

# AGENDA

TOWN OF SOUTH KINGSTOWN

RHODE ISLAND



TOWN COUNCIL

REGULAR SESSION

5:00 PM

TOWN COUNCIL CHAMBERS  
180 HIGH STREET  
WAKEFIELD, RI

MONDAY, JULY 25, 2011

**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: 7/21/2011

1. A. **WORK SESSION – 4:30 PM**  
All items listed on Town Council agenda are subject to discussion.

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**B. REGULAR SESSION – 5:00 PM**

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

**3. ROLL CALL**

**4. APPROVAL OF MINUTES OF PREVIOUS MEETINGS**

**A. Work Session – July 11, 2011**

**B. Regular Session – July 11, 2011**

**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 2010 through 2012: 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 Victualling License to APPLE NEW ENGLAND LLC d/b/a APPLEBEE'S NEIGHBORHOOD GRILL AND BAR, 15 Commons Corner Way, Wakefield, RI 02879. Application by Lorin Cortina, Executive VP, 6200 Oak Tree Boulevard, Suite 250, Independence, OH 44131-6943; New.
- B.** A resolution granting a Victualling License to MCT INC. d/b/a CUCINA TWIST, 2095 Kingstown Road, Wakefield, RI 02879. Application by Stephen P. Marra, President, 187 Charlotte Drive, Warwick, RI 02818; New.

**7. PUBLIC HEARINGS**

- A.** 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 VICTUALLER LIQUOR LICENSE**

Transfer of a Class B Victualler Liquor License from APPLEBEE'S RESTAURANTS NORTH, LLC, 15 Commons Corner Way, Wakefield, RI 02879 by Michael J. Archer, President to APPLE NEW ENGLAND, LLC d/b/a APPLEBEE'S NEIGHBORHOOD GRILL AND BAR, 15 Commons Corner Way, Wakefield, RI 02879 by Ronald Igarashi, Secretary for the bar/lounge area, all dining areas and the patio area; and as further defined in a site plan on file in the Town Clerk's office.

Said transfer is contingent upon the issuance of Certificates of Good Standing from the Rhode Island Division of Taxation, compliance with all Town ordinances and regulations, the payment of any municipal taxes and user fees in arrears to the Town, the correction of any fire code violations, and the satisfaction of all claims.

- B.** 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 VICTUALLER LIQUOR LICENSE**

Transfer of a Class B Victualler Liquor License from PINELLI'S CUCINA TWIST, INC., 2095 Kingstown Road, Wakefield, RI 02879 by Jonathan N. Savage, Esquire as Receiver to MCT, INC. d/b/a CUCINA TWIST, 2095 Kingstown Road, Wakefield, RI 02879 by Stephen P. Marra, President for the first floor dining room, lounge and bar areas; and as further defined in a site plan on file in the Town Clerk's office.

Said transfer is contingent upon the issuance of Certificates of Good Standing from the Rhode Island Division of Taxation, compliance with all Town ordinances and regulations, the payment of any municipal taxes and user fees in arrears to the Town, the correction of any fire code violations, and the satisfaction of all claims.

- C.** A Public Hearing relative to proposed amendments to the Zoning Ordinance, as follows:

**Article 8. Signs**

Section 803. *Signs prohibited in all zoning districts* as follows:

The following signs shall not be permitted in any zoning district:

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**B. *Flashing signs.*** Signs which incorporate in any manner any flashing or moving illumination, animation or illumination which varies in color. This shall include, but not be limited to: electronic messaging boards/centers (animated or intermittent), LED (light emitting diode) type signs, digital/programmable ink and all other electronic, changeable copy signs.

~~The amendment for Section 803 B shall expire at midnight July 25, 2011.~~

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**8. COMMUNICATIONS**

- (CA) A. A communication dated July 8, 2011 from Steven C. Schimmel concerning excessive traffic noise is received, placed on file, and referred to the Police Chief. (7/14/2011 Interim, Item F.)
- (CA) B. An invitation from Governor Lincoln D. Chafee and Michael P. Lewis, Director, RI Department of Transportation to attend a dedication ceremony for the William C. O'Neill (South County) Bike Path, Phase III – Route 108 to Mumford Road to be held on July 27, 2011 at 1:30 p.m. is received and placed on file. (7/21/2011 Miscellaneous, Item II E.)
- (CA) C. 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 affirming a proclamation presented on July 15, 2011 to Bernard J. Bishop honoring him on his retirement as the Wastewater Superintendent, as follows:

**BERNARD J. BISHOP**

**WHEREAS, BERNARD J. BISHOP** was hired as Wastewater Superintendent for the Town of South Kingstown on July 15, 1985 and has served in that capacity for twenty-six years, and

**WHEREAS,** since the time of **his** appointment the accomplishments have been many, including the installation of new ultra-fine aeration panels, new high efficiency turbo aeration blowers, new boilers for the Wastewater Treatment Facility and a collection system TV Camera for inspecting the Town's sewer lines and grants totaling over \$700,000, and

**WHEREAS,** while under **BERNIE'S** supervision the Wastewater Treatment Facility has received the EPA National Operations and Maintenance Awards; second place in the nation in both 1991 and 2003 and the EPA Region I Operation and Maintenance Award in 1991, 1997, 2002, and 2007, and the Narragansett Water Pollution Control Association Operation and Maintenance awards in 2004, 2005, 2006, 2009 and 2010, and

**WHEREAS, BERNIE** has been professionally recognized having received the Alfred E. Peloquin Award in 2007 from the New England Water Environment Association; the 1988 New England Water Environment Association Operator of the Year; and the 2008 Narragansett Water Pollution Control Association's James Marvelle Award, and

**WHEREAS, he** has been recognized by his peers having served as the President of the Narragansett Water Pollution Control Association from 2006 through 2009, as the Rhode Island State Director of the New England Water Environment Association from 2003 through 2006 and 2009 through 2011, member of the Rhode Island Aquafund Advisory Council in 1988, and as the Town's Safety Committee Chairperson since its inception in 1999 through 2011, and

**WHEREAS**, in addition to his professional activities **BERNIE** has also served his community as Chairman of the Charlestown Parks and Recreation Commission for over 20 years.

**NOW THEREFORE WE THE TOWN COUNCIL OF THE TOWN OF SOUTH KINGSTOWN** do hereby extend our thanks and appreciation to **BERNARD J. BISHOP** for his contribution and devoted service to the Town of South Kingstown and wish him well in all of his future endeavors.

- (CA) B.** A resolution affirming a proclamation presented on July 17, 2011 to Erin Moss for attaining the Girl Scout Gold Award, as follows:

**ERIN MOSS**

**WHEREAS, ERIN MOSS** has devoted her time and her energy to complete the requirements of and participate in such a worthwhile organization as the Girl Scouts of the United States of America, and

**WHEREAS, she** has met the challenges of the Girl Scout program and developed her courage, confidence and character. She has demonstrated self-discipline, time management skills, originality, and initiative, and

**WHEREAS, she** has practiced daily the ideals of Girl Scouting and discovered her own values, knowledge and skills to explore the world, connected with her community, locally and globally, and has taken action to make the world a better place, and

**WHEREAS, ERIN** created an educational display about shells at the Block Island Maritime Institute. She snorkeled throughout the Great Salt Pond to collect these shells and cleansed, labeled and created a habitat for them. She also wrote a booklet and made several posters explaining who once lived in these shells. The information included several important facts about these animals. She learned about the many animals in the aquariums at the Institute and uses all this knowledge to teach many children about the wildlife that lives in the Great Salt Pond, and

**WHEREAS, she** has earned the highest honor in Girl Scouting by achieving the Gold Award bringing pride to herself and honor to her Troop #207, her family, and to her community; may this be a preview of her future dedication to a purpose and service – to pursue until she accomplishes the goal that she is seeking.

**NOW THEREFORE, WE THE TOWN COUNCIL OF THE TOWN OF SOUTH KINGSTOWN** do hereby extend our congratulations for a job well done and best wishes for success in all future endeavors.

- (CA) C.** A resolution affirming a proclamation presented on July 17, 2011 to Leigh Finan for attaining the Girl Scout Gold Award, as follows:

**LEIGH FINAN**

**WHEREAS, LEIGH** has devoted her time and her energy to complete the requirements of and participate in such a worthwhile organization as the Girl Scouts of the United States of America, and

**WHEREAS, she** has met the challenges of the Girl Scout program and developed her courage, confidence and character. She has demonstrated self-discipline, time management skills, originality, and initiative, and

**WHEREAS, she** has practiced daily the ideals of Girl Scouting and discovered her own values, knowledge and skills to explore the world, connected with her community, locally and globally, and has taken action to make the world a better place, and

**WHEREAS, LEIGH** taught life skills to the special education students during the extended school year program at her high school. She also brought the students to a movie to practice social interaction. This project addressed the issue that there are not enough activities for the specialized student in her town and that they need more real world practice with social skills, and

**WHEREAS, she** has earned the highest honor in Girl Scouting by achieving the Gold Award bringing pride to herself and honor to her Troop #207, her family, and to her community; may this be a preview of her future dedication to a purpose and service – to pursue until she accomplishes the goal that she is seeking.

**NOW THEREFORE, WE THE TOWN COUNCIL OF THE TOWN OF SOUTH KINGSTOWN** do hereby extend our congratulations for a job well done and best wishes for success in all future endeavors.

- (CA) D.** A resolution affirming a proclamation presented on July 17, 2011 to Emmah Mitrano for attaining the Girl Scout Gold Award, as follows:

**EMMAH MITRANO**

**WHEREAS, EMMAH MITRANO** has devoted her time and her energy to complete the requirements of and participate in such a worthwhile organization as the Girl Scouts of the United States of America, and

**WHEREAS, she** has met the challenges of the Girl Scout program and developed her courage, confidence and character. She has demonstrated self-discipline, time management skills, originality, and initiative, and

**WHEREAS, she** has practiced daily the ideals of Girl Scouting and discovered her own values, knowledge and skills to explore the world, connected with her community, locally and globally, and has taken action to make the world a better place, and

**WHEREAS, EMMAH** helped teach life skills to the mentally handicapped students of her school. She went in during their extended school year and brought in lessons addressing self-image, self-confidence, reading people's feelings, money handling, etc. She put these skills to the test by taking the students to the movies. The project addressed the issue of special education students not having activities interacting with people so she brought them out into the community, and

**WHEREAS, she** has earned the highest honor in Girl Scouting by achieving the Gold Award bringing pride to herself and honor to her Troop #207, her family, and to her community; may this be a preview of her future dedication to a purpose and service – to pursue until she accomplishes the goal that she is seeking.

**NOW THEREFORE, WE THE TOWN COUNCIL OF THE TOWN OF SOUTH KINGSTOWN** do hereby extend our congratulations for a job well done and best wishes for success in all future endeavors.

- (CA) E.** A resolution authorizing the Tax Assessor to abate taxes in the total amount of \$343.50 for motor vehicle minimum tax bills for the 2011 tax roll, as shown on Tax Abatement Request No. 470.

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- F.** A resolution authorizing an amendment to an award of bid originally granted on March 28, 2011 to J.H. Lynch and Sons, Inc., 270 North Road, P.O. Box 3700, Peace Dale, RI 02883 for the Matunuck School House Road Phase I – Road Reconstruction Project from an amount not to exceed \$787,704 to an amount not to exceed \$802,268; and as further described in a memorandum from the Public Services Director to the Town Manager dated July 19, 2011 and entitled “Matunuck School House Road Phase I – Road Reconstruction Project Award Amendment.”
- G.** 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, 2011 through June 30, 2012; and as further described in a memorandum from the Public Services Director to the Town Manager dated July 20, 2011 and entitled “RI Resource Recovery Corporation (RIRRC) Sludge Disposal Contract for FY 2011-12.”
- H.** A resolution authorizing the Tax Assessor to abate taxes in the total amount of \$10,511.08, as shown on Tax Abatement Request No 471.
- I.** A resolution authorizing the Town Manager to grant to Stone Cove Marina, 134 Salt Pond Road, Wakefield, RI 02879 a 5-year lease extension for use of municipal property located at Marina Park in accordance with the terms and conditions specified in the “Lease Addendum Agreement,” and as further described in a memorandum from the Director of Administrative Services to the Town Manager dated July 18, 2011 and entitled “Stone Cove Marina Lease Extension Agreement.”

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- J.** A resolution authorizing the purchase from Norton Lamb & Company, 75 Clearwater Drive, Unit 204, Falmouth, ME 04105 of a system upgrade for the Record Management, Indexing and Imaging System for the Land Evidence Records in a contract amount of \$68,614.41 with a contingency of \$3,430 for a total amount not to exceed \$72,045, in accordance with a State of Work dated June 5, 2011 and entitled “Town of South Kingstown: Statement of Work #TOSK05122011.” The equipment to be provided is in accordance with a document dated June 5, 2011 and entitled “Town of South Kingstown, Registry of Deed System Upgrade Version #2”; and as further described in a memorandum from the Town Clerk to the Town Manager dated July 11, 2011 and entitled “Replacement Equipment Record Management, Indexing and Imaging System for Land Evidence Records.”
  
- (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.”