

**May 18, 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, May 18, 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**

**ACTING AS A BOARD OF LICENSE COMMISSION**

**Councillor Silveira recused himself from acting on the following item of business, due to a possible conflict of interest.**

**1. Application of Lacey, Inc. dba Easton's Point Pub Restaurant holder of a Retailers Class BV Alcoholic Beverage License for premises located at 116 Aquidneck Avenue, Middletown to expand the area of service of said license to include a 310.36 sq. ft. deck located on the west side of the existing building. (Requires Advertising for Public Hearing)**

**On motion of Vice Chairman Cambra, duly seconded, it was voted unanimously to advertised said license expansion of service transfer for public hearing to be held on June 15, 2009 regular meeting of the board.**

**CONSENT CALENDAR**

**1. Approval of Minutes – Special Meeting, April 27, 2009.**

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

**2. Approval of Minutes – Special Meeting, May 4, 2009.**

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

**3. Approval of Minutes – Regular Meeting, May 4, 2009.**

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

**4. Communication Town Clerk, Town of Charlestown, re: Requesting support in opposition to any and all efforts of the United State Congress to undo this hard fought victory and place RI Communities in jeopardy of unapproved land use.**

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

**5. Communication of Charles J. Levesque, Esquire, re: Notice of injury of Wilma J. Thomson.**

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

**6. Communication of Town Administrator, with enclosures, re: Tax Collector's Report for period ending April 30, 2009.**

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

**7. 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.**

**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. Applications received from the following named persons, firms or corporations for RENEWAL of Mechanical Amusement Device License for the 2009-2010 licensing year. (See Attached List)**

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

**10. Petition of National Grid Electric Company for Tuckerman Avenue proposed new JO Pole location. (Recommendation of Roads/Utilities Committee included)**

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

**11. Petition of National Grid Electric Company for Green End Avenue P77 proposed new JO Pole location. (Recommendation of Roads/Utilities Committee included)**

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

**12. Petition of National Grid Electric Company for Green End Avenue P28 proposed new JO Pole location. (Recommendation of Roads/Utilities Committee included)**

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

**13. Petition of National Grid Company for Beacon Terrace proposed new JO Pole location. (Recommendation of Roads/Utilities Committee included)**

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

**unanimously to receive and approve said petition.**

## **TOWN COUNCIL**

### **1. State Representative Deborah L. Ruggiero, re: Legislative Update.**

**State Representative Deborah L. Ruggiero addressed the Council presenting the following legislative update entered here:**

**Representative Deborah Ruggiero explained that House Bill 5182 (Changes to Middletown Town Charter) has passed the House and Senate. On Wednesday, May 20, 2009, the bill will be transferred to the Governor's desk. House bill 6007 (Tax Exemption for Elderly over 65) will come out of committee this week and reach the House floor next week, both bills will be complete by June 2009. Ms. Ruggiero is in receipt of Council resolution concerning House Bill 5122 (RI Turnpike Bridge Authority/DOT) and will support the issue. Currently, Ms. Ruggiero is co-sponsoring legislation concerning wind energy which includes National Grid issuing credit to wind energy**

**participants.**

**Councillor Santos questioned the amount of fines received from illegal vehicles traveling over the Sakonnet Bridge and where the funds were deposited.**

**Representative Deborah Ruggiero will research the issue raised by Councillor Santos.**

**Council President Semonelli questioned the 2010 budget.**

**Representative Deborah Ruggiero, responding to Council President Semonelli, noted that within the next six to seven weeks more information on the budget will be available.**

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

**unanimously to receive said legislative update.**

## **2. Public Hearing (Advertised)**

**(Public Hearing Remains Open)**

**An Ordinance of the Town of Middletown (Second Reading)**

**An Ordinance in amendment to the Town Code of the Town of Middletown, Chapter 152 Zoning Code, Article 25A – Wind Energy Conversion Facilities.**

**Town Administrator Shawn Brown requests the matter to be continued, due to the Town recently receiving a number of comments concerning the matter from interested parties. The Town Administration desires additional time to review prior to proceeding.**

**On motion of Vice Chairman Cambra, duly seconded, it was voted unanimously to continue said public hearing and postpone discussion to the June 1, 2009, regular meeting of the Council.**

**3. Memorandum of Town Administrator, re: Appointment of Town Councillor to Wind Turbine Committee.**

**On motion of Vice Chairman Cambra, duly seconded, it was voted unanimously to receive said memorandum and appoint Councillor VonVillas and Councillor Bozyan to the Wind Turbine Committee.**

**4. Memorandum of William C. Medeiros, 290 Forest Avenue, re: Requesting installation of Stop Signs on Forest Avenue.**

**William C. Medeiros, 290 Forest Avenue, addressed the Council noting that his request was initiated by a recent incident on Forest Avenue, which almost caused a severe accident. Mr. Medeiros requests the Town of place stop signs on Forest Avenue hoping the installation of the signage will decrease motorist speed.**

**Bruce Ryerson, 391 Forest Avenue, noted that he agrees with Mr. Medeiros and expressed his concern that motorists drive especially fast on Forest Avenue.**

**Bruce Long, 1 Winfield Court, expressed concern of the traffic and speed used on Forest Avenue.**

**On motion of Councillor Silveira, duly seconded, it was voted unanimously to receive said memorandum and refer request to the Middletown Police department for review and recommendation.**

**5. Memorandum of Town Administrator, re: Amending Ordinance Harbor Rules and Regulations.**

**Town Administrator Shawn Brown noted that the Beach Commission has requested that a daily mooring fee be added to the ordinance, due to the Town operating five moorings daily.**

**Arthur Benner, 3 Namquid Drive, addressed the Council suggesting that the Council review the Harbor Master's budget and consider the removal of the position.**

**Town Administrator Shawn Brown responded that the Harbor Master is not a self sustaining position. The position provides public safety, pump out services for boats, moorings and many other functions.**

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

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

**An Ordinance in amendment to the Town Code of the Town of Middletown, Chapter 93, Harbor Rules and Regulations, Sub-section (93.30), Registration Fees.**

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

**7. Memorandum of Town Administrator, with enclosures, re: Budget Transfers as of April 1, 2009.**

**Town Administrator Shawn Brown reviewed the following memorandum entered here:**

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

**8. Resolution of the Council, re: Approval of budget transfer – General Fund.**

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

**9. Resolution of the Council, re: Approval of budget transfer – Parks & Recreation Fund.**

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

**10. Resolution of the Council, re: Approval of budget transfer – Sewer Fund.**

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

**11. Communication of Town Administrator, with enclosures, re: Award of Contract – Middletown/Newport SPF Media Consultant.**

**Town Administrator Shawn Brown explained the purpose of the contract is to provide media services for the Substance Abuse Task Force. This is a joint venture with the City of Newport.**

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

**The enclosures referenced in the above communication are on file in the Office of the Town Clerk.**

**12. Resolution of the Council, re: Award of Contract – Middletown/Newport SPF Media Consultant.**

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

**13. Communication of Joyce Williams, Victoria Johnson, Alphonsa Cook, Tournament Coordinators, Newport County NAACP, re: Request for support – NAACP Annual Golf Tournament.**

**On motion of Vice Chairman Cambra, duly seconded, it was voted unanimously to receive said communication and authorize a \$100. donation for sponsorship of a TEE, said donation to be appropriated from the Council President's Discretionary Fund.**

**14. Communication of Virgel J. Blaschke, 11 Pocono Road, re: Resignation from Middletown Library Board of Trustees.**

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

## **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.**

## **EXECUTIVE SESSION**

**Pursuant to provisions of RIGL, Sections 42-46-2., 42-46-4. and 42-46-5. (a) (2) collective bargaining (Fire, Public Works and Town Hall).**

**On motion of Vice Chairman Cambra, duly seconded, it was voted unanimously to recess this meeting at 7:32 P.M. and reconvene in executive session.**

**On motion of Vice Chairman Cambra, duly seconded, it was voted unanimously to reconvene this meeting in open session at 7:54P.M.**

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

**On motion of Vice Chairman Cambra, duly seconded, it was voted unanimously to adjourn this meeting at 7:55 P.M.**

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

**Council Clerk**

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