

AGENDA

TOWN OF SOUTH KINGSTOWN

RHODE ISLAND



TOWN COUNCIL

REGULAR SESSION

7:30 PM

TOWN COUNCIL CHAMBERS
180 HIGH STREET
WAKEFIELD, RI

MONDAY, APRIL 12, 2010

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

DATE POSTED: 4/8/2010

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1. A. INTERVIEW – 6:30 PM
- B. WORK SESSION – 6:45 PM
- 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 Sessions – March 10 and March 22, 2010
- B. Regular Session – March 22, 2010
5. CONSENT AGENDA

* * * * *

- I. Rule 10A. for the conduct of the meetings of the South Kingstown Town Council for the Term 2008 through 2010: Members of the public shall be entitled to speak at regular meetings during any period designated on the agenda for public comment, once, for a period of five minutes, or longer at the discretion of the President, and at other times when invited to do so by the President. The public shall address their comments to the question under debate as indicated on the agenda. Pursuant to RI General Laws §42-46-6(b), public comment regarding subject matter not on the agenda but received during the public participation portion of a meeting shall be for information purposes only and may not be voted on except where necessary to address an unexpected occurrence that requires immediate action to protect the public or to refer the matter to an appropriate committee or to another body or official.
- II. Rule 11: No item of business other than that of adjournment may be brought before the Town Council at any meeting unless such an item is introduced before 11:00 PM; provided, however, that this rule may be suspended by an affirmative vote of a majority of members present.
- III. Rule 13: All items listed with a (CA) are to be considered routine by the Town Council and will be enacted by one motion. There will be no separate discussion of these items unless a member of the Council, or a member of the public so requests, in which event the item will be removed from Consent Agenda (CA) consideration and considered in its normal sequence on the agenda.

Pursuant to RIGL §42-46-6(b). Notice – “Nothing contained herein shall prevent a public body, other than a school committee from adding additional items to the agenda by majority vote of the members. Such additional items shall be for informational purposes only and may not be voted on except where necessary to address an unexpected occurrence that requires immediate action to protect the public or to refer the matter to an appropriate committee or to another body or official.”

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6. LICENSES

- A.** A resolution granting a Holiday Sales License to THE GIFT EMPORIUM, 99 Fortin Road Suite 110, Kingston, RI 02881 subject to approval by the Kingston Fire Chief. Application by Nichole Molloy, 29 Lexington Avenue, West Warwick, RI 02893; New.
- B.** A resolution granting a Holiday Sales License to VERDIGRIS, 355 Main Street, Wakefield, RI 02879 subject to approval by the Fire Chief and Communications Superintendent. Application by Robert Block, P.O. Box 26, Hope Valley, RI 02832; New.
- C.** A resolution granting a Miscellaneous Permit to conduct the Exeter Marathon in the Town of South Kingstown on Saturday, April 17, 2010 at 8:00 a.m. to the NARRAGANSETT RUNNING ASSOCIATION 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 for the event in the amounts specified by the Risk Manager, and State Traffic Commission approval. Proceeds to benefit the Association's "Summer Youth Track Series." Application by Michael Tamaro, President, Narragansett Running Association, P.O. Box 3012, Kingston, RI 02881; New.
- (CA) D.** A resolution granting Victualling Licenses to the following; Renewals:

 - BLUE MOON SEAFOOD, LTD. d/b/a MAIN STREET FISH MARKET, 402A Main Street, Wakefield, RI 02879 subject to approval by the Kingston Fire Chief. Application by Daniel P. Montmarquet, 22 John Scott Lane, North Kingstown, RI 02852.
 - INTERNATIONAL PIZZA & WINGS, 99 Fortin Road, Kingston, RI 02881 subject to approval by the Kingston Fire Chief. Application by Bahij Boutros, 62 Waites Corner Road, West Kingston, RI 02892.
- (CA) E.** A resolution granting a Tourist Accommodation License to MARY F. ASHER d/b/a ELM GUEST HOUSE, 24 Elm Street, Wakefield, RI 02879 for 2 spaces, 4 persons subject to approval by the Fire Chief. Application by Mary F. Asher, 24 Elm Street, Wakefield, RI 02879; Renewal.

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- (CA) F. A resolution granting a Miscellaneous Permit to conduct the Matthew Siravo Memorial 5K Run/Walk for Epilepsy on Saturday, June 12, 2010 at 9:00 a.m. to the MATTHEW SIRAVO MEMORIAL FOUNDATION, P.O. Box 5300, Wakefield RI 02880 subject to the execution of a hold harmless agreement indemnifying the Town, and the issuance of a Certificate of Insurance naming the Town as an additional insured for the event in the amounts specified by the Risk Manager. Application by Jessie Kenyon, 151 Little Rest Road, Kingston, RI 02881; Renewal.
- (CA) G. A resolution granting a Miscellaneous Permit to sell Buddy Poppies on May 28, 29 and 30, 2010 to the Washington County VFW Post 916, 155 High Street, Wakefield, RI 02879. Application by Raymond W. Greene, 1608 Kingstown Road, Wakefield, RI 02879; Renewal.

7. PUBLIC HEARINGS

- A. A Public Hearing to consider proposed amendments to the Zoning Ordinance, Appendix A Use Code Descriptions that would amend Use Code 55 Retail Trade to define and limit firearms sales conducted at sporting goods stores and establish a new Use Code 55.7 Retail Trade of Firearms; and amend Article 3. Use Regulations, Section 301 Schedule of Use Regulations Table to permit Use Code 55.7 by right only within the CH (Commercial Highway) and CD (Commercial Downtown) zoning districts, as shown on Exhibit 1 attached hereto.
- B. A Public Hearing relative to an application requesting a Zoning Map amendment from Commercial Neighborhood, limited to Use Code: 42 – Office, Personal and Limited Business Service, 10,001-50,000 square feet GLFA/use, Use Code 20 – Educational Institution, Primary through Secondary, subject to the following conditions:
1. The premises shall be restricted to an Educational Institution servicing grades K to 6;
 2. That no more than 75 students be permitted;
 3. That no more than four (4) classrooms be permitted;
 4. That the total floor area of the school be no greater than 2,414 square feet;
 5. That the Planning Board conduct Development Plan review of the proposed school;
 6. That the existing vegetative buffer screening the property from adjoining residences shall be maintained; and
 7. The dumpsters shall be enclosed and secured.

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To Commercial Neighborhood, limited to Use Code: 42 – Office, Personal and Limited Business Service, 10,001-50,000 square feet GLFA/use, Use Code 27 – Service Organization and Use Code 20 – Educational Institution, Primary through Secondary, subject to the following conditions:

1. The premises shall be restricted to an Educational Institution servicing grades K to 6;
2. That no more than 75 students be permitted;
3. That no more than four (4) classrooms be permitted;
4. That the total floor area of the school be no greater than 2,414 square feet;
5. That the Planning Board conduct Development Plan review of the proposed school;
6. That the existing vegetative buffer screening the property from adjoining residences shall be maintained; and
7. The dumpsters shall be enclosed and secured.

For property located at 33 North Road, Unit C, approximately 7,200 sq. ft., and designated as AP 49-1, Lot 83-3; application by: Lily Pads Property, Inc., owner and The Education Exchange.

8. COMMUNICATIONS

(CA) A. Communications dated March 23 and 24, 2010 from the following residents concerning school budget issues and the potential closure of Wakefield School are received and placed on file. (3/25/2010 Interim, Item D.)

- Susan C. Kimmerlein
- Marjorie Vorhaben
- Abby Colby Cooper
- Jean Matteson
- Lori Carr
- Lisa Meller
- Responses to survey of Wakefield residents

(CA) B. Resolutions adopted March 22, 2010 by the East Greenwich Town Council and Cranston City Council, and adopted March 25, 2010 by the Foster Town Council supporting efforts to return the America's Cup Races to the City of Newport are received and placed on file. (3/25/2010 Interim, Item G. and 4/8/2010 Miscellaneous, Item II D.)

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- (CA) C.** A resolution adopted March 2, 2010 by the Cranston City Council requesting State legislation establishing a “Blue Alert” program to issue information on suspected assailants who have fled the scene of a crime involving an officer who has been killed or injured, is received and placed on file. (3/25/2010 Interim, Item H.)
- (CA) D.** A resolution adopted March 22, 2010 by the East Greenwich Town Council in opposition to mandatory binding arbitration on monetary matters for teachers is received and placed on file. (3/25/2010 Interim, Item I.)
- (CA) E.** Resolutions adopted March 22, 2010 by the East Greenwich Town Council, March 24, 2010 by the Burrillville Town Council and March 25, 2010 by the Foster Town Council in opposition to Senate Bill 2010 – S 2603, An Act Relating to Labor and Labor Relations – Certified School Teachers Arbitration that would extend the existing terms and conditions of employment of a school teacher contract until such time as an agreement is reached between the parties, are received and placed on file. (3/25/2010 Interim, Item I. and 4/8/2010 Miscellaneous, Items II D., F.)
- (CA) F.** A resolution adopted March 22, 2010 by the Portsmouth Town Council in support of House Bill 2010 – H 7014, An Act Relating to Waters and Navigation – Regulation of Boats relative to bridge safety is received and placed on file. (3/25/2010 Interim, Item H.)
- (CA) G.** A communication dated March 24, 2010 from Peter Dodd requesting reimbursement for automobile tires damaged on Route 1 is received, placed on file, and referred to the Financial Controller for response. (4/1/2010 Interim, Item B.)
- H.** A resolution adopted March 23, 2010 by the Portsmouth School Committee concerning the RI Department of Education (RIDE) proposed Education Funding formula is received, placed on file, and the Town Council further directs _____. (4/1/2010 Interim, Item D.)
- I.** A resolution adopted March 29, 2010 by the Tiverton Town Council in support of proposed legislation that would allow RI municipalities to postpone budget and financial town meetings for FY2010-2011 for up to 90 days is received, placed on file, and the Town Council further directs _____. (4/1/2010 Interim, Item F.)

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- (CA) J. A communication dated March 31, 2010 from Stephen Elmasian, Co-Chairman, Armenian National Committee of RI requesting permission to fly their flag at Town Hall on Saturday, April 24, 2010 to mark the anniversary of the Armenian Genocide during World War I is received, placed on file and the Town Council further directs that the request be granted. (4/8/2010 Miscellaneous, Item II C.)
- (CA) K. Any communication added to the Agenda subsequent to this is hereby added by majority vote, in accordance with RIGL §42-46-6 (b) Notice --... “Nothing contained herein shall prevent a public body, other than a school committee, from adding additional items to the agenda by majority vote of the members. Such additional items shall be for informational purposes only and may not be voted on except where necessary to address an unexpected occurrence that requires immediate action to protect the public or to refer the matter to an appropriate committee or to another body or official.”

9. COMMENTS FROM INTERESTED CITIZENS

10. TOWN MANAGER’S REPORT

11. TOWN SOLICITOR’S REPORT

12. APPOINTMENTS

- A. A resolution appointing _____ to the _____ Board/Committee/Commission for a term to expire in _____.

13. NEW BUSINESS

- A. A resolution recognizing Janice Prochaska as the recipient of the 2010 Volunteer of the Year Award from the RI Recreation and Parks Association, as follows:

JANICE PROCHASKA

WHEREAS, Janice Prochaska has been awarded the 2010 Settimo “Steamer” Ricci Award by the RI Parks and Recreation Association for outstanding volunteer efforts in support of Parks and Recreation initiatives and development on a local, state and national level, and

WHEREAS, Under Commissioner **Prochaska's** guidance and leadership the Department of Parks and Recreation has:

- Received National Accreditation through NRPA
- Opened a Nature Center whose mission is to educate the community on the importance of guarding and protecting our natural resources
- Seen the development and expansion of the William C. O'Neill bike path
- Seen the development of the Town's first dog park
- Seen the development of the Green Hill Park, West Kingston Park, Broad Rock Park and the Curtis Corner Play Fields
- Seen programs and special events expand to over 200 offerings annually
- Seen the formalization of the "Friends of South Kingstown Parks and Recreation", a non-profit 501c-3 organization that provides financial support to the Department, specifically for its scholarship program, and

WHEREAS, Commissioner **Prochaska** has served on the South Kingstown Recreation Commission for eighteen years and as Chairperson of the Commission in 2002-03, and

WHEREAS, since 2003, Commissioner **Prochaska** has served on the National Recreation and Parks Association Board of Trustees as a Citizen Member and is currently Co-Chair of the Public Policy Committee, and

WHEREAS, as a member of the Friends of South Kingstown Parks and Recreation Association since 1999, Commissioner **Prochaska** has been a tireless advocate for local youth involvement, supporting and contributing to the Friends scholarship fund so that all South Kingstown children can enjoy and benefit from the many recreational opportunities the Town offers.

NOW, THEREFORE WE THE TOWN COUNCIL OF THE TOWN OF SOUTH KINGSTOWN do hereby extend our congratulations to **Janice Prochaska** and recognize her as recipient of the Rhode Island Parks and Recreation Association 2010 Settimo "Steamer" Ricci Award for her outstanding volunteer efforts.

- B. A resolution adopting a proclamation designating the Bike Path in the Village of Peace Dale and surrounding area as the Peace Dale Art Park, as follows:

PEACE DALE ART PARK

WHEREAS, Several art pieces are on display within the Village of Peace Dale and soon plaques will be attached identifying the artist as well as the name of the piece, and

WHEREAS, This unofficial art park has attracted both local residents and visitors and it is the intention of the Peace Dale Neighborhood Revitalization, Inc. to expand the art work in Peace Dale to continue to attract more visitors and artists to the area, and

WHEREAS, The Peace Dale Neighborhood Revitalization, Inc. has formally requested that the South Kingstown Town Council designate the bike path and surrounding village area as the **Peace Dale Art Park** to enhance both cultural and economic development within the village of Peace Dale, and

WHEREAS, The Town Council recognizes that having an official designated Art Park will attract and encourage economic and cultural opportunities.

NOW THEREFORE, WE THE TOWN COUNCIL OF THE TOWN OF SOUTH KINGSTOWN do hereby designate the bike path in the Village of Peace Dale and surrounding area as the **PEACE DALE ART PARK** as a stimulus for economic and cultural prosperity.

- C. A resolution authorizing the Town Manager, on behalf of the Town of South Kingstown, to execute the original Roadway Investment – Local Equity Aid Program Federal and State Funds agreement and the supplemental Clarification of Federal Requirements for Local Equity Aid Program (LEAP) Federal and State Funds agreement for the Matunuck Schoolhouse Road Project; as further described in a memorandum from the Public Services Director to the Town Manager dated April 6, 2010 and entitled: “Roadway Investment – Local Equity Aid Program (RI-LEAP) Matunuck Schoolhouse Road Reconstruction Project.”

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- (CA) D.** A resolution that Civil Action No. 2010-0012 filed in Washington County Superior Court by James E. Brennan, Jr. on his own behalf relative to an incident that occurred on or about March 8, 2007 be referred to the Town Solicitor and the Town’s insurance carrier.

- (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.”

**PROPOSED AMENDMENTS TO THE ZONING ORDINANCE
FIREARMS AND FIREARMS SALES ESTABLISHMENTS**

Appendix A. Use Code Descriptions

Amend: Use Code 55, Retail Trade, up to 10,000 s.f. GLFA/use

55	Retail Trade, up to 10,000 s.f. GLFA/use
	Apparel and accessories; household appliances; art supply; bakeries; books, newspapers and periodicals (new or used); cameras and photographic supplies (new or used); confectionery; coin or stamp shop (new or used); custom tailoring; dairy products; drug store; fabric store; floor covering-retail; florist; fruits and vegetables-retail; gift shop; groceries and delicatessens-retail; hobby shops; home furnishings and equipment; jewelry-retail; meat and fish-retail; musical instruments and supplies-retail; office supplies or equipment, stationery or art supplies; pet store; radio, television, audio/video and computer equipment, sales and/or rental; shoe store; sporting goods (<u>not more than 25% GLFA devoted to sale of firearms, ammunition, ammunition components, and hunting and shooting equipment</u>); and bicycles; variety store, interior sale of marine supplies and equipment.

ADD: New Use Code 55.7, Retail Trade of Firearms, up to 10,000 s.f GLFA/use

<u>55.7</u>	<u>Retail Trade of Firearms, up to 10,000 s.f. GLFA/use</u>
	<u>A retail sporting goods sales establishment devoting more than 25% of its GLFA to the sale of firearms, ammunition, ammunition components, and hunting and shooting equipment. This Use Code excludes paintball type guns, ammunition, propellants and gear and is not intended to regulate firearms collectors, collectors of antiques, replicas and curios, shooting clubs and the like.</u>

Article 3. Use Regulations

Section 301: Schedule of Use Regulations Table

Amend:

Allow Use Code 55.7 by **right (Y)** only in the Commercial Downtown (CD) and Commercial Highway (CH) zoning districts. Use Code not permitted in any other zoning district.