

At the Regular Meeting of the Town Council of the Town of North Kingstown, County of Washington, and State of Rhode Island, held in and for said Town, County, and State this 23rd day of January, 2017 at the Beechwood Senior Center, 44 Beach Street, at 5:30 p.m.

PRESENT WERE: Richard A. Welch, President  
Doreen M. Costa  
Kevin V. Maloney  
Kerry P. McKay  
Ellen S. Waxman

ALSO PRESENT: Thomas J. Mulligan, Town Manager  
Jeannette Alyward, Town Clerk  
Susan A. Murray, Deputy Town Clerk  
Donald J. Maroney, Assistant Town Solicitor

1. Call to Order

The Regular Meeting of the Town Council of the Town of North Kingstown held on January 23, 2017 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 Manager Employment Offer) (Employment Agreement), Subsection (2) – Potential Litigation, Subsection (3) – Security/Safety Concerns (Fire), and Subsection (7) – Investment of Public Funds - by the following Roll Call Vote:

Doreen M. Costa	-	Aye
Kevin V. Maloney	-	Aye
Kerry P. McKay	-	Aye
Ellen S. Waxman	-	Aye
Richard A. Welch	-	Aye

MEETING RECONVENED AT 7:03 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

The Town Council took Agenda Item Numbers 21, 22, and 23 next.

21. Request that the North Kingstown Legislative Delegation submit Legislation

Motion by Councilor Waxman, seconded by Councilor Costa and unanimously

VOTED: That the North Kingstown Legislative Delegation is hereby requested to submit legislation and seek passage of an Amendment to RIGL 45-2-55(c), entitled, “Town of North Kingstown - Municipal Court”, to empower the North Kingstown Municipal Court to authorize and execute arrest warrants.

22. Authorization for the Fire Department to Apply for a Staffing for Adequate Fire and Emergency Response (SAFER) Grant

Motion by Councilor Costa, seconded by Councilor Waxman and unanimously

VOTED: To authorize the Fire Department to apply for the Staffing for Adequate Fire and Emergency Response (SAFER) Grant.

23. Funding for the repair of the HVAC System at the North Kingstown High School

Motion by Councilor Maloney, seconded by President Welch to approve the request for \$700,000.

After a brief discussion on the request by Councilor McKay that the Council fund \$500,000 and the School Department fund the remaining \$200,000 from their fund balance, there was an amended motion by Councilor Maloney, seconded by President Welch and unanimously

VOTED: That the Town Council hereby commits up to \$500,000 from the Town's Undesignated Fund Balance for the completion and repair of the HVAC System installed at the North Kingstown High School; and it was

FURTHER VOTED: That the commitment of such funding will allow the School Department to seek bids based upon the information provided by Fitzmeyer & Tocci and move forward with this project as outlined; and it was

FURTHER VOTED: That the Town Council is to be included in the review of those bids submitted as it relates to the aforementioned funding of up to \$500,000.

The Town Council took Agenda Item Number 5 next.

#### 5. Public Comment

Norman Birenbaum, Department of Business Regulation, Medical Marijuana cultivation, stated he is here as a resource to make sure everyone has the correct information and to answer any questions. He provided a copy of the regulation which starts on Page 33. He stated that the State diverts to the Town on how to zone in their own towns if they want to zone at all. He spoke on the highlights of the regulations and then had a question and answer period with the Town Council.

Mr. Brennan stated that Mr. Birenbaum spoke longer than three minutes. He stated he was confused that we were still doing Public Comment and maybe this should have been an agenda item.

Mike Zochara, 4 Edge Wood Drive, Summit, NJ, Full Circle Inc., Corporate Attorney, stated that he has invested in the industry and is looking forward to being one of the first licenses in North Kingstown.

Kevin Hoffman, 85 Sloop Street, Jamestown, President and CEO of Full Circle Inc., stated that he entered into a lease and has applied for a zoning application in a light industrial area. He is looking forward to opening the business and creating new job opportunities.

Michael Rego, 137 Pelham Street, Newport, Security Advisor for Full Circle Inc., stated that his background is in law enforcement. He stated that he would be the liaison between the Police and Fire Departments.

Donna Lico, 62 Edgewood Drive, stated that in regards to Agenda Item Number 26 (Resolution in Opposition of the Siting of the Clear River Energy Center in Burrillville), she is in favor of standing with the Town of Burrillville.

Gerry Grabowski, 169 Georgia Avenue, stated that she is a taxpayer and is disappointed that the Town looks deserted. She feels that the Town is letting everything go to "pot". She also stated that the Wickford Art Association has worked in good faith with the Town and she is sorry that Councilperson Waxman doesn't have the same plan as the Wickford Art Association, but they are here to improve the Town and she is not feeling the love from Councilperson Waxman.

Lorraine Hynes, President of the Wickford Art Association, delivered a Chronology of significant events relating to the Town Hall Annex and the Wickford Art Association's Beach Street Gallery. She stated that they have acted in good faith and have complied with the Town Council's request.

Kenneth W. Putnam, Jr., Pascoag, RI, stated on Agenda Item 26 (Resolution in Opposition of the Siting of the Clear River Energy Center in Burrillville) that this land is right on top of his land and is asking for the Town Council to support the resolution of Burrillville. The Boy Scouts received 189 acres of land and this project will be right on top of his land.

Rhoda-Ann Northrup, 85 Summit Drive, Cranston, stated on Agenda Item 26 (Resolution in Opposition of the Siting of the Clear River Energy Center in Burrillville) that she is asking for the Town Council to sign the resolution due to public health and safety issues.

Paul Roselli, Burrillville Land Trust, stated that he is opposed to the power plant and in favor of open space. He also stated that twenty one municipalities have already supported the resolution.

Donald Salisbury, 54 Newton Avenue, stated that with the Quonset Fire Station project, the QDC should also be responsible for some of the cost.

Suzanne Enser, 722 Curtis Corner Road, South Kingstown, stated that she is in support of the Burrillville resolution.

Robert Malin, 20 Indian Trail, Charlestown, stated that he is also in favor of the Burrillville resolution due to the fact that it will cause climate change and sea level rise (he attached a map).

Michael Donohue, 141 West Main Street, stated with regards to Agenda Item 24 (Update and Discussion on the Wickford Sewer Construction Project), that he and two other residents are in favor of the sewers. He also stated that the signs for speeding on West Main Street are not there now due to the snow and the speed factor is back up again.

Peter Galster, 151 West Main Street, stated that he has issues with the West Main Street sewers fixing problems. He also asked if the street is dug up, will it be put back properly.

Squeaky Patterson, 40 Elm Road, Wakefield, stated that on Agenda Item 26 (Resolution in Opposition of the Siting of the Clear River Energy Center in Burrillville) there are many signs in Burrillville that state "No Power Plants".

David Oppenheimer, 44 Edgar Nock Road, stated that on Agenda Item 26 (Resolution in Opposition of the Siting of the Clear River Energy Center in Burrillville) he wants the Council to please sign the resolution.

Bob Vanderslice, 151 Prospect Avenue, stated that for civic engagement and strength of our Town can we post minutes on the website. He also stated that he supports the Burrillville resolution.

Lisa Petrie, 11 Debra Drive, Richmond, stated that Gov. Gina Raimondo supports the power plant and that Richmond passed the resolution. She is asking the Town to follow Richmond and pass the resolution as well.

At the request of Councilor Costa, the Town Council took Agenda Item Number 26 next.

26. Resolution in Opposition of the Siting of the Clear River Energy Center in Burrillville

A motion was made by Councilor Costa, seconded by Councilor McKay and voted to adopt the following resolution:

WHEREAS, on October 29, 2015 Invenergy Thermal Development LLC filed an application to construct the Clear River Energy Center Power Plant in Burrillville, RI with the Rhode Island Energy Facility Siting Board (EFSB); and

WHEREAS, in the months since the filing of that application, the Town of Burrillville has conducted extensive study of the application with and through credentialed professionals, including studies of noise, water, traffic and air quality, among others; and

WHEREAS, after considering expert testimony and conducting thorough public hearings, the Burrillville Planning Board and Zoning Board of Review have advised the EFSB that Burrillville, RI is not a suitable site for the Clear River Energy Center; and

WHEREAS, the Burrillville Building Inspector and Burrillville Tax Assessor have also submitted advisory opinions to the EFSB expressing the impact the proposed Clear River Energy Center would have on the Town of Burrillville; and

WHEREAS, during the past twelve months, many citizens of Rhode Island and the Town Councils of Burrillville, North Smithfield, Cumberland, Glocester, Lincoln, Foster, Scituate, Cranston, Hopkinton, Tiverton, Exeter, Richmond, Westerly, Charlestown, and South Kingstown, and imminently the Town Councils of Coventry and Narragansett have expressed clear opposition to the siting of the Clear River Energy Center for reasons including the impacts on property, environment, water and traffic and that the Rhode Island House, passed by a 62-7 vote, a bill on the siting of the power plant that explicitly stipulated that prior "to the making of a decision, the board shall take into consideration any town or city council resolution regarding the application"; and

WHEREAS, the North Kingstown Town Council joins with the citizens and officials of the Town of Burrillville as well as residents throughout the State of Rhode Island expressing concerns and objections to the siting of the Clear River Energy Center in Burrillville, RI.

NOW, THEREFORE, BE IT RESOLVED: That the Town Council of the Town of North Kingstown does hereby oppose the siting of the Clear River Energy Center in Burrillville, RI; and be it

FURTHER RESOLVED: That this resolution of the North Kingstown Town Council be submitted to the Rhode Island Energy Facility Siting Board for consideration during their hearings on Invenergy Thermal Development LLC's application to construct the Clear River Energy Center Power Plant in Burrillville, RI.

President Welch voted in the negative.

The Council resumed the Public Comment portion of the agenda.

Peter Galvin, 533 Annaquatucket Road, congratulated the Town Council on the election. He stated that if there is anything the Council needs with regards to climate change, he can help.

Amy Sonder, 30 Elam Street, filed a letter from Natalie Coletta who had to leave the meeting. Ms. Sonder then made the following statement:

With regard to Item 25 (Wickford El Development Company, LLC Proposal to form a Subcommittee to organize and host charrettes to maximize citizen input):

I do not think the Subcommittee, as requested by Mr. Kinnecom in his recent proposal to the Town Council, is designed appropriately. The proposed members appear stacked and improperly balanced to the benefit of the developer. This concept with different members could have been a wonderful idea, but I think this is something that should have been considered 18 months ago!

I would now encourage the Town Council to not start at "square one" again, and instead take the time to review what little progress has taken place in the past 18 months during which Mr. Kinnecom has been in an agreement with the Town of NK for the development of Wickford El. He has had plenty of time to reach out to the NK Planning Dept. and Commission, concerned citizens, Historic District Commission, Wickford Plan Committee and project advisers with regard to what might be best for this site. Mr. Kinnecom has only presented his own ideas to the past Town Council and small group at EDAB with little public notice.

I have requested over the past year that the developer submit preliminary development plans to the Planning Dept. and Commission, Coastal Resources, and possibly the RI Historical Preservation Commission for pre-application reviews and have yet to see any of these items pursued by the developer, encouraged or enforced by the Town Council.

Since this agreement, many circumstances have changes in Wickford Village and with the Town Hall and Annex Building being vacated. Wickford Elementary has been noted by a Town Council appointed group as a potential site for a new government center. This option was written into the P&S agreement for Wickford Elementary and should be seriously considered as such. I am not an advocate of vacating our original Town Hall building on Boston Neck Road and encourage its re-use for Municipal Offices, Council Chambers, or a Community Center. But we should also consider Wickford Elementary as an expansion or potential site for the same possibilities.

I encourage you to review ALL our current buildings and properties, owned and leased, their current and potential future use, existing expenses and then re-evaluate the possibility of maintaining Wickford Elementary as a Town Building or continue to move forward as a Private Development.

Lastly, I think the Town Council should not accept the last Quarterly Report and should be requiring detailed progress reports. I work in the development field and if I had shown no progress or a concrete plan to move forward after 18 months, I think my client would seriously consider looking elsewhere and maybe so should the Town Council.

Thank you for taking the time to seriously consider my concerns.

Clayton Field, 440 Dry Bridge Road, stated he owns a couple of units on Dry Bridge Road. There are ten units that grow marijuana and the smell is awful to the point where some days you can't go to work. He is wondering if there is anything that can be done.

James McGwin, 412 Chimney Rock Drive, Chairman of the Asset Management Commission, stated that the commission is responsible for many items on the agenda but have not been a part of. One of them is the town house. He showed a report that was given in October for the Town Hall, the Town Hall Annex, and the North Kingstown High School HVAC. He further stated that the amount of the system was over the amount anticipated and the commission was not aware this would be a separate request, nor did they know there would be a separate request for the athletic complex. The Town and School have a significant amount of deferred maintenance and will need a bond. He also stated that at the last meeting it was mentioned that they didn't follow proper protocol with the Wickford Art Association, when in fact they did.

Peter Andrews, 235 Rollingwood Drive, stated that his office is located on Dry Bridge Road and the smell from the marijuana growers is awful. His employees can't go to work some days because they are Federal Licensed Employees and they need to be drug tested. If they fail the test, they lose their license and their jobs.

The Town Council recessed the meeting at 9:45 p.m.

The Town Council reconvened the meeting at 9:53 p.m.

**I. CONSENT AGENDA**

Motion by Councilor McKay, seconded by Councilor Costa and unanimously

VOTED: To approve Consent Agenda Item Numbers 6 through 13 as presented.

6. Approval of Minutes

VOTED: To approve the minutes of the Regular Meeting of December 12, 2016 as amended and the Regular Meeting of January 9, 2017 as submitted by the Office of the Town Clerk.

7. Receipt of Donations

VOTED: To accept with gratitude the following donations in the amount of \$175.00:

For: North Kingstown Free Library	
In Memory of Edna (Teddy) Lager	
From: Catherine Lynch	\$100.00
Robert and Ruth Arvidson	50.00
Robert and Nancy Smalley	25.00

8. Tax Abatement List #801

VOTED: To approve Tax Abatement List #801 submitted by Linda Cwiek, Tax Assessor, in the amount of \$1,153.77; and it was

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

9. Detective License (renewal)

VOTED: To approve to December 1, 2017 the application for renewal of a Detective License by Richard F. Nagele, 66 Walnut Road, subject to taxes and water paid to date.

10. Peddler License (new)

VOTED: To approve to February 1, 2018 the application for a Peddler License by Haven Brothers Mobile, LLC, 72 Spruce Street, Providence, RI 02908, 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)

11. Peddler License Renewals

VOTED: To approve to February 1, 2018 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)

## 12. Refuse Collector – Commercial For Hire License Renewals

VOTED: To approve to January 1, 2018 the attached list of Refuse Collector – Commercial For Hire License Renewals, subject to taxes, water, and any other assessments paid to date; receipt of a bond; inspection approval from the Transfer Station; and receipt of a Certificate of Insurance if needed.

## 13. First Reading – Amendment to Section 11-66

VOTED: That this shall constitute the First Reading of an Amendment to Section 11-66 of the Code of Ordinances, Town of North Kingstown, entitled, “Stop Signs”, and that this be advertised and referred to the Regular Town Council Meeting of February 13, 2017 for Second Reading and Consideration of Adoption.

**II. REPORTS**

Motion by Councilor Maloney, seconded by Councilor Costa and unanimously

VOTED: To continue to the Regular Town Council Meeting of February 13, 2017 Agenda Item Numbers 14, 15, 16, and 17.

## 14. Report to Town Council by Town Manager

## 15. Quonset Business Park

## 16. Report by Council Members who serve on various committees

## 17. Report by Finance Director

Motion by Councilor Maloney, seconded by Councilor Waxman and unanimously

VOTED: To extend the meeting past 10:00 p.m.

**III. OLD BUSINESS**

## 18. Update on the Old Town House – cost estimates/timeline

Public Works Director Bergeron stated that at the last meeting, the Town Council asked that he provide an update on the construction of the Old Town House. On January 11<sup>th</sup> we received a second budget estimate from Randy Gardiner of Saunderstown for exterior and interior renovations of the Old Town House Building. This estimate was consistent with the previous estimate from Architectural Preservation for approximately \$325,000 - \$350,000 for all the work. They did include prevailing wages but did not include a project contingency. The cost to complete only the exterior of the building was estimated at \$125,000 which is also in line with the estimate from Architectural Preservation. He further stated that based on the information provided in these project estimates as well as construction recommendations from a number of contractors with historic building renovation experience, he is now ready to prepare construction details and specifications for an exterior building rehabilitation project that will address siding, trim, doors, windows, accessibility and roof stabilization. The Town’s architectural consultant, John Ahronian & Associates will complete this work and submit it to the RI Historical Preservation and Heritage Committee by mid-February for their review. Following their review, his office will bid the exterior work for an early spring construction project. He is proposing to fund this project from the building donation fund which currently is \$35,000 with the balance to come from either the Town Capital Reserve or the Undesignated Fund Balance. With additional in kind work to be done by Public Works such as landscaping and grading work around the building, this would complete the exterior of the building. In order to complete the interior work, the Town will be seeking not only design assistance from qualified architects but the RIHPAC. Additional fundraising and grants will be needed to continue with that interior phase.

In answer to Councilor Waxman's question if it would be possible to have the breakdown of those cost estimates, Mr. Bergeron stated that he has those estimates. However, it would be difficult to break them down to have an understanding of the various elements of the project. He also stated that for those contractors who provided estimates we would also like them to bid on the project as they would not want their estimates made public. He suggested that Councilor Waxman come in to meet with him so he can review this with her. Councilor Waxman stated that the reason why she is asking is because she is trying to hone in on what must be done and the things that would be nice to have done but are not immediately required. We can get the minimum fixed on the exterior and move on to the interior so we can utilize the RIHPHC SPG grant and then close the grant.

In answer to Councilor Waxman's question if Mr. Bergeron thinks we must spend the full \$125,000 to secure the building or is there a lesser amount that we could spend, Mr. Bergeron stated that hopefully a lesser amount. In answer to Councilor Waxman's question what that amount would be, Mr. Bergeron stated that it could be between \$80,000 - \$125,000. That is why the architect will be coming in to give us our options such as if we would have to do all the windows, which would allow us to attack the interior sashes as part of the interior project. Until we have an architect in place we won't know that. Councilor Waxman asked Mr. Bergeron to pull out the costs of the critical exterior needs.

Councilor Maloney stated that at the last meeting, President Welch suggested that there are people willing to donate their time and asked if that was part of the equation. Mr. Bergeron stated that he has not been contacted by anyone and encouraged anyone who would like to donate their time to get in touch with him as soon as possible.

The Council thanked Mr. Bergeron for the update.

#### 19. Discussion/possible action – Town Hall Annex – Request for Proposal

President Welch asked if we have an RFP ready for the Town Hall Annex. Ms. Alyward stated not at this time. However, we do have an RFP that we previously used for the Wickford El that could be revised.

In answer to Councilor Waxman's question on what the process is for the RFP for Wickford El and if there were photographs taken as well as a professional package put together, Ms. Alyward stated that we had a real estate agent that marketed the property. Councilor Waxman stated that she would like to request we go through that same process that we went through with Wickford El. Ms. Alyward stated that we ended up doing the RFP after the listing expired with the real estate agent.

Councilor McKay stated that as a business owner, he sometimes has to step away from Council discussions and decisions. With no disrespect intended to Councilor Waxman as she has an artist business in the Village of Wickford, he would suggest that there is a conflict of interest with the Annex discussion as she is a competitor and closely aligned with art in the village. He further stated that he would like to put this off until we can get an opinion regarding this potential conflict of interest.

President Welch stated that we are not making any decisions tonight as we do not have an RFP ready. Councilor McKay stated that he should understand that we are not going to allow the Art Association to move forward and we are going to go out for an RFP.

Councilor Maloney stated that his intention has never been to slow the process, but to have the negotiations continue. His concern is that he has heard from many that Andy Kinnecom got a sweetheart deal with Wickford El or other people have also gotten a sweetheart deal. Going out with an RFP would let others in Town know that the building is available and finding out what other possible uses there could be would eliminate that discussion. Councilor McKay stated that we are overlooking what the prior Council agreed to with the Wickford Art Association. Councilor Maloney stated that what he heard during those discussions was that those negotiations would not preclude anybody else from coming in. Councilor McKay stated that no one has shown up and stepped forward. Councilor Maloney stated that is because it was never advertised as being available.

Councilor McKay stated we have circumstances here surrounding this project as we also have the existing Art Association building that would be turned back over to us that can be used by the Town. He is just asking why we are having this discussion as we gave authorization to go forward with this project and now we want to send it out for an RFP. Councilor Costa stated that she is confused as well and is ready to hand it over to the Art Association. Ms. Alyward stated that the vote of the prior Council was to enter into a letter of intent to negotiate. Councilor Waxman stated that we have never seen a number and you don't just give away a building. Councilor Maloney asked if we are just going to give it to them. Councilor McKay stated we authorized negotiations with them, and they had the opportunity to obtain a grant, and again no disrespect intended to Councilor Waxman he stated again that he feels that Councilor Waxman has a conflict of interest. Councilor Waxman stated that Councilor McKay was Council President for two years and we have been discussing the Annex building for two years and asked why he hasn't brought this up before this point and furthermore Councilor McKay sells art also and what applies to her should apply to him. Councilor McKay stated that he does not sell art, he sells prints. Councilor Waxman stated that she has been in his store and he sells art also. Councilor McKay stated fine then they can both recuse themselves from the discussion. Councilor Waxman stated that she will get a legal opinion on this.

President Welch stated that at the last meeting, the Council took a vote and it was 3-2 in favor of going out to the public with a 45 day timeframe for an RFP. He doesn't see that changing. If we are going to have this conversation at every meeting, please let him know and he will schedule the discussion for the end of the meeting at which point he will leave.

Ms. Alyward stated that there was no vote at the last meeting just a consensus to put this on for discussion and a possible vote to go out for an RFP for the Annex for 45-90 days.

President Welch stated that we will have that vote now to go out for an RFP for the Annex within 45 days.

Councilor Waxman stated that her recollection is that we were in agreement that it would be within 90 days, and she is not prepared to vote in favor going out for an RFP until the building is emptied, swept, a coat of paint, cleaned up, and photographed so it has curb appeal to properly market it.

Councilor McKay stated he would like to make a motion to allow the Art Association to proceed with their opportunity to proceed with negotiations and not proceed with an RFP, Councilor Costa seconded his motion.

In answer to Councilor Waxman's question what does the agenda state for this item, President Welch stated "Discussion/possible action - Town Hall Annex - Request for Proposal". Councilor Waxman asked what specific action the Council President is looking for as he put this on the agenda. Councilor Maloney stated that right now we have a motion and a second on the floor.

President Welch called the question and it was

VOTED: To allow the Art Association to proceed with the opportunity to proceed with negotiations for the Annex Building and not proceed with an RFP.

Councilor Maloney and Councilor Waxman voted in the negative.

Assistant Town Solicitor Maroney stated that for the record he has had a conversation with the attorney representing the Art Association who informed him that he was told not to begin negotiations with him as he will not be the Solicitor in the future. President Welch stated that it was his understanding that the negotiations would be with the Town Manager. Mr. Maroney stated that the Town Manager and the Art Association's attorney would like the Town's solicitor involved as well.

In answer to President Welch's question if the former Council voted that the negotiations would be with the Town Manager or the Town Solicitor, Councilor McKay stated that negotiations would be with the Town Manager and Solicitor as the agreement would be a legal document requiring the Solicitor's input.

Town Manager Mulligan stated that he wouldn't recommend leaving it in the hands of the Manager without an Attorney present. President Welch stated we wouldn't do that.

Mr. Maroney stated that he hopes that the Wickford Art Association will have their attorney contact him to begin these negotiations.

#### **IV. NEW BUSINESS**

20. Coastal Resources Management Council Application Number 2016-09-107

Motion by Councilor Maloney, seconded by Councilor McKay and unanimously

VOTED: That no objection be filed to Coastal Resources Management Council Application Number 2016-09-107 to allow Omar and Rachel Ajaj to construct and maintain a residential boating facility, 33 Pleasant Street, Plat 117, Lot 133.

The Town Council took Agenda Item Number 24 next.

24. Update and Discussion on the Wickford Sewer Construction Project, expansion of the Wickford Sewer District to West Main Street/Post Road Intersection and required amendments to the Ordinance

Public Works Director Bergeron stated that on January 10<sup>th</sup> bids were received by the Department of Public Works for the Wickford Village Sewer Project. The lowest responsive bid was submitted by D'Ambra Construction for a price of \$4,522,485.00. However, before the Town can award the contract, the Town Council must approve certain amendments to the existing sewer ordinance, as well as make a decision to finalize the scope of the Wickford project. He is prepared to go over some bullet points; however, he would recommend that we have a Council work session in the near future to discuss and give staff the direction that is needed on these very challenging decisions. He further stated that with the scope of the Wickford Project, the \$3 million cost estimate was also the target number based on what we wanted to keep the commercial assessments at \$56,600, 52 commercial EDU's. We agreed during the previous option discussion of the scope of the project, Option W4A and agreed as a Council at that point that we would increase the cost of that project by about \$500,000 so we put into place a system that could be expanded upon by putting in a gravity system up West Main Street. We didn't agree with how we fund that, but did agree that we would spend that money as it made sense. As we moved through the design process, we had many discussions with the DOT about trying to use this project as an opportunity to pave the length of West Main Street. Through negotiations and agreements the DOT did agree to fund the cost of the paying of the balance of West Main Street and that has been put into the project. What typically happens with the DOT paving is there is a moratorium that you can't cut into the road for a period of 5 years. There has been some discussion to extend the sewers to the end of West Main Street. We came up with an estimate to do that which came in at \$508,000. Again the DOT would pay for the paving. This Council will need to decide how we will pay for that which we will address by ordinance. We need to also consider how we will recover these higher construction costs. Obviously one way is to raise the commercial assessments. Other options are to have the General Fund lend the money to the sewer fund with pay back from deferred residential assessments, which there are approximately 40-45 residential lots that will be sewered in Wickford. But a decision has to be made whether or not those assessments would be levied at the completion of the project, or deferred for a period of 3-5 years. He further stated that the other potential payback is from the Wickford El development, which has always been on the table, and any additional EDU's would lower the cost. There are quite a few ordinances that need to be discussed and reviewed. We have to decide if there is a residential customer on Brown Street and their use was changed to a commercial lot, how do we assess that change.

After a brief discussion, it was the consensus of the Council to have a Special Work Session on February 6, 2017 at 6:00 p.m.

In answer to Councilor Maloney's question if the Mexican Restaurant and Mae's Place would be included if we were to extend up to Post Road, Mr. Bergeron stated that Wickford Appliance would definitely be included as they have frontage on West Main Street, but not the restaurants.

In answer to Councilor Maloney's question what the results were of the survey of the residents in Wickford, Mr. Bergeron stated there was a survey that went out, most of the positive responses came from West Main Street. Councilor Maloney stated that West Main Street is his concern because of the condition of the road. We have never pushed it on the residents but it might be in their interest if they want the street repaired, then they may consider doing it.

25. Wickford El Development Company, LLC Proposal to form a Subcommittee

Motion by President Welch, seconded by Councilor Costa and unanimously

VOTED: To table this Agenda Item to a future date.

The Town Council took Agenda Item Number 27 next.

27. Resolution to Oppose the Legalization of Marijuana and the creation of a Commercial Marijuana Industry

A motion was made by Councilor Costa, seconded by Councilor Maloney and voted to adopt the following Resolution:

WHEREAS, The Rhode Island General Assembly has and will be considering legislation to "legalize" marijuana in the State of Rhode Island, which would create an alleged billion dollar commercial marijuana industry in Rhode Island to promote and support the consumption of so-called "recreational" marijuana by residents and visitors to Rhode Island and its thirty-nine (39) cities and towns; and

WHEREAS, legislation "legalizing" marijuana and creating a commercial marijuana industry may authorize to be located in Rhode Island and its cities and towns an unlimited number of marijuana retail stores, wholesale growers and manufacturers, to produce and distribute marijuana and marijuana products, including specifically marijuana candy and other edibles and highly potent marijuana concentrates; and

WHEREAS, the states of Colorado and Washington that have been the earliest adopters of commercial marijuana are already experiencing highest-in-the-nation teenage use and a doubling of marijuana impaired driving fatalities; and

WHEREAS, legislation "legalizing" marijuana and creating a commercial marijuana industry may severely limit the right and ability of cities and towns and their elected governments to impose reasonable and meaningful restrictions on the marijuana industry, including impediments to local rules around the number, type and location of marijuana retail stores, growers and manufacturers and on "home grows"; and

WHEREAS, legislation "legalizing" marijuana and creating a commercial marijuana industry would introduce new and additional drug-based activity into cities and towns at a time when so many residents, families and communities are struggling with the human and social consequences of addiction and Rhode Island faces an unprecedented opioid crisis; and

WHEREAS, legislation "legalizing" marijuana and creating a commercial marijuana industry risks creating a new industry that, much like Big Tobacco, subverts public health for private gain, even as so many questions about its consequences remain unanswered and so much information that is available casts grave doubt on its merits and desirability; and

WHEREAS, a detailed fiscal impact statement of the regulatory, public safety, health care and addiction treatments costs, has not been prepared and circulated for public review and comment.

NOW, THEREFORE, BE IT RESOLVED: That the Town Council of the Town of North Kingstown places itself on record as opposing legislation “legalizing” marijuana and creating a commercial marijuana industry and urges the members of the General Assembly to oppose this legislation when it is brought to a vote; and be it

FURTHER RESOLVED: That a copy of this resolution be sent to the Representatives and Senators representing the Town of North Kingstown, to the Honorable Speaker of the House Nicholas A. Mattiello, the Honorable President of the Senate M. Teresa Paiva Weed, and Her Excellency Governor Gina Raimondo, and to each municipality in Rhode Island requesting their support in opposing any legislation that would “legalize” marijuana and create a commercial marijuana industry in Rhode Island.

Councilor McKay and Councilor Waxman voted in the negative.

#### 28. Discussion of Medical Marijuana Facilities (Cultivator/Grow Operations)

Assistant Town Solicitor Maroney stated that the Council could limit the number of facilities, require a special use permit or address this by zoning. If the Council gives direction or policy to the Solicitors, they would formulate a recommendation.

Motion by Councilor McKay, seconded by Councilor Costa and unanimously

VOTED: To continue the discussion of Medical Marijuana Facilities (Cultivator/Grow Operations) in the Town of North Kingstown to the Special Town Council Meeting of February 6, 2017.

#### 29. Correspondence

- A phone call from Pastor Anne expressing concerns with the marijuana resolution.
- E-mails from Carol Gjelsvik, Eileen Dyer, Deen Cope, and Jane Reilly who are all in favor of legalizing marijuana and opposing the resolution.
- An e-mail from Greg Mancini suggesting that municipalities not having heard all benefits or drawbacks of the Burrillville proposal should not get involved and could bear unknown consequences.
- An e-mail from Bob Vanderslice commenting on more civic engagement. He appreciates Council involvement at the Democracy Event at the High School and State officials at the women's rally. He is looking for meeting minutes and the Town Manager selection process to be as transparent as possible.
- E-mails from David Wrenn, Amy Sonder, Tim Wasco, and Natalie Coletta requesting rejection of the Wickford El charrette proposal as presented based on bias concerns with Natalie suggesting a professional consultant for planning of Wickford and focus on vacant historic buildings.
- Two e-mails from Sunny Albanese looking to resolve loss of her mooring.
- Several e-mails from Donna Hutchinson regarding Jamestown Air B&B regulations and inquiring if North Kingstown is pursuing any.
- A phone call and e-mail from David Oppenheimer regarding the proposed Burrillville resolution.
- An e-mail from James Halley, Chair of the Arts Council, expressing support for Wickford Art Association proposal for the Annex Building.
- An Invitation to meet the Independent’s new Managing Editor Dan Kittredge.
- An e-mail from Will King, a participant on Town Manager Search Citizens Panel urging the Council to drop the lowest candidate of the search committee if expanding the search.

**V. ADJOURNMENT**

The meeting adjourned at 10:30 p.m.

Jeannette Alyward  
Town Clerk