

## **February 22, 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 Tuesday, February 22, 2011 at 6:00 P.M.**

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

**Councillor Richard Cambra**

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

**Councillor Christopher T. Semonelli**

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

**Vice President Bruce J. Long, Absent**

**Councillor Antone C. Viveiros**

## **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)**

**There were no reconsiderations.**

## **SWEARING IN CEREMONY**

### **1. Middletown Police Department, re: Promotions, Retirements and New Hires.**

**Police Chief Anthony Pesare introduced Siobhan Bogosian from the Attorney General's Office, representing the Attorney General and issuing citations to the honorees this evening.**

**Police Chief Anthony Pesare introduced Detective John Gatta, Detective Abel Fernandes and Detective William Macioci all recently retired. Mr. Pesare announced the promotion of Sergeant John Dring to the rank of Lieutenant, Sergeant Frank Lema to the rank of Lieutenant, Patrol Officer Jason Ryan to the rank of Juvenile**

**Detective, Probationary Officer Anthony Porrazo, Probationary Officer Benjamin Costa, Probationary Officer Geoffrey Dellefrate and Probationary Officer Timothy Kendrick, all sworn in by the Town Clerk and pinned by family members.**

## **EXECUTIVE SESSION**

**Pursuant to provisions of RIGL, Sections 42-46-2., 42-46-4., and 42-46-5. (a) (2) Collective Bargaining (Fire and Public Works Unions) and (5) lease (JFK School).**

**On motion of Councillor Semonelli, duly seconded, it was voted unanimously to recess open session at 6:30 P.M. and reconvene in executive session.**

**On motion of Councillor Semonelli, duly seconded, it was voted unanimously to reconvene in open session at 6:50 P.M.**

**On motion of Councillor Semonelli, 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 Semonelli, duly seconded, it was voted unanimously to recess until 7:00 P.M.**

**On motion of Councillor Semonelli, duly seconded, it was voted unanimously to reconvene at 7:00 P.M.**

## **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.**

**Councillor Silveira recused himself from acting on the following item of business, #2, due to a possible conflict of interest, business related.**

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

**2. Application of Syraco Associates, LLC dba Newport Spa and Whirlpool Suites, 936 West Main Road, for a Retailer's Class BT Alcoholic Beverage License for the 2010-2011 licensing year. (NEW; Requires advertising for public hearing and notification to abutters)**

**On motion of Councillor Semonelli, duly seconded, it was voted unanimously to notify said abutters and advertise said application for public hearing to be heard on March 21, 2011.**

## **CONSENT**

- 3. Approval of Minutes, re: Special Meeting, January 31, 2011.**

**On motion of Councillor Semonelli, duly seconded, it was voted unanimously to approve said minutes.**

- 4. Approval of Minutes, re: Regular Meeting, February 7, 2011.**

**On motion of Councillor Semonelli, duly seconded, it was voted unanimously to approve said minutes.**

- 5. Petition received from Michelle Sullivan for perpetual care of burial lots 205, 206, 207 & 208 in Section 52 East of the Middletown**

**Cemetery.**

**On motion of Councillor Semonelli, duly seconded, it was voted unanimously to receive and approve said petition.**

**6. Communication of Shirley A. Hill, Committee Chairperson, Dr. Martin Luther King, Jr. Celebration Committee, re: Appreciation for participating in the 26th Annual Memorial Birthday Program.**

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

**7. Resolutions of the Town of Burrillville, re: 2011 Legislative Agenda and Positions on proposed legislation. (See attached list).**

**On motion of Councillor Semonelli, duly seconded, it was voted**

**unanimously to receive said resolutions.**

**8. Resolution of the Town of East Greenwich, re: Supporting Legislation Eliminating the Maximum Number of Voters in Polling Place.**

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

**9. Memorandum of Town Planner, re: Confirmation of Planning Board recommendation for AIRPA appointments.**

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

**10. Memorandum of Town Planner, re: Confirmation of Planning**

**Board recommendation for AIPC appointments.**

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

**11. Memorandum of Town Administrator, re: 2010 AFG Communication Grant Award.**

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

**12. Application of Middletown Senior Citizens Center, 650 Green End Avenue, for RENEWAL of Bingo License for the 2011-2012 licensing year.**

**On motion of Councillor Semonelli, duly seconded, it was voted**

**unanimously to grant said license renewal and waive fee.**

**13. Applications received from the following named persons, firms and corporations for RENEWAL of Drain Layers Licenses for the 2011-2012 licensing year. (See Attached List)**

**On motion of Councillor Semonelli, duly seconded, it was voted unanimously to grant said license renewals.**

**14. Application for Special Event Permit from Eastern Surfing Association for the 2011 ESA Northeast Surf-Offs Surfing Contest to be held at Second Beach on April 29th, 2011 to May 1st, 2011.**

**On motion of Councillor Semonelli, duly seconded, it was voted unanimously to grant said special event permit.**

**15. Notice of Public Hearing from the Middletown Zoning Board of Review, Petition from Gilbane Development Company f/k/a Gilbane Properties, Inc., (owner) of KVH Industries, Inc., 110 Enterprise Center for a Special Use Permit from Sections 602 & 604 to allow the manufacturing/assembly of electronic equipment in an Office Business/Traffic Sensitive (OBA) District and warehousing thereof as an incidental accessory use and to allow a commercial building to exceed of the maximum allowable building footprint of 35,000 sf. Said real estate located at Enterprise Center and further identified as Lot 15C & 15D on Tax Assessor's Plat 113.**

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

**16. Communication of Attorney Mark T. Reynolds, retained by the Trust, re: Lawsuit filed by Sandra A. Ferro.**

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

## **AWARDS, PROCLAMATIONS & COMMENDATIONS**

**17. Memorandum of Town Administrator, re: Recognition – Town Employees – Open House.**

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

**18. Memorandum of Town Administrator, re: Recognition – Police Department – Coyote Summit.**

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

**Acting Town Administrator Chief Pesare noted that the Coyote**

**Summit was well attended. A working group has been formed to review the coyote issues within the Town.**

**On motion of Councillor VonVillas, duly seconded, it was voted unanimously to appoint Councillor Semonelli as Council liaison to the Coyote Issues Working Group.**

**19. Memorandum of Town Administrator, re: Recognition – Finance, Tax Assessment and IT Offices.**

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

## **OTHER COMMUNICATIONS**

**20. Continued from Regular Meeting February 7, 2011**

**Resolution of the Town of Jamestown, re: In Support of Extended Producer Responsibility.**

**Councillor Semonelli noted that he has concern with this resolution, explaining that it may cause serious repercussions to small businesses.**

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

**21. Resolution of the Council, re: In Support of Extended Producer Responsibility.**

**On motion of Councillor Cambra, duly seconded, it was voted unanimously to table said resolution.**

**22. Communication of Katelyn M. Heuer, Student Gaudet Middletown School, re: Request for support to attend the Junior National Young Leaders Conference.**

**On motion of Councillor Semonelli, duly seconded, it was voted unanimously to receive said communication and authorize (\$100.00) One Hundred dollars to be allocated from the President Discretionary fund.**

## **ORDINANCES**

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

**An Ordinance in amendment to the Town Code of the Town of Middletown, Title XIII, Chapter 130 General Offenses, Section 130.01 Possession, Consumption by Minors Prohibited and Section 130.99 Penalty.**

**On motion of Councillor Semonelli, duly seconded, it was voted**

**unanimously to adopt said ordinance, as amended, on its second reading.**

## **TOWN ADMINISTRATOR COMMUNICATIONS**

**24. Memorandum of Town Administrator, with enclosures, re: Award of Contract for Survey & Engineering: Continental Village, Winthrop Drive, Longmeadow Avenue, Haymaker Road, Smithfield Drive – Road, Storm Drain & Sanitary Sewer project.**

**Town Engineer Warren Hall recommended the Council support the award of contract noting the project will be in June 2011.**

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

**25. Resolution of the Council, re: Award of Contract for Survey &**

**Engineering: Continental Village, Winthrop Drive, Longmeadow Avenue, Haymaker Road, Smithfield Drive – Road, Storm Drain & Sanitary Sewer project.**

**On motion of Councillor VonVillas, duly seconded, it was voted unanimously to pass said resolution.**

## **BOARDS AND COMMITTEES**

**26. Communication of Susan Schenck, Chief Operating Officer, East Bay Community Action Program, re: Request for Council to appoint a liaison for the East Bay Community Action Program.**

**On motion of Councillor Semonelli, duly seconded, it was voted unanimously to receive said communication and appoint Councillor Cambra as liaison for the East Bay Community Action Program.**

**27. Email communication of Denise D'Amico, re: Resignation from the Open Space and Fields Committee.**

**On motion of Councillor Semonelli, duly seconded, it was voted unanimously to receive said email communication and accept said resignation with regret.**

**On motion of Councillor Semonelli, duly seconded, it was voted unanimously to adjourn said meeting at 7:11 P.M.**

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

**Council Clerk**

**February 22, 2011 - Regular Town Council Meeting**

**Published by ClerkBase**

**©2011 by Clerkbase. No Claim to Original Government Works.**