

**December 3, 2007 - Regular Town Council Meeting**

**At a Regular Meeting of the Town Council of the Town of Middletown, RI held at the Middletown Town Hall on Monday, December 3, 2007 at 7:00 P.M.**

**Council President Paul M. Rodrigues, Presiding**

**Vice Chair Shirley R. Mello**

**Councillor Barbara A. Barrow**

**Councillor Louis P. DiPalma**

**Councillor M. Theresa Santos**

**Councillor Edward J. Silveira, Jr.,**

**Councillor Robert J. Sylvia, Members Present**

**ACTING AS A BOARD OF LICENSE COMMISSION**

**Councillor Silveria disqualified himself from acting on this matter, due to a possible conflict of interest, business related.**

**1. Public Hearing (Advertised)**

**Application of Applebee's Northeast, Inc., dba Applebee's Neighborhood Grill & Bar holder of a Retailer's Class BV Alcoholic Beverage License for premises located at 349 West Main Road, Middletown to TRANSFER said license to Applebee's Restaurants North, LLC dba Applebee's Neighborhood Grill & Bar, for use at the same premises.**

**Public Hearing was declared open.**

**Jeffrey Michaelson, Esquire, 7454 Post Road, representing the applicant, addressed the board explaining this is only a corporate transfer.**

**There being no other persons present desiring to be heard on this matter, public hearing was declared closed.**

**On motion of Vice Chair Mello duly seconded, it was voted unanimously to grant said license transfer.**

## **CONSENT CALENDAR**

- 1. Communication of Town Clerk, Town of Warren, with enclosure, re: Resolution requesting support to provide long-term health care for our veterans.**

**On motion of Vice Chair Mello, duly seconded, it was voted unanimously to receive said communication.**

**Councillor Santos noted that this is long over due for our veterans and requests all to remember that December 7th is National Pearl Harbor Remembrance Day.**

**2. Memorandum of Finance Director, with enclosures, re: Financial Statements for period ending October 31, 2007.**

**On motion of Vice Chair Mello, duly seconded, it was voted unanimously to receive said memorandum.**

**3. Memorandum of Town Administrator, with enclosures, re: Budget Transfers.**

**On motion of Vice Chair Mello, duly seconded, it was voted unanimously to receive said memorandum.**

**4. Resolution of the Council, re: Approval of budget transfers – General Fund.**

**On motion of Vice Chair Mello, duly seconded, it was voted unanimously to pass said resolution.**

**5. Resolution of the Council, re: Approval of budget transfers – Sewer Fund.**

**On motion of Vice Chair Mello, duly seconded, it was voted unanimously to pass said resolution.**

## **TOWN COUNCIL**

**Councillor Silveria disqualified himself from acting on the next (3) items of business, #1, 2, 3 due to a possible conflict of interest, business related.**

**1. Application of Applebee's Restaurant North, LLC., dba Applebee's Neighborhood Grill & Bar, 349 West Main Road, for Victualling House License for the 2007 – 2008 licensing year. (NEW)**

**On motion of Vice Chair Mello, duly seconded, it was voted unanimously to grant said license subject to the approvals of the Building Official, the Fire Marshall, Dept. of Public Works and the RI Department of Health.**

**2. Application of Nicole Alio dba First Beach Nutrition: The Daily Shake, 36 Aquidneck Avenue, for Victualling House License for the 2007 – 2008 licensing year. (NEW)**

**On motion of Vice Chair Mello, duly seconded, it was voted unanimously to grant said license subject to the approvals of the Building Official, the Fire Marshall, Dept. of Public Works and the RI Department of Health.**

**3. Application of Issa N. Sweidan dba Rocco's Little Italy, 1151 Aquidneck Avenue, for Victualling House License for the 2007 – 2008 licensing year. (NEW)**

**On motion of Vice Chair Mello, duly seconded, it was voted unanimously to grant said license subject to the approvals of the Building Official, the Fire Marshall, Dept. of Public Works and the RI Department of Health.**

**4. Application for Special Events Permit received from Advanced Financial Services – Christmas Party to be held on December 8, 2007, 11:00 AM to 3:00 PM, at 110 Enterprise Center.**

**On motion of Vice Chair Mello, duly seconded, it was voted unanimously to grant said Special Events Permit.**

**5. Application of Colbea Enterprises, LLC, dba West Main Shell, 1149 West Main Road, for Victualling House License – Additional Hours of Operations – for the 2007-2008 licensing year. (NEW) (Requires Advertising for Public Hearing)**

**On motion of Vice Chair Mello, duly seconded, it was voted unanimously to receive said application, advertise same for a public hearing to be held at the January 7, 2007 regular meeting of the board.**

**6. Application of Colbea Enterprises, LLC, dba East Main Shell, 207 East Main Road, for Victualling House License – Additional Hours of Operations – for the 2007-2008 licensing year. (NEW) (Requires Advertising for Public Hearing)**

**On motion of Vice Chair Mello, duly seconded, it was voted unanimously to receive said application, advertise same for a public hearing to be held at the January 7, 2007 regular meeting of the board.**

## **7. Public Hearing (Advertised)**

**(Public Hearing Remains Open)**

**An Ordinance of the Town of Middletown (Second Reading)**

**An Ordinance in amendment to the Town Code of the Town of Middletown, Chapter 152, Zoning Code, Article 3, Administration, Enforcement, and Procedures, Sections 310, Development Impact Review and 310A, Application, and Article 6, Application of District Regulations, Sections 602, Schedule of District Regulations – Uses and Districts, and 603, District Dimensional Regulations.**

**Town Planner Ronald Wolanski reviewed the following Planning Board decision, entered here:**

**Scott Milnes, General Contractor, Middletown, addressed the Council noting he does not support this ordinance.**

**On motion of Councillor DiPalma, duly seconded, it was voted unanimously to move forward with special use across the board.**

**On motion of Councillor DiPalma, duly seconded, it was voted unanimously to WITHDRAW motion to move forward with a special use across the board.**

**Anthony Spiratos, 333 Tuckerman Avenue, presented the Council with a handout concerning Wind Turbine Syndrome. Mr. Spirotos noted he does not support this ordinance.**

**Donald Mosher, 39 Cottage Avenue, Portsmouth, presented the Council with a handout noting he sells residential wind turbines for Southern New England Wind Power. Mr. Mosher requests the Council to follow Portsmouth by requiring a special use permit with a variance.**

**Council President Rodrigues requests that the Planning Board review this issue again.**

**Ted Allen, 32 Lawrence Street, addressed the Council noting the wind turbine at Portsmouth Abby.**

**There being no other persons present desiring to be heard on this matter, public hearing was declared closed.**

**On motion of Vice Chair Mello, duly seconded, it was voted unanimously to adopt said ordinance**

**On motion of Councillor DiPalma, duly seconded, it was voted to move forward to have a special use permit in all zoning districts.**

**On motion of Vice Chair Mello, duly seconded, it was voted unanimously to adopt said ordinance**

**On motion of Vice Chair Mello, duly seconded, it was voted unanimously to adopt said ordinance.**

**8. Public Hearing (Advertised)**

**(Public Hearing Remains Open)**

**An Ordinance of the Town of Middletown (Second Reading)**

**An Ordinance in amendment to the Town Code, Chapter 152 Zoning Code, Article 6, Application of District Regulations, Section 602, Schedule of District Regulations – Uses and Districts, and Article 17A, Community Residences and Family Day Care Homes, Section 17A00 – Purpose, Section 17A01 – Requirements, and Section 17A02 – Exemptions. (Needs Planning Board Recommendation)**

**Town Planner Ronald Wolanski reviewed the ordinance noting there**

**have been two minor changes to this ordinance. Planning Board recommendation is entered here:**

**Brian Bardorf, 26 South Drive, addressed the Council noting he believes that the Council should seek input from the General Assembly on the matter. Mr. Bardoff expressed concern with Section 17A01 - Requirements. He requests the Council to keep the ordinance open for further study.**

**Ray Alexander, 6 Coggeshall Circle, noted his support for this ordinance.**

**Jay Miranda, Coggeshall Circle, endorses this ordinance and requests the Council to support this ordinance.**

**William F. Murphy, 4 Coggeshall Circle, expressed his support for this ordinance.**

**Mitch Turner, 2 Coggeshall Circle, addressed the Council noting he supports this ordinance. Mr. Turner believes this ordinance will put a process in place for all of Middletown.**

**There being no other persons present desiring to be heard on this matter, public hearing was declared closed.**

**On motion of Councillor DiPalma, duly seconded, it was voted unanimously to adopt said ordinance, as amended.**

**9. An Ordinance of the Town of Middletown (Second Reading)**

**An Ordinance in amendment to the Town Code of the Town of Middletown, Chapter 50, Garbage and Refuse, as amended.**

**On motion of Vice Chair Mello, duly seconded, it was voted**

**unanimously to adopt said ordinance, as amended.**

**10. Memorandum of Councillor DiPalma, re: Middletown Strategic Plan.**

**On motion of Vice Chair Mello, duly seconded, it was voted unanimously to receive said memorandum.**

**Councillor DiPalma requests to move forward to update the Middletown Strategic Plan.**

**11. Memorandum of Town Administrator, with enclosures, re: Managerial Salary Guidelines/Recommendation for Salary Adjustments.**

**On motion of Vice Chair Mello, duly seconded, it was voted**

**unanimously to receive said memorandum.**

**Manny Mello, Beacon Terrace North, addressed the Council expressing concern with the increase recommended for salary adjustments.**

**On motion of Vice Chair Mello, duly seconded, it was voted unanimously to continue this matter.**

**12. Communication of Gail Holmes, Middletown, re: Resignation from Middletown Economic Development Advisory Committee.**

**On motion of Vice Chair Mello, duly seconded, it was voted unanimously to receive said communication and accept resignation with regret.**

## **PUBLIC FORUM SESSION**

**Pursuant to Rule 23 of the Rules of the Council, Citizens may address the town on one (1) subject only, said subject of substantive Town business, neither discussed during the regular meeting nor related to personnel or job performance. Citizens may speak for no longer than five (5) minutes and must submit a public participation form to the Council Clerk prior to the start of the meeting.**

**No one addressed the Council during this session.**

## **EXECUTIVE SESSION**

**Pursuant to provisions of RIGL, Sections 42-46-2., 42-46-4. and 42-46-5. (a) (1) personnel (Town Administrator matters), and (2) collective bargaining (Town Hall)**

**Town Solicitor Francis Holbrook presented the Council with a copy of**

**his communication notifying Attorney Stephen Fanning of this meeting.**

**On motion of Vice Chair Mello, duly seconded, it was voted unanimously to recess this meeting at 8:41P.M. to meet in executive session pursuant to docket item entered above.**

**On motion of Vice Chair Mello, duly seconded, it was voted unanimously to reconvene this meeting in open session at 9:57 P.M.**

**On motion of Vice Chair Mello, duly seconded, it was voted to direct the Town Solicitor to finalize the separation agreement between the Town of Middletown and the Town Administrator and to authorize the Council President to sign said agreement; Council President Rodrigues, Vice Chair Mello, Councillors Barrow, DiPalma and Santos voted YES; Councillors Silveira and Sylvia voted NO to said motion.**

**On motion of Vice Chair Mello, duly seconded, it was voted**

**unanimously to seal the minutes of the executive session pursuant to Section 42-46-7. RIGL.**

**On motion of Vice Chair Mello, duly seconded, it was voted unanimously to adjourn this meeting at 10:00 P.M.**

**Wendy J.W. Marshall, CMC**

**Council Clerk**