

TOWN COUNCIL AGENDA

TOWN OF SOUTH KINGSTOWN

RHODE ISLAND



TUESDAY, NOVEMBER 14, 2023

CLOSED EXECUTIVE SESSION – 7:00 PM

WORK SESSION – 7:00 PM

REGULAR SESSION – 7:30 PM

**TOWN COUNCIL CHAMBERS
180 HIGH STREET
WAKEFIELD, RI**

TOWN COUNCIL

Rory H. McEntee, President
Michael K. Marran, Vice President
Patricia A. Alley
Deborah D. Bergner
Jessica L. Rose

James M. Manni, Town Manager
Michael A. Ursillo, Esquire, Town Solicitor
Susan M. Flynn, CMC, Town Clerk

Members of the public are welcome and encouraged to attend in person or view the meeting live on ClerkBase at <https://clerkshq.com/SouthKingstown-ri> or on your local Public Access Television Station.

NOTE: Individuals requesting American Sign Language interpreters or CART service must call the Town Clerk's Office at 401-789-9331 seventy-two (72) hours in advance of the meeting date.

DATE POSTED: 11/9/2023

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- 1. CLOSED EXECUTIVE SESSION – 7:00 PM**
 - A.** A Closed Executive Session pursuant to RIGL §42-46-5(a)(5) to discuss matters related to the acquisition or lease of real property for public purposes.
- 2. WORK SESSION – immediately following**

All items listed on the Town Council agenda are subject to discussion.
- 3. REGULAR SESSION – 7:30 PM**

Please be advised that the Council intends to discuss and/or act upon each and every item appearing on this agenda.

 - A. PLEDGE OF ALLEGIANCE TO THE FLAG**
 - B. LAND ACKNOWLEDGEMENT STATEMENT**
- 4. ROLL CALL**
- 5. APPROVAL OF MINUTES OF PREVIOUS MEETINGS**
 - A. Work Session – October 23, 2023**
 - B. Regular Sessions – October 23 and October 24, 2023**
- 6. CONSENT AGENDA**

LICENSES

- (CA) A.** A resolution granting Sunday Sales Licenses for the year beginning December 1, 2023 to the following; Renewals:
- Geaber’s Liquors, Inc., 231 Old Tower Hill Road, Wakefield, RI 02879. Application by George L. Geaber, Jr., President. License No. 59345.
- PBL, Inc. d/b/a Liberty Wine & Spirits, 1321 Kingstown Road, Wakefield, RI 02879. Application by Joseph V. Paglia, President. License No. 72659.
- Sweeney’s Package Store, Inc. d/b/a Sweeney’s Wine and Spirits, 408 Main Street, Wakefield, RI 02879. Application by Michael W. Sweeney, President. License No. 59321.
- Wakefield Liquors, Inc., 667 Kingstown Road, Wakefield, RI 02879. Application by Jane E. Costanza, President. License No. 59373.
- (CA) B.** A resolution granting Victualling Licenses for the year beginning December 1, 2023 to the following; Renewals:
- 629 Succotash, LLC d/b/a Matunuck Oyster Bar, 629 Succotash Road, Wakefield, RI 02879. Application by Perry Raso, Member. License No. 71858.

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Anderson Enterprises, LLC d/b/a D.B.'s Pizza, 546 Kingstown Road, Wakefield, RI 02879. Application by Jonathan Anderson, Member. License No. 68424.

Apple New England, LLC d/b/a Applebee's Neighborhood Grill and Bar, 15 South County Commons Way, Wakefield, RI 02879. Application by Cheryl Mills, License Manager. License No. 72429.

Baja's Express, LLC d/b/a Baja's Taqueria and Grill, 600 Kingstown Road, Wakefield, RI. Application by Bahij Boutros, Member. License No. 68559.

Butterhead, LLC d/b/a Purslane, 318 Main Street, Wakefield, RI 02879. Application by Matthew Brown, Managing Member. License No. 79386.

Cantina del Rio of South Kingstown, LLC d/b/a Cantina del Rio, 515 Kingstown Road, Wakefield, RI 02879. Application by Jose Antonio Santillan, Member. License No. 73954.

Cap'n Jack's, Inc. d/b/a Cap'n Jack's Restaurant, 706 Succotash Road, Wakefield, RI 02879. Application by Jack O. Piemonte, President. License No. 59424.

Chop House, Inc. d/b/a Chophouse Grille, 191 Old Tower Hill Road, Wakefield, RI 02879. Application by Russell Goyette, Vice President. License No. 60885.

DPTA Holdings II, LLC d/b/a Dragon Palace of Wakefield, 733 Kingstown Road, Wakefield, RI 02879. Application by Peter A. Santilli, Member. License No. 59137.

Elks Club of South Kingstown #1899, 60 Belmont Avenue, Wakefield, RI 02879. Application by Michelle Main, Secretary. License No. 59368.

Filippou's Twisted Pizza Wakefield, LLC, 28 Old Tower Hill Road, Wakefield, RI 02879. Application by Effie Lopez, Member. License No. 59484.

Global Spectrum LP d/b/a Spectra Venue Management, 1 Lincoln Almond Plaza, Kingston, RI 02881. Application by Leah Becki, General Manager. License No. 74060.

Hannah's Bistro, LLC d/b/a Duck Press, 333 Main Street, Wakefield, RI 02879. Application by Mark Bryson, Member. License No. 70001.

Hanson's Pub, LLC d/b/a Two Ten Oyster Bar & Grill, 210 Salt Pond Road, Wakefield, RI 02879. Application by Andrew Bilodeau, Member. License No. 59396.

J.S.R. Co. d/b/a Tony's Pizzeria, 1916 Kingstown Road, Wakefield, RI 02879. Application by John Reves, President. License No. 59147.

Kabuki Kingstown Corp. d/b/a Kabuki Restaurant, 91 Old Tower Hill Road, Wakefield, RI 02879. Application by Yunqing Liu, President. License No. 64236.

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Mahachai, LLC d/b/a Tong Ta Thai Restaurant, 50 South County Commons Way, Wakefield, RI. Application by Awut Chunlawat, President. License No. 77186.

Paliotti Family Enterprises, Inc. d/b/a The Flatts, 501 High Street, Wakefield, RI 02879. Application by Peter Paliotti, President. License No. 70078.

Phil's Kitchen, Inc. d/b/a Phil's Restaurant, 323 Main Street, Wakefield, RI 02879. Application by Kenneth J. Tetzner, President. License No. 59650.

Rachel's Cafe, LLC, 36 South County Commons Way, Unit 4C, Wakefield, RI 02879. Application by Carlos Taveira, Member. License No. 65766.

Surfside Thai Food, LLC d/b/a Sa-Tang Restaurant, 402A Main Street, Wakefield, RI 02879. Application by Nina Conklin, Member. License No. 59346.

Taj, LLC d/b/a Taj Indian Restaurant and Bar, 49 South County Commons Way, Unit F-4, Wakefield, RI. Application by Devendra Khadka, Member. License No. 70907.

V.G.B., LLC d/b/a NEAPOLIS, 60 South County Commons Way, Unit G1, Wakefield, RI 02879. Application by Pasquale Illiano, Member. License No. 59735.

V.G.B., LLC d/b/a Pasquale's Pizzeria Napoletana, 59 South County Commons Way, Units H-1 and H-2, Wakefield, RI 02879. Application by Pasquale Illiano, Member. License No. 64432.

Wakefield Tavern, LLC d/b/a Tavern on Main, 195 Main Street, Wakefield, RI 02879. Application by Christian D'Agostino, Member. License No. 59627.

(CA) C. A resolution granting Victualling and Holiday Sales Licenses for the year beginning December 1, 2023 to the following; Renewals:

ACL, LLC d/b/a Audrey's Coffee House and Lounge, 60 South County Commons Way, G2, Wakefield, RI 02879. Application by Jared Haibon, Member. License No. 72080.

Caf Bar LLC d/b/a Caf Bar, 396 Main Street, Wakefield, RI 02879. Application by Elias Boutros, Member. License No. 73882.

Matunuck Pizza Pie Company, LLC d/b/a Matunuck Pizza Pie, 920 Matunuck Beach Road, Wakefield, RI 02879. Application by Kevin V. Finnegan, Member. License No. 59316.

Rose Hill Golf Club, Inc., 220 Rose Hill Road, Wakefield, RI 02879. Application by James P. Manning, President. License No. 59366.

Torre II Corp. d/b/a Trattoria Romana South, 71 South County Commons Way, Wakefield, RI 02879. Application by Scott Sisson, Vice President. License No. 72492.

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- (CA) D.** A resolution granting Victualling, Holiday Sales and Dance Licenses for the year beginning December 1, 2023 to the following; Renewals:

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; Renewals. License No. 72469.

Next Door, Inc. d/b/a The Pub, 907A Matunuck Beach Road, Wakefield, RI 02879. Application by Kevin V. Finnegan, President. License No. 59312.

Ocean Front Lounge, Inc. d/b/a Ocean Mist, 895A Matunuck Beach Road, Wakefield, RI 02879. Application by Kevin V. Finnegan, President. License No. 59309.

Yankee Foods, LLC d/b/a Mews Tavern, 456 Main Street, Wakefield, RI 02879. Application by Jeffrey Cammans, Member. License No. 73266.

- (CA) E.** A resolution granting Victualling, Holiday Sales, and Bowling Alley Licenses for the year beginning December 1, 2023 to Old Mountain Lanes, Inc., 756 Kingstown Road, Wakefield, RI 02879. Application by Danielle Neary, Manager; Renewals. License No. 59514.

- (CA) F.** A resolution granting Victualling, Holiday Sales, Dance and Tourist Accommodation Licenses for the year beginning December 1, 2023 to South Kingstown Hotel Associates, LLC d/b/a Holiday Inn South Kingstown, 3009 Tower Hill Road, Wakefield, RI 02879. Application by EHI SK Holdings, Inc., Manager, by Elizabeth A. Procaccianti, President. Renewals. License No. 59193.

- (CA) G.** A resolution granting Victualling, Holiday Sales and Theater Licenses for the year beginning December 1, 2023 to All South County Luxury Cinemas, LLC d/b/a All South County Luxury Cinemas, 30 Village Square Drive, Wakefield, RI. Application by Harold Blank, Member; Renewals. License No. 77177.

- (CA) H.** A resolution granting Theater Licenses for the year beginning December 1, 2023 to the following; Renewals:

Contemporary Theater Company, 327 Main Street, Wakefield, RI 02879. Application by Terrence G. Simpson, President. License No. 62788.

Pump House Music Works, 1464 Kingstown Road, Wakefield, RI 02879. Application by Daniel U. Collins, President. License No. 59520.

- (CA) I.** A resolution granting Victualling Licenses for the year beginning December 1, 2023 to the following; Renewals:

Brickley's Ice Cream, LLC d/b/a Brickley's Ice Cream, 322 Main Street, Wakefield, RI 02879. Application by Chris Brophy, Member. License No. 61447.

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CL Enterprises, Inc. d/b/a Hall's Garage & Auto Body, 171 Old Tower Hill Road, Wakefield, RI 02879. Application by R. Harold Thomas, Jr., President. License No. 59175.

Meldgie's Rivers Edge Café, LLC d/b/a Meldgie's Rivers Edge Café, 406 B Main Street, Wakefield, RI 02879. Application by Mark Eldridge, Member. License No. 61432.

Ocean State Waves, Inc. d/b/a Ocean State Waves, PO Box 443, Wakefield, RI 02880 for location at Old Mountain Field, 831 Kingstown Road, Wakefield, RI 02879. Application by Eric Hirschbein-Bodnar, President. License No. 81845.

South Kingston Food Services, Inc. d/b/a D'Angelo Sandwich Shop, 71 Old Tower Hill Road, Wakefield, RI 02879. Application by Dawn Fontaine, Accountant. License No. 59482.

(CA) J. A resolution granting Victualling and Holiday Sales Licenses for the year beginning December 1, 2023 to the following; Renewals:

International Pocket, Inc. d/b/a International Pocket, 99 Fortin Road, Kingston, RI 02881. Application by David Boutros, President. License No. 68830.

Richard Paolo Realty d/b/a The Original Vanilla Bean, 757 Matunuck Beach Road, Wakefield, RI 02879. Application by Richard Paolo, Owner. License No. 61740.

Rosario's Restaurant, Inc. d/b/a Kingston Pizza, 63 Briar Lane, Kingston, RI 02881. Application by Samuel Sciabarrasi, President. License No. 59104.

Snug Harbor Marina, Inc. d/b/a Snug Harbor Marina, 410 Gooseberry Road, Wakefield, RI 02879. Application by Elisa Conti Cahill, Manager. License No. 79248.

Sumo Sushi, Inc. d/b/a Sumo Sushi, 99 Fortin Road Unit 133, Kingston, RI 02881. Application by Ki Joon Lee, President. License No. 69836.

(CA) K. A resolution granting Holiday Sales Licenses for the year beginning December 1, 2023 to the following; Renewals:

DEG, LLC d/b/a Wakefield Books, 160 Old Tower Hill Road, Wakefield, RI 02879. Application by Robert Ryan, Member. License No. 60853.

Laurel Lane Recreational Enterprises, Inc. d/b/a Laurel Lane Country Club, 309 Laurel Lane, West Kingston, RI 02892. Application by Joe Videtta, Owner. License No. 59371.

Second Time Around Sports Plus, Inc. d/b/a Second Time Around Sports, 160 Old Tower Hill Road, Wakefield, RI 02879. Application by Joseph Mastrati, President. License No. 78729.

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- (CA) L.** A resolution granting a Holiday Sales License and Additional Hours from 2AM to 4AM for the year beginning December 1, 2023 to Alchihed Enterprises, Inc. d/b/a IZONE, 100 Fortin Road, Kingston, RI 02881. Application by Nidal Alchihed, President; Renewal. License No. 63430.
- (CA) M.** A resolution granting Holiday Sales and Farm Retail Licenses for the year beginning December 1, 2023 to Carpenters Farm, Inc. d/b/a Carpenters Farm, 520 Matunuck Beach Road, Wakefield, RI 02879. Application by David Carpenter, President; Renewal. License No. 59455.

NEW BUSINESS

- (CA) N.** A resolution that a claim filed by Peter E. Garvey, Esquire on behalf of his client, Jonathan Scott Garvey relative to an incident that occurred on or about June 10, 2023 be referred to the Town Solicitor and the Town’s insurance carrier.
- (CA) O.** A resolution authorizing the Tax Assessor to abate taxes in the total amount of \$5,413.99, as shown on Tax Abatement Request No. 629.
- (CA) P.** A resolution granting the Petition #30791532 of Rhode Island Energy to install Poles 5-50 and 5-84 on the west side and east side of Columbia Street, respectfully, and to use the public ways named for the purposes stated in said petition, that the work be done to the satisfaction of the Director of Public Services and notification to Town for municipal utility mark-out prior to pole setting, and that this approval is conditioned upon the removal of all existing double poles along the entire length of Columbia Street prior to new poles placement; and any new double poles created as part of this request be removed within sixty (60) calendar days of new poles placement. Said petition is further described in a memorandum from the Public Services Director to the Town Manager dated October 26, 2023 and entitled “Rhode Island Energy Pole Setting Request – Pole 5-50 and Pole 5-84 Columbia Street.”
- (CA) Q.** 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 new Class B Victualler Liquor License by New Wave Kitchen, LLC d/b/a New Wave Kitchen, 357 Main Street, Wakefield, RI by Matthew Reagan, Managing Member for the indoor dining area and 4 outside seats in accordance with a Special Use Permit granted by the Zoning Board of Review on September 20, 2023 and RI Public Laws Chapters 23-188 and 23-189; and as further defined in a site plan on file in the Town Clerk’s Office.

- (CA) R.** A resolution authorizing an award of contract to Aramsco, 8 Panas Road, Foxboro, MA 02035 for carpet replacement, including labor and materials, in the Town Hall Records Vault, in a total amount not to exceed \$7,900, including a contingency; and as further described in a memorandum from the Director of Facilities to the Town Manager dated November 6, 2023 and entitled “Award of Contract – Carpet Replacement Town Hall Records Vault.”

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.

7. PUBLIC HEARINGS

- A.** A Public Hearing relative to the renewal of Liquor Licenses for the year beginning December 1, 2023; said licenses are granted contingent upon the issuance of a Certificate of Good Standing from the Rhode Island Division of Taxation, issuance of a Certificate of Insurance evidencing required liability coverage, compliance with all Town Ordinances and regulations, the payment of any municipal taxes, user fees and lease payments 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.

PBL, INC. d/b/a LIBERTY WINE & SPIRITS, by Joseph V. Paglia, President, 1321 Kingstown Road, Wakefield, RI; first floor sales area, in accordance with a Special Use Permit granted April 22, 2020 by the Zoning Board of Review; and as further defined in a site plan dated May 12, 2020 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

629 SUCCOTASH LLC d/b/a MATUNUCK OYSTER BAR, by Perry Raso, Managing Member, 629 Succotash Road, Wakefield, RI; first and second floor inside dining areas, outdoor patio in the fenced-in outdoor seating area on the southwest corner of the parcel, and rooftop deck, conditioned upon no music or amplified music allowed on the roof deck in accordance with a Special Exception granted January 15, 1979 and Special Use Permits granted June 16, 2004, February 17, 2010, December 21, 2011, February 15, 2012 and November 18, 2020 by the Zoning Board of Review; and as further defined in a site plan dated July 20, 2021 on file in the Town Clerk's office.

ACL, LLC d/b/a AUDREY'S COFFEE HOUSE & LOUNGE, by Jared Haibon, Member, 60 South County Commons Way, Unit G2, Wakefield, RI for the indoor dining room and bar areas as defined in a site plan on file in the Town Clerk's office; and outdoor service area limited to tables and seating that do not obstruct the pedestrian walkway, as further defined in the site plan titled "Outdoor Area for Audrey's Coffee House and Lounge."

ALL SOUTH COUNTY CINEMAS, LLC d/b/a SOUTH COUNTY LUXURY CINEMAS, 30 Village Square Drive, Wakefield, RI by William Dougherty, Member; food court, lobby food service area, and all cinemas within the theater; and as further defined in a site plan on file in the Town Clerk's office.

APPLE NEW ENGLAND, LLC d/b/a APPLEBEE'S NEIGHBORHOOD GRILL & BAR, by Ronald S. Igarashi, Secretary, 15 South County Commons 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.

BUTTERHEAD, LLC d/b/a PURSLANE, 318 Main Street, Wakefield, RI by Matthew Brown, Managing Member; indoor dining area and 14 seats on the patio in accordance with a Special Use Permit granted by the Zoning Board of Review on March 22, 2023; and as further defined in a site plan on file in the Town Clerk's office.

CANTINA DEL RIO OF SOUTH KINGSTOWN, LLC d/b/a CANTINA DEL RIO, by Jose Antonio Santillan, Member, 515 Kingstown Road, Wakefield, RI; dining rooms and bar area; and as further defined in a site plan dated June 18, 2019 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 two outdoor decks, in accordance with a Special Exception granted on April 18, 1979, and Special Use Permits granted January 19, 2011 and May 27, 2015 by the Zoning Board of Review; and as further defined in an amended site plan dated May 28, 2015 on file in the Town Clerk's office.

CHOP HOUSE, INC. d/b/a CHOPHOUSE GRILLE, by Martin Garcia, President, 191 Old Tower Hill Road, Wakefield, RI; dining rooms and bar areas; and as further defined in a site plan 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.

FILIPPOU'S TWISTED PIZZA WAKEFIELD, LLC d/b/a FILIPPOU'S TWISTED PIZZA, by Effie Filippou Lopez, Member, 28 Old Tower Hill Road, Wakefield, RI; dining rooms and bar area 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.

HANNAH'S BISTRO, LLC d/b/a DUCK PRESS, by Mark Bryson, Member, 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 on file in the Town Clerk's office.

HANSON'S PUB, LLC d/b/a TWO TEN OYSTER BAR & GRILL, by Andrew R. Bilodeau, Member, 210 Salt Pond Road, Wakefield, RI; first floor bar and dining areas, lower level bar and outside deck area, a patio in front approximately 1,500 square feet and deck on the right side of the building; and as further defined in a site plan on file in the Town Clerk's Office.

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.

KABUKI KINGSTOWN CORP. d/b/a KABUKI RESTAURANT, by Yunqing Liu, 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 Kingston, RI; upstairs bar, lounge, function room and deck; downstairs snack shop, lounge and patio deck; and grounds of the Laurel Lane Country Club; and as further defined in a revised site plan on file in the Town Clerk's Office.

MAHACHAI, LLC d/b/a TONG TA THAI RESTAURANT, by Awut Chunlawat, Member, 50 South County Commons Way, Unit E1, Wakefield, RI; first floor dining areas, in accordance with a Special Use Permit granted by the Zoning Board of Review on April 16, 2014; and as further defined in a site plan on file in the Town Clerk's Office.

MATUNUCK PIZZA PIE COMPANY, LLC d/b/a MATUNUCK PIZZA PIE, by Kevin V. Finnegan, Member, 920 Matunuck Beach Road, Wakefield, RI; indoor dining area and outdoor seating area in accordance with a Special Use Permit granted by the Zoning Board of Review on April 21, 2011, and outdoor side areas in accordance with a Special Use Permit granted by the Zoning Board of Review on January 17, 2018; and as further defined in a site plan dated January 23, 2018 on file in the Town Clerk's office.

NEXT DOOR, INC. d/b/a THE PUB, by Kevin V. Finnegan, President, 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 January 4, 2017 on file in the Town Clerk's office.

OCEAN FRONT LOUNGE, INC. d/b/a OCEAN MIST, by Kevin V. Finnegan, President, 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.

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.

PALIOTTI FAMILY ENTERPRISES, INC. d/b/a THE FLATTS, by Peter Paliotti, President, 501 High Street, Wakefield, RI; first floor bar and dining areas; and as further defined in a site plan dated March 17, 2021 on file in the Town Clerk's office.

PHIL'S KITCHEN INC. d/b/a PHIL'S RESTAURANT, by Kenneth J. Tetzner, President, 323 Main Street, Wakefield, RI; first floor dining area, second floor dining area, walkway, roof deck dining area on an adjacent building at 329 Main Street 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.

ROSE HILL GOLF CLUB, INC., by James P. Manning, 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.

SURFSIDE THAI FOOD, LLC d/b/a SA-TANG RESTAURANT, by Nina Conklin, Member, 402A Main Street, Wakefield, RI; bar and dining room in accordance with a Special Use Permit granted by the Zoning Board of Review on December 21, 2011; and as further defined in a site plan on file in the Town Clerk's Office.

TAJ, LLC d/b/a TAJ INDIAN RESTAURANT AND BAR, by Devendra Khadka, Member, 49 South County Commons Way, Unit F-4, Wakefield, RI; first floor bar and dining areas; and as further described in a site plan on file in the Town Clerk's Office.

TORRE II CORP. d/b/a TRATTORIA ROMANA SOUTH, by Scott Sisson, Vice President, 71 South County Commons 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.

V.G.B., LLC d/b/a PASQUALE'S PIZZERIA NAPOLETANA, 59 South County Commons Way, Units H-1 and H-2, Wakefield, RI by Pasquale Illiano, Member for the first floor dining and bar areas in accordance with a Special Use Permit granted January 19, 2005 by the Zoning Board of Review; and as further defined in a site plan on file in the Town Clerk's office.

WAKEFIELD TAVERN, LLC d/b/a TAVERN ON MAIN, by Christian D'Agostino, Member, 195 Main Street, Wakefield, RI; first and second floor dining areas, and limited to 20 outdoor seats on Main Street in accordance with a Special Use Permit and Variance granted by the Zoning Board of Review on May 21, 2014, subject to the filing of an off-site parking agreement in the land evidence records; and as further defined in a site plan dated February 5, 2018 on file in the Town Clerk's Office.

YANKEE FOODS, LLC d/b/a THE MEWS TAVERN, by Jeffrey Cammans, Managing Member, 456 Main Street, Wakefield, RI; first and second floor, mezzanine and third floor lounge 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; additional tavern area in accordance with a Special Use Permit granted on February 20, 2013; and expanded service area at the rear of the existing building within the existing parking lot, consisting of a curbside pickup kiosk and hostess station with dining seating and border/separation from the parking and vehicle access, in accordance with a Special Use Permit granted March 17, 2021 by the Zoning Board of Review; and as further defined in site plans dated March 7, 2013 and April 14, 2021 on file in the Town Clerk's office.

CLASS B – LIMITED

ANDERSON ENTERPRISES, LLC d/b/a D.B.'S PIZZA, by Jonathan Anderson, Member, 546 Kingstown Road, Wakefield, RI; 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.

BAJA'S EXPRESS, LLC d/b/a BAJA'S TAQUERIA AND GRILL, by Bahij Boutros, Member, 600C Kingstown Road, Wakefield, RI; indoor dining area in accordance with a Special Use Permit granted September 16, 2020 by the Zoning Board of Review; and as further defined in a site plan on file in the Town Clerk's Office.

CAF BAR, LLC d/b/a CAF BAR, Elias Boutros Member, 396 Main Street, Wakefield, RI, indoor bar and dining areas only; in accordance with a Special Use Permit granted by the Zoning Board of Review on July 21, 2021; and as further defined in a site plan on file in the Town Clerk's office.

RACHEL'S CAFE, LLC d/b/a RACHEL'S CAFE, by Carlos Taveira, Member, 36 South County Commons Way, Unit 4C, Wakefield, RI; all seating areas inside the first floor restaurant in accordance with a Special Use Permit granted December 21, 2016 by the Zoning Board of Review; and as further defined in a site plan on file in the Town Clerk's office.

V.G.B. LLC d/b/a NEAPOLIS, by Pasquale Illiano, Member, 60 South County Commons Way, Unit G1, Wakefield, RI; dining and counter areas, in accordance with a Special Use Permit granted by the Zoning Board of Review on April 15, 2015; and as further defined in a site plan on file in the Town Clerk's Office.

CLASS B – TAVERN

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; dining, lounge and bar areas, and banquet room, and patio area, and for consumption only in the pool area from 9 AM to 9:30 PM, 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 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 D – CLUB FULL PRIVILEGE

ELKS CLUB OF SOUTH KINGSTOWN #1899, by Michelle Main, Secretary, 60 Belmont Avenue, Wakefield, RI; members lounge, dining room and foyer, and grounds 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.

CLASS J – CONVENTION HALL LIMITED

GLOBAL SPECTRUM LP d/b/a SPECTRA VENUE MANAGEMENT by Leah Becki, General Manager, 1 Lincoln Almond Plaza, Kingston, RI 02881, concourse and arena areas at the Ryan Center; and as further defined in a site plan on file in the Town Clerk's office.

CLASS T – LEGITIMATE THEATER

CONTEMPORARY THEATER COMPANY, by Terrence G. Simpson, President, 321 Main Street, Wakefield, RI for the expanded outside patio area modification at 321 Main Street and theatre in adjacent building at 327 Main Street, in accordance with Special Use Permits granted by the Zoning Board of Review on May 15, 2019, June 21, 2017 and February 21, 2012 with sales of alcohol limited to one hour prior to the performance and during the performance, but prohibited after the performance in the building used for the theatre performances; and as further defined in a site plan dated June 4, 2019 on file in the Town Clerk's office.

PUMP HOUSE MUSIC WORKS, by Daniel U. Collins, President, 1464 Kingstown Road, Wakefield, RI; Presentation Gallery and hand tool work room in accordance with a Special Use Permit granted December 21, 2016 by the Zoning Board of Review; and as further defined in site plans dated January 4, 2017 on file in the Town Clerk's office.

- B.** A Public Hearing relative to an application for renewal of an Indoor Shooting Range License in accordance with the South Kingstown Town Code, Chapter 9 Licenses and Miscellaneous Business Regulation, Article VI Indoor Shooting Ranges, Sec. 9-158 Term of License, Renewal, Transfer. Application by IDGR15, LLC d/b/a Elite Indoor Gun Range, by Mark A. Fay, Member for property located at 371 Rose Hill Road, Wakefield, RI 02879 and designated as Assessor's Plat 33, Lot 30, consisting of 121.57 acres.
- C.** A Public Hearing to consider proposed amendments to the following chapters of the Town Code related to the implementation of a Municipal Court: Chapter 1 General Provisions; Chapter 3 Animals and Fowl; Chapter 4 Boats and Waterways Ordinance; Chapter 10 Motor Vehicles and Traffic; Chapter 11 Nuisances; Chapter 12 Offenses and Miscellaneous Provisions; Chapter 15 Solid Waste Management; Chapter 16 Streets and Sidewalks; Chapter 18.5 Tree Ordinance; Chapter 19 Utilities; and Chapter 20 Stormwater Management, as shown on Exhibit 1 attached hereto.

8. PUBLIC COMMENTS

Rule 10A. for the conduct of the meetings of the South Kingstown Town Council: 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.

9. NEW BUSINESS

- A.** A resolution acknowledging the recent passing of Gerald "Gerry" Driscoll.

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- B.** A resolution directing the Town Manager and Finance Director to work with Bond Counsel to draft language for enabling legislation to be submitted to the General Assembly to authorize the placement of a Bond Referendum Question on a ballot specific to a bond request not to exceed \$150 million to support a new High School facility improvement project.
- C.** A resolution authorizing the submittal of a grant application to the RI Department of Environmental Management for funding through the 2023 Recreation Acquisition and Development grant program, for the purpose of planned capital improvements at Old Mountain Field; and as further described in a memorandum from the Director of Leisure Services to the Town Manager dated October 23, 2023 and entitled “RIDEM 2023 Recreation Acquisition and Development Grant Applications.”
- D.** A resolution authorizing an award to Center for Internet Security, Inc., 31 Tech Valley Drive, East Greenbush, NY 12061 for services in an amount not to exceed \$16,850, including a \$2,000 contingency, with a 3-year renewal option not to exceed ten percent (10%) increase over the prior year; as further described in a memorandum from the Director of IT to the Town Manager dated October 31, 2023 and entitled “CIS Contract Extension Recommendation.”
- E.** A resolution authorizing an award of bid to American Timber and Steel, 4832 Plank Road, Norwalk, OH 44857 for wood fencing materials in accordance with all bid specifications in an amount not to exceed \$13,111 including a contingency of \$1,500; and as further described in a memorandum from the Director of Leisure Services to the Town Manager dated November 6, 2023 and entitled “Bid Recommendation – Wood Fence Materials.”
- F.** A resolution authorizing an award to GovInvest Inc., 8605 Santa Monica Boulevard, PMB 52465, West Hollywood, CA 90069 for purchase of the Labor Costing Module and Live Compensation Studies Module in an amount not to exceed \$85,000 as an “Exclusive Commodity” pursuant to Section 6-26(a) of the Town of South Kingstown Code of Ordinances; as further described in a memorandum from the Deputy Town Manager/ DOAS to the Town Manager dated November 6, 2023 and entitled “Request for Exclusive Commodity Purchase Authorization – GovInvest Labor Costing and Live Compensation Studies Modules.”
- G.** A resolution authorizing an award to CDW-G, 75 Remittance Drive, Suite 1515, Chicago, IL 60675-1515 for purchase of Cradlepoint R1900 – 5G wireless routers, with accessory 5G mobile antennas and a 5-year subscription to the Cradlepoint NetCloud Mobile solution at a cost of \$2,506 per vehicle; and as further described in a memorandum from the Chief of Police to the Town Manager dated November 6, 2023 and entitled “Award Recommendation – Cradlepoint Wireless Routers for Police Vehicle Internet Connectivity.”

- H. A resolution authorizing the Town Clerk to advertise by reference for Order of Notice a Public Hearing relative to proposed amendments to the Zoning Ordinance, reflecting new state laws that change various processes for review and approval of zoning and development applications. Amendments include revised standards for variances; revisions to table of permitted uses and addition of criteria for certain uses permitted by special use permit; revised procedure and criteria for modification of dimensional requirements; procedure for review of uses not listed in the table of permitted uses; reduced dimensional requirements for nonconforming lots; changes to regulations governing comprehensive permit applications; establishment of unified development review; revisions to development plan review process; regulations for adaptive reuse; and changes to the quorum requirement for the Zoning Board and votes required to approve applications; and as further described in a memorandum from the Assistant Town Solicitor to the Town Council dated July 10, 2023 and entitled “Recently Enacted Laws Affecting Land Use.”

10. TOWN MANAGER’S REPORT

- A. Update on School Building Committee and the School Facilities Project.
- B. Update on Proposed South County Commons/District 5 Apartment Complex.
- C. Update on the SK 300th Anniversary Steering Committee.
- D. Announcement of Kathy Perez, Wastewater Superintendent’s receipt of the Operator Award from the New England Water Environment Association (NEWEA).

11. COMMUNICATIONS

- A. An email dated October 2, 2023 from Councilwoman Bergner requesting an update on the American Rescue Plan Act (ARPA) Program is received, placed on file, and the Town Council further directs _____.
- B. An email dated October 14, 2023 from Councilwoman Alley requesting to discuss the history and restrictions of the Oliver Watson Home is received, placed on file, and the Town Council further directs _____.
- C. An email dated October 16, 2023 from Councilwoman Bergner concerning the future use of Wakefield School and the Oliver Watson Home is received, placed on file, and the Town Council further directs _____.
- D. An email dated October 17, 2023 from Councilwoman Alley requesting to discuss short term rentals is received, placed on file, and the Town Council further directs _____.
- E. An email dated October 20, 2023 from George Helwig tendering his resignation from the Affordable Housing Collaborative Committee is received, placed on file, and the Town Council further directs _____.

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- F. A resolution adopted October 10, 2023 by the South Kingstown School Committee rejecting any efforts to ban books in honor of Banned Books Week October 1 – 7, 2023 is received, placed on file, and the Town Council further directs _____.
- G. An email dated October 23, 2023 from Laura Lee Costello, Executive Director, South Kingstown Housing Authority requesting that the Town continue to provide road maintenance and plowing services on Uncle Sams Lane is received, placed on file, and the Town Council further directs _____.
- H. An email dated November 8, 2023 from Councilwoman Bergner concerning potential School Department savings is received, placed on file, and the Town Council further directs _____.

Rule 18: Correspondence to the Town Council shall be placed on the Council agenda only where action by the Council is requested. Correspondence relating to personnel issues or personal matters shall not be placed on the agenda. The Town Clerk shall confer with the Town Manager and/or Town Solicitor where the intent of the correspondence may be unclear. The Town reserves the right to make correspondence public by posting it on the Town Council agenda or otherwise.

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*)

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.

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.”

PROPOSED AMENDMENTS TO THE TOWN CODE

**Chapter 1
General Provisions**

* * * * *

Sec. 1-9. General penalty; continuing violations; advance payment of fine.

- a) Except as otherwise expressly provided, whenever in this Code or in any other ordinance or resolution of the town or in any rule, regulation or order promulgated by any officer or agency of the town under authority duly vested in him or if any act is prohibited or is made or declared to be unlawful or an offense or a misdemeanor, or the doing of any act is required or the failure to do any act is declared to be unlawful or an offense or a misdemeanor, where no specific penalty is provided therefor, the violation of any such provision of this Code or any other ordinance or resolution of the town or such rule, regulation or order shall be punished by a fine not exceeding five hundred dollars (\$500.00) ~~or imprisonment for a term not exceeding thirty (30) days.~~
- b) Except where otherwise provided, every day any violation of this Code or any other ordinance or resolution of the town or such rule, regulation or order shall continue shall constitute a separate offense.
- c) Fines for violations may be paid by check or money order, in lieu of appearance at the South Kingstown Municipal Court, made payable to the Town of South Kingstown, Rhode Island with no post-dating of the check, and delivered in person or sent by mail to the Town of South Kingstown Clerk's Office with a written indication of the purpose for the payment. Partial payments will not be accepted and shall be considered as non-payments. Where the ordinance provides for a range of fines, then any prepayment of the fine must be paid at the highest fine in the range. If prepayment is not made of any fine enumerated in the Town Code, then the violator shall be prosecuted in the South Kingstown Municipal Court pursuant to the rules and regulations thereof.

* * * * *

**Chapter 3
Animals and Fowl**

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Article II. Dogs and Cats

* * * * *

Sec. 3-22. Care and control of dogs.

- (a) Every owner or person who has accepted responsibility for the temporary care and custody of a dog has a duty to exercise proper care and control over the dog. The following shall be considered a violation of this section:

* * * * *

(6) Violations of the above-referenced provisions shall be subject to fines as set forth in section 3-29(b) as well as prosecution in the ~~Washington County~~ 4th-District Municipal Court as set forth in subsection (4) above. The violation shall attach to the person, not the dog, therefore the determination whether a violation is a first or subsequent offense shall be based upon the number of prior violations by the person. If more than one (1) dog is involved in each incident, multiple violations may be charged.

(b) A person who repeatedly violates the provisions of subsection (a) is a public nuisance. For purposes of this section, a person with more than three (3) violations in any twelve-month period, or a person with more than six (6) violations in a thirty-six-month period shall be considered a repeated violator. Each dog involved constitutes a separate violation for purposes of subsection (a); however, for purposes of this section, a single incident involving more than one (1) dog shall be considered only one (1) violation. If a person is cited as a repeated violator, that person may be summoned before the ~~Rhode Island District~~ Municipal Court. The court may:

(1) Order that any one (1) or more of the dogs involved be temporarily impounded or permanently removed from the person's care and custody and disposed of in a humane manner. Impoundment fees may be charged to the dog owner or person responsible for the dog's care and custody regardless of whether the dog is returned to that person.

(2) Impose a fine of up to ~~two five hundred fifty~~ five hundred dollars (~~\$250~~500.00).

* * * * *

Sec. 3-29. Penalties.

(a) Any person who is the keeper or owner of any dog found to be an unlicensed dog, ~~shall, upon conviction~~ in addition to any requirements in Title 4, Chapter 13.1 of the Rhode Island General Laws, shall be provided a warning and instructions to license the dog within fourteen (14) calendar days from the date the warning is issued. If the keeper or owner of any dog fails to obtain a license after the fourteen (14) day warning period, that shall be fined as follows:

(1) First offense	\$ 250 <u>500</u> .00
(2) Second <u>and all subsequent offenses, summoned to Municipal Court</u>	\$ 200 <u>200</u> .00
(3) Third offense and all subsequent offenses within a year	\$ 500 <u>500</u> .00

~~and be subject to the provisions of G.L. Tit. 4, Ch. 13.1.~~

(3) The penalty for second or subsequent offenses within a year is a fine not more than five hundred dollars (\$500.00)

(b) Any person convicted of violating any other provision of this article shall be fined as follows:

(1) First offense	\$ 10 <u>25</u> .00
(2) Second offense	\$ 15 <u>50</u> .00
(3) Third offense and all subsequent offenses within a year	\$ 25 <u>75</u> .00

(4) Fourth and all subsequent offenses within a year summoned to Municipal Court and upon conviction, shall be fined not more than five hundred dollars (\$500.00) for every such offense.

**Chapter 4
Boats and Waterways Ordinance**

Article I. In General

* * * * *

Sec. 4-19. Penalties.

* * * * *

(c) Any individual violating any provision of this chapter may be cause for the harbormaster's refusal to allow such individual with his/her vessel in the waters under the jurisdiction of the harbormaster for such period of time as may be determined by the harbormaster or the town council together with the necessary court action in cases of violation of state or federal law. The enumerated violations listed in this chapter and any penalty prescribed thereunder shall be in addition to, and shall not supplant, any violation setting forth stricter standards or greater or additional penalties found in federal or state law or regulation. Where a local ordinance or state or federal law or regulation covers the same conduct, at the discretion of the Harbormaster, the Harbormaster may charge the violation that provides the greater or additional penalty or has stricter standards.

* * * * *

Sec. 4-21. Payment without personal appearance.

The harbormaster, and assistant harbormaster and any other duly authorized law enforcement officer who charges any person with an offense as set out in this chapter shall issue a summons for said offense, providing the offending person with a form which, when properly executed by the office and offender, will allow the offender to dispose of the charge without the necessity of personally appearing before the district South Kingstown Municipal eCourt of the state. This section shall apply to residents and nonresidents.

Sec. 4-22. Method of payment.

If the offending party desires to dispose of the charge without personally appearing before the ~~district~~ South Kingstown Municipal eCourt he/she may execute the form indicated and return it to the South Kingstown ~~Police Department~~ Town Clerk's Office not later than thirty (30) days from the date of the summons either by mail or by delivering it to the ~~police department~~ Town Clerk's Office together with a certified check or money order in an amount indicated by the fine schedule on said form.

Sec. 4-23. Violations to which applicable and schedule.

The following violations may be handled administratively through the method as prescribed in this chapter; provided however, this list is not exclusive and jurisdiction may be conferred on the ~~District Court of Rhode Island~~ South Kingstown Municipal Court with regard to other violations.

* * * * *

**Chapter 10
Motor Vehicles and Traffic**

Article I. In General

* * * * *

Sec. 10-7. Operation of vehicle as to create unnecessary noise prohibited.

(a) It shall be unlawful for any person to so operate any automobile, motorcycle or other motorized

vehicle on any highway, street, gangway, court, square, private parking lot, public parking lot or any other public place in any park of this town in such a manner as to cause or create unnecessary noise by causing the spinning of wheels of any such vehicle so operated on the pavement or to cause or to create unnecessary noise by reason of defective or altered exhaust system on such vehicle.

(b) Unnecessary noise shall be any noise other than that usually occasioned by the reasonable and normal operation of any such automobile, motorcycle or other motorized vehicle.

(c) Conviction of violation of this section shall be punishable by a fine ~~not to exceed fifty dollars (\$50.00) or imprisonment not to exceed ten (10) days for each violation~~ in the amount of one hundred dollars (\$100) for a first offense, two hundred dollars (\$200) for a second offense, and three hundred dollars (\$300) for the third and any subsequent offense.

* * * * *

Sec. 10-16. Issuance of citations to violators of traffic regulations; penalties for violations.

It shall be the duty of the police officer ~~and police constables~~ of the town, acting in accordance with instructions issued by the chief of police to report:

- (1) When a vehicle has violated any of the provisions of this chapter or other ordinances;
- (2) The state of registration and the license plate number of each such vehicle;
- (3) The specific nature or type of violation;
- (4) Each such officer ~~or police constable~~ shall also attach to such vehicle or render to the operator thereof, written notice to the owner that such vehicle has violated a certain provision of this chapter or other traffic ordinance and instructing such owner to report at the office of the chief of police in respect to such violation with regard to payment or prosecution of said violation in accordance with Section 1-9(c) of this Code. Each such owner or operator may, ~~within seven (7) days of the time when such notice was so served on such owner, mail to the office of the chief of police~~ make advance payment in accordance with Sec. 1-9(c) as a penalty for and in full satisfaction of such violation the sum of ~~five-seventy-five~~ dollars (\$575.00) in every case, except where another ordinance provides for a higher fine.

* * * * *

~~Sec. 10-18. Authority of police department to collect fines.~~

~~The police department is hereby designated and authorized to collect and to receive the fines provided for violations of the provisions of this chapter or other traffic ordinances which are or shall be in effect in the town.~~ Reserved.

~~Sec. 10-19. Disposition of money received under chapter; audit of police accounts.~~

~~All money received and collected by the police department under this chapter shall be turned over to the town treasurer. All such charges, records and payments shall be entered forthwith by the police and the books of the police containing records of violations, dispositions and money received as fines therefrom shall be audited not less than once every three (3) months by a town auditor.~~ Reserved.

* * * * *

Article II. Stopping, Standing and Parking

Sec. 10-53. Winter parking prohibited.

It shall be unlawful for the operator of any motor vehicles to park on any public highway, municipal parking lot or municipally owned parking area in the town after a parking ban declaration has been implemented. This parking restriction will remain in effect until the official declaration has been lifted. Any motor vehicle in violation of this section may be towed, and the parking fine shall be assessed at ~~twenty-five~~ one hundred dollars (\$~~25~~100.00). This section shall not apply to the eight (8) parking spaces granted to Tase-Rite Co., Inc. by an easement deed filed with the town clerk on January 9, 2003.

* * * * *

Sec. 10-65. Emergency restriction on parking.

(a) No parking shall be permitted during the times designated when emergency storm conditions exist. At the outset of any storm requiring the declaration that emergency conditions exist, such conditions will be declared to be in effect by means of radio announcement by the town manager. The no parking will be modified or eliminated as soon as storm conditions permit.

(b) The chief of police, or his representative, shall have the authority to cause an illegally parked vehicle to be towed away by a licensed towing service to the premises operated by such service if, in his opinion, the public safety of residents of the town is or will be jeopardized. The applicable fine and all costs of towing and storage must be paid by the owner or operator of the vehicle before the vehicle is released.

(c) All violations of this section shall be punished by a fine of ~~five-seventy-five~~ 575 dollars (\$~~575~~575.00).

* * * * *

Sec. 10-68. Parking fines.

(a) Parking fines for violations of this chapter as cited by the South Kingstown Police Department in the form of parking citations shall be ~~twenty-five~~ seventy-five dollars (\$~~25~~75.00).

* * * * *

Sec. 10-71. Parking at Marina Park.

No person shall park any vehicle or boat trailer in the main parking lot or turfed area adjacent to Festival Field between 2:00 a.m. and 4:00 a.m. Notwithstanding the foregoing, the chief of police, or his representative, shall have the authority to grant an exemption from this prohibition for boat owners who rent slips at Marina Bay Docking.

No person shall park any vehicle or boat trailer in the easterly parking lot adjacent to the Route 1 overpass for more than seventy-two (72) hours.

All violations of this section shall be punished by a fine of ~~fifty-seventy-five~~ 575 dollars (\$~~50~~75.00) and any motor vehicle or trailer in violation may be towed.

* * * * *

Nuisances

* * * * *

Article II. Junked, Dismantled or Abandoned Vehicles

Sec. 11-21. Disposition of vehicles in violation of this article.

(a) Such vehicle or trailer will be tagged by the zoning officer citing the violation and if not removed within thirty (30) days, will be deemed abandoned and a hazard, and the zoning officer will register a complaint with the police department where an investigation under G.L. § 31-22-13 shall be conducted. Notice will also be left with the resident of the premises, if any, of the property upon which the vehicle or trailer is located.

(b) The vehicle owner who shall allow a vehicle to remain on his property or is in violation of section 11-20 and subsection (a) of this section shall be guilty of an offense punishable, and upon conviction, subject to a fine of ~~twenty-seventy-five dollars (\$2075.00)~~ or imprisonment for ~~ten (10) days~~. Each day the vehicle owner shall allow the above-mentioned condition to exist after original tagging of such vehicle shall constitute a separate offense.

* * * * *

Sec. 11-22. Penalties.

Any property owner who shall fail to comply with the provisions of sections 11-17 and 11-18 shall be guilty of an offense punishable, and upon conviction, subject to a fine of ~~twenty-seventy-five dollars (\$2075.00)~~ or imprisonment for ~~ten (10) days~~. Each day the property owner shall allow the above-mentioned condition to exist shall constitute a separate offense.

* * * * *

**Chapter 12
Offenses and Miscellaneous Provisions**

Article I. In General

Sec. 12-2. Improper conduct.

(a) Every person who shall anywhere in the town quarrel, fight, revel, wantonly raise any false cry or alarm of fire, commit any nuisance or misdemeanor, or otherwise behave in a noisy, disorderly or indecent manner, to the disturbance or annoyance of the peaceable people of the town, or any portion of them, or shall aid, assist, incite, encourage, or promote the same to be done by any other person shall be guilty of a violation of this section, as well as the following:

* * * * *

(b) Every person convicted of violating any provision of this section shall, upon conviction therefor, be fined not ~~less than twenty dollars (\$20.00)~~ nor more than one five hundred dollars (\$100500.00) for every such offense, ~~or be imprisoned not exceeding thirty (30) days.~~

* * * * *

Sec. 12-11. Public consumption prohibited; possession by persons under twenty-one (21) years of age prohibited; possession of open containers prohibited.

It shall be unlawful for any person to consume alcoholic beverages of any kind on a public way or street, beach, public picnic ground, park, amusement area or any other public place or building, unless permitted by law, within the town. It shall be unlawful for any person who has not attained the age of twenty-one (21) years to have in his possession alcoholic beverages of any kind within a building, park, on a public way or street, park, amusement area or any other public place or building within the town. The possession of an open container of alcohol by any person is prohibited on a public way or street, beach, public picnic ground, park, amusement area or any other public place or building. The penalty for any violation is a fine of ~~fifty dollars (\$50.00)~~ not more than five hundred dollars (\$500.00) for every such offense. Violators shall be summoned before the Municipal Court. Provided, however, that the consumption of alcoholic beverages and/or the possession of open containers in connection with a duly-authorized temporary expansion of a restaurant service area as provided for in section 9-21 shall not be prohibited.

* * * * *

**Chapter 15
Solid Waste Management**

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Sec. 15-67. Compliance requirements.

(d) *Quantifying minimum town recycling diversion rates:* Each private hauler collecting residential solid waste and residential recyclable material in town, shall at the direction of the public services director be required to provide on the fifteenth day of each month documentation that he/she met or exceeded minimum town recycling diversion rates for the prior calendar month's collection activity. Said documentation, shall be to the satisfaction of the public services director.

Penalties for noncompliance with minimum recycling diversion rate requirements: The penalties for noncompliance with minimum recycling diversion rate requirements shall be set forth in section[s] ~~15-68(c)(1)–(4)~~ 15-67(c)(1-4).

**Chapter 16
Streets and Sidewalks**

Article I. In General

* * * * *

Sec. 16-3. Penalty violation of section 16-2.

a) Violation of section 16-2 by a person shall result in ~~a warning for the first offense and shall be punishable by a fine of one hundred dollars (\$100.00) for the second offense, and by a fine of one hundred seventy five dollars (\$175.00) for the third offense~~ enforcement as specified in Section 16-9. ~~The fine may be paid by mail or in person at the tax collector's office. Upon the fourth and each subsequent violation of this section, a person shall be subject to the penalties set forth in section 1-9. of the Code.~~ Only one (1) violation may occur with respect to any one (1) snowfall or ice event or other event resulting in snow or ice encumbering a sidewalk, provided however, that a continued violation twenty-four (24) hours after the issuance of a warning for a first offense shall constitute a second offense.

* * * * *

Sec. 16-9. Penalties and enforcement.

In addition to any other penalties provided for in this chapter, any violation of any provision of Chapter 16 may be subject to the general penalty provisions of Section 1-9 of the Town Code of Ordinances and prosecuted in the South Kingstown Municipal Court thereunder.

* * * * *

**Chapter 18.5
Tree Ordinance**

* * * * *

Article VI. Enforcement

Sec. 18.5-36. Restitution for replacement trees.

a) The tree warden, in accordance with G.L. 1956, § 2-14-7, may require a monetary restitution of up to two thousand five hundred dollars (\$2,500.00) from any individual or entity who performs or authorizes work that illegally removes, damages, or prunes a protected tree. The amount of monetary restitution required shall be in accordance with the Town of South Kingstown Tree Replacement Policy, as amended and maintained by the public services department, and shall be equivalent to the cost for the town to plant and maintain town trees to replace those illegally removed, damaged, or pruned.

b) Failure to pay within thirty (30) days any monetary restitution required by the tree warden for an illegal action to a protected tree performed or authorized by an adjacent property owner shall constitute a lien on the private property. The town shall maintain its right to legal and equitable remedies that may be available in order to enforce compliance with the provisions of this chapter. In addition to costs and any associated monetary restitution, the property owner shall be responsible for any interest, administrative and court costs associated with the collection of the funds.

c) In addition to the penalties specified herein, any violation of any provision of Chapter 18.5 may be subject to the general penalty provisions of Section 1-9 of the Town Code of Ordinances and prosecuted in the South Kingstown Municipal Court thereunder.

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**Chapter 19
Utilities**

Article I. In General

Sec. 19-1. Penalties and enforcement.

In addition to any other penalties provided for in this chapter, any violation of any provision of Chapter 19 may be subject to the general penalty provisions of Section 1-9 of the Town Code of Ordinances and prosecuted in the South Kingstown Municipal Court thereunder.

* * * * *

**Chapter 20
Stormwater Management**

Article I. Illicit Discharge Detection and Elimination

Sec. 20-1. Penalties and enforcement.

In addition to any other penalties provided for in this chapter, any violation of any provision of Chapter 20 may be subject to the general penalty provisions of Section 1-9 of the Town Code of Ordinances and prosecuted in the South Kingstown Municipal Court thereunder.

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)*

Vacancy: term expires August 2025 (Christian Blaney resigned)

Applicants: Darryl Geissler (applied 8/29/2023; interviewed 10/23/2023); Bethany Sorrentino (applied 10/11/2023; to be interviewed 11/27/2023).

Bicycle – Pedestrian Advisory Committee *(Minimum 5, maximum 9 members; 2 year term)*

Reappointments for terms expired July 2023: Kenneth Burke, Dorothy Hill, Christopher Ryan Moore, Thomas Hogan, and Lisa-Beth Sanford wish to be reappointed. Awaiting response from James Vogel.

Vacancies: 2 terms expired July 2023 (David Hamel did not wish to be reappointed; one open position).

Conservation Commission *(7 members; 3 year term)*

Vacancy: one term expires September 2026 (Lorraine Joubert did not wish to be reappointed).

Applicant: Kevin C. Pelissier (applied 4/26/2023; interviewed 6/26/2023 and appointed to ZBR)

Economic Development Committee *(11 members, 3 year term)*

Applicant: Kevin C. Pelissier (applied 4/26/2023; interviewed 6/26/2023 and appointed to ZBR)

Historic District Commission *(7 members; 3 year term)*

Reappointment for a term to expire December 2023: William Murray Gates wishes to be reappointed. It is reported that Mr. Gates has attended 27 of 29 meetings held during the current term (attendance as of 9/15/2023).

Vacancies: terms expire December 2023 and December 2025 (Andrew Martinez resigned; Shantia Anderheggen did not wish to be reappointed)

Housing Authority *(5 members; 5 year term)*

Reappointment for a term expired October 2023: awaiting response from Susan Jacobsen. It is reported that Ms. Jacobsen has attended 46 of 62 meetings held during the current term (attendance as of 9/21/2023).

Applicants: Lucienne Andrew (applied 10/23/2023); Gregory Jones (applied 10/27/2023)

Planning Board *(7 members; 3 year term)*

Applicant: Kevin C. Pelissier (applied 4/26/2023; interviewed 6/26/2023 and appointed to ZBR)

Recreation Commission *(5 members; 3 year term)*

Applicant: Robert Warren (applied 9/18/2023; interviewed 9/25/2023 and appointed to Library Board of Trustees)

Route 1 Stewardship Plan Development Committee *(8 members)*

Vacancy: Economic Development Committee Ex-Officio Member (Larry Fish does not wish to continue serving).

Route 138 Reconstruction Project Area Committee (11 members; 2 year term)

Reappointments for terms expired in May 2023: Susan Spranger Axelrod, Dorald Beasley, Gail Faris, Thomas Marcello and William Rosen wish to be reappointed. Awaiting a response from Diane Johnson.

Vacancies: terms expired in May 2023 (Peter Maynard did not wish to be reappointed; James Garfield, Ex-Officio member of Historic District Commission resigned; and URI representative)

Saugatucket Veterans' Memorial Park Commission (5 members; 5 year term)

Vacancy: Vietnam Veteran, term expires January 2025 (Mark Spangler deceased)

Statistical Modeling and Analytics Research Tools (SMART) Committee (9 members)

Two vacancies: (Lauren Weinstock and Jonathan E. Daly-LaBelle resigned)

Sustainability Committee (7 members)

Vacancy (James Normann resigned)

Trustees of the South Kingstown School Funds (5 members; 5 year term)

Vacancy: one term expires June 2025 (James Lathrop resigned)

Zoning Board of Review (5 members, 3 alternates; 3 year term)

Vacancy: Alternate #3 for a term to expire March 2024.

Applicant: Joshua W. Gilman (applied 2/2/2023; interviewed 2/13/2023 and appointed to EDC).