

**At a Regular Meeting of the Town Council of the Town of Middletown,
RI held at the Middletown Town Hall on Monday, July 2, 2012 at 6:00
P.M.**

Council President Arthur S. Weber, Jr., Presiding

Vice President Bruce J. Long, arrives at 6:02 pm

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

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.

EXECUTIVE SESSION - 6:00 P.M.

1. Pursuant to provisions of RIGL, Sections 42-46-2.,42-46-4., and 42-46-5. (a)(2) Litigation (Thurman vs. Town of Middletown), (5) land acquisition (Aquidneck Avenue), and (5) lease (JFK School).

On motion of Councillor Semonelli, duly seconded, it was voted unanimously to recess open session and reconvene in executive session at 6:01 pm.

On motion of Vice President Long, duly seconded, it was voted unanimously to recess executive session and reconvene in open session at 7:03 pm.

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

PUBLIC FORUM SESSION

2. 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.

Ken Cordeiro, 2 Fagan Court, addressed the Council, noting concern that parking is restricted at the beach from sunset to sunrise.

PRESENTATION

3. Memorandum of the Town Administrator, re: Social Host Ordinance Public Service Announcement. (Presentation by Middletown Substance Abuse Prevention Task Force)

On motion of Vice President Long, duly seconded, it was voted unanimously receive said memorandum and to begin the presentation by the Middletown Substance Abuse Prevention Task Force.

Middletown Substance Abuse Task Force Coordinator Lori Verderosa explained the Social Host Ordinance Public Service Announcement is the kick off to the media campaign for the task force. Ms. Verderosa explained the Task force teamed up with Salve students to develop a public service announcement, which will be used to develop a more extensive campaign through cable, network TV and the web.

Chief Pesare addressed the Council, noting the social host ordinance is a valuable tool for the police department; it holds the adults responsible for purchasing alcohol for minors and breaks the cycle of adults that place kids at risk. Mr. Pesare explained since the ordinance has been in effect, 12 citations have been issued. It is important residents report incidents to the Police Department, not provide alcohol to minors,

secure liquor cabinets and educate the residents regarding the social host ordinance.

Ms. Verderosa reviewed statistics on Middletown teen drinking and the handout Summer 2012 Issue Brief, which is on file in the office of the Town Clerk.

BOARD OF LICENSE COMMISSION

Town Solicitor Michael Miller recused himself from item #4. Councillor Edward J. Silveira recused himself from items #4 and #5.

4. Petition of Olin D. Gambrell, President and Vilma Parsonage, Bar Manager of the All-Vets Club, 985 Aquidneck Avenue, re: Request for expansion of Class D Alcoholic Beverage License to provide outdoor service on September 1, 2012, beginning at 1:00 p.m, for the All-Vets Club Annual Clam Boil Fundraiser for Charities, all Veterans and Families and also the Children's Christmas Party.

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

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

5. Memorandum of Police Chief, re: Potential Alcoholic Beverage License violation by Lacey, Inc., dba Easton's Point Pub and Restaurant, 116 Aquidneck Avenue.

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

Town Solicitor Michael Miller recused from this matter, noting Alternate Assistant Town Solicitor J. Russell Jackson will be advising

the council.

On motion of Vice President Long, duly seconded, it was voted unanimously to schedule the Show Cause Hearing regarding Easton's Point Pub and Restaurant for August 6th, 2012 Regular Meeting of the Board.

APPOINTMENT

6. Communication of the Town Administrator, re: Appointment-Assistant Solicitor- Conflict Prosecutor.

Town Administrator Shawn Brown review the memorandum, entered here:

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

On motion of Vice President Long, duly seconded, it was voted unanimously to appoint Attorney Christopher S. Gontarz as Assistant Solicitor for the purposes of representing the Police Department in the Lacey, Inc dba Easton's Point Pub and Restaurant matter for prosecution and in any future cases where other matters are a conflict for the Town Solicitor's office.

CONSENT

7. Communication of Tax Assessor, with enclosures, re: Cancellation of taxes for certain Middletown residents.

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

8. Resolution of the Council, re: Cancellation of taxes for certain

Middletown residents.

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

9. Communication of the Town Administrator, re: Advisory recommendation on proposed amendments to Zoning Ordinance, Article 25A, Wind Turbines.

On motion of Vice President Long, duly seconded, it was voted unanimously to receive said communication and continue said matter to the August 6, 2012 Regular meeting of the Council.

10. Memorandum from Jan Eckhart, Planning Board Chairman, re: Advisory recommendation on proposed amendments to Zoning Ordinance, Article 25A, Wind Turbines. (Planning Board Recommendation attached; Requires Advertising for Public Hearing)

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

11. Request of John Ashley, Jr. dba Castaway Gourmet, LLC, Portsmouth, Rhode Island for additional location added to Hawkers License for the 2012-2013 licensing year. (Permission on file, 533 East Main Road)

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

LICENSE & PERMITS

12. Application of All Island Landscape, Inc. dba All Island Landscape, 2829 East Main Road, Portsmouth, for a Drain Layer's License for the 2012-2013 licensing year. (NEW)

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

ORDINANCES

13. Continued from Regular Meeting June 18, 2012

Memorandum of the Town Administrator, re: Updating Ordinance for Senior Exemptions.

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

14. Continued from Regular Meeting June 18, 2012

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 34, Taxes, Section 34.02, Exemption on Residential Property.

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

TOWN COUNCIL

15. At the request of Vice President Long, Resolution of the Council, re: Supporting a Referendum Relating to the Code of Ethics.

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

Vice President Long reviewed the legislation history.

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

16. Resolution of the Council, re: Approving submission of the proposed Charter amendments to the Office of the Secretary of State for inclusion on the November 6, 2012 General Election ballot.

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

Council Semonelli noted the changes to the Charter will allow for future councils to better manage the budgets within the Town.

Vice President Long explained the changes would provide better management ability to the administration and allow for more efficiencies throughout the Town

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

17. Resolution of the Council, re: Approving submission of the proposed Fire/DPW Facility Project bond question to the Office of the Secretary of State for inclusion on the November 6, 2012 General Election ballot.

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

18. Communication of the Town Administrator, re: Beach Pavilion Project Bond.

Town Administrator Shawn Brown reviewed the communication

entered below:

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

Councillor Semonelli noted this is not the appropriate time or package for the beach pavilion project. Mr. Semonelli explained that work needs to be done on the beach pavilion project and the importance of continuing the process.

Councillor Silveira explained there are many important matters that will be placed on the November ballot, including the Fire/DPW bond and potential amendments to the charter.

Council President Weber supports the concept, noting the need to collaborate with the Beach Commission.

On motion of Councillor Semonelli, duly seconded, it was unanimously to direct the administration to draft a charge for a Second Beach Advisory Committee and ask that it be presented to the Town Council for a vote at the August 6th meeting.

19. Resolution of the Council, re: Submission of the proposed Beach Pavilion bond question to the Office of the Secretary of State for inclusion on the November 6, 2012 General Election ballot.

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

TOWN ADMINISTRATOR COMMUNICATIONS

20. Communication of the Town Administrator, with enclosure, re: Aquidneck Island Re-Use Implementing Authority (AIRIA).

Town Administrator Shawn Brown reviewed the communication, entered here:

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

Manny Mello, 31 Beacon Terrace North, noted opposition to the Aquidneck Island Re-Use Implementing Authority (AIRIA), expressing concern of the unknown cost to the Town.

Town Solicitor Michael Miller, responding to Mr. Mello, explained the purpose of the Aquidneck Island Re-use Implementing Authority Board of Directors is to negotiate with the Federal Government for properties, requiring joint negotiations.

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

21. Memorandum of the Town Administrator, re: Appointments to the Aquidneck Island Re-use Implementing Authority (AIRIA) Board of Directors.

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

On motion of Vice President Long, duly seconded, it was voted unanimously to appoint Shawn Brown as a representative for a 2 year appointment, Bill Harvey Sr. as a representative for a 1 year appointment, Ron Wolanski as alternate for a 1 year appointment, and Art Weber as an Ex-officio member term expiring November 2012.

BOARDS AND COMMITTEES

22. Approval of Middletown Open Space and Fields Committee

Amended Compositions, Terms and Meetings.

On motion of Vice President Long, duly seconded, it was voted unanimously to approve the Middletown Open Space and Fields Committee's Amended Compositions, Terms and Meetings.

On motion of Vice President Long, duly seconded, it was voted unanimously to adjourn said meeting at 8:00 P.M.

Karin H. Clancey

Deputy Town Clerk

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