

AGENDA

TOWN OF SOUTH KINGSTOWN

RHODE ISLAND



TOWN COUNCIL

REGULAR SESSION

7:30 PM

TOWN COUNCIL CHAMBERS
180 HIGH STREET
WAKEFIELD, RI

MONDAY, AUGUST 27, 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: 8/23/2012

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1. **A. INTERVIEW – 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 – July 30, 2012**
 - B. **Regular Session – July 30, 2012**
 - C. **Closed Executive Session – July 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 Holiday Sales License to DENALI WAKEFIELD, LLC, 160 Old Tower Hill Road, Wakefield, RI 02879. Application by Todd Raskin, 1 Shoreline Drive, Suite 7, Guilford, CT 06437; New.
- B.** A resolution granting a Miscellaneous Permit to conduct the S C.A.R.E.S. Inaugural 5K Walk/Run on Sunday, October 28, 2012 at 9:00 a.m. to SOUTH KINGSTOWN CARES, INC., 109 Kersey Road, Peace Dale, 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 Julie M. Conte, Vice President, 110 Cedar Hollow Road, Wakefield, RI 02879; New.
- (CA) C.** A resolution granting Victualling and Holiday Sales Licenses to the following; Renewals:
- SNUG HARBOR MARINA, INC., 410 Gooseberry Road, Wakefield, RI 02879. Application by Albert L. Conti, President, 24 Gale Drive, Wakefield, RI 02879.
- TAYLOR'S LANDING, 3362 Kingstown Road, West Kingston, RI 02892. Application by Kenneth J. Marot, 3362 Kingstown Road, West Kingston, RI 02892.
- (CA) D.** A resolution granting a Miscellaneous Permit to conduct the 3rd Annual WKBC 5K "Welcome Run for the Welcome House" on Saturday, September 29, 2012 at 9 a.m. to the WEST KINGSTON BAPTIST CHURCH 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. Application by Pastor Keith Mlyniec, West Kingston Baptist Church, 277 Waites Corner Road, West Kingston, RI 02892; Renewal.

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7. PUBLIC HEARING

- A.** A Public Hearing relative to an application for Additional Operational Hours between 2:00 AM and 6:00 AM filed by J.W.P. Co. d/b/a McDonald's Restaurant #1993, 140 Old Tower Hill Road, Wakefield, RI 02879. Application by John W. Pinckney, President, 103 Kings Ridge Road, Wakefield, RI 02879.

8. COMMUNICATIONS

- (CA) A.** A communication dated July 26, 2012 from Luis Rodriguez, Federal Emergency Management Agency concerning the revised Flood Insurance Rate Map (FIRM) and Flood Insurance Study (FIS) report for the Town, and advising of their notification to the public of the appeal process is received and placed on file. (8/2/2012 Interim, Item B.)
- (CA) B.** A communication dated July 29, 2012 from Christine and Steve Allen concerning access to Sand Plains Trail is received and placed on file. (8/2/2012 Interim, Item C.)
- (CA) C.** A communication dated August 1, 2012 from Dudley and Dorothy Mann expressing concern with the reactivation of the fire horn at the Wakefield Fire Station is received and placed on file. (8/2/2012 Interim, Item G.)
- (CA) D.** A communication dated August 3, 2012 from Robert J. Cagnetta withdrawing his application for appointment to the Historic District Commission due to a conflict with his position on the Zoning Board of Review is received and placed on file. (8/9/2012 Interim, Item B.)
- (CA) E.** A communication dated July 30, 2012 from Paul Jordan concerning flooding on High Street, and a communication dated August 8, 2012 from Kendall and Peter Beckman concerning flooding in the Paul Avenue neighborhood are received, placed on file and referred to the Director of Public Services for review and response. (8/2/2012 Interim, Item I. and 8/9/2012 Interim, Item F.)
- (CA) F.** A communication dated August 9, 2012 from Gene Lowell Jr. concerning the recording of the July 30th Town Council meeting is received, placed on file, and referred to the Town Clerk for response. (8/9/2012 Interim, Item H.)

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- G.** A resolution adopted August 14, 2012 by the Portsmouth Town Council in opposition to the imposition of tolls on the Sakonnet River Bridge is received, placed on file, and the Town Council further directs _____. (8/23/2012 Miscellaneous, Item II B.)
- (CA) H.** A communication dated August 21, 2012 from W. Keith Vorhaben expressing appreciation for his appointment to the School Committee is received and placed on file. (8/23/2012 Miscellaneous, Item II C.)
- (CA) I.** A communication dated August 21, 2012 from Lorraine Miller Horton concerning pedestrian safety in the Paddy Hill Road neighborhood is received, placed on file and referred to the Transportation and Traffic Review Committee and the Director of Public Services for review. (8/23/2012 Miscellaneous, Item II D.)
- (CA) J.** 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 _____.

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13. NEW BUSINESS

- (CA) A.** A resolution that Civil Action No. PC 12-3873 filed in Providence County Superior Court by William R. Landry, Esquire on behalf of his client, Hang Ten, LLC appealing a decision by the Coastal Resources Management Council (CRMC) dated June 27, 2012 granting the Town a Special Exception to construct a sea wall along Matunuck Beach Road, be referred to the Town Solicitor and the Town’s insurance carrier.

- (CA) B.** A resolution that Civil Action No. WC 12-0486 filed in Washington County Superior Court by Ronald J. Resmini, Esquire on behalf of his client, Kathleen Carlson relative to an incident that occurred on or about July 28, 2010 be referred to the Town Solicitor and the Town’s insurance carrier.

- (CA) C.** A resolution authorizing the Town Clerk to advertise for Order of Notice a Public Hearing relative to an application requesting amendments to the Zoning Ordinance of the Town of South Kingstown, as follows:

Article III. Use Regulations

Section 301. Schedule of Use Regulations Table

Add the following use codes:

3.0 CULTURAL, ENTERTAINMENT AND RECREATION SERVICES

USE CODE	USE	R200	R80	R40	R30	R20	R10	RM	MU	CN	CD	CH	CW	NOTES
32.3	Legitimate Theater without alcohol	N	N	N	N	N	N	N	N	S	Y	Y	N	
32.4	Legitimate Theater with alcohol	N	N	N	N	N	N	N	N	S	S	S	N	

USE CODE	USE	IND-1	IND-2	IND-3	GI	OS	HFD OVERLAY	NOTES
32.3	Legitimate Theater without alcohol	N	N	N	Y	N	Y	
32.4	Legitimate Theater with alcohol	N	N	N	S	N	S	

Appendix A. Use Code Descriptions

Add the following use code descriptions:

32.3 Legitimate Theater “Includes non-profit, cultural organizations whose primary purpose is to provide a support system to deliver and coordinate various arts activities for the benefit of community or which provide live, regularly-scheduled theatrical productions throughout the year and all events contributing to the goal of providing quality artistic experiences for the community.”

32.4 Legitimate Theater with alcohol “Includes non-profit, cultural organizations whose primary purpose is to provide a support system to deliver and coordinate various arts activities for the benefit of community or which provide live, regularly-scheduled theatrical productions throughout the year and all events contributing to the goal of providing quality artistic experiences for the community together with food and alcohol service.”

Application by South County Center for the Arts, 3481 Kingstown Road, Kingston, RI 02881, AP 22-4, Lot 47, approximately 1.85 acres, zoning designation GI, by their attorney John F. Kenyon, 133 Old Tower Hill Road, Suite 1, Wakefield, RI 02879.

- (CA) D.** A resolution authorizing the Tax Assessor to abate taxes in the total amount of \$6,889.65, as shown on Tax Abatement Request No. 483.
- E.** A resolution authorizing an award of bid to Seaside Painting LLC, 92 West Main Road, Middletown, RI 02842 for exterior painting at the Kingston Free Library in an amount not to exceed \$88,381, including a contingency; and as further described in a memorandum from the Library Director to the Town Manager dated August 20, 2012 and entitled “Bid Recommendation – Exterior Painting, Kingston Free Library, Bid Reference #SK0003LI.”
- F.** A resolution adopting the Town of South Kingstown “Access To Public Records Act Procedure” as shown on Exhibit 1 attached hereto, and designating the Police Chief as the public officer in charge of all criminal record requests, the Town Clerk as the public officer in charge of all Town Council related document requests, and the Town Manager as the public officer in charge of all other public records requests.

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- (CA) G.** 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)(1) to discuss matters pertaining to personnel re: Stephen A. Alfred and Alan R. Lord; pursuant to RIGL §42-46-5(a)(2) to discuss matters pertaining to litigation re: Matunuck Beach erosion; and pursuant to RIGL §42-46-5(a)(5) to discuss matters related to the acquisition or lease of real property for public purposes, or of the disposition of publicly held property wherein advanced public information would be detrimental to the interest of the public.

Town of South Kingstown

**ACCESS TO PUBLIC RECORDS ACT
PROCEDURE**

R.I. General Laws Section 38-2-2 et seq.

The Town is committed to providing the public with access to public records from all Town departments¹ under R.I. General Laws Section 38-2-2. The Town's various departments and staff provides numerous documents to the public, media, and attorneys every day in the ordinary course of business. Any person who wishes to request a public record should complete a "Request for Records Under the Access to Public Records Act" form, which is available at the Police Department for police records, the Town Clerk's office for all Town Council related requests, or the Town Manager's office for all other requests. Completion of this form is not mandatory but is used to facilitate the request. In the event a requestor does not wish to complete the form, a verbal request may be made of the custodian of the records.

Pursuant to R.I. General Laws Section 38-2-3(d), the South Kingstown Town Council has established the following procedure regarding access to public records:

1. Please inform the designated official that you wish to make a request for public records. Requests can be made through the Police Department, Town Clerk, and Town Manager's offices from 8:30 a.m. to 4:00 p.m. Monday through Friday.
2. The designated official will provide you with a form to complete, which permits us to know the precise public documents you seek and assists us in processing your request in an expeditious manner.
4. The Access to Public Records Act, R.I. General Laws Section 38-2-3(e), grants a public body ten (10) business days to respond to a public records request. The Act further provides that for good cause, a public body may submit a written request for an extension of up to twenty (20) business days to process the request.
5. **Costs.** The Access to Public Records Act provides the requestor the opportunity to view and/or copy public records. Should a copy be requested, the cost per copied page of written public documents is fifteen cents (\$0.15) in accordance with R.I. General Laws Section 38-2-4 for documents copied on common

¹ The volunteer Fire Departments (Union Fire District and Kingston Fire District), South Kingstown Housing Authority, and the School Department are not within the authority of the Town Council or Town Manager and have their own procedures for access to public records.

Exhibit 1

business size (letter or legal) paper. You may elect to obtain public records in any and all media in which we are capable of providing them. The Act permits a reasonable charge for search and retrieval of documents. The hourly costs for a search and retrieval shall be fifteen dollars (\$15.00) per hour, with no charge for the first hour. Upon receipt of a request, the Town will provide an estimate and should the estimate be agreeable to the requestor, a detailed itemization of the costs charged for search and retrieval will be provided upon completion.

6. **Public Records.** A “public record” is defined as “documents, papers, . . . or other material regardless of physical form or characteristics made or received pursuant to law or ordinance or in connection with the transaction of official business by any agency.” R.I. General Laws Section 38-2-2(4).
7. **Redaction.** Although a document may constitute a public record, there may be some information contained therein that may be redacted/deleted as it may be exempt from disclosure under R. I. General Laws Section 38-2-2.
8. **Exemptions.** The Access to Public Records Act exempts a variety of records from public disclosure, as set forth in R.I. General Laws Section 38-2-2(4).
9. **Appeal of Denial.** Any person or entity denied the right to inspect a record of a public body may petition the Town Manager for review of the decision denying the request. Any petition from a denial should be addressed to the Town Manager, Town of South Kingstown, 180 High Street, Wakefield, RI 02879. A final determination of whether to allow public inspection will be made within ten (10) business days after the submission of the petition, as set forth in R.I. General Laws Section 38-2-8.
10. **Complaint to the Attorney General.** If the Town Manager determines the record is not subject to public inspection, the person or entity seeking disclosure may file a complaint with the Attorney General, 150 Main Street, Providence, RI 02903, Telephone (401)274-4400, or may retain private counsel for the purposes of instituting proceedings for injunctive or declaratory relief in the Superior Court of Washington County.