

SECTION 07

Local Support





LOCAL SUPPORT

Local Support - Districts must submit documentation of community support for the project, including City/Town Council and School Committee approvals. Please include a timeline for when the project will be submitted to voters for approval, if applicable.

Local Support:

The South Kingstown School Building Committee approved the RIDE Stage II submission at their Meeting on June 8, 2023. The South Kingstown School Committee approved the RIDE Stage II submission at their Regular Meeting on June 27, 2023. The South Kingstown Town Council approved the RIDE Stage II submission at their Regular Meeting on July 10, 2023. Minutes of these meetings are not yet available. However, a copy of the meeting agenda is being provided as an Exhibit at the end of this Section.

Published minutes will be forwarded when they are made available. Video recordings of these meetings documenting approval of submission of the Stage II document are available online now at:

South Kingstown School Building Committee:

<https://www.southkingstownri.com/1144/Meeting-Recordings>

South Kingstown School Committee:

<https://clerkshq.com/southkingstownschoools-ri?docId=AGENDA>

South Kingstown Town Council:

<https://clerkshq.com/SouthKingstown-ri>

Local Support Exhibits:

1. South Kingstown School Building Committee Agenda of June 8, 2023.
2. South Kingstown School Committee Agenda of June 27, 2023.
3. South Kingstown Town Council Agenda of July 10, 2023.

Exhibit 1

School Building Committee Approval



Posted 6/6/2023

SOUTH KINGSTOWN SCHOOL BUILDING COMMITTEE MEETING ANNOUNCEMENT

Lucas Murray
Chair
Kate Macinanti
Vice-Chair, Secretary
Brian Silvia
Member
Brian Mahoney
Member
James Manni
Member



Danielle DeSimone
Member
Chip McGair
Member
David Palazzetti
Member
Mark Prince
Member

Visit Our Website: www.southkingstownri.com/sbc

EVENT DETAILS

TOPIC:	School Building Committee - Regular Meeting
DATE/ TIME:	Thursday, June 8, 2023 @ 5:00 PM
LOCATION:	Town Council Chambers, Town Hall, 2 nd Floor, 180 High Street, Wakefield, RI 02879
LIVESTREAM:	https://www.youtube.com/@sksbc/streams
PUBLIC COMMENT:	Public comments must be made in-person. Comments must be kept to the agenda topic being discussed at that time. The committee chair may limit the duration of comments to ensure members have adequate time to address business items.

MEETING AGENDA

Item	Topic
1.	Call to order/ Roll call
2.	Approval of meeting minutes
New Business Items:	
3.	Review, discussion, and/ or action regarding public correspondence
4.	Chairperson's general correspondence and ongoing activities report
New Business Items:	
5.	Review of Owners Project Manager (OPM) interview process and recommendation of OPM firm for further negotiation of fee and contract award by the South Kingstown School Committee
6.	Presentation by Studio JAED – update regarding the Stage II report preparation and associated tasks
7.	Scheduling of next meeting
8.	Adjournment

A VOTE MAY BE TAKEN ON ANY ITEM ON THIS AGENDA

The public is welcome to any meeting of the School Building Committee. For those members of the public needing auxiliary aids for effective communication, please contact the Executive Assistant to the Superintendent, 401-360-1307 (TTY 1-800-745-5555) at least 72 hours in advance.

Exhibit 2

School Committee Approval





Tuesday, June 27, 2023
South Kingstown School Committee Executive Session and Business Meeting

South Kingstown High School Cafeteria
215 Columbia Street
Wakefield, RI 02879

Members of the public wishing to access this meeting may do so at
http://www.clerkbase.com/RI_SouthKingstown_Live_SchoolCommittee.html

PUBLIC COMMENT can be done in person at the meeting (South Kingstown High School Cafeteria)

1. 4:00 PM - Executive Session

Subject **A. The School Committee may seek to convene in executive session in accordance with R.I. Gen. Laws for the purpose(s) of: Discussion/Action: Superintendent job performance/evaluation (RIGL 42-46-5(a)(1); Discussion/Action: Director of Pupil Personnel job performance/investigation (RIGL 42-46-5(a)(1) and (4); Discussion/Action: Administrator/Exempt Employee raise(s) (RIGL 42-46-5(a)(1); Discussion/Action: Interim Superintendent position (RIGL 42-46-5(a)(1); Discussion/Action: Interim Director of Pupil Personnel position (RIGL 42-46-5(a)(1); Discussion/Action: NEASK and SKESP contract negotiations/MOU(s) (RIGL 42-46-5(a)(2); Discussion/Action: Building Admin contract addendum(s) (RIGL 42-46-5(a)(1); Discussion/Action: Central Admin/Exempt Employee contract addendum(s) / MOU(s) (RIGL 42-46-5(a)(1); Discussion/Action: Interim West Kingston principal (RIGL 42-46-5(a)(1); Discussion/Action: NEASK Recess Duty arbitration appeal (RIGL 42-46-5(a)(2)**

Meeting Jun 27, 2023 - South Kingstown School Committee Executive Session and Business Meeting

Type

1. 4:00 PM - Executive Session

Subject **B. Adjourn Executive Session and Reconvene Open Session**

Meeting Jun 27, 2023 - South Kingstown School Committee Executive Session and Business Meeting

Type

2. Call to Order

Subject **A. Call to Order**

Meeting Jun 27, 2023 - South Kingstown School Committee Executive Session and Business Meeting

Type Procedural

South Kingstown High School Cafeteria
215 Columbia Street
Wakefield, RI 02879

Members of the public wishing to access this meeting may do so at
http://www.clerkbase.com/RI_SouthKingstown_Live_SchoolCommittee.html

PUBLIC COMMENT can be done in-person at the meeting (South Kingstown High School Cafeteria)

2. Call to Order

Subject **B. Pledge of Allegiance to the Flag**

Meeting Jun 27, 2023 - South Kingstown School Committee Executive Session and Business Meeting

Type

2. Call to Order

Subject

C. Motion to Seal Minutes of Executive Session

Meeting

Jun 27, 2023 - South Kingstown School Committee Executive Session and Business Meeting

Type

2. Call to Order

Subject	D. Disclosure of Votes Taken in Executive Session
Meeting	Jun 27, 2023 - South Kingstown School Committee Executive Session and Business Meeting
Type	

3. Comments from the Community

Subject

A. Comments from the Community (Please Sign Clipboard)

Meeting

Jun 27, 2023 - South Kingstown School Committee Executive Session and Business Meeting

Type

4. Consent Agenda

Subject **A. Approval of Previous Meeting Minutes**

Meeting Jun 27, 2023 - South Kingstown School Committee Executive Session and Business Meeting

Type

File Attachments

[SK School Committee Meeting Minutes - May 3, 2023.pdf \(109 KB\)](#)

[SK School Committee Meeting Minutes - May 9, 2023.pdf \(79 KB\)](#)

5. School Committee Business

Subject

A. Discussion/Action: Superintendent job performance/evaluation

Meeting

Jun 27, 2023 - South Kingstown School Committee Executive Session and Business Meeting

Type

5. School Committee Business

Subject **B. Discussion/Action: Director of Pupil Personnel job performance/investigation**

Meeting Jun 27, 2023 - South Kingstown School Committee Executive Session and Business Meeting

Type

5. School Committee Business

Subject	C. Discussion/Action: Administrator/Exempt Employee raise(s)
Meeting	Jun 27, 2023 - South Kingstown School Committee Executive Session and Business Meeting
Type	

5. School Committee Business

Subject	D. Discussion/Action: Interim Superintendent position
Meeting	Jun 27, 2023 - South Kingstown School Committee Executive Session and Business Meeting
Type	

5. School Committee Business

Subject	E. Discussion/Action: Interim Director of Pupil Personnel position
Meeting	Jun 27, 2023 - South Kingstown School Committee Executive Session and Business Meeting
Type	

5. School Committee Business

Subject	F. Discussion/Action: NEASK and SKESP contract negotiations/MOU(s)
Meeting	Jun 27, 2023 - South Kingstown School Committee Executive Session and Business Meeting
Type	

5. School Committee Business

Subject	G. Discussion/Action: Building Admin contract addendum(s)
Meeting	Jun 27, 2023 - South Kingstown School Committee Executive Session and Business Meeting
Type	

5. School Committee Business

Subject	H. Discussion/Action: Central Admin/Exempt Employee contract addendum(s)/ MOU(s)
Meeting	Jun 27, 2023 - South Kingstown School Committee Executive Session and Business Meeting
Type	

5. School Committee Business

Subject	I. Discussion/Action: Interim West Kingston principal
Meeting	Jun 27, 2023 - South Kingstown School Committee Executive Session and Business Meeting
Type	

5. School Committee Business

Subject	J. Discussion/Action: NEASK Recess Duty arbitration appeal
Meeting	Jun 27, 2023 - South Kingstown School Committee Executive Session and Business Meeting
Type	

5. School Committee Business

Subject **K. Discussion/Action: SKESP Layoffs/Displacements**

Meeting Jun 27, 2023 - South Kingstown School Committee Executive Session and Business Meeting

Type

5. School Committee Business

Subject **L. Discussion/Action: School Building Committee - RIDE Stage II Application Submission**

Meeting Jun 27, 2023 - South Kingstown School Committee Executive Session and Business Meeting

Type

File Attachments

[Combined - Project Summary & Prioritization Content - DRAFT.pdf \(16,979 KB\)](#)

5. School Committee Business

Subject **M. Discussion/Action: Wrap Around Summer Program Services - Bid Award**

Meeting Jun 27, 2023 - South Kingstown School Committee Executive Session and Business Meeting

Type

File Attachments

[Wrap Around Summer Camp Year 1 Extension Approval.pdf \(480 KB\)](#)

5. School Committee Business

Subject **N. Discussion/Action: SY 2023-2024 School Calendar - Amended**

Meeting Jun 27, 2023 - South Kingstown School Committee Executive Session and Business Meeting

Type

File Attachments

[SY 2023-2024 School Calendar - Amended.pdf \(334 KB\)](#)

[Calendar 23-24 revised 6-27-2023.pdf \(155 KB\)](#)

6. Adjournment

Subject	A. Adjourn
Meeting	Jun 27, 2023 - South Kingstown School Committee Executive Session and Business Meeting
Type	Action, Procedural

The order of business maybe altered or suspended at any meeting by a majority of those present. A vote may be taken on any item on this agenda. Each regular meeting shall continue until such time as all matters on the agenda have been considered and acted upon, provided, however, that at 10 pm the chair shall call for actions required before adjournment and a subsequent motion to adjourn. The school committee may go into executive session under Title 42, Ch. 46, Section 5 of the General Laws of Rhode Island.

The South Kingstown School Department does not discriminate on the basis of race, religion, color, sex (including pregnancy, gender identity, and sexual orientation), parental status, national origin, age, disability, family medical history or genetic information, political affiliation, military service, or other non-merit based factors, in accordance with applicable laws and regulations.

Any changes to this Agenda will be published on the school district's website, at the two public locations required by R.I. Gen. Laws § 42-46-6, and transmitted to the Secretary of State's website at least forty-eight (48) hours in advance of the meeting.

Exhibit 3

Town Council

Approval



TOWN COUNCIL AGENDA

TOWN OF SOUTH KINGSTOWN

RHODE ISLAND



MONDAY, JULY 10, 2023

CLOSED EXECUTIVE SESSION – 6:00 PM

WORK SESSION – 6:30 PM

REGULAR SESSION – 7:30 PM

**TOWN COUNCIL CHAMBERS
180 HIGH STREET
WAKEFIELD, RI**

TOWN COUNCIL

Rory H. McEntee, President
Michael K. Marran, Vice President
Patricia A. Alley
Deborah D. Bergner
Jessica L. Rose


James M. Manni, Town Manager
Michael A. Ursillo, Esquire, Town Solicitor
Susan M. Flynn, CMC, Town Clerk

Members of the public are welcome and encouraged to attend in person or view the meeting live on ClerkBase at <https://clerkshq.com/SouthKingstown-ri> or on your local Public Access Television Station.

NOTE: Individuals requesting American Sign Language interpreters or CART service must call the Town Clerk's Office at 401-789-9331 seventy-two (72) hours in advance of the meeting date.

DATE POSTED: 7/6/2023

1. CLOSED EXECUTIVE SESSION – 6:00 PM

- A. A Closed Executive Session pursuant to RIGL §42-46-5(a)(1) to discuss matters pertaining to personnel re: James M. Manni, Town Manager annual review; and regarding the position of Municipal Court and Housing Court Judge. 

2. A. WORK SESSION WITH PLANNING BOARD – 6:30 PM 

- B. **WORK SESSION – 7:15 PM**
All items listed on Town Council agenda are subject to discussion.

3. REGULAR SESSION – 7:30 PM 

Please be advised that the Council intends to discuss and/or act upon each and every item appearing on this agenda.

A. **PLEDGE OF ALLEGIANCE TO THE FLAG**

B. **LAND ACKNOWLEDGEMENT STATEMENT**

4. ROLL CALL 

5. APPROVAL OF MINUTES OF PREVIOUS MEETINGS 

- A. **Work Session – [June 26, 2023](#)**

B. Regular Session – [June 26, 2023](#)

C. Closed Executive Session – June 26, 2023

6. CONSENT AGENDA

(CA) A. A resolution granting a Victualling License to Cousins RI Bakery LLC d/b/a Cousins Bakery, 100 Fortin Road, Kingston, RI 02881. Application by Lu-Anne Cox, Member; Renewal. License No. 78428.

(CA) B. A resolution granting Victualling and Holiday Sales Licenses to Jools LLC d/b/a Java Madness, 134 Salt Pond Road, Wakefield, RI 02879. Application by Mark LaHoud, Member; Renewal. License No. 59708.

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.

7. PUBLIC HEARING

A. A Public Hearing relative to the filing of an application with the RI Office of Housing and Community Development for funding consideration of municipal public services and facilities projects under the Federal Small Cities Community Development Block Grant (CDBG) Program, and to obtain citizens' views on the same. The following activities are being considered for inclusion in that application:


South Kingstown Public Library Kingston Library Roof Replacement	\$ 107,500
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South Kingstown Senior Center Parking Lot Redesign & Reconstruction	\$ 250,000
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8. PUBLIC COMMENTS


Rule 10A. for the conduct of the meetings of the South Kingstown Town Council: 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.


9. NEW BUSINESS

A. A resolution authorizing an award of contract to Parkson Corporation, 1401 W. Cypress Creek Road, Fort Lauderdale, FL 33309 for ultra-fine aeration panel membranes for the Wastewater Treatment Facility in an amount not to exceed \$45,000 including freight, and to Grainger Inc., Dept. 865857098, Palatine, IL 60038 and McMaster-Carr, P.O. Box 7690, Chicago, IL 60680 for tape in an amount not to exceed \$5,000 including freight; and as further described in a [memorandum](#) from the Public Services Director to the Town Manager dated June 30, 2023 and entitled "Parkson Aeration Panel Replacement Membranes." 

B. A resolution authorizing an award of contract to Pine Ridge Technologies, Inc., 217R Main Street, North Reading, MA 01864 for on-call maintenance of streetlight fixtures at the specified contracted hourly rates for a 5-year term (to June 30, 2027) in an amount not to exceed \$15,000 per year, to be paid from the Street Light Maintenance account #10130007-534000; and as further described in a [memorandum](#) from the Public Services Director to the Town Manager dated July 1, 2023 and entitled "Streetlighting Maintenance Recommendation."

C. A resolution authorizing the submittal of the South Kingstown School Building Project Stage II Report document prepared by Studio JAED to the RI Department of Education School Building Authority, and further authorizing the Town Manager and/ or Town Council President to execute any documents necessary to effectuate the submission of relevant application materials; as further described in a [memorandum](#) from the Deputy Town Manager to the Town Manager dated July 3, 2023 and entitled "Authorization to Submit the Necessity of School Construction Stage II Report to the Rhode Island Department of Education." ([Presentation](#)) 

D. A resolution to unseal that portion of the minutes of the Closed Executive Session held on April 25, 2022 relative to the purchase of property on Ministerial Road. 

E. A resolution authorizing the Town Manager to execute individual Payment in Lieu of Tax (PILOT) Agreements for FY 2023-2024 with The Jewish Children's Home of Rhode Island (Camp JORI) and the South Kingstown Land Trust in accordance with the Town Code, Chapter 17 Taxation, Article IV. Property Tax Exemptions and Payment in Lieu of Tax Agreements for Charitable Organizations, Section 17-45; as further described in a [memorandum](#) from the Tax Assessor to the Town Manager dated July 5, 2023 and entitled "FY 2023-2024 PILOT Agreements." 

10. TOWN MANAGER'S REPORT

A. Review of the July 4th holiday

B. Update on Municipal Court

C. Update on School Building Committee

11. TOWN SOLICITOR'S REPORT

A. [Litigation update](#) on 72 Sophia Court – Robert O'Dell

B. Report on procedures to amend the Town Charter

C. [Report](#) on private roads

12. COMMUNICATIONS

- A. An [email](#) dated June 27, 2023 from Sharon Henderson, Military Recognition Project Chair, 300th Anniversary Steering Committee requesting a proclamation recognizing August 18th as Brigadier General Isaac Peace Rodman Day is received, placed on file, and the Town Council further directs _____.
- B. An [email](#) dated June 27, 2023 from Andrew Martinez tendering his resignation from the Historic District Commission is received, placed on file, and the Town Council further directs _____.

Rule 18: Correspondence to the Town Council shall be placed on the Council agenda only where action by the Council is requested. Correspondence relating to personnel issues or personal matters shall not be placed on the agenda. The Town Clerk shall confer with the Town Manager and/or Town Solicitor where the intent of the correspondence may be unclear. Correspondence not placed on the agenda may be available for public review pursuant to the Access to Public Records Act.

13. 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)

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.

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.”

Attachment A

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)

Vacancy: term expires August 2025 (Christian Blaney resigned)

Bicycle – Pedestrian Advisory Committee (Minimum 5, maximum 9 members; 2 year term)

Vacancies: 2 terms expire July 2023

Conservation Commission (7 members; 3 year term)

Applicants: Kevin C. Pelissier (applied 4/26/2023; interviewed 6/26/2023 and appointed to ZBR); Margaret Clune (applied 5/15/2023)

Economic Development Committee (11 members, 3 year term)

Applicant: Kevin C. Pelissier (applied 4/26/2023; interviewed 6/26/2023 and appointed to ZBR)

Historic District Commission (7 members; 3 year term)

Vacancy: term expires December 2025 (Shantia Anderheggen did not wish to be reappointed)

Planning Board (7 members; 3 year term)

Applicant: Kevin C. Pelissier (applied 4/26/2023; interviewed 6/26/2023 and appointed to ZBR)

Recreation Commission (5 members; 3 year term)

Vacancy: term expires June 2026 (John Biafore did not wish to be reappointed)

Route 1 Stewardship Plan Development Committee (7 members)

Vacancy: Route 1 business owner (Steve Wood resigned)

Route 138 Reconstruction Project Area Committee (11 members; 2 year term)

Reappointments for terms to expire in May 2025: Susan Spranger Axelrod, Dorald Beasley, Gail Faris, Thomas Marcello and William Rosen wish to be reappointed. Awaiting a response from Diane Johnson.

Vacancies: terms to expire in May 2025 (Peter Maynard did not wish to be reappointed; James Garfield, Ex-officio member of Historic District Commission resigned; and URI representative)

Applicant: Joseph Nuzzolillo (applied 9/28/2022; interviewed 10/24/2022 and appointed to WAC)

Saugatucket Veterans' Memorial Park Commission (5 members; 5 year term)

Vacancy: Vietnam Veteran, term expires January 2025 (Mark Spangler deceased)

Statistical Modeling and Analytics Research Tools (SMART) Committee (9 members)

Two vacancies: (Lauren Weinstock and Jonathan E. Daly-LaBelle resigned)

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

Reappointment for a term to expire in June 2023: Awaiting response from Leslie Pierini. It is reported that Ms. Pierini has attended all meetings held since her appointment in January 2019.

Vacancies: one term expires June 2027 (Carol Vetter resigned due to appointment to the School Committee); one term expires June 2025 (James Lathrop resigned)

Zoning Board of Review (5 members, 3 alternates; 3 year term)

Vacancy: Alternate #3 for a term expiring March 2024.

Applicants: Geoff Elia (applied 11/4/2022; to be interviewed at a future meeting); Joshua W. Gilman (applied 2/2/2023; interviewed 2/13/2023 and appointed to EDC).

REGULAR SESSION

JUNE 26, 2023

At a REGULAR SESSION of the Town Council of the Town of South Kingstown, County of Washington, in the State of Rhode Island held at the Town Hall, in and for said Town on the 26th day of June 2023 at 6:00 PM.

PRESENT: Rory H. McEntee, President
Michael K. Marran, Vice President
Patricia A. Alley
Deborah D. Bergner
Jessica L. Rose

1. CLOSED EXECUTIVE SESSION

A. UNANIMOUSLY VOTED: to recess to Closed Executive Session pursuant to RIGL §42-46-5(a)(1) to discuss matters pertaining to personnel regarding the position of Municipal Court and Housing Court Judge; and pursuant to RIGL §42-46-5(a)(2) to discuss matters pertaining to litigation re: RI State Association of Fire Fighters et al. v. RI Department of Health et al.

Regular Session is reconvened at 6:49 PM, and it is

VOTED: to seal the minutes of the Closed Executive Session held pursuant to RIGL §42-46-5(a)(1) to discuss matters pertaining to personnel regarding the position of Municipal Court and Housing Court Judge; and pursuant to RIGL §42-46-5(a)(2) to discuss matters pertaining to litigation re: RI State Association of Fire Fighters et al. v. RI Department of Health et al.

Councilwoman Bergner voted against.

It is noted that two votes were taken during the Closed Executive Session.

The Town Council takes a brief recess.

Convened to Work Session at 7:00 PM.

Susan M. Flynn, CMC
Town Clerk

WORK SESSION

JUNE 26, 2023

At a WORK SESSION of the Town Council of the Town of South Kingstown, County of Washington, in the State of Rhode Island, held at the Town Hall, in and for said Town on the 26th day of June 2023 at 7:00 PM.

PRESENT: Rory H. McEntee, President
Michael K. Marran, Vice President
Patricia A. Alley
Deborah D. Bergner
Jessica L. Rose

2. A. INTERVIEWS

The Town Council interviews Kevin C. Pelissier relative to his interest in being appointed to the Zoning Board of Review as an alternate member.

The Town Council interviews Sean Johnson relative to his interest in being reappointed to the Recreation Commission.

The Town Council interviews Elisabeth Gilbert Hoy relative to her interest in being appointed to the Sustainability Committee.

2. B. WORK SESSION

Council President McEntee reviews that the New Business items will be organized and brought forward by each Department Head. It is noted that members of the public will be permitted to ask questions during these items.

Council Vice President Marran notes that he will recuse himself from consideration of a renewal application by Daddy's Bread for a Victualling License under Consent Agenda Item 6A.

The Council takes a brief recess.

Convened to Regular Session.

REGULAR SESSION

JUNE 26, 2023

At a REGULAR SESSION of the Town Council of the Town of South Kingstown, County of Washington, in the State of Rhode Island held at the Town Hall, in and for said Town on the 26th day of June 2023 at 7:00 PM.

PRESENT: Rory H. McEntee, President
Michael K. Marran, Vice President
Patricia A. Alley
Deborah D. Bergner
Jessica L. Rose

3. A. REGULAR SESSION

B. PLEDGE OF ALLEGIANCE TO THE FLAG

The Pledge of Allegiance to the flag is given.

C. LAND ACKNOWLEDGEMENT STATEMENT

The Land Acknowledgement Statement is read.

4. ROLL CALL

Roll Call is taken and all members are present.

5. APPROVAL OF MINUTES OF PREVIOUS MEETINGS

Council Vice President Marran notes that in the minutes under the Town Manager's Report, the number of persons who voted during the Budget Referendum needs to be corrected from 5,382 to 5,832.

A. Work Session: UNANIMOUSLY VOTED: that the minutes of the Work Session held on June 12, 2023 are accepted, approved and placed on file.

B. Regular Session: UNANIMOUSLY VOTED: that the minutes of the Regular Session held on June 12, 2023 as amended are accepted, approved and placed on file.

6. CONSENT AGENDA

UNANIMOUSLY VOTED: to approve the Consent Agenda as indicated by (CA) on same, with the exception of Daddy's Bread under Item 6A.

(CA) B. UNANIMOUSLY VOTED: to grant Theatre and Holiday Sales Licenses to Matunuck Live Theatre, Inc. d/b/a Theatre by the Sea 364 Cards Pond Road, Wakefield, RI 02879. Application by Tom Senter, Vice President and Secretary; Renewal. License No. 79832.

REGULAR SESSION

JUNE 26, 2023

(CA) C. UNANIMOUSLY VOTED: to grant Victualling, Holiday Sales and Miscellaneous Peddlers Licenses to Dels Mon LLC d/b/a Del's of South County, 49 Old Tower Hill Road, Wakefield, RI 02879. Application by Emily Buonanno, Member; Renewal. License No. 78761.

(CA) D. UNANIMOUSLY VOTED: to grant the Joint Petition #30621700 of Rhode Island Energy and Verizon New England to relocate Joint Pole 19 approximately 20' northeast of its current location on the west side of Hundred Acre Pond 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 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 Hundred Acre Pond 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 May 31, 2023 and entitled "Rhode Island Energy Pole Setting Request – Pole 19 Hundred Acre Pond Road". Book 6, page 20.

(CA) E. UNANIMOUSLY VOTED: to authorize the Tax Assessor to abate taxes in the total amount of \$8,223.45, as shown on Tax Abatement Request No. 621.

(CA) A. VOTED: to grant a Victualling License to Daddy's Bread, 805 Moonstone Beach Road, Wakefield, RI 02879. Application by Jennifer Hopkins Manzo, Owner; Renewal. License No. 59125.

Council Vice President Marran recuses himself.

7. LICENSES

A. Desiree Fournier is present, and after testimony and discussion it is

UNANIMOUSLY VOTED: to grant Victualling and Holiday Sales Licenses to Nutrition Dynamix, 593 Kingstown Road, Wakefield, RI 02879. Application by Desiree Fournier, Owner; New. License No. 79918.

B. Marissa Kervin is present, and after testimony and discussion it is

UNANIMOUSLY VOTED: to grant a Miscellaneous Peddler License to Allume Chocolate, LLC d/b/a Allume Chocolate, 370 Main Street, Wakefield, RI 02879. Application by Marissa Kervin, Member; New. License No. 79527.

8. PUBLIC HEARINGS

A. Notice having been duly given, a Public Hearing is held relative to a proposed amendment to the Town Code, Chapter 10 Motor Vehicles and Traffic, as follows:

Chapter 10 Motor Vehicles and Traffic

Article II. Stopping, Standing and Parking

Option 1:

REGULAR SESSION

JUNE 26, 2023

Sec. 10-46. One-hour parking zones.

No person shall stop, stand or park a vehicle in any of the following streets or portions of streets, except to avoid conflict with other traffic, in excess of one (1) hour at any one (1) time:

* * * * *

~~Pine Street, northerly side, from Kenyon Avenue to a point two hundred ten (210) feet easterly of Kenyon Avenue;~~

Option 2:

Sec. 10-47. One-hour limit, except Sundays and holidays.

No person shall park a vehicle on any of the following streets in excess of one (1) hour, except Sundays and holidays:

* * * * *

Pine Street, northerly side, from Kenyon Avenue to a point two hundred ten (210) feet easterly of Kenyon Avenue.

Option 3:

Sec. 10-51. Two-hour limit between 6:00 a.m. and 5:00 p.m.

No person shall park a vehicle on any of the following streets in excess of two (2) hours at one (1) time, between 6:00 a.m. and 5:00 p.m.

* * * * *

Pine Street, northerly side, from Kenyon Avenue to a point two hundred ten (210) feet easterly of Kenyon Avenue.

Matthew Moynihan, Chief of Police is present and reviews the request submitted by a nearby church to allow parking on Pine Street during church services. Chief Moynihan provides an overview of Police and Public Services' assessment of Pine Street involving the one-hour parking limit and staff's recommended options. It is noted that additional parking spaces can't be added to the street due to driveways and the width of the one-way street.

General discussion ensues in support of Option 2 to allow a one-hour parking limit with the exception of Sundays and holidays.

UNANIMOUSLY VOTED: to close the Public Hearing.

UNANIMOUSLY VOTED: to adopt amendments to the Town Code, Chapter 10 Motor Vehicles and Traffic, as follows:

Chapter 10 Motor Vehicles and Traffic

Article II. Stopping, Standing and Parking

Sec. 10-46. One-hour parking zones.

No person shall stop, stand or park a vehicle in any of the following streets or portions of streets, except to avoid conflict with other traffic, in excess of one (1) hour at any one (1) time:

* * * * *

~~Pine Street, northerly side, from Kenyon Avenue to a point two hundred ten (210) feet easterly of Kenyon Avenue;~~

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Sec. 10-47. One-hour limit, except Sundays and holidays.

No person shall park a vehicle on any of the following streets in excess of one (1) hour, except Sundays and holidays:

* * * * *

Pine Street, northerly side, from Kenyon Avenue to a point two hundred ten (210) feet easterly of Kenyon Avenue.

B. Notice having been duly given, a Public Hearing is held relative to adoption of the FY 2023-2024 Position Allocation to Pay Schedule.

James Manni, Town Manager notes the major challenges of recruitment and retention of high-level staff. The key categories of attracting employees include the quality of life, pay scales, a title that accurately reflects what they do, and time off. Mr. Manni explains that later in the meeting he will discuss an operating budget surplus and how that came to be.

Lucas Murray, Director of Administrative Services gives a brief presentation on the annual review and changes to the Non-Union Position Allocation to Pay Schedule in accordance with Section 13-31(b) of the Town Code. Mr. Murray reviews the current hiring trends/challenges including competition with other municipalities and the private sector for a very limited pool of applicants, and senior staff often having to do more with less by finding ways to be more efficient. The Town's personnel goals and strategies are to recruit, retain, train and maintain operational continuity. Mr. Murray reports on the non-union positions filled in FY 2022-2023.

The changes to the position allocations are as follows: addition of Public Services Librarian at Grade 6 to offset elimination of three part time positions; Parks Superintendent is retitled to Deputy Director of Leisure Services/Parks Superintendent and reassigned from Grade 13 to Grade 14; Facilities Superintendent is retitled to Facilities Director and reassigned from Grade 13 to Grade 14; Town Assessor was reassigned from Grade 13 to Grade 14 in July 2022 due to competitive labor market conditions; the Town Clerk is reassigned from Grade 14 to Grade 15 due to the added responsibilities of Municipal Court; Information Services Manager is retitled to Deputy Director of Information Technology; and the Town Engineer is retitled to Town Engineer/Deputy Director of Public Services and reassigned from Grade 15 to Grade 16.

The Town Manager reviews the following position allocation changes: the Director of Administrative Services is retitled to Deputy Town Manager/Director of Administrative Services and reassigned from Grade 16 to Grade 17 in consideration of new duties and responsibilities, and it is noted that the Finance Director and Public Services Director positions were reassigned from Grade 19 to Grade 18 in FY 2023 based on salary survey assessments.

Mr. Murray also notes a 2.25% salary increase as adopted in the FY 2023-2024 Budget that is in line with the Collective Bargaining Agreements.

Discussion ensues relative to the net effect of these changes, keeping quality employees, the requirement for Directors to be present at the Council meetings, and being mindful of the optics when it comes to Town staff benefits.

The Town Council thanks the Directors for their hard work and preparedness.

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UNANIMOUSLY VOTED: to close the Public Hearing.

UNANIMOUSLY VOTED: to adopt the FY 2023-2024 Position Allocation to Pay Schedule, as follows:

NON-UNION EMPLOYEES POSITION ALLOCATION TO PAY SCHEDULE FY 2023-2024

Grade 1	Salary Range	Grade 12	Salary Range
(no positions at this time)	\$38,794 - \$42,952	Personnel Administrator	
Grade 2		Procurement Administrator	\$72,748 - \$80,687
(no positions at this time)	\$40,277 - \$44,444	Senior Services Director	
Grade 3		Water Superintendent	
(no positions at this time)	\$41,667 - \$45,834	Grade 13	
Grade 4		Highway Superintendent	
(no positions at this time)	\$44,445 - \$48,610	Library Director	\$83,185 - \$91,768
Grade 5		Recreation Superintendent	
Community Elder Information	\$45,834 - \$50,000	Natural Resource Officer & Harbormaster	
Senior Center Program Coordinator		Grade 14	
Grade 6		Deputy Director of Leisure Services/ Parks Super ²	
Digital Services Librarian	\$48,610 - \$52,776	Facilities Director ³	
Library Circulation Supervisor		Building Official	\$90,392 - \$97,525
Public Services Librarian ¹		Communications Superintendent	
Grade 7		Wastewater Superintendent	
Librarian I	\$51,388 - \$55,553	Town Assessor ⁴	
Grade 8		Grade 15	
(no positions at this time)	\$54,165 - \$58,332	Town Clerk ⁵	
Grade 9		Finance Manager	\$97,415 - \$109,093
Librarian II	\$56,879 - \$61,108	Deputy Director of Information Technology ⁶	
Grade 10		EMS Director	
Assistant Facilities Superintendent		Grade 16	
Assistant Highway Superintendent		Deputy Finance Director	
Assistant Parks Superintendent		Director of Planning	\$108,570 - \$121,394
Deputy Town Clerk	\$62,100 - \$70,167	Information Technology Director	
Deputy Town Assessor		Town Engineer/ Deputy Director of Public Svcs ⁷	
Librarian III		Grade 17	
Assistant Personnel Administrator		Deputy Town Manager/ DOAS ⁸	
Grade 11		Police Chief	\$120,575 - \$133,399
Executive Assistant		Director of Leisure Services	
Recreation Center Manager	\$68,782 - \$74,072	Grade 18	
Tax Collector		Finance Director	\$132,281 - \$144,547
		Director of Public Services	
		Grade 19	
		(no positions at this time)	\$142,923 - \$154,934

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1. The Public Services Librarian is a new position that was created by eliminating 3 part-time positions and reducing existing expenditures in the Library Department. This position is budget neutral and was filled in May 2023.
2. The Parks Superintendent position has been retitled Deputy Director of Leisure Services to reflect additional duties and responsibilities assigned to this position. This position will continue to address the responsibilities of the Parks Superintendent and will assist the Director of Leisure Services with general departmental operations and serve as the director of the department when needed. Compensation has been adjusted from Grade 13 to Grade 14 in consideration of the new duties and responsibilities.
3. The Facilities Superintendent position has been retitled Facilities Director to better reflect the duties, responsibilities, and decision making required of this position. Compensation has been adjusted from Grade 13 to Grade 14.
4. The Town Assessor position was moved from Grade 13 to Grade 14 after an analysis of the statewide salary survey revealed that this position was undercompensated, and it became difficult to identify and attract talent.
5. Compensation for the position of Town Clerk has been adjusted from a Grade 14 to a Grade 15 in consideration of additional responsibilities within the department to include the Municipal Court. Compensation has been adjusted from a Grade 14 to a Grade 15.
6. The Information Services Manager position has been retitled to better align with the responsibilities and tasks outlined in the job description.
7. The Town Engineer position was retitled to Town Engineer/ Deputy Director of Public Services to better align with new tasks and responsibilities outlined in the job description. An analysis of the statewide salary survey and private industry comparisons for registered engineers revealed that this position was undercompensated. Compensation has been adjusted from Grade 15 to Grade 16 in consideration of the new duties and responsibilities of the position, as well as the salary analysis.
8. The Director of Administrative Services position has been retitled Deputy Town Manager/ DOAS in consideration of new duties and responsibilities assigned by the Town Manager and in the job description. Compensation has been adjusted from Grade 16 to Grade 17.

9. NEW BUSINESS

A. The Non-Union Employee Benefits are reviewed, and the Town Manager notes the goal to level time off among staff and grant 4 weeks vacation to Directors.

Lucas Murray, Director of Administrative Services gives a brief presentation on the annual review and changes to the non-union benefits schedule in accordance with Section 13-29 of the Town Code. There are no changes to medical and dental co-pays or benefit impact. The vacation leave adjustment is being increased in response to challenges recruiting skilled senior professionals. Most directors and deputy directors have higher levels of vacation/sick accruals whether recruited internally or externally, and senior staff at a Grade 10 or higher often work long hours with no overtime eligibility. Directors and deputy directors will now be allowed to carry over a maximum of two hundred and twenty (220) days, and all other non-union employees will be allowed to carry over up to one hundred and ninety (190) days of sick leave. Mr. Murray reviews the following reasons for the sick accrual carry over increase: senior staff are often unable to take time off due to Town obligations or operational needs and these changes increase the Town competitiveness to recruit/retain senior level employees.

Discussion ensues, and it is

UNANIMOUSLY VOTED: to adopt the FY 2023-2024 Non-Union Employee Benefits Summary as outlined in the Town Council's FY 2023-2024 Budget adopted April 24, 2023, and as amended herein; as further described in a memorandum from the Director of Administrative Services to the Town Manager dated June 14, 2023 and entitled "FY 2023-2024 Non-Union Municipal Personnel Salary and Benefits Adoption."

B. Brian Silvia, Finance Director is present and explains that the motor vehicle, tangible, and real estate tax accounts delinquent for 10 years are no longer collectible. It is noted that the

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delinquent real estate tax account is a cottage on leased land that was damaged by superstorm Sandy and was unsalvageable.

UNANIMOUSLY VOTED: to authorize the abatement of uncollectible tangible personal property taxes for 2012 in the amount of \$9,642.34; uncollectible motor vehicle taxes for 2012 in the amount of \$22,563.38; and uncollectible real estate taxes for 2012 in the amount of \$123.87, for a combined total of uncollectible taxes in the amount of \$32,329.59; as further described in a memorandum from the Finance Director to the Town Manager dated June 15, 2023 and entitled “Abatement of Uncollectible 2012 Motor Vehicle, Tangible, and Real Estate Taxes.”

C. Brian Silvia, Finance Director reviews year-end projected results of the General Fund Revenue which is expected to exceed the budget by \$1,977,823. Two drivers that make up 95% of this overage are State reimbursements and investment income. Expenses are projected to come in under budget by \$700,785.

Mr. Silvia reviews the proposed expenditure transfers, the history of Other Post Employment Benefits (OPEB) which is fully funded and in a strong position, and the plan for the future Debt Service Fund in anticipation of the school bond referendum.

Discussion ensues relative to the Town’s policy to maintain the recommended level of undesignated fund balance.

UNANIMOUSLY VOTED: to authorize fund transfers, as shown below; and as further described in a memorandum from the Finance Director to the Town Manager dated June 15, 2023 and entitled “Year End Reserve Fund Transfers.”

Reserve Fund Transfers from General Fund

BE IT RESOLVED that program balances identified below in the 2022-2023 fiscal year appropriations for General Fund (101) shall be transferred to the following Reserve Funds in the corresponding not-to-exceed amounts:

Object Code	Expenditure Description	Transfer Total	Reserve Fund
10130003	Highway Division	\$210,000	OPEB Trust Fund
10173011	Town Health Care - OPEB	\$90,000	OPEB Trust Fund
10114003	Information Technology	25,000	Technology Improvement Fund
10116001	Planning Department	35,000	Municipal Planning Service Reserve Fund
10117001	Zoning/Building Inspection	20,000	Building/Zoning Capital Improvement Fund
10118001	Facilities Department	25,000	Town Hall Facility Improvement Fund
10150001	Library Administration	15,000	Library Facility Improvement Fund
10140001	Recreation Department	25,000	Recreation Improvement Fund
10140003	Park Maintenance	25,000	Recreation Improvement Fund
	Total Expenditure Transfer	\$470,000	

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Object Code	Revenue Description	Transfer Total	Reserve Fund
498999	Misc. Tax Transfer	\$55,000	Employee Training Fund
498999	Misc. Tax Transfer	50,000	IOD Claims Fund
498999	Misc. Tax Transfer	100,000	Compensated Absences Fund
498999	Misc. Tax Transfer	25,000	Public Safety Improvement Fund
498999	Misc. Tax Transfer	25,000	Assessor's Department Capital Reserve Fund
498999	Misc. Tax Transfer	1,000,000	Grant Match Reserve Fund
	Total Revenue Transfer	\$1,255,000	
	Total General Fund Transfers	\$1,725,000	

FURTHER RESOLVED: That the Town Finance Director, with the advice and consent of the Town Council, is hereby permitted to invest the funds at any time in said savings accounts or certificates of deposit of commercial or savings banks, or trust companies, or in obligations of the United States or its agencies, or in any other short-term investment as would be made by prudent persons of discretion and intelligence.

FURTHER RESOLVED: That the Town Council is hereby authorized to use the total funds, or such part thereof of said Reserve Funds, for capital expenditures as may be voted by the Town Council.

Richard Bourbonnais, Director of Public Services is present and reviews Items 9D through 9F, and 9N through 9P.

D. UNANIMOUSLY VOTED: to authorize the Town Manager to execute an access agreement with the University of Rhode Island for access across the property located at 2940 Kingstown Road (Kingston Pump Station) in accordance with terms of the Property Access Agreement as approved by the Town Solicitor; and as further detailed in a memorandum from the Public Services Director to the Town Manager dated June 14, 2023 and entitled “Kingston Pump Station – Access Agreement.”

E. UNANIMOUSLY VOTED: to authorize an amendment to an award of bid originally granted on June 12, 2017, and amended on September 29, 2020, June 28, 2021 and July 11, 2022 to UniFirst Corporation, 33 Lambert Lind Highway, Warwick, RI 02888 for Uniform Leasing Services at the unit prices bid for the period July 1, 2023 through June 30, 2024; and as further described in a memorandum from the Public Services Director to the Town Manager dated June 15, 2023 and entitled “Bid Recommendation – Uniform Leasing Services Contract Extension.”

F. UNANIMOUSLY VOTED: to authorize an award to Howard Johnson Inc., 1978 Kingstown Road, Peace Dale, RI 02883 for the purchase of one (1) John Deere 1025R Sub-Compact/Utility Tractor (18 PTO hp) with attachments and one (1) John Deere Z730M ZTrak with attachments in accordance with pricing agreement per the Sourcwell contract #031121-DAC in an amount not to exceed \$36,700; and as further described in a memorandum from the Public Services Director to the Town Manager dated June 16, 2023 and entitled “Award Recommendation – Tractor and Mower Replacement.”

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N. UNANIMOUSLY VOTED: to authorize an award of bid to National Water Main Cleaning Company, 25 Marshall Street, Canton, MA 02021 for On-Call Storm Water and Sanitary Sewer Infrastructure Cleaning & Video Services at the unit prices bid for the period ending June 30, 2027; and as further detailed in a memorandum from the Public Services Director to the Town Manager dated June 15, 2023 and entitled "Bid Recommendation – On-Call Storm Water and Sanitary Sewer Infrastructure Cleaning & Video Services (Bid Reference # SK0068PS)".

O. UNANIMOUSLY VOTED: to reject all bids for the Rotary Two Post Symmetric Lift 20,000 lbs. Capacity Installed, opened on May 12, 2023 at 11:00 AM; as further described in a memorandum from the Public Services Director to the Town Manager dated June 19, 2023 and entitled "Bid Recommendation – Rotary Two Post Symmetric Lift 20,000 lbs. Capacity Installed."

P. UNANIMOUSLY VOTED: to authorize an award of bid to Action Auto Parts, Inc., 795 North Main Street, Providence, RI 02904 for a Rotary Two Post Symmetric Lift 20,000 lbs. Capacity Installed in an amount not to exceed \$34,995; and as further described in a memorandum from the Public Services Director to the Town Manager dated June 19, 2023 and entitled "Bid Recommendation – Rotary Two Post Symmetric Lift 20,000 lbs. Capacity Installed."

Matthew Moynihan, Chief of Police reviews Items 9G through 9I.

G. UNANIMOUSLY VOTED: to authorize an award of bid to Barney's Uniforms, 922 Cranston Street, Cranston, RI 02920 for the purchase of Class A police uniform garments at the unit prices bid for the period July 1, 2023 through June 30, 2024, with the option to extend one additional year through June 30, 2025, inclusive, if mutually agreeable to both parties; and as further described in a memorandum from the Chief of Police to the Town Manager dated June 20, 2023 and entitled: "Bid Recommendation – Class A Uniform Garments – SK0061PD."

H. UNANIMOUSLY VOTED: to authorize an award of bid to Barney's Uniforms, 922 Cranston Street, Cranston, RI 02920 for the purchase of Blauer police uniform garments at the unit prices bid for the period July 1, 2023 through June 30, 2024, with the option to extend one additional year through June 30, 2025, inclusive, if mutually agreeable to both parties; and as further described in a memorandum from the Chief of Police to the Town Manager dated June 20, 2023 and entitled: "Bid Recommendation – Blauer Uniform Garments – SK0060PD."

I. UNANIMOUSLY VOTED: to authorize an award to FirstNet by AT&T, d/b/a AT&T Mobility National Accounts LLC, PO Box 6463, Carol Stream, IL 60197-6463 for Cellular Wireless Services, Equipment and Accessories for the Police Department in accordance with the State of RI Master Price Agreement #299, with the option to extend the contract term based on the MPA agreement; and as further described in a memorandum from the Police Chief to the Town Manager dated June 20, 2023 and entitled "Award Recommendation – FirstNet by AT&T."

J. UNANIMOUSLY VOTED: to authorize an award of bid to Prime Heating & Cooling, 517 Niantic Avenue, Cranston, RI 02910 for HVAC service and maintenance for a two (2) year term commencing July 1, 2023 through June 30, 2025, with an optional one (1) year contract extension at the following price schedule; and as further described in a memorandum from the Facilities Superintendent to the Town Manager dated June 20, 2023 and entitled "Bid recommendation – HVAC Service Contract SK0009FAC."

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	Year 1	Year 2	Year 3
Regular/PM & Priority Service			
Licensed HVAC Technician	\$118.00	\$120.00	\$122.00
Apprentice Helper	\$92.00	\$94.00	\$98.00
Emergency Service			
Licensed HVAC Technician	\$165.00	\$168.00	\$170.00
Apprentice Helper	\$92.00	\$94.00	\$98.00
Mark-Up of Parts/Materials over cost	18%	20%	22%

K. UNANIMOUSLY VOTED: to authorize an award of bid for mechanical service contracts for a two (2) year term from July 1, 2023 to June 30, 2025 for electrical, plumbing, and carpentry/painting services to the following in accordance with the terms and conditions of the bid specifications at the prices below; and as further described in a memorandum from the Facilities Superintendent to the Town Manager dated June 3, 2023 and entitled "Bid recommendation – Mechanical Service Contracts – Electrical, Plumbing, Carpentry and Painting SK0009FAC."

Electrical: W.H. Holland Electric, Inc., 1979 Kingstown Road, PO Box 5, Peace Dale, RI 02883

Regular Service (M-F 8AM-4:30PM)	
Licensed Technician	\$105/hr.
Apprentice/Helper	\$90/hr.
Emergency Service (Off Hours)	
Licensed Technician	\$157.50/hr.
Apprentice/Helper	\$135/hr.
Parts & Materials Markup	25%

Plumbing: Kazounis Plumbing & Heating, LLC, 94 Fairview Avenue, Hope Valley, RI 02834

Regular Service (M-F 8AM-4:30PM)	
Licensed Technician	\$129/hr.
Apprentice/Helper	\$60/hr.
Emergency Service (Off Hours)	
Licensed Technician	\$258/hr.
Apprentice/Helper	\$120/hr.
Parts & Materials Markup	20%

Carpentry/Painting: Abcore Restoration Co., Inc., 2 Secluded Drive, Narragansett, RI 02882

Regular Service (M-F 8AM-4:30PM)	
Licensed Technician Carpentry	\$70.88/hr.
Licensed Technician Painting	\$70.88/hr.
Emergency Service (Off Hours)	
Licensed Technician Carpentry	\$70.88/hr.

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Licensed Technician Painting	\$70.88/hr.
Parts & Materials Markup	0%

The Town Council expresses their deepest condolences to Mark Russo, Facilities Superintendent for his familial loss.

L. James Manni, Town Manager reviews the increase in available grant funding to local municipalities and the need for a consultant to assist staff in drafting successful grant proposals.

Lisa Andoscia, President, Rosewood Consulting is present, and after testimony and discussion it is

UNANIMOUSLY VOTED: to authorize the award of a one (1) year contract to Rosewood Consulting, Inc., One Rosewood Drive, North Providence, RI 02904 for Grant Administration and Writing Services in an amount not to exceed \$60,000; as further described in a memorandum from the Director of Administrative Services to the Town Manager dated June 20, 2023 and entitled “Recommendation for Purchase Award – Town Manager’s Grant Administration and Writing Services (Bid Reference SK0003TM).”

M. The Town Manager reviews Governor McKee’s Learn365RI Challenge Initiative to improve RI Comprehensive Assessment System (RICAS) math and English language arts scores, school attendance rates, and Free Application for Federal Student Aid (FAFSA) completion rates. The Governor’s office is requiring municipalities to develop educational initiatives in partnership with community-based organizations (CBO’s). The Town has engaged with the Jonnycake Center and URI to act as the Town’s CBO’s. It is noted that there is \$4 million in grant funding opportunities statewide.

Kate Brewster, Executive Director of the Jonnycake Center is present, and after testimony and discussion it is

UNANIMOUSLY VOTED: to authorize the Town Manager to sign the Rhode Island Municipal Education Compact, and to sign and submit an application to the Advancing Learning Beyond the 180-Day School Year Grant program; as further detailed in a memorandum from the Director of Administrative Services to the Town Manager dated June 21, 2023 entitled “Authorization to Participate in the Rhode Island Educational Compact and Advancing Learning Beyond the 180-Day School Year Grant.”

10. TOWN MANAGER’S REPORT

A. James Manni, Town Manager gives a brief overview of the Town’s 300th Anniversary Parade. There were approximately 2,000 participants from 130 different entities. Mr. Manni commends the 300th Anniversary Steering Committee and Town staff for their dedication and hard work.

Mr. Manni notes that the Town will hold a public workshop presentation regarding the Downtown/Village Revitalization Project on June 28th at 6:00 PM. This project is using American Rescue Plan Act (ARPA) funds designated by the Town Council last year.

B. Lucas Murray, Director of Administrative Services reports that the School Building Committee (SBC) recommends the Stage II application be submitted to the RI Department of Education (RIDE).

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Mr. Murray notes that the School Committee and the Town Council must also authorize the submission of the application. The SBC received an initial project estimate of approximately \$136 million. Mr. Murray reviews the cost evaluation and inflationary costs. The focus will be the South Kingstown High School and in July Town staff will be requesting Town Council to authorize a school bond question to be placed on the ballot for November 7th. The Town Council will be asked to approve the submission of the Stage II application at their July 10th meeting.

Discussion ensues relative to the cost of the project being higher than the school bond cost approved by the RI General Assembly for the school bond referendum and the Town's plans to obtain the maximum 55% state reimbursement for the project. Stage III of the application will be for refined design of the facility.

UNANIMOUSLY VOTED: to add the structure of the agenda for discussion purposes.

Discussion ensues relative to moving the public comments section of the Agenda forward before New Business.

Further discussion ensues relative to amending the auto response for communications submitted via email by adding links to the Town Council meeting schedule and the next Agenda.

11. PUBLIC COMMENTS

Council President McEntee invites residents to come forward with comments.

Tom Russell, Member, Saugatucket Homeowners Association is present and comments on issues the HOA has had with the homeowner at 72 Sophia Court. Mr. Russell reviews the violation notices sent to the homeowner, the amount of people living in the home, and asks for a status update on the actions taken by the Town.

Michael Ursillo, Town Solicitor states his office will provide a status update at the July 10th Council meeting.

Dorothy Hill and Thomas Hogan, Members of the Bicycle-Pedestrian Advisory Committee are present and report on their meeting held at the Matunuck Community Center.

Doug Shapiro is present and comments on private road ownership and the Town maintaining roads in a safe condition.

Robert Jensen is present and requests that the Town Council reconsider their decision to stop maintaining private roads.

Discussion ensues relative to further research into maintaining private roads.

The Town Solicitor notes that a report is being prepared relative to how roads become public and what constitutes a private road.

Patricia Barber is present and disputes Arrow Wood Trail as a private road.

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Norma Roelke is present and comments on her attorney's title research deeming Sand Piper Drive private and the Town's history of maintaining it until now.

Chris Iredale is present and compliments the 300th Anniversary Steering Committee on the 300th Anniversary Parade. Mr. Iredale inquires whether the Town could solicit for sponsorships or volunteers to maintain historic cemeteries.

James Manni, Town Manager reports that the Town does have a fund to maintain eight cemeteries in perpetuity, but it will run out in approximately ten years. It is noted further research is needed.

Dorald Beasley is present and inquires how the Town budget surplus will be used.

Councilwoman Bergner and Council President McEntee respond.

Dorald Beasley comments in opposition to increasing the number of signatures required to file a budget referendum petition and proposes the School Superintendent salary be increased to attract good candidates.

12. COMMUNICATIONS

A. Discussion ensues relative to the use of some of the Funds managed by the Trustees of the School Funds.

Brian Silvia, Finance Director reviews discussions the Trustees have had relative to the Funds that are no longer serving a purpose such as the Wakefield Grammar School Fund or the Depreciation Fund.

UNANIMOUSLY VOTED: that an email dated June 20, 2023 from Councilwoman Deborah D. Bergner requesting a report on the funds held by the Trustees of the School Funds is received and placed on file. The Finance Director's Report is referred to the Town Manager and the Town Solicitor for review.

B. Discussion ensues relative to emails concerning the Budget Referendum process.

Michael Ursillo, Town Solicitor explains how the Charter would need to be amended to make changes..

UNANIMOUSLY VOTED: that emails from Christian Blaney, Laura Roebuck, James Blakeney, Tiffany Doran, Margaret Hayden, Jonathan Sigman, and Caroline Stabile concerning the budget referendum process and requesting that the number of signatures required for a petition be increased are received, placed on file, and referred to the Town Solicitor to draft a procedural report on amending the Town Charter.

C. UNANIMOUSLY VOTED: that a resolution adopted June 14, 2023 by the Burrillville Town Council in opposition to Senate Bill S0137 and House Bill H5201 entitled *An Act Relating to Towns and Cities – Relief of Injured and Deceased Fire Fighters and Police Officers – Presumption for Heart Disease and Hypertension* regarding retirement with "injured on duty" status is received and placed on file.

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D. UNANIMOUSLY VOTED: that an email dated June 13, 2023 from Tracey and Tim Owens concerning the status of Uncle Sam's Lane as a private road and the Town's decision to discontinue road maintenance services is received and placed on file.

It is requested that a fiscal impact statement on snow plowing for all roads be provided to the Town Council.

E. Doug Shapiro comments on the process for a private road to become a public road.

The Town Solicitor responds. Discussion ensues.

Norma Roelke comments on dead end roads with water access.

UNANIMOUSLY VOTED: that emails dated June 18, 2023 from Douglas Shapiro and dated June 21, 2023 from Kathy Creedon regarding the status of Teal Drive ownership and the Town's decision to discontinue road maintenance services are received and placed on file.

13. APPOINTMENTS

UNANIMOUSLY VOTED: to appoint Kevin C. Pelissier as Alternate Member No. 2 to the Zoning Board of Review to fill a term to expire in March 2026.

UNANIMOUSLY VOTED: to reappoint Sean Johnson to the Recreation Commission for a term to expire in June 2026.

UNANIMOUSLY VOTED: to appoint Elisabeth Gilbert Hoy to the Sustainability Committee.

UNANIMOUSLY VOTED: to adjourn at 10:24 PM.

Susan M. Flynn, CMC
Town Clerk



**TOWN OF SOUTH KINGSTOWN
DEPARTMENT OF PUBLIC SERVICES
MEMORANDUM**

TO: James M. Manni, Town Manager
FROM: Richard Bourbonnais, Public Services Director
SUBJECT: Parkson Aeration Panel Replacement Membranes
DATE: June 30, 2023

In conjunction with Phase I volumetric expansion at the regional Wastewater Treatment Facility (WWTF) in 1989, a new aeration system was constructed. The new aeration diffusers are rectangular panels with a synthetic membrane, which are located at the bottom of the facilities aeration tanks. These units have provided substantial energy savings (approximately 35%) as compared to the original coarse bubble diffusers.

Although the new ultra-fine panels have performed very well since the original installation, a number of the units are now in need of repair. Given that the equipment is proprietary in nature (Parkson Corporation is the sole manufacturer) the Town is required to purchase any replacement membranes and/or kits from Parkson.

In the past, the Wastewater Division staff evaluated the cost of replacing an entire panel at approximately \$2,400 each as compared to repairing the existing units with in-house staff. It is the finding and determination of Kathy Perez, Wastewater Superintendent, that the Wastewater Division staff can effectuate the repairs at a reduced cost in lieu of purchasing new replacement units. Replacement membrane cost is \$520 each (with a total of 78 panels plus shipping/freight costs). The installation requires two specific adhesive tapes bearing a cost of approximately \$5,000 from Grainger and McMaster-Carr.

Based upon the number of damaged panels that was quantified during a recent inspection of aeration tanks, the Wastewater Division anticipates the need for seventy-eight (78) membranes. This purchase would provide enough membranes and tape to complete the repairs on one of the two aeration tanks. Total cost for the membrane and tape are \$45,560 plus freight, for a total estimated cost of \$50,000.

Even though Parkson Corporation is the sole source vendor for this project, I believe Town Council authorization is in order given the significant cost associated with same. The funding source for this project will be from the Wastewater Unrestricted Net Assets.

Should you agree with the aforementioned narrative I would respectfully request a Town Council resolution as follows:

“A resolution authorizing an award of contract to Parkson Corporation, 1401 W. Cypress Creek Road, Fort Lauderdale, FL, 33309 for ultra-fine aeration panel membranes in an amount not to exceed \$45,000 including freight and Grainger Inc., Dept. 865857098, Palatine, IL, 60038 and McMaster-Carr, P.O. Box 7690, Chicago, IL, 60680 for tape in an amount not to exceed \$5,000 including freight and as further described in a memorandum from the Public Services Director to the Town Manager dated June 30, 2023, and entitled ‘Parkson Aeration Panel Replacement Membranes.’ ”

cc: Kathy Perez, Wastewater Superintendent
Brian Silvia, Finance Director



TOWN OF SOUTH KINGSTOWN MEMORANDUM

TO: James Manni, Town Manager

FROM: Richard Bourbonnais, Public Services Director

SUBJECT: Streetlighting Maintenance Recommendation

DATE: July 1, 2023

Background

In 2013, the General Assembly passed into law Chapter 39-30 “Municipal Streetlight Investment Act”, which provides the opportunity for cities and towns to purchase streetlights within its Town limits from National Grid. This paved the way for the Town to begin the process of converting all Town streetlights to LED including State roads which have been the responsibility of the Town. In 2018 the Council approved a contract with a lighting consultant, Siemens Intelligent Traffic Systems, for the conversion of all streetlights.

The Town took ownership of all streetlights in Town as of September 25, 2020, whereby Siemens completed all utility pole streetlight conversions to LED as of January 2022. In addition to the benefit of having reduced energy costs with LED lights, the RI Department of Transportation has agreed to take ownership of all lights on State roads if converted. Therefore, all converted streetlights on State roads are anticipated to be conveyed to the RI Department of Transportation (RIDOT) in early summer of 2023. State road streetlights comprise approximately 30% of the total Town street lighting inventory.

As poles are replaced/damaged or should issues occur with the newly installed streetlights on Town roads, the Town is best served to have a lighting contractor readily available to either replace or install a new light. Therefore, DPS has solicited bids from lighting contractors for on-call services related to Town owned streetlights.

LED Conversion

Work to convert all Town streetlights began in 2018 with substantial completion in 2022. Council approval in 2018 included inventory, conversion, and pre-conversion maintenance through completion. A separate resolution was made for the purchase of the lights from National Grid. Because the project has reached substantial completion, the responsibility for maintenance of the components is with the Town. Just this past April, Council awarded a maintenance contract for oversight of the Itron communicator affixed to the newly installed lights. The next piece for the overall streetlight network maintenance is for the maintenance of the actual fixture. Therefore, DPS solicited bids from qualified lighting contractors for the general maintenance of the fixtures.

Bid Solicitation

An invitation to bid for Streetlight Maintenance Services was posted on the Town’s on-line Municipal Vendor Bidding and Notification System and advertised in the Narragansett Times on April 7, 2023.

Bid Results

Sealed bids for streetlight maintenance were opened on Friday, April 28, 2023. Two bids were received, the results of which are as follows:

	Arden Engineering Con., LLC 505 Narragansett Park Drive Pawtucket, RI 02861				Pine Ridge Technologies, Inc 217R Main Street North Reading, MA 01864			
Terms	Year 1 & 2	Year 3	Year 4	Year 5	Year 1 & 2	Year 3	Year 4	Year 5
1st Shift	\$105	\$105	\$105	\$105	\$119	\$125	\$130	\$135
2nd Shift	\$105	\$105	\$105	\$105	\$125	\$125	\$125	\$125
3rd Shift	\$105	\$105	\$105	\$105	\$130	\$130	\$130	\$130
Sat & Sunday	\$105	\$105	\$105	\$105	\$140	\$140	\$140	\$140
Holidays	\$105	\$105	\$105	\$105	\$140	\$140	\$140	\$140
Bucket Truck etc.	\$15	\$15	\$15	\$15	\$20	\$20	\$20	\$20
Supplied Materials	15%	15%	15%	15%	15%	15%	15%	15%

Experience of Bidders

Arden Engineering: Arden Engineering Constructors LLC has provided sufficient references for proper evaluation. Additionally, they have provided a list of similar sites and projects that show experience with the requested tasks however, staff is not personally familiar with their work and they have not performed the same tasks for the Town of South Kingstown

DPS contacted Arden’s references and Arden representatives and found Arden to be qualified to perform the maintenance work as specified although they are not familiar with the Itron communicators that are integral to the network. Other communities with different fixtures and requirements have been satisfied with Arden’s performance.

Pine Ridge: Pine Ridge Technologies, Inc. has extensive knowledge of the Townwide streetlight system, our lighting fixtures, and the Itron communicator as they were the lighting contractor hired by Siemens to install all LED replacement lights for the Towns of South Kingstown, Narragansett, and North Kingstown. The company has been responsive and performed the work effortlessly. They have been on-site in Town from the very beginning of the project and are presently still working with Siemens as they wrap up the conversion project.

Because Pine Ridge (North Reading, MA) has extensive knowledge of our system, it is my finding and determination that although Arden Engineering provided lower hourly rates, Pine Ridge is a better selection. Working with the Itron controllers includes proper integration with our GIS system. As lights are reinstalled or fixed, they have to be properly located and scanned into our existing database for proper tracking. If this is done correctly, the Itron communicates with the Town effectively noting any issues. Therefore, this determination is based on the vender providing all required pricing, references and experience as required.

Funding

Funding for the maintenance for the streetlight fixtures is available in the Streetlight Maintenance account, budgeted for \$15,000 per year. Programming for future funding is planned for both maintenance of the fixtures and for the networking functions (as approved at Council in April 2023) under the Streetlight Maintenance account (#10130007-53400).

Recommendation


Given the aforementioned narrative, it is my opinion and determination that Pine Ridge Technologies is the most qualified bidder for the above referenced work and fully meets the requirements of the specification. Additionally, Pine Ridge is familiar with the requirements of the specifications and have performed similar work in South Kingstown and neighboring communities.

Should you agree with the above narrative, I would respectfully request the following Town Council resolution:

“A resolution authorizing an award of contract to Pine Ridge Technologies, Inc., 217R Main Street, North Reading, MA 01864 for on-call maintenance of streetlight fixtures at the specified contracted hourly rates for a 5-year term (to June 30, 2027) not to exceed \$15,000/year to be paid from the Street Light Maintenance account #10130007-534000, and as further detailed in a memorandum dated July 1, 2023, from the Public Services Director to the Town Manager entitled ‘Streetlighting Maintenance Recommendation.’ “

cc: Mark Conboy, P.E., Town Engineer
Brian Silvia, Finance Director
Julie Mason, Procurement Administrator

TOWN OF SOUTH KINGSTOWN
OFFICE OF THE TOWN MANAGER
MEMORANDUM

TO James Manni, Town Manager
FROM Lucas Murray, Director of Administrative Services 
SUBJECT Authorization to Submit the Necessity of School Construction Stage II Report to the Rhode Island Department of Education
DATE July 3, 2023



I recommend that the Town Council consider passage of a resolution authorizing the submittal of the South Kingstown School Building Project Stage II Report document prepared by Studio JAED to the Rhode Island Department of Education School Building Authority and further authorize the Town Manager and/or Town Council President to execute any documents necessary to effectuate the submission of relevant application materials, as further detailed herein.

Background

The South Kingstown School Building Committee (SBC) has been working with the architecture firm Studio JAED for the past 10 months to determine school facility needs and develop improvement proposals in accordance with the Necessity of School Construction (NSC) process as prescribed by the Rhode Island Department of Education (RIDE) School Building Authority (SBA). There are multiple steps in the NSC process that must be followed in order to qualify for housing aid reimbursement from the State of Rhode Island for any proposed school related construction work. Stage I in the NSC process requires the SBC to identify school facility needs based on quantitative and qualitative data. Stage II of the NSC process requires the SBC to work with a design consultant to prepare project proposals to address the needs identified in the Stage I report. State reimbursement to the Town is primarily dependent on the RIDE SBA's evaluation of the Stage II document. It is therefore imperative that the report is thorough and documents proposed facility enhancements in detail.

Over the past 10 months the South Kingstown SBC has worked with the architectural team from Studio JAED to develop a comprehensive program for school facility improvements which includes the following:

- Construction of a new high school facility at the existing Columbia Street location;
- Construction of new athletic complex at the current Curtis Corner Middle School location;
- Demolition of the current high school building and Curtis Corner Middle School Building.

The Stage II report also includes proposals for improvements Broad Rock Middle School, Peace Dale Elementary School, West Kingston Elementary School, and Matunuck Elementary School. However, we anticipate that funds generated through issuance of a proposed \$125 million bond will be used solely for the construction of a new high school and associated athletic complex. Including proposed improvements at the middle school and elementary school sites in the Stage II report will ensure the district qualifies for State housing aid reimbursements if other project funding becomes available to complete proposed enhancements in the future.

The primary focus of the Stage II report is the proposed construction of a new high school and athletic complex. Studio JAED developed over a dozen options for the location, siting, and design of the high school and athletic complex for SBC consideration. Alternatives were shared with the community throughout the design process and feedback was taken into consideration as we worked through an iterative process of refinement. The SBC is proud of the current schematic design and associated Stage II

Authorization to Submit the NSC Stage II Report to RIDE

July 3, 2023

Page 2

document because it represents a collaborative process that involved dozens of meetings with community members, elected officials, school administrators and other interested parties.

The SBC is now seeking to submit the Stage II report document to the RIDE SBA no later than July 17, 2023, well ahead of the September 15th deadline. It will then undergo a rigorous review by the RIDE SBA with subsequent requests for additional clarifications and information. This process typically takes 10-12 weeks. We are optimistic that the SBA will issue a letter to the Town outlining their proposed recommendation to the [Rhode Island Council on Elementary and Secondary Education](#) for project financing in October 2023. The Council typically meets in December formally vote to approve the recommendations of the SBA. The amount of financing RIDE will provide is typically based on formula in addition to a determination of eligibility for certain [Housing Aid Incentive bonuses](#).

On June 22, 2023 the SBC voted to unanimously to recommend the submittal of the Stage II Report to the SBA and further recommend that the Town Council and School Committee execute any documents necessary to effectuate the submission of relevant application materials. On June 27, 2023 the School Committee unanimously voted to approve the Stage II submission as presented and execute any documents necessary to effectuate the submission of relevant application materials. The final step in the process is for the Town Council to pass a resolution supporting the submittal of the Stage II document as outlined herein.

Request For Town Council Authorization

Should the Town Council agree to support the submittal of the Stage II document as prepared by Studio JAED, I respectfully request the Town Council pass the following resolution:

“A resolution authorizing the submittal of the South Kingstown School Building Project Stage II Report document prepared by Studio JAED to the Rhode Island Department of Education School Building Authority and further authorize the Town Manager and/ or Town Council President to execute any documents necessary to effectuate the submission of relevant application materials as further described in a memorandum from the Deputy Town Manager to the Town Manager entitled “*Authorization to Submit the Necessity of School Construction Stage II Report to the Rhode Island Department of Education*” dated July 3, 2023.



South Kingstown School District

Town Council
July 10, 2023



Agenda

Update RIDE Stage II – Questions on Part 1

Cost Estimate / Budget Update

Schedule & Next Steps



Update RIDE Stage II – Table of Contents

1. Project Summary & Prioritization
2. Architectural Feasibility Study
3. Schematic Design Documents
4. Design & Construction Cost Projection
5. Financing Plan
6. Site Purchase Plan
7. Local Support
8. Project Timeline
9. Commissioning Agent & OPM Services
10. Response to Comments from Stage I



1. Project Summary & Prioritization*

- Existing Conditions
- Summary of the Project(s)
- Scope of Work
- Costs
- Schedule
- Justification

** For SBC, SC, & TC Review & Approval*



2. Architectural Feasibility Study

- Structural Reports
- Soil Investigation
- Radon Reports
- Demographic Report
- Traffic Studies



3. Schematic Design Documents

- Architectural Program
- Educational Specifications
- Drawings – Arch, Site/Civil, etc.
- Renderings
- Narratives
- Used for Cost Estimating



COLUMBIA ST.

SKHS

BROWN ST.

BRANCH ST.

HAZARD FIELD

HAZARD BLDG.

SCHOOL ST.





SAUGATUCKET RIVER

COLUMBIA STREET

KIMBALL STREET

BROWN STREET

ROSE CIRCLE

CHURCH STREET

STEVEN CIRCLE

BRANCH STREET

SCHOOL STREET

STREET

STREET

OAK



- Legend**
- Classroom & General Education Support
 - Teacher Planning & Support
 - Administration / Guidance / Student Services / Nurse
 - Collaboration & Enrichment Spaces
 - Special Education
 - Media Center
 - Art & Music
 - Student Commons / Dining
 - Circulation
 - Vertical Circulation
 - Physical Education
 - Kitchen / Servery
 - Toilet Rooms
 - Storage / Custodial / Maintenance / MEP
 - CTE
 - Science
 - Auditorium & Stage
 - Main Entrance

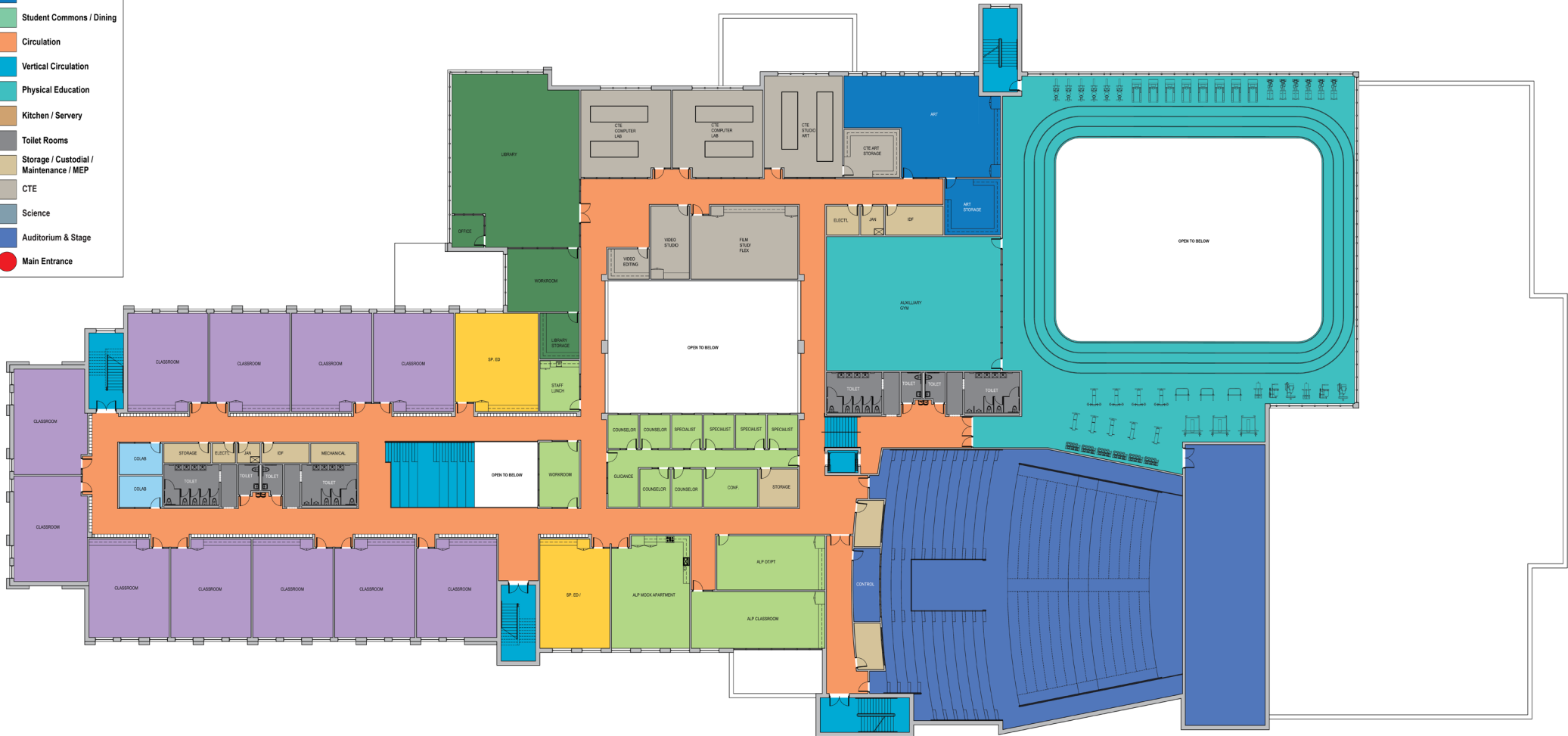


**NEW SOUTH KINGSTOWN
HIGH SCHOOL**
SOUTH KINGSTOWN, RHODE ISLAND
PROGRAM - 9-12

FIRST FLOOR PLAN



- Legend**
- Classroom & General Education Support
 - Teacher Planning & Support
 - Administration / Guidance / Student Services / Nurse
 - Collaboration & Enrichment Spaces
 - Special Education
 - Media Center
 - Art & Music
 - Student Commons / Dining
 - Circulation
 - Vertical Circulation
 - Physical Education
 - Kitchen / Servery
 - Toilet Rooms
 - Storage / Custodial / Maintenance / MEP
 - CTE
 - Science
 - Auditorium & Stage
 - Main Entrance



**NEW SOUTH KINGSTOWN
HIGH SCHOOL**
SOUTH KINGSTOWN, RHODE ISLAND
PROGRAM - 9-12

SECOND FLOOR PLAN



- Legend**
- Classroom & General Education Support
 - Teacher Planning & Support
 - Administration / Guidance / Student Services / Nurse
 - Collaboration & Enrichment Spaces
 - Special Education
 - Media Center
 - Art & Music
 - Student Commons / Dining
 - Circulation
 - Vertical Circulation
 - Physical Education
 - Kitchen / Servery
 - Toilet Rooms
 - Storage / Custodial / Maintenance / MEP
 - CTE
 - Science
 - Auditorium & Stage
 - Main Entrance



**NEW SOUTH KINGSTOWN
HIGH SCHOOL**
SOUTH KINGSTOWN, RHODE ISLAND
PROGRAM - 9-12

THIRD FLOOR PLAN





CCMS

CURTIS CORNER RD.





North



Curtis Corner Road





Future Field House
Location



4. Design & Construction Cost Projection

- PM&C, MA (Third Party Cost Estimator)
- RIDE SBA Formula Calculations
- Identify Incentives
- Total Project Budget



RIDE Stage II Application Amounts

SOUTH KINGSTOWN PUBLIC SCHOOLS RIDE REIMBURSEMENT REQUEST SCOPE OF WORK OUTLINE

Construction of a New SK High School & Stadium Complex	\$111,649,670
Renovations to SK High School Hazard Building	\$4,622,126
Renovations to Broad Rock Middle School	\$8,048,420
Renovations to Peace Dale Elementary School	\$6,775,150
Renovations to Matunuck Elementary School	\$2,818,602
Renovations to West Kingston Elementary School	\$2,735,702
TOTAL RIDE STAGE II APPLICATION	\$136,649,670

**RIDE STAGE II
FORMULA DRIVEN**

**DEVELOPED
FROM FACILITY
CONDITION
ASSESSMENT**

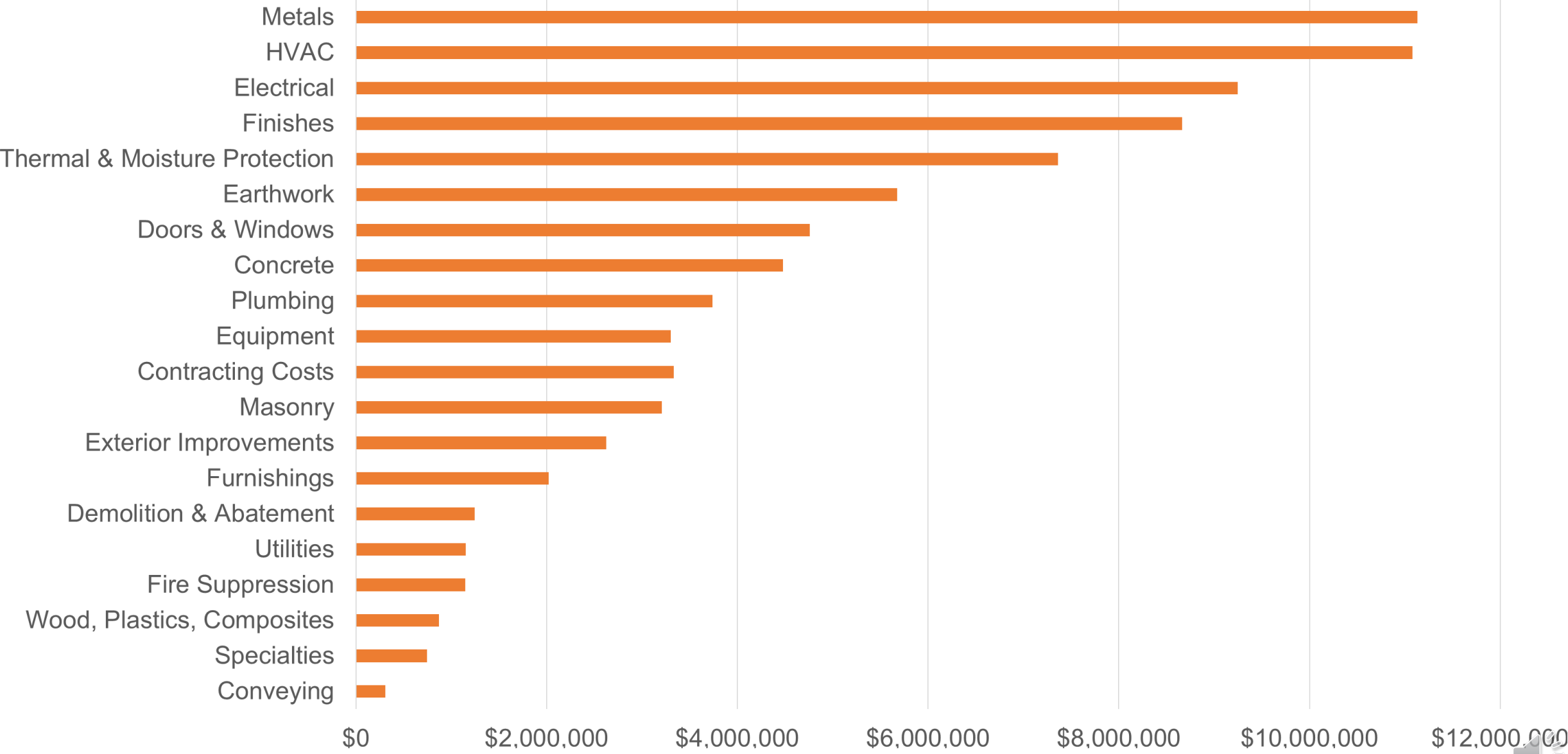


Estimate Commentary

- We are within “striking distance” for New SKHS & Fields
- Estimates Range
 - \$127 Million to \$136 Million
 - Stage III involves Estimate Management



Cost Estimate Management



5. Financing Plan

- Describe Bond & Financing Information
 - \$125 M Capital Bond (Voter Approval)



6. Site Purchase Plan

- Not Applicable



7. Local Support

- Presentations
- Community Engagement
- Affirmation of select Resolutions and/or Policies
- School Committee & Town Council Approvals



8. Project Timeline

- Project Schedule
 - Detailed with Milestones
 - Approx. 30 - 36 month duration



9. Commissioning Agent & OPM Services

- Statement of Understanding
- Commitment to Procure and/or Procure
 - OPM (Owner Project Manager) is complete



10. Response to Comments from Stage I

- To be included in RIDE Stage II (none)



Schedule & Next Steps

RIDE Stage II is due Sept. 15th 2023

Submission Timeline

School Building Committee - June 22, 2023 (recommendation received)

School Committee Approval – June 27, 2023 (approval received)

Town Council Approval – July 10, 2023

Submission no later than – July 17, 2023



Next Steps

Action Item – Motion to Submit

“Motion to submit the RIDE Stage II as presented to the RIDE School Building Authority for Capital Improvements in South Kingstown School District”





Tax Assessor
Town of South Kingstown

MEMORANDUM

To: James J Manni, Town Manager

From: Mark D Capuano, Tax Assessor *MDC*

cc: Amy Goins, Town Solicitor

Date: July 5, 2023

Re: FY 2023-2024 PILOT Agreements
Camp Jori – Plat 59-2 Lot 62
SK Land Trust -- Plat 80-2 Lot 38

Town Manager Manni,

The Town Council of the Town of South Kingstown has been authorized by an Act of the Rhode Island General Assembly (Public Laws of 2003, Chapter 220) to enter into PILOT agreements with nonprofit and charitable organizations.

I have included two existing PILOT Agreements for Fiscal Year 2023-2024 with this memorandum. Once approved by Town Council, the Finance Department will invoice each Organization accordingly for FY 2023-2024.

Below are the payment calculations for each PILOT:

Camp Jori

FY 2023-2024				Assessment On Land	Taxes Due
					Tax Rate
					\$11.05
Camp JORI - Only The Land is Taxed					
	Land Only				
	73.64 Ac.				
	Fully Taxed	1065 Wordens Pond Rd.	59-2/62	\$577,900.00	\$6,385.80

S.K. Land Trust					
FY 2023-2024			Assessed Values	Taxes Due	
				Tax Rate	
				\$11.05	
S.K. Land Trust					
*Only One Building - "Barn"		*Only One Building - "Barn"		\$553,800.00	
Land		Land		\$180,400.00	
	Location	Plat / Lot		Taxed at 100%	Taxed at 50%
Taxed at 50%	17 Matunuck Beach Road	80-2 / 38	\$734,200.00	-\$8,112.91	\$4,056.46

*(Please note, the only changes made to each Agreement are specific to Fiscal Year and Real Estate Property Tax Rate).

Respectfully submitted,

Mark D Capuano
Tax Assessor

PAYMENT IN LIEU OF TAX AGREEMENT

This Payment in Lieu of Tax Agreement (hereinafter, "PILOT Agreement" or "Agreement") is made and entered into as of the day of July 2023, by and between the TOWN OF SOUTH KINGSTOWN, a municipal corporation organized and existing under the laws of the State of Rhode Island (hereinafter, the "Town") and THE JEWISH CHILDREN'S HOME OF RHODE ISLAND A/K/A CAMP JORI, a Rhode Island not-for-profit, charitable corporation (hereinafter, "Camp JORI").

W I T N E S S E T H:

WHEREAS, the Town Council of the Town of South Kingstown has been authorized by an Act of the Rhode Island General Assembly (Public Laws of 2003, Chapter 220) to enter into PILOT agreements with nonprofit, charitable organizations; and

WHEREAS, the activities of Camp JORI benefit the quality of life of the Town; and

WHEREAS, the Town and Camp JORI desire to set forth the terms and conditions pursuant to which Camp JORI shall make payments in lieu of taxes to the Town; and

WHEREAS, legal counsel for both parties have rendered their opinion approving the terms of this PILOT Agreement as lawful and valid; and

WHEREAS, this document contains all the terms and conditions of the PILOT Agreement;

NOW, THEREFORE, in consideration of the mutual covenants, agreements, and understandings and obligations set forth herein, the receipt and sufficiency of which is hereby acknowledged, the Town and Camp JORI hereby agree as follows:

1. Payments in Lieu of Taxes. During the term of this PILOT Agreement, Camp JORI shall make payments in lieu of taxes to the Town annually on or before September 1 of each year for all real and personal property of Camp JORI.
2. Description of Premises. Camp JORI is located at 1065 Worden Pond Road and further identified on the maps of the Tax Assessor for the Town as Map 59-2, Lot 62 and consists of 73.64 acres of land and the improvements thereon (hereinafter, the "Premises"). This PILOT Agreement shall apply solely to the Premises and no other property of Camp JORI.
3. Calculation of Payment in Lieu of Tax. The payments in lieu of tax to be paid by Camp JORI to the Town shall be in accordance with calculations presented in Exhibit 1 attached hereto and incorporated herein.

**Camp JORI
PILOT Agreement
Fiscal Year 2023-2024**

4. Term. The term of this Agreement shall be for July 1, 2023 through June 30, 2024. Thereafter PILOT Agreements shall be subject to renewal and/or revision in accordance with Section 17-49 of the South Kingstown Town Code governing PILOT Agreements. The payment in lieu of tax amount may increase or decrease in future years based on the terms of this or successor PILOT Agreements that must be annually renewed or revised by the Town Council. Any sale or transfer of the Premises to any other entity will terminate this Agreement effective upon the date on which the sale or transfer occurs.
5. Invoices/Tax Bills. For the fiscal year 2023–2024 Camp JORI shall make the payment in lieu of taxes for that fiscal year as set forth on Exhibit 1 by September 1, 2023. Payment not made within five (5) calendar days of the due date shall bear interest at the rate of twelve percent (12%) *per annum* from the date due until paid.
6. Payment in Lieu of Tax Consequences. Payments in lieu of taxes made hereunder are deemed by the Town to be payments in lieu of tax payments, and Camp JORI shall be entitled to all of the rights and privileges of a taxpayer in the Town. It is further understood and agreed that the Town’s recourse to Camp JORI for the payments in lieu of taxes due hereunder is the same as if the payments in lieu of taxes hereunder were in fact tax payments made to the Town, and all rights and remedies of the Town with respect to the collection of taxes are retained.
7. Non-permitted Use Impact. In the event Camp JORI shall utilize any portion of the Premises for any residential purpose or commercial uses not currently permitted pursuant to zoning or other ordinances and/or generating revenue (hereinafter, “non-qualifying use”), then Camp JORI shall notify the Town within fifteen (15) days and such portion of the Premises used for the non-qualifying use shall be excluded from this PILOT Agreement, as of the date of the start of the non-qualifying use, with no reduction in the payments in lieu of taxes due the Town. The portion of the Premises excluded shall become immediately taxable unless a separate PILOT Agreement is negotiated for that use. If the non-qualifying use subsequently ends, then the affected property can only be reincorporated into this PILOT Agreement by express written agreement of the Town after the end of the non-qualifying use.
8. Entire Agreement. This Agreement constitutes the entire agreement of the parties hereto with respect to the subject matter hereof and supercedes all prior understandings and agreements, both oral and written. The parties hereto expressly acknowledge and agree that this PILOT Agreement has been entered into for the benefit of and reflects the full and complete facts and obligations of Camp JORI with respect to the Premises, the improvements located thereon, and personal property utilized by Camp JORI with respect to the operation of the Premises in the Town. This Agreement may only be modified and amended in writing and with consent of the parties hereto.

**Camp JORI
PILOT Agreement
Fiscal Year 2023-2024**

9. Binding Effect. This Agreement and the terms and conditions and covenants reflected herein shall be binding upon and inure to the benefit of the Town and Camp JORI and assigns who have obtained the express written permission of the Town.
10. Applicable Law and Forum. This Agreement shall be construed under the laws of the State of Rhode Island. Any disputes arising from this Agreement will be adjudicated by courts within the State of Rhode Island.
11. Severability. If any provision of this Agreement shall be held to be illegal, invalid, or unenforceable, such illegality, invalidity, or unenforceability shall attach only to such provision and shall not in any manner effect or render illegal, invalid, or unenforceable any other provision of this Agreement, and this Agreement (if not so altered) shall be fulfilled as if any such illegal, invalid, or unenforceable provision were not contained herein.
12. Condition Precedent. Each of the parties here acknowledges and understands that as condition precedent to the effectiveness of this Agreement, the Town Council must ratify this Agreement on an annual basis.
13. Representations and Warranties. Subject only to the condition precedent set forth in the immediately preceding paragraph, each of the Town and Camp JORI hereby represent and warrant that they each have all due and necessary authority and capacity to enter into this Agreement and this Agreement shall be binding and of full force and effect with respect to the parties hereto, their respective heirs, successors, and permitted assigns.

IN WITNESS WHEREOF, the undersigned have executed this Agreement as of the date first above-written.

TOWN OF SOUTH KINGSTOWN

By: _____

Its: _____

THE JEWISH CHILDREN'S HOME OF RHODE ISLAND
a/k/a CAMP JORI

By: _____

Its: _____

Camp JORI
 PILOT Agreement
 Fiscal Year 2023-2024

Exhibit 1

				Assessment	Taxes Due
				On Land	
				As of 12/31/2021	Tax Rate
					\$11.05
Camp JORI - Only The Land is Taxed					
FY 2023-2024					
	Land Only				
	73.64 Ac.				
	Fully Taxed	1065 Wordens Pond Rd.	59-2/62	\$577,900.00	\$6,385.80

PAYMENT IN LIEU OF TAX AGREEMENT

This Payment in Lieu of Tax Agreement (hereinafter, "PILOT Agreement" or "Agreement") is made and entered into as of the ____ day of July 2023, by and between the TOWN OF SOUTH KINGSTOWN, a municipal corporation organized and existing under the laws of the State of Rhode Island (hereinafter, the "Town") and THE SOUTH KINGSTOWN LAND TRUST, a Rhode Island not-for-profit, charitable corporation (hereinafter, "SKLT").

WITNESSETH:

WHEREAS, the Town Council of the Town of South Kingstown has been authorized by an Act of the Rhode Island General Assembly (Public Laws of 2003, Chapter 220) to enter into PILOT agreements with nonprofit, charitable organizations; and

WHEREAS, the activities of SKLT benefit the quality of life of the Town; and,

WHEREAS, the Town and SKLT desire to set forth the terms and conditions pursuant to which SKLT shall make payments in lieu of taxes to the Town; and

WHEREAS, legal counsel for both parties have rendered their opinion approving the terms of this PILOT Agreement as lawful and valid; and

WHEREAS, this document contains all the terms and conditions of the PILOT Agreement;

NOW, THEREFORE, in consideration of the mutual covenants, agreements, and understandings and obligations set forth herein, the receipt and sufficiency of which is hereby acknowledged, the Town and SKLT hereby agree as follows:

1. Payments in Lieu of Taxes. During the term of this PILOT Agreement, SKLT shall make payments in lieu of taxes to the Town semi-annually on or before September 1 and March 1 of each fiscal year for certain real and personal property of SKLT as specifically in accordance with calculations presented in Exhibit 1 attached hereto and incorporated herein.
2. Description of Premises. The property subject to this agreement is located at 17 Matunuck Beach Road and further identified on the maps of the Tax Assessor for the Town as Map 80-2, Lot 38 and consists of 3.62 acres of land and the improvements thereon (presently a Barn and two other structures) (hereinafter, the "Premises"). This PILOT Agreement shall apply solely to the Premises and no other property of SKLT.
3. Calculation of Payment in Lieu of Tax. The payment in lieu of tax to be paid by SKLT to the Town shall be an amount equal to 50% of the value of the Barn on the Premises.

South Kingstown Land Trust
PILOT Agreement
FY 2023-2024

4. Term. The term of this Agreement shall be for one year, July 1, 2023 through June 30, 2024. Thereafter, PILOT Agreements shall be subject to renewal and/or revision in accordance with Section 17-49 of the South Kingstown Town Code governing PILOT Agreements. The payment in lieu of tax amount may increase or decrease in future years based on the terms of this or successor PILOT Agreements that must be annually renewed or revised by the Town Council. Any sale or transfer of the Premises to any other entity will terminate this Agreement effective upon the date on which the sale or transfer occurs.
5. Invoices/Tax Bills. The Town shall provide to SKLT annually on or about the month of July, a statement setting forth its calculation of the payment in lieu of taxes for the next calendar year. Such annual statement of payment in lieu of taxes will cover the period of January 1 through December 31. Payment shall be due semi-annually on or before September 1 and March 1 of each fiscal year. Payment not made within five (5) calendar days of the due date shall bear interest at the rate of twelve percent (12%) *per annum* from the date due until paid.
6. Payment in Lieu of Tax Consequences. Payments in lieu of taxes made hereunder are deemed by the Town to be payments in lieu of tax payments, and SKLT shall be entitled to all of the rights and privileges of a taxpayer in the Town. It is further understood and agreed that the Town's recourse to SKLT for the payments in lieu of taxes due hereunder is the same as if the payments in lieu of taxes hereunder were in fact tax payments made to the Town, and all rights and remedies of the Town with respect to the collection of taxes are retained.
7. Non-permitted Use Impact. In the event SKLT shall utilize any portion of the Premises for any residential purpose or commercial uses not currently permitted pursuant to zoning or other ordinances and/or generating revenue (hereinafter, "non-qualifying use"), then SKLT shall notify the Town within fifteen (15) days and such portion of the Premises used for the non-qualifying use shall be excluded from this PILOT Agreement, as of the date of the start of the non-qualifying use, with no reduction in the payments in lieu of taxes due the Town. The portion of the Premises excluded shall become immediately taxable unless a separate PILOT Agreement is negotiated for that use. If the non-qualifying use subsequently ends, then the affected property can only be reincorporated into this PILOT Agreement by express written agreement of the Town after the end of the non-qualifying use.
8. Entire Agreement. This Agreement constitutes the entire agreement of the parties hereto with respect to the subject matter hereof and supercedes all prior understandings and agreements, both oral and written. The parties hereto expressly acknowledge and agree that this PILOT Agreement has been entered into for the benefit of and reflects the full and complete facts and obligations of SKLT with respect to the Premises, the improvements located thereon, and personal property utilized by SKLT with respect to the operation of the Premises in the Town. This Agreement may only be modified and amended in writing and with consent of the parties hereto.

**South Kingstown Land Trust
PILOT Agreement
FY 2023-2024**

9. Binding Effect. This Agreement and the terms and conditions and covenants reflected herein shall be binding upon and inure to the benefit of the Town and SKLT and assigns who have obtained the express written permission of the Town.
10. Applicable Law and Forum. This Agreement shall be construed under the laws of the State of Rhode Island. Courts within the State of Rhode Island will adjudicate any disputes arising from this Agreement.
11. Severability. If any provision of this Agreement shall be held to be illegal, invalid, or unenforceable, such illegality, invalidity, or unenforceability shall attach only to such provision and shall not in any manner effect or render illegal, invalid, or unenforceable any other provision of this Agreement, and this Agreement (if not so altered) shall be fulfilled as if any such illegal, invalid, or unenforceable provision were not contained herein.
12. Condition Precedent. Each of the parties here acknowledges and understands that as a condition precedent to the effectiveness of this Agreement the Town Council must ratify this Agreement on an annual basis.
13. Representations and Warranties. Subject only to the condition precedent set forth in the immediately preceding paragraph, each of the Town and SKLT hereby represent and warrant that they each have all due and necessary authority and capacity to enter into this Agreement and this Agreement shall be binding and of full force and effect with respect to the parties hereto, their respective heirs, successors, and permitted assigns.

IN WITNESS WHEREOF, the undersigned have executed this Agreement as of the date first above-written.

TOWN OF SOUTH KINGSTOWN

By: _____

Its: _____

THE SOUTH KINGSTOWN LAND TRUST

By: _____

Its: _____

Exhibit 1

South Kingstown Land Trust
 PILOT Agreement
 FY 2023-2024

Property Owner	Tax Status	Address	Plat/Lot	Total	Net Taxes
				Assessment	Due
				As of 12/31/2021	
					Tax Rate
					\$11.05
		Land			
S.K. Land Trust	One Building Only	17 Matunuck Beach Rd.	80-2/38	\$734,200.00	\$4,056.46
FY 2023-2024	Taxed at 50%				



Ursillo, Teitz & Ritch, Ltd.

Counsellors At Law

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(at South Main Street)
Providence, Rhode Island 02903-2918

Michael A. Ursillo*
Andrew M. Teitz, AICP*[†]
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Amy H. Goins*[†]
Peter F. Skwirz*[†]
Admitted in RI*, MA[†]

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mikeursillo@utrlaw.com

MEMORANDUM

TO: The Honorable South Kingstown Town Council

FROM: Michael A. Ursillo, Town Solicitor; Peter Skwirz, Assistant Solicitor

DATE: July 6, 2023

SUBJECT: 72 Sophia Court - Robert O'Dell

The purpose of this memorandum is to provide the Council with an update regarding the Superior Court zoning enforcement complaint entitled *Town of South Kingstown v. Robert O'Dell*, WC-2022-0330. The Town filed the complaint on August 18, 2022, alleging that Mr. O'Dell violated the Town Zoning Ordinance with regard to his residence located at 72 Sophia Court. Specifically, the Town alleges that he is violating the ordinance by renting out the property by the room and that it was being occupied by more than three unrelated people. Mr. O'Dell was served with the complaint on September 2, 2022. He filed an answer denying the allegations on September 9, 2022. Since that time, the discovery process has been ongoing. The case is currently pending in Washington County Superior Court. Superior Court cases generally take a good deal of time to resolve, based largely on the lengthy discovery procedures provided for in the Superior Court Rules of Civil Procedure. (Such cases will proceed much more quickly once our Municipal Court is in place.) We have been in communication with Mr. O'Dell, who is representing himself *pro se*, about responding to a request for production of documents propounded by the Town. If we are unable to resolve this issue within the next thirty (30) days, we will file a motion to compel production—but the Rules of Civil Procedure require that we first attempt to resolve this discovery dispute through good faith discussions with Mr. O'Dell.

We will keep the Council apprised of any developments in the litigation on a quarterly basis. Due to the lengthy discovery process, and considering that zoning enforcement matters are not given top priority in Superior Court, we would not expect resolution in the near future, barring an agreed upon resolution reached with the property owner who has indicated that he may be amenable to entering into a Consent Order designed to ensure compliance with the Town's Zoning Ordinance.

cc: James M. Manni, Town Manager
Colleen Camp, Executive Assistant
Jamie Gorman, Building Official & Zoning Enforcement

MEMORANDUM

TO: The Honorable South Kingstown Town Council

CC: James Manni, Town Manager

FROM: Michael A. Ursillo, Town Solicitor; Peter F. Skwirz, Assistant Solicitor

DATE: June 30, 2023

SUBJECT: Private Road Legal Analysis

I. Introduction –

Recently, the Town Council has determined that private roads which have been plowed and graded in the past will no longer receive such services. As a result, the Council has been confronted with petitions from residents claiming that certain roads that have traditionally been considered private roads are, in fact, public roads. This memorandum addresses these issues.

II. Analysis –

One of the earliest Rhode Island Supreme Court cases where the Court considered what is required to create a public road is Remington v. Millerd, et al., 1 R.I. 93 (1845). In that case, the Court held that there were only two ways to create a public road under Rhode Island law. A roadway could either be “laid out by the town council, pursuant to the statute empowering them to lay out highways,” or “by the principles of the common law” regarding land dedicated to public use. Id. at 96-97. Each method of creating a public road will be reviewed in turn.

i. Creation by statutory authority –

In Remington, the Court discussed the then existing statutory mechanism for a Town Council to create a public street. First, when there is a “use as a [public] highway for twenty years,” the Town Council may decree that the highway is public. Id. at 100. Alternatively, if “the town council adjudged a highway over the land to be necessary for the public use,” it could “appoint a committee to survey, bound, and mark out a highway there,” record the plat and pay compensation to the property owners. Id. The Court in Remington held that the Town Council, in creating a public road, is “enabled to do such acts as the statute authorized, and to do them in the mode prescribed; and if they assume to do other acts, or to do them in other modes, their doings are merely void.” Id. at 99. Accordingly, in creating a public road, the Town must strictly adhere to the enabling statutes.

The enabling statutes discussed in Remington exist in the same form today. RIGL 24-1-1, *et seq.*, allows a Town Council to create a public roadway by use of eminent domain upon a finding of public necessity. RIGL 24-1-2 requires the declaration of condemnation and a plat of the land taken for roadway purposes to be recorded in the land evidence records. RIGL 24-1-3 requires the Town to post money for compensating landowners and RIGL 24-1-4 provides that fee simple ownership of the land vests in the Town once these steps are taken. The remainder of RIGL 24-1-1, *et seq.*, provides notice to landowners and provides a mechanism for compensating landowners.

Alternatively, RIGL 24-2-1 allows a Town Council to declare as a public highway “[a]ll lands which have been or shall be quietly, peaceably, and actually used and improved and considered as public highways for the space of twenty (20) years.” RIGL 24-2-2 prescribes the notice procedure for creating a public road by this method. RIGL 24-2-3 creates a right of appeal for aggrieved parties regarding such a declaration. RIGL 24-2-4 requires the Town to create a plat for the road thus declared and to record that plat, along with the declaration, in the land evidence records of the Town.

There is a third statutory way that a Town Council may create a public road. RIGL 24-2-8 provides that, if a private property owner deeds the land to be created as a public road to the Town, the Town Council acknowledges the deed, and the deed is recorded in the land evidence records of the Town, a public road is created. Finally, under the current Land Development and Subdivision Review Act, signing and recording of a final plan showing platted streets constitutes an acceptance of that land for street purposes by the municipality. *See* RIGL 45-23-43(f).

The common thread for each of these statutory ways of creating a public road is that it requires the instrument creating the road, along with a plat of the road itself, to be recorded in the land evidence records. “Ordinarily, the layout of a highway is a matter of record, which would be conclusive.” *See Stone v. Langworthy*, 40 A. 832, 833 (R.I. 1898). However, if there is no recorded instrument and/or plat creating the road as a public road, then the public road will only be created pursuant to the common law, and has not been created by statute. *Id.*

ii. Creation by common law –

“The common law in relation to highways by dedication and use . . . prevails in Rhode Island.” *Hughes v. Providence & Worcester Railroad Co.*, 2 R.I. 493, 499 (1853). In order to create a public road by Rhode Island common law, two elements need to be met. First, there must be “a clear intent on the part of the owner, to devote it to the use of the public.” *See Remington*, 1 R.I. at 97. Second, “there must also be an acceptance on the part of the public.” *Id.* at 97-98. Each element will be reviewed in turn.

However, it is important to note that these elements for common law creation of a public street may only be found by a Court of competent jurisdiction, which in this case would be the Washington County Superior Court. As noted above, the Town Council has no power to create a public street other than by the statutory methods described above, and each of these statutory methods would entail the recording of some sort of public declaration or plat in the land evidence records. In the absence of such recorded evidence of the Council creating a public street, only the

Rhode Island Superior Court may find that the two above-referenced elements of common-law street creation are met.

a. Intent of the owner –

In proving the first element, “[t]he intention of the owner is to be ascertained from his [or her] acts and his [or her] declarations, as no particular mode of making a dedication is prescribed by the common law.” State v. Coy Real Estate Co., 117 A. 432, 434 (R.I. 1922). A declaration of the owner essentially consists of any statement where he or she makes known that the land is intended to be used as a public road. Union Co. v. Peckham, 12 A. 130, 131 (R.I. 1888). However, even in the absence of some direct statement of the owner, there are some acts an owner may take that the Court has held imply an intent to dedicate.

For instance, “an intention to dedicate may be implied from the opening of a thoroughfare between public roads or public places, where nothing [indicating the road is intended to be private] appears to the contrary.” Union Co., 12 A. at 131. Further, a dedication is implied by the “making of a plat with lots and streets upon it,” where “the owners afterwards sold lots upon the plat.” See Clark v. Providence, 10 R.I. 437, 439-40 (R.I. 1873). The intent to dedicate, however, may also be proven even in the absence of direct actions of the owner. Intent to dedicate “may be proved, not only by the declarations and unequivocal acts of the owner of the land, but it may be inferred from the public use, brought home to the knowledge of the owner. The assent of the owner is inferred from the silence and acquiescence under such public use.” Hughes, 2 R.I. at 500. Therefore, if sufficient public use may be shown, the intent of the owner to dedicate the land as a public road may be presumed, even in the absence of any direct statements or actions demonstrating such intent.

b. Acceptance by the public –

In proving the second element, acceptance by the public, there must be proof of acceptance by either public officials in a manner prescribed by statute, or by public use. The statutory manner of road creation is described above and each of these statutory ways of creating a public road results in a recorded instrument evidencing the creation. In the absence of following one of the statutorily prescribed methods, the only way the second element may be proved is through public use. For instance, in Remington, *supra*, the Town Council enacted a resolution declaring that a certain platted street would be open to the public. However, because the Council’s resolution did not strictly comply with the statutory requirements for creating a road, the Court held that such acceptance was void. Therefore, barring a properly executed statutory method of creating a road, the only common law manner of acceptance is by public use.

The next question is: how long must the public use a roadway in order to constitute public acceptance? The answer to that question depends on how strong the evidence on the intent to dedicate is. “If the act of dedication be unequivocal, [acceptance] may take place immediately,” and the dedication will be complete once the public uses the road for any amount of time. See Coy Real Estate Co., 117 A. at 434 (quoting Union Co., 12 A. at 130). For instance, in Union Co., *supra*, a company unequivocally created a road for the use of the public and the public used the road for four years. Following those initial four years, the company posted a sign indicating the road was private property and that the public should discontinue any further use. The Court ruled

that the dedication of the road to the public was complete as soon as the owner unequivocally intended its use by the public and the public did in fact use it. The Court further noted that “dedication, once complete, cannot be revoked, so long as the public use is maintained and public accommodation and private right might be affected by an interruption of the enjoyment.” *Id.* at 132.

In contrast, “without some clear and unequivocal manifestations of an intention to dedicate,” the Court has held that acceptance “would not be presumed until after the lapse of 20 years” of public use. See *Eddy v. Clark*, 95 A. 851, 854 (R.I. 1915). In order for public use to create a public roadway in such circumstances, there must be evidence of a use similar to the use that must be shown by a private claimant when asserting adverse possession. The Court has held that the use must be “general, uninterrupted, continuous, and adverse so as to warrant the inference that it had been laid out, appropriated, or dedicated by the proprietors of the adjoining land to the public.” *Id.* at 854. “An occasional use by a few persons living in the neighborhood without any assertion of public right is not sufficient.” *Id.* Further, use by abutters is not sufficient, as “use of [a] road by the abutters thereon without any indication of a claim of public right in so doing it is at least as reasonable to infer that they were in the exercise of a right as appurtenant to their respective estates on the road, or were using it by permission, as that they were doing so under a claim of public right.” *Id.* Finally, “evidence of such an acceptance must be clear and convincing.” See *Vallone v. City of Cranston*, 197 A.2d 310, 314 (R.I. 1964).

IV. Legal Conclusion –

In sum, there are two ways to create a public road. First, it can be created by the Council by statute, which will result in some recorded instrument acknowledging the official action of the Council to create the public road. Second, the Rhode Island Superior Court may conclude that a public road has been created at common law through clear and convincing evidence of intent of the owner to dedicate the road and acceptance either by official act of the Council or by public use. The Court may, depending on the facts of the case, presume that common law dedication and acceptance is met if it finds there is clear and convincing evidence of use by the general public for twenty years or more, but the road must be regularly used by the general public and not just the abutters to the road.

V. Recommendation going forward –

Based on the number of petitions and inquiries from members of the public asking that the Council determine that the road on which his or her home is located is a public road, we recommend the following procedures. To support the claims, the petitioners have raised a number of facts specific to their roads that they feel assist in their claims. However, as discussed above, a legal determination regarding whether or not a road is currently public or private is outside the jurisdiction of the Council. This inquiry involves in-depth title research, or alternatively, developing a fact-specific record regarding the usage of the road over a number of years and, ultimately, only the Superior Court has the authority to declare whether a road is a public road. Accordingly, to the extent that a member of the public disagrees about whether a road is a public or private road, they ultimately would need to retain legal counsel and seek to have the matter resolved in the Superior Court. Therefore, when the Council receives such petitions in the future, the petitioner should be advised accordingly.

From: Sharon Henderson <yesterdaywhen@gmail.com>
Sent: Tuesday, June 27, 2023 1:47 PM
To: Town Council <towncouncil@southkingstownri.gov>
Cc: Susan Flynn <sflynn@southkingstownri.gov>; Joanne Esposito <joanneesposito87@gmail.com>
Subject: [EXTERNAL] Draft Proclamation for South Kingstown BG Isaac Peace Rodman Day [August 18, 2023]

You don't often get email from yesterdaywhen@gmail.com. [Learn why this is important](#)
Town Council Members,

As you know, Brigadier General Isaac Peace Rodman, a son of South Kingstown, former Town Council President, Tax Assessor, School Committee Member, Representative, and Senator in the Rhode Island General Assembly, whose family owned Rodman's Textile Mill in Peace Dale, is the highest-ranking Rhode Island officer to die in battle. Having a town father with these credentials is most honorable and must be remembered.

I am attaching the draft Proclamation and background information to support South Kingstown's 300th-Anniversary plans to declare **August 18, 2023**, as **Brigadier General Isaac Peace Rodman Day**. It is recommended that the South Kingstown Town Council pass the Proclamation at their regular meeting on Monday, **July 10, 2023**. Once passed, the Proclamation will be signed by the Town Council President, Rory McEntee, and read at the official Brigadier General Isaac P. Rodman Tribute and Rededication of the Soldiers and Sailors Monument Ceremony in the Riverside Cemetery, across from Town Hall **on August 19, 2023**.

Kindest Regards,

Sharon Henderson

Military Recognition Project Chair, SK 300th-Anniversary Committee

yesterdaywhen@gmail.com
(850) 291-7770
25 Pleasant Street
Wakefield, RI 02879

BRIGADIER GENERAL ISAAC PEACE RODMAN DAY
AUGUST 18, 2023

WHEREAS, Isaac Peace Rodman, born on Sunday, August 18, 1822, in the Village of Rocky Brook in the Town of South Kingstown, Washington County, Rhode Island, was the first child of Samuel and Mary Peckham Rodman, and

WHEREAS, Isaac Peace Rodman attended local public schools, served on the school committee, led the effort for the Peace Dale library, served as Tax Assessor, Town Moderator, Town Council President, Representative, and Senator in the Rhode Island General Assembly, and

WHEREAS, Isaac Peace Rodman was Captain of Company E, 2nd Rhode Island Volunteers, Narragansett Guards, comprising one hundred thirty local men, and

WHEREAS, Isaac Peace Rodman rose from Captain to the rank of Brigadier General within a year due to his courage at the Battles of First Bull Run, Roanoke, and New Bern, and

WHEREAS, on Sunday, August 17, 1862, the day before his fortieth birthday, Brigadier General Isaac Peace Rodman attempted to warn his brigade of an ambush at Antietam, where he was shot by a Confederate sharpshooter, thus becoming the highest-ranking Rhode Island soldier ever to die in battle, and

WHEREAS, It is of utmost importance that South Kingstown acknowledges, with deep gratitude, Isaac Peace Rodman's legacy, his significant contributions as a civic leader, and the sacrifices he made defending our freedoms.

NOW THEREFORE, WE, THE TOWN COUNCIL OF THE TOWN OF SOUTH KINGSTOWN, do hereby proclaim August 18, 2023, as **Brigadier General Isaac Peace Rodman Day** in the Town of South Kingstown and urge the citizens to remember, respect, and honor his legacy on this day, annually.

Biography

Brigadier General Isaac Peace Rodman

His name can be found in the history books. A lifelong resident of South Kingstown, Isaac Peace Rodman was a husband, father, businessman, and politician whose family owned Rodman's Textile Mill in Peace Dale. With the certainty of the Civil War, Rodman helped resurrect the local militia known as the Narragansett Guard. The unit, later known as Company E of the 2d Rhode Island Regiment, fought at the First Battle of Bull Run under General Ambrose Burnside. Governor William Sprague, present on the field, was so impressed with Rodman's courage and conduct that he appointed him Lieutenant Colonel and then Colonel of the new 4th RI Regiment. After Colonel Rodman's outstanding performance in the Battles of Roanoke Island and New Berne, President Lincoln nominated him for Brigadier General in March 1862.

At the Battle of Antietam, General Rodman's unit took the brunt of the Confederate assault. After suffering a gunshot wound to the chest, General Rodman was evacuated to a field hospital, where he died thirteen days later in September 1862. He was the highest-ranking Rhode Island officer to die in battle. The Battle of Antietam is the bloodiest day in America's history, with over 23,000 deaths. Considered a strategic victory for the Union, it stopped General Lee's invasion of the North. General Rodman's body was returned home to a hero's funeral at the Rhode Island Statehouse in Providence. His remains were escorted to South Kingstown and buried in the family plot in Peace Dale. A grand obelisk marks the hilltop grave in the family historic cemetery. The stone house he had built for his wife, Sally is across the street from the now South Kingstown Police Department complex on Kingstown Road.

Please follow link to his complete biography;

Author Robert E Gough [South Kingstown's Own: A Biographical Sketch of Isaac Peace Rodman Brigadier General](#)

Wikipedia [Isaac P. Rodman](#)

Articles about his gravesite in Peace Dale;

Author Mark Gardner [Remembering \(and Forgetting\) General Isaac P. Rodman](#)

Author John Banks [Isaac Rodman: Antietam hero's neglected final resting place](#)

Providence Journal [Grave of South Kingstown Civil War hero now overgrown, ...](#)

From: Andrew Martinez <axmart17@gmail.com>
Sent: Tuesday, June 27, 2023 12:28 PM
To: Brian Wagner <bwagner@southkingstownri.gov>
Subject: [EXTERNAL] HDC membership

Dear Brian,

Hi Brian,

I have been juggling competing commitments for several months now and have concluded that I am unable to actively and effectively participate on the Historic District Commission. I am sorry to report that I will need to step down from the committee.

Thank you for your understanding.

Regards,

Andrew Martinez