

December 5, 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, December 5, 2011 at 6:00 P.M.

Council President Arthur S. Weber, Jr.

Vice President Bruce J. Long

Councillor Christopher T. Semonelli

Councillor Edward J. Silveira, Jr.

Councillor Antone C. Viveiros

Councillor Barbara A. VonVillas, Members Present

Councillor Richard Cambra, Absent

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.

PRESENTATIONS

- 1. Memorandum of Middletown Police Chief Anthony M. Pesare, re: Middletown Police Department swearing in and award ceremony.**

On motion of Vice President Long, duly seconded, it was voted unanimously to receive said memorandum and begin the swearing in and award ceremony.

Police Chief Anthony Pesare introduced Representative Daniel Reilly and Special Assistant Attorney General James Callahan, both present to issue citations to the honorees this evening.

Police Chief Anthony Pesare introduced Lieutenant Kelly A. Mitchell and Detective A. William Swierk, both recently retired. Mr. Pesare announced the promotion of Patrol Officer Timothy E. Beck to the rank of Detective. Probationary Officer Jean Young, Probationary Officer Brett McKinnon, Probationary Officer David Guerriero, Probationary Officer Corey Sheehan, Probationary Officer Chad Souza, Probationary Officer Tyler Trott and Probationary Officer Timothy Brady, were introduced by Police Chief Pesare, all sworn in by the Town Clerk and pinned by family members. Lieutenant Robert S. Nutt received the FBI National Academy Graduation Plaque, Major Terry W. Hazel accepted a Unit Citation on behalf of Lieutenant Robert Nutt, Lieutenant Patrick Sweeney, Detective Lieutenant John Dring, Detective Richard Gamache, Detective Jason Ryan, Detective Timothy Beck, Patrol Officer Adam Tobias, Patrol Officer Anthony Porrazzo and Patrol Officer Benjamin Costa; Life Saving Awards were presented to Sergeant Michael J. Faria, Jr., Detective Timothy Beck, Patrol Officer Christopher Rosa, Fire Chief Ronald Doire, Fire Captain Brian Powel, Firefighters Kevin Brooks, Jason DeFreitas, Matthew Maruska Nathan McGillivray, Thomas Reed, Jonathan Reese, Thomas Welch and Daniel Williams. The Meritorious Service Medal was presented to Detective Walter Mey.

The Ceremony concluded at 6:28 pm and Council addressed

executive session at this time.

EXECUTIVE SESSION

Pursuant to provisions of RIGL, Sections 42-46-2., 42-46-4., and 42-46-5. (a) (2) Litigation (HK& S Bid Protest) and (5) Lease (Crown Castle Cell Tower).

On motion of Vice President Long, duly seconded, it was voted unanimously to recess open session at 6:31P.M. and reconvene in executive session.

On motion of Vice President Long, duly seconded, it was voted unanimously to reconvene in open session at 7:00 P.M.

On motion of Vice President Long, duly seconded, it was voted unanimously to seal the minutes of the executive session pursuant to

Section 42-46-7. RIGL.

2. RIDEM Presentation, re: Stormwater utility.

On motion of Vice President Long, duly seconded, it was voted unanimously to begin the Stormwater Utility presentation.

Public Works Director Tom O'Loughlin introduced Elizabeth Scott, Deputy Chief, RIDEM's Office of Water Resources, Kate England, Seasonal Policy Intern, RIDEM and Rich Niles, Water Resources Project Manager, AMEC.

Town Administrator Shawn Brown explained that the Town has been addressing stormwater issues to keep Easton's Bay open.

Deputy Chief Elizabeth Scott presented a power point presentation

for a Stormwater Utility District: An option for funding stormwater management in Middletown. The Stormwater Utility District Feasibility Study Final Report was presented to the Council and is on file in the Office of the Town Clerk.

Town Administrator Shawn Brown noted that stormwater funding issues have to be addressed in the future, more education will be provided in the future for this policy decision.

PUBLIC FORUM SESSION

3. 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.

CONSENT

4. Approval of Minutes, re: Regular Meeting, November 21, 2011.

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

5. Resolution of the Town of Jamestown, re: Support for Legislative Initiative to amend RIGL §17-11-1 “An Act Relating to Elections – Voting Districts and Officials”.

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

6. Application of R & C, LLC dba Braga's Spaghetti & Grinder Shop, 1397 West Main Road for RENEWAL of a Victualling House License for the 2011-2012 licensing year.

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

7. Memorandum of Acting Tax Assessor, with enclosures, re: Cancellation of Taxes for certain Middletown residents.

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

8. Resolution of the Council, re: Cancellation of Taxes for certain Middletown residents.

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

ORDINANCES

9. Memorandum of Town Administrator, with enclosures, re: Fund Balance Policy in accordance with Governmental Accounting Standards Board (GASB) Statement No. 54 – Fund Balance Reporting and Governmental Fund Type Definitions.

Finance Director Lynne Dible reviewed the memorandum entered here:

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

10. Resolution of the Council, re: Adopting the Fund Balance Policy

in Accordance with GASB #54.

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

11. An Ordinance of the Town of Middletown (First Reading)

An Ordinance in amendment to the Town Code of the Town of Middletown, Title III Administration, Chapter 33 Finance, Section 33.18 Fund Balance Policy.

On motion of Vice President Long, duly seconded, it was voted unanimously to receive said ordinance on its first reading.

APPOINTMENTS TO BOARDS AND COMMITTEES

12. Email communication of Ralph Thomas, Recording Secretary,

Open Space and Fields Committee, with enclosures, re: Requesting Council to amend the committee's bylaws.

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

Ralph Thomas, 18 Algonquin Drive, Secretary of the Open Space and Fields Committee, addressed the Council requesting removal of term limitations, within item #2 of the Open Space and Fields By-laws.

On motion of Vice President Long, duly seconded, it was voted unanimously to remove within #2, (the following language from line two through a portion of line five) "Membership may be renewed, allowing a person to serve no more than two (2) consecutive terms. A person who has served two (2) consecutive terms will be eligible for consideration no sooner than one (1) year after the completion of their three (3) year term" in the Middletown Open Space & Fields Committee Composition, Terms and Meetings.

13. Appointment of two (2) member to the Open Space and Fields Committee to complete a terms expiring November 2014.

On motion of Vice President Long, duly seconded, it was voted unanimously to reappoint Anne Baptista and reappoint Nicholas Coogan to the Open Space and Fields Committee for terms expiring November 2014.

On motion of Vice President Long, duly seconded, it was voted unanimously to adjourn said meeting at 8:10 P.M.

Wendy J.W. Marshall, CMC

Council Clerk

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