

## **February 2, 2009 - 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 Monday, February 2, 2009 at 7:00 P.M.**

**Council President Christopher T. Semonelli, Presiding**

**Vice Chairman Richard Cambra**

**Councillor Frank A. Bozyan**

**Councillor M. Theresa Santos**

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

**Councillor Robert J. Sylvia**

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

**CONSENT CALENDAR**

**Councillor Bozyan requested that item #3 be heard under the Town Council portion of the docket.**

**Councillor Santos requested that item #6 be heard under the Town Council portion of the docket.**

**1. Approval of Minutes – Special Meeting, January 20, 2009.**

**On motion of Vice Chairman Cambra, duly seconded, it was voted unanimously to approve said minutes.**

**2. Approval of Minutes – Regular Meeting, January 20, 2009.**

**On motion of Vice Chairman Cambra, duly seconded, it was voted**

**unanimously to approve said minutes.**

**3. Memorandum of Town Administrator, re: Inquiry into Site Work Activity at Bay Ridge.**

**Town Administrator Shawn Brown reviewed his memorandum noting all recent activities are for the Bay Ridge development and the property is not being used as a materials yard.**

**Bruce Ryerson, 391 Forest Avenue, noted that he has been monitoring the activities on the Bay Ridge site for many months and disagrees with the Town's findings that the property is not being used as a materials yard.**

**Councillor Bozyan requested the Town to continued monitoring the Bay Ridge project.**

**On motion of Vice Chairman Cambra, duly seconded, it was voted unanimously to receive said memorandum.**

**4. Memorandum of Town Administrator, re: West Main Road Safety Improvements from Maplewood Road to John Kesson Lane.**

**On motion of Vice Chairman Cambra, duly seconded, it was voted unanimously to receive said memorandum.**

**5. Communication of Town Administrator, with enclosures, re: Tax Collector's Report for period ending December 31, 2008.**

**On motion of Vice Chairman Cambra, duly seconded, it was voted unanimously to receive said communication and report.**

**6. Communication of Town Administrator, with enclosures, re: Financial Statements for period ending December 31, 2008.**

**Councillor Santos noted concern that the weather is taking a toll on the Town's budget for snow removal.**

**On motion of Vice Chairman Cambra, duly seconded, it was voted unanimously to receive said communication and financial statements.**

**7. Communication of Tax Collector, with enclosures, re: Cancellation of taxes for certain Middletown taxpayers.**

**On motion of Vice Chairman Cambra, 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 Vice Chairman Cambra, duly seconded, it was voted unanimously to pass said resolution.**

**9. Communication of Tax Assessor, with enclosures, re: Cancellation of taxes for certain Middletown taxpayers.**

**On motion of Vice Chairman Cambra, duly seconded, it was voted unanimously to receive said communication.**

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

**On motion of Vice Chairman Cambra, duly seconded, it was voted unanimously to pass said resolution.**

**11. Application of Khalid Pathan, d/b/a 7-Eleven #26311B, 939 West Main Road, for a Victualling House License, Additional Hours of Operation, for the 2008-2009 licensing year. (NEW) (Requires Advertising for Public Hearing)**

**On motion of Vice Chairman Cambra, duly seconded, it was voted unanimously to receive said application and advertise same for public hearing to be held at the March 2, regular meeting of the Council.**

## **TOWN COUNCIL**

**1. Resolution of the Council, re: Ruth Glucksman.**

**On motion of Vice Chairman Cambra, duly seconded, it was voted unanimously to pass said resolution, which was read and presented**

**by Council President Semonelli to Ruth Glucksman.**

**2. Applications (2) two for Special Events Permits received from the following named person, firms or corporations: 1) Rachel Holloway and Edward Ko's Wedding Ceremony, Dunlap Wheeler Park, Saturday, September 5, 2009 at 5:00 P.M. 2) Family Motor Coach Association/Cape Codders Chapter, Annual Second Beach Rally, Second Beach Parking Lot, Thursday, May 21, 2009 thru Monday, May 25, 2009.**

**On motion of Vice Chairman Cambra, duly seconded, it was voted unanimously to grant said special events permits.**

**3. An Ordinance of the Town of Middletown (First Reading)**

**An ordinance in amendment to the Town Code of the Town of Middletown, Chapter 38A, Juvenile Hearing Board, Section 38A.02 Membership.**

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

**4. Communication of Carol A. Cummings, 738 Indian Avenue, with enclosures, re: The hazards on Hanging Rocks Road – newly installed guardrails.**

**On motion of Vice Chairman Cambra, duly seconded, it was voted unanimously to receive said communication.**

**Carol Cummings, 738 Indian Avenue, addressed the Council noting that she does not frequently travel on Hanging Rocks Road because she finds it dangerous. Ms. Cummings is concerned with the placement of the new guardrails installed by the City of Newport. After investigation, she found they were not properly placed and requests the Council to vote to have the guardrails removed.**

**Councillor Sylvia would like the Town of Middletown, City of Newport and State of Rhode Island to review the guardrail situation before a vote is taken to remove them.**

**Councillor Bozyan noted that Hanging Rocks road is very narrow and current guardrails are dangerous.**

**Councillor Silveira noted that the process for installing guardrails is extensive; currently the Town has not investigated the guardrail situation and suggests the Town administration to review.**

**Art Benner, 3 Namquid Drive, addressed the Council suggesting the Town investigate the guardrail situation before making a decision to remove them.**

**Councillor VonVillas noted that the Council should not be acting prematurely on this decision of removing the guardrails.**

**On motion of Councillor Bozyan, duly seconded, it was voted to have the administrator arrange, on a high priority basis, to remove the four sections of recently installed guard rail, deemed dangerous by a state highway engineer, on the generally eastern side of Hanging Rock Road; Councillor Bozyan voted YES to said motion; Council President Semonelli, Vice Chairman Cambra, Councillor Santos, Councillor Silveira, Councillor Sylvia and Councillor VonVillas voted NO to said motion; MOTION FAILED TO PASS.**

**On motion of Councillor Santos, duly seconded, it was voted unanimously, to request the Town Administrator to work with the Town Solicitor, Public Works Director, Chief of Police, City of Newport and DOT regarding the guardrails on Hanging Rocks Road and forward a recommendation to the Council.**

**5. Memorandum of Town Administrator, with enclosures, re: Town Projects Submitted for Potential Federal Economic Stimulus.**

**Senator Louis P. DiPalma, 24 Sail Court, addressed the Council reviewing the Potential Federal Economic Stimulus package. Senator DiPalma also noted that the DOT would begin the West Main Road project Spring 2009 and Green End Avenue/Valley Road intersection in the Summer 2009.**

**Town Administrator Shawn Brown noted that there were two submissions outlining Town projects one to the RI Department of Environmental Management and one to the RI Department of Administration entered here:**

**On motion of Vice Chairman Cambra, duly seconded, it was voted unanimously to receive said memorandum.**

**The Sullivan Letter, List, Flynn Letter, List and Project Descriptions referenced in the above memorandum are on file in the Office of the Town Clerk.**

**6. Resolution of the Council, re: Support of Stimulus Funding to the Town of Middletown.**

**On motion of Vice Chairman Cambra, duly seconded, it was voted unanimously to pass said resolution.**

**7. Memorandum of Councillor Santos, with enclosure, re: Community Food Bank.**

**Councillor Santos thanked all that participated in donating non-perishable food items and noted that this is an ongoing mission all donations are appreciated.**

**On motion of Vice Chairman Cambra, duly seconded, it was voted unanimously to receive said memorandum.**

**8. Memorandum of Councillor VonVillas, re: Appointments to Boards, Commissions, and Committees.**

**On motion of Vice Chairman Cambra, duly seconded, it was voted unanimously to receive said memorandum.**

**Councillor VonVillas noted that she submitted this memo because of Council discussion of the appointing process.**

**Councillor Sylvia does not support this process noting all were elected to assume responsibilities for representing the voters and is concerned that the committee may submit recommendations he does not support.**

**Council President Semonelli and Councillor Bozyan noted they do not support this appointing process.**

**Antone Viveiros, 110 Indian Hill Road, suggests that all Council members nominate whom they choose and request the Town Clerk to put nominations in alphabetical order. Then have the Council vote on each nomination until the vacancies are filled. Mr. Viveiros noted he thinks each Council member should be able to make their own decisions concerning the qualifications of a candidate.**

**On motion of Councillor VonVillas, duly seconded, it was voted to appoint a subcommittee of the Council to review the applications of all candidates based on criteria included in the application and forward; Councillor VonVillas and Councillor Silveira voted YES to said motion; Council President Semonelli, Vice Chairman Cambra, Councillor Bozyan, Councillor Santos, and Councillor Sylvia vote NO to said motion; MOTION FAILED TO PASS.**

**9. Memorandum Town Administrator, with enclosures, re: Middletown Substance Abuse Prevention Task Force Committee Members.**

**On motion of Vice Chairman Cambra, duly seconded, it was voted unanimously to receive said memorandum and advertise for nine (9) positions for the MSAPTF committee.**

**10. Appointment of one (1) member to the Middletown Board of Canvassers for a term expiring in March 2015. (Bi-Partisan board)**

**On motion of Vice Chairman Cambra, duly seconded, it was voted unanimously to reappoint Carmella Murphy to the Middletown Board of Canvassers for a term expiring March 2015.**

**11. Appointment of one (1) member to the Pension Trust Fund Committee for a term expiring February 2012.**

**On motion of Vice Chairman Cambra, duly seconded, it was voted unanimously to reappoint John W. Bagwill to the Pension Trust Fund Committee for a term expiring February 2012.**

**12. Appointment of one (1) member to the Conservation Commission to complete a term expiring July 2009.**

**On motion of Vice Chairman Cambra, duly seconded, it was voted unanimously to appoint Bruce J. Long to the Conservation Commission to complete a term expiring July 2009.**

**13. Appointment of three (3) members to the Senior Citizens Board of Directors for terms expiring January 2012.**

**On motion of Vice Chairman Cambra, duly seconded, it was voted unanimously to reappoint Julia M. Finn, Olga P. Probert and Charles P. Ryan, Jr. to the Senior Citizens Board of Directors for terms expiring January 2012.**

**14. Communication of The 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 Vice Chairman Cambra, duly seconded, it was voted unanimously to receive said communication and approve a full-page ad (cost \$230.) in the St. Patrick's Day Parade Bulletin to be appropriated from the Council President's Discretionary Fund.**

## **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 at this session.**

**On motion of Vice Chairman Cambra, duly seconded, it was voted unanimously to adjourn this meeting at 8:20 P.M.**

---

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

**Council Clerk**