

# AGENDA

TOWN OF SOUTH KINGSTOWN

RHODE ISLAND



TOWN COUNCIL

REGULAR SESSION

7:30 PM

TOWN COUNCIL CHAMBERS  
180 HIGH STREET  
WAKEFIELD, RI

MONDAY, MAY 10, 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: 5/6/2010

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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 Session – April 26, 2010
- B. Regular Sessions – April 14, April 15 and April 26, 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.”

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**6. LICENSES**

- A. A resolution granting a Holiday Sales License to WAKEFIELD PRESCRIPTION CENTER INC., 580 Kingstown Road, Wakefield, RI 02879. Application by Jerome Rittner, President, 4100 Post Road, Warwick, RI 02886; New.
- (CA) B.** A resolution granting Victualling and Holiday Sales Licenses to TOWN MEATS ON MAIN, 396 Main Street, Wakefield, RI 02879 subject to approval by the Fire Chief and Communications Superintendent. Application by Edgar O. Laplante Jr., 32 Brown Street, Peace Dale, RI 02879; Renewals.

**7. COMMUNICATIONS**

- A. Communications dated April 22, 2010 from Laurie Pansa, Director of Program and Training, Girl Scouts of Rhode Island, Inc. announcing that Sarah George and Lillia Wild have achieved the Girl Scouts Gold Award, and requesting certificates of recognition for them, are received, placed on file, and the Town Council further directs \_\_\_\_\_.  
(4/29/2010 Interim, Item C.)
- (CA) B.** Resolutions adopted by the Jamestown Town Council in support of House Bill 2010 – H 7014, An Act Relating to Waters and Navigation – Regulation of Boats relative to bridge safety, and supporting efforts to return the America’s Cup Races to the City of Newport are received and placed on file. (4/29/2010 Interim, Item E.)
- (CA) C.** Resolutions adopted by the Newport School Committee, Bristol Warren Regional School Committee and the North Smithfield School Committee 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 process to include monetary issues, and 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 (“Evergreen legislation”), are received and placed on file. (4/29/2010 Interim, Item F. and 5/6/2010 Miscellaneous, Item II B.)

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- (CA) D.** Communications from the following residents concerning school budget issues are received and placed on file (4/29/2010 Interim, Item G.):
- Cheryl Foster
  - Raissa Mosher
  - Jennifer DeMetrick
  - Todd Corayer
  - Keith Vorhaben
  - Jill O’Sullivan
- (CA) E.** A resolution adopted April 22, 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 (“Evergreen legislation”), is received and placed on file. (4/29/2010 Interim, Item H.)
- (CA) F.** Resolutions adopted by the Middletown Town Council and Warwick City Council in support of efforts to return the America’s Cup Races to the City of Newport are received and placed on file. (4/29/2010 Interim, Item I. and 5/6/2010 Miscellaneous, Item II C.)
- (CA) G.** A resolution adopted April 26, 2010 by the Cranston City Council in opposition to the Hess proposal for a liquefied natural gas facility in Mount Hope Bay is received and placed on file. (4/29/2010 Interim, Item J.)
- H.** Resolutions adopted April 13, 2010 by the South Kingstown School Committee in opposition to mandatory binding arbitration on monetary matters for school teachers, and expressing concerns with the educational funding formula proposed by the RI Department of Education are received, placed on file, and the Town Council further directs\_\_\_\_\_. (4/29/2010 Interim, Item M.)
- (CA) I.** A resolution adopted April 26, 2010 by the Portsmouth 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 and placed on file. (5/6/2010 Miscellaneous, Item II D.)

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- J. A communication dated May 4, 2010 from Jude M. Nuzum requesting to present additional information relative to the petition previously submitted to the Town Council concerning a moratorium on the granting of special use permits involving wetland and wetland stream setback relief is received, placed on file, and the Town Council further directs \_\_\_\_\_. (5/6/2010 Miscellaneous, Item II M.)
  
- (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.”

**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 rescinding an award of bid originally granted on March 22, 2010 to Fleet Construction Co., Inc., 24 Martin Street, Suite 10, Cumberland, RI 02864 for the Liberty Lane Phase I Road Reconstruction Project; as further described in a memorandum from the Public Services Director to the Town Manager dated April 30, 2010 and entitled: “Bid Recommendation – Liberty Lane Phase I – Road Reconstruction Project.”

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- B.** A resolution rescinding an award of bid originally granted on March 22, 2010 to Fleet Construction Co., Inc., 24 Martin Street, Suite 10, Cumberland, RI 02864 for the Old Mountain Field Paving Project; as further described in a memorandum from the Public Services Director to the Town Manager dated April 30, 2010 and entitled: “Bid Recommendation – Old Mountain Field Paving Project.”
- C.** A resolution authorizing an award of bid to D’Ambra Construction Co., Inc., 800 Jefferson Boulevard, Warwick, RI 02887 for the Liberty Lane Phase I Road Reconstruction Project in an amount not to exceed \$360,000, including a contingency; and as further described in a memorandum from the Public Services Director to the Town Manager dated April 30, 2010 and entitled: “Bid Recommendation – Liberty Lane Phase I – Road Reconstruction Project.”
- D.** A resolution authorizing an award of bid to D’Ambra Construction Co., Inc., 800 Jefferson Boulevard, Warwick, RI 02887 for the Old Mountain Field Paving Project in an amount not to exceed \$43,000, including a contingency; and as further described in a memorandum from the Public Services Director to the Town Manager dated April 30, 2010 and entitled: “Bid Recommendation – Old Mountain Field Paving Project.”
- E.** A resolution authorizing an award of bid to D’Ambra Construction Co., Inc., 800 Jefferson Boulevard, Warwick, RI 02887 for the Moonstone Beach Road – Road Reconstruction Project in an amount not to exceed \$250,000; and as further described in a memorandum from the Public Services Director to the Town Manager dated April 30, 2010 and entitled: “Bid Recommendation – Moonstone Beach Road – Road Reconstruction Project.”
- (CA) F.** A resolution authorizing the Tax Assessor to abate taxes in the total amount of \$2,305.46, as shown on Tax Abatement Request No. 454.
- G.** A resolution opposing 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 for teachers and non-teacher educational employees, and requesting our General Assembly representatives to support our opposition to this bill.

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- (CA) H.** A resolution authorizing the Town Clerk to advertise by reference for Order of Notice a Public Hearing relative to proposed amendments to the Town Code of the Town of South Kingstown. Several of the proposed amendments are substantive in nature and the section numbers and titles are listed below; other proposed amendments are non-substantive, typographical and grammatical changes and are being made throughout the Town Code.

Section 3-16 Definitions;  
Section 6-1 Financial management and procedures;  
Section 9-1 Information on license application;  
Section 9-7 Termination of licenses; statement of impending expiration;  
Section 9-8 Compliance to building regulations  
Section 9-9 Relocation of licensed business;  
Section 9-14 Delinquency of applicant in payment of certain taxes;  
Section 9-15 Final report on application-Evidence from investigations;  
issuance of license;  
Section 9-16 Same – Approval subject to tax payment, etc;  
Section 9-18 Operation of vehicle transporting garbage, waste, etc;  
Section 9-104 Same – Number of licenses;  
Section 9-61 Prohibited locations;  
Section 10-3 Certain vehicles prohibited over Church Street Bridge;  
Section 16-22 Bond;  
Section 16-23 Insurance and liabilities;  
Section 16-26 Work by owner;  
Section 16-28 Contractor shall protect the public;  
Section 16-29 Line and grade;  
Section 16-30 Notice before starting work;  
Section 16-34 Tunneling and bracing;  
Section 16-36 Color-coded marking tape;  
Section 16-41 Utility main extensions;  
Section 17-21 Filing with the Assessment Board of Review;  
Section 18-4 Licensing generally;  
Section 19-16 Definitions;  
Section 19-68 Costs, expenses of installation;  
Section 19-69 Separate sewer for each building; exception;  
Section 19-71 Standards for installation;  
Section 19-74 Connection requirements generally;  
Section 19-76 Drainlayers;  
Section 19-143 Installment payments; interest for late payment;  
Section 19-157 (9)(12) ISDS inspection and maintenance;

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Section 19-161 Definitions;  
Section 19-192 Marking;  
Section 19-227 Ownership;  
Section 19-229 Time of installation;  
Section 19-230 Size;  
Section 19-232 Turn on and off;  
Section 19-234 Meter size;  
Section 19-252 Plans;  
Section 19-254 Individual property owner extensions;  
Section 19-256 Contract;  
Section 19-268 Use;  
Section 19-309 Time of payment;  
Section 19-313 Property transfer;  
Section 19-314 Rebates;  
Section 19-317 Schedule.

- (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 --...  
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