the AMC is to be advisory as they are not in charge of anything. To the extent that you don't take their advice it's a waste of time. Councilor McKay stated it has to do with funding. Ms. Izzo stated of course it does, but suspends their process. Councilor McKay stated we still need to know what the recommendations are. Ms. Izzo stated that there were only four departments that came to the AMC and their requests didn't change from previous years. The comments that were provided by the AMC members were cut off and/or not complete. She is happy that this is being remanded back to the AMC and hopes that the Council can express to the AMC what the Council is looking for.

Mr. McGwin provided copies of an agenda item report form from the School Committee indicating what would be forwarded to the AMC regarding the Stage 1 projects. This is what Ms. Izzo argued against at a meeting that we shouldn't look at. He also filed with the Clerk, RIDE School construction regulations, which states projects shall have to undergo review in compliance with applicable law or district charters, which we don't do. He further stated that he will look for meetings of this body and others, and it has been done at Asset Management Commission Meetings where decisions have been made by consensus.

III. PUBLIC HEARING

22. Class B-Full Alcoholic Beverage Licenses (new)

Town Clerk Alyward stated that back in December the Council set the limits for all classes of Alcoholic Beverage Licenses. The limits included one Class B-Full License that the All American had previously held and the Council instructed that available license be advertised as we knew at that time the Beach Rose was looking for a Class B-Full license. We advertised that license and we received two applications that are before the Council tonight. If the Council approves both licenses, we will ask you to increase the limits for a B-Full License by one additional (25) and reduce the limits for a B-Limited License by one which is what Beach Rose Café currently has.

President Welch stated that by reducing the B-Limited limits, that license would not be available. Ms. Alyward stated that is correct, but any business could ask the Council to increase that limit at a future date.

Motion by Councilor McKay, seconded by Councilor Maloney and unanimously

VOTED: To open the Public Hearing.

Carol Gibson, 9 Spink Street, stated that we are all looking forward to the revitalization of Brown Street and understands that increasing the number of liquor licenses is working towards that. She is not opposing the issuance of these licenses, but encourages the Council to consider the effects of new licenses on the residents of the area. She is concerned about the noise associated with restaurants open late at night especially those who have outside seating. She asked that the Council take this into consideration when deliberating on these licenses.

Motion by Councilor Maloney, seconded by Councilor McKay and unanimously

VOTED: To close the Public Hearing.

Councilor Maloney asked if it is possible to limit outside dining through an ordinance at some point. Ms. Alyward stated that any outside service is part of the license application approval. Beach Rose Café currently has outside service for their deck. She further stated that the Council can put time restrictions on their licenses. Mr. Callaghan stated that the time restrictions would be on their license. Councilor Maloney stated that he can understand not wanting people wandering through Town at 1:00 a.m. Mr. Callaghan stated that the condition should be placed when the license is issued and if the business owner wants to change the condition, they would have to come back to the Council when the license is being renewed or on a separate petition to request that condition be removed.

In answer to the Councilor McKay's question what the condition is now, Ms. Alyward stated that the Local Mercantile is not open yet, so their hours are non-existent at this point. Beach Rose Café hours are until 10:00 p.m. In answer to Councilor McKay's question what the hours are for Tate's, Ms. Alyward stated that she doesn't recall but it is specific on their licenses. In answer to Councilor McKay's question if we could make them all the same, Ms. Alyward stated that typically they put down 1:00 a.m. which is how long they can stay open by State Law. But they don't stay open until 1:00 a.m. President Welch asked if there have been any issues with Tavern by the Sea who has outside seating. Ms. Alyward stated she is unaware of any complaints. President Welch stated that during the summer time noise travels. When the Back 40 was approved, we talked about outside music and we limited the hours. He thinks it is worthwhile putting a time frame on these licenses for entertainment and outside service. We do have a Town wide noise ordinance which is 10:00 p.m. which takes place regardless of whether it is on the license.

President Welch asked if the applicants were present. Ms. Alyward stated that the applicants were notified but it appears they are not here.

After a brief discussion, it was the consensus of the Council to continue these public hearings and notify the applicants to be present to answer these questions.

Motion by Councilor Maloney, seconded by Councilor McKay and unanimously

VOTED: To rescind the vote to close the Public Hearing.

Motion by Councilor McKay, seconded by Councilor Maloney and unanimously

VOTED: To continue the Public Hearing on the applications for Class B-Full Alcoholic Beverage Licenses by Local Mercantile Café, LLC, 35 Brown Street, and Steven's Family Restaurant Group LLC, dba Beach Rose Café, 85 Brown Street.

IV. REPORTS

23. Report to Town Council by Town Manager

Town Manager Mollis gave the following report:

- At your last Council meeting, Rachael Mello, a student at North Kingstown High School, made a presentation with some concerns about the intersection of Fairway Drive and Boston Neck Road. I reviewed this situation with Phil Bergeron. It is felt that the best course of action to address this situation will be:
 - As Rachael requested, remove the overgrown vegetation and brush at the corner of Fairway Drive and Boston Neck Road in order to cross Fairway, at Boston Neck, on a straight path and avoid a diagonal crosswalk at the intersection. Public Works will handle this.
 - Petition for a crosswalk along Fairway Drive parallel with Boston Neck Road and upon approval, have the crosswalk put in. We will petition and upon approval put in the crosswalk.
 - Have the appropriate push button lights installed at this intersection.
 - Install portions of a sidewalk along the southerly side of Fairway Drive leading to the previous mentioned crosswalk and study the sidewalk situation in context with the others in the High School area. Phil feels that this is within the budget and will attempt to proceed.

We want to thank Rachael for her efforts, her work and her concerns and hopefully this will be a step in the right direction in addressing this for her and her teammates and schoolmates.

The Council thanked Ms. Mello for her efforts and encouraged her to continue to address the issues that concern her as it does make a difference.

- As I previously reported, PRISM has completed their North Kingstown Streetlight Audit which comprises most of the Phase 2 work you previously contracted them to complete. In turn, North Kingstown has gone out for a regional RFP with Narragansett and South Kingstown on Street Light Maintenance, LED Conversion and Controls. While it is regional, it does not preclude us from awarding anything on our own. I believe the deadline for the RFP is February 15th.

PRISM intends on putting together a proposal in response to this RFP. I will bring the Council up to date after the 15th and will advise on any information that needs to be reviewed or contracts needing approval or awarding.

- As you know, we had a very successful participation in the 2017 RI Energy Challenge Program. We had 365 residents sign up and were successful in obtaining the \$10,000 lighting grant. I've had initial conversations with National Grid and Malinda Howard and will be advising on the next steps on obtaining the grant and beginning the lighting work.
- As I communicated with you recently, we will have the draft Audit in our hands the week of February 19th. We will plan to schedule a meeting with the Audit Committee that week. We will have finalized statements in our hands by March 1st. Municipal Affairs and the Auditor General are aware of this schedule and we expect to have the Auditors present the Audit to you sometime after March 1st.
- We received a lengthy response to our latest proposal to Andy Kinnecom late last week. Matt Callaghan and I have briefly discussed and will be discussing in more detail this week. Once we discuss, we will be calling a meeting of the Wickford El Committee to review his response and decide on next steps. I will forward Mr. Kinnecom's proposal/response to you under confidential separate cover sometime tonight or tomorrow and will then follow up with sending this same information to the Wickford El Committee a day or two after that. Our goal will be to discuss and get a formal response out before your next Council Meeting on March 5th or March 12th.

V. NEW BUSINESS

24. Award of Contract for Professional Architectural & Engineering Services

Mr. Mollis stated as approved by the Town Council, the Town of North Kingstown sent out the above RFQ for architectural and consulting services associated with renovations of and potential relocation of municipal office operations to North Kingstown Town Hall (80 Boston Neck Road).

We received 11 proposals from well-qualified architects/teams. A committee was created to review all 11 packets and subsequently narrowed it down to 4 submittals for formal interviews. The committee then conducted the interviews, each lasting well over an hour. Each architect 'team' was extremely qualified.

The committee chose one of the four architects/teams to come in for a second interview to discuss the scope and, if approved, to move forward with a formal proposal of work and costs. This proposal, submitted by Michael Viveiros, Principal of DBVW Architects, was forwarded to the Council.

He is therefore requesting the Town Council to authorize the awarding of the above mentioned services to DBVW Architects, according to the details, scope and costs within the January 31, 2018 written proposal and to authorize the Town Manager to sign said agreement on behalf of the Town of North Kingstown.

In answer to Councilor McKay's question if any of the other reports are worth any credit on this proposal and if they can utilize those reports, Mr. Bergeron stated that when he and Mr. Mollis met with Michael Viveiros we made it clear that there was plenty material available and we forwarded him that material, which helped reduce the costs especially from the sub-consultants point of view.

Councilor McKay stated that he is torn due to the amount of money this could be, and with all the past discussion that this building would be large enough to accommodate all our offices, it is a lot of money to find out that we can or can't occupy this building. Mr. Mollis stated that he agrees and that is the reason why we are going down this road. The way he looks at it, when the day is done, no matter where the municipal offices are, we will be faced with what to do with this building whether it's a Guild, meeting space, or offices. We will need to put money into this building. We need to see if this could accommodate Town offices or look somewhere else. This will give us a good indication of what we can do with this building whether its municipal offices entirely or partially. Over the last year, we set aside \$30,000 from multiple accounts, \$70,000 from the Capital Reserve Fund which would pay for these services. When we get the final report, it will give us direction on if we can go back there, it will indicate a cost to achieve that, and talk about potential bonding. He thinks this process is a worthwhile investment.

Councilor McKay stated that in the contract, there is a clause stating the firm maintains ownership of the final documents and wants to make sure that we have those documents for which we are paying for. Martha Werenfels from DBVW Architects stated that she understands the concern and would be happy to relinquish the documents to the Town. She further stated that they have worked on similar projects in many other towns by repurposing historic buildings, and part of this process is providing a cost to repurpose these buildings as well as giving alternative uses for the building.

Councilor Maloney stated that he is concerned about the historic preservation easement and the restrictions currently on this building and wants to ensure that the RIHPHC is on board with this.

After a brief discussion, a motion by President Welch, seconded by Councilor McKay and unanimously

VOTED: To award a contract for Professional Architectural & Engineering Services to DBVW Architects, 111 Chestnut Street, Providence, RI 02903, for Professional Architectural and Engineering Services for Town Hall Design and Renovations in accordance with the details and scope within the January 31, 2018 written proposal, in the amount of \$72,545.00; and it was

FURTHER VOTED: To authorize the Town Manager to execute said contract after confirming that the RIHPAC is agreeable to working with the Town regarding the current easements in place.

Clerk's note: The following comments were provided by Councilor Waxman with the request that they be part of the record.

As the Town Council considers awarding a contract for architectural & engineering services for the renovation of Town Hall, I ask that the following be considered:

1. How can our government operate more efficiently, reduce costs, and improve customer service?
2. How can staff functions and departments be streamlined and reorganized to save time and improve workflow?
3. What modern technologies should we be investing in to achieve these objectives?
4. Would it be beneficial to invest in self-service kiosks?
5. How would self-service kiosks and the merging of staff functions change department organization, staffing requirements, space needs, and the architectural design at Town Hall?

A professionally conducted organizational analysis could possibly help. Now is the time to brush up on best practices, streamline processes, consolidate departments, and improve efficiency wherever possible. Prior to starting the redesign and construction process for Town Hall, I believe it's important to closely look at how we've been doing things and get some advice for making improvements.

Some helpful resources:

The Rhode Island Public Expenditure Council — You can see how they helped another town with an organizational analysis here:

<http://www.ripec.org/Publications/City-of-Pawtucket-Management-Study>

Kiosk Solutions:

<https://www.kioskmarketplace.com/topics/government/>
https://www.ipadkiosks.com/pages/government?gclid=EAJaIQobChMI36mEk76M2QIVRSSGCh0R1ADbEAAYAAEgJBI_D_BwE
http://www.zivelo.com/ppc-kiosk/?gclid=EAJaIQobChMIwraw5byM2QIVCVqGCh3Rkgj5EAMYASAAEgJVv_D_BwE
<https://www.greeningdetroit.com/2017/05/18/conveniently-pay-detroit-water-bill-28-kiosk-locations-around-city/>

Exceeda LEAN process consultant — Some years ago the Town had a limited engagement with this group and had a positive experience. There is an opportunity to continue the process and do even more. Please see attached correspondence which describes how they could help:

<http://exceeda.net/services/lean-transformation/>

(A full copy of the correspondence reference is provided with the back-up material for this meeting.) Below is the highlighted portions provided by Councilor Waxman:

...look at the utilization of the existing space. We would seek to understand the current constraints and design an efficient workflow of the departments, people and equipment that need to fit. We will look at workflow, workplace organization and reducing space to only what is required and not “nice to have”. Typically, we see space savings results in the 30% or more range using these techniques.

...a methodology for organizing and minimizing items within a workplace, in order to make it operate more efficiently. In addition, Visual Management addresses a system of signs, information displays, layouts, material storage, handling tools, color coding, and mistake proofing devices. This visual control system will make workflow, operations standards, schedules and problems instantly identifiable to anyone within 30 seconds of entering an area.

Improve how the operation appears to customers – always be tour ready

Analyze and design the “macro-layout” where operating departments are defined and located, the “micro-layout” to determine the location of specific equipment and furniture, and the “sub-macro layout” to focus on individual workers.

- Arrange machines and/or workers in accordance with the sequence of operations for a given product or service
- Develop cell structure while improving material flow, personal space, and communication
- Design workstations for efficiency, effectiveness, and safety

25. Class B Alcoholic Beverage License Limits

Motion by Councilor McKay, seconded by Councilor Maloney and unanimously

VOTED: To continue to the Regular Town Council Meeting of March 5, 2018 the setting of the Class B-Full and Class B-Limited Alcoholic Beverage License Limits.

26. Proposed Ballot Question for the Sale of 55 Brown Street

President Welch stated that he feels we should include square footage of the parcel that we are looking to sell so there is no question as to what we are selling or not selling. Ms. Alyward stated that the question is structured to sell the property but is not based on the proposal. President Welch stated he understands that, but he feels that this is only a portion of a large lot. He further stated that it doesn't refer to the address. Ms. Alyward stated that the address is in the title of the question.

In answer to Councilor McKay's question if the Plat and Lot are going to be reduced, Mr. Mollis stated yes. The Council has authorized us to enter into a Purchase and Sales Agreement for a foot print that is specific to the building, it will not infringe on the Park but will allow enough room for the elevator, and does not infringe with the rest room. He further stated that the lot would have to be subdivided and new lots will be designed after voter approval. President Welch stated that we are asking the voters to allow the Council to sell the property not the proposal that has been submitted and that's why we need to indicate a square footage of the footprint. Mr. Mollis asked that if for some chance we had to wait for negotiations of the proposal, what is the deadline to get this on the ballot? Ms. Alyward stated that based on the April 24th date, the questions have to be to the Secretary of State's Office by March 5th. Ms. Alyward stated the question states that the Council has to approve anything that happens with this property. Mr. Mollis stated that is exactly correct, the Council determines the final conditions of the sale and any special use permits. He further stated that the developer will have the opportunity to promote this project to the public. Ms. Alyward stated that these ballot questions will be advertised and it will be up to the Council and the Manager to put the explanation of the intent out to the public.

President Welch stated that if we can get a footprint, we should at least get a survey of what the Town is looking to sell. Mr. Bergeron stated that he has the ability to do that.

Councilor Maloney stated that he would like some language in the question that requires historic protection of the building.

After a brief discussion, it was the consensus of the Council to include “not to exceed” a certain square footage and include historic preservation.

Motion by Councilor McKay, seconded by Councilor Maloney and unanimously

VOTED: That the following question be forwarded to the Secretary of State to be placed before the voters at the April 24, 2018 Special Referendum:

SALE OF 55 BROWN STREET
(Resolution of the Town Council of February 5, 2018)

“Should the Town Council, in accordance with Section 314 of the Town Charter, be authorized and empowered to exchange, assign, transfer, sell, lease or otherwise convey, upon such terms, conditions, and consideration, including historic protections as the Town Council, in its sole discretion, shall deem fit and proper, that real estate owned by the Town and located at 55 Brown Street and which may be described as a portion, not to exceed 7,500 square feet of Lot 211, on Assessor’s Plat 117, said real estate commonly known as the Town Hall Annex?”

(YES OR NO)

Clerk’s note: The following comments were provided by Councilor Waxman with the request that they be part of the record.

I am not in favor of the (above) proposed ballot question relative to the sale of 55 Brown Street. While I’m pleased we’ve received an exciting proposal for the re-use of this property, I do not believe it’s wise for the town to sell this valuable asset. This property has historic significance, is placed on the National Register, and has a prime waterfront location in the heart of Wickford Village. Also, most don’t know that the land (and money to construct and maintain the building) was gifted to the town by a resident philanthropist. These are reasons why it’s important to keep this property, and why in my opinion, it’s a more sensible and honorable course of action to establish terms for a long-term lease.

The language in the resolution also contains a critical flaw being that the parcel is described “as a portion of”. This isn’t enough information. The “portion” must be clearly defined by a square ft. amount, an important detail that has been absent from any documents we’ve been provided thus far. How can we ask the voters to approve the sale of a portion of a property that has not been clearly defined, and lacks a monetary value based on a recent real estate appraisal?

Given our opportunity to refinance a sizeable bond at no cost to the taxpayer, why don’t we take a portion of that, (maybe 400K or an otherwise appropriate amount) and give it to the developer for the specific purpose of rehabilitating the property? With expert advice, let’s craft a long-term lease containing stipulations that are important to and beneficial for both the developer and the town, and has a better chance of being enthusiastically supported by the voters, more so than the current language in this proposed ballot question.

The public should clearly understand the confines of the property (in square feet), its monetary and historic value, and the language of the final ballot question should state these facts. Let’s work together with the developer to ensure that the lease terms and ballot question reflects the values and concerns of the community. Let’s get it right so all can say “yes” when it comes time to vote on the future of this beloved property.

Please see link below for a comprehensive list of resources and grant opportunities for the rehabilitation of historic properties:

<http://www.preservenet.cornell.edu/links.php#grants>

27. Proposed Ballot Question for the Sale of 71 Summit View Lane

Motion by Councilor McKay, seconded by Councilor Maloney and unanimously

VOTED: That the following question be forwarded to the Secretary of State to be placed before the voters at the April 24, 2018 Special Referendum:

SALE OF 71 SUMMIT VIEW LANE
(Resolution of the Town Council of February 5, 2018)

“Should the Town Council, in accordance with Section 314 of the Town Charter, be authorized and empowered to exchange, assign, transfer, sell, lease or otherwise convey, upon such terms, conditions, and consideration as the Town Council in its sole discretion shall deem fit and proper that real estate owned by the Town and located at Summit View Lane and which may be described as Lot 158 on Assessor’s Plat 116?”

(YES OR NO)

28. Proposed Ballot Question for the Sale of Vacant Land located on Devils Foot Road

Motion by Councilor McKay, seconded by Councilor Maloney and unanimously

VOTED: That the following question be forwarded to the Secretary of State to be placed before the voters at the April 24, 2018 Special Referendum:

SALE OF VACANT LAND ON DEVILS FOOT ROAD
(Resolution of the Town Council of February 5, 2018)

“Should the Town Council, in accordance with Section 314 of the Town Charter, be authorized and empowered to exchange, assign, transfer, sell, lease or otherwise convey, upon such terms, conditions, and consideration as the Town Council in its sole discretion shall deem fit and proper that real estate owned by the Town and located at Devils Foot Road and which may be described as Lot 105 on Assessor’s Plat 149, Lot 306 on Assessor’s Plat 149, and Lot 307 on Assessor’s Plat 149, individually or collectively?”

(YES OR NO)

29. Appraiser of Dog Damages - Appointment

Motion by Councilor Maloney, seconded by Councilor McKay and unanimously

VOTED: To reappoint Capt. Paul Barry, 8166 Post Road, as Appraiser of Dog Damages to April 1, 2009.

30. Arts Council - Appointments

Motion by Councilor Maloney, seconded by Councilor McKay and unanimously

VOTED: To appoint the following eight (8) members to the Arts Council to March 1, 2020:

- Eleanor Acton, 139 Fletcher Road, reappointed
- Gail Shawn Burda, 35 Harrington Road, reappointed
- Francine Crete, 25 Lenox Court, reappointed
- Gerry Grabowski, 169 Georgia Avenue, reappointed
- Nora Hall, 151 Main Street, reappointed
- Terrence Shea, 781 Ten Rod Road, reappointed
- Nancy Sherman, 64 Pleasant Street, reappointed
- Donna S. Vanderbeck, 22 West Cove Drive

31. Board of Canvassers – Appointment

Motion by Councilor McKay, seconded by Councilor Maloney and unanimously

VOTED: To reappoint Patricia Fuller, 1950 Boston Neck Road, Saunderstown 02874, Mailing Address: PO Box 548, Saunderstown 02874, to the Board of Canvassers to March 1, 2024; and it was

FURTHER VOTED: That this appointment is made in accordance with Section 317 of the Charter as she possesses special qualifications pertinent to this Board.

32. Harbor Management Commission – Appointments

Motion by Councilor McKay, seconded by Councilor Maloney and unanimously

VOTED: To reappoint Eric Collins, 89 Stony Lane, Marina/Boat Yard Operator Representative, to the Harbor Management Commission, to March 1, 2020; and it was

FURTHER VOTED: That this appointment is made in accordance with Section 317 of the Charter as he possesses special qualifications pertinent to this Board.

Motion by Councilor McKay, seconded by Councilor Maloney and unanimously

VOTED: To reappoint the following members to the Harbor Management Commission to March 1, 2020:

Keith Finck, 13 Walnut Road, Recreational Boating Representative
Thomas J. Moakley, 15 Oakland Avenue, Environmental/Conservation Group Rep
Ernest R. Wilcox, 38 Enfield Avenue, Commercial Fishing Representative

33. Information Technology Advisory Committee – Appointments

Motion by Councilor McKay, seconded by Councilor Maloney and unanimously

VOTED: To reappoint the following four (4) members to the Information Technology Advisory Committee to March 1, 2021:

Jill Johnen, 102 Cydot Drive, At-Large Member
Joseph Nagele, 15 Spencer Drive, Expert Member
Brian Schaefer, 199 Mesa Drive, Alternate Expert Member
Jeffrey Wilhelm, 234 Wilbert Way, Expert Member

34. Personnel Board - Appointment

Motion by Councilor Maloney, seconded by Councilor McKay and unanimously

VOTED: To reappoint Thomas Reilly, 116 Chatworth Road, to the Personnel Board to March 1, 2021.

35. Tree Warden - Appointment

Motion by Councilor McKay, seconded by Councilor Maloney and unanimously

VOTED: To reappoint J. Peter Morgan, 70 Paddock Lane, Saunderstown 02874, Mailing Address: PO Box 31, Slocum 02877, as Tree Warden to March 1, 2019.

36. Veterans Day & Memorial Day Parades Committee - Appointments

Motion by Councilor McKay, seconded by Councilor Maloney and unanimously

VOTED: To appoint the following seven (7) members to the Veterans Day & Memorial Day Parades Committee to March 1, 2021:

Richard August, 79 Apple Tree Court, reappointed
John E. Fitzgerald, 170 Beach Street, reappointed
Lee Hardgrove, 31 Landing Lane, reappointed
Stanley T. Spink, 15 Barolay Drive, reappointed
Mark Zaccaria, 35 Congdon Hill Road, Saunderstown 02874, reappointed
Alfred D. Boucher, 76 Terre Mar Drive
Nancy E. Hillner, 805 Main Street, Apt. 101, Hope Valley 02832

37. Discussion and Possible Action requesting an RFP to outsource the Transfer Station

President Welch stated that he requested that this item be put on the agenda for discussion to have the Town Manager put out an RFP to outsource the operations of the transfer station. He feels it is important for the Town to not only have the transfer station open 6 days a week, but also to determine whether we can, through outsourcing, lower our operating costs for the transfer station.

President Welch made a motion to put out an RFP to outsource the transfer station operations.

In answer to Councilor McKay's question if we have done this already, President Welch stated that he requested this when he was on the Council before. Mr. Mollis stated that we did go out to bid; however, there were no bidders.

In answer to Councilor McKay's question if anyone has inquired about taking over the transfer station, Mr. Bergeron stated that we put this out in 2013. We fashioned the bid to mimic the exact program we have and with an option to expand the operations. As Mr. Mollis stated, there were no responsive bidders. Mr. Bergeron stated that he and Mr. Mollis met with Matt Leonard and Mr. Vinagro regarding the transfer station operations but they have not heard back from them. President Welch stated that he spoke with Matt Leonard and they are waiting for the RFP to come out.

Councilor Maloney stated that he is not sure that this a viable option, but if we could update the RFP, it would be worth the exercise to see if there is any interest. Mr. Bergeron stated that he would defend the operations out there as the program pays for itself. We haven't had many complaints about the operations and it has been in effect for 18 years.

After a brief discussion, Councilor Maloney seconded the motion and it was

VOTED: To instruct the Town Manager to prepare a Request for Proposal for the outsourcing of the transfer station operations.

38. Authorization for the Town Manager to execute a Legal Services Agreement

Motion by Councilor McKay, seconded by Councilor Maloney and unanimously

VOTED: To authorize the Town Manager to execute a Legal Services Agreement with Hamel, Waxler, Allen & Collins, 395 Smith Street, Providence, RI and other national law firms to pursue all civil remedies against those in the chain of distribution of prescription opiates responsible for the opioid epidemic.

39. Correspondence

- An e-mail from Christine Brooks, Karen Kupersmith, Anne Dunne, and Cindy Lillibridge extending thanks for support of the Pet Refuge.
- An e-mail from Johann Shields supporting Brown Street being placed in the Historic District and reviews conducted by the Historic District Commission.
- An e-mail from Christine Marinello passing along Gov. Raimondo's Zoning Regulations Plan for small business owners and the Main Street Improvement Fund is now accepting grant applications which North Kingstown should look into.
- An e-mail from Joseph Baker extremely concerned with Quidnessett Elementary School's conditions and further concerned with having available funding in the upcoming budget for schools.
- Peter Galaster forwarded a letter from George Hagerty in support of Wickford Design Guidelines, Brown Street under jurisdiction and review of HDC, and a demolition delay

- An e-mail from Dave Payan from FloSports seeking a follow-up interview on the video featuring 2017 Hometown Heroes Award Winner Paul Tetreault.
- An e-mail from Kathy Yeager inviting the Council and NK Prevention Coalition members to a first ever regional retreat on Saturday, March 3, 2018, from 9:00 a.m. – 12:00 p.m. at the North Beach Clubhouse. Also the NK Coalition is receiving a grant from Rep. Craven next Monday.
- An e-mail from David Wrenn expressing excitement for the Annex proposition, but feels the bond language needs more information to promote the protection is in place to insure voter support.
- An e-mail from Dianne Izzo sharing concerns that the Asset Management report was not approved by the committee and that language had changed from the draft the committee saw.
- An e-mail from Natalie Coletta praising the manager's choice of Durkee-Brown to oversee the Town Hall project.
- An e-mail from Tim Wasco and Carol Gibson concerned with changing or increasing liquor licenses in Wickford due to the impact they will have on residences in the village with late night drinking causing noise and light issues.

VI. ADJOURNMENT

The meeting adjourned at 10:07 p.m.

Jeannette Alyward
Town Clerk