

## **April 5, 2010 - 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, April 5, 2010 at 7:00 P.M.**

**Council President Christopher T. Semonelli, Presiding**

**Vice Chairman Richard Cambra**

**Councillor Frank A. Bozyan**

**Councillor M. Theresa Santos**

**Councillor Barbara A. VonVillas, Members Present**

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

**Councillor Robert J. Sylvia**

**On motion of Council President Semonelli, duly seconded, it was voted unanimously to suspend the Rules of the Council and consider items #1 and #2 under the Town Council portion of the agenda, prior to the adoption of the Consent Calendar.**

## **TOWN COUNCIL**

**1. Memorandum of Police Chief, re: Honor Ceremony - Recognition of Police Department Retirees and Promotions.**

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

**Police Chief Anthony Pesare introduced Patrol Officer Harry Ray Clancey, III and Sergeant Allan J. Garcia both recently retired. He announced the promotion of Patrol Officer Joanne Alboum to the**

**rank of Sergeant, Probationary Officer Andrew Barth and Probationary Officer David Hurst, all sworn in by the Town Clerk and pinned by family members.**

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

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

**Middletown Police Department employees, present were Sergeant Frank Lema receiving his twenty (20) year pin and Sergeant Michael J. Faria, Jr., receiving his ten (10) year pin. Present also, were Town Administrator Shawn Brown receiving his ten (10) year pin and Finance Director Lynne S. Dible receiving her ten (10) year pin for service with the Town, which was presented to them by Council President Semonelli.**

**Vice Chairman Cambra requested that items #4 and #14 be heard under the Town Council portion of the docket.**

## **CONSENT CALENDAR**

### **1. Approval of Minutes – Regular Meeting, March 15, 2010.**

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

### **2. Approval of Minutes – Special Meeting, March 22, 2010.**

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

**3. Memorandum of Tax Collector, with enclosures, re: Cancellation of taxes for certain Middletown taxpayers.**

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

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

**Councillor Santos questioned the tax appeal process and if an email can be submitted for an appeal.**

**Town Solicitor Michael W. Miller, responding to Councillor Santos, explained that there are two methods to appeal taxes and does not believe an email would be sufficient for either method.**

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

**5. Memorandum of Town Administrator, re: Status of Projects for Green End Avenue & Valley Road and West Main Road 1R RIDOT.**

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

**6. Resolutions from Rhode Island Cities and Towns, re: Requesting support for legislation, Return America's Cup Challenge to Newport and Redeveloping Surplus Navy Properties. (See Attached List with enclosures)**

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

**7. Communication of John G. Edwards, State Representative – District 70, re: Thanking Council for support of 2010-H7449 and update of Sakonnet River Bridge fines.**

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

**8. Communication of Terrence E. Mercer, Associate Administrator, Division of Public Utilities and Carriers, Motor Carriers Section, with enclosure, re: Notice of Public Hearing.**

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

**9. Communication of Kevin C. Long, Acting Chief Engineering Management Branch Mitigation Directorate, Federal Emergency Management Agency, re: Revalidated Letters of Map Change for**

**Town of Middletown.**

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

**10. Communication of Robert Rocchio, P.E., Secretary, State Traffic Commission, re: Denial of installation for a traffic signal at the intersection of West Main Road and Beacon Street.**

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

**11. Applications received from the following named persons, firms and corporations for RENEWAL of Holiday Licenses for the 2010-2011 licensing year. (See Attached List)**

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

**12. Applications received from the following named persons, firms and corporations for RENEWAL of Amusement Licenses for the 2010-2011 licensing year. (See Attached List)**

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

**13. Applications received from the following named persons, firms and corporations for RENEWAL of Hawkers and Peddlers Licenses for the 2010-2011 licensing year. (See Attached List)**

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

**14. Petitions received from the following named persons for perpetual care of burial lots in the Middletown cemetery:**

**a. Richard Francis, Jr. and Melissa Francis – Section 54, Lot 103**

**b. James S. Rozes – Section 54, Lot 104**

**Councillor Santos expressed concern for the maintenance of the cemetery and the need for a cemetery ordinance to be drafted.**

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

**TOWN COUNCIL**

**3. Application of the Aquidneck Island Police Parade Committee,**

**Middletown, for RENEWAL of Peddler's License for (Novelties and T-Shirts) for Police Parade Day, May 2, 2010 includes a request to waive license fee. (6 Vendors; Middletown Only)**

**On motion of Vice Chairman Cambra, duly seconded, it was voted unanimously to grant said Peddler's Licenses and waive said license fees.**

**4. Communication of Corey A. Huck, Chairman, Aquidneck Island Police Parade Committee, re: Requesting "in-kind" services for police details, highway department personnel, and Town owned properties and to utilize Linden School as a staging area for the Aquidneck Island National Police Parade to be held on Sunday, May 2, 2010.**

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

**5. Application for Special Event Permit from the Aquidneck Island National Police Parade Committee for the Aquidneck Island National Police Parade beginning at 317 West Main Road proceeding into Newport (Broadway) to be held on Sunday, May 2, 2010 beginning at 10:00 a.m. (Parade Committee respectfully requests permit fee to be waived)**

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

**6. Application for Special Event Permit from the Middletown FOP Lodge #21 and Aquidneck Island National Police Parade Committee for the Aquidneck Island Five-0 5K at Sachuest Beach to be held on Saturday, May 1, 2010 beginning at 8:00 a.m. until 12:00 p.m. (Attached is a request to waive permit fee)**

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

**7. Application for Special Event Permit from All Saints Academy, 915 West Main Road for the ASA Spring Fair and Car Show to be held on Sunday, June 6, 2010 from 10:00 a.m. until 4:00 p.m. (Attached is a request to waive permit fee)**

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

**8. Application for Special Event Permit from Family Motor Coach Association/Cape Codders Chapter for the Motor Home (RV) Rally - Memorial Day Weekend – Annual Second Beach Rally to be held at Sachuest Beach arriving on Thursday, May 27, 2010 and May 28, 2010 with all coaches departing Monday, May 31, 2010.**

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

**9. Application for Special Event Permit from the Boys & Girls Clubs of Newport and Newport Historical Society for the Newport Antiques Show to be held at St. George's School, Purgatory Road, beginning Friday, August 13, 2010 (6:00 p.m. to 9:00 p.m.), Saturday, August 14, 2010 (10:00 a.m. to 6:00 p.m.) and Sunday, August 15, 2010 (10:00 a.m. to 5:00 p.m.).**

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

**10. Application of New England Grill Company, 750 Aquidneck Avenue, for a HOLIDAY LICENSE for the 2010-2011 licensing year.  
(NEW)**

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

**11. Application of Becky Hanos dba Just Dogs, Portsmouth, RI, for a HAWKER'S LICENSE for the 2010-2011 licensing year. (NEW) (BY INVITATION ONLY)**

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

**12. Application of Alex Arteaga dba Palagi's Ice Cream, Pawtucket, RI, for a PEDDLER'S LICENSE for the 2010-2011 licensing year. (NEW)**

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

**13. Application of LHM Restaurant, Inc. dba Newport Beach Hotel & Suites, 1 Wave Avenue for an AMUSEMENT LICENSE (Acoustical Guitar – Fridays & Saturdays, DJ/Band for Weddings) for the**

**2010-2011 licensing year. (NEW)**

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

#### **14. 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 10 – Flood Hazard Areas.**

**Public Hearing Remains Open.**

**There being no person present desiring to be heard, public hearing**

**was declared closed.**

**On motion of Vice Chairman Cambra, duly seconded, it was voted unanimously to adopt said ordinance on its second reading.**

**15. 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. (Speed Limit on Fenner Avenue)**

**On motion of Vice Chairman Cambra, duly seconded, it was voted unanimously to adopt said ordinance on its second reading.**

**16. Memorandum of Vice Chairman Cambra, re: Open Space and Field Committee update.**

**Vice Chairman Cambra noted the importance of updating the Council concerning the Open Space and Fields Committee activities.**

**Reed Saunders, Open Space and Fields Committee Chair, addressed the Council reviewing the following memorandum, submitted by Vice Chairman Cambra, entered here:**

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

**17. Memorandum of Town Administrator, re: Support for Legislative Amendments for Judicial Fairness (2010 – H7278, H7777, H7277, H7280 and S2349).**

**Town Administrator Shawn Brown reviewed the following memorandum entered here:**

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

**18. Resolution of the Council, re: Support for Legislative Amendments for Judicial Fairness (2010 – H7278, H7777, H7277, H7280 and S2349).**

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

**19. Memorandum of Town Administrator, re: Opposition to Legislation for Mandatory Binding Arbitration (2010 – H7581).**

**Town Administrator Shawn Brown explained that this item was submitted to him by the Middletown School Committee Chair and requests the Council to oppose legislation for Mandatory Binding Arbitration; this will be in the best interest of the Town.**

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

**20. Resolution of the Council, re: Opposition to Legislation for Mandatory Binding Arbitration (2010 – H7581).**

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

**21. Memorandum of Town Administrator, re: Opposition to Legislation for Mandatory Contract Continuation for Teachers (2010 – S2603).**

**Town Administrator Shawn Brown explained that this item was submitted to him by the Middletown School Committee Chair and**

**requests the Council to oppose legislation for Mandatory Contract Continuation for Teachers; this will be in the best interest of the Town.**

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

**22. Resolution of the Council, re: Opposition to Legislation for Mandatory Contract Continuation for Teachers (2010 – S2603).**

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

**Town Administrator Shawn Brown requested that items #23, #24 and #25 be withdrawn.**

**Council granted said request that items #23, #24 and #25 be withdrawn.**

**23. Memorandum of Town Administrator, re: Legislation Relating to Elections and Access to Public Records (2010 –S2457, H7578, H7672, S2328, H7520, H7673, H7894, H7518 and S2471.**

**24. Resolution of the Council, re: Support for Legislation Relating to Elections (2010 -S2457, H7578, H7672, S2328, H7520, H7673 and H7894).**

**25. Resolution of the Council, re: Opposition to Legislation Relating to Public Records (2010-S2471) and Legislation Relating to Elections (2010 – H7518).**

**Town Administrator Shawn Brown requested that items #26 and #27 be withdrawn, due to the Library Board of Trustees being the appropriate authority to award the contract.**

**Council granted said request that items #26 and #27 be withdrawn**

**26. Memorandum of Town Administrator, with enclosures, re: Award of Contract – Middletown Public Library Cleaning Services.**

**27. Resolution of the Council, re: Award of contract for Middletown Public Library Cleaning Services.**

**28. Memorandum of Town Administrator, with enclosures, re: Award of Contract – Portable Toilets.**

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

**29. Resolution of the Council, re: Award of contract for Portable Toilets.**

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

**30. Memorandum of Town Administrator, with enclosures, re: Award of Contract – Hanging Rocks Road Drainage Improvements.**

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

**31. Resolution of the Council, re: Award of contract for Hanging Rocks Road Drainage Improvements.**

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

**32. Appointment of one (1) member to the Juvenile Hearing Board for a term expiring April 2013.**

**On motion of Vice Chairman Cambra, duly seconded, it was voted unanimously to reappoint Lisa C. Ruth to the Juvenile Hearing Board for a term expiring April 2013.**

**33. Appointment of three (3) members to the Zoning Board of Review; one regular member for a term expiring April 2015, one first alternate for a term expiring April 2011 and one second alternate for a term expiring April 2011.**

**On motion of Vice Chairman Cambra, duly seconded, it was voted unanimously to reappoint Peter Van Steeden as a regular member of the Zoning Board of Review for a term expiring April 2015, to appoint**

**Gregory S. Shultz as first alternate to the Zoning Board of Review for a term expiring April 2011 and appoint Michael Potter as second alternate to the Zoning Board of Review for a term expiring April 2011.**

## **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) (5) lease (Joel Peckham School) and (2) litigation (Tax Appeal Case).**

**Town Administrator Shawn Brown recused himself from acting on the Joel Peckham School lease, due to a possible conflict of interest.**

**On motion of Vice Chairman Cambra, duly seconded, it was voted unanimously to recess this meeting at 8:00 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 8:35 P.M.**

**On motion of Vice Chairman Cambra, duly seconded, it was voted unanimously to approve the Joel Peckham School lease.**

**On motion of Vice Chairman Cambra, duly seconded, it was voted unanimously to authorize the Council President to execute the Joel Peckham School lease on behalf of the Town.**

**Councillor Bozyan recused himself from acting on the litigation, due to a possible conflict of interest.**

**On motion of Vice Chairman, duly seconded, it was voted unanimously to accept the recommendation of the Assistant Town Solicitor concerning litigation.**

**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 8:40 P.M.**

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

**Council Clerk**

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