

## **February 4, 2008 - 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, February 4, 2008 at 7:10 P.M.**

**Council President Paul M. Rodrigues, Presiding**

**Vice Chair Shirley R. Mello**

**Councillor Barbara A. Barrow**

**Councillor Louis P. DiPalma**

**Councillor M. Theresa Santos**

**Councillor Robert J. Sylvia, Members Present**

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

## **CONSENT CALENDAR**

- 1. Approval of Minutes – Regular Meeting, January 22, 2008.**

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

- 2. Communication of Frederick C. Williamson, Chairman, State Historic Preservation Officer, re: National Register of Historic Places (Ogden Farm, 641 Mitchell's Lane).**

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

- 3. Communication of David Chopy, P.E., Supervising Sanitary Engineer, RI Department of Environmental Management, re: Status of**

**Consent Agreement #0C&I/WP 04-09.**

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

**4. Communication of Town Clerk, Town of Exeter, with enclosures, re: Resolution requesting support to provide long-term health care for our veterans.**

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

**5. Memorandum of City Clerk, City of Newport, with enclosures, re: Resolution in support of House Bill 7161 “An Act Relating to State Affairs and Government” – Passage of this bill would require voter approval of the host community and the electors of the State of Rhode Island for an expansion of the hours of operation of a licensed video lottery facility.**

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

**6. Resolution of the Council, re: Opposing the expansion of gambling hours of operation and the introduction of new forms of gambling at the Newport Grand facility.**

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

**7. Memorandum of Interim Town Administrator, with enclosures, re: Financial Statements for period ending December 31, 2007.**

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

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

- a. David Benson – Lots 24 & 25 in Section 54**
- b. Billey J. Dodd, II – Lot 99 in Section 16**
- c. Faith Kraft – Lots 69 & 70 in Section 54**
- d. Paul McCauley – Lot 1 in Section 54**
- e. Alfred Truver – Lots 28 & 29 in Section 54**
- f. Carol Manchester – Lots 32 & 33 in Section 54**
- g. Fernell Harris – Lot 35 in Section 54**
- h. Howard E. Garland – Lot 76 in Section 54**

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

**9. Memorandum of Interim Town Administrator, with enclosures, re: Aquidneck Island West Side Special Area Management Plan (SAMP) – Letter of support.**

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

**10. Memorandum of Interim Town Administrator, with enclosures, re: Middletown's Pay As You Throw Program.**

**Antone Viveiros, 110 Indian Hill Road, addressed the Council expressing his support for Pay As You Throw noting he is pleased with the amount of residents utilizing the program.**

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

**11. Application of Peckham Brothers Co., Inc., 220 Paradise Avenue, for RENEWAL of Drain Layers License for the 2008-2009 licensing year.**

**On motion of Vice Chair Mello, duly seconded, it was voted unanimously to grant said license renewal.**

**12. Memorandum of Interim Town Administrator, with enclosures, re: Award of contract for Roofing of Paradise and East Meadow Pump Stations.**

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

**13. Resolution of the Council, re: Award of contract for Roofing of Paradise and East Meadow Pump Stations.**

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

**14. Memorandum of Interim Town Administrator, with enclosures, re: Award of contract for Public Works and Campground Fencing.**

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

**15. Resolution of the Council, re: Award of contract for Public Works and Campground Fencing.**

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

## **TOWN COUNCIL**

### **1. Continued from January 22, 2008**

**Resolution of the Council, re: Commendation for 2007 Middletown High School Girls Volleyball Team, Division III State Champions.**

**On motion of Vice Chair Mello, duly seconded, it was voted unanimously to continue this matter to the next regular meeting, February 19, 2008.**

**2. Memorandum of Robert M. Silva, Chairman, Economic Development Advisory Committee, with enclosures, re: Business Development Coordinator- Consultant Selection Recommendation.**

**Robert M. Silva, Chairman, Economic Development Advisory Committee addressed the Council reviewing his memorandum entered here:**

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

**Richard M. McAuliffe, Jr., Chairman, Mayforth Group addressed the Council noting company/personnel qualifications, experience and availability of his firm and himself. The company's goal is to bring in more than \$50,000. to the Town.**

**Councillors DiPalma and Sylvia noted their support of a Business Development Coordinator.**

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

**voted unanimously to sponsor the Contractors Meeting/Convention to be held on February 25, 2008 at Johnny's Atlantic Beach Club, 55 Purgatory Road, Middletown.**

**3. Memorandum of Interim Town Administrator, with enclosures, re: Award of contract for the Business Development Coordinator.**

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

**4. Resolution of the Council, re: Award of contract for the Business Development Coordinator.**

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

**5. Memorandum of Councillors DiPalma, Silveira and Barrow, re: Slate Hill Farm Sewer/Water Betterment Assessment Review.**

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

**6. Resolution of the Council, re: Slate Hill Farm Sewer/Water Betterment Assessment Review.**

**Councillor DiPalma reviewed his memorandum noting the process used by the committee to obtain their findings and recommends the Council move forward on this issue.**

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

**7. Memorandum of Councillor Sylvia, re: Pre-Employment/Employee Term of Service Agreement.**

**Councillor Sylvia reviewed his memorandum entered here:**

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

**On motion of Vice Chair Mello, duly seconded, it was voted unanimously to approve the establishment of a study group for Pre-Employment/Employee Term of Service.**

**8. Memorandum of Councillor Santos, re: Gaudet School Courts (outdoor basketball and tennis).**

**Councillor Santos reviewed her memorandum entered here:**

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

**Councillor Santos noted the Town should renovate the courts because the current conditions are not safe for anyone utilizing them.**

**Councillors Barrow and DiPalma noted their support for this project.**

**Mason Hawes, 431 Reservoir, Chair, Open Space and Fields Committee, noted the hazardous conditions of the courts. Mr. Hawes requests the Council support the renovations and have no delay in fixing them.**

**Sarah Gilman, 9 Circle Drive, a Junior Middletown High School,**

**informed the Council of the poor conditions of the courts, which greatly effect the games.**

**Glen Hebel, 280 Compton View Drive, urged the Council to support the projects and move forward with the renovations.**

**Kate O'Connor, 72 Beagle Drive, noted the courts are dangerous and requested the Council to support renovations of the courts.**

**Chyleene O'Connor, 72 Beagle Drive, wants the Council to support this project.**

**MaryAnn Curtis, Teacher, Middletown High School, Girls and Boys Tennis Coach, requested Council to support said project.**

**Art Benner, 3 Namquid Drive, noted that the Town has lost the Boys**

**Club and the tennis courts behind Forest Avenue School. Mr. Benner requested that the Council maintain the existing courts.**

**Antone Viveiros, 110 Indian Hill Road, expressed concern for the lack of places where children can play and using open space bond monies to renovate the courts. Mr. Viveiros did note he is not against the renovations, he requests the monies to come from another source other than open space bond monies.**

**Edward Collins, 94 Ridgewood Road, Director of Facilities for Middletown School Department, noted that he has been working on proposals for renovating the courts.**

**On motion of Councillor Santos, duly seconded it was voted unanimously to support the recommendation to renovate the outdoor basketball and tennis courts and to locate appropriate funding.**

**9. Appointment of two (2) members to the Middletown Planning**

**Board, each for a term expiring February 2011.**

**On motion of Vice Chair Mello, duly seconded, it was voted unanimously to reappoint Richard Adams to said board for a term expiring in February 2011.**

**On motion of Vice Chair Mello, duly seconded, it was voted unanimously to reappoint Audrey Rearick to said board for a term expiring in February 2011.**

**10. Appointment of two (2) members to the Mooring Assignment Committee.**

**On motion of Vice Chair Mello, duly seconded, it was voted unanimously to appoint Andrew M. Leys to said board.**

**On motion of Vice Chair Mello, duly seconded, it was voted unanimously to appoint William A. Saunders to said board.**

**11. Appointment of one (1) member to the Middletown Tree Commission for a term expiring January 2011.**

**On motion of Vice Chair Mello, duly seconded, it was voted unanimously to reappoint Karen Day to said board for a term expiring in January 2011.**

**12. Appointment of members to the Town Administrator Search Committee.**

**Discussion centered around the amount of people to be appointed to said board and if all appointed should be residents of the town.**

**On motion of Vice Chair Mello, duly seconded, it was voted unanimously to appoint Lucie-Anne Dionne-Thomas, Francis Forgue, Carol A. Hale, G. Mason Hawes, Manuel J. Mello, Jr., Jack Richardson and Arthur R. Thomas, Esquire to said board.**

## **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 this session.**

## **EXECUTIVE SESSION**

**Pursuant to provision of RIGL, Sections 42-46-2., 42-46-4 and 42-46-5  
(a) (2) potential litigation**

**On motion of Vice Chair Mello, duly seconded, it was voted unanimously to recess this meeting at 8:32 P.M. to meet in executive session pursuant to docket item entered above.**

**On motion of Vice Chair Mello, duly seconded, it was voted unanimously to reconvene this meeting in open session at 9:43 P.M.**

**On motion of Vice Chair Mello, 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 Chair Mello, duly seconded, it was voted unanimously to adjourn this meeting at 9:45 P.M.**

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

**Council Clerk**