



Johnston Town Council

1385 Hartford Avenue, Johnston, RI

Town Council Minutes

August 14, 2018

Johnston Municipal Court Building

Council President Anthony A. Verardo called the meeting to order at 7:03 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 Deidre Carreno, Esq., Vincent P. Baccari, Jr., Donna Dumont, stenographer
William J. Conley, Jr., Esq. arrived later in the meeting

Award & Recognition Ceremonies

Status on Public Hearings

2018-CP-119

Petition submitted by Zisis Arsoniadis to purchase a portion of Old Pippin Orchard Road abutting 2338 Plainfield Pike for referral to the Planning Department

Pending Planning Board Advisory Opinion

2018-CP-131

Petition for the abandonment of a portion of Garner Avenue located on Assessor's Plat 37, Lot 24 submitted by Richard Zamborano, Jr. for referral to the Planning Board for an advisory opinion

Pending Planning Board Advisory Opinion

Ordinances to be Read

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 May 14, 2018***(This item was taken out of order)*

Councilman DeFino made a motion to move SIMS, 2018-CP-8 up on the agenda

The motion was seconded by Council President Verardo

Motion carried; Vote 5-0

Attorney Joseph Keough represented SIMS

It was discussed that the Town Clerk will set up a special meeting for the results of the noise and odor studies completed by the engineer

Licenses**2018-CP-144****TCP Enterprises, LLC d/b/a The Ave Bar & Grill f/k/a Corner Pocket/****Location: 1428 Hartford Ave.****Catering License-****Bar & Grill**

Robert DaGastino present

Councilman Russo made a motion to grant 2018-CP-144

The motion was seconded by Councilman Civetti

Motion carried; Vote 5-0

2018-CP-145**Deep, LLC d/b/a The Punjab Indian Cuisine / Location: 1565 Plainfield
Pike****Restaurant License-****Catering License-****Indian Restaurant with Bar and Catering Service**

Attorney Sarah Sebren, Esq. present with owner Jatinder Vitender

Discussion ensued regarding parking concerns

Councilman DeFino made a motion to continue 2018-CP-145 to the September 10, 2018 meeting with the request for the applicant to submit a parking plan, a copy of the lease for the property and a request to have the property owner to appear at the meeting

The motion was seconded by Councilman Santilli

Motion carried; Vote 5-0

2018-CP-146**Deep, LLC d/b/a The Punjab Indian Cuisine / Location: 1565 Plainfield
Pike****Entertainment License-****1-3 people, Musicians, Background Music for Dining-Violin, Flute,****Guitar: Stand-up Comedy**

Attorney Sarah Sebren, Esq. present with owner Jatinder Vitender

Councilman DeFino made a motion to continue 2018-CP-146 to the September 10, 2018 meeting with the request for the applicant to submit a parking plan, a copy of the lease for the property and a request to have the property owner to appear at the meeting

The motion was seconded by Council President Verardo

Motion carried; Vote 5-0

2018-CP-147**Future Fashion Clothing, Incorporated/ Location: 1555 Plainfield Pike
Business Operating License-
Retail-Selling Clothing and Shoes**

Chris Hoogasian present

Discussion ensued regarding parking concerns

Councilman DeFino made a motion to continue 2018-CP-147 to the September 10, 2018 meeting with the request for the applicant to submit a parking plan and a request to have the property owner to appear at the meeting

The motion was seconded by Councilman Santilli

Motion carried; Vote 5-0

2018-CP-148**Twisted T's/ Location: 54 Lyman Ave
Hawkers/Peddlers License-
Mobile Food Truck-Bread Cones filled with comfort food**

Tiffany and Cheryl Manzi present

Councilman Russo made a motion to grant 2018-CP-148 with the stipulation that the zoning be checked to confirm that the parking of the truck is in conformance with the zoning of the property

The motion was seconded by Councilman Civetti

Motion carried; Vote 5-0

2018-CP-149**Strings Bar & Grill/ Location: 183 George Waterman Road
Entertainment License- Amendment
Indoor Live Music to include Karaoke, Open Mic and Bands**

Frank and Dina Lombardi present

Discussion ensued regarding excessive noise from music at the location

The owners submitted a soundproofing proposal and petitions in favor of the business from several neighbors

Councilman Russo made a motion to make the soundproofing proposal and petitions a part of the record (attached hereto as Exhibit 1)

The motion was seconded by Councilman Civetti

Motion carried; Vote 5-0

Councilman Russo made a motion to grant 2018-CP-149 with the stipulation of a 45 day review at the October 9, 2018 meeting

The motion was seconded by Councilman Civetti

Motion carried; Vote 5-0

Attorney John Petrone, Esq. was present representing a group of several neighbors to the establishment with complaints of excessive music noise

Discussion ensued

Claire Vellica: Complained of excessive noise and her children witnessing fights in the parking lot

Mary Masso: Complained that excessive noise is keeping her children awake

Harry Costantino: Complained on behalf of his parents about excessive noise

2018-CP-150**Citizens Bank N.A. / Location: One Citizens Bank Way
Business Operating License-
Holiday Sales-
After Hours License-
Back Office Operations**

Andrew Tugeon present

Councilman Russo made a motion to grant 2018-CP-150

The motion was seconded by Councilman Civetti

Motion carried; Vote 5-0

2018-CP-160

**Shalmar Eyes and Optics / Location: 1450 Atwood Avenue
Business Operating License- Change of Location
Eye Wear and Eye Care**

Mark Lebossier present
Councilman Civetti made a motion to grant 2018-CP-160
The motion was seconded by Councilman Russo
Motion carried; Vote 5-0

2018-CP-161

**Cruz Auto Repair / Location: 14 Carl Street
Business Operating License-
Holiday Sales-
Auto Repair Service**

Stephanie Cruz present
Councilman Santilli made a motion to grant 2018-CP-161
The motion was seconded by Councilman Russo
Motion carried; Vote 5-0

2018-CP-159

Annual renewal of all 2018-2019 bingo Licenses

Councilman Santilli made a motion to grant 2018-CP-159
The motion was seconded by Councilman DelFino
Motion carried; Vote 5-0

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-4

**Deep, LLC d/b/a The Punjab Indian Cuisine/ Location: 1565 Plainfield
Pike
Class BV Full Liquor License-
Indian Restaurant with Bar and Catering Service**

Attorney Sarah Sebren, Esq. present with owner Jatinder Vitender
Councilman DelFino made a motion to continue 2018-L-4 to the September 10, 2018 meeting with the
request for the applicant to submit a parking plan, a copy of the lease for the property and a request to
have the property owner to appear at the meeting
The motion was seconded by Councilman Russo
Motion carried; Vote 5-0

2018-L-5

**Our Lady of Grace Church- Feast of LaMadonna Della Difesa/ Location:
4 Lafayette St
Special Class F License- Beer and Wine
Catering License-
Annual Festival: September 6th to 9th, 2018**

Councilman Russo made a motion to grant 2018-L-5
The motion was seconded by Councilmen Civetti and 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

Constituent Requests**District 1:**

Councilman DeFino requested:

- Slow Children signs for Abatecola Way
- Brush cutting on Morgan Ave and School St
- Brush cutting on Venice and Starr St
- Speed enforcement-School St and Maple Ave
- Stop Sign enforcement on Zanfagna and Angelico Streets

District 3:

Councilman Santilli requested to have pot holes filled on Seville Street and requested to have litter removed on Dyerville Ave and a letter sent to Metals Recycling to have the area kept clean

District 4:

Councilman Russo requested the street sweeping schedule

District 5:

Councilman Civetti requested:

- Requested to look into construction nearby that is shaking homes in Poppy Hill Estates
- Requested to look into adding street lighting on Christopher Drive
- Requested an update on the street sweeping schedule and road repaving project
- Requested an update about adding reflectors to the lights over the gas pumps at the gas station at the corner of Greenville Ave and Atwood Ave
- Requested stop sign enforcement at the intersection of Hilltop and Shore Drive

Solicitor William J Conley, Jr., Esq arrived and Deidre Carreno, Esq. left the meeting

District 2:

Council President Verardo requested:

- Brush cutting at the turn into old Pocasset Rd
- Brush cutting at Earl Drive entering onto Central Ave
- Speed Enforcement with speed sign on lower end of Central Ave

Unfinished Business**New Business****2018-CP-151****Petition from National Grid and Verizon for the installation of two new joint owned Poles # 0-50 & 4-50 on Peck Hill Rd**

Councilman DeFino made a motion to grant 2018-CP-151

The motion was seconded by Councilman Santilli

Motion carried; Vote 5-0

Resolution 2018-24 **A Resolution awarding the bid and authorizing the Mayor to enter into an agreement for repaving of certain streets within the Town of Johnston**

Councilman Russo made a motion to adopt Resolution 2018-24
The motion was seconded by Councilman Civetti

Roll call vote:
District 1 Aye to adopt
District 3 Aye to adopt
District 4 Aye to adopt
District 5 Aye to adopt
District 2 Aye to adopt
Motion carried; Vote 5-0

Resolution 2018-25 **A Resolution authorizing the Mayor to enter into an agreement for Internet Services with Cox Communications for the Town's remote buildings**

Councilman Russo made a motion to adopt Resolution 2018-25
The motion was seconded by Councilman DelFino

Roll call vote:
District 1 Aye to adopt
District 3 Aye to adopt
District 4 Aye to adopt
District 5 Aye to adopt
District 2 Aye to adopt
Motion carried; Vote 5-0

Resolution 2018-26 **A Resolution awarding the bid and authorizing the Mayor to enter into an agreement for the Town's Main Internet Connection with Verizon**

Councilman Santilli made a motion to adopt Resolution 2018-26
The motion was seconded by Councilman Russo

Roll call vote:
District 1 Aye to adopt
District 3 Aye to adopt
District 4 Aye to adopt
District 5 Aye to adopt
District 2 Aye to adopt
Motion carried; Vote 5-0

2018-CP-162 **Petition submitted by Attorney Carol Ricker, Esq. on behalf of Norman Diamante to re-record an Easement of Record for 65 Downing Drive- for referral to Planning**

Councilman Russo made a motion to refer 2018-CP-162 to the Planning Board for an advisory opinion
The motion was seconded by Councilman Santilli
Motion carried; Vote 5-0

2018-CP-163 **Petition for a Speed Hump on Susan Avenue submitted by Kenny Saritelli -for referral to Police, Fire and Public Works**

Councilman Russo made a motion to refer 2018-CP-163 to the Police Department, Fire Department and Public Works Department
The motion was seconded by Councilman Civetti
Motion carried; Vote 5-0

Abatements

2018-TO-8 **Tax Assessor Abatements – August, 2018**

Councilman Russo made a motion to grant 2018-TO-8
The motion was seconded by Councilman Civetti
Motion carried; Vote 5-0

Public Hearings for Ordinances

Ordinance 2018-15 **An Ordinance amending Chapter 340, Article II Section 1 - Definitions”; Article III Section 5 (H) - Interchange Business B-3 District”, Section 8 – “Table of Use Regulations”; Article V, “Supplementary Regulations”; and Article XIV – “Regulations for Interchange Business B-3 District” of the Town of Johnston Code of Ordinances.**
(Formerly 2018-CP-130)

Solicitor Conley explained that the Advisory Opinion for this Ordinance had not been submitted to the Council as of the time of this meeting and requested that the hearing be continued to the next meeting
Councilman Russo made a motion to continue Ordinance 2018-15 to the September 10, 2018 meeting
The motion was seconded by Councilman Civetti
Motion carried; Vote 5-0

Ordinance 2018-13 **An Ordinance Amending Chapter 340 of the Town of Johnston Code of Ordinances Entitled “Zoning”. Said Ordinance would add a definition and use table for “Natural Gas Pipeline Injection Station” relating to a petition for a zone map and text change:**
(Formerly 2018-CP-123) **Assessor’s Plat: 44/4- Lot-293**
 Old Pocasset Road to change the zone from R-40 to Industrial I
 Natural Gas Flow metering building

Attorney Alfred Russo Esq. represented the applicant and requested that the public hearing for Ordinance 2018-13 & Ordinance 2018-14 be heard together
Jay Parent, Director of Operations for NG Advantage made a presentation of the operations of the business to the Council and answered questions
President Verardo opened the hearing to public comment

Joseph McAuley inquired about the route that the trucks arriving and departing would take

Councilman Russo made a motion that the public hearing for Ordinance 2018-13 had been held
The motion was seconded by Councilman Santilli
Motion carried; Vote 5-0

Councilman Russo made a motion to adopt Ordinance 2018-13
The motion was seconded by Councilman Civetti
Roll call vote:
District 1 Aye to adopt
District 3 Aye to adopt
District 4 Aye to adopt
District 5 Aye to adopt
District 2 Aye to adopt
Motion carried; Vote 5-0

Ordinance 2018-14
(Formerly 2018-CP-123)

An Ordinance in Amendment of the Zoning Chapter and Zoning Map of the Town of Johnston relating to a petition submitted by Alfred A. Russo, Jr., Esq on behalf of the petitioner-Jerome Vinagro, Trustee of the Louis Vinagro, Jr. Revocable Trust dated 1/31/18/ & NG Advantage, LLC

Said Ordinance proposes:

Assessor's Plat: 44/4- Lot-293

Old Pocasset Road to change the zone from R-40 to Industrial I

Natural Gas Flow metering building

Councilman Russo made a motion that the public hearing for Ordinance 2018-14 had been held and noted that based on the testimony and opinion of the Solicitor that the hearings for Ordinances 2018-13 & 14 had been held together

The motion was seconded by Councilman Civetti

Motion carried; Vote 5-0

Councilman Russo made a motion to adopt Ordinance 2018-14

The motion was seconded by Councilman Santilli

Roll call vote:

District 1 Aye to adopt

District 3 Aye to adopt

District 4 Aye to adopt

District 5 Aye to adopt

District 2 Aye to adopt

Motion carried; Vote 5-0

Approval of the minutes and transcripts from previous meetings

Transcripts Prepared by the Stenographer

April 9, 2018 Regular Meeting, 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 5-0

March 12, 2018 Regular Meeting

Councilman Civetti made a motion to accept the transcripts and to place them on file

The motion was seconded by Councilman Russo

Motion carried; Vote 5-0

July 9, 2018 Regular Meeting

Councilman Civetti made a motion to correct the reference to Mr. DelFino to Mr. Delponte at the bottom of page 35 and to change "Auditor" to "Tax Assessor" on page 45 and to accept the transcripts as corrected and to place them on file

The motion was seconded by Councilman DelFino

Motion carried; Vote 5-0

Minutes prepared by the Town Clerk:

July 9, 2018 Regular Meeting

Councilman Civetti made a motion to accept the minutes and to place them on file

The motion was seconded by Councilman DelFino

Motion carried; Vote 5-0

Claims

2018-CP-152

Claim from Attorney Thomas E. Sparks, Esq. on behalf of Dawn and Julia Raymond for personal injuries

Councilman Russo made a motion to refer 2018-CP-152 to the Solicitor

The motion was seconded by Councilman Civetti

Motion carried; Vote 5-0

2018-CP-153 Claim from Attorney Giovanni D. Cicione, Esq. on behalf of Alfred and Cheryl Saccoccia for damages

Councilman Russo made a motion refer 2018-CP-153 to the Solicitor
The motion was seconded by Councilman Santilli
Motion carried; Vote 5-0

2018-CP-154 Claim from Kevin Walsh for damage to his vehicle

Councilman Russo made a motion refer 2018-CP-154 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-155 Jean Lynch to discuss: Indemnification

Jean Lynch discussed indemnification

2018-CP-156 Jean Lynch to discuss: Councilman running for re-election

Jean Lynch discussed the Councilmembers that are running for re-election

2018-CP-157 Ernest F. Pitochelli, Sr. to discuss: Legal Department Cost Expenditures

Ernest Pitochelli discussed litigation and legal department expenditures

2018-CP-158 Susan Calise to discuss: Speed Limit Signs and Speed Hump on Reservoir Avenue

Susan Calise discussed the need for more speed limit signs on Reservoir Road and discussed a second speed hump

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 May 14, 2018

This item was taken out of order at the beginning of the meeting(See 2018-CP-8 above)

Adjournment

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

The meeting adjourned at 9:00 p.m.

Attest:

**Vincent P. Baccari, Jr.,
Town Clerk**