

# AGENDA

TOWN OF SOUTH KINGSTOWN

RHODE ISLAND



TOWN COUNCIL

REGULAR SESSION

7:30 PM

TOWN COUNCIL CHAMBERS  
180 HIGH STREET  
WAKEFIELD, RI

MONDAY, SEPTEMBER 11, 2006

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

DATE POSTED: 9/7/2006

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1. A. **WORK SESSION – 6:45 PM**  
B. **REGULAR SESSION – 7:30 PM**
2. A. **PLEDGE OF ALLEGIANCE TO THE FLAG**  
B. **MOMENT OF SILENCE IN REMEMBRANCE OF SEPTEMBER 11, 2001**
3. **ROLL CALL**
4. **APPROVAL OF MINUTES OF PREVIOUS MEETINGS**  
A. **Work Session – August 15, 2006**  
B. **Regular Session – August 15, 2006**
5. **CONSENT AGENDA**

\* \* \* \* \*

- I. Rule 10A. for the conduct of the meetings of the South Kingstown Town Council for the Term 2004 through 2006: 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.
- II. Rule 11: No item of business other than that of adjournment may be brought before the Town Council at any meeting unless such an item is introduced before 11:00PM; provided, however, that this rule may be suspended by an affirmative vote of a majority of members present.
- III. Rule 13: All items listed with a (CA) are to be considered routine by the Town Council and will be enacted by one motion. There will be no separate discussion of these items unless a member of the Council, or a member of the public so requests, in which event the item will be removed from Consent Agenda (CA) consideration and considered in its normal sequence on the agenda.

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

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**6. LICENSES**

- A.** A resolution granting a Victualling License to THE PIZZA POCKET, 99 Fortin Road, Kingston, RI 02881 subject to approval of the Kingston Fire District. Application by Marc Roy, 908 Boston Neck Road, Narragansett, RI 02882; New.
- (CA) B.** A resolution granting a Miscellaneous Permit to conduct the “Gear & Beer 5K Road Race” on November 19, 2006 at 12:00 p.m. to DAVID BARNES DEVELOPMENT, INC. d/b/a THE MEWS TAVERN, 456 Main Street, Wakefield, subject to the execution of a hold harmless agreement indemnifying the Town, issuance of a Certificate of Insurance naming the Town as an additional insured in the amounts specified by the Risk Manager, and State Traffic Commission approval. Proceeds to benefit the South County Chapter of Special Olympics. Application by Daniel Rubino, Vice President, 456 Main Street, Wakefield, RI 02879; Renewal.

**7. PUBLIC HEARINGS**

- A.** A Public Informational Meeting in accordance with RI General Laws §2-1-21 to review the RI Department of Environmental Management notice for application #05-0194 relative to the proposed alteration of fresh water wetlands on property located on Ledgewood Road and identified as AP 31-2, Lot 123.

- B.** A Public Hearing relative to a proposed amendment to the Town Code, Chapter 4 Boats and Waterways Ordinance, as follows:

CHAPTER 4  
BOATS AND WATERWAYS ORDINANCE

Article I. In General

\* \* \*

Sec. 4-8. Water skiing and personal watercraft (jet skis, etc.).

\* \* \*

Sec. 4-8.1 Diving from bridges.

Any person who shall dive or jump into or otherwise enter the water from any bridge, bridge abutment, overpass, or other spanning structure, or shall give the indication of intending to dive, jump, or otherwise enter the water from any bridge, bridge abutment, or other spanning structure within the Town shall be in violation of this section and subject to the fines set forth in Chapter 1, Section 1-9 of this Code.

Sec. 4-8.2 Throwing debris from bridges.

Any person who shall throw, dispose of or otherwise drop any rubbish debris, trash or object of any type from any bridge, bridge abutment, overpass or other spanning structure within the town shall be in violation of this section and subject to the fines set forth in Chapter 1, section 1-9 of this Code.

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- C. A Public Hearing relative to a proposed amendment to the Town Code, Chapter 10 Motor Vehicles and Traffic, as follows:

Chapter 10  
Motor Vehicles and Traffic

Article I. In General

Section 10-12. Boulevard and street stop signs designated.

Stop signs shall be placed at the following intersections, and vehicles traveling on the first-named street shall stop before entering the second-named street:

ADD:

Sunset Avenue. Vehicles traveling in either a northerly or southerly direction must stop at the intersection with Warner Avenue.

**8. COMMUNICATIONS**

- (CA) A. A communication dated August 10, 2006 from Darlene Evans, President, South Kingstown Chamber of Commerce relative to the schedule of facilitated discussion meetings with the Town Council is received and placed on file. (8/16/2006 Interim, Item E.)
- (CA) B. A communication dated August 10, 2006 from Professor Lefteris Pavlides, Director of the Wind Power RI Project relative to scheduling a presentation on wind energy projects is received, placed on file, and referred to the Conservation Commission via the Planning Department for consideration. (8/24/2006 Interim, Item B.)
- (CA) C. A resolution adopted August 15, 2006 by the Richmond Town Council in opposition to Ballot Question No. 1 which would amend the State Constitution to allow a casino in West Warwick is received and placed on file. (8/24/2006 Interim, Item H.)
- D. A communication dated August 21, 2006 from Councilman O'Neill regarding limitations on the number of Class A Retail Liquor Licenses in Town is received, placed on file, and the Town Council further directs \_\_\_\_\_ . (8/24/2006 Interim, Item K.)

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- E. A communication dated August 31, 2006 from Councilman O'Neill requesting the Council adopt a resolution opposing the expansion of casino gambling and the proposed constitutional amendment on the November ballot which would allow it, is received, placed on file, and the Town Council further directs \_\_\_\_\_. (8/31/2006 Interim, Item J.)
- F. A communication dated August 31, 2006 from Carl S. Levin, Esquire submitting his resume for consideration of appointment as special prosecutor for the Tasich case is received and placed on file. (9/7/2006 Miscellaneous, Item II C.)
- (CA) G. A communication dated August 30, 2006 from Governor Donald L. Carcieri informing the Town that it has been awarded a RI Community Development Block Grant in the amount of \$140,050 is received and placed on file. (9/7/2006 Miscellaneous, Item II D.)
- H. A communication dated September 5, 2006 from Bud and Louise McLeod relative to dogs being prohibited from Town parks and beaches is received, placed on file, and the Town Council further directs \_\_\_\_\_. (9/7/2006 Miscellaneous, Item II E.)
- (CA) I. A communication dated September 4, 2006 from David P. Lavalley of Dry Creek Farm Way concerning drainage problems affecting his home and the surrounding area is received, placed on file, and referred to the Planning Director and Public Services Director for review. (9/7/2006 Miscellaneous, Item I.)
- J. A communication dated September 6, 2006 from Councilman Tasich requesting the Council adopt a resolution concerning insurance companies non-renewal and cancellation policies based on geographic location of properties, is received, placed on file, and the Town Council further directs \_\_\_\_\_. (9/7/2006 Miscellaneous, Item II J.)

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

**9. COMMENTS FROM INTERESTED CITIZENS**

**10. TOWN MANAGER’S REPORT**

**11. TOWN SOLICITOR’S REPORT**

**12. APPOINTMENTS**

- A. A resolution appointing \_\_\_\_\_ to the \_\_\_\_\_ Board/Committee/Commission for a term to expire in \_\_\_\_\_.

**13. NEW BUSINESS**

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

CLASS B LIMITED LIQUOR LICENSE

Transfer of a Class B Limited Liquor License from Bergan Holding Corp., formerly known as D.B.’s Pizza, Inc., 546 Kingstown Road, Wakefield by David Bergan, President to Loomis Holding Corp. d/b/a D.B.’s Pizza, 546 Kingstown Road, Wakefield by Chace Loomis, President for Unit #4, first floor dining area (tables only) in accordance with a Special Exception granted by the Zoning Board of Review on January 20, 1988; and as further defined in a site plan on file in the Town Clerk’s Office.

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- B.** A resolution authorizing an award of bid to Liberty Chevrolet, Inc., 90 Bay State Road, Wakefield, MA 01880 for the purchase of one 2007 Chevrolet 4x4 pickup truck with utility body in accordance with all bid specifications, in an amount not to exceed \$29,142, including trade-in; and as further described in a memorandum from the Director of Parks and Recreation to the Town Manager dated September 5, 2006 and entitled: “Bid Recommendation for 4x4 Pick-up Truck w/ Utility Body.”
- (CA) C.** A resolution rejecting all bids received on June 2, 2006 for a 14” brush chipper, as further described in a memorandum from the Public Services Director to the Town Manager dated September 1, 2006 and entitled: “Brush Chipper – Bid Recommendation.”
- D.** A resolution authorizing an award of bid to JJ Gregory & Son, Inc., 77 Highland Avenue, East Providence, RI 02914 for a Woodmark 2114 wood chipper in an amount not to exceed \$29,000; and as further described in a memorandum from the Public Services Director to the Town Manager dated September 1, 2006 and entitled: “Brush Chipper – Bid Recommendation.”
- E.** A resolution authorizing an award of bid to Liberty Chevrolet, Inc., 90 Bay State Road, Wakefield, MA 01880 for a 2006 Chevrolet four-wheel drive utility body truck with lift gate and snowplow, in an amount not to exceed \$32,742; and as further described in a memorandum from the Public Services Director to the Town Manager dated September 1, 2006 and entitled: “Utility Body Truck – Bid Recommendation.”
- F.** A resolution authorizing an award of bid to Liberty Chevrolet, Inc., 90 Bay State Road, Wakefield, MA 01880 for a 2007 Chevrolet Equinox SUV in an amount not to exceed \$21,282; and as further described in a memorandum from the Public Services Director to the Town Manager dated September 1, 2006 and entitled: “Sport Utility Vehicle – Bid Recommendation.”
- G.** A resolution authorizing the amendment of an award of bid originally granted on May 23, 2005 to Safety Marking Inc., 460 Bostwick Avenue, Bridgeport, CT 06605 for municipal road striping services using waterborne paint and epoxy from an amount not to exceed \$40,000 to an amount not to exceed \$80,000; and as further described in a memorandum from the Public Services Director to the Town Manager dated September 5, 2006 and entitled: “Regional Road Striping Program – Contract Extension.”

- H. A resolution authorizing the engagement of attorney \_\_\_\_\_ to serve as Special Legal Counsel for prosecution of misdemeanor charges pending in the 4<sup>th</sup> Division Court against Paul Tasich and Kimberly Tasich; and as further described in a memorandum from the Police Chief to the Town Manager dated August 16, 2006 and entitled: "Request – Town Council Appointment of Special Prosecutor – Tasich Matters."
- (CA) I. A proclamation recognizing the 20<sup>th</sup> anniversary of The Village at Worden's Pond, as follows:

**THE VILLAGE AT WORDEN'S POND**

**WHEREAS, THE VILLAGE AT WORDEN'S POND**, formerly known as Tuckertown Village is celebrating its 20<sup>th</sup> year as a senior adult community, and

**WHEREAS**, in the early 1970's Roland Fiore, Sr. purchased over 350 acres of land and developed it as a senior adult manufactured home community, and

**WHEREAS**, the last of these manufactured homes will be built this spring, bringing the total to 230 manufactured homes in the Village, and

**WHEREAS**, the Village is nestled in the woods across from scenic Worden's Pond, and

**WHEREAS**, it is recognized that a great deal of care was taken to preserve old growth trees and as much of the natural landscape as possible, that together with the carefully planned home placement and accompanying landscaping, the net effect is both aesthetically pleasing and enjoyable to the homeowners, and

**WHEREAS**, the homeowners within the Village enjoy the many community activities that are sponsored throughout the year, both at the community clubhouse and beyond the Village border.

**NOW THEREFORE WE THE TOWN COUNCIL OF THE TOWN OF SOUTH KINGSTOWN** do hereby extend our congratulations on your 20<sup>th</sup> anniversary of operation to both the owners and the residents of **The Village at Worden's Pond** and wish you continued success in the future.

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- J. A resolution authorizing an award of bid to Arden Engineering Construction, LLC, 505 Narragansett Park Drive, Pawtucket, RI 02861 for replacement of the steam boiler system and steam trap for the Peace Dale Library in an amount not to exceed \$32,000, including a contingency; and as further described in a memorandum from the Town Manager to the Town Council dated September 7, 2006 and entitled: "Peace Dale Library – Boiler Replacement" and a memorandum from the Building Official to the Town Manager dated September 6, 2006 and entitled: "Peace Dale Library – Boiler Replacement Bids."
  
  - (CA) K. Any New Business added to the Agenda subsequent to this is hereby added by majority vote, in accordance with RIGL §42-46-6 (b) Notice --...  
"Nothing contained herein shall prevent a public body, other than a school committee, from adding additional items to the agenda by majority vote of the members. Such additional items shall be for informational purposes only and may not be voted on except where necessary to address an unexpected occurrence that requires immediate action to protect the public or to refer the matter to an appropriate committee or to another body or official."
- 14. CLOSED EXECUTIVE SESSION**
- A. A Closed Executive Session pursuant to RIGL §42-46-5(a)(2) to discuss matters pertaining to collective bargaining or litigation.