

October 5, 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, October 5, 2009 at 7:00 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 Robert J. Sylvia

Councillor Barbara A. VonVillas, Members Present

ACTING AS A BOARD OF LICENSE COMMISSION

Councillor Silveira recused himself from acting on the following item #1 of business, due to a possible conflict of interest.

1. Public Hearing (Advertised)

Applications received from the following named persons, firms or corporations for RENEWAL of Alcoholic Beverage Licenses for the 2009-2010 licensing year. (See attached list)

Public Hearing was declared open.

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

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

CONSENT CALENDAR

Councillor Santos requested item #12 heard under the Town Council portion of the docket.

1. Approval of Minutes – Special Meeting, September 21, 2009.

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

2. Approval of Minutes – Regular Meeting, September 21, 2009.

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

3. Communication of Kevin P. Gavin, Esquire, representing HK&S Construction Holding Corporation dba Hugo Key & Son (HK&S), re: Presentment of Claim.

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

4. Email Communication of Rosemarie K. Kraeger, Superintendent of Schools, Middletown Public Schools, with enclosure, re: Resolution in opposition Binding Arbitration Legislation for Teacher's Contracts.

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

5. Email Communication of John H. Ambrogi, Ed.D., Superintendent

of Schools, Newport Public Schools, re: Resolution in opposition to Binding Arbitration Legislation for Teachers' Contracts.

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

6. Resolution of the City of Newport, re: In opposition to Binding Arbitration Legislation for Teachers' Contracts.

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

7. Resolution of Town of Portsmouth School Department, re: In opposition to Binding Arbitration Legislation for Teachers' Contracts.

On motion of Vice Chairman Cambra, duly seconded, it was voted

unanimously to receive said resolution.

8. Resolution of Town of South Kingstown School Department, re: In opposition to Binding Arbitration Legislation for Teachers' Contracts.

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

9. Resolution of the Town of Charlestown, re: Proclaiming September as "Ovarian Cancer Awareness Month".

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

10. Resolution of Town of East Greenwich, re: Proclaiming

September as “Ovarian Cancer Awareness Month”.

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

11. Email Communication of Town Clerk, Town of Burrillville, re: Resolution proclaiming September as “Ovarian Cancer Awareness Month”.

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

12. Memorandum of Town Administrator, with enclosures, re: Emergency Bid Award – Town Hall Boiler Replacement.

Councillor Santos questioned when the boiler broke and why the

contract was not given to the lowest bidder. Ms. Santos suggested that in the future a spread sheet of the proposals and bid information be supplied to the Council.

Town Administrator Shawn Brown, responding to Councillor Santos noted that the boiler broke at the beginning of the summer. The contract was not awarded to the lowest bidder because the low bidder was not responsive to inquires by the Town.

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

The proposals noted in above memorandum are on file in the Office of the Town Clerk.

13. Memorandum of Town Administrator, with enclosures, re: Sewer Betterment Assessment – 6 Circle Drive, Plat 117, Lot 22, Merritt.

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

The enclosures noted in above memorandum are on file in the Office of the Town Clerk.

14. Resolution of the Council, re: Approval of Sewer Betterment Assessment – 6 Circle Drive, Plat 117, Lot 22, Merritt.

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

15. Application of Laurin Enterprises dba Gold's Auto Wrecking Co., 113 Fenner Avenue, for RENEWAL of Junk Dealer's License (Auto Wrecking) for the 2009-2010 licensing year.

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

Councillor Silveira recused himself from acting on the following items #16 and #17 of business, due to a possible conflict of interest.

16. Application of Happy Fat Man, Inc. dba The Grape Room, 510 East Main Road, for RENEWAL of Mechanical Amusement Device License for the 2009-2010 licensing year. (One Juke Box, One Game)

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

17. Application of Blue Plate Diner, Inc. dba Blue Plate Diner, 665 West Main Road, for RENEWAL of Mechanical Amusement Device License for the 2009-2010 licensing year. (One Juke Box, One Game)

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

18. Application of Special Event Permit from St. Columba's Chapel, St. Columba's "Run for the Island" 5K Road Race, route enclosed, on October 10, 2009 beginning at 9:00 AM.

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

TOWN COUNCIL

1. Memorandum of Town Administrator, re: Employee Recognition Program – Pins of Service.

Jane Galin from the Middletown Library was present to receive a Pin for ten (10) years of service with the Town, which was presented by Council President Semonelli.

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

2. Resolution of the Council, re: Proclaiming October as “Red Ribbon Month”.

Lauren DeSantis, Prevention Programs Coordinator, Child and Family Services and Lori Verderosa, Director Middletown Substance Abuse Task Force, were present to receive said proclamation, presented to them by Council President Semonelli.

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

Councillor Silveira recused himself from acting on items #3 & #4 of business, due to a possible conflict of interest.

3. Public Hearing (Advertised)

Applications received from the following named persons, firms or corporations for RENEWAL of Victualling House Licenses, Additional Hours of Operation, for the 2009-2010 licensing year. (See attached list)

Public Hearing was declared open.

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

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

4. Application of Lisa Wakefield dba Scooby's Pizza, 1151 Aquidneck Avenue, for a Mechanical Amusement Device License for the 2009-2010 licensing year. (NEW) (Three Games)

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

5. Memorandum of Town Administrator, with enclosures, re: Award of Contract – Environmental Consulting – Wastewater Services.

Town Administrator Shawn Brown addressed the Council explaining improvements to Wastewater flows Town wide over the past four years. Mr. Brown is requesting the Council that the contract be awarded to Woodard & Curran for services outlined in the memorandum entered here:

Enter Shawn's memo

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

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

Mr. Brown explained the contract services entered here:

Representing Woodard & Curran were Robert J. Rafferty, Vice President- Water Resources Management, Zachary Henderson, Project Scientist and Jay Sheehan, Senior Vice President Northeast Municipal Services Market Leader, who were available to answer Council's questions.

Discussion was centered around overflow of wastewater, the Towns relationship with DEM, illegal connections to the Towns wastewater system and concerns of the Terms and Conditions of the contract.

6. Resolution of the Council, re: Award of Contract – Environmental Consulting – Wastewater Services.

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

7. Memorandum of Town Administrator, with enclosures, re: Award of Contract – Environmental Consulting – Bacteria Long Term Control Plan Implementation.

Town Administrator Shawn Brown addressed the Council explaining

the proposed Stormwater strategy for the Town. Mr. Brown noted that the proposal has been reviewed with RIDEM and the Town's Roads & Utilities Committee. The approach is outlined in the memorandum entered here:

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

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

Discussion centered around the expense of the project and funding availability.

Zachary Henderson, Project Scientist, presented a slide presentation showing the Three Components of Effective Stormwater Management, which is on file in the Office of the Town Clerk.

Discussion centered around the operation and maintenance of a gravel wetland, location of existing gravel wetlands, cost to implementation and operation of gravel wetland, concern of overflow within the system and possible location within the Town of a gravel wetland.

8. Resolution of the Council, re: Award of Contract – Environmental Consulting – Bacteria Long Term Control Plan Implementation.

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

9. Communication of Town Administrator, with enclosures, re: Mutual Aid Memorandum of Understanding (MOU) between the Town of Middletown and Naval Station Newport.

Fire Chief Ronald Doire addressed the Council reviewing his communication entered here:

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

10. Resolution of the Council, re: Authorizing execution and approval of Memorandum of Understanding (MOU) between the Town of Middletown and Naval Station Newport.

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

11. Memorandum of Town Administrator, with enclosures, re: Surplus Furniture, Old Police Station.

Councillor Santos questioned the condition of the surplus furniture and if the Town could have a yard sale to sell the furniture having the funds allocated to a scholarship.

Town Administrator Shawn Brown noted that the furniture is older. The Town could have a yard sale; however, does not think enough money will be made for a scholarship.

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

12. Resolution of the Council, re: Authorizing to sell, dispose or transfer surplus furniture, Old Police Station.

On motion of Vice Chairman Cambra, duly seconded, it was voted to pass said resolution; Councillor Santos voted NO to said motion.

Councillor Silveira recused himself from acting on the following items #13 and #14 of business, due to a possible conflict of interest.

13. Memorandum of Town Administrator, with enclosures, re: Extension of Beach Concession Contracts.

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.

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

14. Resolution of the Council, re: Extension of Beach Concession Contracts.

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

15. Memorandum of Town Administrator, re: Peckham Lane National Grid Pole Relocation.

Public Works Director Tom O'Loughlin reviewed his memo entered here:

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

16. Memorandum of Councillor Santos, re: Telephone/electric poles

and the paper road on Peckham Lane.

Councillor Santos expressed concern with the heights of the telephone poles being increased from 40' to 45' and 50'.

Town Administrator Shawn Brown noted that telephone pole heights are governed by public utilities and not by the Town.

Public Works Director Tom O'Loughlin explained that the increase in telephone pole heights is due to safety issues.

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

17. Communication of Josephine C. Brown, Chairman and Joyce Williams, President, Newport County NAACP, re: Request for support

by placing an ad in the Anniversary Souvenir Booklet for Newport County NAACP Branch's 90th Annual Awards Dinner.

On motion of Vice Chairman Cambra, duly seconded, it was voted unanimously to receive said communication and approve a full-page ad (cost \$125.) in the Anniversary Souvenir Booklet to be appropriated from the Council President's Discretionary Fund.

18. Appointment of one (1) member to the Middletown Tax Assessment Review Board for a term expiring October 2012. (Bi-Partisan board)

On motion of Vice Chairman Cambra, duly seconded, it was voted unanimously to reappoint William J. Flynn to the Tax Assessment Review Board for a term expiring October 2012.

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.

On motion of Vice Chairman Cambra, duly seconded, it was voted unanimously to adjourn this meeting at 9:20 P.M.

Wendy J.W. Marshall, CMC

Council Clerk

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