

September 21, 2009 - 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, September 21, 2009 at 7:15 P.M.

Council President Christopher T. Semonelli, Presiding

Vice Chairman Richard Cambra

Councillor Frank A. Bozyan

Councillor M. Theresa Santos

Councillor Edward J. Silveira, Jr.

Councillor Barbara A. VonVillas, Members Present

Councillor Robert J. Sylvia, Absent

CONSENT CALENDAR

Councillor Santos requested to have item #10 heard under the Town Council portion of the docket.

1. Approval of Minutes – Regular Meeting, September 8, 2009.

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

2. Communication of Denise Panichas, Executive Director, The Samaritans of Rhode Island, re: Appreciation for Council appropriation.

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

3. Application of Middletown Columbus Club, Inc., 7 Valley Road, for RENEWAL of Bingo License for the 2009-2010 licensing year.

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

4. Application for Special Events Permit received from Kira Duffy for a Wedding at Paradise Park, October 24, 2009 at 2:30 pm until 4:00 pm.

On motion of Vice Chairman Cambra, duly seconded, it was voted unanimously to grant said special events permit.

Councillor Silveira recused himself from acting on the following items of business, item #5, due to a possible conflict of interest.

5. Application of Florence A. Cyr dba Dawg House Grill/Deli, 687 West Main Road, for Victualling House License – Additional Hours of Operation – for the 2009-2010 licensing year. (NEW) (Requires Advertising for Public Hearing)

On motion of Vice Chairman Cambra, duly seconded, it was voted unanimously to advertise said license application for a public hearing to be held at the October 19, 2009 regular meeting of the Council.

6. Email communication from Town Clerk, Town of Exeter, with enclosure, re: Seeking support for declaring September as Ovarian Cancer Awareness Month.

On motion of Vice Chairman Cambra, duly seconded, it was voted unanimously to receive said email communication.

7. Resolution of Town of Narragansett, re: Proclaiming the month of September as “Ovarian Cancer Awareness Month”.

On motion of Vice Chairman Cambra, duly seconded, it was voted unanimously to receive said resolution.

8. Resolution of the City of Providence, re: Proclaiming the month of September as “Ovarian Cancer Awareness Month”.

On motion of Vice Chairman Cambra, duly seconded, it was voted unanimously to receive said resolution.

9. Memorandum of Town Clerk, Town of Glocester, with enclosure, re: Seeking support in Opposition to Binding Arbitration for Teacher contracts.

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

10. Petition of National Grid Electric Company for Peckham Lane P7 proposed new JO Pole location. (Recommendation of Roads/Utilities Committee included)

Councillor Santos questioned the petition asking why a pole is being placed on a paper road and why there has been an increase in pole heights.

Town Administrator Shawn Brown noted that the pole heights are being increased to accommodate service in the area.

On motion of Vice Chairman Cambra, duly seconded, it was voted unanimously to receive and approve said petition.

11. Notice from the State of Rhode Island, Department of Environmental Management, Office of Water Resources/Water Quality Certification Program, re: Consideration of applications of Cardi Corporation, AP Enterprise, LLC and Thomas Levesque.

On motion of Vice Chairman Cambra, duly seconded, it was voted unanimously to receive said notice.

12. Notice of Public Hearing two (2) received from the Zoning Board of Review, Petition of Bay Ridge Development Corporation, owner, by their attorney William R. Landry, Esquire for an Appeal from Sections 205 A, 311, 901 – Reversing the Decision on the basis that the subject project “Bay Ridge” does not in fact require a Special Use Permit, and is already subject of vested rights under the Special Use Permit granted on or about September 28, 2005 and for a modification of a previously granted Special Use Permit from Section 602, Table 601, Article 22 and Section 902 on real estate located at Forest Avenue, TAP 113, Lot 3.

On motion of Vice Chairman Cambra, duly seconded, it was voted unanimously to receive said notices.

TOWN COUNCIL

- 1. Resolution of the Council, re: Commendation First Robotics and Technology Team of Newport County.**

On motion of Vice Chairman Cambra, duly seconded, it was voted unanimously to continue this matter to the November 2, 2009, regular meeting of the Council.

Councillor Silveira recused himself from acting on the following items of business, item #2, due to a possible conflict of interest.

- 2. Application of Florence A. Cyr dba Dawg House Grill/Deli, 687**

West Main Road, for a Victualling House License for the 2008-2009 licensing year. (NEW)

On motion of Vice Chairman Cambra, 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 Bagadowe Sports, LLC, 717 Aquidneck Avenue, for a Holiday License for the 2009-2010 licensing year. (NEW)

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

4. Application of Newport Vineyards, 909 East Main Road, for a one-time Amusement License for Acoustic Music by Grape Press, Sunday, October 11, 2009.

On motion of Vice Chairman Cambra, duly seconded, it was voted unanimously to grant said license

5. Memorandum of Arthur S. Weber, Jr., Chairman, Middletown Planning Board, re: Proposed Zoning Ordinance amendment - Wind Energy Conversion Facilities. (Requires Advertising for Public Hearing)

Assistant Town Solicitor Turner Scott noted two amendments to the Wind Energy Conversion Facilities Ordinance 1) On page 3 – Section 25A03-A8 the word “annually” in the last line between the words submitted and to 2) on page 9 – Section 25A06A the words “which satisfactorily states” will replace the word “stating” in the last line.

On motion of Council Silveira, duly seconded, it was voted unanimously to receive said memorandum, and advertise the proposed ordinance, including the Assistant Town Solicitors suggested amendments for hearing to be held at the October 19, 2009 regular meeting of the Council.

6. Memorandum of Town Planner, re: Statewide Planning Program – 2009 Planning Challenge Grant.

Town Administrator Shawn Brown reviewed his memorandum entered here:

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

Councillor Santos questioned where the money would be allocated from.

Town Administrator Shawn Brown, responding to Councillor Santos, noted that the funds would be allocated from the Town's reserves. Mr. Brown recommends the Council to approve said request.

7. Resolution of the Council, re: Authorizing submission of 2009 Planning Challenge Grant application.

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

8. Memorandum of Town Administrator, with enclosures, re: Civic Appropriations Request from Middletown Hockey Boosters Club, Inc.

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

Councillor VonVillas questioned the amount of funding.

Town Administrator Shawn Brown noted that historically the civic appropriation to the Hockey Boosters Club has been fully funded. Mr. Brown explained that the Town would not be capable of providing this service to the residents and recommends approving the request which will be allocated from Parks & Recreations Fund.

On motion of Vice Chairman Cambra, duly seconded, it was voted unanimously to appropriate \$5,000 to the Hockey Boosters Club, which will be appropriated from the Parks & Recreations Fund.

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

An Ordinance in amendment to the Town Code of the Town of Middletown, Title VII, Traffic Code. (Four Way Stop Intersection of High Street and O'Neil Boulevard)

On motion of Vice Chairman Cambra, duly seconded, it was voted unanimously to adopt said ordinance.

10. (Continued from Regular Meeting, September 8, 2009)

Memorandum of Town Administrator, with enclosures, re: Award of contract – Jean Street Sidewalks, Head Start Drain Line, Senior Center & Town Hall Seal Coat.

Councillor Bozyan noted that this request has been altered since the last regular meeting of the Council.

Town Administrator Shawn Brown explained that most of the funding for these projects is from the CDBG program. The parking lots at the Town Hall and Senior Center will only have the cracks filled and not an entire sealcoat.

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

The proposal noted in the above memorandum is on file in the Office of the Town Clerk.

11. (Continued from Regular Meeting, September 8, 2009)

Resolution of the Council, re: Award of contract – Jean Street Sidewalks, Head Start Drain Line, Senior Center & Town Hall Seal Coat.

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

12. Application for Special Events Permit received from Alicia M. Hicks for the Thomas J. Burns 5K Run – 1.5 mile walk, walk begins and ends at Middletown High School, Sunday, October 4, 2009 from 8:00 am until 2:00 pm. Ms. Hicks request the permit fee and police detail be waived.

Town Administrator Shawn Brown noted that the police detail could be covered by a volunteer.

On motion of Vice Chairman Cambra, duly seconded, it was voted unanimously to grant said permit and waive said permit fee.

13. Application for Special Events Permit received from Toyota Scion/Island Surf & Sports for a Surfing Contest at Second Beach, open dates September 15, 2009 thru November 1, 2009.

On motion of Vice Chairman Cambra, duly seconded, it was voted unanimously to grant said permit.

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 session.

EXECUTIVE SESSION

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

On motion of Vice Chairman Cambra, duly seconded, it was voted unanimously to recess this meeting at 7:38 P.M. and reconvene in executive session.

On motion of Vice Chairman Cambra, duly seconded, it was voted unanimously to reconvene this meeting in open session at 8:27 P.M.

On motion of Vice Chairman Cambra, duly seconded, it was voted unanimously that the Town Administrator's performance has been stellar and Mr. Brown has graciously requested that his salary remain the same with no increase at this time.

On motion of Vice Chairman Cambra, 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 Chairman Cambra, duly seconded, it was voted unanimously to adjourn this meeting at 8:30 P.M.

Wendy J.W. Marshall, CMC

Council Clerk

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