

AGENDA

TOWN OF SOUTH KINGSTOWN

RHODE ISLAND



TOWN COUNCIL

REGULAR SESSION

7:30 PM

TOWN COUNCIL CHAMBERS
180 HIGH STREET
WAKEFIELD, RI

MONDAY, JULY 11, 2016

NOTE: Individuals requesting interpreter services for the deaf or hard of hearing must call 792-9642 (TDD) or 789-9331 seventy-two (72) hours in advance of the meeting date.

DATE POSTED: 7/7/2016

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- 1. A. **WORK SESSION – 6:45 PM**
All items listed on Town Council agenda are subject to discussion.

- B. **REGULAR SESSION – 7:30 PM**

- 2. **PLEDGE OF ALLEGIANCE TO THE FLAG**

- 3. **ROLL CALL**

- 4. **APPROVAL OF MINUTES OF PREVIOUS MEETINGS**

- A. **Work Session – June 27, 2016**

- B. **Regular Session – June 27, 2016**

- C. **Closed Executive Session – June 27, 2016**

- 5. **CONSENT AGENDA**

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- I. Rule 10A. for the conduct of the meetings of the South Kingstown Town Council for the Term 2014 through 2016: Members of the public shall be entitled to speak at regular meetings during any period designated on the agenda for public comment, once, for a period of five minutes, or longer at the discretion of the President, and at other times when invited to do so by the President. The public shall address their comments to the question under debate as indicated on the agenda. Pursuant to RI General Laws §42-46-6(b), public comment regarding subject matter not on the agenda but received during the public participation portion of a meeting shall be for information purposes only and may not be voted on except where necessary to address an unexpected occurrence that requires immediate action to protect the public or to refer the matter to an appropriate committee or to another body or official.

- II. Rule 11: No item of business other than that of adjournment may be brought before the Town Council at any meeting unless such an item is introduced before 11:00 PM; provided, however, that this rule may be suspended by an affirmative vote of a majority of members present.

- III. Rule 13: All items listed with a (CA) are to be considered routine by the Town Council and will be enacted by one motion. There will be no separate discussion of these items unless a member of the Council, or a member of the public so requests, in which event the item will be removed from Consent Agenda (CA) consideration and considered in its normal sequence on the agenda.

Pursuant to RIGL §42-46-6(b). Notice – “Nothing contained herein shall prevent a public body, other than a school committee from adding additional items to the agenda by majority vote of the members. Such additional items shall be for informational purposes only and may not be voted on except where necessary to address an unexpected occurrence that requires immediate action to protect the public or to refer the matter to an appropriate committee or to another body or official.”

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6. LICENSES – none

7. COMMUNICATIONS

A. A communication received June 27, 2016 from Kathleen Coyne McCoy requesting discussion of the Matunuck sheet pile wall installation and “Mary Carpenter’s historic wall” is received, placed on file, and the Town Council further directs _____. (7/7/2016 Miscellaneous, Item II B.)

B. A communication dated July 5, 2016 from Councilwoman Liz Gledhill requesting discussion of the Town’s food peddler ordinance is received, placed on file, and the Town Council further directs _____. (7/7/2016 Miscellaneous, Item II F.)

(CA) C. Any communication added to the Agenda subsequent to this is hereby added by majority vote, in accordance with RIGL §42-46-6 (b) Notice ---... “Nothing contained herein shall prevent a public body, other than a school committee, from adding additional items to the agenda by majority vote of the members. Such additional items shall be for informational purposes only and may not be voted on except where necessary to address an unexpected occurrence that requires immediate action to protect the public or to refer the matter to an appropriate committee or to another body or official.”

8. COMMENTS FROM INTERESTED CITIZENS

9. TOWN MANAGER’S REPORT

10. TOWN SOLICITOR’S REPORT

11. APPOINTMENTS

A. A resolution appointing _____ to the _____ Board/Committee/Commission for a term to expire in _____. (See Attachment A for Boards and Commissions Appointments Report)

12. NEW BUSINESS

- A.** A resolution authorizing the Town Manager to execute an agreement with the Rhode Island Infrastructure Bank regarding municipal participation in the Commercial Property Assessed Clean Energy (C-PACE) Program, as shown on Exhibit 1 attached hereto; and as further described in a memorandum from the Senior Planner to the Town Manager dated June 28, 2016 and entitled “Commercial PACE Resolution.”

- (CA) B.** A resolution that a claim filed by Raymond A. Pacia, Esquire on behalf of his client, Carol Ross relative to an incident that occurred on or about June 1, 2016 be referred to the Town Solicitor and the Town’s insurance carrier.

- (CA) C.** A resolution authorizing the Town Clerk to advertise for Order of Notice a Public Hearing relative to an application for expansion of a license to keep and sell alcoholic beverages in South Kingstown in accordance with the General Laws of 1956, as amended, as follows:

Class B Limited Liquor License

Application for expansion of a Class B Limited Liquor License filed by V.G.B., LLC d/b/a Pasquale’s Pizzeria Napoletana, 60 South County Commons Way, Wakefield, RI by Pasquale Illiano, Managing Member. Applicant requests permission to expand the area in which alcoholic beverages may be served to include an exterior patio, in accordance with a Special Use Permit granted May 25, 2016 by the Zoning Board of Review; and as further defined in a site plan dated June 28, 2016 on file in the Town Clerk’s office.

- D.** A resolution authorizing the Town Manager to execute RI Department of Transportation Construction and Maintenance (C&M) Agreements for Bridge End Improvements; as further described in a memorandum from the Public Services Director to the Town Manager dated June 29, 2016 and entitled “Bridge End Improvements – Construction & Maintenance Agreement.”

- E.** A resolution authorizing an award of contract to Stryker Corporation, P.O. Box 93308, Chicago, IL 60673 for the purchase of two power stretcher systems, including trade-in allowances, extended warranty and delivery, in an amount not to exceed \$78,043; and as further described in a memorandum from the EMS Director to the Town Manager dated July 5, 2016 and entitled “Bid Recommendation – Power Stretchers Equipped with Power Load Fastener System.”

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- (CA) F.** A resolution granting the Joint Petition #17679775 of National Grid and Verizon New England to install new utility poles labeled “16-50 and 16-52” on St. Dominic Road and to use the public ways named for the purposes stated in said petition, that the work be done to the satisfaction of the Director of Public Services and notification to the Town for municipal utility mark-out prior to pole setting, and that this approval is conditioned upon the removal of all existing double poles along the entire length of St. Dominic Road prior to new pole(s) placement; and any new double poles created as part of this request be removed within sixty (60) calendar days of new pole(s) placement. Said petition is further described in a memorandum from the Public Services Director to the Town Manager dated July 6, 2016 and entitled “National Grid Pole Setting Request – St. Dominic Road.”
- G.** A resolution authorizing the termination of the OPEB Trust Agreement with The Washington Trust Company, and adoption of the RI Interlocal Risk Management Trust’s OPEB Funding Program, as shown on Exhibit 2 attached hereto; and as further described in a memorandum from the Finance Director to the Town Manager dated June 30, 2016 and entitled “Recommendation to transfer the Town’s OPEB Trust Fund from the Washington Trust Company to RI Interlocal Risk Management Trust’s OPEB funding program.”
- H.** A resolution proposed by Councilwoman Gledhill relative to adoption of a policy requiring financial statements from non-profit organizations applying to the Town Council for funding during the budgetary process is continued from June 13, 2016 and June 27, 2016. The policy should include a requirement for presentation of a mission statement, a description of their activities and how the fund would be utilized as well as their audited financial statements and, in the absence of audited statements, current financial statement.
- (CA) I.** Any New Business added to the Agenda subsequent to this is hereby added by majority vote, in accordance with RIGL §42-46-6 (b) Notice --... “Nothing contained herein shall prevent a public body, other than a school committee, from adding additional items to the agenda by majority vote of the members. Such additional items shall be for informational purposes only and may not be voted on except where necessary to address an unexpected occurrence that requires immediate action to protect the public or to refer the matter to an appropriate committee or to another body or official.”

**RESOLUTION TO DESIGNATE THE TOWN OF SOUTH KINGSTOWN
AS A PACE MUNICIPALITY AND TO APPROVE THE C-PACE AGREEMENT**

WHEREAS, Chapter 39-26.5 of the Rhode Island General Laws, as amended (the “PACE Act”) established a program known as the Property Assessed Clean Energy Program (PACE) to facilitate loan financing for energy efficiency, renewable energy, and other eligible improvements to commercial properties, as defined in Chapter 39-26.5, by utilizing a state or local assessment mechanism to provide security for repayment of the loans; and

WHEREAS, the PACE Act contemplates the Rhode Island Infrastructure Bank (the “Infrastructure Bank”), a body politic and corporate and public instrumentality of the State of Rhode Island charged with implementing the PACE program on behalf of the State, entering into a written agreement with participating municipalities pursuant to which the municipality shall, in conjunction with the Infrastructure Bank, coordinate in the recording of the PACE liens and the billing, collection, remittance and assignment of PACE assessments to the Infrastructure Bank in return for energy and other eligible improvements for benefited commercial property owners within the municipality; and

WHEREAS, the Commercial Property Assessed Clean Energy Agreement (the “C-PACE Agreement”) between the Town of South Kingstown and the Infrastructure Bank constitutes the written agreement contemplated by the PACE Act.

NOW THEREFORE, BE IT RESOLVED that we, the Town Council of the Town of South Kingstown constituting the legislative body of the Town, and in accordance with Chapter 39-26.5 of the Rhode Island General Laws, hereby designate the Town of South Kingstown as a PACE municipality, and further authorize and direct the Town Manager, on behalf of the Town, to execute and deliver the C-PACE Agreement for the purposes provided therein, together with such other documents as he may determine to be necessary and appropriate to evidence, secure and otherwise complete the C-PACE Agreement.

**OTHER POST-EMPLOYMENT BENEFIT (OPEB) TRUST FUND
CORPORATE TRUSTEE AND INVESTMENT SERVICES**

1. The termination of the Trust Agreement with The Washington Trust Company

Resolved that the Town of South Kingstown Town Council hereby authorizes the termination of the Trust Agreement between the Town and The Washington Trust Company and directs that the ninety-day notice of termination be sent in accordance with the OPEB Trust Agreement; and

Further resolved that notification of the Successor Trustee be sent to The Washington Trust Company, to which Trustee, The Washington Trust Company, shall make transfer and delivery of the Trust Fund assets; and

Further resolved that the above resolutions are hereby approved contingent upon ratification by the School Committee at their meeting to be held on August 16, 2016.

2. The adoption of the Trust's OPEB Funding Program resolution

WHEREAS, the Town of South Kingstown established an OPEB trust fund on June 18, 2009 pursuant to the relevant provisions of the General Laws of Rhode Island §45-21-65 and 16-2-9.5, as amended; and

WHEREAS, pursuant to R.I. Gen. Laws § 45-5-20.2 the Rhode Island Interlocal Risk Management Trust has established an OPEB Funding Program (the "Program") designed to fund post-employment benefits for the Town and School Department's (hereinafter the "Town") employees as specified in the Town's policies and/or applicable collective bargaining agreements; and

WHEREAS, the Town is eligible to participate in the Program; and

WHEREAS, it is determined to be in the best interest of the Town to adopt the Public Agencies Post-Retirement Health Care Plan Trust, a multiple employer tax-exempt trust performing an essential governmental function within the meaning of Section 115 of the Internal Revenue Code, as amended, and the relevant statutory provisions of the State of Rhode Island: and

WHEREAS, the Town's adoption and operation of the Program has no effect on any current or former employee's entitlement to other post-employment benefits; and

WHEREAS, the terms and conditions of post-employment benefit entitlement, if any, are governed by contracts separate from and independent of the Program; and

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Exhibit 2

WHEREAS, the Town’s funding of the Program does not, and is not intended to, create any new vested right to any benefit nor strengthen any existing vested right; and

WHEREAS, the Town reserves all rights to make contributions, if any, to the Program; and

WHEREAS, although state law permits public entities to establish trusts and this Program for the purposes of funding post-employment benefits, any employer participating in the Program or participant in such Program shall hold harmless the State of Rhode Island and/or its agents, employees, and servants from any cause of action arising from the administration of or participation in the Program.

NOW THEREFORE, BE IT RESOLVED THAT:

1. The Town Council hereby approves participation in the OPEB Funding Program established by the Rhode Island Interlocal Risk Management Trust; and
2. The Town Council hereby adopts the Public Agencies Post-Retirement Health Care Plan Trust, including the Public Agencies Post-Retirement Health Care Plan, effective this date (the “Trust”); and
3. The Town Council hereby appoints the Director of Finance or her successor or her designee as the Town’s Plan Administrator for the Trust. The Plan Administrator shall act on behalf of the Town in all matters relating to the Town’s participation in the Trust, including, but not limited to, authorizing the investment of assets in the Trust, providing directions to the Trustee and/or the Trust Administrator, and authorizing disbursements from the Town’s Trust assets, and the Town shall, pursuant to R.I. Gen. Laws §45-15-6, indemnify said Plan Administrator; and
4. The Town Council hereby delegates the oversight of the investment management of the Town’s funds placed into the Program to the Rhode Island Interlocal Risk Management Trust’s Board of Trustees; and
5. The Town’s Plan Administrator is hereby authorized to execute the legal and administrative documents on behalf of the Town and to take whatever additional actions are necessary to maintain the Town’s participation in the Trust and to maintain compliance of any relevant regulations issued or as may be issued.

This resolution shall take effect upon its adoption by the Town Council and is contingent upon ratification by the South Kingstown School Committee at its meeting to be held on August 16, 2016.

Boards and Commissions Appointments Report

The following information reflects the status of those Town boards, commissions and committees which have vacancies, members whose terms are expiring and are eligible for reappointment, and/or applications filed for consideration of appointment. The Town Council may make appointments at any meeting.

Affordable Housing Collaborative Committee *(7 members; 3 year term)*

One vacancy: term expires August 2016 (Jean Johnson did not wish to be reappointed)

Economic Development Committee *(11 members; 3 year term)*

Vacancy: term expires March 2017 (Jessica Wood resigned)

Applicant: Edward James Terwilliger III (applied 6/23/2016)

Historic District Commission *(7 members; 3 year term)*

Vacancies: 2 terms expire December 2018 (Eric Creamer resigned; Rosalyn B. Gaines did not wish to be reappointed)

Applicant: Henry H. Thayer IV (applied 4/18/2016)

Library Board of Trustees *(7 members; 3 year term)*

Applicants: Kevin James Keegan (applied 7/30/2015; interviewed 9/28/2015); Elizabeth L. Kroll (applied 8/24/2015; interviewed 9/28/2015); Mario F. Briccetti (applied 9/18/2015; interviewed 10/26/2015); Donna L. Gilton (applied 11/10/2015); Michael G. Henry (applied 11/12/2015); Melissa M. Hughes (applied 11/23/2015); Maureen A. Daly Blazejewski (applied 12/8/2015)

Partnership for Prevention *(7 members; 3 year term)*

Two member vacancies: terms expire June 2017 (Marie Waldeck moved; Betty Murphy did not wish to be reappointed.); one Ex-Officio Town Council vacancy

Recreation Commission *(5 members; 3 year term)*

Applicants: Eric F. Scheer (applied 11/17/2015; interviewed 12/14/2015); Michael P. Montle (applied 12/4/2015; interviewed 1/11/2016); Dennis P. McGuire (applied 12/10/2015; interviewed 1/11/2016)

Sustainability Committee *(5 members)*

Applicant: Oliver Carl Johnson (applied 6/22/2016)

Trustees of the South Kingstown School Funds *(5 members; 5 year term)*

Vacancy: term expires June 2020 (H. Milton Read did not wish to be reappointed)

Applicant: Edward James Terwilliger III (applied 6/23/2016)