

**November 16, 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, November 16, 2009 at 6:00 P.M.**

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

**Councillor Frank A. Bozyan**

**Councillor M. Theresa Santos**

**Councillor Robert J. Sylvia**

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

**Vice Chairman Richard Cambra, Absent**

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

## **EXECUTIVE SESSION**

**Pursuant to provisions of RIGL, Sections 42-46-2., 42-46-4. and 42-46-5. (a) (2) litigation (Environment Rhode Island vs. Town of Middletown) (RIDEM – Wave Avenue Force Main NOV), litigation (RIDEM vs.Town of Middletown), litigation (East Main Road – Plat 118, Lot 31) and (5) lease (East Main Road – Plat 118, Lot 31).**

**On motion of Councillor Bozyan, duly seconded, it was voted unanimously to recess this meeting at 6:01P.M. and reconvene in executive session.**

**On motion of Councillor Sylvia, duly seconded, it was voted unanimously to reconvene this meeting in open session at 7:00 P.M.**

**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.**

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

**1. Application of Robert Sanches dba The Briarwood, 93 Aquidneck Avenue holder of a Class C Alcoholic Beverage License to TRANSFER said license to The Briarwood, LLC dba The Briarwood Lounge for use at the same premises. (Requires Advertising for Public Hearing)**

**On motion of Councillor Bozyan, duly seconded, it was voted unanimously to advertise said license transfer application for a public hearing to be held at the December 7, 2009 regular meeting of the board.**

## **CONSENT CALENDAR**

**1. Approval of Minutes – Special Meeting, October 26, 2009.**

**On motion of Councillor Bozyan, duly seconded, it was voted unanimously to approve said minutes.**

**2. Approval of Minutes – Regular Meeting, November 2, 2009.**

**On motion of Councillor Bozyan, duly seconded, it was voted unanimously to approve said minutes.**

**3. Resolution of the Council, re: Proclaiming November as National American Indian Heritage Month.**

**On motion of Councillor Bozyan, duly seconded, it was voted unanimously to pass said resolution.**

**4. Resolution of the Town of North Providence, re: In opposition to Binding Arbitration Legislation for Teachers' Contracts.**

**On motion of Councillor Bozyan, duly seconded, it was voted unanimously to receive said resolution.**

**5. Resolution of the North Smithfield School Committee, re: In opposition to Binding Arbitration Legislation for Teachers' Contracts.**

**On motion of Councillor Bozyan, duly seconded, it was voted unanimously to receive said resolution.**

**6. Memorandum of Gloucester Town Clerk, with enclosure, re: Resolution in opposition to House Bill 5931 and Senate Bill 606.**

**On motion of Councillor Bozyan, duly seconded, it was voted**

**unanimously to receive said memorandum and resolution.**

**7. Communication of Joseph A. Keough, Jr., Esquire, re: Proposed Rate Change – City of Newport – Utilities Department-Water Division.**

**On motion of Councillor Bozyan, duly seconded, it was voted unanimously to receive said communication.**

**8. Communication of Town Administrator, with enclosures, re: Tax Collector's Report for period ending October 31, 2009.**

**On motion of Councillor Bozyan, duly seconded, it was voted unanimously to receive said communication and report.**

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

**On motion of Councillor Bozyan, duly seconded, it was voted unanimously to receive said memorandum.**

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

**On motion of Councillor Bozyan, duly seconded, it was voted unanimously to pass said resolution.**

**11. Memorandum of Town Administrator, with enclosures, re: Budget Transfers as of June 30, 2009.**

**On motion of Councillor Bozyan, duly seconded, it was voted unanimously to receive said memorandum.**

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

**On motion of Councillor Bozyan, duly seconded, it was voted unanimously to pass said resolution.**

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

**On motion of Councillor Bozyan, duly seconded, it was voted unanimously to pass said resolution.**

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

**On motion of Councillor Bozyan, duly seconded, it was voted unanimously to pass said resolution.**

**15. Application for Special Event Permit from Embrace Home Loans, 110 Enterprise Center for a Christmas Party to be held on Saturday, December 5, 2009 from 11:00 am until 5:00 pm.**

**On motion of Councillor Bozyan, duly seconded, it was voted unanimously to grant said special event permit.**

**16. Application of Thomas Medeiros dba Java Jungle (Tim Hortons), 159 East Main Road for RENEWAL a Victualling House License for the 2009-2010 licensing year.**

**On motion of Councillor Bozyan, duly seconded, it was voted unanimously to grant said license.**

## **TOWN COUNCIL**

- 1. Memorandum of Town Administrator, with enclosures, re: St. George's School Zone Speed Limit Flashing Signs.**

**Town Administrator Shawn Brown reviewed his memorandum entered here:**

**On motion of Councillor Bozyan, duly seconded, it was voted unanimously to receive said memorandum.**

**The agreements referenced in the memorandum are on file in the Office of the Town Clerk**

**Town Engineer Warren Hall explained the proposed improvements on**

**Purgatory Road, in the St. George's School area, include School Speed Limit Signs, crosswalks and signage associated with each.**

**Councillor Santos expressed concern that school zones throughout the Town are all different and requests the matter be reviewed.**

**Town Administrator Shawn Brown, responding to Councillor Santos, noted that the Police Chief will review each school zone site and supply a report to the Council.**

**2. Resolution of the Council, re: Authorizing the Town Administrator to execute agreements with the State of RI and St. George's School – Speed Limit Flashing Signs.**

**On motion of Councillor Sylvia, duly seconded, it was voted to pass said resolution; Councillor Santos voted NO to said motion.**

**3. Memorandum of Town Administrator, with enclosures, re: Ordinance Prohibiting the Feeding of Coyotes.**

**At the request of Rich Wolfe, NBCS, Project Manager, the proposed ordinance is withdrawn.**

**4. Memorandum of Town Administrator, with enclosures, re: Request for Dead End Street Sign – Dudley Avenue.**

**On motion of Councillor Bozyan, duly seconded, it was voted unanimously to receive said memorandum.**

**Town Administrator Shawn Brown noted that area resident Linda Smith and neighbors have submitted a petition for a dead end sign to be posted at the intersection of South and North Dudley Avenue.**

**Linda Smith, 15 South Dudley Avenue, addressed the Council expressing concern that vehicles use the area as a cut through to avoid the light at one mile corner, explaining that recently there was a head-on collision on South Dudley at Dudley. Ms. Smith noted that if the area cannot be a dead end, she will file a request for a one way exit from West Main Road.**

**Councillor Sylvia expressed his support for traffic improvements in the area noting the solution may be a one way exit.**

**On motion of Council President Semonelli, duly seconded, it was voted unanimously to support the recommendation of the Police Chief that no “Dead End” sign be installed on Dudley Avenue.**

**5. Memorandum of Town Administrator, with enclosures, re: Traffic Issues on Chases Lane.**

**Town Administrator Shawn Brown reviewed his memorandum entered here:**

**On motion of Councillor Sylvia, duly seconded, it was voted unanimously to receive said memorandum.**

**6. Memorandum of Town Administrator, re: Holiday Donation.**

**Town Administrator Shawn Brown reviewed his memorandum entered here:**

**On motion of Councillor Bozyan, duly seconded, it was voted unanimously to receive said memorandum.**

**7. Resolution of the Council, re: Approving request of Holiday Donation.**

**On motion of Councillor Bozyan, duly seconded, it was voted unanimously to pass said resolution.**

**8. Memorandum of Councillor VonVillas, re: Regionalization.**

**On motion of Councillor Bozyan, duly seconded, it was voted unanimously to receive said memorandum.**

**Councillor VonVillas explained that RIPEC study has not received a lot of support, noting that regionalization should be considered which may improve finances and better education. Ms. VonVillas recommends the following proposed tasks and timeline for regionalization entered here:**

**Council President Semonelli expressed support for the proposal**

**noting that this item should be placed on the December 14, 2009 agenda for discussion with the School Committee.**

**Antone Viveiros, 110 Indian Hill Road, questioned why this is not being extended to Portsmouth and if the committees agree with regionalization would the Council have to agree. Mr. Viveiros noted his support for consolidation of services however; is concerned with tax rate increases with the current economy.**

**Councillor VonVillas, responding to Mr. Viveiros explained that there appears to be a great deal of interest in Newport, Middletown is luke warm and Portsmouth is rather cool however; noting she is not opposed of including Portsmouth.**

**Town Solicitor Michael W. Miller, responding to Mr. Vivieros read RIGL 16-3-6 Studies and Reports by Planning Board entered here:**

**On motion of Council President Semonelli, duly seconded, it was**

**voted unanimously to place this request from Councillor VonVillas for regionalization on the Special Meeting agenda, December 14, 2009.**

**9. Memorandum of Town Clerk, re: Budget Sub-Committee.**

**On motion of Councillor Bozyan, duly seconded, it was voted unanimously to receive said memorandum.**

**On motion of Councillor Bozyan, duly seconded it was voted to appoint Councillor Santos to the Budget Sub-Committee for a term expiring November 2010.**

**10. Appointment of one (1) member to the Open Space and Fields Committee for a term expiring November 2012.**

**On motion of Councillor Bozyan, duly seconded, it was voted**

**unanimously to appoint Richard P. Barker to the Open Space and Fields Committee for a term expiring November 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 Councillor Sylvia, duly seconded, it was voted unanimously to adjourn this meeting at 7:45 P.M.**

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

**Council Clerk**

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