

# AGENDA

TOWN OF SOUTH KINGSTOWN

RHODE ISLAND



TOWN COUNCIL

REGULAR SESSION

7:30 PM

TOWN COUNCIL CHAMBERS  
180 HIGH STREET  
WAKEFIELD, RI

MONDAY, MAY 14, 2012

**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: 5/10/2012

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1.    **A.    INTERVIEWS – 6:30 PM**
- B.    WORK SESSION – 6:45 PM**  
      All items listed on Town Council agenda are subject to discussion.
- 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 – April 23, 2012**
  - B.    **Regular Sessions – April 11, April 12, April 23 and April 30, 2012**
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 108 ROADHOUSE LLC, 1464 Kingstown Road, Peace Dale, RI 02879 subject to issuance of a Retail Sales Tax Permit and a Certificate of Occupancy. Application by Stuart A. Tucker, Managing Member, 55 South Road, North Kingstown, RI 02852; New.
- (CA) B.** A resolution granting Victualling and Holiday Sales Licenses to ORIGINAL VANILLA BEAN, 757 Matunuck Beach Road, Wakefield, RI 02879. Application by Richard Paolo, 22 Anthony Circle, Attleboro Falls, MA 02763; Renewal.
- (CA) C.** A resolution granting a Miscellaneous Permit to conduct the “A Race To Grow” 5K Road Race on Sunday, June 3, 2012 at 9 AM to A PLACE TO GROW, INC., 12 High 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 RIDOT approval. Application by Melissa Sposato, Executive Director, 163 Winnapaug Road, Westerly, RI 02891; Renewal.
- (CA) D.** A resolution granting a Miscellaneous Permit to conduct the 3<sup>rd</sup> annual KIAI 5K Road Race on Sunday, June 24, 2012 at 9 AM to KARATE INSTRUCTION ASSISTANCE INITIATIVE, INC. (KIAI), 228 Robinson 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 RIDOT approval. Proceeds will benefit the KIAI scholarship fund. Application by Julie M. Conte, President, 110 Cedar Hollow Road, Wakefield, RI 02879; Renewal.
- (CA) E.** A resolution granting a Miscellaneous Permit to conduct the Run 4 Kerri Road Race on Sunday, August 5, 2012 at 9 AM to THE BESSETTE FAMILY subject to the execution of a hold harmless agreement indemnifying the Town, and issuance of a Certificate of Insurance naming the Town as an additional insured in the amounts specified by the Risk Manager. Proceeds will benefit the Run 4 Kerri Scholarship Fund. Application by Kathleen M. Bessette, 78 Bedford Drive, Wakefield, RI 02879; Renewal.

**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 PUMP HOUSE INC., 1464 Kingstown Road, Peace Dale, RI 02879 by Robert W. Haberland, President to 108 ROADHOUSE LLC, 1464 Kingstown Road, Peace Dale, RI 02879 by Stuart A. Tucker, Managing Member for the main floor dining and bar areas, loft dining area and lower dining room; 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 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**

Application for a Class B Limited Liquor License by Roba Rustico LLC d/b/a Pizzeria Mezzo, 32 Old Tower Hill Road, Wakefield, RI 02879 by John Russo, Member for the bar area, counter area and dining area at tables; and as further defined in a site plan on file in the Town Clerk's Office.

- C.** A Public Hearing for public discussion relative to the need for additional liquor licenses within the community.

**8. COMMUNICATIONS**

- (CA) A.** Resolutions adopted April 23, 2012 by the Narragansett and Westerly Town Councils in support of House Bill 2012 – H 7272 that would move teacher layoff notices from March 1<sup>st</sup> to June 1<sup>st</sup> are received and placed on file. (4/26/2012 Interim, Item C. and 5/3/2012 Interim, Item C.)
- B.** A communication dated April 17, 2012 from Laurie Pansa, Director of Program and Training, Girl Scouts of RI requesting a citation for Julia Craig of Troop #554 who has earned the Girl Scout Gold Award is received, placed on file, and the Town Council further directs \_\_\_\_\_. (5/3/2012 Interim, Item B.)
- C.** A communication dated May 2, 2012 from Anthony Mega announcing his resignation from the School Committee effective July 1, 2012 is received, placed on file, and the Town Council further directs \_\_\_\_\_. (5/3/2012 Interim, Item G.)
- (CA) D.** A communication dated April 5, 2012 from Carole Potter requesting a waiver of interest on a late tax payment is received and placed on file. (5/3/2012 Interim, Item D.)
- E.** A communication dated May 3, 2012 from Cynthia Wyman, AVP, Planning & Market Development, South County Hospital Healthcare System seeking support for their position with regard to provisions in the Governor’s proposed budget pertaining to the Disproportionate Share Program and its potential effect on the financial stability of South County and Westerly Hospitals is received, placed on file, and the Town Council further directs \_\_\_\_\_. (5/3/2012 Interim, Item I.)
- F.** A communication dated May 9, 2012 from Roland Benjamin requesting consideration for appointment to the School Committee vacancy being created by Dr. Mega’s resignation is received, placed on file, and the Town Council further directs \_\_\_\_\_. (5/10/2012 Miscellaneous, Item II C.)

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- (CA) G.** 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**

- A.** A resolution affirming or amending the Town’s Liquor License Rules and Regulations, Section I. The number of licenses for each class shall be authorized as indicated below:

<u>Class</u>	<u>Number</u>
A – Retail	4 (maximum)
B – Victualler	25
B – Tavern	2
B – Limited	4
B – Hotel	1
B – M	0
C	0 (not to exceed 1 per 1,000 inhabitants)
D – Club Full Privilege	2
D – Club Limited	0
F	No limit
F-1	No limit

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- B.** A resolution authorizing an award of contract to R.E. Erickson Co., Inc., 595 Providence Highway, PO Box 191, Walpole, MA 02081 for Water Division SCADA improvements in an amount not to exceed \$23,934, including a \$3,000 contingency; and as further described in a memorandum from the Public Services Director to the Town Manager dated April 24, 2012 and entitled “Water System Superintendent Controlled and Data Acquisition (SCADA) System Replacement.”
- (CA) C.** A resolution affirming a proclamation presented on May 6, 2012 to Andrew Gannon in recognition of his attaining the Eagle Scout Award, as follows:

**ANDREW GANNON**

**WHEREAS, ANDREW GANNON**, a graduating senior at South Kingstown High School who will attend Wentworth Institute of Technology in Boston in the Fall to study Construction Management is a member of Troop #1 in Kingston and has devoted his time and his energy to complete the requirements of and participate in such a worthwhile organization as the Boy Scouts of America, and

**WHEREAS**, in **his** quest to achieve the designation of Eagle Scout his accomplishments have been many, and

**WHEREAS**, for **his** final Eagle Project, he maintained and created trails that ran through the woods at the Watson Farm located on Conanicut Island in Jamestown, linking various points of interest and facilities, and where through his efforts and coordination, the trail accessibility improvements have benefited school groups and visitors that have visited the farm, and

**WHEREAS, he** has attained the highest, most prestigious award in Boy Scouting, the Eagle Scout Award, bringing pride to himself and honor to Troop #1 Kingston, his family, and to his community; may this be a prelude of his future dedication to a purpose and service, until he accomplishes the goal he 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.

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- (CA) D.** A resolution affirming a proclamation presented on May 6, 2012 to Ryan McNaughton in recognition for his attaining the Eagle Scout Award, as follows:

**RYAN MCNAUGHTON**

**WHEREAS, RYAN MCNAUGHTON**, a graduating senior at Bishop Hendricken High School who will attend Boston University in the Fall and plans to study Biomedical Engineering is a member of Troop #1 in Kingston and has devoted his time and his energy to complete the requirements of and participate in such a worthwhile organization as the Boy Scouts of America, and

**WHEREAS**, in **his** quest to achieve the designation of Eagle Scout his accomplishments have been many, and

**WHEREAS**, for **his** final Eagle Project, he constructed a Rain Garden for the North Kingstown Chamber of Commerce to catch, filter, and soak up stormwater using native plants adapted to occasional ponding, resulting in reduced flooding, the removal of stormwater pollutants and a recharge of the groundwater, and

**WHEREAS**, **he** has attained the highest, most prestigious award in Boy Scouting, the Eagle Scout Award, bringing pride to himself and honor to Troop #1 Kingston, his family, and to his community; may this be a prelude of his future dedication to a purpose and service, until he accomplishes the goal he 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.

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- (CA) E.** A resolution affirming a proclamation presented on May 6, 2012 to Emmett Schlenz in recognition for his attaining the Eagle Scout Award, as follows:

**EMMETT SCHLENZ**

**WHEREAS, EMMETT SCHLENZ**, a graduating senior at Prout High School who will attend Loyola Marymount University in Los Angeles in the Fall to study English is a member of Troop #1 in Kingston and has devoted his time and his energy to complete the requirements of and participate in such a worthwhile organization as the Boy Scouts of America, and

**WHEREAS**, in **his** quest to achieve the designation of Eagle Scout his accomplishments have been many, and

**WHEREAS, EMMETT** is a Junior Docent of the Pettaquamscutt Historical Society and for **his** final Eagle Project, he transformed a former exhibit room into a safer home for the archives by designing a shelf layout, repainting the floors and transporting hundreds of centuries-old items from the basement to the second floor, thereby preserving the Washington County Jail's archives allowing for countless generations to research the tales of their ancestors, and

**WHEREAS, he** has attained the highest, most prestigious award in Boy Scouting, the Eagle Scout Award, bringing pride to himself and honor to Troop #1 Kingston, his family, and to his community; may this be a prelude of his future dedication to a purpose and service, until he accomplishes the goal he 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.

- F.** A resolution authorizing an award of bid to Ocean House Marina, Inc., 60 Town Dock Road, Charlestown, RI 02813 for a 2012 model year Yamaha 225 hp four-stroke outboard motor per bid specifications, complete with rigging and controls, installed, in an amount not to exceed \$16,378, including trade-in allowance; and as further described in a memorandum from the Police Chief to the Town Manager dated May 2, 2012 and entitled "Bid Recommendation – Harbor Patrol Outboard Engine Replacement – SK0003PD."

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- G.** A resolution authorizing an Award-of Contract for a three year Term Life and Accidental Death and Dismemberment contract to Minnesota Life, 400 Robert Street North, St. Paul, Minnesota, 55101 for the period of July 1, 2012 through June 30, 2015 at the rates listed below:

**July 1, 2012 to June 30, 2013**  
**July 1, 2013 to June 30, 2014**  
**July 1, 2014 to June 30, 2015**

1. All Municipal Employees...\$.155/thousand/person/month
2. All Retirees (Contributory Basis)...\$1.360/thousand/person/month

And as further described in a Memorandum from the Financial Controller to the Town Manager dated May 8, 2012 and entitled “Term Life Insurance Contract Award Recommendation.”

- H.** A resolution cancelling the award for liquid propane, maintenance service, and associated materials according to the terms and conditions of the State of RI Master Price Agreement (MPA 166), as awarded on April 23, 2012; and as further described in a memorandum from the Financial Controller to the Town Manager dated April 18, 2012 and entitled, “Recommendation for Award of Liquid Propane and Maintenance Service and Associated Materials for the Period of 3/31/12 to 6/30/12.”
- I.** A resolution authorizing an award for liquid propane, maintenance service, and associated materials according to the terms and conditions of the State of RI Master Price Agreement (MPA 166) bid specifications with the above referenced price schedules; and as further described in a memorandum from the Financial Controller to the Town Manager dated May 8, 2012 and entitled, “Recommendation for Award of Liquid Propane and Maintenance Service and Associated Materials for the Period of 5/1/12 to 4/30/15.”

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- J.** A resolution authorizing an extension of an award of bid originally granted on June 23, 2008, and extended on April 26, 2010, and May 23, 2011, to Mega Mechanical Service, LLC, formerly Harrington Engineering, Inc., 293 Oakwood Drive, Glastonbury, CT 06033 for HVAC maintenance services at the Public Safety Complex, for the period July 1, 2012 through June 30, 2013, in accordance with the terms and conditions of the bid specifications, at the following time and material rates:

Regular/PM & Priority Service	
Licensed HVAC Technician	\$77/hr
Emergency Service	
Licensed HVAC Technician	\$115.50/hr
Mark-up of Parts/Materials Over Cost	20%

And as further described in a memorandum from the Police Chief to the Town Manager dated May 8, 2012 and entitled “Recommendation for Bid Extension – HVAC Maintenance Contract – Public Safety Complex – FY 2012 – 2013.”

- K.** A resolution authorizing an award of bid to Atlantic Control Systems, PO Box 313, Exeter, RI 02822 for Town Hall and Peace Dale Library replacement heating systems, including UST and above ground tank removal in an amount not to exceed \$172,100, including a \$7,000 contingency and as further detailed in a memorandum from the Public Services Director to the Town Manager dated May 9, 2012 and entitled “Bid Recommendation – Municipal Buildings Heating System Replacement Project ( Bid Reference #SK0003PS)”.
- L.** 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.”

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**14. CLOSED EXECUTIVE SESSION**

- A.** A Closed Executive Session pursuant to RIGL §42-46-5(a)(2) to discuss matters pertaining to collective bargaining in regard to IBPO Local 489.