

AGENDA

TOWN OF SOUTH KINGSTOWN

RHODE ISLAND



TOWN COUNCIL

REGULAR SESSION

7:30 PM

TOWN COUNCIL CHAMBERS
180 HIGH STREET
WAKEFIELD, RI

TUESDAY, NOVEMBER 12, 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: 11/7/2013

**AGENDA – Regular Session
Town of South Kingstown
November 12, 2013
Page 1**

1. A. **WORK SESSION – 6:45 PM**
All items listed on Town Council agenda are subject to discussion.
- 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 28, 2013**
 - B. **Regular Sessions – October 15, 2013 continued from October 28, 2013; and October 28, 2013**

5. CONSENT AGENDA

* * * * *

- 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
November 12, 2013
Page 2**

6. LICENSES

- A.** A resolution granting Sunday Sales Licenses for the year beginning December 1, 2013 to the following; Renewals:

GEABER'S LIQUORS INC., 231 Old Tower Hill Road, Wakefield, RI 02879. Application by George Geaber, President, 191 Legend Rock Road, Wakefield, RI 02879.

PATSY'S PACKAGE STORE INC., 520 High Street, Wakefield, RI 02879. Application by Gary J. Dinonsie, President, 524 High Street, Peace Dale, RI 02879.

SWEENEY'S PACKAGE STORE INC. d/b/a SWEENEY'S WINE & SPIRITS, 408 Main Street, Wakefield, RI 02879. Application by Michael W. Sweeney, President, 120 River Heights Drive, Wakefield, RI 02879.

WAKEFIELD LIQUORS INC., 667 Kingstown Road, Wakefield, RI 02879. Application by Jane E. Costanza, President, 667 Kingstown Road, Wakefield, RI 02879.

- B.** A resolution granting Victualling Licenses for the year beginning December 1, 2013 to the following; Renewals:

108 ROADHOUSE LLC d/b/a PUMP HOUSE BAR & GRILL, 1464 Kingstown Road, Peace Dale, RI 02879 subject to approval by the Tax Collector, Fire Chief and Communications Superintendent. Application by Stuart A. Tucker, Managing Member, 55 South Road, North Kingstown, RI 02852.

333 MAIN STREET LLC d/b/a FAT BELLY'S PUB, 333 Main Street, Wakefield, RI 02879. Application by Scott Parker, 50 Fairmount Drive, Warwick, RI 02818.

629 SUCCOTASH LLC d/b/a MATUNUCK OYSTER BAR, 629 Succotash Road, Wakefield, RI 02879. Application by Perry Raso, Managing Member, 2236 Commodore Perry Highway, Wakefield, RI 02879.

APPLE NEW ENGLAND LLC d/b/a APPLEBEE'S GRILL AND BAR, 15 Commons Corner Way, Wakefield, RI 02879. Application by Ronald Igarashi, Secretary, P.O. Box 507, West Lin, OR 97068.

AGENDA – Regular Session
Town of South Kingstown
November 12, 2013
Page 3

CAP'N JACK'S, INC., 706 Succotash Road, Wakefield, RI 02879. Application by Jack O. Piemonte, 46 Benefit Road, Wakefield, RI 02879.

CHEN'S RESTAURANT, INC., 60 Old Tower Hill Road, Wakefield, RI 02879. Application by Jack Chen, Vice President, 309 South Road, Wakefield, RI 02879.

DPTA HOLDINGS II, LLC d/b/a DRAGON PALACE, 733 Kingstown Road, Wakefield, RI 02879. Application by Peter A. Santilli, 193 Arcadia Road, Hope Valley, RI 02832.

ELKS CLUB OF SOUTH KINGSTOWN #1899, 60 Belmont Avenue, Wakefield, RI 02879. Application by John W. Bannister, House Co-Chairman, 60 Belmont Avenue, Wakefield, RI 02879.

GIRO'S HOMETOWN GRILLE, LLC, 501 High Street, Wakefield, RI 02879. Application by Joseph Patrick Brown, 20 Fernleaf Trail, Narragansett, RI 02882.

HANSON'S PUB, LLC, 210 Salt Pond Road, Wakefield, RI 02879, subject to approval by the Financial Controller. Application by Gwendoline Woods, Managing Member, 2 Colony Road, Charlestown, RI 02813.

ITALIAN VILLAGE, INC., 195 Main Street, Wakefield, RI 02879. Application by Antonio Mollo, President, 1 Daytona Avenue, Narragansett, RI 02882.

J.S.R. CO. d/b/a TONY'S PIZZA PALACE, 1916 Kingstown Road, Peace Dale, RI 02879. Application by John Reves, 199 West Reach Drive, Jamestown, RI 02835.

LA STRADA WOOD FIRED PIZZA, INC. d/b/a LA STRADA CAFÉ & PIZZERIA, 920 Matunuck Beach Road, Wakefield, RI 02879 subject to approval by the Tax Collector. Application by Jennifer Olbrich, Vice President, 142 Newton Street, Apt. 2R, Brooklyn, NY 11222.

LOOMIS HOLDING CORP. d/b/a D.B.'S PIZZA, 546 Kingstown Road, Wakefield, RI 02879. Application by Chace Loomis, President, 19 Coral Shell Terrace, Saunderstown, RI 02874.

**AGENDA – Regular Session
Town of South Kingstown
November 12, 2013
Page 4**

MCT, INC. d/b/a CUCINA TWIST, 2095 Kingstown Road, Wakefield, RI 02879 subject to approval by the Tax Collector, Public Services Director, and the Fire Chief. Application by Michael G. Marra, Administrator of the Estate of Stephen P. Marra, P.O. Box 69, East Greenwich, RI 02818.

PEGASUS PIZZA, INC. d/b/a ESTIA RESTAURANT & PIZZA, 28 Old Tower Hill Road, Wakefield, RI 02879 subject to approval by the Building Official. Application by Afrodite Fotopoulos, 55 Grandeville Court, Apt 1122, Wakefield, RI 02879.

PHIL'S KITCHEN INC. d/b/a PHIL'S RESTAURANT, 323 Main Street, Wakefield, RI 02879. Application by Kenneth Tetzner, Vice President, 510 Gravelly Hill Road, Wakefield, RI 02879.

ROBA RUSTICO LLC d/b/a PIZZERIA MEZZO, 32 Old Tower Hill Road, Wakefield, RI 02879 subject to approval by the Building Official. Application by John Russo, Managing Member, 168 Seaside Drive, Jamestown, RI 02835.

SHOGUN STEAK & SEAFOOD HOUSE II, INC., 59 South County Commons Way, Wakefield, RI 02879. Application by Sali Siharaj, President, 80 Hummingbird Hollow, Wakefield, RI 02879.

TIPPERARY TAVERN, LLC d/b/a TARA'S JOYCE FAMILY PUB, 907A Matunuck Beach Road, Wakefield, RI 02879. Application by Tara Mulroy, Managing Member, 142 Fleetwood Drive, Saunderstown, RI 02874.

TORRE II CORP. d/b/a TRATTORIA ROMANA SOUTH, 8 Preservation Way, Wakefield, RI 02879. Application by Angel Amaya, 32 Sanford Street, Attleboro, MA 02703.

URI BOARD OF GOVERNORS – FACULTY CENTER, 95 Upper College Road, Kingston, RI 02881. Application by Dennis J. Fonseca, 2428 Kingstown Road, Kingston, RI 02881.

- C.** A resolution granting Victualling and Holiday Sales Licenses for the year beginning December 1, 2013 to ROSE HILL GOLF CLUB, INC., 220 Rose Hill Road, Wakefield, RI 02879. Application by James P. Manning, Vice President, 30 Manning Drive, Narragansett, RI 02882; Renewals.

AGENDA – Regular Session
Town of South Kingstown
November 12, 2013
Page 5

- D.** A resolution granting Victualling and Dance Licenses for the year beginning December 1, 2013 to the following; Renewals:

KEVIN V. FINNEGAN d/b/a OCEAN MIST, 895A Matunuck Beach Road, Wakefield, RI 02879. Application by Kevin V. Finnegan, 331 Succotash Road, Wakefield, RI 02879.

KINGSTOWN SUSHI INC. d/b/a KABUKI, 91 Old Tower Hill Road, Wakefield, RI 02879. Application by Da Xiang Zheng, 560 So. Main Street, Pascoag, RI 02859.

LAUREL FOOD AND BEVERAGE, INC. d/b/a LAUREL LANE COUNTRY CLUB, 309 Laurel Lane, West Kingstown, RI 02892. Application by Joseph A. Videtta, President, 55 Green Lane, Canton, MA 02021.

TOPPS INC. d/b/a CHOPHOUSE GRILLE, 191 Old Tower Hill Road, Wakefield, RI 02879. Application by Deborah J. Samaras, Treasurer, 12 Tower View Court, Narragansett, RI 02882.

- E.** A resolution granting Victualling, Dance and Pool Table Licenses for the year beginning December 1, 2013 to the following; Renewals:

BOBBY G'S, INC., 703 Kingstown Road, Wakefield, RI. Application by Karen A. Sweet, President, 59 Schooner Drive, Wakefield, RI 02879.

RHODY JOE'S LLC, 515 Kingstown Road, Wakefield, RI 02879. Application by Gary Chelo, Managing Member, 289 Robin Hollow Road, West Greenwich, RI 02817.

- F.** A resolution granting Victualling, Holiday Sales, Dance and Pool Table Licenses for the year beginning December 1, 2013 to DAVID BARNES DEVELOPMENT, INC. d/b/a THE MEWS TAVERN, 456 Main Street, Wakefield, RI 02879. Application by Daniel Rubino, Vice President, P.O. Box 5179, Wakefield, RI 02880; Renewals.

- G.** A resolution granting Victualling, Holiday Sales, Dance and Tourist Accommodation Licenses for the year beginning December 1, 2013 to the following; Renewals:

AGENDA – Regular Session
Town of South Kingstown
November 12, 2013
Page 6

BISTRO BY THE SEA, LLC, 364 Card's Pond Road, Wakefield, RI 02879 for 11 spaces, 14 persons subject to approval by the Fire Chief. Application by William J. Hanney, Manager, 7 Central Street, So. Easton, MA 02375.

SOUTH KINGSTOWN HOTEL ASSOCIATES LLC d/b/a HOLIDAY INN, 3009 Tower Hill Road, Saunderstown, RI 02874 for 105 rooms, 210 persons. Application by EHI SK Holdings, Inc., Manager, by Elizabeth A. Procaccianti, President, 99 Gilbert Stuart Drive, Warwick, RI 02818.

- H. A resolution granting Victualling, Holiday Sales, Bowling Alley and Pool Table Licenses for the year beginning December 1, 2013 to OLD MOUNTAIN LANES, INC., 756 Kingstown Road, Wakefield, RI 02879 subject to approval by the Fire Chief. Application by Robert L. Toth, President, 3986E Tower Hill Road, Wakefield, RI 02879; Renewals.
- I. A resolution granting a Theater License for the year beginning December 1, 2013 to SOUTH COUNTY CENTER FOR THE ARTS d/b/a COURTHOUSE CENTER FOR THE ARTS, 3481 Kingstown Road, West Kingston, RI 02892. Application by Joseph L. Orlando, President, Board of Directors, P.O. Box 186, West Kingston, RI 02892.
- J. A resolution granting a Victualling License for the year beginning December 1, 2013 to MCT INC. d/b/a CUCINA TWIST, 2095 Kingstown Road, Wakefield, RI 02879 subject to approval by the Tax Collector, Public Services Director, Fire Chief and Communications Superintendent. Application by Michael G. Marra, Sole Member, Golato LLC, 243 Knight Street, Providence, RI 02909.
- (CA) K. A resolution granting Victualling Licenses for the year beginning December 1, 2013 to the following; Renewals:
 - ALBIE'S PLACE, INC., 99 Fortin Road, Kingston, RI 02881 subject to approval by the Kingston Fire Chief. Application by Jason Wichert, 20 Teaberry Lane, Hope Valley, RI 02832.
 - C.L. ENTERPRISES INC. d/b/a HAL'S GARAGE & AUTO BODY, 171 Old Tower Hill Road, Wakefield, RI 02879. Application by R. Harold Thomas Jr., 11 Wishing Well Circle, Wakefield, RI 02879.

AGENDA – Regular Session
Town of South Kingstown
November 12, 2013
Page 7

MORGAN, LLC d/b/a PATTICAKES, 542 Kingstown Road, Wakefield, RI 02879. Application by Douglas Alley, 989B Mooresfield Road, P.O. Box 387, Wakefield, RI 02880.

SOUTH KINGSTON FOOD SERVICES INC. d/b/a D'ANGELO AND PIZZA HUT, 71 Old Tower Hill Road, Wakefield, RI 02879. Application by James McLaughlin, P.O. Box 363, West Bridgewater, MA 02379.

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

ROY CARPENTER'S BEACH, 240 Cards Pond Road, Wakefield, RI 02879. Application by Nancy J. Thoresen, President, 62 Birchwood Drive, Narragansett, RI 02882-1020.

SFT INC. d/b/a HONEYDEW DONUTS, 1237 Kingstown Road, Peace Dale, RI 0288879. Application by Charles Tsoumakis, 1 Alberta Street, Hope, RI 02831.

SNUG HARBOR MARINA, INC., 410 Gooseberry Road, Wakefield, RI 02879. Application by Albert Conti, 24 Gale Drive, Wakefield, RI 02879.

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

CLARK FARMS, INC., 711 Kingstown Road, Wakefield, RI 02879. Application by Richard G. Clark, President, 3205 Post Road, Wakefield, RI 02879.

GREEN GAS, INC., 2949 Tower Hill Road, Saunderstown, RI 02874. Application by Khloud Khiami, 240 Lake Shore Drive, Warwick, RI 02889.

HEALY NEWS STORE, 231 Robinson Street, Wakefield, RI 02879. Application by Sally H. Minetti, 212 Briarwood Drive, Wakefield, RI 02879.

LAUREL LANE RECREATIONAL ENTERPRISES, INC., 309 Laurel Lane, West Kingston, RI 02892. Application by Joseph Videtta, President, 55 Green Lane, Canton, MA 02021.

AGENDA – Regular Session
Town of South Kingstown
November 12, 2013
Page 8

OCEAN STATE JOBBERS, INC. d/b/a OCEAN STATE JOB LOT, 36 Old Tower Hill Road, Wakefield, RI 02879. Application by Elaine M. Gagne, 375 Commerce Park Road, North Kingstown, RI 02852.

SLEEPY'S LLC, 26 South County Commons Way, Wakefield, RI 02879. Application by Joseph Graci, CFO, 1000 South Oyster Bay Road, Hicksville, NY 11801.

SOUTH COUNTY ART SUPPLY, 237 Robinson Street, Wakefield, RI 02879. Application by Andrea Peitsch, 183 High Street, Wakefield, RI 02879.

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

- (CA) N.** A resolution granting Holiday Sales and Farm Retail Sales Licenses for the year beginning December 1, 2013 to CLARK FARMS INC., 2984 Commodore O.H. Perry Highway, Wakefield, RI 02879. Application by Richard G. Clark, President, 3205 Post Road, Wakefield, RI 02879; Renewals.
- (CA) O.** A resolution granting Holiday Sales and Firearms and Ammunition Licenses for the year beginning December 1, 2013 to RIVER BEND ATHLETIC CLUB, 316 Columbia Street, Wakefield, RI 02879. Application by Kimberly A. Rose, 380 South Road, Wakefield, RI 02879; Renewals.
- (CA) P.** A resolution granting Theater and Holiday Sales Licenses for the year beginning December 1, 2013 to LIVE THEATRE, LLC d/b/a THEATRE BY THE SEA, 358 Cards Pond Road, Wakefield, RI 02879 subject to approval by the Fire Chief. Application by William J. Hanney, Member, 7 Central Street, So. Easton, MA 02375; Renewals.
- (CA) Q.** A resolution granting a Miscellaneous Peddler License for the year beginning December 1, 2013 to EDDIE'S BBQ LLC, 55 Spice Bush Trail, Narragansett, RI 02882. Application by Steven McLaughlin, 55 Spice Bush Trail, Narragansett, RI 02882; Renewal.

**AGENDA – Regular Session
Town of South Kingstown
November 12, 2013
Page 9**

- (CA) R.** A resolution granting a Laundry License for the year beginning December 1, 2013 to SUDS BUDS LLC d/b/a GET THE FUNK OUT, 100 Fortin Road, Kingston, RI 02881. Application by Joseph Turcone, 47 Polebridge Road, Scituate, RI 02857; Renewal.

7. PUBLIC HEARING

- A.** A Public Hearing relative to the renewal of Liquor Licenses for the year beginning December 1, 2013; said licenses are granted contingent upon the issuance of a Certificate 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, and the correction of any fire code violations.

Applications for licenses to sell intoxicating beverages under the provision of Title 3 of the General Laws of 1956, as amended, have been filed as follows:

CLASS A – RETAILER

GEABER'S LIQUORS, INC., by George L. Geaber Jr., President, 231 Old Tower Hill Road, Wakefield, RI; first floor sales area; and as further defined in a site plan on file in the Town Clerk's Office.

PATSY'S PACKAGE STORE, INC., by Gary J. Dinonsie, President, 520 High Street, Peace Dale, RI; first floor sales area; and as further defined in a site plan on file in the Town Clerk's Office.

SWEENEY'S PACKAGE STORE, INC. d/b/a SWEENEY'S WINE & SPIRITS, by Michael W. Sweeney, President, 408 Main Street, Wakefield, RI; first floor sales area; and as further defined in a site plan on file in the Town Clerk's Office.

WAKEFIELD LIQUORS, INC., by Jane E. Costanza, President, 667 Kingstown Road, Wakefield, RI; first floor sales area including expansions granted on May 14, 2001 and September 13, 2004; and as further defined in an amended site plan dated July 27, 2004 on file in the Town Clerk's office.

CLASS B – VICTUALLER

108 ROADHOUSE, LLC d/b/a PUMP HOUSE BAR & GRILL by Stuart A. Tucker, Member, 1464 Kingstown Road, Peace Dale, RI; 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.

333 MAIN STREET, LLC d/b/a FAT BELLY'S IRISH PUB, by Salvatore Buscemi, 333 Main Street, Wakefield, RI; first floor dining room and bar area in accordance with a Special Use Permit granted by the Zoning Board of Review on May 19, 2010; and as further defined in a site plan dated March 19, 2010 on file in the Town Clerk's office.

629 SUCCOTASH LLC d/b/a MATUNUCK OYSTER BAR, by Perry Raso, Managing Member, 629 Succotash Road, Wakefield, RI; first floor inside dining areas and outdoor patio in the fenced-in outdoor seating area on the southwest corner of the parcel in accordance with a Special Exception granted January 15, 1979 and Special Use Permits granted June 16, 2004, February 17, 2010, December 21, 2011 and February 15, 2012 by the Zoning Board of Review; and as further defined in an amended site plan dated September 30, 2013 on file in the Town Clerk's office.

APPLE NEW ENGLAND, LLC d/b/a APPLEBEE'S NEIGHBORHOOD GRILL & BAR, by Ronald Igarashi, Secretary, 15 Commons Corner Way, Wakefield, RI; 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.

BOBBY G'S, INC. d/b/a BOBBY G'S PUB, by Karen A. Sweet, President, 703 Kingstown Road, Wakefield, RI; first floor dining and bar area, and pool table area; and as further defined in an amended site plan dated January 26, 1995 on file in the Town Clerk's Office.

CAP'N JACK'S, INC. d/b/a CAP'N JACK'S RESTAURANT, by Jack O. Piemonte, President, 706 Succotash Road, Wakefield, RI; first floor dining areas and a deck approximately 20' x 25' in accordance with a Special Exception granted on April 18, 1979 and Special Use Permit granted January 19, 2011 by the Zoning Board of Review; and as further defined in an amended site plan dated January 24, 2011 on file in the Town Clerk's office.

**AGENDA – Regular Session
Town of South Kingstown
November 12, 2013
Page 11**

CHEN'S RESTAURANT, INC., by Jack Chen, Vice President, 60 Old Tower Hill Road, Wakefield, RI; dining, bar and lounge areas; and as further defined in a site plan on file in the Town Clerk's Office.

DAVID BARNES DEVELOPMENT, INC. d/b/a THE MEWS TAVERN, by Daniel F. Rubino, Vice President, 456 Main Street, Wakefield, RI; first and second floor, mezzanine and third floor lounge of the building including a 40 foot expansion, as described in the Special Exception granted April 20, 1994 and Special Use Permits granted September 17, 1997 and January 21, 2004 by the Zoning Board of Review, and additional tavern area in accordance with a Special Use Permit granted on February 20, 2013; and as further defined in an amended site plan dated March 7, 2013 on file in the Town Clerk's office.

DPTA HOLDINGS II, LLC d/b/a DRAGON PALACE OF WAKEFIELD, by Peter A. Santilli, Member, 733 Kingstown Road, Wakefield, RI; dining room, sushi bar, bar area and special party area; and as further defined in a site plan on file in the Town Clerk's Office.

GIRO'S HOMETOWN GRILLE, LLC d/b/a GIRO'S HOMETOWN GRILLE, by Joseph Patrick Brown, Managing Member, 501 High Street, Peace Dale, RI; first floor, bar area and dining area; and as further defined in a site plan on file in the Town Clerk's Office.

HANSON'S PUB, LLC, by Gwendoline Woods, President, 210 Salt Pond Road, Wakefield, RI; first floor bar and dining areas, lower level bar and outside deck area, a patio in front approximately 1500 square feet and a new deck on the right side of the building; and as further defined in a site plan on file in the Town Clerk's Office.

ITALIAN VILLAGE, INC. d/b/a ITALIAN VILLAGE RESTAURANT, by Antonio Mollo, President, 195 Main Street, Wakefield, RI; first and second floor dining areas, and first floor counter area; and as further defined in a site plan on file in the Town Clerk's Office.

KEVIN V. FINNEGAN d/b/a OCEAN MIST, by Kevin V. Finnegan, 895A Matunuck Beach Road, Wakefield, RI; first floor of the building, as defined by the present perimeter of said building, including the south side of the deck, excluding the stairs; and as further defined in a site plan on file in the Town Clerk's Office.

AGENDA – Regular Session
Town of South Kingstown
November 12, 2013
Page 12

KINGSTOWN SUSHI, INC. d/b/a KABUKI, by Da Xiang Zheng, President, 91 Old Tower Hill Road, Wakefield, RI; first floor lounge and dining areas; and as further defined in a site plan on file in the Town Clerk's Office.

LAUREL FOOD AND BEVERAGE, INC. d/b/a LAUREL LANE COUNTRY CLUB, by Joseph A. Videtta, President, 309 Laurel Lane, West Kingstown, RI; new Club House with an upstairs bar, lounge, function room and deck, and a downstairs snack shop, lounge and patio deck, and grounds of the Laurel Lane Golf Club; and as further defined in a revised site plan on file in the Town Clerk's Office.

MCT, INC. d/b/a CUCINA TWIST, by Michael G. Marra, Administrator of the Estate of Stephen P. Marra, 2095 Kingstown Road, Wakefield, RI; first floor dining room, lounge and bar areas; and as further defined in a site plan on file in the Town Clerk's office.

OLD MOUNTAIN LANES, INC. d/b/a OLD MOUNTAIN LANES, by Robert L. Toth, President, 756 Kingstown Road, Wakefield, RI; first floor dining areas, meeting room, concourse area and bowling area; and as further defined in a site plan on file in the Town Clerk's Office.

PEGASUS PIZZA, INC. d/b/a ESTIA RESTAURANT & BAR, by Afrodite Fotopoulos, President, 28 Old Tower Hill Road, Wakefield, RI; bar and dining rooms in accordance with a special exception granted on September 19, 1990; and as further defined in a site plan on file in the Town Clerk's Office.

PHIL'S KITCHEN INC. d/b/a PHIL'S RESTAURANT, by Kenneth Tetzner, Vice President, 323 Main Street, Wakefield, RI; first floor dining area, second floor dining area, walkway, roof deck dining area on an adjacent building, and a theatre in an adjacent building in accordance with Special Use Permits granted by the Zoning Board of Review on July 21, 2010, April 20, 2011 and February 21, 2012; and as further defined in site plans dated March 5, 2012 on file in the Town Clerk's office.

RHODY JOE'S LLC, by Gary Chelo, Managing Member, 515 Kingstown Road, Wakefield, RI; first floor dining areas; and as further defined in a site plan on file in the Town Clerk's Office.

**AGENDA – Regular Session
Town of South Kingstown
November 12, 2013
Page 13**

ROBA RUSTICO LLC d/b/a PIZZERIA MEZZO, by John Russo, Member, 32 Old Tower Hill Road, Wakefield, RI; 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.

ROSE HILL GOLF CLUB, INC., by James P. Manning, Vice President, 220 Rose Hill Road, Wakefield, RI; first floor of the clubhouse and adjacent patio; and as further defined in a site plan on file in the Town Clerk's Office.

SHOGUN STEAK & SEAFOOD HOUSE II, INC., by Sali Siharaj, President, 59 South County Commons Way, Wakefield, RI; bar and dining areas, with liquor service in the lounge area at tables only; and as further defined in a site plan on file in the Town Clerk's Office.

THE TIPPERARY TAVERN, LLC d/b/a TARA MULROY'S JOYCE FAMILY PUB, by Tara Mulroy, Member, 907A Matunuck Beach Road, Wakefield, RI; ground floor and deck approximately 20' x 30' in accordance with a Special Use Permit granted by the Zoning Board of Review on November 3, 2004; and as further defined in a site plan dated April 22, 2008 on file in the Town Clerk's office.

TOPPS, INC. d/b/a CHOPHOUSE GRILLE, by Deborah J. Samaras, Treasurer, 191 Old Tower Hill Road, Wakefield, RI; dining, bar and lounge areas and loft area; and as further defined in a site plan on file in the Town Clerk's Office.

TORRE II CORP. d/b/a TRATTORIA ROMANA SOUTH, by Angel Amaya, Vice President, 8 Preservation Way, Wakefield, RI; indoor bar and dining room areas and outdoor dining area, in accordance with a Special Use Permit granted December 16, 2009 by the Zoning Board of Review; and as further defined in a site plan on file in the Town Clerk's Office.

CLASS B – TAVERN

BISTRO BY THE SEA, LLC, by William J. Hanney, Manager, 364 Card's Pond Road, Wakefield, RI; first floor restaurant, gazebo for intermission, tents on tennis court and 32' x 50' patio in accordance with Special Use Permits granted by the Zoning Board of Review on August 15, 2007 and March 17, 2010; and as further defined in an amended site plan dated April 21, 2010 on file in the Town Clerk's Office.

**AGENDA – Regular Session
Town of South Kingstown
November 12, 2013
Page 14**

SOUTH KINGSTOWN HOTEL ASSOCIATES, LLC d/b/a HOLIDAY INN SOUTH KINGSTOWN, by EHI SK Holdings, Inc., Manager, by Elizabeth A. Procaccianti, President, 3009 Tower Hill Road, Saunderstown, RI; dining, lounge and bar areas, and banquet room, and patio area, and for consumption only in the pool area from 9AM to 9:30PM, only when a lifeguard is present, as described in the Special Exception granted by the Zoning Board of Review on May 18, 1994; and as further defined in a site plan dated March 6, 2008 on file in the Town Clerk's Office.

CLASS B – HOTEL

SOUTH KINGSTOWN HOTEL ASSOCIATES, LLC d/b/a HOLIDAY INN SOUTH KINGSTOWN, by EHI SK Holdings, Inc., Manager, by Elizabeth A. Procaccianti, President, 3009 Tower Hill Road, Wakefield, RI; for all 107 guest rooms located on the first, second, third and fourth floors in the hotel, as described in the Special Use Permit granted by the Zoning Board of Review on June 18, 2008; and as further defined in a site plan on file in the Town Clerk's Office.

CLASS B – LIMITED

J.S.R. CORP. d/b/a TONY'S PIZZA PALACE, by John Reves, President, 1916 Kingstown Road, Peace Dale, RI; first floor dining area, and counter with the consumption of food; and as described in the Special Exception granted by the Zoning Board of Review on April 17, 1992; and as further defined in a site plan on file in the Town Clerk's Office.

LA STRADA WOOD FIRED PIZZA, INC. d/b/a LA STRADA CAFÉ & PIZZERIA, by Jennifer L. Olbrich, Vice President, 920 Matunuck Beach Road, Wakefield, RI; inside dining room and outside patio, in accordance with a Special Use Permit granted April 20, 2011 by the Zoning Board of Review; and as further defined in a site plan on file in the Town Clerk's Office.

LOOMIS HOLDING CORP. d/b/a D.B.'S PIZZA, by Chace Loomis, President, 546 Kingstown Road, Wakefield, RI; store #4, first floor dining area (tables only) as described in the Special Exception granted by the Zoning Board of Review on January 20, 1988; and as further defined in a site plan on file in the Town Clerk's Office.

CLASS D – CLUB FULL PRIVILEGE

THE ELKS CLUB OF SOUTH KINGSTOWN #1899, by John W. Bannister, House Co-Chairman, 60 Belmont Avenue, Wakefield, RI; members lounge, dining room and foyer, and grounds at 60 Belmont Avenue as described in the Special Use Permit granted by the Zoning Board of Review on February 19, 1997; and as further defined in a site plan dated September 30, 1998 on file in the Town Clerk's Office.

URI BOARD OF GOVERNORS – FACULTY CENTER, by Mark Higgins, University Club President, 95 Upper College Road, Kingston, RI; the Rhode Island Room, Club Room, Alumni Room, President's Room and Heber's Room in the University Club and the Terrace; and as further defined in an amended site plan on file in the Town Clerk's Office.

CLASS T – LEGITIMATE THEATER

SOUTH COUNTY CENTER FOR THE ARTS d/b/a COURTHOUSE CENTER FOR THE ARTS, by Joseph L. Orlando, President, 3481 Kingstown Road, West Kingstown, RI; first and second floor areas of the existing building in accordance with a Special Use Permit granted November 28, 2012 by the Zoning Board of Review; and as further defined in site plans on file in the Town Clerk's office.

- 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 MCT INC. d/b/a CUCINA TWIST, 2095 Kingstown Road, Wakefield, RI 02879 by Michael G. Marra, Administrator of the Estate of Stephen Marra, to MCT INC. d/b/a CUCINA TWIST, 2095 Kingstown Road, Wakefield, RI 02879 by Michael G. Marra, Sole Member, Golato LLC for the first floor dining room, lounge and bar area; and as further defined in a site plan on file in the Town Clerk's office. This application is filed to effectuate a transfer of 50% or greater of the stock of the corporation, and will be effective for the year beginning December 1, 2013.

Said transfer is contingent upon the issuance of a Certificate 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.

8. COMMUNICATIONS

- A.** A communication dated October 17, 2013 from Robert Shumaker, Ruth Anderson and Soraya Neighbors expressing their appreciation of the Town Council’s consideration of a potential rooster ordinance and their willingness to mediate the issue with a neutral party is received, placed on file and the Town Council further directs _____. (11/7/2013 Miscellaneous, Item II C.)

- B.** A communication dated November 5, 2013 from James Sheehy requesting letters of citation for Matthew James Sheehy and Brian Alois Hempte for attaining the rank of Eagle Scout, and inviting Council members to attend their award ceremony on Sunday, November 24, 2013 is received, placed on file, and the Town Council further directs _____. (11/7/2013 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 _____. (See Attachment A for Boards and Commissions Appointments Report)

13. NEW BUSINESS

- (CA) A. A resolution authorizing the Town Clerk to advertise for Order of Notice a Public Hearing to consider a proposed amendment to the Zoning Ordinance of the Town of South Kingstown, as follows:

Article 7. Standards for Parking Lots and Loading

Section 711. Minimum off-street parking requirements.

For the purpose of this Ordinance, the following minimum parking space requirements shall apply (a parking space including aisles shall be no less than 350 square feet per vehicle):

B. Commercial:

Type of Use

Minimum Parking Spaces Required:

Lunchrooms, restaurants,
taverns, etc.

1 space for each ≥ 4 persons of total
capacity

- (CA) B. A resolution authorizing the Tax Assessor to abate taxes in the total amount of \$2,392.70, as shown on Tax Abatement Request No. 498.
- C. A resolution authorizing an award of contract to Pare Corporation, 8 Blackstone Valley Place, Lincoln, RI 02865 for engineering consultation and design services to relocate the Town Beach Pavilion in an amount not to exceed \$10,000, including a \$2,100 contingency; and as further described in a memorandum from the Director of Leisure Services to the Town Manager dated November 1, 2013 and entitled "Pavilion Relocation Project – Engineering Proposal."

AGENDA – Regular Session
Town of South Kingstown
November 12, 2013
Page 18

- (CA) D.** A resolution authorizing the Town Clerk to advertise for Order of Notice 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 VICTUALLER LIQUOR LICENSE

Application for a Class B Victualler Liquor License by Surfside Thai Food, LLC d/b/a Sa-Tang Restaurant, 402A Main Street, Wakefield, RI 02879 by Nina Conklin, Member for the bar and dining room; and as further defined in a site plan on file in the Town Clerk's Office.

- E.** A resolution authorizing an award of bid to Coastal International Trucks, LLC, 17 O'Keefe Lane, Warwick, RI 02888 for a 2014 International 7400 dump truck with Heil dump body and Viking snowplow in an amount not to exceed \$149,356, including trade-in; and as further described in a memorandum from the Public Services Director to the Town Manager dated November 7, 2013 and entitled "Bid Recommendation – 40,000 GVW Dump Truck with Snowplow, Bid Reference #SK0012HD."
- (CA) F.** A resolution authorizing the Town Clerk to advertise by reference for Order of Notice a Public Hearing to consider proposed amendments to the Town Code, Chapter 6 Finance, Article II. Purchasing, Section 6-22. Specific requirements, Section 6-25. Approval of purchases, and Section 6-26. Miscellaneous requirements, as shown on Exhibit 1 attached hereto.
- (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."

**PROPOSED AMENDMENTS TO THE TOWN CODE
CHAPTER 6 FINANCE
ARTICLE II. PURCHASING**

Sec. 6-22. - Specific requirements.

No purchases or contracts for services or goods of any kind or description, payment for which is to be made from funds of the town, shall be made by the finance director or any officer, employee or agent of the town except as follows:

(1) *Purchase under two thousand five hundred dollars*. Whenever any contemplated purchase or contract for goods or services is for the sum of less than two thousand five hundred dollars (\$2,500.00) inclusive, the department head may order the items as needed in accordance with the approved accounting system.

~~(2) *Goods or services costing five hundred dollars to one thousand dollars inclusive. Whenever any contemplated purchase or contract is for goods or services costing from five hundred dollars (\$500.00) to one thousand dollars (\$1,000.00) inclusive, the department head shall obtain at least three (3) quotations from qualified vendors for the goods or services to be purchased. The quotations may be obtained orally and the award for purchase or contract given to the lowest responsible bidder. All items in this price range must be included in budget workpapers, otherwise prior approval from the town manager shall be needed for the purchase.*~~

~~(3) *Purchases costing from one thousand two thousand five hundred dollars to ten thousand dollars for construction projects, and five thousand dollars inclusive for all other purchases. Whenever any contemplated purchase or contract is for goods or services costing from one thousand two thousand five hundred dollars (\$1000.00 \$2,500.00) to ten thousand dollars (\$10,000.00) for construction projects and five thousand dollars (\$5,000.00) inclusive for all other purchases, the department head shall solicit at least three (3) written quotations for the item or items to be purchased. The quotation shall be submitted in written form to the department head who shall forward the three (3) quotes to the finance department along with the purchase order. All items in this price range must be included in the budget workpapers, otherwise prior approval from the town manager shall be needed for the purchase.*~~

~~(4) *Items costing over ten thousand dollars for construction projects and five thousand dollars inclusive for all other purchases. Whenever any contemplated purchase or contract for goods or services is for the sum of more than ten thousand dollars (\$10,000.00) for construction projects and five thousand dollars (\$5,000.00) for all other purchases, the town manager shall cause to be published in one (1) issue of a newspaper of general circulation in the town a notice inviting bids. Such notice shall be published at least ten (10) business days prior to the date set for the receipt of bids. The town manager may allow more time for the preparation and submittal of bids whenever the contemplated purchase of goods or services indicates that a longer period of time will be required for vendors to complete and submit bids. The notice herein required*~~

Exhibit 1

shall include a general description of the articles to be purchased or services performed and the time and place for opening bids. In addition, the town manager shall post a notice inviting bids ~~in town hall~~ on the Town's website, and may also mail or email, as appropriate, to all responsible prospective suppliers of the items to be purchased or services performed a copy of the notice inserted in the newspaper hereinbefore required. Upon opening of the sealed bids, the department head shall review and investigate all bids received and shall then make a recommendation to the town council based upon said investigation.

(Ord. of 6-27-88, § 2; Ord. of 7-12-04(1))

Sec. 6-25. - Approval of purchases.

All purchase orders or contracts must be for goods or services covered by a category in the budget for the current fiscal year as approved by the town council. The finance director or ~~town accountant~~ finance and accounting administrator is authorized to approve all purchases after complying with the competitive shopping requirements as specified above. The finance director or ~~town accountant~~ finance and accounting administrator shall also be authorized to extend funds exceeding ~~four~~ five thousand dollars (~~\$4,000.00~~ \$5,000.00) for materials and supplies under blanket purchase order for a fixed period of time that was issued as a result of competitive bidding and town council approval of the lowest responsible bidder.

(Ord. of 6-27-88, § 5)

Sec. 6-26. - Miscellaneous requirements.

(a) *Exclusive service.* If there is only one (1) firm or company or individual capable of providing a particular service or commodity and said service or commodity cannot be secured from other persons or companies then the bidding requirements contained above shall not be applicable and the finance director or ~~town accountant~~ finance and accounting administrator is authorized to proceed with the purchase of such service or commodities as is required by the town, but cannot be secured through the normal bidding process. Exclusive service purchases for amounts exceeding ten thousand dollars (\$10,000.00) must be approved by the town council.

(b) *Performance bond.* The finance director shall have the authority to require a performance bond in cash or otherwise for such amount that he may deem sufficient to secure the execution of the contract for furnishing goods or services for the best interest of the town.

(c) *Emergency purchases.* In case of an emergency and with the approval of the town manager or finance director, the department head may purchase the necessary supplies or services without complying with section 6-22. Emergency situations are classified as those where immediate procurement is essential to prevent delays in work which may vitally affect the life, health or safety of citizens. The department head will forward to the finance director within two (2) working days a complete written explanation of the emergency circumstances, along with a purchase requisition. Requests based on improper planning of lead time required to procure normal operating supplies or services will not be allowed under this emergency provision.

Exhibit 1

(d) *Professional services.* The competitive bidding requirements of this article shall not apply to professional services, and the requirements herein shall not be required in the employment of professional services, including but not limited to physicians, attorneys, engineers, certified public accountants or planners. The town manager is authorized and encouraged, however, to request proposals from capable professionals within a required discipline, whenever time and circumstances warrant. All contracts in excess of ten thousand dollars (\$10,000.00) must receive town council approval.

(e) *Cooperative purchasing.* This article, and the requirements herein, shall not apply to purchases made through or with the state or any other governmental jurisdiction which operates a cooperative procurement program and will allow the town to purchase goods or services that the jurisdiction has made available following the completion of its own internal purchasing procedures.

(f) *Subdividing prohibited.* No contract or purchase shall be subdivided to avoid the requirements of this article.

(g) *No response to bid request.* If the situation arises where the town does not receive a response to a formal request for bids, a second bid request will be advertised after a two-week interval. If there is no response to the second bid, then a direct solicitation of potential vendors qualified to provide the goods or services may take place.

(h) *Consolidated and/or repetitive purchases.* The requirements of section 6-22 of this article for minor products which are common to multiple town departments will not be required, if the interests of the town, both financially and operationally are better met through a consolidated purchase. The purchasing director has the authority to negotiate with vendors up to a maximum dollar amount of ten thousand dollars (\$10,000.00) on minor items used by multiple departments.

(i) *Specialized services.* In certain unique situations or where highly specialized technical services are required, department heads may procure these services without complying with section 6-22 of this article. All specialized needs must be approved by the ~~purchasing director~~ finance director and/or the town manager prior to the actual procurement process and be in the best interests of the town.

(j) *Negotiations with the lowest qualified bidder.* This section allows the ~~purchasing director~~, town manager and/or the finance director the ability to negotiate with the lowest responsible bidder as to the final cost and terms of a purchase or contract.

(k) *Direct purchase from original equipment manufacturer.* Where it can be determined that it is in the best interests of the town to purchase directly from an original equipment manufacturer, the ~~purchasing director~~ department head, with the approval of the town manager and/or finance director, has the authority to procure goods up to a maximum of ten thousand dollars (\$10,000.00) without following section 6-22 of this article.

(Ord. of 6-27-88, § 6; Ord. of 9-11-89)

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)

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

Applicant: 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 February 2013; Peter A. Duhamel resigned October 2013)

Applicants: Andrew Martinez (applied 7/26/2013; interviewed 10/28/2013); Timothy A. Ulmschneider (applied 7/29/2013; interviewed 10/28/2013); Jennifer A. James (applied 8/9/2013; 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)

Applicant: Richard J. Jurczak (applied 11/6/2013)

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 and Richard Youngken wish to be reappointed. It is reported that Mr. Nunes attended 17 and Mr. Youngken attended 18 of 19 meetings held during the current term.

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

Attachment A

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; 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; interviewed 10/28/2013);

Timothy P. O'Neill (applied 8/2/2013); Richard J. Jurczak (applied 11/6/2013)