

AGENDA

TOWN OF SOUTH KINGSTOWN

RHODE ISLAND



TOWN COUNCIL

REGULAR SESSION

7:30 PM

TOWN COUNCIL CHAMBERS
180 HIGH STREET
WAKEFIELD, RI

MONDAY, OCTOBER 28, 2013

NOTE: Individuals requesting interpreter services for the deaf or hard of hearing must call 792-9642 (TDD) or 789-9331 seventy-two (72) hours in advance of the meeting date.

DATE POSTED: 10/24/2013

**AGENDA – Regular Session
Town of South Kingstown
October 28, 2013
Page 1**

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 – October 15, 2013**
 - B. **Regular Session – October 15, 2013**

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 2012 through 2014: 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
October 28, 2013
Page 2

6. LICENSES

- A.** A resolution granting a Victualling License to PJ'S PIZZA, 1202 Kingstown Road, Peace Dale, RI 02879 subject to issuance of a Certificate of Occupancy. Application by Peter Tsagaroulis, 55 Kinney Avenue, Narragansett, RI 02882; New.
- B.** A resolution granting Victualling and Holiday Sales Licenses to BEACH ROCK CAFÉ, 706 Matunuck Beach Road, Wakefield, RI 02879 subject to issuance of a Retail Sales Tax Permit by the RI Division of Taxation. Application by Barbara Placido, 35 Woodstock Road, P.O. Box 157, Pomfret, CT 06258; New.
- (CA) C.** A resolution granting Victualling Licenses for the year beginning December 1, 2013 to the following; Renewals:
- BLACK BEACH PARTNERS INC. d/b/a BURGER SHACK / U MELT, 99 Fortin Road, Unit 108, Kingston, RI. Application by Benjamin S. Wood, 51 Petal Lane, Wakefield, RI 02879.
- BLUEBIRD CAFÉ INC., 554 Kingstown Road, Wakefield, RI 02879. Application by Robert B. Shumaker, 17 Nichols Road, Kingston, RI 02881.
- CALIENTE MEXICAN GRILL, 99 Fortin Road, Unit 3J, Kingston, RI 02881. Application by Benjamin S. Wood, 51 Petal Lane, Wakefield, RI 02879.
- EAST GREENWICH THAI CUISINE d/b/a SIMPLY THAI, 99 Fortin Road, Unit 113, Kingston, RI. Application by Chairuch Pichetshote, 517 Thames Street, Newport, RI 02840.
- FIRESIDE FROYO, 50 South County Commons Way, Wakefield, RI 02879. Application by Marc Cabana, 138 Homecrest Avenue, North Smithfield, RI 02896.
- INTERNATIONAL ZONE, 100 Fortin Road, Kingston, RI 02881. Application by Ziad Alchihed, 51 Rolens Drive A5, Kingston, RI 02881.
- KENTUCKY FRIED CHICKEN / TACO BELL, 139 Old Tower Hill Road, Wakefield, RI 02879. Application by David E. Evans, 170 Olde Forge Road, Hanover, MA 02339.

AGENDA – Regular Session
Town of South Kingstown
October 28, 2013
Page 3

MELDGIE'S RIVER'S EDGE CAFÉ, 406A Main Street, Wakefield, RI 02879. Application by Mark Eldridge, 4 Wyndcliff Drive, Saunderstown, RI 02874.

PEKING TOKYO, 120 Fortin Road, Unit A, Kingston, RI 02881. Application by Zong Dong Zhu, 30 Lower College Road, Kingston, RI 02881.

PIER PIZZA COMPANY, 328 Main Street, Wakefield, RI 02879. Application by Justin Gallant, 38 Red Oak Way, Wakefield, RI 02879.

ROSARIO'S RESTAURANT INC. d/b/a KINGSTON PIZZA, 1283 Kingstown Road, Wakefield, RI 02879. Application by Ina Sciabarrasi, 40 Carriage Lane, Kingston, RI 02881.

ROSARIO'S RESTAURANT INC. d/b/a KINGSTON PIZZA, 63 Briar Lane, Kingston, RI 02881. Application by Ina Sciabarrasi, 40 Carriage Lane, Kingston, RI 02881.

SC FOODS LLC d/b/a PICKPOCKETS DELI, 231 Old Tower Hill Road, Wakefield, RI 02879. Application by David Carty, 1004 Boston Neck Road, Suite 3, Narragansett, RI 02882.

SMOOTHY BOOTY CAFÉ, 254 Robinson Street, Suite 102, Wakefield, RI 02879. Application by Robert B. Shumaker, 17 Nichols Road, Kingston, RI 02881.

(CA) D. A resolution granting Holiday Sales Licenses for the year beginning December 1, 2013 to the following; Renewals:

ABBY'S ATTIC, 254 Robinson Street, Suite 103, Wakefield, RI 02879. Application by Abigail Jefferson, 166 Columbia Street, Wakefield, RI 02879.

CHESHIRE CATS, 333 Main Street, Wakefield, RI 02879. Application by Jeanne A. Dubilewski, 25 Prospect Avenue, Narragansett, RI 02882.

DAMON'S HARDWARE, INC., 422 Main Street, Wakefield, RI 02879. Application by Antonia C. Chappell, 23 Winter Street, Wakefield, RI 02879.

AGENDA – Regular Session
Town of South Kingstown
October 28, 2013
Page 4

FYE #523, 160 Old Tower Hill Road, Wakefield, RI 02879. Application by Edward Aidala, Tax Department, Record Town Inc., 38 Corporate Circle, Albany, NY 12203.

GENERAL NUTRITION CENTER #7090, 160 Old Tower Hill Road, Wakefield, RI 02879. Application by Roseanne Fabina, General Nutrition Corp., 300 Sixth Avenue, Retail Operations, Pittsburgh, PA 15222.

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

SKI GENERAL INC. d/b/a UNCLE SAM'S ARMY NAVY SURPLUS, 548 Kingstown Road, Wakefield, RI 02879. Application by Myron Guttin, 121 Narragansett Avenue, Narragansett, RI 02882.

THERAPY BOUTIQUE, 330 Main Street, Wakefield, RI 02879. Application by Candace Brown, 150 Schooner Drive, Wakefield, RI 02879.

UNIVERSITY SPIRIT, 99 Fortin Road, Kingston, RI 02881. Application by Robert Marshall, President, Spirit Recognition Inc., 12 Wilson Street, Pawtucket, RI 02861.

(CA) E. A resolution granting Victualling and Holiday Sales Licenses for the year beginning December 1, 2013 to the following; Renewals:

JOOLS LLC d/b/a JAVA MADNESS, 134 Salt Pond Road, Wakefield, RI 02879. Application by Mark LaHoud, 24 Cleveland Street, Wakefield, RI 02879.

KINGSTON CONVENIENCE MART, 2360 Kingstown Road, Kingston, RI 02881. Application by Ozcan Eteman, 95 Manville Hill Road, Cumberland, RI 02864.

LOCKWOOD'S MARINA, 650 Succotash Road, Wakefield, RI 02879. Application by Thomas J. Lockwood, 180 Peninsula Road, Wakefield, RI 02879.

ORIGINAL VANILLA BEAN, 757 Matunuck Beach Road, Wakefield, RI 02879. Application by Richard Paolo, 22 Anthony Circle, Attleboro Falls, MA 02763.

AGENDA – Regular Session
Town of South Kingstown
October 28, 2013
Page 5

SOUTH COUNTY DONUTS INC. d/b/a DUNKIN DONUTS, 120 Fortin Road, Kingston, RI 02881. Application by Robert Batista, 75 Tipping Rock Drive, East Greenwich, RI 02818.

- (CA) F.** A resolution granting Victualling, Holiday Sales and Additional Hours Licenses from 2 a.m. to 6 a.m. for the year beginning December 1, 2013 to SHAW'S SUPERMARKET, INC. #7438, 160A Old Tower Hill Road, Wakefield, RI 02879. Application by Dawn Burrow, Tax Accounting, P.O. Box 20, Boise, ID 83726; Renewals.
- (CA) G.** A resolution granting Holiday Sales and Miscellaneous Peddler Licenses for the year beginning December 1, 2013 to PALAGIS ICE CREAM, 55 Bacon Street, Pawtucket, RI 02860. Application by Alejandro Arteaga, 237 Suffolk Avenue, Pawtucket, RI 02861; Renewals.
- (CA) H.** A resolution granting a Miscellaneous Peddler License for the year beginning December 1, 2013 to PPC WAKEFIELD LLC d/b/a GO-SPRESSO, 328 Main Street, Wakefield, RI 02879. Application by Justin Gallant, 38 Red Oak Way, Wakefield, RI 02879; Renewal.
- (CA) I.** A resolution granting Farm Produce Licenses for the year beginning December 1, 2013 to the following; Renewals:
- EVERGREEN ACRES, Liberty Lane, West Kingston, RI 02892. Application by Edith E. and Herbert H. Roberts Jr., 3000 South County Trail, West Kingston, RI 02892.
- FAELLA FARM, 1072 Saugatucket Road, Peace Dale, RI 02879. Application by Chris Faella, 1072 Saugatucket Road, Peace Dale, RI 02879.
- (CA) J.** A resolution granting a Laundry License for the year beginning December 1, 2013 to MATUNUCK LAUNDRY, 706 Matunuck Beach Road, Wakefield, RI 02879. Application by Barbara Placido, 35 Woodstock Road, P.O. Box 157, Pomfret, CT 06258; Renewal.
- (CA) K.** A resolution granting Tourist Accommodation and Holiday Sales Licenses for the year beginning December 1, 2013 to SOUTH COUNTY COMMONS HOSPITALITY LLC d/b/a HAMPTON INN, 20 Hotel Drive, Wakefield, RI 02879 for 100 spaces, 372 persons. Application by Marc A. Landry, 20 Hotel Drive, Wakefield, RI 02879; Renewals.

**AGENDA – Regular Session
Town of South Kingstown
October 28, 2013
Page 6**

- (CA) L.** A resolution granting Tourist Accommodation Licenses for the year beginning December 1, 2013 to the following; Renewals:

KING'S ROSE BED & BREAKFAST, 1747 Mooresfield Road, Wakefield, RI 02879 for 5 spaces, 12 persons. Application by Barbara Larsen Viles, 1747 Mooresfield Road, Wakefield, RI 02879; Renewal.

LILY'S AT LITTLE REST, 2545 Kingstown Road, Kingston, RI 02881 for 3 spaces, 6 persons. Application by Catherine Gagnon, 2545 Kingstown Road, Kingston, RI 02881.

- (CA) M.** A resolution granting a Theater License for the year beginning December 1, 2013 to COURTHOUSE THEATER COMPANY d/b/a THE CONTEMPORARY THEATER, 323 Main Street, Wakefield, RI 02879. Application by Christopher J. Simpson, President, 148C Main Street, Wakefield, RI 02879; Renewal.

7. COMMUNICATIONS

- A.** A communication dated October 11, 2013 from Grover J. Fugate, Executive Director, Coastal Resources Management Council advising that the Experimental Coastal Erosion Control Rules have been adopted as Section 980 of the CRMC Salt Pond Region Special Area Management Plan, and requesting the appointment of a municipal official and a resident ex-officio member to the Technical Review Committee that was newly created under the rules, is received, placed on file, and the Town Council further directs _____. (10/17/2013 Interim, Item G.)
- (CA) B.** A communication dated October 18, 2013 from Maria and John Lombardi expressing appreciation for the Town's paving of Matunuck Schoolhouse and Green Hill Beach Roads is received and placed on file. (10/24/2013 Miscellaneous, Item II B.)
- C.** A communication dated October 15, 2013 from Joseph F. Matthews, Scoutmaster, Troop 44 Matunuck requesting letters of congratulations to Douglas Wright, Alexander DeLuca, Christopher Casey and Nicholas Nauges for attaining the rank of Eagle Scout, and inviting Council members to present the letters at their award ceremony on Sunday, December 8, 2013 is received, placed on file, and the Town Council further directs _____. (10/24/2013 Miscellaneous, Item II C.)

AGENDA – Regular Session
Town of South Kingstown
October 28, 2013
Page 7

- D. A communication dated October 11, 2013 from Peter A. Duhamel submitting his resignation from the Conservation Commission, effective immediately, is received, placed on file, and the Town Council further directs _____. (10/24/2013 Miscellaneous, Item II F.)
- E. A communication dated October 23, 2013 from Councilman O'Neill requesting a review and change of the current ordinances that are found in Section 7-10 and 7-11 concerning "Parking Standards and Regulation" as they apply to the Commercial Districts in the Town is received, placed on file, and the Town Council further directs _____. (10/24/2013 Miscellaneous, Item II H.)
- (CA) F. 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 _____. (See Attachment A for Boards and Commissions Appointments Report)

12. NEW BUSINESS

- (CA) A. A resolution authorizing the Tax Assessor to abate taxes in the total amount of \$5,577.23, as shown on Tax Abatement Request No. 497.

**AGENDA – Regular Session
Town of South Kingstown
October 28, 2013
Page 8**

- B.** A resolution authorizing an award of bid to Smithco Oil Company, 491 Main Street, Wakefield, RI 02879 for #2 fuel oil and for maintenance and service for the Town and School Department for a one year period commencing 11/1/2013 through 10/31/2014, according to the terms and conditions of the bid specifications, at the following price schedules:

<u>#2 Fuel Oil</u>	<u>Maintenance/Service</u>	<u>Mark-up</u>
\$.1100/gal	\$85.00/hr Regular	15%
Transportation	\$127.50/hr 4PM – 8AM	
Increment	\$127.50/hr Saturdays, Sundays 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 22, 2013 and entitled “#2 Fuel Oil and Maintenance/Service Bid Recommendation.”

- C.** A resolution authorizing an award of contract to Santa Buckley Energy, Inc., P.O. Box 1141, Bridgeport, CT 06601 for natural gas based on Rhode Island’s Master Price Agreement #233 for the period November 1, 2013 through October 31, 2014; and as further described in a memorandum from the Financial Controller to the Town Manager dated October 22, 2013 and entitled “Natural Gas Contract.”
- (CA) D.** A resolution authorizing the Town Clerk to advertise for Order of Notice a Public Hearing, in accordance with the South Kingstown Town Code, Chapter 14, Planning, Article IV., Historical and Archaeological Cemeteries and Burial Sites, to consider the request of the RI Department of Transportation to conduct land disturbing activities for the purpose of installing water quality management best practices in proximity to Historical Cemeteries #5, 6 and 7 (Nathaniel Peckham Lot, Old Fernwood and New Fernwood Cemeteries respectively).
- (CA) E.** 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.”

Boards and Commissions Appointments Report

The following information reflects the status of those Town boards, commissions and committees which have vacancies, members whose terms are expiring and are eligible for reappointment, and/or applications filed for consideration of appointment. The Town Council may make appointments at any meeting.

Affordable Housing Collaborative Committee (7 members/3 year term)

Vacancies: two terms expire August 2016 (John Taylor Ellis and Jean Johnson did not wish to be reappointed)

Applicants: Patrick S. Jones (applied 11/15/2012; interviewed 12/10/2012)

Board of Trustees of the South Kingstown Library (7 members/3 year term)

No vacancies

Applicant: Betty J. Cotter (applied 3/13/2013; interviewed 4/22/2013)

Conservation Commission (7 members/3 year term)

Three vacancies: terms expire September 2013, September 2015 and September 2016 (Paul Johnson did not wish to be reappointed; Jeanne Wettlaufer resigned Feb. 2013; Peter A. Duhamel resigned October 11, 2013)

Applicants: Lucille M. Dickinson (applied 11/1/2012; did not attend interview 7/8/2013); Andrew Martinez (applied 7/26/2013; to be interviewed 10/28/2013); Timothy A. Ulmschneider (applied 7/29/2013; to be interviewed 10/28/2013); Jennifer A. James (applied 8/9/2013; to be interviewed 10/28/2013)

Economic Development Committee (11 members/3 year term)

Four vacancies: 2 terms expire March 2014, 2 terms expire March 2016 (Teresa Tanzi resigned December 2010; Deedra Durocher and Robert Kermes resigned December 2011; Dennis Moffitt was not reappointed)

Historic District Commission (7 members/3 year term)

Three vacancies: terms expire December 2013, December 2014, and December 2015 (William Sheffield deceased June 2013; Eric Creamer resigned January 2012; Lois Hamblet did not wish to be reappointed)

Applicant: Karen M. daSilva (applied 8/6/2013)

Reappointments for terms expiring December 2013: Peter Nunes wishes to be reappointed. Awaiting response from Richard Youngken. It is reported that Mr. Nunes has attended 17 and Mr. Youngken has attended 18 of 19 meetings held during the current term.

Attachment A

Housing Authority (5 members/5 year term)

Reappointment for term ending October 2013: Kenneth Bowman wishes to be reappointed.

Partnership for Prevention (7 members/3 year term)

One member vacancy: term expires June 2015; one Ex-Officio Law Enforcement vacancy (Captain Allen resigned); two Ex-Officio student vacancies

Planning Board (7 members/3 year term)

One vacancy: term expires May 2014 (Fred Morrison resigned September 9, 2013)
Applicant: Frank H. Heppner (applied 5/10/2013)

Recreation Commission (5 members/3 year term)

No vacancies

Applicant: Andrew Martinez (applied 7/26/2013; to be interviewed re: Conservation Commission 10/28/2013)

Route 138 Reconstruction Project Area Committee (11 members/2 year term)

Three vacancies: terms expire May 2015 (William Sheffield deceased June 2013; Nevan Hanumara and Joseph Paolino did not wish to be reappointed)

Trustees of the South Kingstown School Funds (5 members/5 year term)

Vacancy: one term expires June 2018 (Claire Wilcox moved out of state)

Waterfront Advisory Commission (7 members/3 year term)

Vacancy: one term expires June 2016 (Anne E. Heffron did not wish to be reappointed)
Applicants: Timothy A. Ulmschneider (applied 7/29/2013; to be interviewed re: Conservation Commission 10/28/2013); Timothy P. O'Neill (applied 8/2/2013)