

At a Regular Meeting of the Town Council of the Town of Middletown, RI held at the Middletown Town Hall on Monday, February 4, 2013 at 5:30 P.M.

Council President Christopher T. Semonelli, Presiding

Councillor Richard P. Adams, arrives at 6:15 pm

Councillor Bruce J. Long

Councillor M. Theresa Santos

Councillor Barbara A. VonVillas, Members Present

Vice President Robert J. Sylvia, Absent

Councillor Paul M. Rodrigues

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.

5:30 P.M. – AIPC

1. Presentation by Tina Dolen, Executive Director of the Aquidneck Island Planning Commission (AIPC), re: Update of proposed Interim Shoreline Bikeway, “Excellence in Governance” program offered by AIPC, Proposed changes in AIPC structure and Board of Directors and other planning issues of importance to Middletown and Aquidneck Island. (No documentation)

On motion of Councillor VonVillas, duly seconded, it was voted unanimously to begin the presentation.

Tina Dolen, Executive Director of the Aquidneck Island Planning Commission (AIPC), addressed the Council reviewing the following:

1. AIPC Interim Shoreline Bikeway

A map of the proposed bike path is on file in the Office of the Town Clerk.

2. Excellence in Governance Program offered to Island Councils

3. Goals and Objectives for the AIPC Board Reorganization and Strategic Planning Session for 2013

On motion of Councillor Long, duly seconded, it was voted unanimously to recess this meeting at 5:50 pm.

On motion of Councillor VonVillas, duly seconded, it was voted unanimously to reconvene this meeting at 6:00 pm.

6:00 P.M. – RIDOT

2. Presentation by Rhode Island Department of Transportation, re: Two Mile Corner – Scope of work, temporary traffic control, detours during construction, plans to minimize impacts on business operations and matters related thereto.(Documentation - 2 maps)

On motion of Councillor VonVillas, duly seconded, it was voted unanimously to begin the presentation.

Also present, representing RIDOT was Project Manager Anita Marshall, representing VHB Robert Clinton, Transportation Engineer Project Manager and James M. Pisano, P.E., Senior Project Manager.

Senior Project Manager James M. Pisano and Transportation Engineer Project Management Robert Clinton representing VHB reviewed a power point presentation regarding the redesign of Two Mile Corner. The presentation is on file in the Office of the Town Clerk.

Councillor Adams arrives at 6:15 pm.

Discussion centered around the sidewalks on West Main Road, funding of the project, landscaping, crosswalks, traffic volume increase on Smythe Street and Bank Newport areas, curb cuts, constructions schedule and impact on businesses.

Councillors Long and Santos expressed concern with vehicles using the BankNewport light as a cut through.

Councillors Long and VonVillas expressed concern with traffic flow through Smythe Street to be used for a left turn onto West Main Road.

VHB Senior Project Manager James M. Pisano noted that this proposal is a recommendation, which can be revised.

Councillor VonVillas expressed concern that Maple Avenue is very busy with homes close to the road, walking traffic and children in the neighborhood.

Councillor Adams inquired if there could be a traffic signal at Maple Avenue and not at Smythe Street.

RIDOT Project Manager Anita Marshall, responding to Councillor Adams, explained that a light at Maple Avenue would be too close to the existing traffic signal.

VHB Senior Project Manager James M. Pisano and Project Manager Anita Marshall explained that the area will be reviewed again and options will be provided at a later date.

Manuel Mello, 3 Beacon Terrace North, expressed concern that there are three areas on West Main Road where large commercial vehicles may not be able to make the corners.

On motion of Councillor VonVillas, duly seconded, it was voted unanimously to recess this meeting at 7:00 pm.

On motion of Councillor VonVillas, duly seconded, it was voted unanimously to reconvene this meeting at 7:10 pm.

PUBLIC FORUM SESSION

3. 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.

Dennis Turano, 182 Tuckerman Avenue, addressed the Council noting he wants to make Middletown the best Town. Mr. Turano inquired 1) If this is the right time to consider the construction of the new Fire Department facility 2) Does the engineering company for the Esplande project carry errors and emission insurance? and 3) Was the replacement of the tower at the Fire station in the Town budget this year?

Town Administrator Shawn Brown noted that the tower was funded by the state.

Councillor Santos thanked the Council, Town Administrator and Town Staff for flowers, cards and visits during her recovery.

On motion of Councillor VonVillas, duly seconded, it was voted unanimously to act as a Board of License Commission.

ACTING AS A BOARD OF LICENSE COMMISSION

4. (Public Hearing Advertised)

Application of MEGLAN, LLC dba County Liquor Mart, 43 Aquidneck Avenue, holder of a Class A Alcoholic Beverage License to TRANSFER said license to Beach Liquors, LLC dba Beach Wine & Liquors, for use at the same premises.

Public Hearing was declared open.

David Martland, Esquire, representing the applicant, addressed the Council noting that this application is to transfer the current license from Meglan, LLC to Beach Liquors, LLC and was present to answer any Council questions.

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

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

Application of NNGC, Corporation dba Newport National Golf Club, 324 Mitchell's Lane, for a Retailers Class BV Alcoholic Beverage License for the 2012-2013 licensing year. (NEW); (Requires advertising for public hearing and abutters notified)

On motion of Councillor VonVillas, duly seconded, it was voted unanimously to receive said application.

Robert M. Silva, Esquire, representing the applicant explained that his client requests service of alcohol to include the deck area, event tent and a cart on the golf course.

Councillor Long inquired if there is a current license on the premises.

Attorney Silva noted that service of food and alcohol is currently being provided by a licensed caterer and at this time the Club is requesting a BV Alcoholic Beverage license.

Town Solicitor Michael W. Miller reviewed RIGL 3-7-11.1 Golf courses – Sale of Alcoholic Beverages.

On motion of Councillor VonVillas, duly seconded, it was voted unanimously to advertise for Public Hearing and notify abutters for March 4, 2013, regular meeting of the board.

On motion of Councillor VonVillas, duly seconded, it was voted unanimously to reconvene as a Town Council.

Councillor Santos requested that items #6, #7 and #10 be heard under the regular portion of the docket.

Councillor Adams requested that item #13 be heard under the regular portion of the docket.

CONSENT

6. Approval of Minutes, re: Regular Meeting, January 22, 2013.

Councillor withdrew her request to discuss this item.

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

7. Communication of Finance Director, with enclosures, re:

Cancellation of taxes for certain Middletown taxpayers.

Councillor Santos inquired the length of time delinquent taxes are on the books?

Town Administrator Shawn Brown, responding to Councillor Santos, that he will review and submit a response to this inquiry at the next regular meeting of the Council.

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

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

On motion of Councillor VonVillas, duly seconded, it was voted

unanimously to pass said resolution.

9. Memorandum of Finance Director, thru Town Administrator, with enclosure, re: FY2012 Town of Middletown Financial Audit Report Highlights.

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

10. Memorandum of Finance Director, thru Town Administrator, with enclosure, re: FY2013 Municipal Financial Report-Quarter ending December 31, 2012.

Councillor Santos requested that a list by month of all accounts payable information be attached to the financial report.

Town Administrator Shawn Brown, responding to Councillor Santos, explained that he will further review the request.

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

11. Memorandum of Town Administrator, with enclosure, re: Legal Counsel-Labor.

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

12. Memorandum of MPC Coordinator, thru Town Administrator, with enclosure, re: Ocean State Prevention Alliance.

On motion of Councillor VonVillas, duly seconded, it was voted

unanimously to receive said memorandum.

13. Email communication from Burrillville Town Clerk, with enclosures, re: Resolution in support of deleting the option of straight party voting by means of a single mark in non-primary elections.

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

Councillor Adams requested that this item be referred to the regular next meeting for discussion by the entire Council.

On motion of Councillor Adams, duly seconded, it was voted unanimously to continue said item to the February 19, 2013 Regular meeting of the Council.

14. Application of Anna and Lewis Lassow (Lassow/Clancy) for a Special Event Permit, Wedding Ceremony to be held at Dunlap-Wheeler Park on October 26, 2013 from 2:00 pm to 6:30 pm.

On motion of Councillor VonVillas, duly seconded, it was voted unanimously to grant said Special Event permit.

15. Applications received from the following named persons, firms and corporations for RENEWAL of Drain Layers Licenses for the 2013-2014 licensing year. (See Attached List)

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

OTHER COMMUNICATION

16. Communication of St. Patrick's Day Parade Committee, re: Request for support by placing an ad in the Parade Bulletin or donating to the parade committee.

On motion of Councillor VonVillas, duly seconded, it was voted unanimously to place a ½ page ad in the St. Patrick's Parade Bulletin (\$130.00) to be appropriated from the Council President's discretionary fund.

TOWN COUNCIL COMMUNICATIONS

17. Continued from Regular Meeting, January 7, 2013

Memorandum of Council President Semonelli, with enclosure, re: Town of Middletown – Strategic Plan.

On motion of Councillor VonVillas, duly seconded, it was voted unanimously to receive said memorandum and schedule a Strategic Plan meeting for March 18, 2013 at 6:00 pm.

18. Resolution of the Council, re: Town 2013 Legislative Agenda.

Legislative agenda was amended to add #2 under the Aquidneck Island portion of the resolution.

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

APPOINTMENTS TO BOARDS & COMMITTEES

19. Appointment of one (1) member to the Open Space and Fields Committee for a term expiring November 2013.

On motion of Councillor VonVillas, duly seconded, it was voted

unanimously to appoint Barbara Barrow to the Open Space and Fields Committee for a term expiring November 2013.

On motion of Councillor VonVillas, duly seconded, it was voted unanimously to adjourn said meeting at 7:36 pm.

Wendy J.W. Marshall, CMC

Council Clerk

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