

December 20, 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, December 20, 2010 at 6:00 P.M.

Council President Arthur S. Weber, Jr.

Vice President 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

PLEDGE OF ALLEGIANCE TO THE FLAG

Vice President Long requested reconsideration of two votes from the December 6, 2010 Regular meeting of the Council, items # 35 and #36, to be brought up at the beginning of the open session.

EXECUTIVE SESSION

Pursuant to provisions of RIGL, Sections 42-46-2., 42-46-4., and 42-46-5. (a) (5) Land Acquisition (Forest Avenue/Buck Road), (5) Land Acquisition (Turner Road), (5) Land Acquisition (Simmons Farm), (5) lease (Crown Castle Cell Tower) and (2) potential litigation (Hess LNG Proposal).

On motion of Vice President Long, duly seconded, it was voted unanimously to recess open session at 6:01P.M. and reconvene in executive session.

On motion of Vice President Long, duly seconded, it was voted unanimously to reconvene in open session at 7:05 P.M.

On motion of Vice President Long, duly seconded, it was voted to unanimously to authorize the Town Administrator to move forward with potential land acquisition regarding the Buck Road interceptor.

On motion of Vice President Long, duly seconded, it was voted unanimously to accept the recommendation of the Town Administrator regarding the Hess proposal.

On motion of Vice President Long, duly seconded, it was voted to accept the counter proposal regarding the Crown Castle Cell Tower; all voted NO to said motion; MOTION FAILED TO PASS.

On motion of Vice President Long, 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 President Long, duly seconded, it was voted to reconsider item #35 from the December 6, 2010 regular meeting of the Council entered here:

35. Memorandum of Councillor Silveira, re: Formation of Charter Review Commission.

Vice President Long, Councillors Cambra, Semonelli and Viveiros voted YES; Council President Weber and Councillors Silveira and VonVillas voted NO; to said motion.

Vice President Long explained that the Charter was just reviewed in 2000 and 2008, noting he does not feel it is appropriate at this time.

Councillors Semonelli and Viveiros noted their agreement with Vice President Long.

Councillors VonVillas and Silveira noted their support for review of the Charter.

Motion from December 6, 2010 restated by Town Clerk entered here:

On motion of Councillor VonVillas, duly seconded, it was voted to form and advertise for a Charter Review Advisory Board, with further discussion concerning said board at the December 20, 2010 regular meeting of the Council; Councillors Cambra and Viveiros voted NO to said motion.

On motion of Councillor Silveira, duly seconded, it was voted to form and advertise for a Charter Review Advisory Board, with further discussion concerning said board at the December 20, 2010 regular meeting of the Council; Council President Weber and Councillors

Silveira and VonVillas voted YES; Vice President Long and Councillors Cambra, Semonelli and Viveiros voted NO to said motion; MOTION FAILED TO PASS.

On motion of Vice President Long, duly seconded, it was voted to reconsider item #36 from the December 6, 2010 regular meeting of the Council entered here:

36. Memorandum of Councillor VonVillas, re: Appointments to Board and Commissions.

Vice President Long, Councillors Cambra, Semonelli and Viveiros voted YES; Council President Weber and Councillors Silveira and VonVillas voted NO; to said motion.

Vice President Long noted that the entire Council should be involved in the boards and committee selection process. Mr. Long explained that at a future date he will have a proposal for a process.

Councillor Viveiros noted that all names submitted should be considered, all applicants recognized.

Motion from December 6, 2010 restated by Town Clerk entered here:

On motion of Councillor VonVillas, duly seconded, it was voted to form a subcommittee made up of three (3) Councillors to review board/committee applications and interview applicants, if necessary; Councillor Cambra voted NO to said motion.

On motion of Vice President Long, duly seconded, it was voted to form a subcommittee made up of three (3) Councillors to review board/committee applications and interview applicants, if necessary; Council President Weber and Councillors Silveira and VonVillas voted YES; Vice President Long and Councillors Cambra, Semonelli and Viveiros voted NO to said motion; MOTION FAILED TO PASS.

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 this session.

PRESENTATIONS

1. (Continued from Regular Meeting, December 6, 2010)

Memorandum of Councillor Cambra, re: Discussion of the Middletown Committee for the Arts.

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

On motion of Councillor Cambra, duly seconded, it was voted unanimously to make the Middletown Committee for the Arts a permanent Committee and to propose a broader charter at a future meeting.

Linda Phelan, Chair of the Middletown Committee for the Arts, addressed the Council noting the arts survey, which was sent to residents in their tax bills and a possible Arts Festival in 2011 to be held at Sweet Berry Farm. Ms. Phelan reviewed a packet, which is on file in the Office of the Town Clerk.

2. Memorandum of Town Administrator, with enclosures, re: Presentation – East Bay Energy Consortium.

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

Christine Forster, Chair of the Wind Turbine committee, addressed the Council presenting a power point presentation concerning the EBEC Wind Energy Project Feasibility Study. Ms. Forester noted that the Wind Energy project is still in the feasibility phase and at this time the committee is beginning Phase III of the project.

ACTING AS A BOARD OF LICENSE COMMISSION

3. Application of McGrath Clambakes, Inc., 66 Valley Road holder of a Class BL Alcoholic Beverage License to TRANSFER said License to Aquidneck Health, LLC, for use at the same premises. (Requires advertising for public hearing)

On motion of Council Vice President Long, duly seconded, it was voted unanimously to advertise said license transfer for Public

Hearing to be held at the January 18, 2011 regular meeting of the board.

CONSENT

4. Application for Special Event Permit from Natalie Williams for the Williams/Hartley Wedding Ceremony to be held on Saturday, July 16, 2011 at Dunlap-Wheeler Park from 6:00 pm until 7:00 pm.

On motion of Vice President Long, duly seconded, it was voted unanimously to grant said Special Event permit.

5. Application for Special Event Permit from Joe and Joan Duggan for the Duggan/Holt Wedding Ceremony to be held on Saturday, September 8, 2012 at Dunlap-Wheeler Park beginning at 5:30 pm.

On motion of Vice President Long, duly seconded, it was voted

unanimously to grant said Special Event permit.

6. Petition of National Grid Electric Company for Allston Avenue proposed new JO Pole location. (Recommendation of Roads/Utilities Committee included)

On motion of Vice President Long, duly seconded, it was voted unanimously to approve said petition.

7. Memorandum of Town Administrator, with enclosures, re: Tax Collector's Report for period ending November 30, 2010 and Tax Assessor's abatements for period ending December 1, 2010.

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

8. Resolution of the Council, re: Abatement of taxes for certain Middletown Taxpayers.

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

9. Communication of Christopher Gray, Chairman, LNG Working Group, with enclosure, re: Appreciation for support in opposing the Hess Weaver's Cove Energy project.

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

ORDINANCE

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

An Ordinance in Amendment to the Town Code of the Town of Middletown, Title III, Administrator, Chapter 36, Fee Schedule, Section 38 Construction Permit Fees.

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

COMMUNICATIONS OTHER

11. Email communication of Nancy Botcheller, re: Discussion of issues concerning Peckham Lane.

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

Town Solicitor Michael W. Miller addressed the Council reviewing the following memorandum entered here:

Carol Cummings, 738 Indian Avenue, addressed the Council noting that she has researched the area and believes that the Town should not refer to Kingfisher Road as a right of way.

COMMUNICATIONS OF TOWN COUNCIL

12. Memorandum of Councillor Viveiros, with enclosure, re: Proposed Changes to Resolution 37-80 of the Council.

Councillor Viveiros reviewed his memorandum entered here:

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

On motion of Councillor Viveiros, duly seconded, it was voted to amend said resolution by adding to the end of the resolution “RESOLVED: Notwithstanding anything herein to the contrary, if any person not a member of the Council desires to address the Council on any item on the Consent Calendar and he or she submits a written request to the Council Clerk stating the item upon which he/she desires to speak, such item shall be removed from the Consent Calendar.”; Vice President Long and Councillors Cambra and Viveiros voted YES; Council President Weber and Councillors Semonelli, Silveira and VonVillas voted NO to said motion; MOTION FAILED TO PASS.

13. Memorandum of Councillor Viveiros, with enclosure, re: Proposed Changes to the PAYT Trash Collection System.

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

Councillor Viveiros expressed concern that only two-thirds of the Town is utilizing the PAY-T program and suggested that the Town

advertise to notify residents of mandatory recycling through radio and newspaper.

Discussion centered around enforcement of mandatory recycling, good communication and education of the PAY-T program, the program being self sustainable and more subscribers will reduce the cost of participation.

Paul Lamond, 2 Porter Road, addressed the Council explaining the success of the program. Mr. Lamond noted his support for the program and belief that others will join.

14. Memorandum of Councillor VonVillas, re: Charter Review Advisory Group.

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

15. Memorandum of Councillor VonVillas, re: Recommendations from Regional Planning Committee.

Councillor VonVillas reviewed her memorandum entered here:

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

Discussion centered around accepting the recommendation from the Regional Planning Committee, embracing regionalization and underlining issues, the need to place the question on the ballot (non-binding referendum), additional educational opportunities, need to encourage other communities to explore the concept of regionalization, money saving opportunities for communities, the confirmation of concept of school regionalization, proposed timeline to lead to a ballot question in November 2012, the cost to taxpayers if

the town regionalizes schools and review of the RIGL Title 16 Education.

On motion of Councillor VonVillas, duly seconded, it was voted to have the Middletown Town Council affirm its support for the concept of school regionalization; Council President Weber and Councillors Semonelli and VonVillas voted YES; Vice President Long and Councillors Cambra, Silveira and Viveiros voted NO to said motion; MOTION FAILED TO PASS.

On motion of Councillor VonVillas, duly seconded, it was voted that the Middletown Town Council develop a proposed timeline to guide activities that will lead to a November 2012 ballot question; Council President Weber and Councillors Semonelli and VonVillas voted YES; Vice President Long and Councillors Cambra, Silveira and Viveiros voted NO to said motion; MOTION FAILED TO PASS.

On motion of Councillor VonVillas, duly seconded, it was voted unanimously that the Middletown Town Council approve a resolution encouraging the other Newport County/ communities (Newport,

Portsmouth, Jamestown, Tiverton, and Little Compton) to similarly explore the concept of school regionalization as it applies to their municipalities.

On motion of Councillor VonVillas, duly seconded, it was voted to have the President of the Middletown Town Council promote and initiate collaborative discussions with each of the Newport County Councils; Council President Weber, Vice President Long and Councillors Cambra, Semonelli, Silveira and VonVillas voted YES; Councillor Viveiros voted NO to said motion.

On motion of Vice President Long, duly seconded, it was voted to thank the Regional Planning Committee and disband the committee until other committees are formed by other communities; Vice President Long and Councillors Cambra, Silveira and Viveiros voted YES; Council President Weber and Councillors Semonelli and VonVillas voted NO to said motion.

COMMUNICATIONS OF TOWN ADMINISTRATOR

16. Memorandum of Town Administrator, with enclosures, re: Proposed Boat Ramp at Third Beach.

Town Administrator Shawn Brown reviewed the memorandum entered here:

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

Town Engineer Warren Hall reviewed the proposed Boat Ramp project and scope of work.

17. Resolution of the Council, re: Securing funding for Boat Ramp at Third Beach.

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

18. Memorandum of Town Administrator, re: Beach Commission – Proposed Recommendation - \$10.00 Waiting List Fee.

Town Administrator Shawn Brown reviewed the memorandum entered here:

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

On motion of Councillor Silveira, duly seconded, it was voted unanimously to draft an ordinance establishing the \$10.00 waiting list fee.

19. Memorandum of Town Administrator, with enclosure, re: Facility Use Policy.

Town Administrator Shawn Brown reviewed the memorandum entered here:

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

On motion of Councillor Silveira, duly seconded, it was voted to adopted the Facility Use Policy entered here: enter policy.

On motion of Councillor Silveira, duly seconded, it was voted unanimously to adjourn this meeting at 10:00 P.M.

Wendy J. W. Marshall, CMC

Council Clerk

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