

August 4, 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, August 4, 2008 at 7:00 P.M.

Council President Paul M. Rodrigues, Presiding

Vice Chair Shirley R. Mello, Absent

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 Silveira recused himself from acting on the following item of business, due to a possible conflict of interest.

1. Public Hearing (Advertised)

Application of WAMM, Inc. d/b/a Anthony's Seafood, Holder of a Retailer's Class BL Alcoholic Beverage License for premises located at 963 Aquidneck Avenue to expand the area of service of said license to include a 14 x 30 ft. area outside main entrance.

Public Hearing declared open.

Stephen Buculo, 165 Meadow Drive, owner/applicant addressed the Council requesting outside seating with the ability to serve alcohol in the area.

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

On motion of Vice Chair Mello, duly seconded, it was voted unanimously to grant said license expansion to include the 14 x 30 foot area, subject to Building Official approval.

CONSENT CALENDAR

- 1. Approval of Minutes – Regular Meeting, July 14, 2008.**

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

- 2. Memorandum of Town Administrator, with enclosures, re: RI Community Development Block Grant Program – Grant received.**

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

3. Memorandum of Town Administrator, with enclosures, re: New Middletown Police Station – Progress Report No. 1.

On motion of Vice Chair Mello, duly seconded, it was voted unanimously to receive said memorandum and progress report No 1.

The report is on file in the Office of the Town Clerk.

4. Memorandum of Town Administrator, with enclosures, re: RI Interlocal Risk Management Trust – June 2008 The Risk Advisor.

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

5. Memorandum of Town Administrator, re: Wind Turbine – Grant Application.

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

TOWN COUNCIL

1. Applications (2) for Special Events Permits received from the following named persons, firms or corporations:

a. John and Carol Flanagan, 37 Shore Drive, Flanagan-Koenig Wedding, Saturday, September 6, 2008 from 6:00 PM until 12:00 AM.

b. Christopher J. Haskell, Purgatory Chasm, Haskell-Hodge Wedding, Saturday, September 12, 2008 from 7:00 PM until 7:30 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 item of business, due to a possible conflict of interest, business related.

2. Application of Cornucopia Café and Catering, Inc., 575 East Main Road, 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, contingent on Building Official, Fire Marshall, Board of Health and Public Works approvals.

3. Application of JHS Mart, Inc. dba Town Mart, 390 West Main Road, 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, contingent on Building Official, Fire Marshall, Board of Health and Public Works approvals.

4. Application of JHS Mart, Inc. dba Town Mart, 390 West Main Road, for a Holiday License for the 2008-2009 licensing year. (NEW)

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

5. Public Hearing (Advertised)

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 6 – Application of District Regulations, Section 602, Schedule of District Regulations – Uses and Districts. (Two-family dwellings) (Planning Board recommendation attached)

Public Hearing declared open.

Councillor DiPalma noted his concern with a two family dwelling being appropriate in the area.

Town Planner Ron Wolanski noted that the Planning board found that the interest of the abutting property owners were already set. The Board weighed both sides of the argument and do not feel that it is appropriate to move forward with this matter.

The consensus of the Council was that a property owner should have to apply for a special use permit to construct a two family dwelling.

Lucy Levada, 233 Meadow Lane, Member of the Zoning Board of Review noted that the Zoning Board issues special use permits to construct two family dwellings and does believe each request should be reviewed individually.

Art Benner, 3 Namquid Drive, questioned the process for a special use permit noting he does not think the process is costly to an applicant.

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

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

On motion of Vice Chair Mello, duly seconded, it was voted unanimously to refer this matter to the planning board for review of all zoning districts relating to two family dwellings.

6. Memorandum of Town Administrator, with enclosures, re: Police Chief Recommendation – Dedication of Police Station Community Room.

On motion of Vice Chair Mello, duly seconded, it was voted unanimously to receive said memorandum and refer said request to the War Memorial Committee for their review.

7. Communication of Finance Director, with enclosures, re: Cancellation of taxes for certain Middletown taxpayers.

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

unanimously to receive said communication.

8. Resolution of the Council, re: Cancellation of taxes for certain Middletown taxpayers.

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

Vice Chair Mello recused herself from items #9 and #10, due to a possible conflict of interest.

9. Memorandum of Town Administrator, with enclosures, re: JAM Construction Proposal – Third Beach Road.

On motion of Councillor Sylvia, duly seconded, it was voted unanimously to receive said memorandum.

10. Resolution of the Council, re: Award of contract Third Beach Road.

On motion of Councillor Sylvia, duly seconded, it was voted unanimously to pass said resolution.

11. Communication of Town Administrator, with enclosures, re: Request for Support – US Fish & Wildlife Service – Support for Replacement of Water Control Structure.

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

12. Resolution of the Council, re: Support for Replacement of Water Control Structure.

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

13. Communication of Town Administrator, with enclosures, re: Award of contract for Paradise Avenue Pump Station HVAC Systems Upgrade July 30, 2008.

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

The proposal, memorandum – recommendation from Town O’Loughlin, DPW Director, memorandum – recommendation from R.L. Horridge & Associates, Inc. referenced in the above communication are on file in the Office of the Town Clerk.

14. Resolution of the Council, re: Award of contract for Paradise Avenue Pump Station HVAC Systems Upgrade July 30, 2008.

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

15. Memorandum of Town Administrator, with enclosures, re: Library Board's selection of CeMat Construction - Library Exterior Repair CIP Project.

Stephen Arendt, Member of Library Board of Trustees, addressed the Council noting the Library Board Chair attended a meeting regarding the product to be used for the exterior repair. The low bidder did not meet the specified bid requirements.

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

16. Continued from Regular Meeting July 14, 2008

Resolution of the Council, re: Award of contract for Library Exterior Building Repair.

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

17. Memorandum of Town Administrator, with enclosures, re: Rhode Island Food Bank – Inquiry.

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

Councillor Silveira noted concern of items being brought in with proper expiration dates and condition.

Jim Knowlton, Sturbridge, MA, Librarian, addressed the Council noting that the library has been running a similar program since June. To date, the program has been successful. There is a need for this type of program especially in the summer when school is not in session.

Steve Arent, 5 Trout Drive, Member Library Board of Trustees, noted the program has been very popular, however still under review.

On motion of Councillor Santos, duly seconded, it was voted unanimously to place a bin at the entrance of the Town Hall and request all to bring in non-perishable food items when attending meetings. Participation is strictly voluntary.

18. Communication of Town Administrator on behalf of Councillor DiPalma, with enclosures, re: NAVSTA Newport – Master Plan Community Brief.

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

Councillor DiPalma reviewed the Master Plan Community Brief noting the Navy has put out a long-term plan, a twenty-five year vision. Mr. DiPalma expressed concern with the Navy closing its main entrance, gate 10, which will increase the traffic volume on West Main Road.

On motion of Councillor DiPalma, duly seconded, it was voted unanimously to request the Town Administrator to draft a letter noting the concern of the Town with the increase in traffic created due to the closure of gate 10 and request a meeting with the Navy to discuss this matter.

19. Communication of Councillor Sylvia, re: A Property Tax Program for the Elderly.

Mr. Sylvia read his communication entered here:

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

On motion of Councillor Sylvia, duly seconded, it was voted unanimously to abate those qualified residents who are in need of our intervention and refer proposal to the solicitor for his recommendation.

Town Administrator Shawn Brown noted this proposal would need legislation.

20. Communication of Town Administrator, with enclosures, re: Budget Transfers as of June 30, 2008.

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

21. 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.

22. Resolution of the Council, re: Approval of budget transfer – Parks & Recreation Fund.

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

**23. Communication of Town Administrator, with enclosures, re:
Award of contract for 2008 Full Revaluation.**

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

**Town Administrator Shawn Brown noted that this is to reconfirm the
staff proposal for recommendation to award the bid to Vision
appraisal.**

24. Continued from Regular Meeting July 14, 2008

**Resolution of the Council, re: Award of contract for 2008 Full
Revaluation.**

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

25. Communication of Barbara J. Schuster, re: Resignation from the Personnel Review Board.

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

26. Appointment of one (1) member to the Middletown Conservation Commission for term expiring July 2011.

On motion of Councillor Santos, duly seconded, it was voted unanimously to appoint Betty Jane Owen to the Middletown Conservation Commission for a term expiring July 2010.

27. Appointment of one (1) member to the Middletown Personnel

Board to complete a term expiring December 2009.

On motion of Councillor Santos, duly seconded, it was voted unanimously to appoint Lucy R. Levada to the Middletown Personnel Board to complete a term expiring December 2009.

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.

Manny Mello, 31 Beacon Terrace North, expressed concern with the school department bidding process.

EXECUTIVE SESSION

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

On motion of Vice Chair Mello, duly seconded, it was voted unanimously to recess this meeting at 8:45 P.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 9:40 P.M.

On motion of Vice Chair Mello, duly seconded, it was voted unanimously to accept the recommendation of the Assistant Town Solicitor pertaining to tax appeal cases.

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 9:50 P.M.

Wendy J.W. Marshall, CMC

Council Clerk