

AGENDA

TOWN OF SOUTH KINGSTOWN

RHODE ISLAND



TOWN COUNCIL

REGULAR SESSION

7:30 PM

TOWN COUNCIL CHAMBERS
180 HIGH STREET
WAKEFIELD, RI

MONDAY, OCTOBER 25, 2010

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: 10/21/2010

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1. A. **WORK SESSION – 6:45 PM**
- B. **REGULAR SESSION – 7:30 PM**
2. **PLEDGE OF ALLEGIANCE TO THE FLAG**
3. **ROLL CALL**
4. **APPROVAL OF MINUTES OF PREVIOUS MEETINGS**
 - A. **Work Session – October 12, 2010**
 - B. **Regular Session – October 12, 2010**
5. **CONSENT AGENDA**

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- I. Rule 10A. for the conduct of the meetings of the South Kingstown Town Council for the Term 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.”

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6. LICENSES

- A.** A resolution granting a Holiday Sales License to TOWER HILL GAS STATION INC., 4087 Tower Hill Road, Wakefield, RI 02879 subject to approval by the Fire Chief. Application by Michael P. Casey, President, 25 Yellow Birch Road, Narragansett, RI 02882; New.
- B.** A resolution granting a Holiday Sales License to OF CORSETS LINGERIE! LLC, 227 Robinson Street, Wakefield, RI 02879 subject to approval by the Fire Chief. Application by Barbara Bryers, 100 Sleepy Hollow Lane, Wakefield, RI 02879; New.
- C.** A resolution granting Victualling and Holiday Sales Licenses to ORBIE'S MARKET, 396 Main Street, Wakefield, RI 02879 subject to approval by the Fire Chief. Application by John Hammond, 188 Kingstown Road, Narragansett, RI 02882; New.
- (CA) D.** A resolution granting Victualling Licenses for the year beginning December 1, 2010 to the following; Renewals:

 - BLUEBIRD CAFÉ INC., 554 Kingstown Road, Wakefield, RI 02879 subject to approval by the Fire Chief. Application by Robert B. Shumaker, 17 Nichols Road, Kingston, RI 02881.
 - JK FUTURE CORPORATION d/b/a THAI PEPPER, 249 Main Street, Wakefield, RI 02879 subject to approval by the Fire Chief. Application by Kanyarat Parisi, President, 130 Meetinghouse Lane, Ledyard, CT 06339.
 - KHMER WORLD INC. d/b/a BUBBLE TEA HOUSE, 99 Fortin Road, Suite 104, Kingston, RI 02881 subject to approval by the Fire Chief. Application by Somaly Khoy, 64 Morgan Street, Cranston, RI 02920.
- (CA) E.** A resolution granting Victualling and Holiday Sales Licenses for the year beginning December 1, 2010 to the following; Renewals:

 - JOOLS LLC d/b/a JAVA MADNESS, 134 Salt Pond Road, Wakefield, RI 02879 subject to approval by the Fire Chief. Application by Mark Lahoud, 319 Waites Corner Road, P.O. Box 185, West Kingstown, RI 02892.

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RAVI FOOD MART, 79 Old Tower Hill Road, Wakefield, RI 02879 subject to approval by the Fire Chief. Application by Muhammad Jamil, 10 King Arthur Drive #120, Niantic, CT 06357.

SHORT-N-SWEET, 99 Fortin Road, Kingston, RI 02881 subject to approval by the Fire Chief. Application by Gail Elliott, 503 West Avenue, Pawtucket, RI 02860.

STARBUCKS COFFEE #2798, 600 Kingstown Road, Wakefield, RI 02879 subject to approval by the Fire Chief. Application by Mary Her, Tax Department, P.O. Box 34442, Seattle, WA 98124.

STORE 4 LLC, 673 Kingstown Road, Wakefield, RI 02879 subject to approval by the Fire Chief. Application by Ellen Cesario, 141 Woodruff Avenue, Wakefield, RI 02879.

(CA) F. A resolution granting Victualling, Holiday Sales and Motion Picture Theatre Licenses for the year beginning December 1, 2010 to SOUTH KINGSTON CINEMAS LLC d/b/a ENTERTAINMENT CINEMAS, 30 Village Square Drive, Wakefield, RI 02879 subject to approval by the Fire Chief. Application by Joseph Armstrong, 7 Central Street, South Easton, MA 02375; Renewals.

(CA) G. A resolution granting Holiday Sales Licenses for the year beginning December 1, 2010 to the following; Renewals:

BELLE VUE YACHTING CENTER LLC, 392 D Gooseberry Road, Wakefield, RI 02879 subject to approval by the Fire Chief. Application by Don Vivenzio, General Manager, P.O. Box 38, Peace Dale, RI 02883.

CHESHIRE CATS, 333 Main Street, Wakefield, RI 02879 subject to approval by the Fire Chief. Application by Jeanne A. Dubilewski, 25 Prospect Avenue, Narragansett, RI 02882.

FASHION BUG #787, 160B Old Tower Hill Road, Wakefield, RI 02879 subject to approval by the Fire Chief. Application by Dorothea Pirolli, BSC Tax Department, 3750 State Road, Bensalem, PA 19020.

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FEET FIRST, 153 Old Tower Hill Road, Wakefield, RI 02879 subject to approval by the Fire Chief. Application by Kenneth Richmond, Vice President, Diversified Retailers Inc., 16A Edgewood Farm Road, Wakefield, RI 02879.

JANEESKA, 343 B Main Street, Wakefield, RI 02879 subject to approval by the Fire Chief. Application by Janice Lesniak, 34 Peace Pipe Trail, Wakefield, RI 02879.

MANCO HOLDINGS d/b/a CARTRIDGE WORLD, 50 South County Commons Way Unit B, Wakefield, RI 02879 subject to approval by the Fire Chief. Application by Michael Mancuso, 41 Harbour Terrace, East Greenwich, RI 02818.

PAYLESS SHOESOURCE #5527, 160 Old Tower Hill Road, Wakefield, RI 02879 subject to approval by the Fire Chief. Application by Cheryl Falk, Tax Supervisor, P.O. Box 1249, Topeka, KS 66601-1249.

PLEASANTRIES FLOWER SHOP, INC., 102 Main Street, Wakefield, RI 02879 subject to approval by the Fire Chief. Application by Meredith Masson, 90 Main Street, Wakefield, RI 02879.

RL AUTO GROUP d/b/a SPEEDCRAFT VOLKSWAGEN, 104 Old Tower Hill Road, Wakefield, RI 02879 subject to approval by the Fire Chief. Application by Roderick Lichtenfels, 800 Waterman Avenue, East Providence, RI 02914.

SPIRIT RECOGNITION INC. d/b/a UNIVERSITY SPIRIT, 99 Fortin Road, Kingston, RI 02881 subject to approval by the Fire Chief. Application by Robert Marshall, President, P.O. Box 3006, Pawtucket, RI 02861-0506.

STAPLES THE OFFICE SUPERSTORE, 160 Old Tower Hill Road, Wakefield, RI 02879 subject to approval by the Fire Chief. Application by Nancy White, 500 Staples Drive, Framingham, MA 01702.

STEWART NURSERY CO. INC., 61 Tuckertown Road, Wakefield, RI 02879 subject to approval by the Fire Chief. Application by Kyle S. Stewart, President, 3714 B Kingstown Road, West Kingston, RI 02892.

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TREASURES UNIQUE, 854 Matunuck Beach Road, Wakefield, RI 02879 subject to approval by the Fire Chief. Application by Kristyn DeDonato, 3 Oakledge Road, Cumberland, RI 02864.

WAKEFIELD MUSIC CO., 58 Main Street, Wakefield, RI 02879 subject to approval by the Fire Chief. Application by Dennis Costa, 62 B Point Avenue, Wakefield, RI 02879.

ZERO WAMPUM, 161 Old Tower Hill Road, Wakefield, RI 02879 subject to approval by the Fire Chief. Application by Kenneth Richmond, Vice President, Diversified Retailers Inc., 16A Edgewood Farm Road, Wakefield, RI 02879.

- (CA) H.** A resolution granting Tourist Accommodation and Holiday Sales Licenses for the year beginning December 1, 2010 to SOUTH COUNTY COMMONS HOSPITALITY, LLC d/b/a HAMPTON INN – SOUTH KINGSTOWN, 20 Hotel Drive, Wakefield, RI 02879 for 100 spaces, 372 persons, subject to approval by the Fire Chief. Application by Marc A. Landry, 20 Hotel Drive, Wakefield, RI 02879; Renewals.
- (CA) I.** A resolution granting Farm Retail Sales and Holiday Sales Licenses for the year beginning December 1, 2010 to FARMER’S DAUGHTER LLC, 716 Mooresfield Road, Wakefield, RI 02879 subject to approval by the Fire Chief. Application by Sarah Partyka, 952 Mooresfield Road, Wakefield, RI 02879; Renewals.
- (CA) J.** A resolution granting Laundry and Holiday Sales Licenses for the year beginning December 1, 2010 to KINGSTON CLEANERS d/b/a PIER CLEANERS, 50 High Street, Wakefield, RI 02879 subject to approval by the Fire Chief. Application by Larry Fish, 98 Cedar Hollow Road, Wakefield, RI 02879; Renewals.
- (CA) K.** A resolution granting a Farm Produce License for the year beginning December 1, 2010 to EVERGREEN ACRES, Liberty Lane, West Kingston, RI 02892. Application by Herbert H. Roberts Jr. and Edith E. Roberts, 3000 South County Trail, West Kingston, RI 02892; Renewal.
- (CA) L.** A resolution granting a Firearms and Ammunition License for the year beginning December 1, 2010 to UNIVERSAL FIREARMS, LTD., 265 Main Street, Wakefield, RI 02879. Application by Henry Almonte, Jr., 337 Post Road, Wakefield, RI 02879; Renewal.

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(CA) M. A resolution granting a Miscellaneous Peddler License for the year beginning December 1, 2010 to JACK'S ICE CREAM, 110 Winsor Avenue, North Kingstown, RI 02852. Application by John P. McGarry, Jr., 110 Winsor Avenue, North Kingstown, RI 02852; Renewal.

(CA) N. A resolution granting a Private Detective License for the year beginning December 1, 2010 to JOHN JAMES SULLIVAN, 21 Noel Court, Wakefield, RI 02879. Application by John James Sullivan, 21 Noel Court, Wakefield, RI 02879; Renewal.

(CA) O. A resolution granting Tourist Accommodation Licenses for the year beginning December 1, 2010 to the following; Renewals:

ROBERT B. & SUSAN CLENDENEN d/b/a SILVER LAKE COTTAGE, 361 Woodruff Avenue, Wakefield, RI 02879 for 5 spaces, 10 persons subject to approval by the Fire Chief. Application by Robert B. Clendenen, 361 Woodruff Avenue, Wakefield, RI 02879; Renewal.

MEYER HOUSE LLC, 592 Matunuck School House Road, Wakefield, RI 02879 for 2 spaces, 4 persons subject to approval by the Fire Chief. Application by Heather Meyer, 592 Matunuck School House Road, Wakefield, RI 02879; Renewal.

(CA) P. A resolution granting Trailer Parks – Mixed Use Facilities Licenses for the year beginning December 1, 2010 to the following; Renewals:

MATUNUCK BEACH TRAILER ASSOCIATION, 811 Matunuck Beach Road, Wakefield, RI 02879 for 22 spaces. Application by Stephen E. Reed, President, 55 Scott Drive, P.O. Box 1269, Alton, NH 03809.

SHORE LINE REALTY CO. INC. d/b/a WAKAMO PARK, 697 Succotash Road, Wakefield, RI 02879 for 30 spaces. Application by Miriam Walka, President, 36 Sherwood Lane, Norwich, CT 06360.

WORDEN POND FAMILY CAMPGROUND, 416 A Worden Pond Road, Wakefield, RI 02879 for 200 spaces. Application by Mark P. Tucker, President, 416 Worden Pond Road, Wakefield, RI 02879.

7. COMMUNICATIONS

- (CA) A.** A communication dated October 5, 2010 from Spencer Dickinson requesting that he not be reappointed to the Conservation Commission and thanking the Town Council for having given him the opportunity to serve on that board is received and placed on file. (10/14/2010 Interim, Item C.)
- (CA) B.** A communication dated October 7, 2010 from Steven M. Pinch, Deputy Chief, Union Fire District thanking Council members for attending their annual Firefighter Memorial Service is received and placed on file. (10/14/2010 Interim, Item D.)
- C.** A communication received October 20, 2010 from Councilman James O’Neill requesting adoption of a resolution concerning the School Committee’s teachers’ contract negotiations with the National Education Association (NEA) is received, placed on file, and the Town Council further directs _____. (10/21/2010 Miscellaneous, Item II F.)
- (CA) D.** 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 that a claim filed by John T. D'Amico, Jr., Esquire on behalf of his client, Louis Ricci relative to property located at 982 Saugatucket Road be referred to the Town Solicitor and the Town's insurance carrier.
- (CA) B.** A resolution adopting a proclamation recognizing Daniel R. Barry for his service as a member of the Board of Directors of the South Kingstown Chamber of Commerce, as follows:

DANIEL R. BARRY

WHEREAS, DANIEL R. BARRY has been a member of the South Kingstown Chamber of Commerce since 2004, representing his company Daniel R. Barry & Associates, and

WHEREAS, he served on the Board of Directors of the Chamber of Commerce from 2007 to 2010, and

WHEREAS, during his tenure he was totally involved and focused playing a major role as the Capital Campaign Consultant prior to the opening of the new South Kingstown Chamber of Commerce Tourist and Information Center in Wakefield, and

WHEREAS, many Chamber events, workshops, networking opportunities were successful and developed with a total board and staff commitment as a result of **his** service, and

WHEREAS, he extended his service to the South Kingstown Chamber of Commerce for the last six years with professionalism, personal commitment and with a sense of enjoyment.

NOW, THEREFORE WE THE TOWN COUNCIL OF THE TOWN OF SOUTH KINGSTOWN do hereby extend our thanks and appreciation to **DANIEL R. BARRY** for his contributions and devoted service to the South Kingstown Chamber of Commerce and wish him well in all of his future endeavors.

- (CA) C.** A resolution adopting a proclamation recognizing Thomas H. Mitchell for his service as a member of the Board of Directors of the South Kingstown Chamber of Commerce, as follows:

THOMAS H. MITCHELL

WHEREAS, THOMAS H. MITCHELL has been a member of the South Kingstown Chamber of Commerce Board of Directors since 2007, as a representative of the University of Rhode Island, and

WHEREAS, the Chamber benefitted from **his** expertise in delivering educational opportunities and warm comfortable hospitality as the Director of the W. Alton Jones Campus of the University of Rhode Island, and

WHEREAS, during **his** tenure he brought solid and visionary support to the Chamber's Finance Committee, and

WHEREAS, many Chamber events, workshops, networking opportunities were successful and developed with a total board and staff commitment during **his** Chamber tenure, and

WHEREAS, he extended his service to the South Kingstown Chamber of Commerce for the last three years with professionalism, personal commitment and with a sense of enjoyment.

NOW, THEREFORE WE THE TOWN COUNCIL OF THE TOWN OF SOUTH KINGSTOWN do hereby extend our thanks and appreciation to **THOMAS H. MITCHELL** for his contributions and devoted service to the South Kingstown Chamber of Commerce and wish him well in all of his future endeavors.

- (CA) D.** A resolution adopting a proclamation recognizing John W. Stadtler, Jr. for his service as a member of the Board of Directors of the South Kingstown Chamber of Commerce, as follows:

JOHN W. STADTLER, JR.

WHEREAS, JOHN W. STADTLER, JR. has been a member of the South Kingstown Chamber of Commerce since 2004, representing John J. Clarke Insurance Company, and

WHEREAS, he served on the Board of Directors of the Chamber of Commerce from 2007 to 2010, and

WHEREAS, during **his** tenure he was active in economic development issues, the membership committee and supported the many fundraising activities sponsored by the Chamber of Commerce, and

WHEREAS, many Chamber events, workshops, networking opportunities were successful and developed with a total board and staff commitment as a result of **his** service, and

WHEREAS, **he** extended his service to the South Kingstown Chamber of Commerce for the last six years with professionalism, personal commitment and with a sense of enjoyment.

NOW, THEREFORE WE THE TOWN COUNCIL OF THE TOWN OF SOUTH KINGSTOWN do hereby extend our thanks and appreciation to **JOHN W. STADTLER, JR.** for his contributions and devoted service to the South Kingstown Chamber of Commerce and wish him well in all of his future endeavors.

- (CA) E.** A resolution authorizing the Town Clerk to advertise for Order of Notice a Public Hearing relative to a proposed amendment to the Zoning Ordinance, Article 8. Signs, Section 803. *Signs prohibited in all zoning districts*, Section 803 B. *Flashing signs* that would extend the sunset provision from the current date of November 22, 2010 for an additional six-month period.

- (CA) F.** A resolution authorizing the Town Clerk to advertise for Order of Notice a Public Hearing relative to a proposed amendment to the Zoning Ordinance, Article 12. Definitions concerning definition (142) *Yield plan*.

- G.** A resolution authorizing an award of contract to Robinson Green Beretta Corporation, 50 Holden Street, Suite 300, Providence, RI 02908 for consulting architectural/engineering services to prepare detailed plans and specifications and probable cost estimates in an amount not to exceed \$19,800; and as further described in a memorandum from the Director of Leisure Services to the Town Manager dated October 18, 2010 and entitled: “Adult Day Services Addition Project – Architectural/Engineering Services Recommendation.”

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- H. A resolution authorizing the Town Manager to enter into an agreement with the Rhode Island Clean Water Finance Agency to obtain an additional \$1,000,000 in financing under the Community Septic System Loan Program; and as further described in a memorandum from the Finance Director to the Town Manager dated October 20, 2010 and entitled: “Community Septic System Loan Program Authority.”
- I. A resolution authorizing an amendment to an award of contract originally granted on July 13, 2009 to High Tech Construction Inc., 888 Lonsdale Avenue, Central Falls, RI 02863 for construction of the new Animal Shelter Facility from an amount not to exceed \$1,165,198 to an amount not to exceed \$1,195,198, including a contingency; and as further described in a memorandum from the Police Chief to the Town Manager dated October 18, 2010 and entitled: “Request for Supplemental Contingency Funds – Animal Shelter Facility Construction.”
- J. A resolution authorizing an award of bid to Smithco Oil Company, 491 Main Street, Wakefield, RI 02879 for #2 fuel oil and for maintenance/service for a one year period commencing 11/1/2010 through 10/31/2011, in accordance with the terms and conditions of the bid specifications, at the following price schedules:

#2 Fuel Oil	Maintenance/Service	Mark-up
\$0.0995/gallon	\$85/hour Regular	15%
Transportation increment	\$127.50/hour 4 PM – 8 AM	
	\$127.50/hour Saturday, Sunday and holidays	

And further authorizing the Town Manager to negotiate a Price Cap and the ability to authorize trial use of blended biodiesel fuel at other Town locations at tank car price plus transportation, if determined to be in the best interest of the Town; and as further described in a memorandum from the Financial Controller to the Town Manager dated October 20, 2010 and entitled: “#2 Fuel Oil and Maintenance Bid.”

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- (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.”