

AGENDA

TOWN OF SOUTH KINGSTOWN

RHODE ISLAND



TOWN COUNCIL

REGULAR SESSION

7:30 PM

TOWN COUNCIL CHAMBERS
180 HIGH STREET
WAKEFIELD, RI

MONDAY, SEPTEMBER 14, 2009

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: 9/9/2009

**AGENDA – Regular Session
Town of South Kingstown
September 14, 2009
Page 1**

1. A. **INTERVIEWS – 6:30 PM**
- B. **WORK SESSION – 6:45 PM**
- C. **REGULAR SESSION – 7:30 PM**
2. **PLEDGE OF ALLEGIANCE TO THE FLAG**
3. **ROLL CALL**
4. **APPROVAL OF MINUTES OF PREVIOUS MEETINGS**
 - A. **Work Session – August 12, 2009**
 - B. **Regular Session – August 12, 2009**
 - C. **Closed Executive Session – August 12, 2009 – Approve and open the portion that pertains to the IBPO labor contract.**
5. **CONSENT AGENDA**

* * * * *

- I. Rule 10A. for the conduct of the meetings of the South Kingstown Town Council for the Term 2008 through 2010: Members of the public shall be entitled to speak at regular meetings during any period designated on the agenda for public comment, once, for a period of five minutes, or longer at the discretion of the President, and at other times when invited to do so by the President. The public shall address their comments to the question under debate as indicated on the agenda. Pursuant to RI General Laws §42-46-6(b), public comment regarding subject matter not on the agenda but received during the public participation portion of a meeting shall be for information purposes only and may not be voted on except where necessary to address an unexpected occurrence that requires immediate action to protect the public or to refer the matter to an appropriate committee or to another body or official.
- II. Rule 11: No item of business other than that of adjournment may be brought before the Town Council at any meeting unless such an item is introduced before 11:00 PM; provided, however, that this rule may be suspended by an affirmative vote of a majority of members present.
- III. Rule 13: All items listed with a (CA) are to be considered routine by the Town Council and will be enacted by one motion. There will be no separate discussion of these items unless a member of the Council, or a member of the public so requests, in which event the item will be removed from Consent Agenda (CA) consideration and considered in its normal sequence on the agenda.

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

AGENDA – Regular Session
Town of South Kingstown
September 14, 2009
Page 2

6. LICENSES

- A.** A resolution granting a Miscellaneous Peddler License to DOUG’S DOGS, 33 Red Feather Trail North, Wakefield, RI 02879. Application by P. Douglas Miro, 33 Red Feather Trail North, Wakefield, RI 02879; New.
- (CA) B.** A resolution granting a Miscellaneous Permit to conduct the 10th annual “Gear & Beer” 5K Road Race to benefit the South County Chapter of the Special Olympics on Sunday, November 22, 2009 at 12 PM to DAVID BARNES DEVELOPMENT, INC. d/b/a MEWS TAVERN, 456 Main Street, Wakefield, RI 02879 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. Application by Daniel Rubino, Vice President, PO Box 5179, Wakefield, RI 02880; Renewal.

7. COMMUNICATIONS

- (CA) A.** A communication dated July 29, 2009 from Mary E. Asselin, Executive Director, Housing Authority of the Town of South Kingstown providing information regarding the recent improvements to their Voucher Programs and the Public Housing units is received and placed on file. (8/13/2009 Interim, Item C.)
- (CA) B.** A communication dated August 7, 2009 from Charles P. Iacono, Vice President of Philanthropy, Home & Hospice Care of RI thanking the Town for its funding contribution is received and placed on file. (8/13/2009 Interim, Item D.)
- (CA) C.** A communication dated July 30, 2009 from Governor Donald L. Carcieri announcing that a Community Development Block Grant will be awarded to the Town in the amount of \$249,990 to fund eleven activities that address housing, employment opportunity and community facilities and services that target low and moderate individuals and families, is received and placed on file. (8/13/2009 Interim, Item F.)
- (CA) D.** A communication dated August 4, 2009 from the Middletown Town Clerk seeking support for that Town Council’s resolution adopted August 3, 2009 requesting the General Assembly to enact legislation criminalizing prostitution, is received and placed on file. (8/20/2009 Interim, Item C.)

AGENDA – Regular Session
Town of South Kingstown
September 14, 2009
Page 3

- (CA) E.** A communication dated August 26, 2009 from the Portsmouth Town Clerk seeking support for that Town Council’s resolution adopted August 24, 2009 opposing the reinstatement of a toll on the Mount Hope Bridge is received and placed on file. (9/3/2009 Interim, Item C.)
- F.** A communication dated June 24, 2009 from Charles R. Reich requesting a waiver of interest on a late tax payment is received, placed on file, and the Town Council further directs _____. (9/10/2009 Miscellaneous, Item II C.)
- (CA) G.** A resolution adopted August 20, 2009 by the Gloucester Town Council in support of the U.S. Supreme Court opinion in *Carciere v. Salazar* upholding State and local control of land use is received and placed on file. (9/3/2009 Interim, Item E.)
- H.** Resolutions adopted August 26, 2009 by the Burrillville Town Council in opposition to Senate Bill 2009 – S0713 An Act Relating to Labor and Labor Relations – Certified School Teacher Arbitration and in opposition to Senate Bill 2009 – S1012 An Act Relating to Towns and Cities – General Powers that would mandate consolidation of certain municipal departments are received, placed on file, and the Town Council further directs _____. (9/3/2009 Interim, Item F.)
- I.** A communication from the Providence Second Deputy City Clerk seeking support for that City Council’s resolution adopted September 3, 2009 recognizing the month of September as “Ovarian Cancer Awareness Month” is received, placed on file, and the Town Council further directs _____. (8/27/2009 Interim, Item E.)
- J.** A communication dated August 27, 2009 from the East Greenwich Town Clerk seeking support for that Town Council’s resolution adopted August 24, 2009 opposing mandatory binding arbitration on monetary matters for school teachers is received, placed on file, and the Town Council further directs _____. (9/3/2009 Interim, Item D.)
- (CA) K.** A communication dated August 26, 2009 from Christopher J. Fox, Executive Director, Wood-Pawcatuck Watershed Association providing information regarding the Upper Pawcatuck River Fish Passage Restoration Project is received and placed on file. (9/10/2009 Miscellaneous, Item II E.)

**AGENDA – Regular Session
Town of South Kingstown
September 14, 2009
Page 4**

- (CA) L.** A communication dated September 8, 2009 from Beth Leconte, Executive Director, South County YMCA inviting Council members to participate in a walk on the Bike Path on September 23, 2009 to celebrate “America on the Move Week” is received and placed on file. (9/10/2009 Miscellaneous, Item II F.)

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

8. COMMENTS FROM INTERESTED CITIZENS

9. TOWN MANAGER’S REPORT

10. TOWN SOLICITOR’S REPORT

11. APPOINTMENTS

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

12. NEW BUSINESS

- (CA) A.** A resolution authorizing the Town Clerk to advertise by reference for Order of Notice a Public Hearing relative to proposed amendments to the Town Code, Chapter 11 Nuisances, Article I. In General, Section 11-1. Certain conditions declared nuisances and prohibited, and Section 11-2. Abatement of nuisances.
- B.** A resolution authorizing the Town Manager to enter into, and execute, a one (1) year sludge disposal contract with the RI Resource Recovery Corporation, 65 Shun Pike, Johnston, RI 02919-4512 for the disposal of municipal wastewater sludge for the period July 1, 2009 through June 30, 2010; and as further described in a memorandum from the Public Services Director to the Town Manager dated August 18, 2009 and entitled: “RI Resource Recovery Corporation (RIRRC) Sludge Disposal Contract for FY 2009-10.”
- C.** A resolution authorizing an award of bid to Aqua Solutions, Inc., 154 West Grove Street, Unit D, Middleboro, MA 02346 for a JWC Environmental Muffin Monster Model #30004T-1206-DI electric in-line grinder in an amount not to exceed \$19,187; and as further described in a memorandum from the Public Services Director to the Town Manager dated August 18, 2009 and entitled: “Bid Recommendation – Electric In-Line Grinder.”
- D.** A resolution authorizing the Tax Assessor to abate taxes in the total amount of \$14,224.32, as shown on Tax Abatement Request No. 448.
- (CA) E.** A resolution authorizing the Finance Director to refund taxes in the total amount of \$3,517.88, as shown on Tax Refund Request Nos. 871-874.

AGENDA – Regular Session
Town of South Kingstown
September 14, 2009
Page 6

- F. A resolution authorizing a Mutual Aid Agreement for Non-Emergency Police Power as follows:

WHEREAS, the Rhode Island General Assembly has enacted R.I.G.L. 45-42-2, which allows the chiefs of local police departments to enter into reciprocal non-emergency aid agreements with other local police departments which share jurisdictional lines; and

WHEREAS, any such agreement entered into by a local police department must be approved by the Town Council by resolution in order to be effective; and

WHEREAS, the borders of the Town of South Kingstown with neighboring towns and cities are irregular and disjointed, and in some criminal and traffic cases, charges have been dismissed due to jurisdictional issues; and

WHEREAS, the establishment of mutual aid agreements with neighboring police departments will result in improved services to the community, clear guidelines of jurisdictional authority and a better relationship with our neighboring police departments; and

WHEREAS, mutual aid agreements have been developed for the Towns of South Kingstown and Charlestown, and are ready for review by the Town Council; and

WHEREAS, this is a matter of importance to the health, safety and welfare of the citizens of the Town of South Kingstown.

NOW THEREFORE BE IT RESOLVED that the Town Council hereby approves the mutual aid agreement between the South Kingstown Police Department and the Charlestown Police Department in the form approved by the Rhode Island Interlocal Risk Management Trust.

The Town Clerk is directed to forward a copy of this resolution to Chief Vincent Vespia of the South Kingstown Police Department, to the Town Council of the Town of Charlestown, to Chief Jack M. Shippee of the Charlestown Police Department, and to Colonel Brendan P. Doherty, Superintendent of the Rhode Island State Police.

This resolution shall take effect upon passage.

**AGENDA – Regular Session
Town of South Kingstown
September 14, 2009
Page 7**

- G.** A resolution authorizing an extension of an award of bid originally granted on February 28, 2005 and extended on March 27, 2006, February 12, 2007, February 25, 2008 and September 22, 2008 to MHQ Municipal Supply, 401 Elm Street, Marlborough, MA 01752 for soft body armor through December 31, 2011, in accordance with the terms and conditions of the original bid specifications, as modified by the vendor on April 11, 2008 to reflect manufacturer upgrades to the original model vests, as well as providing the alternate option vest for female officers, and at the unit prices stated below:

Safariland Gold 3A – GX-III.A.0, with extra carrier	\$786
American Body Armor – Xtreme HP 3A – XHP-III.A.0, with extra carrier	\$776
Safariland Savvy Retro Vest – FEM PST – IIIA 1.1, with extra carrier	\$776

And as further described in a memorandum from the Police Chief to the Town Manager dated September 1, 2009 and entitled: “Recommendation for Additional Bid Extension – Soft Body Armor.”

- H.** A resolution directing staff to prepare and submit a grant application to the Rhode Island Economic Development Corporation requesting funds from the Rhode Island Renewable Energy Fund to undertake a technical feasibility study to identify sites in Town that could potentially support sustainable wind power generation facilities; as further described in a memorandum from Principal Planner Nickerson to the Town Manager dated September 8, 2009 and entitled: “Renewable Energy Fund Grant Application.”
- (CA) I.** Any New Business added to the Agenda subsequent to this is hereby added by majority vote, in accordance with RIGL §42-46-6 (b) Notice --... “Nothing contained herein shall prevent a public body, other than a school committee, from adding additional items to the agenda by majority vote of the members. Such additional items shall be for informational purposes only and may not be voted on except where necessary to address an unexpected occurrence that requires immediate action to protect the public or to refer the matter to an appropriate committee or to another body or official.”