

June 16, 2008 - 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, June 16, 2008 at 7:25 P.M.

Council President Paul M. Rodrigues, Presiding

Vice Chair Shirley R. Mello

Councillor Louis P. DiPalma

Councillor M. Theresa Santos

Councillor Edward J. Silveira, Jr.

Councillor Robert J. Sylvia, Members Present

Councillor Barbara A. Barrow, Absent

ACTING AS A BOARD OF LICENSE COMMISSION

1. Public Hearing (Advertised; Abutters notified)

Application of K. Wang, Inc., d/b/a Sakura Steakhouse, 288 East Main Road, Middletown, for a Retailer's Class BV Alcoholic Beverage License for the 2007-2008 licensing year.

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

Public Hearing was declared open.

Kirmin Lui, Esquire, represents the president/corporate applicant present to answer any questions the board may have.

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.

CONSENT CALENDAR

1. Approval of Minutes – Special Meeting, May 8, 2008

On motion of Vice Chair Mello, duly seconded, it was voted unanimously to approve said minutes.

2. Approval of Minutes – Special Meeting, May 12, 2008

On motion of Vice Chair Mello, duly seconded, it was voted unanimously to approve said minutes.

3. Approval of Minutes – Special Meeting, May 19, 2008

On motion of Vice Chair Mello, duly seconded, it was voted unanimously to approve said minutes.

4. Approval of Minutes – Regular Meeting, May 19, 2008

On motion of Vice Chair Mello, duly seconded, it was voted unanimously to approve said minutes.

5. Application of Rui F. Almeida d/b/a Doughboy's Kitchen, Fall River, MA, for RENEWAL of Industrial Caterers License (Mobile Food Service Unit) for the 2008-2009 licensing year.

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

6. Communication of Martin D. Wencek, Permitting Supervisor, Office of Water Resources, Freshwater Wetlands Program, re: Insignificant Alteration – Permit for property and proposed project located approximately 200 feet west of Valley Street, approximately 300 feet south of the intersection of Valley Street and Connecticut Avenue, Assessor’s Plat 108, Lot 554.

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

TOWN COUNCIL

1. Resolution of Council, re: Commendations ten (10) to honor Town

Employees involved in armed services.

On motion of Vice Chair Mello, duly seconded, it was voted unanimously to pass said resolution read by Council President Rodrigues to Shawn Brown, Scott A. Cutting, Terry W. Hazel, Paul W. Manning, Robert Matose, Robert S. Nutt, Richard D. Silveira and Adam Westman.

Mr. Frederick M. Bodington, III and Mr. John Pinto, III were not present for the presentation.

2. Applications (2) for Special Events Permits received from the following named persons: 1) Jessica Corda, Corda-Becker Wedding, Paradise Valley Park, Sunday, October 12, 2008 from 4:00 PM until 6:00 PM. 2) Leah Semonelli, Alexander Wedding, Third Beach (Boat ramp area), September 13, 2008 from 3:00 PM until 5:00 PM.

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

unanimously to grant said permits.

Councillor Silveira disqualified himself from acting on the following two items #3 and #4, due to a possible conflict of interest, business related.

3. Application of K. Wang, Inc., d/b/a Sakura Steakhouse, 288 East Main Road, Middletown, for a 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 approvals of the Building Official, the Fire Marshall, Dept. of Public Works and the RI Department of Health.

4. Public Hearing (Advertised)

Application of Blue Plate Diner, Inc. d/b/a Blue Plate Diner, 665 West

Main Road, for Victualling House License – Additional Hours of Operation – for the 2007-2008 licensing year. (NEW)

Public Hearing was declared open.

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, contingent on Building Official, Fire Marshall and Board of Health approvals.

5. Public Hearing (Advertised)

An Amendment to the Town's Comprehensive Community Plan (First Reading)

Amendment to Town's Comprehensive Community Plan

implementing specific provisions of the West Side Master Plan.

Public Hearing was declared open.

Town Planner Ron Wolanski addressed the Council noting that the adoption of these amendments implementing specific provisions of the West Side Master Plan, amend the text portion, of the Town's Comprehensive Community Plan.

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 receive said amendment on its first reading.

6. Communication of Barbara A. VonVillas, re: Request to address

the following issues: 1) The presence of a police officer at Town Council meetings 2) The need for Town Councillors to set the tone for participation 3) Acceptable conduct at Town Council meetings.

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

Barbara A. VonVillas, 4 Ruth Street, addressed the Council reviewing her communication. Ms. VonVillas notes that the Council sets the tone for participation and must make every effort to keep the meetings civil.

7. Communication of Town Administrator, with enclosures, re: Open Space Bond Act & Memorializing Resolution.

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

Ted Clement, Executive Director for the Aquidneck Island Land Trust, 790 Aquidneck Avenue, addressed the Council noting that Middletown voters should be given the right to act on the 2 million dollar open space bond. Middletown attracts developers from all over the country. There are 500 remaining open space areas on Aquidneck Island, 31 of the priority lands identified (from the most important 100) are here in Middletown.

Mason Hawes, Open Space and Fields Committee Chair, 431 Reservoir Avenue, applauds the Council for their support of open space. Mr. Hawes requests the Council to place the Open Space bond on the November 2008 ballot.

Antone Viveiros, 110 Indian Hill Road, addressed the Council noting he is not against open space, however, is concern that open space monies may not be used properly.

Council President Rodrigues noted his support for the open space

bond.

Councillors DiPalma and Sylvia noted their support for the open space bond to be place on the November 2008 ballot for the voters to decide.

On motion of Vice Chair Mello, duly seconded, it was voted unanimously to pass said resolution, entered below, supporting enabling legislation for a \$2,000,000. open space bond.

8. Communication of Town Administrator, with enclosures, re: Beach Pavilion Bond Act & Memorializing Resolution.

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

Rian Wilkinson, 41 Prospect Avenue, Chairman of the Beach Commission, addressed the Council noting that the beach is part of Middletown's identity. The current beach building downgrades the area. Mr. Wilkinson requests the Council's support to place the Beach Pavilion Bond on the November 2008 ballot to let the voters decide on a new beach building.

Bill Sieple, 27 White Terrace, member of the Beach Commission, noted that this project is an opportunity to do something green for the Town by having small wind turbines in the beach area. A new building would be something all residents can be proud of.

Barry Clark, 10 Wabasso Terrace, spoke in support of the Beach Pavilion Bond.

Ronald Santa, 277 Turner Road, questioned where the monies would come from to pay for the bond if passed. Mr. Santa suggests the users of the beach be the ones responsible for paying for the upgrades to the area.

Karen Roarke, 26 Renfrew Avenue, spoke in support of the Beach Pavilion Bond noting the importance of placing the question of the November 2008 ballot.

Art Benner, 3 Namquid Drive, suggests decreasing the Newport County Visitors Bureau portion of the meal tax monies and use those monies for the upgrade.

Mason Hawes, 431 Reservoir, endorses this new building. Mr. Hawes noted a new building will improve the quality of life in Middletown and the Town would realize more income from the beach.

Councillor DiPalma agrees with the need for a new building however, is concerned with the bond amount of 5 million dollars. Mr. DiPalma questioned if any of the building project can be supported by the beach fund.

Town Administrator Shawn Brown responded that the current daily parking fee should not be increased. Council could consider increasing the season's pass. The entire Beach fund would have to be reviewed to see what services are being funded from the fund. The taxpayers are responsible for the bond, if passed.

Councillor Sylvia expressed concern for loss of revenue while the new building is being built.

Public Works Director Tom O'Loughlin noted the committee did anticipate the loss of one beach season for this project.

Councillor Silveira noted he cannot support the cost of the project.

Council President Rodrigues noted his support of letting the voters decide on the bond.

On motion of Vice Chair Mello, duly seconded, it was voted to pass said resolution, supporting enabling legislation for a \$5,000,000. beach pavilion bond; Council President Rodrigues, Vice Chair Mello and Councillor Santos voted YES; Councillors DiPalma, Sylvia and Silveira voted NO; MOTION FAILED TO PASS.

9. Memorandum of Town Administrator, re: BRAC – Regional LRA

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

10. Resolution of the Council, re: BRAC – Regional LRA

Town Administrator Shawn Brown reviewed that the resolution is for transfer and disposal of two properties. The resolution tonight addresses the need to address a regional LRA. The three

communities have agreed that a regional approach would be the best.

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

11. Communication of Town Administrator, with enclosures, re: Emergency Bid Award – Berkeley Avenue road patching project.

Vice Chair Mello recused herself from acting on this matter due to a possible conflict of interest.

On motion of Councillor Santos, duly seconded, it was voted unanimously to receive said communication.

The proposal documents referenced in the above mentioned

communication is on file in the Office of the Town Clerk.

12. Communication of Councillor DiPalma, re: Strategic Plan Update Steering Committee Formation Request – Designation of Council Members.

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

Councillors DiPalma, Silveira and Sylvia were appointed to serve on the Strategic Plan Update Steering Committee.

13. Communication of Councillor Santos, re: War Memorial/Honor Roll Committee.

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

unanimously to receive said communication.

Councillor Santos reviewed her communication and requested the information outlining the process for residents to nominate individuals to be honored be placed on the Town's website.

14. Communication of Michael T. Brady, Esquire, re: Request for Executive Session.

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

Town Solicitor Frank Holbrook addressed the Council requesting time to review the above request and will present his recommendation to the Council at the next regular meeting, July 14, 2008.

15. Town Council Schedule:

- a. Adoption of the budget (Available dates June 23rd, 25th, 26th, 30th)**
- b. July meeting (Tentative – July 14th)**
- c. August meeting (Tentative – August 4th)**

The Town Council schedule was set as follows:

- 1. Adoption of the Budget - Monday, June 30th, 2008**
- 2. Regular Meeting - July 14, 2008**
- 3. Regular Meeting - August 4, 2008**

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.

Antone Viveiros, 110 Indian Hill Road, questioned the possibility of wind turbines being installed at the New Police facility to reduce the cost of electricity.

Town Administrator Shawn Brown responded that he would mention this at the next Police facility project meeting.

EXECUTIVE SESSION

Pursuant to provisions of RIGL, Sections 42-46-2., 42-46-4 and 42-46-5 (a) (1) personnel.

ADDENDUM TO TOWN COUNCIL AGENDA

POSTED – JUNE 12, 2008

REGULAR MEETING – JUNE 16, 2008

Executive Session Pursuant to provisions of RIGL, Sections 42-46-2.,42-46-4. and 42-46-5. (a) (2) RIGL, collective bargaining.

On motion of Vice Chair Mello, duly seconded, it was voted unanimously to recess this meeting at 9:23P.M. and reconvene in executive session.

On motion of Vice Chair Mello, duly seconded, it was voted unanimously to reconvene this meeting in open session at 10:40 P.M.

On motion of Vice Chair Mello, duly seconded, it was voted unanimously to approve the Town Administrator's recommendation pertaining to the Town Planner.

On motion of Vice Chair Mello, duly seconded, it was voted unanimously to support the Town Administrator's recommendation to appoint Lynne Dible as the Town's Finance Director.

On motion of Vice Chair Mello, duly seconded, it was voted unanimously to support the Town Administrator's recommendation to appoint Marc Tanguay as the Town's Deputy Finance Director.

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 10:50 P.M.

Wendy J.W. Marshall, CMC

Council Clerk

Wendy J. W. Marshall, CMC

Council Clerk