

May 2, 2011 - 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, May 2, 2011 at 6:00 P.M.

Council President Arthur S. Weber, Jr., Presiding

Vice President Bruce J. Long

Councillor Richard Cambra

Councillor Edward J. Silveira, Jr.

Councillor Christopher T. Semonelli

Councillor Antone C. Viveiros

Councillor Barbara A. VonVillas, Members Present

PLEDGE OF ALLEGIANCE TO THE FLAG

RECONSIDERATION

The Middletown Town Council follows the codification of present-day general parliamentary law as articulated in Robert's Rules of Order Newly Revised 10th edition (2000), together with whatever rules of order the Council has adopted for its own governance. The motion to reconsider is one of the motions that can bring a question again before an assembly, and is designed to bring back for further consideration a motion which has already been voted on:

If, in the same session that a motion has been voted on, but no later than the same day or the next day on which a business meeting is held, new information or a changed situation makes it appear that a different result might reflect the true will of the assembly, a member who voted with the prevailing side can, by moving to Reconsider [RONR (10th ed.), p. 304-321] the vote, propose that the question shall come before the assembly again as if it had not previously been considered. (From Robert's Rules of Order Newly Revised In Brief, Robert, Evans et al., De Capo Press, 2004)

There were no reconsiderations.

BUDGET REVIEW 6:00 PM

Review of FY 2011-2012 Proposed Department Budget – General Fund Review and matters related thereto.

On motion of Vice President Long, duly seconded, it was voted unanimously to review and act on the Proposed Department Budget – General Fund Review.

Also present were Town Administrator Shawn Brown, Finance

Director Lynne Dible, Deputy Finance Director Marc Tanguay and Accounting Manager Deborah Barrett.

Town Administrator Shawn Brown addressed questions and concerns of the Council related to the proposed General Fund budget entered here:

Mr. Brown reviewed the Benefits of Police Motorcycle entered here:

Fire Chief Ronald Doire reviewed the Ladder Truck Replacement project and Fire Hydrant Expansion request entered here:

Finance Director Lynne Dible reviewed the cost to implement Ipay, balance of PPV Fund, Governor's Proposed Tax Plan, Annual Civic Appropriation Request Detail and CIP Projects with priority ranking entered here:

Public Works Director Tom O'Loughlin reviewed Mutual Aid Project entered here:

Finance Director Lynne Dible reviewed the Annual Cost of Copying a Docket and Municipal Court Projections entered here:

Town Planner Ronald Wolanski reviewed the Middletown Largest Employers entered here:

Library Director Theresa Coish reviewed the cost comparison of Digital vs. printed books entered here:

Town Administrator Shawn Brown and Zoning Official Jack Kane reviewed the Zoning Enforcement Officer/Middletown Municipal Employees Association/NEARI position entered here:

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.

PRESENTATION

- 1. Resolution of the Council, re: Commendation to Residence Inn by Marriott Middletown/Newport.**

On motion of Vice President Long, duly seconded, it was voted

unanimously to pass said resolution.

Council President Weber presented the Commendation to James Karam, Robert Kempenaar, Jr. and Jeffrey Miller.

Vice Present Long requested that item #9 be not be adopted under consent and action taken individually.

CONSENT

2. Approval of Minutes, re: Regular Meeting, April 4, 2011.

On motion of Vice President Long, duly seconded, it was voted unanimously to approve said minutes.

3. Approval of Minutes, re: Special Meeting, April 11, 2011.

On motion of Vice President Long, duly seconded, it was voted unanimously to approve said minutes.

4. Approval of Minutes, re: Special Meeting, April 12, 2011.

On motion of Vice President Long, duly seconded, it was voted unanimously to approve said minutes.

5. Approval of Minutes, re: Regular Meeting, April 18, 2011.

On motion of Vice President Long, duly seconded, it was voted unanimously to approve said minutes.

6. Communication of William G. Young, P.E., Project Manager, Chief Engineer – Land Development, Maguire Group, Inc., re: Aquidneck Corporate Park Improvements Information/Clarification.

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

7. Communication of Jeffrey M. Willis, Deputy Director, Coastal Resources Management Council, re: Modification of CRMC Assent A 2008-09-118, 474 Sachuest Beach Road, Plat 127, Lot 18.

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

8. Memorandum of Town Administrator, with enclosure, re: Maintenance Certification M 2011-02-058, copy of recorded certification.

On motion of Vice President Long, duly seconded, it was voted unanimously to receive said memorandum.

9. Results of Town of Middletown Budget Suggestion Survey FY2012.

Councillor Semonelli reviewed the following results of the Town Budget Suggestion Survey entered here:

Mr. Semonelli noted his endorsement of the results and suggests reviewing additional revenues for Second Beach as well as requests the administration to acquire an architect to supply the Town with information for beach improvements.

On motion of Vice President Long, duly seconded, it was voted

unanimously to receive said results.

10. Communication of Joanne M. Hoops, Executive Director, Boys & Girls Clubs of Newport County, with enclosure re: Appreciation for civic support.

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

11. Communication of Joseph A. Keough, Jr., Esquire, Keough & Sweeney, Ltd, Attorneys And Counselors At Law, re: Proposed Rate Increase/City of Newport Utilities Department, Water Division. (Application on file in the Office of the Town Clerk for viewing)

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

12. Resolutions from Rhode Island Cities and Towns, re: Requesting support for proposed legislation In Opposition to Binding Arbitration, School Housing Project Costs and Acts Relating to Elections; Declaring May as Mental Health Month. (See Attached List)

On motion of Vice President Long, duly seconded, it was voted unanimously to receive said resolutions.

13. NNGC Corporation dba Newport National Golf Club, 324 Mitchell's Lane, for RENEWAL of a Holiday License for the 2011-2012 licensing year.

On motion of Vice President Long, duly seconded, it was voted unanimously to grant said license renewal.

14. Applications received from the following named persons, firms or corporations for RENEWAL of Amusement Licenses for the 2011-2012

licensing year. (See Attached List)

On motion of Vice President Long, duly seconded, it was voted unanimously to grant said license renewals.

LICENSES & PERMITS

15. Application for Special Event Permit from Middletown Education Collaborative, MEC Family Fund Night with the Duck Race Fundraiser for Middletown Public Schools to be held at Third Beach Boat ramp on Thursday, July 7, 2011 from 5:00 pm until 7:00 pm. (Attached is a request for permit fee to be waived)

On motion of Vice President Long, duly seconded, it was voted unanimously to grant said Special Event Permit and waive said fee.

16. Application of Gregg D. O'Neill dba Bravo Wood Fired Pizza, Inc.

**for a HAWKERS LICENSES for the 2011-2012 licensing year, location Aquidneck Grange, East Main Road. (Authorization letter attached)
(NEW)**

On motion of Vice President Long, duly seconded, it was voted unanimously to grant said license.

PUBLIC HEARING

17. Public Hearing (Advertised)

Town of Middletown application for Small Cities Community Development Block Grant (CDBG) for certain projects, in an amount not to exceed \$400,000.

Public Hearing was declared open.

Town Planner Ronald Wolanski explained that this is the second public hearing for the Small Cities CDBG the Town is eligible for up to \$400,000 in funding. Mr. Wolanski noted that the priority list will be acted upon after the public hearing.

Joanne Hoops, Executive Director, Boys & Girls Club addressed the Council explaining that 40% of the Boys and Girls Club participation is Middletown youths. Ms. Hoops explained the programs offered to the community.

Susan Schenck, Chief Operating Officer, representing East Bay Action Program, requested support for health services.

Berniece Clohecy, Director of the Middletown Head Start Program, noted that the Head Start Programs service 3600 families in the Newport County area. Ms. Clohecy requests support for renovations to the Joel Peckham School, which is where the program is located.

Christian Belden, Church Community Housing Corporation, addressed the Council noting that he will be assisting the Town with the CDBG application. Mr. Belden explained that Church Community Housing is requesting \$30,000 of the grant to administer the regional revolving loan fund for residential rehabilitation, homeowner's assistance and RI Housing loan programs within the Town.

Jimmy Winters, representing Community Housing Resource Board/Housing Hot Line, thanked the Council for their support.

Jennifer Barrara, Director Lucy's Hearth, requests support for Lucy's Hearth general operating expenses.

There being no other persons desiring to be heard public hearing was declared closed.

18. Resolution of the Council, re: FY2011 Small Cities Community Development Block Grant – Project priorities.

On motion of Vice President Long, duly seconded, it was voted unanimously to pass said resolution.

OTHER COMMUNICATIONS

19. Petition of CVDD II, LLC, with enclosure, re: to amend the Zoning Ordinance, adopted effective October 30, 2006, by changing the classification of Lots 8, 9, 9A & 10, Tax Assessor's Plat 111 from Light Industrial Traffic Sensitive (LIA) to General Business Traffic Sensitive (GBA). (Requires Planning Board Recommendation)

On motion of Vice President Long, duly seconded, it was voted unanimously to receive and refer said petition to the Planning Board for recommendation.

TOWN ADMINISTRATOR COMMUNICATIONS

20. Memorandum of Town Administrator, with enclosures, re: Award of Contract for Kempenaar Valley Fencing.

Town Administrator Shawn Brown reviewed the memorandum entered here:

On motion of Vice President Long, duly seconded, it was voted unanimously to receive said memorandum.

Manuel Mello, Beacon Terrace North addressed the Council suggesting the Town plow the entire area and plant corn or hay on the property.

21. Resolution of the Council, re: Award of Contract for Kempenaar Valley Fencing.

On motion of Vice President Long, duly seconded, it was voted unanimously to pass said resolution.

22. Memorandum of Town Administrator, with enclosures, re: Award of Contract for Surveying & Engineering Easton's Point Watershed and Gaudet School Stormwater Retrofit.

Town Administrator Shawn Brown reviewed the memorandum entered here:

On motion of Vice President Long, duly seconded, it was voted unanimously to receive said memorandum.

Leonard Bradley, representing DiPrete Engineers, explained that the company has done similar work within the state.

23. Resolution of the Council, re: Award of Contract for Surveying & Engineering Easton's Point Watershed and Gaudet School Stormwater Retrofit.

On motion of Vice President Long, duly seconded, it was voted unanimously to pass said resolution.

APPOINTMENTS TO BOARDS AND COMMITTEES

24. Appointment of two (2) members to the Committee for the Arts for terms expiring April 2014.

On motion of Councillor Cambra, duly seconded, it was voted appoint Carmella Geer for a term expiring April 2014 and appoint Diane Kerins for a term expiring April 2012 to the Committee for the Arts.

25. Appointment of four (4) members to the Zoning Board of Review, one regular member, term expiring April 2016 and three alternate members terms expiring April 2012.

On motion of Councillor Silveira, duly seconded, it was voted to appoint Charles Vaillancourt to the Zoning Board of Review for a term expiring April 2016; Councillors Cambra and Semonelli voted NO to said motion.

On motion of Councillor Semonelli, duly seconded, it was voted unanimously to appoint James Miller, as First Alternate to the Zoning Board of Review.

On motion of Vice President Long, duly seconded, it was voted to appoint Nicholas Pasyanos, as Second Alternate to the Zoning Board of Review; Councillor VonVillas voted NO to said motion.

On motion of Councillor Viveiros, duly seconded, it was voted to appoint Olin Gambrell, Sr., as Third Alternate to the Zoning Board of Review; Council President Weber voted NO to said motion.

On motion of Vice President Long, duly seconded, it was voted unanimously to not swear in the new appointments to the Zoning Board of Review until all current Zoning Board matters have been complete by current members.

EXECUTIVE SESSION

Pursuant to provisions of RIGL, Sections 42-46-2., 42-46-4., and 42-46-5. (a) (2) Collective Bargaining (Police, Public Works and Town Hall Unions, (5) lease (JFK School), (5) land acquisition (Third Beach Road) and (5) land acquisition (West Main Road).

On motion of Vice President Long, duly seconded, it was voted unanimously to recess open session at 8:10 P.M. and reconvene in executive session.

On motion of Councillor Silveira, duly seconded, it was voted unanimously to reconvene in open session at 8:40 P.M.

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

On motion of Councillor Silveira, duly seconded, it was voted unanimously to adjourn said meeting at 8:42 P.M.

Wendy J.W. Marshall, CMC

Council Clerk

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