

September 27, 2010 - Special Town Council Meeting

At a Special Meeting of the Town Council of the Town of Middletown, RI, held at the Middletown Town Hall on Monday, September 27, 2010 at 5:00 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., Members Present

Councillor Robert J. Sylvia, Absent

Councillor Barbara A. VonVillas

POSTED – September 24, 2010

Wendy J.W. Marshall, Town Clerk

Town of Middletown

Town Hall – 350 East Main Road

Middletown, Rhode Island 02842

Dear Mrs. Marshall:

Pursuant to the provisions of Article II, Section 203 of the Town Charter and in accordance with Sections 42-46-2., 42-46-4. and 42-46-6., RIGL, I hereby call a Special Meeting of the Town Council to

formally consider, discuss and act upon the following item of business:

Appointment of Special Counsel for Strauss – Wind Turbine application and matters related thereto

Said meeting will be held on Monday, September 27, 2010, at 5:00 P.M. at the Middletown Town Hall, 350 East Main Road, Middletown, Rhode Island 02842.

Christopher T. Semonelli,

President

Middletown Town Council

CC: Town Council

Public Library

Finance Director

Town Administrator Town Solicitor

Human Resource

Manager

This meeting location is accessible to the handicapped. Individuals requiring interpreter services for the hearing-impaired should notify the Town Clerk's Office at 847-0009 not less than 48 hours before the meeting.

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

Also present was Acting Town Administrator Ronald Wolanski and Town Solicitor Michael W. Miller.

Town Solicitor Michael W. Miller recused himself from this matter, due to a conflict of interest. Mr. Miller presented the Council with the RI Ethics Commission draft opinion dated September 21, 2010; said opinion is on file in the Office of the Town Clerk.

Appointment of Special Counsel for Strauss – Wind Turbine application and matters related thereto

Acting Town Administrator Ronald Wolanski was available to answer Council inquires concerning the following communication, submitted by Town Administrator Shawn Brown entered here:

October 6, 2010

Christopher T. Semonelli, President and Members of the Middletown Town Council

Middletown Town Hall

350 East Main Road

Middletown, RI 02842

**Re: Appointment of Peter Ruggiero, Esq., and firm to represent
Town of Middletown in matters related to the Strauss Special Use
Permit application**

Dear President Semonelli and Council Members,

**I am recommending the Town Council appoint the law firm of
Ruggiero Brochu, Warwick, RI, as special counsel to represent the
Town, including the Planning and Zoning Boards, in connection with
the Petition for a Special Use Permit filed by Luise Strauss. The
appointment is necessary because Solicitor Michael W. Miller has a
conflict of interest and cannot represent the Town as communicated
to you in his letter to you dated September 24, 2010, RE: Draft
Opinion Dated September 21, 2010.**

The Town would primarily be represented by Attorney Peter D. Ruggiero. Attorney Ruggiero has extensive experience representing local governments, and presently serves as a Solicitor in Charlestown, Jamestown, and Warwick. Relative to Mrs. Strauss' application, he is familiar with wind turbines from direct experience related to the erection of two wind turbines in Warwick, the ongoing application for a wind turbine project in Charlestown, and Jamestown's effort to construct a municipally owned wind turbine. He is also an experienced planner, and is certified as such by the American Planning Association. Attorney Ruggiero came highly recommended to me by other town managers and attorneys. Attorney Ruggiero's biography follows below:

- Areas of Practice: Government; Administrative; Land Use Law; Estate Administration**

- Admitted: 1997, Rhode Island; 1998, Massachusetts; U.S. District Court, District of Massachusetts; U.S. District Court, District of Rhode Island; U.S. Court of Appeals, First Circuit**

- Law School: Boston University, J.D.**

- **College: Rhode Island College, B.A.**

At his discretion, Attorney Ruggiero may also be assisted from time to time by his partner Attorney Wyatt A. Brochu who has experience as an assistant solicitor. His biography follows below:

- **Areas of Practice: Business; Corporate; Real Estate; Administrative; Land Use; Estate Administration; Probate**

- **Admitted: 1997, Rhode Island; 1998, Massachusetts; U.S. District Court, District of Rhode Island; U.S. District Court, District of Massachusetts; U.S. Court of Appeals, First Circuit**

- **Law School: New England School of Law, J.D.**

- **College: Bryant College, B.S.**

Ruggiero Brochu would charge the Town \$100/hour for their services, which is the standard rate the Town pays for this type of legal work.

I will be out of town Monday and Tuesday; Ron Wolanski will be at Monday's meeting to represent the Administration. Please contact me with any questions you may have.

On motion of Vice Chairman Cambra, seconded, it was voted unanimously to receive said communication and appoint Attorney Peter Ruggiero, Esq., and firm to represent Town of Middletown in matters related to the Strauss Special Use Permit application.

On motion of Vice Chairman Cambra, duly seconded, it was voted unanimously to adjourn this meeting at 5:05 P.M.

Wendy J.W. Marshall, CMC

Council Clerk

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