

November 29, 2010 - Special Town Council Meeting

At a Special Meeting of the Town Council of the Town of Middletown, RI held at the Middletown Town Hall on Monday, November 29, 2010 at 6:00 P.M.

Council President Arthur S. Weber, Jr.

Vice Chairman Bruce J. Long

Councillor Richard Cambra

Councillor Christopher T. Semonelli

Councillor Edward J. Silveira, Jr.

Councillor Antone C. Viveiros

Councillor Barbara A. VonVillas, Members Present

POSTED – November 26, 2010

Wendy J.W. Marshall, Town Clerk

Town of Middletown

Town Hall – 350 East Main Road

Middletown, Rhode Island 02842

Dear Mrs. Marshall:

Pursuant to the provisions of Article II, Section 203 of the Town Charter and in accordance with Sections 42-46-2., 42-46-4. and 42-46-6., RIGL, I hereby call a Special Meeting of the Town Council to formally consider, discuss and act upon the following items of business:

PLEDGE OF ALLEGIANCE TO THE FLAG

PRESENTATIONS

- 1. 6:00 pm - Presentation – Open Meetings Law by Michael W. Field, Chief, Open Government from the RI Attorney General’s Office.**
- 2. 6:30 pm – Presentation – Ethics by Attorney Jason Grammit from the State Ethics Commission.**
- 3. 7:00 pm – Presentation – Orientation by Town Administrator Shawn Brown.**

CONSENT

4. Application of Crystal Restaurant Management Corporation dba Wendy's, 62 Valley Road for RENEWAL of Victualling House License for the 2010-2011 licensing year.

5. Application of Eva Ruth's Inc. dba Eva Ruth's, 796 Aquidneck Avenue for RENEWAL of Victualling House License for the 2010-2011 licensing year.

6. Application of First Beach Nutrition dba The Daily Shake, 883 West Main Road for RENEWAL of Victualling House License for the 2010-2011 licensing year.

7. Application of Hymie Ernest Beaufort for RENEWAL of a Private Detective License for the 2010-2011 licensing year.

8. Application for Special Event Permit from Embrace Home Loans, 110 Enterprise Center for a Christmas Party to be held on Saturday,

December 4, 2010 from 11:00 am until 4:00 pm.

9. Communication of Kathleen M. Connell, Member, Briarwood Lounge, LLC, re: Surrender of Class C Alcoholic Beverage License.

10. Email communication of Town Administrator, with enclosures, re: Emergency Procurement – Chestnut Hill Road.

11. Election Ballot from United States Department of Agriculture, re: Appointment of one (1) member to the Farm Service Agency Committee.

12. Communication of Arthur S. Weber, Jr., re: Resignation from the Planning Board, the Aquidneck Island Joint Planning Commission, and the Aquidneck Island Re-Use Planning Authority.

13. Communication of Bruce J. Long, re: Resignation from the Middletown Substance Abuse Prevention Task Force, the Comprehensive Plan Use Committee, and the Conservation Committee.

COMMUNICATIONS OTHER

14. Communication of Eric Godin, Athletic Director, Middletown High School, re: Request for support by placing an ad in the Winter Athletic Program.

15. Communication of James Cawley, Athletic Director, Rogers High School, re: Request for support by placing an ad in the 2010 Winter Sports Program.

BOARDS AND COMMITTEES

16. Discussion, re: Rules of the Council.

17. Discussion, re: Nomination and Appointment to Town Boards and Committee process.

18. Discussion, re: Town Council representatives to various boards and commissions.

EXECUTIVE SESSION

Pursuant to provisions of RIGL, Sections 42-46-2.,42-46-4., and 42-46-5. (a) (5) Land Acquisition (The Valley), (5) lease (JFK School), (2) Collective Bargaining (Police, Fire, Public Works and Town Hall Unions), (2) Potential Litigation and (2) Pending Litigation (Dawn Thurman vs. Town of Middletown).

**Said meeting will be held on Monday, November 29, 2010 at 6:00 P.M.
at the Middletown Town Hall, 350 East Main Road, Middletown, Rhode
Island 02842.**

Arthur S. Weber, Jr., President

Middletown Town Council

CC:

Town Council

Public Library

Finance Director

Town Administrator

Town Solicitor

IT Director

Human Resource Manager

Town Planner

Tax Assessor

Public Works Director

Building Official

Police Chief

Fire Chief

Senior Director

Recreation Director

This meeting location is accessible to the handicapped. Individuals

requiring interpreter services for the hearing-impaired should notify the Town Clerk's Office at 847-0009 not less than 48 hours before the meeting.

On motion of Councillor Semonelli, duly seconded, it was voted unanimously to receive said communication.

PRESENTATIONS

1. 6:00 pm - Presentation – Open Meetings Law by Michael W. Field, Chief, Open Government from the RI Attorney General's Office.

Laura Ann Marasco, from the RI Attorney General's Office, addressed the Council reviewing the Open Meetings Act, meeting quorums, email communications, when a meeting can be held and posting notices of a meeting. Ms. Marasco presented the Council with a handout, which is on file in the Office of the Town Clerk.

2. 6:30 pm – Presentation – Ethics by Attorney Jason Grammit from the State Ethics Commission.

Attorney Jason Grammit from the Ethics Commission addressed the Council reviewing what is the Rhode Island Ethics Commission, financial disclosures, how to recuse and gifts. Mr. Grammit presented the Council with a handout, which is on file in the Office of the Town Clerk.

3. 7:00 pm – Presentation – Orientation by Town Administrator Shawn Brown.

Town Administrator Shawn Brown reviewed the orientation packet which is on file in the Office of the Town Clerk.

Councillor Cambra requested that items #8, #9 and #10 be heard under the regular portion of the docket.

CONSENT

4. Application of Crystal Restaurant Management Corporation dba Wendy's, 62 Valley Road for RENEWAL of Victualling House License for the 2010-2011 licensing year.

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

5. Application of Eva Ruth's Inc. dba Eva Ruth's, 796 Aquidneck Avenue for RENEWAL of Victualling House License for the 2010-2011 licensing year.

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

6. Application of First Beach Nutrition dba The Daily Shake, 883 West Main Road for RENEWAL of Victualling House License for the 2010-2011 licensing year.

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

7. Application of Hymie Ernest Beaufort for RENEWAL of a Private Detective License for the 2010-2011 licensing year.

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

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

8. Application for Special Event Permit from Embrace Home Loans, 110 Enterprise Center for a Christmas Party to be held on Saturday, December 4, 2010 from 11:00 am until 4:00 pm.

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

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

9. Communication of Kathleen M. Connell, Member, Briarwood Lounge, LLC, re: Surrender of Class C Alcoholic Beverage License.

On motion of Councillor Silveira, duly seconded, it was voted unanimously to receive said communication.

10. Email communication of Town Administrator, with enclosures, re: Emergency Procurement – Chestnut Hill Road.

Councillor Viveiros requested an explanation for the Emergency Procurement on Chestnut Hill Road.

Town Administrator Shawn Brown, responding to Councillor Viveiros explained that the sewer department identified the failing sewer line, composed of Orangeburg pipe. The Town needed to respond immediately to this issue and did under Town Charter 33A.035 Emergency Procurements.

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

11. Election Ballot from United States Department of Agriculture, re:

Appointment of one (1) member to the Farm Service Agency Committee.

On motion of Councillor Cambra, duly seconded, it was voted unanimously to vote for Victor Hoogendorn and authorize the Town Clerk to submit said election ballot on behalf of the Town Council.

12. Communication of Arthur S. Weber, Jr., re: Resignation from the Planning Board, the Aquidneck Island Joint Planning Commission, and the Aquidneck Island Re-Use Planning Authority.

On motion of Councillor Cambra, duly seconded, it was voted unanimously to receive said communication and resignation.

13. Communication of Bruce J. Long, re: Resignation from the Middletown Substance Abuse Prevention Task Force, the Comprehensive Plan Use Committee, and the Conservation Committee.

On motion of Councillor Cambra, duly seconded, it was voted unanimously to receive said communication and resignation.

COMMUNICATIONS OTHER

14. Communication of Eric Godin, Athletic Director, Middletown High School, re: Request for support by placing an ad in the Winter Athletic Program.

On motion of Councillor Semonelli, duly seconded, it was voted unanimously to receive said communication.

Town Clerk Wendy Marshall noted that support in 2009 was a ¼ page ad, price \$195.00.

Councillor Viveiros requested that the Council consider reducing the size of the ad to 1/8, at a fee of \$110.00.

On motion of Councillor Silveira, duly seconded, it was voted to approve a 1/8 page ad in the 2010 Winter Athletic Program at the cost of \$110.00 to be allocated from the President's Discretionary Fund; Vice Chairman Long voted NO to said motion.

Vice Chairman Long noted that he would support a 1/4 page ad in the 2010 Winter Athletic Program.

15. Communication of James Cawley, Athletic Director, Rogers High School, re: Request for support by placing an ad in the 2010 Winter Sports Program.

Vice Chairman Long suggested keeping funds in the Town.

On motion of Councillor Silveira, duly seconded, it was voted to approve an ad in the 2010 Winter Athletic Program; All voted NO to said motion; MOTION FAILED TO PASS.

BOARDS AND COMMITTEES

16. Discussion, re: Rules of the Council.

Discussion centered around what time to begin Council meetings, consent calendar (whether to allow the public to request to speak on items), making sure that the Council is user friendly, public forum being moved to the beginning of the meeting. The Rules of the Council will be addressed and voted on at the December 6, 2010 regular meeting of the Council.

On motion of Councillor Silveira, duly seconded, it was voted unanimously to discuss the Rules of the Council.

17. Discussion, re: Nomination and Appointment to Town Boards and Committee process.

Discussion centered around the expense to place ads for Board/Committee openings in the local newspaper, posting openings on the Town website, not having political appointments to Town Boards, creating a formal process to appoint members to boards and not discouraging applicants. It was the consensus of the Council to review the Nomination and Appointment to Town Boards and Committee process.

On motion of Councillor Silveira, duly seconded, it was voted unanimously to discuss the Nomination and Appointment to Town Boards and Committee process.

18. Discussion, re: Town Council representatives to various boards and commissions.

The list of Boards/Commission which requires Council representation were reviewed and it was noted that some boards/commissions were in need of liaisons.

EXECUTIVE SESSION

Pursuant to provisions of RIGL, Sections 42-46-2.,42-46-4., and 42-46-5. (a) (5) Land Acquisition (The Valley), (5) lease (JFK School), (2) Collective Bargaining (Police, Fire, Public Works and Town Hall Unions), (2) Potential Litigation and (2) Pending Litigation (Dawn Thurman vs. Town of Middletown).

On motion of Councillor Cambra, duly seconded, it was voted unanimously to recess this meeting at 8:25 P.M. and reconvene in executive session.

On motion of Councillor Silveira, duly seconded, it was voted unanimously to reconvene this meeting in open session at 9:55 P.M.

On motion of Councillor Silveira, duly seconded, it was voted unanimously to seal the minutes of the executive session pursuant to Section 42-46-7. RIGL.

On motion of Councillor Silveira, duly seconded, it was voted unanimously to adjourn this meeting at 9:56 P.M.

Wendy J. W. Marshall, CMC

Council Clerk

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