

## **September 8, 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 Tuesday, September 8, 2009 at 6:00 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., Arrives at 6:32 P.M.**

**Councillor Robert J. Sylvia**

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

**EXECUTIVE SESSION**

**Pursuant to provisions of RIGL, Sections 42-46-2., 42-46-4. and 42-46-5. (a) (1) personnel (Town Administrator) and (5) lease (JFK School).**

**On motion of Vice Chairman Cambra, duly seconded, it was voted unanimously to recess this meeting at 6:01 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 6:35 P.M.**

**On motion of Councillor Syliva, duly seconded, it was voted unanimously to authorize the Town Administrator and Town Solicitor to start phase one of the JFK project and report back to the Council at its September 21, 2009, regular meeting of the Council.**

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

## **PRESENTATIONS**

- 1. Resolution of the Council, re: Commendation Captain Poirier.**

**On motion of Vice Chairman Cambra, duly seconded, it was voted unanimously to pass said resolution, which was presented by Council President Semonelli to Captain Poirier.**

**Captain Poirier thanked the Council and the Town for being good neighbors to the Navy.**

**State Representative Deborah L. Ruggiero presented Captain Poirier with a proclamation and resolution from the State House.**

**Councillor Santos thanked Captain Poirier for his support of Middletown and presented him with a windmill ornament from the Middletown Historical Society.**

**Senator Louis P. DiPalma presented Captain Poirier and presented him with a citation from the State Senate.**

**2. Resolution of the Council, re: Commendation for Bernie Fagan, Peter Lund and Matt Druckman.**

**On motion of Vice Chairman Cambra, duly seconded, it was voted unanimously to pass said resolution, which was presented by Council President Semonelli to Bernie Fagan, Peter Lund and Matt Druckman.**

**3. Resolution of the Council, re: Middletown Little League Boys 10-11 Year Old Major All-Stars.**

**On motion of Vice Chairman Cambra, duly seconded, it was voted unanimously to pass said resolution, which was presented by Council President Semonelli to the attendees representing the Middletown Little League Boys 10-11 Team and their Coaches.**

**Coach Collins noted that the kids represented the Town will grace and great sportsmanship.**

**State Representative Amy Rice presented all the attendees from the Middletown Little League Boys 10-11 Team and Coaches with resolutions from the State House.**

**Councillor Silveira recused himself from acting on the following item of business, item #1, due to a possible conflict of interest.**

## **ACTING AS A BOARD OF LICENSE COMMISSION**

**1. Applications received from the following named persons, firms or corporations for RENEWAL of Alcoholic Beverage Licenses for the 2009-2010 licensing year. (Requires Advertising for Public Hearing)  
(See attached list)**

**On motion of Vice Chairman Cambra, duly seconded, it was voted unanimously to advertise said license renewal applications for a public hearing to be held at the October 5, 2009 regular meeting of the board.**

## **CONSENT CALENDAR**

**Vice Chairman Cambra requested to have item #18 be heard under the Town Council portion of the docket.**

**1. Approval of Minutes – Special Meeting, August 3, 2009.**

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

**2. Approval of Minutes – Regular Meeting, August 3, 2009.**

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

**3. Resolution of Council, re: Proclaiming September 17th – 23rd as Constitution Week in the Town.**

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

**4. Resolution of the Council, re: Proclaiming September as “Ovarian Cancer Awareness Month”.**

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

**5. Memorandum of Town Administrator, with enclosure, re: National Register of Historic Places – Indian Avenue Historic District.**

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

**6. Memoranda, communications and/or resolutions from the following communities seeking support or opposition for the following:**

## **A. Town of Burrillville**

- 1. Support for legislation criminalizing prostitution.**
- 2. Senate Bill 2009-S1012 – An Act Relating to Towns and Cities – General Powers.**
- 3. Senate Bill 2009-S0713 – an Act Relating to Labor and Labor Relations – Certified School Teach Arbitration.**

## **B. Town of East Greenwich**

- 1. Support relative to Binding Arbitration for Teachers.**

## **C. Town of Glocester**

- 1. Support in opposing Rate Hikes proposed by Blue Cross & United Health.**
- 2. Support in opposing any and all efforts of the United States Congress which would place Rhode Island Communities in jeopardy of unapproved land use.**

#### **D. Town of Portsmouth**

- 1. Support of US Supreme Court Opinion in Carcieri v. Salazar.**
- 2. Support in opposing the reinstatement of a toll on the Mt. Hope Bridge.**

**On motion of Vice Chairman Cambra, duly seconded, it was voted unanimously to receive said Memoranda, communications and/or resolutions.**

**7. Communication of J. Clement Cicilline, M.S., President & CEO Newport County Community Mental Health Center, re: Appreciation for Council appropriation.**

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

**8. Memorandum of Town Administrator, with enclosures, re: Community Development Block Grant.**

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

**9. Memorandum of Town Administrator, with enclosure, re: Appreciation from Martin Luther King, Jr. Center.**

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

**10. Memorandum of Town Administrator, with enclosures, re: Police Station Progress Report #12.**

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

**11. Memorandum of Acting 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 memorandum.**

**12. 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.**

**13. Memorandum 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 memorandum.**

**14. 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.**

**15. Applications four (4) for Special Events Permits received from the following named persons, firms or corporations: 1) Eastern Surfing Association, Surfers Healing Day Camp, Second Beach – Surfers End, Saturday, September 19, 2009 from 12:00 pm until 4:00 pm. 2) BankNewport, Employee Celebration, BankNewport Operations Center, 12 Turner Road, Wednesday, September 23, 2009 from 5:00 pm until 7:30 pm 3) Newport Community Mental Health Center, Bike-A-Thon beginning in Newport (Rogers High School) thru Middletown and Portsmouth, Sunday, September 20, 2009 4) Eident Sports Marketing, Amica Marathon, Sunday, October 18, 2009 from 8:00 am until 2:00 pm (see attached route).**

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

**16. Applications received from the following named persons, firms or**

**corporations for RENEWAL of Victualling House Licenses, Additional Hours of Operation, for the 2009-2010 licensing year. (Requires Advertising for Public Hearing) (See attached list)**

**On motion of Vice Chairman Cambra, duly seconded, it was voted unanimously to advertise said license renewal applications for a public hearing to be held at the October 5, 2009 regular meeting of the Council.**

**17. Petitions received from the following named persons for perpetual care of burial lots in the Middletown cemetery:**

- a. William Audette – Section 54, Lot 99**
- b. Richard Cambra – Section 54, Lots 26 & 27**
- c. Estate of Charles Dubell – Section 54, Lot 102**
- d. Patricia Lebeau – Section 54, Lots 54, 55, 56, 57, 58, 59, 60 & 61**

**e. William R. Wicks – Section 54, Lots 95, 96, 97 & 98**

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

**18. Memorandum of Town Administrator, with enclosures, re: Middletown Social Host Ordinance.**

**Councillor VonVillas expressed support for the Social Host Ordinance.**

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

**19. Memorandum of Town Administrator, re: Book of Condolences**

**for Kennedy Family at Middletown Town Hall.**

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

**20. Minutes, re: Pension Investment Advisory Committee.**

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

**TOWN COUNCIL**

**Councillor Silveira recused himself from acting on the following items of business, item #1 and #2, due to a possible conflict of interest.**

**1. Application of US Nutrition, LLC dba The Daily Shake for a Victualling House License for the 2008-2009 licensing year. (NEW)**

**On motion of Vice Chairman Cambra, duly seconded, it was voted unanimously to grant said license, contingent on Building Official, Fire Marshall, Board of Health and Public Works approvals.**

**2. Application of Rania Convenience, Inc. dba Town Mart for a Victualling House License for the 2008-2009 licensing year. (NEW)**

**On motion of Vice Chairman Cambra, duly seconded, it was voted unanimously to grant said license, contingent on Building Official, Fire Marshall, Board of Health and Public Works approvals.**

**3. Application of Rania Convenience, Inc. dba Town Mart for a Holiday License for the 2009-2010 licensing year. (NEW)**

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

**4. Application of Rocklobster, Inc. for a Hawkers License for the 2009-2010 licensing year. (484 East Main Road (Property next to Frosty Freeze) (NEW)**

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

**5. Memorandum of Town Administrator, with enclosures, re: Healing Co-Operative Request for Civic Appropriation Grant.**

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

**Linda Phelan, 272 Mitchell's Lane, Executive Director and Founder of the Healing Co-Operative, addressed the Council noting that there was a miscommunication concerning the request of Civic Support by the Healing Co-Operative. Ms. Phelan expressed the need for support to the Healing Co-Operative which provides assistance, including support and food, to cancer patients and their families.**

**Town Administrator Shawn Brown explained that the request before the Council is to revisit the civic appropriation requested by the Healing Co-Operative located on Mitchell's Lane. When the applications for civic appropriations were reviewed, the Town Council agreed to either level fund or award 10% less than appropriated in previous years, new applicants would not receive any appropriation.**

**Huxley Conklin, Cornell Road, Westport, MA read and submitted the following letter to the Council entered here:**

**Laura Peters, 5 Caswell Avenue #2, Newport, addressed the Council noting that the first thing cancer takes is someone's hope and**

**explained the support and help she has received from the Healing Co-op. Ms. Peters asked the Council to support this request and left the Council with the quote entered here:**

**Jehanne Burch, 12 Hilltop Avenue, explained that the Healing Co-Operative is a hidden gem within Middletown where anyone who visits and utilizes the facility finds hope and support. Ms. Burch asked the Council to support this request.**

**Joyce Simonelli, 60 Lepas Road, Portsmouth, addressed the Council noting the support she has received from the Healing Co-Operative. Ms. Simonelli asked the Council to support this request.**

**Laurie Cordeiro, 42 Sowams Drive, Bristol, explained that the Healing Co-Operative offers her hope. Ms. Cordeiro asked the Council to support this request.**

**Pamela Braman, 127 West View Road, addressed the Council**

**explaining that the Healing Co-Operative assisted her in many ways including transportation. Ms. Braman asked the Council to support this request.**

**Marlane Paranzino, 32 Vanicek Avenue, noted that the Healing Co-Operative is an attribute to the Town and is in great need of any help the Town can provide.**

**Victoria Libby, 7 Hart Street, reviewed statistics of possible citizens within the community that will be diagnosed with cancer this year. Ms. Libby noted the desperate need for the services provided by the Healing Co-Operative.**

**Pam Reynolds, 52 Talley Ho Court, noted that the Healing Co-Operative not only offers support for the patient, but also for the family. Ms. Reynolds asked the Council to support this request.**

**Frank Spinnella, Portsmouth, Board Member of the Healing**

**Co-operative addressed the Council requesting any support available would be appreciated.**

**Councillor Santos explained that the Healing Co-Op is there for all in need of their services. Ms. Santos asked that her fellow Council members support the Healing Co-Op's request.**

**Councillor Sylvia noted the amazing job performed by Ms. Phelan. Mr. Sylvia asked that his fellow Council members support 10% less than the requested amount.**

**Councillor VonVillas noted that Ms. Phelan does an excellent job. Ms. VonVillas explained that she does want to support the request, however, is concerned with the amount requested.**

**Councillor Semonelli noted the Healing Co-Op has done wonderful things for the community. Mr. Semonelli explained that it is difficult for the Council to balance a budget and suggests contributing \$5,000.**

**to the organization.**

**Councillor Sylvia noted that the Healing Co-Op has fallen on bad economic times. Mr. Sylvia suggests that this may be a onetime request for funding.**

**Councillor Santos reviewed the list of General Fund Appropriations and noted that these women need help**

**On motion of Councillor VonVillas, duly seconded, it was voted to fund the Healing Co-Operative request in the amount of \$5,000.; Councillor Santos and Councillor Sylvia voted NO to said motion.**

**6. Memorandum of Arthur S. Weber, Jr., Chairman, Middletown Planning Board, re: Proposed amendments to the Town Code (Section 101) and Zoning Ordinance (Sections 600 & 703) relating to regulations of tents. (Requires Advertising for Public Hearing)**

**Councillor Bozyan noted concern that Section 101.02 may need additional work.**

**Building Official Jack Kane noted the ordinance is required by state law and is for the health and safety of occupants.**

**On motion of Vice Chairman Cambra, duly seconded, it was voted unanimously to receive said memorandum and advertise the proposed amendment for hearing to be held at the October 19, 2009 regular meeting of the Council.**

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

**An Ordinance in amendment to the Town Code of the Town of Middletown, Title III Administration, Chapter 36 Fee Schedule, Section 38 Construction Permit Fees.**

**On motion of Vice Chairman Cambra, duly seconded, it was voted to adopt said ordinance; Councillor Santos voted NO to said motion.**

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

**An Ordinance in amendment to the Town Code of the Town of Middletown, Chapter 115, Peddlers, Vendors, Solicitors, Junk Stores, Section 115.33 Permit Procedure.**

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

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

**An Ordinance in amendment to the Town Code of the Town of Middletown, Title VII, Traffic Code. (Four Way Stop Intersection of High Street and O'Neil Boulevard)**

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

**10. Memorandum of Town Administrator, re: Opposition to Binding Arbitration for Teacher Contracts.**

**Town Administrator Shawn Brown noted receipt of several correspondence concerning S0717 and that with passage of the bill would cause an unnecessary cost to communities.**

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

**11. Resolution of the Council, re: Opposition to Binding Arbitration for Teacher Contracts.**

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

**12. Memorandum of Town Administrator, with enclosures, re: Award of contract – Jean Street Sidewalks, Head Start Drain Line, Senior Center & Town Hall Seal Coat.**

**Town Administrator Shawn Brown explained that the contract between the Town and State for the CDBG grant is not ready. Mr. Brown also noted that the Roads and Utilities Committee have recommended that the Town Hall and Senior Center parking lots just have crack sealing and not seal the entire lots.**

**On motion of Vice Chairman Cambra, duly seconded, it was voted unanimously to continue this item to the next regular meeting of the Council, September 21, 2009.**

**13. Resolution of the Council, re: Award of contract – Jean Street Sidewalks, Head Start Drain Line, Senior Center & Town Hall Seal Coat.**

**On motion of Vice Chairman Cambra, duly seconded, it was voted unanimously to continue this item to the next regular meeting of the Council, September 21, 2009.**

**14. Memorandum of Town Administrator, with enclosures, re: Award of contract – Vault Storage System.**

**Town Administrator Shawn Brown explained that the vault storage/shelving is in poor condition and there is limited space. Mr. Brown recommends the installation of the systematic storage unit which will be more efficient and help to preserve Town records.**

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

**15. Resolution of the Council, re: Award of contract – Vault Storage System.**

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

**16. Memorandum of Town Administrator, with enclosures, re: Listing of State Mandates from the RI Department of Revenue/RI Department of Education.**

**On motion of Councillor Silveira, duly seconded, it was voted unanimously to continue this matter to the October 19, 2009, regular meeting of the Council.**

**17. Memorandum of Town Administrator, with enclosure, re:**

## **Improvements to Valley Road and Green End Avenue.**

**Town Administrator Shawn Brown reviewed the following:**

**Mr. Brown explained that the Town would have to do an archeological survey, due to concerns of Native Americans with the Valley Road and Green End Avenue area.**

**Councillor Santos noted that in the past there were improvements to the same area and there was never an issue with the Native Americans.**

**Councillor Sylvia questioned how this would affect the Town if the area is to be developed and the justification of the request.**

**Town Solicitor Michael Miller, responding to Councillor Sylvia,**

**explained once a request is made the Town is obligated to follow the process.**

**Councillor Silveira questioned the cost to the Town.**

**Town Administrator Shawn Brown noted that the cost cannot be identified at this time.**

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

**18. Memorandum of Councillor Santos, re: West Main Road sidewalks.**

**Councillor Santos noted that she has spoken to many elderly residents on West Main Road about who is responsible to clear the**

**side walk if there is a snow storm.**

**Town Administrator Shawn Brown noted that the property owner is responsible to clear the side walk. The Town is responsible to maintain the sidewalk which consists of repairs.**

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

**19. Memorandum of Town Administrator, with enclosures, re: Resolution to Appoint Representatives to EBEC.**

**Town Administrator Shawn Brown noted that he recommends the members of the Town's Wind Turbine Committee be appointed to the EBEC.**

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

**20. Resolution of the Council, re: Appointing Representatives to the EBEC.**

**On motion of Vice Chairman Cambra, duly seconded, it was voted unanimously to pass said resolution and appoint as Voting Member Christine W. Forster, First Alternate Don Mallison, Second Alternate Peter Tarpgaard and Third Alternate Ron Wolanski to the EBEC.**

**21. Communication of Nan Heroux, re: Resignation from the Middletown Substance Abuse Prevention Task Force.**

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

**22. E-mail communication of Michael Allen, re: Resignation from the Middletown Substance Abuse Prevention Task Force.**

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

**23. Appointment of two (2) members to the Library Board of Trustees for a term expiring September 2012.**

**On motion of Vice Chairman Cambra, duly seconded, it was voted unanimously to reappoint John W. Grisham and appoint Lucie-Anne Dionne Thomas to the Library Board of Trustees for a term expiring September 2012.**

**24. Appointment of two (2) members to the Information Technology**

**Committee for a term expiring September 2012.**

**On motion of Vice Chairman Cambra, duly seconded, it was voted unanimously to reappoint Morris Hirsch and appoint Christopher Logan to the Information Technology Committee for a term expiring September 2012.**

## **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 during session.**

**On motion of Vice Chairman Cambra, duly seconded, it was voted unanimously to adjourn this meeting at 8:30 P.M.**

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

**Council Clerk**

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