

# AGENDA

TOWN OF SOUTH KINGSTOWN

RHODE ISLAND



TOWN COUNCIL

REGULAR SESSION

7:30 PM

TOWN COUNCIL CHAMBERS  
180 HIGH STREET  
WAKEFIELD, RI

MONDAY, APRIL 26, 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: 4/22/2010

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1. A. **WORK SESSION – 6:45 PM**
- 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 – April 12, 2010**
  - B. **Regular Session – April 12, 2010**
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 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.”

**6. LICENSES**

- A.** A resolution granting a Tourist Accommodation License to MEYER HOUSE LLC, 592 Matunuck School House Road, Wakefield, RI 02879 for two spaces, four persons in accordance with a Special Use Permit granted January 27, 2010 by the Zoning Board of Review. Application by Heather Meyer, 592 Matunuck School House Road, Wakefield, RI 02879; New.
- B.** A resolution granting a Miscellaneous Permit to conduct a 5K Road Race on Sunday, May 16, 2010 at 9 a.m. to KARATE INSTRUCTION ASSISTANCE INITIATIVE, INC. (KIAI) subject to the execution of a hold harmless agreement indemnifying the Town, issuance of a Certificate of Insurance naming the Town as an additional insured in the amounts specified by the Risk Manager, and State Traffic Commission approval. Application by Julie Conte, President, 228 Robinson Street, Wakefield, RI 02879; New.
- (CA) C.** A resolution granting a Tourist Accommodation License to COMPASS ENTERPRISES, LTD. d/b/a DEWEY INN, 668 Matunuck Beach Road, Wakefield, RI 02879 for 11 spaces, 20 persons in accordance with Special Exceptions and Variances granted by the Zoning Board of Review February 19, 1986 and June 28, 1989. Application by Joan D. Lebel, 668 Matunuck Beach Road, Wakefield, RI 02879; Renewal.
- (CA) D.** A resolution granting a Miscellaneous Permit to conduct the 16<sup>th</sup> annual “Celebrate Summer” 5K Road Race on Saturday, July 17, 2010 at 9 a.m. to SNUG HARBOR / EAST MATUNUCK CIVIC ASSOCIATION (SHEMCA), P.O. Box 17, 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, and State Traffic Commission approval. Application by Melanie B. Cahill, 380 Gooseberry Road, Wakefield, RI 02879; Renewal.

**7. COMMUNICATIONS**

- (CA) A.** Resolutions adopted on April 6, 2010 by the East Providence City Council in opposition to binding arbitration on monetary matters for teachers and to “Evergreen legislation” 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; supporting efforts to return the America’s Cup Races to the City of Newport; and supporting legislative amendments to protect the state’s cities and towns and their public officials and employees, are received and placed on file. (4/15/2010 Interim, Item C.)
- (CA) B.** Resolutions adopted on April 5, 2010 by the Narragansett Town Council supporting efforts to return the America’s Cup Races to the City of Newport and 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, are received and placed on file. (4/15/2010 Interim, Item D.)
- (CA) C.** A resolution adopted April 8, 2010 by the Foster Town Council in support of legislation that would allow RI municipalities to postpone budget and financial town meetings for FY2010-2011 for up to 90 days is received and placed on file. (4/15/2010 Interim, Item E.)
- (CA) D.** A communication dated April 11, 2010 from Eugene Lowell Jr. expressing concern with the possible closing of Wakefield School is received and placed on file. (4/15/2010 Interim, Item F.)
- (CA) E.** A resolution adopted April 12, 2010 by the Charlestown Town Council supporting efforts to return the America’s Cup Races to the City of Newport is received and placed on file. (4/15/2010 Interim, Item G.)
- (CA) F.** Resolutions adopted by the Jamestown Town Council in support of 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, and requesting General Assembly legislation to ensure safe distances between motor vehicles and bicycles traveling on roads, are received and placed on file. (4/15/2010 Interim, Item H. and 4/22/2010 Miscellaneous, Item II B.)

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- G.** A resolution adopted April 13, 2010 by the Warren Town Council requesting the General Assembly to enact legislation requiring seat belts on school buses is received, placed on file, and the Town Council further directs \_\_\_\_\_. (4/15/2010 Interim, Item K.)
- (CA) H.** A resolution adopted April 5, 2010 by the Woonsocket City Council in opposition to House Bill 2010 – H 7581, An Act Relating to Labor and Labor Relations – School Teacher Arbitration that would expand the scope of the binding arbitration process to include monetary issues, is received and placed on file. (4/15/2010 Interim, Item L.)
- I.** A resolution adopted April 12, 2010 by the Johnston Town Council requesting the General Assembly to vacate financial mandates pertaining to municipal and school employee pensions, health insurance cost-sharing, and public school employee health care benefits is received, placed on file, and the Town Council further directs \_\_\_\_\_. (4/22/2010 Miscellaneous, Item II C.)
- (CA) J.** Resolutions adopted April 5, 2010 by the Middletown Town Council in opposition to House Bill 2010 – H 7581 that would expand the scope of the binding arbitration process to include monetary issues, and to Senate Bill 2010 – S 2603 (“Evergreen legislation”) 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. (4/22/2010 Miscellaneous, Item II E.)
- (CA) K.** Resolutions adopted April 6, 2010 by the West Warwick Town Council in support of House Bill 2010 – H 7236, An Act Relating To State Affairs and Government – Mandate Relief Program Act; and in opposition to binding arbitration on monetary matters for teachers and to Senate Bill 2010 – S 2603 (“Evergreen legislation”) 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. (4/22/2010 Miscellaneous, Item II F.)

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- L.** A communication dated April 20, 2010 from Jude M. Nuzum and John F. Hadley requesting a moratorium on building permits in the Biscuit City, Little Rest and Parkwood areas of Kingston requiring special use permits which grant relief from existing town wetland and wetland stream setbacks, as specified in a petition submitted at the April 12, 2010 Town Council meeting is received, placed on file, and the Town Council further directs \_\_\_\_\_. (4/22/2010 Miscellaneous, Item II G.)
- M.** A communication received April 21, 2010 from Councilman James O'Neill requesting adoption of a resolution in support of keeping Wakefield Elementary School open is received, placed on file, and the Town Council further directs \_\_\_\_\_. (4/22/2010 Miscellaneous, Item II K.)
- N.** A communication received April 21, 2010 from Councilman James O'Neill requesting adoption of a resolution concerning pension reform is received, placed on file, and the Town Council further directs \_\_\_\_\_. (4/22/2010 Miscellaneous, Item II K.)
- O.** A communication received April 21, 2010 from Councilman James O'Neill requesting adoption of a resolution concerning reconfiguration of the Middle Schools is received, placed on file, and the Town Council further directs \_\_\_\_\_. (4/22/2010 Miscellaneous, Item II K.)
- (CA) P.** Any communication added to the Agenda subsequent to this is hereby added by majority vote, in accordance with RIGL §42-46-6 (b) Notice --... "Nothing contained herein shall prevent a public body, other than a school committee, from adding additional items to the agenda by majority vote of the members. Such additional items shall be for informational purposes only and may not be voted on except where necessary to address an unexpected occurrence that requires immediate action to protect the public or to refer the matter to an appropriate committee or to another body or official."

**8. COMMENTS FROM INTERESTED CITIZENS**

**9. TOWN MANAGER'S REPORT**

**10. TOWN SOLICITOR'S REPORT**

**11. APPOINTMENTS**

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

**12. NEW BUSINESS**

- A. A resolution authorizing an extension of an award of bid originally granted on June 23, 2008 to Harrington Engineering, Inc., P.O. Box 819, Old Saybrook, CT 06475 for a service contract for HVAC maintenance at the Public Safety Complex for the period July 1, 2010 through June 30, 2011, in accordance with the terms and conditions of the bid specifications, at the following rates:

<u>Regular/PM &amp; Priority Service</u>	
Licensed HVAC Technician	\$77/hr
<u>Emergency Service</u>	
Licensed HVAC Technician	\$108/hr
Mark-up of Parts/Materials Over Cost	20%

And as further described in a memorandum from the Police Chief to the Town Manager dated April 14, 2010 and entitled: "Recommendation for Contract Extension – HVAC Maintenance Contract – Public Safety Complex – FY2010-2011."

- B. A resolution authorizing an award of bid to Indispenceable Custom Woodworking, 6 Spring Cove Road, Narragansett, RI 02882 for furniture for the Peace Dale Library in accordance with bid specifications and in an amount not to exceed \$38,000, including a contingency; and as further described in a memorandum from the Library Director to the Town Manager dated April 19, 2010 and entitled: "Bid Recommendation – Furniture for the Peace Dale Library."

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- C. A resolution authorizing an award of bid to Atlas PyroVision Productions, P.O. Box 498, Jaffrey, NH 03452 for the 2010 Fourth of July fireworks display in accordance with all bidding specifications and in an amount not to exceed \$18,000; and as further described in a memorandum from the Director of Leisure Services dated April 19, 2010 and entitled: “Recommendation for bid award – Fourth of July Fireworks Display.”
  
- (CA) D. A resolution authorizing the Town Clerk to advertise for Order of Notice a Public Hearing relative to an application for expansion 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 Tavern Liquor License

Application for expansion of a Class B Tavern Liquor License filed by Bistro By The Sea, LLC, 364 Cards Pond Road, Wakefield, RI by William J. Hanney, Manager. Applicant requests permission to expand the area in which alcoholic beverages may be served to include a patio approximately 32’ x 50’ and operational season from April 1<sup>st</sup> to October 31<sup>st</sup> with four additional dates between November 1 and January 7, in accordance with a Special Use Permit granted by the Zoning Board of Review on March 17, 2010; and as further defined in an amended site plan dated April 21, 2010 on file in the Town Clerk’s office.

- E. A resolution adopting the Town Beach Policy for the 2010 season, as shown on Exhibit 1 attached hereto, and amending the Town’s Schedule of Fees; as further described in a memorandum from the Director of Leisure Services to the Town Manager dated April 20, 2010 and entitled: “2010 Town Beach Policy and Fee Schedule.”
  
- F. A resolution granting approval to American Tower Corporation Outdoor DAS, LLC, 10 Presidential Way, Woburn, MA 01801 to install Distributed Antenna System (DAS) technology on existing telephone poles in the Town of South Kingstown, as detailed in the Development Plan Review approval granted on March 24, 2010 by the Technical Review Committee, incorporating by reference the Committee’s findings of fact and conditions of approval; and as further described in a memorandum from the Director of Planning to the Town Manager dated April 21, 2010 and entitled: “American Tower Corporation, Right of Way Permit.”

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- G.** A resolution authorizing an award of bid to Comer Contracting, Inc., 1112 Farmington Avenue, Farmington, CT 06032 for 3/8” stone sealing with post sweeping at the unit prices bid of \$1.749 per square yard in an amount not to exceed \$170,000 for FY 2009-2010 and \$170,000 for FY 2010-2011, with total costs based on pre-measured quantities; and as further described in a memorandum from the Public Services Director to the Town Manager dated April 20, 2010 and entitled: “Bid Recommendation – Road Oiling, Bituminous Concrete In-Place, and Other Services.”
- H.** A resolution authorizing an award of bid to Crack Sealing Inc., P.O. Box 700, Raynham, MA 02767 for random crack sealing using fiber reinforced asphalt at the unit price bid of \$7.32 per gallon or \$0.26 per linear foot in an amount not to exceed \$35,000 for FY 2009-2010 and \$35,000 for FY 2010-2011; and as further described in a memorandum from the Public Services Director to the Town Manager dated April 20, 2010 and entitled: “Bid Recommendation – Road Oiling, Bituminous Concrete In-Place, and Other Services.”
- (CA) I.** 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.”

**TOWN BEACH POLICY**

It is the policy of the Town of South Kingstown to operate and maintain as a municipal facility the Town Beach at Matunuck for the 2010 summer season.

Use of the municipal parking lot at the South Kingstown Town Beach shall be governed in accordance with the following regulations:

**I. Beach Parking Stickers**

**A.** A seasonal parking sticker will be required for access to the beach parking area.

**B.** The fees for seasonal and daily beach parking shall be as follows:

**Seasonal**

1. Resident	\$40.00
2. Resident (additional sticker(s) for same household)	\$30.00*
3. Elderly Abatement	\$25.00
4. Non-Resident	\$80.00
5. Cottage Pass	\$150.00
6. 100% Disabled Veteran/Ex-POW	No fee

\* Must be purchased at the same time as primary resident sticker and registration must indicate additional vehicle(s) is registered at same address.

**Daily**

7. Resident Daily parking fee	\$10.00
8. Non-resident Daily parking fee	\$15.00
9. Daily parking for busses and large recreational vehicles	\$40.00

\*Access to the parking area begins at 8:00 a.m. for all patrons.

**C.** Resident beach parking stickers shall only be issued to persons meeting one or more of the following qualifications:

1. Property taxpayers found in the most current tax roll.
2. Property taxpayers who can show a receipt for payment of the current year's taxes.
3. A person who can provide the Town with a copy of a current valid 90-day or longer lease term in South Kingstown.
4. Any person who can show current rent receipts for a South Kingstown property for a period of not less than 90 days.

**D.** Persons failing to meet the above-noted qualifications shall be eligible to purchase a non-resident parking sticker for the South Kingstown Town Beach at the fee noted in paragraph B.4 above.

## **Exhibit 1**

- E.** Resident parking stickers will be issued only to vehicles registered to individuals meeting the criteria established in paragraph C. above.
- F.** Parking stickers are not transferable. Each sticker will be marked to indicate the registration number of the vehicle to which it was issued.
- G.** A valid registration must be presented for each vehicle for which a beach sticker is issued.
- H.** Parking stickers are only valid if affixed to the lower front windshield on the driver's side of the vehicle.
- I.** Cottage passes will be issued to owners of rental units in South Kingstown in accordance with the following procedures:
  - 1. A separate pass must be purchased for each cottage.
  - 2. Rental units must be located in South Kingstown.
  - 3. Passes are assigned to a specific cottage and may only be used by the tenants of that specific cottage.
  - 4. The pass must be presented at the front gate at the time of entry to the beach. The pass will remain with the front gate personnel and will be picked up when the user leaves the facility. The user will be issued a daily pass sticker.
  - 5. The pass may only be used one time per day.

## **II. Parking Priorities**

- A.** Personnel of the South Kingstown Parks and Recreation Department, with the assistance and support of the South Kingstown Police Department, will oversee the management and security of the beach parking areas.
- B.** Priority will be given to South Kingstown vehicles with beach passes. If in the judgment of the beach supervisor, the parking lot may fill to capacity on a given day, the beach supervisor will limit parking to those vehicles with valid seasonal stickers. However, parking will only be reserved for vehicles with beach passes until 1:00 p.m. If in the judgment of the beach supervisor, the parking lot will not fill, the beach supervisor may sell daily parking stickers on a first-come, first-serve basis.
- C.** Motorcycles, mopeds and any other recreational vehicles are considered motor vehicles for purpose of admission.
- D.** Bicycles are not considered vehicles and will be parked at the attendant's shed, bike rack or at other designated areas.

**III. Picnic Area**

**A. Group Picnic Rental Area, includes the following amenities:**

- 8 picnic tables to accommodate seating up to 48 individuals
- Large grill for charcoal use only, open flames are prohibited
- Large grass field area
- Sand volleyball court (available on a first-come, first-serve basis and can not be reserved)
- Shared use of all other beach facilities, including pavilion rest room facilities

**B. Memorial Day through Labor Day Weekend**

- Restrooms are normally open 8:00 a.m. through 6:00 p.m. The facilities may remain open later to accommodate a private/public event.
- Facility is available for rentals between 8:00 a.m. and 8:00 p.m.
- All cars must be vacated from the parking area no later than 9:00 p.m. as the gate will be closed and locked at that time.
- Dogs are prohibited from Memorial Day weekend through Labor Day and compliance with the Town's leash law is required at all times.
- Off-season reservations are available on a limited basis during the months of May and September.

**C. Rental Procedure**

- Strict adherence to the outdoor facility rental procedures is required.
- Regular parking rates shall apply to all vehicles in addition to the facility rental fee. In the case of large events, SKPR reserves the right to negotiate a pre-paid parking rate based on the number of estimated vehicles. This will be evaluated on a case by case basis.
- Full-day rate based on a maximum of 8 hours, half-day rate based on a maximum of 4 hours.
- Alcohol consumption on the property is strictly prohibited. Patrons using alcohol will be required to vacate the premises.
- Groups needing additional tables and/or tent are allowed to use their own as long as they are erected within the designated rental area, advanced Town approval is secured and the equipment meets all Local and State Fire Code requirements.

**D. Fee Schedule**

<u>SK Resident / Non-Profit</u>	<u>Non-Resident / For Profit</u>
\$150/day, \$100/half day	\$200/day, \$150/half day

Event parking fees are established separately based on the time/date and size of event.