

## **June 21, 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, June 21, 2010 at 7:20 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 conflict of interest, business related.**

**1. Application of Royal Plaza, LLC., dba Portofino Bar & Grille at Royal Plaza Hotel, 425 East Main Road, Middletown, for a Retailer's Class BT Alcoholic Beverage License for the 2009-2010 licensing year. (NEW; Requires advertising for public hearing and notice to abutters)**

**On motion of Vice Chairman Cambra, duly seconded, it was voted unanimously to advertise said license application and notify abutters for a public hearing to be held at the July 19, 2010 regular meeting of the board.**

**Vice Chairman Cambra requested that items #7, #8 and #9 be heard under the Town Council portion of the docket.**

## **CONSENT CALENDAR**

### **1. Approval of Minutes – Special Meeting, May 24, 2010.**

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

### **2. Approval of Minutes – Special Meeting, June 1, 2010.**

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

### **3. Approval of Minutes – Special Meeting, June 7, 2010.**

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

**4. Approval of Minutes – Regular Meeting, June 7, 2010.**

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

**5. Resolution of the Town of Richmond, re: Requesting support for asking RI General Assembly to amend Title 2, Chapter 1 of general laws.**

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

**6. Resolution of the Town of Richmond, re: Notification of Waiving**

**Recording Fees for Special Loans Assisting March 2010 Flood Victims.**

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

**7. Memorandum of Town Administrator, with enclosures, re: Budget Transfers – School Department.**

**Antone Viveiros, 110 Indian Hill Road, noted concern of school budget transfers.**

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

**8. Resolution of the Council, re: Approval of budget transfers –**

**School Department – Federal, State and Private Grant Fund accounts.**

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

**9. Resolution of the Council, re: Approval of budget transfers – School Department – Restricted accounts and CIP accounts.**

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

**10. Application of Richard Breen and Michael Breen dba Rocklobster, 484 East Main Road, for RENEWAL of a Hawkers License for the 2010-2011 year.**

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

**unanimously to grant said license.**

## **TOWN COUNCIL**

**1. Application for a Special Event Permit from Middletown Education Collaborative for the Duck Race to be held at Third Beach on Thursday, July 8, 2010 from 5:00 pm to 7:00 pm. (Request to waive permit fee on application)**

**On motion of Councillor Silveira, duly seconded, it was voted to grant said permit and waive fee; Councillors Bozyan, Silveira and VonVillas voted YES, Council President Semonelli, Vice Chairman Cambra, Councillors Santos and Sylvia voted NO to said motion; MOTION FAILED TO PASS.**

**On motion of Vice Chairman Cambra, duly seconded, it was voted unanimously to grant said permit; fee not waived.**

**2. Application for a Special Event Permit from Energy Independence Day.org for an Energy Independence Day Expo to be held at SGE, 55 John Clark Road on Sunday, July 11, 2010 from 1:00 pm to 4:00 pm. (Request to waive permit fee attached)**

**On motion of Vice Chairman Cambra, duly seconded, it was voted unanimously to grant said permit; fee not waived.**

**Councillor Silveira recused himself from acting on the following item of business, item #3, due to a conflict of interest, business related.**

**3. Application of Shawn Margolis dba Sig's Place, 1151 Aquidneck Avenue for a Victualling House License for the 2009-2010 licensing year. (NEW)**

**On motion of Vice Chairman Cambra, duly seconded, it was voted unanimously to grant said license, contingent on Building Official,**

**Fire Marshal, Board of Health and Public Works approvals.**

**4. Memorandum of Betty Jane Northup-Owen, 137 Forest Avenue, re: May 20, 2010 Gas Leak on Forest Avenue, Evacuation of Home, Public Safety Issue.**

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

**Betty Jane Northup-Owen, 137 Forest Avenue, addressed the Council reviewing her memorandum entered here:**

**Ms. Northup-Owen noted this situation explained in the memorandum is a public safety issue and requests restrictions on traffic for Forest Avenue.**

**On motion of Councillor Sylvia, duly seconded, it was voted unanimously to request the Town Administrator to review the situation with the Fire and Police Departments and provide a recommendation to the Council.**

**Bill Mederios, 290 Forest Avenue, noted his past concerns with speeding traffic on Forest Avenue. Mr. Mederios requests stop signs to be placed on Forest Avenue to slow down traffic.**

**5. Memorandum of Town Administrator, with enclosures, re: Award of Contract – Aquidneck Corporate Park Improvements.**

**Town Administrator Shawn Brown noted this is a recommendation to award work for improvements to the Aquidneck Corporate Park.**

**Mr. Brown reviewed his memo entered here:**

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

**unanimously to receive said memorandum.**

**6. Resolution of the Council, re: Award of Contract – Aquidneck Corporate Park Improvements.**

**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 – Aquidneck Corporate Park Construction Management Bid Award.**

**Town Administrator Shawn Brown reviewed his memo entered here:**

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

**8. Resolution of the Council, re: Award of Contract – Aquidneck Corporate Park Construction Management Bid Award.**

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

**9. Memorandum of Council President, re: Regional School District Planning Committee.**

**Council President Semonelli reviewed his memo entered here:**

**On motion of Vice Chairman Cambra, duly seconded, it was voted unanimously to appoint William Flynn, Michael Pinto, and Barbara VonVillas to the Regional School District Planning Committee.**

## **10. An Ordinance of the Town of Middletown (First Reading)**

**An Ordinance in amendment to the Town Code of the Town of Middletown, Title III Administration, Chapter 36 Fee Schedule, Section 49 Hazardous Materials Response Fee.**

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

**Art Benner, 3 Namquid Drive, noted that the Police Department should also be included in the above ordinance.**

**Councillor Santos requested to discuss ordinance second readings, which will be considered in items #11 thru #28. Ms. Santos suggests that all ordinances containing fee increases take effect on July 1, 2010.**

**On motion of Councillor Santos, duly seconded, it was voted unanimously for all ordinances containing fee increases, reflected in the FY2010/2011 adopted budget, take effect on July 1, 2010.**

**11. An Ordinance of the Town of Middletown (Second Reading)**

**An Ordinance in amendment to the Town Code of the Town of Middletown, Title III Administration, Chapter 36 Fee Schedule, Sections 2, 3, 4, 15, 24 License Fees.**

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

**12. An Ordinance of the Town of Middletown (Second Reading)**

**An Ordinance in amendment to the Town Code of the Town of Middletown, Title III Administration, Chapter 36 Fee Schedule, Section 6, Sunday Selling License Fee.**

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

**13. An Ordinance of the Town of Middletown (Second Reading)**

**An Ordinance in amendment to the Town Code of the Town of Middletown, Title III Administration, Chapter 36 Fee Schedule, Section 10 Dog Registration.**

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

**14. An Ordinance of the Town of Middletown (Second Reading)**

**An Ordinance in amendment to the Town Code of the Town of Middletown, Title III Administration, Chapter 36 Fee Schedule, Section 28 Town Maps.**

**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 III Administration, Chapter 36 Fee Schedule, Sections 29 and 30.**

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

**Councillor Santos questioned the number of fire and rescue reports, as well as, the number of smoke and carbon monoxide detector inspections are completed yearly.**

**Fire Chief Ron Doire explained there are very few reports issued yearly; smoke and carbon monoxide detectors are inspected prior to the sale of a home.**

**16. An Ordinance of the Town of Middletown (Second Reading)**

**An Ordinance in amendment to the Town Code of the Town of Middletown, Title III Administration, Chapter 36 Fee Schedule, Section 31 Security Fingerprinting.**

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

**17. An Ordinance of the Town of Middletown (Second Reading)**

**An Ordinance in amendment to the Town Code of the Town of Middletown, Title III Administration, Chapter 36 Fee Schedule, Section 32 Town Code of Laws with Supplements.**

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

**18. An Ordinance of the Town of Middletown (Second Reading)**

**An Ordinance in amendment to the Town Code of the Town of Middletown, Title III Administration, Chapter 36 Fee Schedule, Section 33 Beach Fees.**

**On motion of Vice Chairman Cambra, duly seconded, it was voted to adopt said ordinance, as amended, on its second reading; Council Santos voted NO to said motion.**

**19. An Ordinance of the Town of Middletown (Second Reading)**

**An Ordinance in amendment to the Town Code of the Town of Middletown, Title III Administration, Chapter 36 Fee Schedule, Section 34 Campground Fees.**

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

## **20. An Ordinance of the Town of Middletown (Second Reading)**

**An Ordinance in amendment to the Town Code of the Town of Middletown, Title III Administration, Chapter 36 Fee Schedule, Section 35.**

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

**Councillor Santos inquired about the development of smaller bags for the PAY-T program.**

**Town Administrator Shawn Brown, responding to Councillor Santos, explained that the bag manufacturer indicated that a third bag type would increase costs.**

**21. An Ordinance of the Town of Middletown (Second Reading)**

**An Ordinance in amendment to the Town Code of the Town of Middletown, Title III Administration, Chapter 36 Fee Schedule, Sections 38 Construction Permit Fees, 39 Plumbing Permit Fees, 40 Electrical Permit Fees and 42 Mechanical Permit Fees.**

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

**22. An Ordinance of the Town of Middletown (Second Reading)**

**An Ordinance in amendment to the Town Code of the Town of**

**Middletown, Title III Administration, Chapter 36 Fee Schedule, Section 46 Ambulance Billing Rates.**

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

**23. An Ordinance of the Town of Middletown (Second Reading)**

**An Ordinance in amendment to the Town Code of the Town of Middletown, Title III Administration, Chapter 36 Fee Schedule, Section 52 Approved Reservation of Outdoor Public Places.**

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

**24. An Ordinance of the Town of Middletown (Second Reading)**

**An Ordinance in amendment to the Town Code of the Town of Middletown, Title III Administration, Chapter 36 Fee Schedule, Section 54 Burning Permit Fee.**

**Councillor Santos asked if there would be zones where residents would be restricted from burning and if there would be fines imposed for those without permits.**

**Town Administrator Shawn Brown noted there were no designated zones or fines.**

**On motion of Vice Chairman Cambra, duly seconded, it was voted to adopt said ordinance, as amended, on its second reading; Councillor Santos voted NO to said motion.**

## **25. An Ordinance of the Town of Middletown (Second Reading)**

**An Ordinance in amendment to the Town Code of the Town of**

**Middletown, Title III Administration, Chapter 36 Fee Schedule, Section 55 Recreation Fees.**

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

**26. An Ordinance of the Town of Middletown (Second Reading)**

**An Ordinance in amendment to the Town Code of the Town of Middletown, Title IX General Regulations, Chapter 93 Harbor Rules and Regulations, Section 93.30 Registration Fees.**

**On motion of Councillor Bozyan, duly seconded, it was voted unanimously to return the daily mooring fee to \$20.**

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

reading.

**27. An Ordinance of the Town of Middletown (Second Reading)**

**An Ordinance in amendment to the Town Code of the Town of Middletown, Title V Public Works, Chapter 50 Garbage and Refuse, Section 50.44 Obligations of Residents.**

**On motion of Vice Chairman Cambra, duly seconded, it was to adopt said ordinance, as amended, on its second reading; Councillor Santos and Councillor Sylvia voted NO to said motion.**

**28. An Ordinance of the Town of Middletown (Second Reading)**

**An Ordinance in amendment to the Town Code of the Town of Middletown, Title IX General Regulations, Chapter 90 Animals, Section 90.40 Cat Breeding.**

**On motion of Councillor Bozyan, duly seconded, it was voted unanimously to amend 90.62 to strike Penalties for v and add “Violations”, strike governed by Section 90.99 (C) and add “punished by a fine of not more than \$200 for a first offence and not more than \$500 for each succeeding offence.”**

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

**29. Communication of Carol Silvia re: Resignation from the Middletown Substance Abuse Prevention Task Force.**

**On motion of Vice Chairman Cambra, duly seconded, it was voted unanimously to receive said memorandum and accept resignation with regret.**

## **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 at this session.**

## **EXECUTIVE SESSION**

**Pursuant to provisions of RIGL, Sections 42-46-2.,42-46-4., and 42-46-5. (a) (5) land acquisition (Wave Avenue) (2) Collective**

## **Bargaining (Fire Union and Police Union)**

**On motion of Vice Chairman Cambra, duly seconded, it was voted unanimously to recess this meeting at 7:57 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 to grant easement and authorize Council President to sign said easement.**

**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.**

**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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