

## **January 3, 2011 - 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, January 3, 2011 at 6:00 P.M.**

**Council President Arthur S. Weber, Jr.**

**Vice President Bruce J. Long**

**Councillor Richard Cambra, arrives at 6:05 P.M.**

**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**

## **RECONSIDERATION**

**The Middletown Town Council follows the codification of present-day general parliamentary law as articulated in Robert's Rules of Order Newly Revised 10th edition (2000), together with whatever rules of order the Council has adopted for its own governance. The motion to reconsider is one of the motions that can bring a question again before an assembly, and is designed to bring back for further consideration a motion which has already been voted on:**

**If, in the same session that a motion has been voted on, but no later than the same day or the next day on which a business meeting is held, new information or a changed situation makes it appear that a different result might reflect the true will of the assembly, a member who voted with the prevailing side can, by moving to Reconsider [RONR (10th ed.), p. 304-321] the vote, propose that the question shall come before the assembly again as if it had not previously been considered. (From Robert's Rules of Order Newly Revised In Brief, Robert, Evans et al., De Capo Press, 2004)**

**Council President Weber requested that when possible please notify all Council members prior to the meeting which an item of business will be reconsidered.**

**Town Solicitor Michael W. Miller addressed the Council explaining that reconsideration may not require a full hearing. Mr. Miller noted that to achieve proper balance the item of reconsideration shall be on every docket to indicate to the public that there is a possibility of reconsideration.**

**Councillor Silveira requests proper notice if an item is to be reconsidered.**

**Councillor Viveiros suggested that a Councillor place the item on the agenda.**

**Councillor VonVillas suggested that if the item is not available for the agenda, to email all Councillors prior to the upcoming meeting.**

## **6:00 PM LEGISLATIVE AGENDA**

**Identifying the Town's legislative concerns to be addressed at the 2011 session of the General Assembly.**

**Town Administrator Shawn Brown presented a handout with suggestions concerning the Town's 2011 legislative agenda, entered here:**

**Mr. Brown reviewed Town Charter 30.03 ELECTIONS REQUIRED FOR ENABLING LEGISLATION, entered here:**

**Vice President Long advised not pursuing more than three to four local issues; and for regional issues, to work with other communities/entities for support. Mr. Long suggested three categories being local, Aquidneck Island and Statewide.**

**Discussion centered around the education funding formula, concealed weapon permits, penalties associated with DWI, regionalization – Title 16 Education, storm water utility fee, relief from prevailing wage limits and pay to play.**

**It was the consensus of the Council that the Town Administrator review the proposed list and place items in categories – local, Aquidneck Island and Statewide. The Council requested also that the Administrator provide more information including monies concerning the storm water fee.**

**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.**

**Manuel Mello, 3 Beacon Terrace North, noted that at a future meeting he will file a communication to discuss snow removal on sidewalks.**

## **PRESENTATIONS**

- 1. Memorandum of Town Administrator, re: Employee Recognition Program – Pins of Service Fourth Quarter 2010.**

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

**Council President Weber and Town Administrator Shawn Brown presented 20 year pins of service to John C. Peckham and Clayton B. Wilbur from the Public Works Department.**

**Councillor Semonelli and Silveira recused themselves from acting on the following item of business, due to a possible conflict of interest.**

## **ACTING AS A BOARD OF LICENSE COMMISSION**

### **2. (Public Hearing Advertised; abutters notified)**

**Application of Atlantic Grille, Inc., dba Atlantic Grille, 91 Aquidneck**

**Avenue, Middletown, for a Retailer's Class BV Alcoholic Beverage License for the 2010-2011 licensing year. (NEW)**

**Public Hearing was declared open.**

**Vernon Gorton, Esquire, representing the applicants, addressed the Council explaining that the applicants have been operating this establishment for eighteen years with no issues. Mr. Gorton noted that the applicants obtained a special use permit from the Zoning Board of Review to allow for a BV Alcoholic Beverage license to be held at 91 Aquidneck Avenue. The applicants also own and manage a restaurant in Portsmouth, Rhode Island. Attorney Gorton submitted for the record a copy of the Zoning Board decision and a letter of good standing from the Portsmouth Police Department.**

**There being no other person present desiring to be heard, public hearing was declared closed.**

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

## **CONSENT**

**3. Approval of Minutes, re: Special Meeting, November 29, 2010.**

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

**4. Approval of Minutes, re: Regular Meeting, December 6, 2010.**

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

**5. Approval of Minutes, re: Special Meeting, December 15, 2010.**

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

**6. Communication of Thomas R. Landry, Assistant Executive Director, NEARI, re: Notice that the Middletown Municipal Employees' Association/NEARI/NEA wishes to negotiate a wage reopener for the 2011-2012 year.**

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

**7. Communication of Jack Reed, United States Senate, re: FY-2011 appropriations.**

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

**Councillor Silveira recused himself from acting on the following three items of business, #8, #9 and #10, due to a possible conflict of interest, business related.**

**Councillor Semonelli recused himself from acting on the following item of business #8, due to a possible conflict of interest.**

## **LICENSES**

**8. Application of Atlantic Grille, Inc., dba Atlantic Grille, 91 Aquidneck Avenue, Middletown, for a Victualling House License for the 2010-2011 licensing year. (NEW)**

**On motion of Vice President Long, duly seconded, it was voted unanimously to grant said license, contingent on Building Official, Fire Marshal, Board of Health and Public Works approvals.**

**9. Application of JLPH Acquisitions, Inc. dba Pizza Hollywood, 796 Aquidneck Avenue, Middletown, for a Victualling House License for the 2010-2011 licensing year. (NEW)**

**On motion of Vice President Long, duly seconded, it was voted unanimously to grant said license, contingent on Building Official, Fire Marshal, Board of Health and Public Works approvals.**

**10. Application of Wen Qin Yang dba Ming Moon Chinese Restaurant, 694 Aquidneck Avenue, Middletown, for a Victualling House License for the 2010-2011 licensing year. (NEW)**

**On motion of Vice President Long, duly seconded, it was voted unanimously to grant said license, contingent on Building Official, Fire Marshal, Board of Health and Public Works approvals.**

**Councillors Silveira and Viveiros recused themselves from acting on the following item #11 of business, due to a possible conflict of interest.**

**Councillor Silveira left the meeting at 7:20 P.M.**

## **OTHER COMMUNICATIONS**

**11. Communication of Attorney Joseph R. Palumbo, Jr., re: Request to postpone Public Hearing for Petition of CVD II, LLC for rezoning Assessors Plate 111, Lots 8, 9, 9A, 10 to Regular Meeting of the Council February 22, 2011.**

**Council President Weber reviewed the history of said petition entered here:**

**Joseph R. Palumbo, Jr., Esquire, representing the applicant, addressed the Council explaining that the applicant is exploring possibilities for other uses of the property. Mr. Palumbo noted that postponement allows his client to complete an evaluation of the property.**

**On motion of President Weber, duly seconded, it was voted unanimously to receive said communication and grant a postponement to the Regular Meeting of the Council February 7, 2011.**

**COMMUNICATIONS OF BOARDS AND COMMITTEES**

**12. Memorandum of Jan Eckhart, Vice-Chairman, Middletown Planning Board, with enclosure, re: “Complete Streets” – AARP proposed resolution.**

**Town Planner Ronald Wolanski reviewed the memorandum entered here:**

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

**Councillor Semonelli noted that at a prior meeting of the Council, he requested the concept of “Complete Streets” be endorsed and again, requests Council support for the issue.**

**Kathleen Connell, 233 Tuckerman Avenue, State Director of AARP RI, addressed the Council requesting support of the “Complete Streets”**

**concept. Ms. Connell explained that she has been approaching communities within Rhode Island to support and integrate the concept. The concept encourages the ability to travel the communities using alternate transportation.**

**M. Theresa Santos, 214 Morrison Avenue, addressed the Council expressing concern with crosswalks and sidewalks on Aquidneck Avenue. Ms. Santos also noted inconsistencies of speed limit signs, in school zones throughout the Town.**

**Manny Mello, 3 Beacon Terrace North, noted support for the “Complete Streets” concept. Mr. Mello expressed concern with need for sidewalks on Aquidneck Avenue and snow removal from sidewalks within the Town.**

**13. Resolution of the Council, re: Supporting and encouraging the use of “complete streets” concept where appropriate in the planning and redevelopment of transportation related infrastructure improvement within the Town.**

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

**On motion of Vice President Long, duly seconded, it was voted unanimously to adjourn this meeting at 7:37P.M.**

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

**Council Clerk**

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