

REGULAR SESSION

SEPTEMBER 28, 2026

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 28th day of September 2026 at 6:05 PM.

PRESENT: Rory H. McEntee, President
Deborah D. Bergner
Patricia A. Alley
Jay G. Wegimont

1. A. CLOSED EXECUTIVE SESSION

UNANIMOUSLY VOTED: to recess to Closed Executive Session pursuant to §42-46-5(a)(5) pertaining to the acquisition or lease of real property for public purposes and RIGL §42-46-5(a)(2) to discuss and/or act upon matters pertaining to litigation, including Maine v. The Union Fire District of South Kingstown, WC-2026-0479.

Regular Session is reconvened at 7:05 PM.

UNANIMOUSLY VOTED: to seal the minutes of Closed Executive Session pursuant to §42-46-5(a)(5) pertaining to the acquisition or lease of real property for public purposes and RIGL §42-46-5(a)(2) to discuss and/or act upon matters pertaining to litigation, including Maine v. The Union Fire District of South Kingstown, WC-2026-0479.

Andrew Teitz, Town Solicitor, notes that one vote was taken in Executive Session.

Emily R. Houle
Town Clerk

WORK SESSION

SEPTEMBER 28, 2026

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 28th day of September 2026 at 7:10 PM.

PRESENT: Rory H. McEntee, President
 Deborah D. Bergner
 Patricia A. Alley
 Jay G. Wegimont

2. A. WORK SESSION

Ken Burke, Bicycle-Pedestrian Advisory Committee (BPAC) Member, introduces a presentation relating to the Experience South Kingstown Access Path for Everyone (ESKAPE) Plan to connect access paths across Route 1 from north to south in the area of Salt Pond Road through Ministerial Road. ESKAPE has been under review from multiple agencies both locally and statewide, and would promote safety, economic development, health, and recreation.

ESKAPE is intended to identify encumbrances and best practice to reinstate north-south corridors. Neighboring communities have instituted safety measures such as the installation of modern traffic signals on Route 1 to slow traffic and provide access with the assistance of the RI Department of Transportation (RIDOT). The BPAC is requesting funding in the amount of \$50,000 through the Capital Improvement Program (CIP) to engage a professional engineering firm to consult on optimal corridor connections.

Neil Murray, BPAC Member, explains the importance of connecting villages from north to south as currently exists from east to west, and outlines potential challenges.

Shane Jones, BPAC Member, comments on the importance of accessing Matunuck via bicycle.

Lisa Beth Sanford, BPAC Secretary, explains the need for a feasibility study to identify appropriate crossing areas and thanks the Council for allowing consideration of the plan.

Ken Burke notes the support of other communities, organizations, and Town staff including Lucas Murray, Deputy Town Manager/DOAS, Richard Bourbonnais, Public Services Director, James Rabbitt, Planning Director, and Theresa Murphy, Director of Leisure Services.

Discussion ensues relative to expanding bicycle-pedestrian corridors to include other areas of Town, the need to set achievable milestones and short-term goals to measure progress, the requested funding amount of \$50,000, the timeline for the project, and preparation of an RFP.

Convened to Regular Session.

Emily R. Houle
Town Clerk

REGULAR SESSION

SEPTEMBER 28, 2026

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 28th day of September 2026 at 7:44 PM.

PRESENT: Rory H. McEntee, President
Deborah D. Bergner
Patricia A. Alley
Jay G. Wegimont

3. REGULAR SESSION

A. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance is given.

B. LAND ACKNOWLEDGEMENT STATEMENT

The Land Acknowledgement Statement is read.

4. ROLL CALL

Roll Call is taken. Council Vice President Marran is absent.

5. APPROVAL OF MINUTES OF PREVIOUS MEETINGS

A. Regular Session: UNANIMOUSLY VOTED: that the minutes of the Regular Session held on September 14, 2026 are accepted, approved, and placed on file.

C. Closed Executive Session: UNANIMOUSLY VOTED: that the minutes of the Closed Executive Session held on September 14, 2026 are accepted.

8. CONSENT AGENDA

UNANIMOUSLY VOTED: to approve the Consent Agenda as indicated by (CA) on same.

(CA) A. UNANIMOUSLY VOTED: to authorize the Town Assessor to abate taxes in the amount of \$23,532.98, as shown on Tax Abatement Request No. 667.

(CA) B. UNANIMOUSLY VOTED: to grant Petition #13955336 of Rhode Island Energy to install two (2) new terminal riser poles, P17 & P18, on the east side of Plains Road just south of its intersection with West Alumni Avenue. A request was made by the University of Rhode Island to use the public ways named for the purposes stated in said petition, that the work be done to the satisfaction of the Director of Public Services and notification to the Town for municipal utility mark-out prior to pole setting, and that this approval is conditioned upon the removal of all existing double poles along the entire length of Plains 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 September 17, 2026, and entitled, "Rhode Island Energy Pole Setting Request - Poles P17 & P18 Plains Road." Book 6, Page 36.

REGULAR SESSION

SEPTEMBER 28, 2026

(CA) C. UNANIMOUSLY VOTED: to grant Victualling Licenses for the year beginning December 1, 2026 to the following; Renewals:

Jinwoong Kim d/b/a Taste of Korea, 99 Fortin Road, Kingston, RI 02881. Application by Jinwoong Kim, Owner; License No. 89951.

Falafel Daves Corp d/b/a Falafel Dave's, 203 Main Street, Wakefield, RI 02879. Application by Carla Boutros, Owner; License No. 92723.

72 Old Tower LLC d/b/a Mobil, 72 Old Tower Hill Road, Wakefield, RI 02879. Application by Ankitkumar Patel, Member; License No. 84353.

Taylors Landing Country Store, Inc. d/b/a TLC Coffee Roasters, 3362 Kingstown Road, West Kingston, RI 02892. Application by James McCarthy, Vice President; License No. 81647.

South County Donuts, Inc. d/b/a Dunkin Donuts, 231 Old Tower Hill Road, Wakefield, RI 02879. Application by Rob Batista, President; License No. 64574.

(CA) D. UNANIMOUSLY VOTED: to grant Victualling and Additional Hours Licenses for the year beginning December 1, 2026 to Tower Hill Donuts, Inc. d/b/a Dunkin Donuts, 3045 Tower Hill Road, Wakefield, RI 02879. Application by Angela Moroney, Office Administrator. Renewal; License No. 86019.

9. LICENSES

A. John Brito and Stephen Fox are present and after testimony and discussion it is

UNANIMOUSLY VOTED: to grant a Temporary Mass Gathering Permit to conduct Oktoberfest on October 17, 2026, from 11:00 am to 11:00 pm at Birch and Bay, 323 Main Street, Wakefield, RI 02879 and on Main Street between Robinson Street and Kenyon Avenue, subject to RI Department of Transportation approval for the closure of Main Street and stipulations set by the Police Department and Building Official, and the execution of a hold harmless agreement indemnifying the Town and receipt of a Certificate of Insurance naming the Town as an additional insured for the event in the amounts specified by the Finance Director. Application by John Brito, Owner. New; License No. TMG-26-8.

B. Paul Baptista is present and after testimony and discussion it is

UNANIMOUSLY VOTED: to grant a Temporary Mass Gathering Permit to Sons of Liberty, 1425 Kingstown Road, Wakefield, RI 02879 to conduct the annual fall Arts & Eats event on Saturday, October 17, 2026 from 12:00 PM to 6:00 PM. Application by Paul Baptista, Member. New; License No. TMG-26-6.

10. PUBLIC COMMENTS – 30 Minutes

Council President McEntee invites residents to come forward with comments.

Jennifer Nerbonne, First Chair of the South Kingstown Republican Party Committee, comments on appointments to the Canvassing Authority, infrastructure projects, and proper representation by elected officials.

REGULAR SESSION

SEPTEMBER 28, 2026

Jim O'Neill comments on Affordable Housing legislation and concerns about State overreach in local government.

Ken Swain, Chairman of the Affordable Housing Collaborative Committee, comments on the function of the Affordable Housing Fund.

11. PUBLIC HEARINGS

A. Council President McEntee notes that due to the Vice President's absence, no vote will be taken in the Public Hearing.

James Rabbitt, Planning Director, begins a presentation on proposed Form-Based Code (FBC) Zoning Amendments. He reviews a timeline of FBC development and FBC as a regulatory tool as it relates to traffic.

Discussion ensues.

The Planning Director continues relative to storm water management and regulation by the RI Department of Environmental Management (RIDEM), when FBC standards apply, FBC text sections, uses presently allowed in existing Zoning districts, and uses removed or introduced under FBC residential districts FB1: Residential Neighborhood and FB1.5: Neighborhood Edge.

Discussion ensues relative to the residential districts.

The Planning Director continues to review uses allowed in districts FB2: Neighborhood Center, FB3: Neighborhood Core, and FB4: Route 1 Transition.

Discussion ensues relative to permitted uses and expansion of existing non-conforming properties.

The Planning Director continues relative to FBC development of streets and civic spaces.

Discussion ensues relative to use protection offered by FBC and potentially removing larger residential uses from FB1 or adding limiting language to current residential Zoning districts.

Council President McEntee invites the residents to come forward with comments.

Geoff Levy, Wakefield Mall owner, comments in opposition to FBC as proposed.

William McGowan comments in opposition to FBC and proposes to limit short-term rentals instead.

Melissa Towle comments in opposition of the FBC residential districts.

Matthew Landry, Esq. comments on behalf of Scot Hallberg and Costanza Realty LLC relative to inconsistencies in the FBC text regulations.

Larry Fish comments on the development of FBC during his time on the Economic Development Committee (EDC) and in opposition to FBC as currently proposed.

Barbara Lema comments in opposition to FBC.

REGULAR SESSION

SEPTEMBER 28, 2026

Elizabeth Scott comments on stormwater management.

Joe Viele requests clarification for expansion of non-conforming uses.

The Town Solicitor responds.

Michael Gagas, EDC Chair, comments in favor of FBC.

There being no other comments it is

UNANIMOUSLY VOTED: to continue to October 13, 2026 a Public Hearing to consider proposed amendments to the Zoning Ordinance, Appendix A: Article 6, New Section 610, to implement Old Tower Hill Road Form-Based Code (FBC) and establish five (5) Form-Based Districts, as shown on the attached Regulating Plan Map and viewable in its entirety on the Town's website at: <https://www.southkingstownri.gov/othr-fbc>.

The FBC provides a regulatory framework that supports a walkable, mixed-use, and context-sensitive suburban/urban environment in the Old Tower Hill Road area. The amendments set forth when the FBC standards apply, define the scope of compliance with those standards, and establish the review process and application requirements for development applications within the FBC Districts.

12. NEW BUSINESS

B. Council President McEntee reads the proclamation into the record.

Walter Young, Jr, Canvassing Authority Chair, is present and comments on the election work performed by Town staff and the Board of Canvassers.

UNANIMOUSLY VOTED: to adopt a proclamation expressing gratitude to Poll Workers and Town Staff for their service during the September 9, 2026 Primary Election, as requested by Canvassing Authority Chair Walter Young, Jr., as follows:

PROCLAMATION

IN APPRECIATION AND GRATITUDE TO POLL WORKERS & STAFF FOR SERVICE DURING THE SEPTEMBER 2026 PRIMARY ELECTION

WHEREAS, voting is a precious American principle; a basic Democratic right for our people, which should be protected, promoted, and practiced; and

WHEREAS, on our most recent Primary Election Day of September 9, 2026, many in the Town of South Kingstown nobly offered to serve our residents throughout 20 days of early voting and on election day and uphold this foundational democratic institution for our community; and

WHEREAS, staff in the Town Clerk's office provided commendable, tireless, and flexible service to our community to maintain voter records, ensure security and compliance with election laws, and oversee the election process; and

REGULAR SESSION

SEPTEMBER 28, 2026

WHEREAS, the Town employed over 60 poll workers representing a diverse group of local residents to carry out election duties throughout early voting and on election day; and
WHEREAS, the South Kingstown Police Department stationed uniformed officers at each of the polling locations to provide a visible law enforcement presence to help reassure voters that their safety is a priority and maintain a safe and orderly environment; and

WHEREAS, additional Town staff including members of the Facilities and Highway Departments assisted the Town Clerk's office to set up polling locations and provide signage in advance and after the election day; and

WHEREAS, our Town is truly grateful for each of these individuals who contributed various duties to the election process to ensure a successful Primary Election; and

NOW THEREFORE WE THE TOWN COUNCIL OF THE TOWN OF SOUTH KINGSTOWN do hereby offer our appreciation and gratitude to poll workers and staff for service during the September 2026 Primary Election.

A. Council President McEntee introduces a request by the South Kingstown Housing Authority (SKHA) for an updated PILOT agreement for Champagne Heights, Fournier Estates, and Village Gardens.

The Town Solicitor requests that an approval by the Council be subject to the Solicitor's review.

Chris Little, SKHA Chair, reviews the proposed updated PILOT agreement, an upcoming meeting to rename Champagne Heights to honor Cpl. David Champagne, Housing and Urban Development (HUD) funding changes that require SKHA properties to be owned by a separate legal entity with SKHA maintaining control of the affiliate and land ownership, and planned improvements at the properties.

Discussion ensues relative to planned new units and affordable housing tax credits.

Derek Farias, Sokoloff Farias Associates, explains HUD rent calculations.

UNANIMOUSLY VOTED: to authorize the Town Manager to sign an updated South Kingstown Housing Authority (SKHA) and SKHA Services & Development Corporation PILOT agreement for the properties located at Champagne Heights, 364 Curtis Corner Road, Fournier Estates, 480 High Street, and Village Gardens, 69 Uncle Sams Lane, subject to review by the Town Solicitor.

C. The Town Manager requests to continue New Business C and D.

UNANIMOUSLY VOTED: to continue to a future meeting authorization of an award of contract to GovernmentJobs.com, Inc., d/b/a NEOGOV, 2120 Park Place, Suite 100, El Segundo, CA 90245, for the purchase, setup, implementation, and subscription of the NEOGOV Perform performance management software module for a term commencing December 31, 2026, and continuing through June 30, 2028, in an amount not to exceed twenty thousand one hundred thirty-seven dollars and seventy-nine cents (\$20,137.79), through Sourcewell Contract No. 030425-PDMS, with funding available through the FY 2027 Personnel Administration, Computer / Software Maintenance account, as further described in a memorandum from the Deputy Town Manager/DOAS to the Town Manager dated September 18, 2026, entitled "Recommendation for Purchase Award – NEOGOV Perform

REGULAR SESSION

SEPTEMBER 28, 2026

Performance Management Software.”

D. UNANIMOUSLY VOTED: to continue to a future meeting authorization for the Town Manager to execute a Memorandum of Agreement with the Potter’s Farm Homeowners Association for the maintenance of two public bike path connector segments, subject to review and approval by the Town Solicitor as to form and substance, as further described in a memorandum from the Deputy Town Manager/DOAS to the Town Manager dated September 18, 2026, entitled “Potter’s Farm Bike Path Connector Maintenance Agreement.”

E. Mark Russo, Director of Facilities, reviews a request for a Memorandum of Agreement between the Town of South Kingstown and the South Kingstown School District.

UNANIMOUSLY VOTED: to authorize the Town Manager to execute a Memorandum of Agreement between the Town of South Kingstown and the South Kingstown School District governing the shared use of the School Maintenance Facility located at 135 Asa Pond Road, subject to approval by the South Kingstown School Committee and final legal review, as further described in a memorandum from the Deputy Town Manager/DOAS to the Town Manager dated September 18, 2026, entitled “Memorandum of Agreement for Shared Use of the School Maintenance Facility at 135 Asa Pond Road.”

F. UNANIMOUSLY VOTED: to authorize an award to Mid-American Salt, LLC, 4528 Hillegas Rd, Fort Wayne, IN 46818 for Solar Salt, at the unit price of \$77.17 per ton, from the Streets & Highway Division's Road Salt account (10130003-540023), as further described in a purchasing recommendation from the Director of Public Service to the Town Manager dated September 17, 2026, regarding "FY 2026-27, Winter Solar Salt, Bid Recommendation."

G. Craig Stanley, Chief of EMS, reviews a request for purchase of portable radios.

UNANIMOUSLY VOTED: to authorize an award for the purchase of portable radios to Marcus Communications, 33 Mitchell Drive, PO Box 1498, Manchester, CT 06045 for an amount not to exceed \$25,562.90, (Mass Combuys contract PSE01), with funding from the Communication Equipment account, within the EMS Billing Fund, as described in a memorandum from the Chief of EMS to the Town Manager dated 9/21/2026 and titled “EMS Portable Radio Replacement.”

H. UNANIMOUSLY VOTED: to authorize the Town Clerk to advertise for Order of Notice a Public Hearing to consider proposed amendments to the Town's Zoning Ordinance Article 3. Use Regulations, Section 301. Schedule of Use Regulations Table., Appendix A. Use Code Descriptions, to prohibit data centers in Industrial Zones, as requested by Council Vice President Marran, as follows:

REGULAR SESSION

SEPTEMBER 28, 2026

Proposed Amendments to the Town Code Zoning Ordinance
Appendix A – Zoning Ordinance

Article 3. Use Regulations.

Sec. 301.- Schedule of Use Regulations Table.

Amend as follows:

[table on following page]

* * *

Appendix A. – Use Code Descriptions

Amend as follows:

	7.0 INDUSTRIAL
80	Data Center
	<u>A room, building, structure, facility, or group of facilities designed, constructed, or operated as a principal use for the primary purpose of housing computer systems, servers, network equipment, and associated infrastructure for the storage, processing, transmission, or management of digital data or applications, at a scale and intensity substantially greater than that customarily associated with general office, institutional, commercial, or industrial uses. This term includes facilities supporting enterprise computing, colocation services, cloud computing, artificial intelligence processing, edge computing, or similar high-intensity computing operations, whether operated for a single user or multiple users, and whether permanent, modular, or temporary in nature. This term does not include server rooms or information technology infrastructure that is customarily incidental and subordinate to another permitted principal use.</u>

* * *

[Remainder of page left blank]

REGULAR SESSION

SEPTEMBER 28, 2026

USE CO DE	USE	R2 00	R 8 0	R 4 0	R 3 0	R 2 0	R 1 0	R M	M U	C N	C D	C H	C W	CO D-R MO D-R	NOTES
	7.0 INDUSTRIAL														
<u>80</u>	<u>Data Center</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	

USE CODE	USE	IND- 1	IND- 2	IND- 3	GI	GI- 1	OS	COD- CMT MOD- CMT	COD- MT MOD- MT	NOTES
	7.0 INDUSTRIAL									
80	Data Center	N	N	N	N	N	N	N	N	

* * *

This ordinance shall take effect upon passage.

13. TOWN MANAGER'S REPORT

- C.** The Town Manager requests to continue Town Manager's Report C to a future meeting.
- A.** Emily Houle, Town Clerk, reviews the results of the Primary Election.
- B.** Theresa Murphy, Director of Leisure Services, reviews parks improvements completed over the past two years and planned upcoming projects through the Capital Improvement Program (CIP).
- D.** The Town Manager reviews the Veolia water ban and notes that it is moving to an odd/even schedule. Representatives of Veolia were invited to the Town Council meeting but did not respond.

The Town Solicitor notes that during the Closed Executive Session the Town Council voted unanimously to open an investigation into the legality of the water ban and to direct the Town Solicitor to draft a subpoena for the Town Council President to issue to Veolia staff to appear at a future meeting on October 26, 2026.

Richard Bourbonnais, Public Services Director, reviews two RFQs for consulting services to perform a water rate study and to study the well field for future use. The RI Department of Health (RIDOH) has recommended performing a pilot study related to filtering systems.

Discussion ensues.

The Town Manager reviews a correspondence from the Town Solicitor's office advising that Terrence Simpson is retiring as the Town Prosecutor effective October 31, 2026, and requests authorization from the Town Council for the Personnel Dept to advertise for the position.

The Town Council reaches consensus to allow advertisement.

REGULAR SESSION

SEPTEMBER 28, 2026

The Town Manager reviews a request from Michael Podraza, Superintendent of South Kingstown School District, to hold a special joint session of the Town Council and School Committee on October 15, 2026 to discuss School Department budgetary surpluses from FY 2026.

Discussion ensues relative to having a representative of the Solicitor's office present at the meeting.

14. COMMUNICATIONS

A. UNANIMOUSLY VOTED: that a letter dated July 23, 2026 from William Murray Gates IV, Chair, continued from September 14, 2026, on behalf of the South Kingstown Historic District Commission requesting that the Town Council take initiative to preserve the Oliver Watson House and create an historic landmark district is received, placed on file, and referred to the Planning Department for further review.

C. UNANIMOUSLY VOTED: that an email dated July 23, 2026 from Dorothy Hill, Bicycle-Pedestrian Advisory Committee Chair, requesting that the Town Council fund consulting firm services to evaluate North-South Bicycle Pedestrian Corridors as further detailed in Council Member Wegimont's Experience South Kingstown Access Path for Everyone (ESKAPE) Plan is received and placed on file.

E. UNANIMOUSLY VOTED: that an email dated September 22, 2026 from Veronika Kot expressing concerns regarding the proposed Form-Based Code Zoning amendments is received and placed on file.

F. UNANIMOUSLY VOTED: that an email dated September 22, 2026 from Melissa Towle expressing concerns regarding the proposed Form-Based Code Zoning Amendments is received and placed on file.

B. UNANIMOUSLY VOTED: that an email dated August 25, 2026 from James Brangi requesting that the Town Council evaluate regional desalination for long-term water security be continued to October 13, 2026.

D. UNANIMOUSLY VOTED: that an email dated September 4, 2026 from Lauren Goldenberg, South County Health Foundation, requesting permission to hang a banner across Main Street advertising a new clinical partnership is received, placed on file, and be referred to the Rhode Island Department of Transportation (RIDOT).

G. UNANIMOUSLY VOTED: that an email dated September 21, 2026 from Maria Householder and Chris Gouveia, Community Outreach Chairs, General Federation of Women's Clubs, Women's Club of South County, requesting to tie ribbons along Main Street in Wakefield in recognition of Domestic Violence Awareness Month this October is received, placed on file, and referred to the Town Manager for approval.

UNANIMOUSLY VOTED: to adjourn at 11:03 PM.

Emily R. Houle
Town Clerk