



# **Johnston Town Council**

## **1385 Hartford Avenue, Johnston, RI**

**Town Council Minutes**

**May 14, 2018**

**Johnston Municipal Court Building**

Council President Anthony A. Verardo called the meeting to order at 7:00 PM. at the Johnston Municipal Court Building located at 1600 Atwood Avenue, Johnston, RI 02919

Town Sergeant Stephen Mallane led with the Pledge of Allegiance

### **Invocation**

**Please note: pursuant to *Rule 3 Section E* of the Town Council Rules, adopted by Resolution 2017-4, the Council shall adjourn at 10:30 p.m. and any unfinished business shall be carried to the fourth Monday of the month or to a date agreed upon by the Council.**

### **Roll Call**

**District 1 – Councilman Richard J. DelFino III**

**District 2 – Council President Anthony A. Verardo**

**District 3 – Council Vice President David J. Santilli**

**District 4 – Councilman Robert V. Russo**

**District 5 – Councilman Robert J. Civetti**

All Councilmembers were present

Also present were, Mayor Joseph M. Polisena, Andrew Cormier, Esq., Vincent P. Baccari, Jr. and Donna Dumont, stenographer

### **Award & Recognition Ceremonies**

### **Status on Public Hearings**

#### **Ordinance 2018-3**

**An Ordinance amending Chapter 340-4 of the Town of Johnston Code of Ordinances entitled “Definitions and Word Usage”. Said Ordinance adds a definition for “Room Reseller”**

**Pending Planning Board Advisory Opinion**

#### **Ordinance 2018-1**

**An Ordinance amending Chapter 192 of the Town of Johnston Code of Ordinances entitled “Hotel Motel and Rooming House Registrants. Said Ordinance adds “Room Sellers” to the chapter**

**Pending Ordinance 2018-3**

#### **Ordinance 2018-2**

**An Ordinance adding Chapter 265 of the Town of Johnston Code of Ordinances entitled “Residential Unit Offered for Tourist or Transient Use. Said Ordinance sets provisions for room rentals**

**Pending Ordinance 2018-3**

Ordinances to be ReadLicenses

**2018-CP-56**                    **Cucinotta Construction, LLC / Location: 212 Cherry Hill Rd.  
Business Operating License- Phone Calls Only  
Construction and Snow Plowing  
Continued from April 9, 2018**

Anthony Cucinotta present  
Councilman Santilli made a motion to grant 2018-CP-56  
The motion was seconded by Councilman Russo  
Motion carried; Vote 5-0

**2018-CP-82**                    **SMB, LLC d/b/a Pick n Pay / Location: 94 George Waterman Rd  
Business Operating License- Transfer  
Holiday Sales-  
Convenience Store- Gas Station**

Sishan Bajracharya present  
Councilman Russo made a motion to grant 2018-CP-82  
The motion was seconded by Councilman Civetti  
Motion carried; Vote 5-0

**2018-CP-83**                    **First Choice Overhead Door, LLC / Location: 90 Bishop Hill Rd  
Business Operating License- Phone Calls Only  
Garage Door Sales**

Armand Bisette present  
Councilman Civetti made a motion to grant 2018-CP-83  
The motion was seconded by Councilman Santilli  
Motion carried; Vote 5-0

**2018-CP-84**                    **AAA Mold Restoration Services / Location: 1 Normandy Street  
Business Operating License- Phone Calls Only  
No Foot Traffic**

Applicant not present  
Council President Verardo held this until the end of the meeting  
Applicant never appeared and a vote was taken and passed to continue 2018-CP-85 to the June 11, 2018 meeting (*See 2018-CP-84 at the end of the meeting*)

**2018-CP-85**                    **Phantom Fireworks Eastern Region, LLC d/b/a Phantom Fireworks /  
Location: 2948 Hartford Avenue  
Hawker/Peddler License-  
Sale of RI Legal Fountains Sparklers & Novelties**

Joshua Neilsen present  
Councilman Civetti made a motion to grant 2018-CP-85  
The motion was seconded by Councilman Russo  
Motion carried; Vote 5-0

**2018-CP-96**

**Ocean State Escapes, LLC / Location: 1428 Hartford Avenue  
Business Operating License-  
Holiday Sales-  
Indoor Commercial Recreation-Puzzles and Clues solved in an hour time  
frame**

Leonard Albanese present

Councilman Verardo made a motion to grant 2018-CP-96

The motion was seconded by Councilman DelFino

Motion carried; Vote 5-0

**2018-CP-97**

**Cativos Landscaping / Location: 41 Harris Avenue  
Business Operating License-Phone Calls Only  
General Landscaping services**

Brian Cativo present

Councilman Russo made a motion to grant 2018-CP-97 subject to an inspection of the truck used for the business to ensure that it meets the zoning requirements of the location

The motion was seconded by Councilman Civetti

Motion carried; Vote 5-0

**2018-CP-98**

**Dream Hookah / Location: 1395 Atwood Avenue, Suite 209B  
Business Operating License-  
Hookah supplies and accessories**

Applicant not present

Councilman Russo made a motion to continue 2018-CP-98 to the June meeting

The motion was seconded by Councilman Verardo

Motion carried; Vote 5-0

**2018-CP-99**

**Dream Hookah / Location: 1395 Atwood Avenue, Suite 209B  
Tobacco License-**

Applicant not present

Councilman Russo made a motion to continue 2018-CP-99 to the June 11, 2018 meeting

The motion was seconded by Councilman Civetti

Motion carried; Vote 5-0

**2018-CP-100**

**Christina Cal / Location: 678 Killingly Street  
Hair Salon-License  
Hair Salon**

Christina Colafrancesco present

Councilman Santilli made a motion to grant 2018-CP-100

The motion was seconded by Councilman Russo

Motion carried; Vote 5-0

**2018-CP-101**

**Dabottomup / Location: 23 Homestead Avenue  
Business Operating License- Phone Calls Only  
Online Retail**

Samnang Phan present

Councilman Santilli made a motion to grant 2018-CP-101

The motion was seconded by Councilman Verardo

Motion carried; Vote 5-0

**2018-CP-87**

**Strings Bar and Grille / Location: 183 George Waterman Rd  
Fundraiser Parking Lot event-  
Benefiting the Geoffrey Wilkes Scholarship-June 10, 2018 1:00pm to 8:00  
pm**

Applicant not present  
Discussion ensued; The applicant withdrew the application

**2018-CP-104**

**The Shop / Location: 1553 Plainfield Pike  
Business Operating License-  
Barbershop**

Applicant not present  
Councilman DelFino made a motion to grant 2018-CP-104  
The motion was seconded by Councilman Civetti  
Motion carried; Vote 5-0

**2018-CP-86**

**Renewal of all Business Licenses for 2017-2018**

Councilman Russo made a motion to grant 2018-CP-86 and renew all business licenses with the stipulation of Denny's Restaurant, LLC paying their outstanding police detail fee, all taxes being current for all businesses and that any litigation that is outstanding does not interfere with any pending litigation with any licensee  
The motion was seconded by Councilman Delfino  
Motion carried; Vote 5-0 with Councilman Civetti recusing from voting on his own business license Robert J. Civetti. CPA, LLC and Councilman Santilli recusing from voting on his own business license The jewelry Center

**Liquor Licensing Commission**

Councilman Russo made a motion to sit as the Johnston Liquor Licensing Commission  
The motion was seconded by Councilman Santilli  
Motion carried; Vote 5-0

**2018-L-2**

**Friends of the Johnston Senior Citizens Center, Inc. / Location: 1291  
Hartford Avenue  
Special Class F- Beer and Wine License  
Frankie Valli Show- June 2<sup>nd</sup>, 2018**

Councilman Russo made a motion to grant 2018-L-2 with the stipulation of having the proper insurance for the event  
The motion was seconded by Councilman Santilli  
Motion carried; Vote 5-0

Councilman Russo made a motion to sit back as the Johnston Town Council  
The motion was seconded by Councilman Santilli  
Motion carried; Vote 5-0

**Resolution 2017-41**

**Resolution for the acceptance by the Town of a private road known as Santa Circle located on Assessor’s Plat 57, Lot 85  
Continued from October 10, 2017 pending the road improvements being brought to Town standards**

*This item was taken out of order*

Discussion ensued

Councilman Civetti made a motion to remove Resolution 2017-41 from the agenda with notice to the petitioner of the removal

The motion was seconded by Councilman Russo

Motion carried; Vote 5-0

**Constituent Requests**

**District 1:**

Councilman DelFino requested:

- A letter to be sent to National Grid regarding repairing the road on Miller Circle
- Fixed speed Post at Country view and Simmonsville 4-6 on weeknights and on weekends
- Requested to have curbs repaired on Alvina drive
- Pothole repairs on Shun Pike after Green Hill

**District 3:**

Councilman Santilli requested to have the Code Enforcement Officer send a letter to Metals Recycling requesting to have litter cleaned off the road to the facility

Councilman Santilli requested an update on when the lower portion of Greenville avenue will be repaved

**District 4:**

None

**District 5:**

Councilman Civetti thanked the DPW Director for his help with all of his requests

Councilman Civetti noted speeding on Memorial Drive

**District 2:**

Council President Verardo thanked the DPW Director and requested an updated on the budget

Mayor Polisena spoke about the progress of the budget

**Unfinished Business**

**Resolution 2017-41**

**Resolution for the acceptance by the Town of a private road known as Santa Circle located on Assessor’s Plat 57, Lot 85  
Continued from October 10, 2017 pending the road improvements being brought to Town standards**

*This item was entertained out of order and was removed from the agenda (see Resolution 2017-41 above)*

**New Business**

**Resolution 2018-11**      **A Resolution declaring a list of items from the Fire Department as surplus property**

Mayor Polisena discussed the agreement  
Short discussion ensued  
Councilman Russo made a motion to amend Resolution 2018-11 to replace the word “Sold” to Donated”  
The motion was seconded by Councilman Civetti  
Motion carried: Vote 5-0

Councilman Russo made a motion to adopt Resolution 2018-11  
The motion was seconded by Councilman DelFino  
Motion carried: Vote 5-0

**Resolution 2018-12**      **A Resolution ratifying an agreement between DiPrete Engineering and the Town of Johnston for engineering services relating to the RI DEM classification of the Upper Simons Reservoir**

Mayor Polisena discussed the agreement  
Councilman Russo made a motion to adopt Resolution 2018-12  
The motion was seconded by Councilman DelFino  
Motion carried: Vote 5-0

**Resolution 2018-13**      **A Resolution approving and authorizing the Mayor to enter into a new agreement for bottled water and water cooler services for Town facilities**

Mayor Polisena discussed the agreement  
Councilman Civetti made a motion to adopt Resolution 2018-13  
The motion was seconded by Councilman Santilli  
Motion carried: Vote 5-0

**Resolution 2018-14**      **A Resolution pursuant to filing grant applications with the Department of Administration under the Fiscal Year 2017 Rhode Island Small Cities Community Development Block Grant Program**

Mayor Polisena discussed the grant program and what the funds would be used for  
Councilman Civetti made a motion to adopt Resolution 2018-14  
The motion was seconded by Councilman Santilli  
Motion carried: Vote 5-0

**Abatements**

**2018-TO-5**      **Tax Assessor Abatements – May, 2018**

Councilman Russo made a motion to grant 2018-TO-5  
The motion was seconded by Councilman Civetti  
Motion carried; Vote 5-0

**Public Hearings for Ordinances**

**Ordinance 2018-10**      **An Ordinance authorizing the borrowing of up to \$5,600,000 for the purpose of financing the design, construction and improvement of roads and streets in and for the Town and highway improvement maintenance equipment and authorizing the issuance of general obligation notes or bonds for such purposes**

Council President Verardo opened the hearing to public comment  
No person spoke for or against Ordinance 2018-10

Councilman Russo made a motion that the public hearing for Ordinance 2018-10 had been held  
The motion was seconded by Councilman Civetti  
Motion carried; Vote 5-0

Councilman Russo made a motion to adopt Ordinance 2018-10  
The motion was seconded by Councilman Civetti  
Roll call vote  
District 1: Aye to adopt  
District 2: Aye to adopt  
District 3: Aye to adopt  
District 5: Aye to adopt  
District 4: Aye to adopt  
Motion carried; Vote 5-0

**Approval of the minutes and transcripts from previous meetings**

**Transcripts Prepared by the Stenographer**

**January 8, 2018 Special Meeting & Executive Session**

Councilman Russo made a motion to accept the transcripts and to place them on file  
The motion was seconded by Councilman Civetti  
Motion carried; Vote 4-0 with Council President Russo abstaining

**November 14, 2017 Regular Meeting, Special Meeting and Executive Session**

Councilman Russo made a motion to accept the transcripts and to place them on file  
The motion was seconded by Councilman Civetti  
Motion carried; Vote 5-0

**November 27, 2017 Special Meeting**

Councilman Russo made a motion to accept the transcripts and to place them on file  
The motion was seconded by Councilman Civetti  
Motion carried; Vote 5-0

**December 11, 2017 Regular Meeting**

Councilman Russo made a motion to accept the transcripts and to place them on file  
The motion was seconded by Councilman Civetti  
Motion carried; Vote 5-0

**April 11, 2018 Special Meeting**

Councilman Russo made a motion to accept the transcripts and to place them on file  
The motion was seconded by Councilman Civetti  
Motion carried; Vote 5-0

**Minutes prepared by the Town Clerk:**

**April 9, 2018 Regular Meeting, Special Meeting and Executive Session**

Councilman Russo made a motion to accept the minutes and to place them on file  
The motion was seconded by Councilman Civetti  
Motion carried; Vote 5-0

**Claims**

**2018-CP-88**                      **Claim from Kathleen Meli for damage to her vehicle**

**2018-CP-89**                      **Claim from Janet Lentini for damage to her vehicle**

**2018-CP-90**                      **Claim from Joseph Cataldi for damage to his vehicle**

- 2018-CP-91**                      **Claim from Alyssa Castriotta for damage to her vehicle**
- 2018-CP-92**                      **Claim from Nicole Richard for damage to her vehicle**
- 2018-CP-93**                      **Claim from Sherry Paliotta for damage to her vehicle**
- 2018-CP-94**                      **Claim from Ryan Kelley, Esq on behalf of Marco Russo for personal injuries.**

**2018-CP-102**                      **Claim from Giana Aquilante for damage to her vehicle**  
Councilman Russo made a motion to refer 2018-CP-88, 2018-CP-89, 2018-CP-90, 2018-CP-91, 2018-CP-92, 2018-CP-93, 2018-CP-94 & 2018-CP-102 to the Solicitor  
The motion was seconded by Councilman Civetti  
Motion carried; Vote 5-0

**Requests to be heard**

*Please note: pursuant to Resolution 2017-4 of the Johnston Town Council, any person requesting to address the Council shall be heard for a maximum of 3 minutes. This will be strictly enforced. Pursuant to RI Open Meetings act, Councilmembers may not engage in discussion or comment, including dialog, questions and opinions on matters not properly noticed to the public. The Council may not take any action on matters appearing in the request to be heard portion of the agenda.*

**2018-CP-84**                      **AAA Mold Restoration Services / Location: 1 Normandy Street  
Business Operating License- Phone Calls Only  
No Foot Traffic**

This item was revisited from earlier in the meeting  
Applicant not present  
Councilman made a motion to continue 2018-CP-84 to the June 11, 2018 meeting  
The motion was seconded by Councilman Santilli  
Motion carried; Vote 5-0

Councilman Civetti and Santilli clarified for the record that they recused themselves from voting on their own business licenses with Item 2018-CP-86(see 2018-CP-86 above)

**2018-CP-95**                      **Jean Lynch to discuss: Reply to comments made at the April 9, 2018  
Council Meeting regarding Al's Music Man Café and Sewer Damage**  
Jean Lynch discussed Al's Music Man Café and Sewer Damage

**2018-CP-103**                      **Chris Craft to discuss: Sewer Fee for 268 ½ Greenville Avenue**  
Chris Craft discussed his issue with payment of the sewer fee for the property  
Discussion ensued

**Show Cause Hearing**



**2018-CP-8**

**Show Cause Hearing- Status Update-SMM New England Corporation  
d/b/a SIMS Metal Management**

**Location: 14-15 Green Earth Avenue**

**Continued from April 9, 2018**

Ken Marandola and Attorney Joseph Keough addressed the Council

Short discussion ensued

The matter is continued to the June 11, 2018 meeting

**Adjournment**

Council President Verardo made a motion to adjourn

The motion was seconded by Councilman Civetti

Motion carried; Vote 5-0

The meeting adjourned at 8:18 p.m.

**Attest:**

**Vincent P. Baccari, Jr.,**

**Town Clerk**