

AGENDA

TOWN OF SOUTH KINGSTOWN

RHODE ISLAND



TOWN COUNCIL

REGULAR SESSION

7:30 PM

TOWN COUNCIL CHAMBERS
180 HIGH STREET
WAKEFIELD, RI

MONDAY, NOVEMBER 25, 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: 11/21/2013

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- 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 – November 12, 2013**

- B. **Regular Session – November 12, 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.”

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6. LICENSES

- (CA) A.** A resolution granting a Victualling License for the year beginning December 1, 2013 to FIVE 90, 221 Robinson Street, Wakefield, RI 02879. Application by Nathan Schunke, 298 Dugway Bridge Road, West Kingston, RI 02892; Renewal.
- (CA) B.** A resolution granting Victualling and Holiday Sales Licenses for the year beginning December 1, 2013 to JENNIFER’S CHOCOLATES, 160 Old Tower Hill Road, Wakefield, RI 02879. Application by Jennifer Dowell, 13 Austin Street, Wakefield, RI 02879; Renewals.
- (CA) C.** A resolution granting Holiday Sales Licenses for the year beginning December 1, 2013 to the following; Renewals:
- CVS PHARMACY #2065, 11 Main Street, Wakefield, RI 02879. Application by Joanne P. Amitrano, Rhode Island CVS Pharmacy, LLC, 1 CVS Drive, Mail Drop 23062A, Woonsocket, RI 02895.
- CVS PHARMACY #868, 99 Fortin Road, Suite 107, Kingston, RI 02881. Application by Joanne P. Amitrano, Rhode Island CVS Pharmacy, LLC, 1 CVS Drive, Mail Drop 23062A, Woonsocket, RI 02895.
- (CA) D.** A resolution granting Holiday Sales Farm and Produce Licenses for the year beginning December 1, 2013 to the following; Renewals:
- SOSNOWSKI FARM, 3 & 5 Waites Corner Road, West Kingston, RI 02892. Application by V. Susan Sosnowski, 680 Glen Rock Road, West Kingston, RI 02892.
- WHALEY FARM, 2 Jerry Brown Farm Road, Wakefield, RI 02879. Application by George C. Whaley, 2 Jerry Brown Farm Road, Wakefield, RI 02879.
- (CA) E.** A resolution granting a Farm Produce License for the year beginning December 1, 2013 to SOSNOWSKI FARM, 680 Glen Rock Road, West Kingston, RI 02892. Application by V. Susan Sosnowski, 680 Glen Rock Road, West Kingston, RI 02892; Renewal.

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- (CA) F.** A resolution granting a Private Detective License for the year beginning December 1, 2013 to ROBERT E. BRADDOCK, JR., 624 Curtis Corner Road, Wakefield, RI 02879. Application by Robert E. Braddock, Jr., 389 George Waterman Road, Johnston, RI 02919; Renewal.
- G.** A resolution granting a Miscellaneous Permit to conduct The Matty Fund Memorial Day 5K Run on Monday, May 26, 2014 at 8:30 a.m. to THE MATTHEW SIRAVO MEMORIAL FOUNDATION d/b/a THE MATTY FUND, 10 High Street, P.O. Box 5300, Wakefield, RI 02880 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, approval by the Traffic and Transportation Review Committee, and approval by the RI Department of Transportation. Application by George T. Donnelly, executive Director, 19 Peninsula Road, Wakefield, RI 02879.

7. PUBLIC HEARINGS

- A.** A Public Hearing relative to an application to perform construction activities within twenty-five feet of an historic cemetery in accordance with the South Kingstown Town Code, Chapter 14 Planning, Article IV. Historical and Archaeological Cemeteries and Burial Sites. Application by the RI Department of Transportation for those parcels identified as Historical Cemeteries #5 and #6 (Nathaniel Peckham Lot and Old Fernwood Cemetery) on Assessor's Plat 22-3, lot 26, and that parcel identified as Historical Cemetery #7 (New Fernwood Cemetery) on Assessor's Plat 22-3, lot 25. The application is filed in regard to RIDOT's planned installation of drainage improvements adjacent to the cemeteries in Kingston as part of the State's Route 138 Reconstruction Project.
- B.** A Public Hearing relative to 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.

8. COMMUNICATIONS

- A.** A communication dated November 18, 2013 from Ernie George tendering his resignation from the Zoning Board of Review at the end of December is received, placed on file, and the Town Council further directs_____. (11/21/2013 Miscellaneous, Item II B.)

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- B.** A communication dated November 20, 2013 from Cheryl A. Fernstrom, Town Clerk on behalf of the Jamestown Town Council providing background information and requesting support for their resolution seeking safety improvements to the Newport Pell Bridge is received, placed on file, and the Town Council further directs _____. (11/21/2013 Miscellaneous, Item II F.)

- (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 CITIZENSTOWN 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

- A.** A resolution affirming a proclamation presented on November 24, 2013 to Brian Alois Hempe for attaining the Eagle Scout Award, as follows:

BRIAN ALOIS HEMPE

WHEREAS, BRIAN ALOIS HEMPE 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, having earned 36 merit badges, serving as the troop's Senior Patrol Leader and participating in a high adventure trip to the SeaBase reservation in the Florida Keys, and

WHEREAS, Brian has been a participant in the Town of South Kingstown's Little League Program since he was 5 years old and played on numerous teams including All Star teams; he also served as a Junior Umpire and noticed that there was a safety issue with a lack of space to store equipment in the town's dugouts. For **his** final Eagle Project he designed and oversaw the construction and installation of racks for the storage of bats and helmets at six of the dugouts, 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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- B.** A resolution affirming a proclamation presented on November 24, 2013 to Matthew James Sheehy for attaining the Eagle Scout Award, as follows:

MATTHEW JAMES SHEEHY

WHEREAS, MATTHEW JAMES SHEEHY 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 he earned 36 merit badges, served as the troop's Senior Patrol Leader, spent 10 days hiking the Appalachian Trail, canoed Flagstaff Lake on a high adventure trip to Maine and participated in a high adventure trip to the SeaBase reservation in the Florida Keys, and

WHEREAS, for **his** final Eagle Project he planned, organized and built a graduation garden at West Kingston Elementary School. Many of the plants selected for this garden will bloom each year in mid-June and the centerpiece of the garden is a cedar bench designed and built by Matthew and his fellow scouts. The garden will provide a pleasant spot for families to record the memory of their child's promotion from the elementary school, as well as provide a pleasing backdrop near the entrance of the school, 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.

- C. A resolution affirming a proclamation presented on November 9, 2013 to Joe “Tiger” Patrick II for his efforts to honor Afghanistan and Iraq Fallen Heroes, as follows:

JOE “TIGER” PATRICK II

WHEREAS, JOE “TIGER” PATRICK II, a Rhode Island Army veteran who served during Operation Desert Storm volunteered at Ground Zero for three (3) weeks after the 9/11 attacks; and

WHEREAS, during his time at Ground Zero he developed an affinity for firefighters and in 2011 completed a memorial walk to honor the families and loved ones of those lost, as well as the first responders in the 9/11 attacks; and

WHEREAS, he recently completed a walk across the United States to increase awareness of the 6,722 U.S. service member casualties resulting from the war in Afghanistan and Iraq carrying an American flag and an 8-by-25-foot banner that bears the names and photographs of the fallen, and

WHEREAS, JOE has been a member of the South Kingstown Elks Lodge #1899 since 1996 and is a lifetime member of the Veterans’ of Foreign Wars (VFW) Post #916, benevolent organizations formed to spread goodwill reflective of Joe’s volunteer work at Ground Zero and memorial walks, in addition to his dedication to the Buddy Poppy sale, and

WHEREAS, the Town Council recognizes the selflessness, dedication and strength it takes to undertake such an endeavor as a cross-country walk and applaud **JOE “TIGER” PATRICK’S** efforts to honor Afghanistan and Iraq Fallen Heroes.

NOW THEREFORE WE THE TOWN COUNCIL OF THE TOWN OF SOUTH KINGSTOWN proclaim November 9, 2013 as **JOE “TIGER” PATRICK II** day in the Town of South Kingstown.

- (CA) D. A resolution that a complaint filed by Melissa A. Thomson, Esquire on behalf of her client, Brian S. Allen alleging wrongful termination of employment on or about May 30, 2013 is referred to the Town Solicitor and the Town’s insurance carrier.

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- E.** A resolution authorizing an award of bid to Turf Products LLC, 157 Moody Road, Enfield, CT 06083 for a Toro Groundsmaster wide area tri-deck mower in accordance with bid specifications, in the amount of \$48,100, including trade-in allowance, and a Toro Sand Pro infield grooming machine and push blade attachment in accordance with bid specifications, in the amount of \$12,400 including trade-in allowance, for a total bid amount not to exceed \$60,500; and as further described in a memorandum from the Director of Leisure Services to the Town Manager dated November 6, 2013 and entitled “Bid Recommendation – Wide Area Tri-Deck Mower and Infield Machine, SK0023RD.”

- (CA) F.** A resolution authorizing the Town Clerk to advertise for Order of Notice a Public Hearing relative to a request for additional operational hours between 2:00 AM and 6:00 AM by International Zone Inc., 100 Fortin Road, Kingston, RI 02881. Application by Ziad Alchihed, President, 51 Rolens Drive, Kingston, RI 02881.

- (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)

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)

One vacancy: term expires September 2016 (Peter A. Duhamel resigned October 2013)

Applicants: Timothy A. Ulmschneider (applied 7/29/2013; interviewed 10/28/2013); Christopher J. O'Connor (applied 11/14/2013)

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)

Applicants: Richard J. Jurczak (applied 11/6/2013); Brian P. Smith (applied 11/15/2013); Frances Alexakos (applied 11/20/2013)

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 2013)
Applicants: Frank H. Heppner (applied 5/10/2013); Christopher J. O'Connor (applied 11/14/2013)

Recreation Commission (5 members/3 year term)

No vacancies
Applicant: Andrew Martinez (applied 7/26/2013; appointed to Conservation Commission 11/12/2013)

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)

Zoning Board of Review (5 members, 2 alternate members/3 year term)

Applicant: Christopher J. O'Connor (applied 11/14/2013)