

## **January 19, 2010 - 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, January 19, 2010 at 6:00 P.M.**

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

**Vice Chairman Richard Cambra, Vice Chairman**

**Councillor Frank A. Bozyan**

**Councillor M. Theresa Santos**

**Councillor Robert J. Sylvia**

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

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

## **EXECUTIVE SESSION**

**Pursuant to provisions of RIGL, Sections 42-46-2., 42-46-4. and 42-46-5. (a) (5) land acquisition and (5) lease (Joel Peckham School).**

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

**On motion of Vice Chairman, duly seconded, it was voted unanimously to reconvene this meeting in open session at 6:40 P.M.**

**On motion of Vice Chairman Cambra, duly seconded, it was voted unanimously to authorize the Town Administrator and Town Solicitor to continue pursuing negotiations concerning potential land acquisition.**

**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 to recess this meeting until 7:00 P.M.**

## **CONSENT CALENDAR**

- 1. Approval of Minutes – Regular Meeting, January 4, 2010.**

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

- 2. Communication of Town Clerk, Town of Bristol, with enclosure, re: Resolution in opposition to a plan as proposed by Hess**

**Corporation's Weaver's Cove Energy to construct a liquefied natural gas facility in Mount Hope Bay.**

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

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

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

**4. 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.**

**5. 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.**

**6. Notice of Public Hearing received from the Zoning Board of Review, Petition of Town of Middletown School Department, 26 Oliphant Lane, owner, MetroPCS, LLC, applicant by their attorney Jackie Slaga, Esquire for a Special Use Permit from Article 25 to allow a disguised wireless telecommunications facility located inside the existing flagpole monopole in the Public zoning district and to construct a 20' x 20' fenced equipment compound adjacent to the existing fenced compound. Said real estate located at 1113 Aquidneck Avenue, TAP 113, Lot 199.**

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

**7. Memorandum of Gary D. Paquette, Chairman, Middletown Conservation Commission, re: Conservation Commission Liaison to the Tree Commission.**

**On motion of Vice Chairman Cambra, duly seconded, it was voted unanimously to receive said memorandum and confirm Conservation Commission Liaison, Mr. Robert Johnson to the Tree Commission.**

## **TOWN COUNCIL**

**1. Application of Jims Deli and Pizza Corporation dba Jim's Deli, 957 West Main Road, for a Victualling House License for the 2009-2010 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 Earnest Budlong dba Backroom Pub/Restaurant, 999 West Main Road for an Amusement License (Live Entertainment – DJ, Karaoke & Live Band) for the 2009-2010 licensing year. (NEW)**

**Earnest Budlong, 999 West Main Road, addressed the Council noting that live entertainment pertains to a DJ. Mr. Budlong explained that his establishment also requests the license to include live bands. The landlord of the premises has no objections to the license request.**

**Councillor Sylvia expressed concern of Live Entertainment being appropriate in the area which the establishment is located.**

**On motion of Councillor Sylvia, duly seconded, it was voted unanimously to request the Town Administrator and Police Chief to**

**review the application and report to the Council at its next regular meeting, February 1, 2010.**

**3. Communication of John W. Bagwill, 587 Tuckerman Avenue, with enclosures, re: Amendments to Wind Turbine Ordinance.**

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

**John W. Bagwill, 587 Tuckerman Avenue, addressed the Council noting he would like to cover three points which include background, new development and a plan. Mr. Bagwill reviewed a handout entered here:**

**Mr. Bagwill requests the Council to amend the proposed Wind Turbine Ordinance to protect scenic views within the Town.**

#### **4. Continued from Regular Meeting, January 4, 2010**

**Continued from Regular Meeting, November 2, 2009**

**Communication of Kevin and Jackie Zahm, 17 Reardon Drive, re: Requesting Town to abandon or remove improvements of a small section of Reardon Drive.**

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

**Town Administrator Shawn Brown explained that Mr. and Mrs. Kevin Zahm are requesting the Town to abandon an area on Reardon Drive which appears to be no longer used. The Town still has an interest in the roadway because of an existing utility beneath the road. Budgetary reasons do not allow for the request to be allowed however; the matter maybe revised when the road is repaved.**

**Kevin Zahm, 17 Reardon Drive, addressed the Council noting his**

**understanding of budgetary restraints and suggests the possibility of him removing the asphalt and planting grass.**

**Town Administrator Shawn Brown noted that the administration is not opposed to the Zahm's request to remove the asphalt. Mr. Brown explained that a written agreement between the Town and the Zahm's stating that the Town would retain rights to the roadway would be drafted and signed before any removal began.**

**5. Memorandum of Town Administrator, with enclosure, re: Surplus Property – 6 Plow System Air Cylinders.**

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

**6. Resolution of the Council, re: Declaring Surplus Property – 6 Plow System Air Cylinders.**

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

**7. Memorandum of Council President Semonelli, with enclosure, re: FY2009 Financial Statement Highlights and Audit Committee Minutes.**

**On motion of Vice Chairman Cambra, duly seconded, it was voted unanimously to receive said memorandum, Financial Statement Highlights and Audit Committee Minutes.**

**Council President Semonelli reviewed the Audit Committee members and noted this is a positive audit. The Town is financially strong.**

**Finance Director Lynne Dible reviewed the following:**

**Councillor Santos expressed concern with the amount of paper used to reprint the audit report.**

**8. Memorandum of Town Clerk, re: Appointment of Tree Warden for the 2010 calendar year.**

**On motion of Vice Chairman Cambra, duly seconded, it was voted unanimously to receive said memorandum and appoint Alan Kirby as the Middletown Tree Warden for the 2010 calendar year.**

## **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 7:35 P.M.**

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

**Council Clerk**

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