

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 14th day of January, 2019 at the Beechwood Senior Center, 44 Beach Street, at 6:33 p.m.

PRESENT WERE: Gregory A. Mancini, President  
Mary Brimer  
Stacey Elliott  
Kerry P. McKay  
Richard A. Welch

ALSO PRESENT: A. Ralph Mollis, Town Manager  
Jeannette Alyward, Town Clerk  
Susan A. Murray, Deputy Town Clerk  
James Callaghan, Assistant Town Solicitor  
Senator James C. Sheehan  
Senator Bridget G. Valverde  
Representative Julie A. Casimiro

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

1. Call to Order

The Regular Meeting of the Town Council of the Town of North Kingstown held on January 14, 2019 was called to order by President Mancini.

2. Notice of Meeting being posted

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

3. Executive Session

Motion by Councilor McKay, seconded by Councilor Brimer and unanimously

VOTED: To adjourn into Executive Session pursuant to Rhode Island General Laws 42-46-4 and 42-46-5, Subsection (2) – Litigation (M.L. Hawk Realty, LLC, Mark L. Hawkins, Joshua L. Hawkins, and JAMM Golf) – by the following Roll Call Vote:

Mary Brimer	-	Aye
Stacey Elliott	-	Aye
Kerry P. McKay	-	Aye
Richard A. Welch	-	Aye
Gregory A. Mancini	-	Aye

MEETING RECONVENED AT 7:06 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 Mancini led those in attendance in saluting the flag.

**I. SPECIAL BUSINESS**

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

President Mancini stated that as part of our packet, there is a memo with various topics for discussion tonight that has been provided to our Legislative Delegation.

President Mancini thanked Senator James Sheehan, Representative Julie Casimiro, and Senator Bridget Valverde for attending tonight's meeting and stated that Representative Craven is unable to attend due to a prior commitment.

Town Manager Mollis stated that some of his items are not necessarily legislation but thought we could take advantage of having the delegation here tonight with the hopes they could assist us with items such as:

West Main Street/Post Road Sidewalk Project – Mr. Mollis stated that over the last two years we have been working with the DOT regarding the Post Road/West Main Street Sidewalk Project. In early 2018, he had a meeting with Director Alviti and followed up with a letter. The DOT had committed to move the project up to coincide with a lot of the work in connection with the Sewer Project. Director Alviti felt he could be creative and move that project up to late winter or early spring in 2019. Having that sidewalk done would have been a boom to North Kingstown. We consequently met with Dr. Alviti in September at which time he informed us that the RIDOT was cut \$20 million in RICAP funds in the Fiscal 2019 budget and that cut took away the West Main Street Sidewalk Project and is not pushed off until Fiscal 2022. We have made a significant investment in West Main Street and Post Road. That cut in their budget was substantial to North Kingstown. Ironically, North Kingstown only needed a small amount of that \$20 million. If there is anything that can be done to restore these funds in FY2019, which is a long shot, we would be appreciative, and if not, we hope that it can be in the FY2020 budget.

We also would like your assistance regarding the realignment of the Route 4 intersections, which we understand is costly, but the residents of North Kingstown are having trouble being able to ingress and egress onto Route 4.

We would also like your assistance with the Camp Avenue/Post Road intersection turn signals and turn lanes because of the increase of residential homes in that area.

Finally, regarding the small portion of Post Road from the West Main Street Sewer Project, the State had Post Road paving in the TIP program for FY20-22. We as a Town were committed to pave half of Post Road because of the sewer project. His discussion with the DOT was if the State could pave Post Road now, it would save the State money. The DOT felt they couldn't make a decision quickly, so he made a decision to fund that portion of the paving ourselves. It would be helpful if the delegation could assist in getting reimbursement for that project. His main concern is the sidewalk project.

When he put the state aid concerns on the memo for discussion, he was concerned that the Town was going to receive another \$600,000 reduction. It appears that is not going to be the case; however, he would appreciate the delegation ensure that is accurate and as you look at the state aid formula, he would ask that the delegation help us by holding the State to the same standards as the Town is required to. For example, we cannot reduce the appropriation to the School Department from one year to the next due to maintenance of effort. He understands the reallocation to the urban and suburban communities. However, he would hope that the State would be held to the same maintenance of effort as the Town is required to.

Councilor Welch brought to his attention that right now the Town is contributing on its local employees 17% of their pay toward the Pension Fund and Public Safety 27% and 29% of the pay. These are substantial numbers which have to do with the actuarial assumptions, but he would like to bring that number up for all of us to be aware so when that discussion takes place, we realize the impact on all the cities and towns.

He asked that the delegation support fully funding of the phase out of the motor vehicle tax phaseout. The first year was difficult and now we want this formula to continue yearly. If there are any last-minute changes, he hopes they would let us know immediately.

We are going through a statistical revaluation and the preliminary numbers indicate a significant difference in the value of commercial versus residential values and was anticipating going to the Council with a proposal for classification or homestead exemptions. However, it appears that those numbers are stabilizing and may not be necessary, but he asked the delegation to let him know the deadline to submit enabling legislation.

Lastly, staff brought up this morning that there are grant opportunities for outdoor recreation which is helpful; however, there are none for indoor recreation and asked that the delegation consider that.

President Mancini stated that members of the School Committee are in attendance and invited them to address the delegation on their proposed resolutions.

Gregory Blasbalg, School Committee Chair, stated that the Manager mentioned the state aid concerns and the School Committee shares those concerns. The School Committee will be voting on two resolutions tomorrow night and they will be submitted formally once they are approved. One is in respect with the State Funding Formula and one is regarding State Aid Funding for Transportation. School Committee Member Robert Jones spent a lot of time working on these resolutions and was asked to speak on them.

School Committee Member Robert Jones thanked the Council for the opportunity to address the delegation. One of the big components of the state aid is the basic aid to education and the second one is categorical formula. There is one area that we would like to see addressed and that is the categorical formula for transportation. The intent of the law was that public-school districts are required to transport students to non-public schools. It was written to allow districts to be reimbursed, however only if you are in the Statewide Transportation System. As things have evolved, it is more cost effective for North Kingstown to use the transport system we have in place than to go to the statewide system and the inequity is that we are required to still transport these kids with no reimbursement. South Kingstown who is in the statewide system receives approximately \$100,000 in reimbursement credits. Again, the intent of the law was useful to create efficiencies, the practicality is that there are districts like North Kingstown where it would cost us more to enter into the statewide system than what we would receive for reimbursement, yet we are still held to the same standards to transport these students out of district. A simple change to this law that would allow districts to be reimbursed for the excessive high out of district transportation costs regardless of the transportation system they chose to use would correct that inefficiency. In picking up on the statewide funding formula, he thinks that one of the issues is that districts with stable enrollments, which are the big drivers of part of the funding formulas, have these inequities. North Kingstown has a stable enrollment and a rise in Free and Reduced Lunch, yet last year saw a significant cut. You see districts like Smithfield where they received a \$1.5 million increase, yet this year will see a \$1.5 million decrease. It is impossible to come up with a long-term educational plan when your funding formula may cut you 4-6% in any given year yet held to a local standard in maintenance of effort and tax levy. What is driving part of this funding formula is the ACS Housing Survey where the data is three years old and the date doesn't compute until the year of execution. For example, three years ago North Kingstown may have had a big surge in sales in one area that drove up property values, three years later we get penalized for that as we have more capacity to pay. But, in those three years we could have seen a reduction in commercial values. This should be addressed when the formula expires. He would agree at least for some stabilization measures over the next few years. He thinks that if the delegation could look at these two issues, it would be extremely helpful.

Dr. Auger stated that the Superintendent's Association has been looking at the Every Student Exceeds Act. This act requires districts that have families who have been involved with DCYF where children are no longer living in North Kingstown and a decision has been made that these children are in foster homes or families that are not located in Town. There is a hearing on where that child will be attending school and if they stay in the district, the Town is required to pay to transport that student to the district. Currently we have 11 students in that situation, and we are paying for the transportation of those students who are located all over the state. He doesn't disagree with the process; however, districts are concerned that this is a cost that could reach up to 100's of thousands of dollars a year and it is not something you can budget for as these situations occur on a regular basis. There is a real concern in terms of planning and budgeting.

Dr. Auger stated that we touched on another item he was going to mention, but there are two bills that he wanted to mention. One is a mandatory Financial Literacy Course for all students. North Kingstown has an excellent program and is one of the State's leaders in teaching Financial Literacy but is not a mandated class. We are looking into making it a mandatory class, in September 2020. We don't disagree with this bill, but a mandate means that students will not be taking something else. North Kingstown is unique as we just went to an 8-period schedule so a student over the course of 4 years has 32 course options and needs to have 23 credits to graduate. We have some room that we could make this financial literacy course happen. There is also a bill that has been proposed relating to the maximum class size of 20 students for Kindergarten through Grade 2. In North Kingstown the contractual arrangement for Kindergarten is 19 students but in Grades 1 and 2 it is 24 students. This has been the case for many years, but most districts have some type of gradual program starting at 19-20 students for Kindergarten, work their way up to 26 students in Elementary School and Middle School, and High School can have up to 28 but a teacher's schedule cannot average more than 25 students, which keeps a good class size. In this case, he guesses that if this law passes, it would mean that North Kingstown would need to hire 2-3 more teachers for Grades 1 and 2.

President Mancini asked if there was a Superintendent's Lobbying Association, Dr. Auger stated Tim Ryan is their Lobbyist for the Association and the Association is very active at the State House.

School Committee Member Robert Jones stated that we have had lots of discussion about Charter Schools and one very small issue that wouldn't be controversial would be to change the billing for Charter Schools to the first day of school that way the numbers would be a more accurate enrollment of students in those Charter Schools. By doing this, it could save 10's of thousands of dollars for students that do not attend Charter Schools at the beginning of the school year but stay in district. This would be revenue neutral to the Charter Schools and clarify some of the inequities to the district.

Senator Sheehan stated that last year and the previous year there was interest in legislation which is gaining local representative to Charter Schools and asked if that is still a priority for the School Committee and Council. School Committee Member Jones stated that he thinks it is great idea but given the likelihood of pushback, the items discussed are more of a priority. Senator Sheehan stated that he was able to get it passed by the Senate. Chairman Blasbalg stated they would like to have a seat at their table. Jamestown has representation on their School Committee, and it has worked well. Senator Sheehan stated that it would be helpful if the Superintendent and/or School Committee Members testified; however, it is difficult when there is a paid lobbyist working against it.

President Mancini stated that Councilor Welch also had a few items he would like to discuss. Councilor Welch stated that he can certainly meet with the delegation outside of this meeting and discuss the reasoning why these items are a concern. Dealing with the DOT and having had several meetings with Director Alвити was not satisfactory as we have not seen results. Specifically, the flooding issue on Post Road north of Essex Road which is an intolerable unsafe situation. Which there is no excuse. The last we have heard is that it won't be addressed until 2022 which isn't acceptable. The situation on Route 4 that was mentioned by the Manager is not acceptable. Residents can't get to work, and it is a State problem and should be corrected by them. The Town has been put off on getting TIF financing which would help fund the growth of the sewers north of Quonset and the relocation of the National Grid easement on Post Road. It doesn't make a lot of sense to him the State financed through a TIF bond a hotel for a contractor, but we the Town need the money to help generate change in investment on Post Road through both the sewer and easement issues. We are obligated to Quonset to put money into that system. The taxpayers have approved that. We need the TIF and to be able to use that to help finance the program. It isn't going to pay for it, but it would help. We had legislation the last two years and it hasn't gone anywhere.

Councilor McKay stated that over the past few years we have discussed the issue regarding the Affordable Housing requirement and the 99-year deed restriction. Mobile homes should be allowed to be counted towards our ten percent.

President Mancini stated that he appreciates the enthusiasm by everyone to address these issues, but we need to be realistic. He suggested that some of these issues should be presented to the League of Cities and Towns and have them advocate for all the municipalities.

Representative Casimiro suggested that the Manager/Council give the delegation their top 3-5 priorities.

6. Request that the North Kingstown Legislative Delegation submit Legislation – Ratification of amendments to the Home Rule Charter

Motion by Councilor McKay, seconded by Councilor Elliott and unanimously

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

7. Request that the North Kingstown Legislative Delegation submit Legislation – Amendment to Chapter 378, Public Law of 1980

Police Chief Flanagan and Detective Lieutenant St. Onge explained to the Council that the reason for this request is to amend the 1980 Public Law to allow a North Kingstown Police Officer of the rank of Detective to sign Complaint for the Issuance of Search Warrants. The existing Public Law states that it must be the rank of Lieutenant or higher. Chief Flanagan further stated that the RIGL allows a police officer to do this; however, Chapter 378 pertains to North Kingstown only.

Motion by Councilor Welch, seconded by Councilor McKay and unanimously

VOTED: That the North Kingstown Legislative Delegation is hereby requested to submit legislation and seek passage of an Amendment to Chapter 378 of the Public Laws of 1980 allowing North Kingstown Police Officers of the Rank of Detective to Sign Complaint for the Issuance of Search Warrants.

8. Request that the North Kingstown Legislative Delegation submit Legislation – Municipal Court

Police Chief Flanagan stated that enabling legislation for the North Kingstown Municipal Court does not have the authority to issue Bench Warrants, so basically the Court has no teeth when defendants fail to appear or pay for Municipal Court violations. In answer to President Mancini's question on how many Municipal Courts issue arrest warrants, Detective Lt. St. Onge replied none. Town Clerk Alyward stated that none of the courts have it in their enabling legislation; however, some do issue the warrants. The North Kingstown Municipal Court does have the authority to incarcerate someone for up to 30 days.

Senator Sheehan stated that he had introduced this legislation the last time the Council submitted it and there was a lot of pushback to the tune of him actually pulling it before it went in for a vote given that there was opposition to this bill from the ACLU and others and would open up a Pandora's box. He wonders why this hasn't been introduced in other communities. This could be an issue that could run through the League of Cities and Towns.

In answer to Councilor Elliott's question if this is an issue for the Police Department, Detective Lt. St. Onge stated not for the department but for the Municipal Court Judge.

In answer to Councilor Elliott's question what types of violations could result in an arrest warrant, Detective Lt. St. Onge stated that we do send Public Intoxication cases to the Municipal Court instead of District as it is more expeditious. We have had some defendants not appear and the Municipal Court could not issue a bench warrant.

After a brief discussion, it was the consensus of the Council to have Detective Lt. St. Onge and Attorney James Callaghan inquire with other Municipal Courts to see how this is addressed in their courts.

Motion by President Mancini, seconded by Councilor Welch and unanimously

VOTED: To continue to the Regular Town Council Meeting of January 28, 2019 the request that the North Kingstown Legislative Delegation 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.

9. Public Comment

Police Chief Patrick Flanagan introduced Officer Daly and Officer Brillon who were wearing the new police uniforms that the department changed to eleven days ago. Officer Daly was wearing the patrol uniform and Officer Brillon was wearing the dress uniform.

Fire Chief Scott Kettelle handed out a calendar to the Council. The Fire Prevention Division headed by Fire Marshall Gordon Walsh and his assistant Greg Pariseault along with the School Department created a Fire Safety Calendar. Forest Park Elementary School was the first group to sign up and they designed all the artwork on the calendar. Chief Kettelle sees this in the future going forward as a pro-active community activity.

Bill Mudge welcomed the new Council Members and stated to the Council that you don't own the past and you are not responsible for the past, you need to look forward. However, you will have to look at items in the past that need to be resolved. He also handed out a summary of lost revenues regarding the Town of Jamestown's tuition. He stated since 2000 the lost revenue is approximately nine million dollars and asked the Council to look into the lost revenue. In closing, he stated that the Town needs to have a Finance Committee.

Sunny Albanese, PO Box 147, stated that earlier in the evening the Council asked the Legislative Delegation to help with legislation to allow the Municipal Court to have the ability to issue bench warrants. She wanted to warn the Council that if you have the authority to arrest people and send them to jail, you would also have to provide legal counsel. She also asked if Senator Sheehan could help with the Wickford sewer assessment that the previous Council passed and stated that the people can't afford that amount of money. She concluded with asking if she could meet with the Council in the next two weeks to try and solve her issues with the boat arrangements.

**II. CONSENT AGENDA**

Motion by Councilor McKay, seconded by Councilor Brimer and unanimously

VOTED: To approve Consent Agenda Item Numbers 10 through 24 as presented with the exception of Agenda Item Numbers 11, 12, 13, 14, 15, 16, 17, and 24.

10. Approval of Minutes

VOTED: To approve the minutes of the Regular Meeting of December 17, 2018 as submitted by the Office of the Town Clerk.

11. Tax Abatement List #825

Motion by Councilor Welch, seconded by Councilor McKay and unanimously

VOTED: To approve Tax Abatement List #825 submitted by Linda Cwiek, Tax Assessor, in the amount of \$2,169.40; and it was

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

12. Receipt of Donations

Motion by Councilor Welch, seconded by Councilor McKay and unanimously

VOTED: To accept with gratitude the following donations in the amount of \$6,044.01:

For: Holiday Giving Program	
From: Dave's Fresh Marketplace Management, Inc.	\$3054.01
Anvil International	1400.00
For: Scholarships for Recreation Programs In Memory of Margaret Robinson	
From: Foxboro Dental Assoc., Inc.	\$ 250.00
IBPO Local	200.00
Marie and Thomas Gibbons	100.00
E Bernice Davis/Blessings	100.00
Mary E. Gibbons	100.00
Anne Walker	100.00
Nancy and Chuck Hayden	100.00
Patrick and Donna Flanagan	75.00
Julie Spencer	50.00
Deborah Knauss	50.00
Archie and Eve Calise	50.00
Catherine Lynch	50.00
Gail D. Gibbons	50.00
Mary G. Edge	50.00
Elizabeth and Thomas Coghlin	50.00
Catherine McLaughlin	50.00
Robert and Marie Viera	40.00
Ann Devine	25.00
Lisa Sallee	25.00
Guido and Nathalie DeMelis	25.00
Mary Gibbons	25.00
Jean DeFusco	25.00

13. Receipt of Donation

Motion by Councilor Welch, seconded by Councilor McKay and unanimously

VOTED: To accept with gratitude a donation in the amount of \$1,265.25 given by the NE Quahog Festival to be used for North Kingstown Town Beach Campus Improvements.

14. Award of Bid

Motion by Councilor Welch, seconded by Councilor McKay and unanimously

VOTED: To award the bid for a Rearmount Aerial Ladder Truck for the Fire Department to New England Fire Equipment & Apparatus Corp., 10 Stillman Road, New Haven, CT 06474, in the amount of \$972,910.00.

Funding for this purchase will be from Rescue Billing Account 16708030-550401.

Councilor Welch requested that the Manager and/or Finance Director verify that the Bonding Company is in good standing in the event there is a need to enforce the bond.

15. Award of Renewal of Contract

Motion by Councilor Elliott, seconded by Councilor McKay and unanimously

VOTED: To award the renewal of the contract for Cleaning of Public Restrooms and Town Facilities, commencing February 1, 2019, to Martins Maintenance, Inc., PO Box 14607, East Providence, RI 02914, in the amount of \$32,729.00 for year two, with the option to renew at year three (\$33,668.00), with funding as follows:

Facilities Outside Cleaning	00110070-530610	\$27,071.60
Community Center Escrow	87310020-550101	\$ 1,038.80
Recreation Outside Cleaning	43021060-530610	\$ 1,951.70
Golf Course Op Contractual	43021010-531206	\$ 2,666.90

16. Award of Change Order

Motion by Councilor Welch, seconded by Councilor McKay and unanimously

VOTED: To award Change Order Number 1 to Municipal & Financial Services Group (MFSG), 911-A Commerce Road, Annapolis, MD 21401, for a Water Rate Study, in the amount of \$4,090.00.

Funding for this Change Order will be from the Water Department Operational Budget Line Item 44040050 530602.

17. Addendum to Service Agreement for Land Evidence Project

Motion by Councilor Welch, seconded by President Mancini and unanimously

VOTED: To approve the addendum to the Service Agreement for the conversion of Land Evidence documents to digital images, to Kofile Technologies, Inc., in the amount of \$72,437.04.

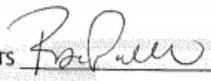
Funding for this project will be from Records Preservation 00100000-263025.

18. Detective License Renewals

VOTED: To approve the following list of Detective License Renewals, expiring on December 1, 2019, subject to taxes and water paid to date, receipt of a bond, and receipt of a recommendation from the North Kingstown Police Department:

DETECTIVE RENEWAL LICENSE  
TOWN COUNCIL  
1/14/2019

NK#	Name	Address	City	State	Zip	Business Add	Phone
31	Russell Bertrand	591 Stony Lane	NK	RI	02852	591 Stony Lane	486-3999
41	Victor Pichette	42 Main Street B	NK	RI	02852	42 Main Street	477-4748

ALL TAXES/WATERS ASSESSMENTS HAVE BEEN PAID TO DATE FOR ABOVE APPLICANTS  COLLECTION DEPT  
DATE 12/18/18

19. Detective License (new)

VOTED: To approve to December 1, 2019 the application for a Detective License by Michael J. Clemente, 6101 Post Road, Lot 38, subject to taxes and water paid to date and receipt of a bond.

20. Exhibition License (61 or more vendors)

VOTED: To approve the application for an Exhibition License with 61 or more vendors, not to exceed 250 vendors, by the WICKFORD ART ASSOCIATION, 36 Beach Street, to hold the Wickford Art Festival on Saturday, July 13, 2019, from 10:00 a.m. to 6:00 p.m. and Sunday, July 14, 2019, from 10:00 a.m. to 5:00 p.m., on the streets of the Village of Wickford (primarily Brown Street and Main Street), subject to taxes and water paid to date; receipt of a list of vendors at the Town Clerk's Office by July 12, 2019 (which shall include their name, address, phone number, Tax ID Number, type of merchandise, and date of birth); and compliance with the

recommendations of the Fire Department, the Police Department, the Planning Department, and the Building Official.

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21. Refuse Collector – Commercial for Hire License Renewals

VOTED: To approve to January 1, 2020 the following 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:

12/31/2018

REFUSE COLLECTORS LICENSE RENEWAL-COMMERCIAL FOR HIRE  
TOWN COUNCIL MEETING 1/14/2018

Lic #	NAME	DBA	ADDRESS	TOWN	STATE	ZIP	PHONE	Reg #	INS	BOND
23	Charlie's Rubbish Removal Inc	dba Charlie's Old Time Rubbish Removal	280 Drybridge Road	North Kingstown	RI	02852	294-2969	RI 12300	Y	Y
32	Charlie's Rubbish Removal Inc	dba Charlie's Old Time Rubbish Removal	280 Dry Bridge Rd	North Kingstown	RI	02852	294-2969	RI12301	Y	Y
4	D Lewis & Son, Inc		252 South Road	Exeter	RI	02822	294-9632	RI 1784	Y	Y
5	D Lewis & Son, Inc		252 South Road	Exeter	RI	02822	294-9632	RI 25667	Y	Y
21	D Lewis & Son, Inc		252 South Road	Exeter	RI	02822	294-9632	RI 2523	Y	Y
26	D Lewis & Son, Inc		252 South Road	Exeter	RI	02822	294-9632	RI 4617	Y	Y
27	D Lewis & Son, Inc		252 South Road	Exeter	RI	02822	294-9632	RI 3426	Y	Y
28	D Lewis & Son, Inc		252 South Road	Exeter	RI	02822	294-9632	RI39931	Y	Y

ALL TAXES/WATER ASSESSMENTS HAVE BEEN PAID FOR ABOVE APPLICANTS *R. Dew* COLL DEPT  
DATE 1/8/19

22. Victualling License (transfer)

VOTED: To approve to December 1, 2019 the application for transfer of a Victualling License from Shaking It Up Nutrition, LLC, dba Shaking It Up Nutrition, 7661 Post Road, Unit 8, to Oliversprings LLC, dba Shaking It Up Nutrition, 7661 Post Road, Unit 8, subject to taxes and water paid to date; receipt of a certificate from the RI Department of Health; receipt of a Rhode Island Retail Sales Tax Permit; and compliance with the recommendations of the Fire Marshall, the Planning Department, the Water Department, and the Building Official.

23. Joint Pole Location

VOTED: To grant the petition by National Grid and Verizon New England, Inc. for one (1) joint pole location on Lafayette Road.

24. Advise and Consent of the Town Council

Motion by Councilor Welch, seconded by Councilor McKay and unanimously

VOTED: In accordance with Section 510 of the North Kingstown Charter, the Town Council hereby gives their advise and consent of the Town Manager's appointment of Adam White to the position of Director of Public Works.

**III. REPORTS**

25. Report to Town Council by Town Manager

Town Manager Mollis gave the following report:

- The RI League of Cities and Towns will be hosting their 2019 Annual Convention on Thursday, January 24<sup>th</sup> at the Crowne Plaza from 8:30 a.m. – 4:00 p.m. As in past years, the Convention will feature informative workshops, panels, a vendor tradeshow, a showcase of league services and networking. I'm encouraging staff members to register, and I would encourage you to take a look at what is offered and register as well. You can register on the league website at rileague.org.

- On that note, I attended the first monthly meeting of the League this past Tuesday and they have begun preparing for the 2019 legislative session. 2018 was a busy session for the League. As they celebrated their 50<sup>th</sup> anniversary, they tracked almost 600 bills of interest to cities and towns, testified on almost 100 bills, supported passage of the \$250 million school construction bond and most recently submitted a letter on all of our behalf to Governor Raimondo asking her to continue and fully fund year 3 of the Motor Vehicle Excise Tax Phaseout. As a former President of the League, I will continue to be active in their 2019 endeavors.
- You may remember back in September we hired a firm to raise, remove and dispose of the 45 foot sunken sailboat in the waters just off our town beach. This cost the Town approximately \$18,000. Thanks to the efforts of Deputy Chief Steven St. Onge and Harbormaster Jim Broccoli, the DEM unanimously voted to reimburse the Town for this project. DEM Deputy Chief Kurt Blanchard made it a point to recognize the Town's handling of this matter and its complete and concise detailed reporting which made the decision easier. Again, my thanks to Chief St. Onge and Harbormaster Broccoli for their efforts in this project and their obtaining full reimbursement of the costs. A job well done.
- I also want to thank Becky and the entire Planning Department on their recent efforts to obtain an additional \$25,000 grant from the Bafflin Foundation towards funding of the parcel of land we are purchasing near the Narrow River Watershed known as the Little Yellow Farm Property. Becky, Planning and Julie Sharpe from the Narrow River Land Trust were all instrumental in getting us these additional funds.
- I am presenting to you this evening the Annual Report for the North Kingstown Senior Center. While I won't cover the details of the entire 7-page report, it is important to know that in 2018, 3,188 individuals utilized the services of this Center as compared to 2,119 when the Town opened the current Center in 2009. Our Staff, along with over 270 volunteers who contributed over 16,000 hours of volunteer service provided programs and services such as recreation, fitness, trips, health education & clinics, legal clinics, arts & crafts, support groups, lifelong learning, meals and special events just to name a few. I want to thank Marie, her entire staff and the hundreds of volunteers and encourage you to review the report and ask any questions during our upcoming budget sessions. (Clerk's note: a copy of the report is filed with the back-up materials for this meeting).
- As you know, Seal Watch Tours will be provided from our Town Dock in the Municipal Parking lot within Wickford Village. These Seal Tours will hopefully be something our residents enjoy and look forward to as well as something to bring in visitors from outside North Kingstown. The North Kingstown Chamber of Commerce is hosting a Ribbon Cutting Ceremony for these Tours at our Town Dock next Friday, January 25<sup>th</sup> at 4:00 p.m. I encourage you to attend.
- And finally, as we enter into the busy budget season, I plan to bring updated reports, information and potential RFP's to you over the next 30-60 days on:
  - Wickford El
  - Town Meeting House
  - Rune Stone
  - Recommendations on next steps for Town Hall
  - And of course, the budget and the various issues and meetings associated with that.

I'm hoping to begin with some updates at your next January 28<sup>th</sup> meeting and the meetings to follow in February.

President Mancini thanked Mr. Mollis for his report.

Finance Director Lathrop introduced Deputy Finance Director Angie Murray to the Council. Ms. Murray will also be providing some updates as part of this report.

Mr. Lathrop gave the following report:

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- We have received an extension for our Audit until January 31<sup>st</sup>. The Auditors are here now wrapping up a couple of items and we hope to have a draft Financial Statement by the end of the week so we can start our internal review and open up the Transparency Portal.
- This YTD report is more extensive than you have previously seen as it is mid-year and is something we use as part of our planning for the budget.
- We are projecting a \$700,000 surplus right now and real estate taxes seem lower YTD because a lot of people prepaid their taxes in December 2017, and we are seeing those adjustments.
- Right now, we are seeing a big increase in Police Details which is part of a new billing system. Before we used to send out a bill not a statement. We now have a system to track these payments. Haley in this office has done all the work and is very good at it. It goes to show that if you are willing to spend a little money, you can make money.
- Interest is up right now. We just negotiated with the banks and are at 2.2 – 2.25% interest for our daily cash balances. Just a year ago we were getting just 1.4%. It is a little bit of the market and a little bit of playing the banks off each other. This increase is equivalent to approximately \$200,000 a year in interest.
- Public Safety, Planning, and Legal Services all have been below budget. This shows how hard they all work, and we have had a light snow season.
- He would like to talk about taking risks, like spending a little bit of money and time and the return you get on it. This is something we have been talking to our Finance team to allow them to do some of that type of stuff. We have met with RI Trust and we currently have one of the highest insurances of any municipalities in Rhode Island. Not in our fee but the amount of our insurance. Most communities have \$5 million, we have \$10 million. The difference between \$5 million and \$10 million is \$44,000 a year for the Town.

In answer to President Mancini's question if that is dependent on how much we use the Trust, Mr. Lathrop stated no. The Trust is a premium based for their product for the 39 communities that participate.

This is something we will be discussing with the Council during the process as the premium will come up in July. You don't have to go to \$5 million, you could go somewhere in the middle such as \$7 million and still save approximately \$20,000. These are some of things we do in the background on a daily basis. Believe it or not we do try to save money.

In answer to Councilor McKay's question if we would self-insure if something else happened, Mr. Lathrop stated no, you would lower the amount. In answer to Councilor McKay's question if you had a higher liability exposure would that mean you would have to self-insure and take it out of our fund balance if we had a decision against us, Mr. Lathrop stated that is correct. He further stated that these are some things we will be discussing during the budget process. At a certain point, we need to figure out how to keep the taxes low and it will involve us taking more risks.

Ms. Murray stated the following:

- We are participating in the Income Tax Offset Program. This year we sent out postcards to people that owe us money and as a result of those postcards, we have received approximately \$200,000 for those late bills. Stephanie Armstrong and Mason Dubois were instrumental in this effort.

In answer to President Mancini's question if these were sent to taxpayers, Mr. Lathrop stated that the Income Tax Offset Program gives us the ability to attach their refund for unpaid taxes from those that have not paid their car taxes and for those who no longer live in Town. It was surprising how many responded to those post cards.

In answer to Councilor Brimer's question if we have identifying information for those people as many have moved away and they don't receive a bill, Mr. Lathrop stated that part is from the DMV files and our collection rate for real estate taxes is 98%-99% and motor vehicles is only about 80%. We also utilize collection agencies to collect these past due motor vehicle taxes; however, this mailing seemed more effective.

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- Haley our Payroll Coordinator set up the HSA Program where last year 23 employees signed up and put in \$22,000, and this year we raised that to 32 individuals and put in \$45,000. This is not only a benefit to the employee, but the Town can save money in the payroll taxes. We saved \$3,500 in 2019. The individuals can save up to \$12,000.

Councilor McKay asked for an explanation of what an HSA is. Ms. Murray stated it is a program where the employee can put money in an account to offset expenses such as co-pays, prescriptions which is pre-tax money. Councilor McKay stated that the more we promote this program the better off everyone will be, and we need to make sure everyone is aware of this program.

We use WB Mason for most of our office supplies and because we are part of the State contract, we get a portion of that back at the end of the year. This year we received a rebate of \$2,000. Moving forward, our Accounts Payable person Terry and our Purchasing Agent Kris have spoken with our sales agent and have discovered that if we pay our invoices within 15 days, we could save an additional \$3,000 - \$5,000 per year. In answer to Councilor McKay's question if these are term discounts that we are currently not receiving, Ms. Murray stated yes. She further stated that if you think about how the Town works, these invoices come in at different times from different departments. We will now receive one invoice and will get it quicker and we will then distribute it to the various departments to process the receiving reports allowing us to pay quicker.

Councilor Welch stated that sounds great and asked if the school is taking advantage as well. Mr. Lathrop stated that you would have to ask the school because he doesn't know. Councilor Welch stated that he has had a problem as a taxpayer with the lack of conversation between the Town and School. He asked that some communication go to the School Department so maybe they could also take advantage of this or if they are receiving these types of benefits that the Town is not, it would be good to know. Mr. Lathrop stated that we do as he sent out an invitation to Ms. King about the League of Cities and Towns and the vendors at their event. We do send them information; however, he did not forward the information about WB Mason.

In answer to Councilor McKay's question if finance receives a request before the departments order supplies, Ms. Murray stated that yes we use a PO system. Mr. Lathrop stated that this is to verify receipt of the merchandise. Councilor McKay stated that the merchandise is received by different departments and we do not have a central receiving area, Ms. Murray stated that is correct. In answer to Councilor McKay's question if it is a problem that we don't have a central receiving area, Mr. Mollis stated that he doesn't believe so but would refer to Mr. Lathrop. Councilor McKay stated that in his business some type of a UPS parcel comes in and we don't know where it goes. Mr. Mollis stated that it seems to be working well but we are always looking to improve. Mr. Lathrop stated that not only do they receive the merchandise directly but the invoice as well and it doesn't get processed promptly. That's why we are requesting that the invoices be sent directly to the Finance Department.

Mr. Mollis stated that he would like to thank Jim Lathrop for his efforts and there have been many things that were not mentioned tonight that are saving the Town money.

President Mancini stated that would also like to commend Mr. Lathrop and Ms. Murray for finding the savings.

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

27. Appointment of Bond Counsel

Motion by Councilor McKay, seconded by Councilor Brimer and unanimously

VOTED: That the law firm of Taft & McSally, 21 Garden City Drive, Cranston, RI 02920, is hereby reappointed as Bond Counsel for the Town of North Kingstown with David Ferrara reappointed as Solicitor for Bond Counsel.

28. Appointment of Town Solicitor and Assistant Town Solicitors for Labor Relations

Motion by Councilor Welch to appoint Robert Brooks of Adler, Pollock & Sheehan, PC as Town Solicitor for Labor Relations. Councilor Elliott seconded the motion.

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Councilor McKay stated that we have been working with Kinder's firm and up to this point we have had no reason to change. They have done a fantastic job for the Town and he is perplexed why this change is taking place. He doesn't see a need for this change as we have had a great deal of success with this firm. It is hard for him to say that the decisions that were made for our community and for managerial rights have been used as a model statewide and feels that this is a political move. Change for change if necessary is a good thing but change for political reasons as we have an excellent firm doesn't make a lot of sense.

President Mancini stated that it is not change for political reasons. He doesn't doubt that the last firm was able and capable. He does know the person in charge of most of the accomplishments is basically retired from that firm. He deals personally with a lot of labor/management issues and feels it's important to have strong labor/management relationships to obtain mutual success. In this matter we are going to hire the most prominent management firm in the State and this particular attorney was the lead negotiator for the State of Rhode Island as well as about ten municipalities across the years. This is not a mark against the other firm except for the fact that he believes there are some acrimonious feelings between at least one of the unions. He thinks this gives us an opportunity to hire the best management firm in the State and move on to negotiations for this year.

Councilor McKay stated that he respects where President Mancini is coming from, but he does have a concern that President Mancini has another job outside of sitting on the Council as a Labor Attorney and he doesn't think that there is a conflict of interest but thinks that a recommendation from President Mancini is more of a labor recommendation than a managerial recommendation. Councilor McKay stated that he doesn't know this firm or this attorney, but he does know Kinder and Tim Cavazza and we have dealt with them on numerous occasions and doesn't see the need for change. This is a Council decision and he is one of five votes and wants to be sure that we are making change for the right reasons. He understands that the Fire Department has some concerns with our current attorney, but we have seen some positive results. He further stated that this discussion needs to go to the Manager because he is the one that deals with the unions more than we do. He doesn't mean to put the Manager in the hot seat.

President Mancini stated that he works with a group called Build RI and there is a board. Half is labor and the other half is management, and he represents both sides. As much as some people think he may be a labor attorney, he is not but a Labor Relations Attorney. Having said that, he thinks that Labor Management relations is very important.

Mr. Mollis stated that he would be happy to comment but is not sure what Councilor McKay would like him to comment on. Councilor McKay stated that he is not sure why we are making a change but will support the Manager in his endeavors as he has done a fantastic job for the Town. He wants to be assured that we are making a change for the right reasons and for best practices for the residents and management. We have fantastic employees and he supports them and our taxpayers. Councilor McKay stated that Mr. Mollis is a Democrat and we have a lot of democrats on the Council; however, Mr. Mollis has never practiced politics since being Manager. But we are a democratic state. Mr. Mollis stated that the moment he took the oath and entered into this position, which he enjoys, those labels were gone. He is nonpartisan, not a democrat or republican, not an independent, but the Town Manager of North Kingstown. As far as this decision, he has enjoyed working with Tim Cavazza who has been very fair to him and thinks we have accomplished a lot. Mr. Mollis further stated that he has a unique style when it comes to negotiating by being very active in the process. He thinks the Labor Attorney whoever the Council appoints will follow his lead. The Council hires the Manager to negotiate contracts and he looks to Labor Counsel to make sure he is doing it correctly legally, to codify it and put together the ground rules which ultimately saves money. In regard to this particular item, if the

Council had presented a name that he would have trouble working with, he assures the Council that he would immediately ask the Council to reconsider. That has not been the case. This is the Council's decision and he doesn't think the Council wants the Manager to be involved as if he were to give an opinion and the Council goes against that opinion, he then would be working with someone that understands and knows that and would have mutual confidence. If you truly want to put him on the hot seat and want him to recommend an attorney, he would certainly do that. With that said, this is a Council decision and he respects that.

Councilor McKay stated that the person we are appointing here may not be the Manager's choice. Mr. Mollis stated that he has not given or recommended anyone. He does know Adler and Pollock's reputation and he knows he can work with anyone from that firm.

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Councilor McKay called the question.

President Mancini stated that this is to the extent that he wants to be involved in this and will be handing this off to the Manager.

President Mancini called the vote.

Councilor Welch stated that he doesn't agree with what Councilor McKay stated regarding Mr. Kinder. When he was on the Council during his first term, he and Councilor Maloney both voted against keeping Kinder. He didn't like what was going on in Town and wasn't happy with what the Firemen were doing and how our Town was being handled. He felt, and Councilor Maloney agreed, Mr. Kinder was not helping us or putting us in a positive light with our own employees. At that time the vote was 3-2, with the Republican majority. It is not a political issue for him, and he was never happy with the situation. He kept his mouth quiet because we lost. We kept Kinder all through the situation and he was not happy with the way we, the Council at that time, were dealing with the Firemen situation. Councilor Welch stated that he tried to negotiate with the Firemen to keep it out of court and it didn't work. To him it is time to make a change. We do this with our Auditors. He further stated that he doesn't know Mr. Brooks but has read that he is nationally recognized as a labor standout attorney.

Councilor McKay called the vote and stated that he is not going to carry a grudge.

Motion by Councilor Welch, seconded by Councilor Elliott and

VOTED: That the law firm of Adler, Pollock & Sheehan, PC, One Citizens Plaza, 8<sup>th</sup> Floor, Providence, RI 02903-1345 is appointed to represent the Town of North Kingstown for labor relations. Attorney Robert P. Brooks is appointed as Town Solicitor for labor relations and additional members of the law firm are appointed as Assistant Town Solicitors.

Councilor McKay voted in the negative.

## 29. Correspondence

- An e-mail from Donna Hutchinson expressing resistance to the commercial portion of the Rolling Greens Project.
- An e-mail from Geoffrey Coyne expressing his support to change the legal voting age to 16 for local elections.
- An e-mail from Chuck Brennan expressing his concern for patrons of the Back 40 Restaurant parking along South County Trail, citing it is a dangerous area for people to get to and from their cars. Mr. Mollis answered this e-mail assuring him that Back 40 has an application in to the Technical Review Committee to expand their parking by 38 spots.
- An e-mail from Joan Ehrhardt detailing the mission of the Wickford Plan Committee and asking for inclusion in discussions regarding any changes to its mission or make up.
- In response to a meeting with the Save the WB YMCA group, Greg e-mailed Steve O'Donnell in an attempt to get some information they had requested. Steve e-mailed back stating he was unable to release the requested information, but Greg has since met with both him and the WB YMCA group again. Greg would you like to detail more of that?

- An e-mail from Laura Lamendola expressing her displeasure of the plastic bag ban ordinance that went into effect on January 1, 2019.

**V. ADJOURNMENT**

The meeting adjourned at 9:33 p.m.

Jeannette Alyward  
Town Clerk