

## **December 19, 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 19, 2011 at 6:00 P.M.**

**Council President Arthur S. Weber, Jr., Presiding**

**Vice President Bruce J. Long**

**Councillor Richard Cambra, Arrives at 6:45 pm**

**Councillor Christopher T. Semonelli**

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

**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.**

## **EXECUTIVE SESSION**

**1. Pursuant to provisions of RIGL, Sections 42-46-2., 42-46-4., and 42-46-5. (a) (2) Potential Litigation (Boss vs. Town of Middletown).**

**On motion of Vice President Long, duly seconded, it was voted unanimously to recess open session at 6:01 P.M. and reconvene in executive session.**

**On motion of Vice President Long, duly seconded, it was voted unanimously to reconvene in open session at 6:30 P.M.**

**On motion of Vice President Long, duly seconded, it was voted unanimously to authorize Attorney Daniel Kinder to pursue a**

**settlement.**

**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.**

## **PRESENTATION**

**2. Communication of Richard P. Adams, Chairman and Tina Dolen, Executive Director, Aquidneck Island Planning Commission, re: Presenting the Regional Traffic Incident Management Plan.**

**On motion of Vice President Long, duly seconded, it was voted unanimously to receive said communication and begin the Regional Traffic Incident Management Plan presentation.**

**Tina Dolen, Executive Director of the Aquidneck Island Planning**

**Commission, addressed the Council reviewing the following handout, entered here:**

**Christopher Witt, Director of Planning and Communications of the Aquidneck Island Planning Commission, presented a power point presentation of the Regional Traffic Incident Management Plan, which is on file in the Office of the Town Clerk.**

**Councillor Cambra arrived at 6:45 pm.**

**Discussion centered around if the Traffic Management Plan would be utilized in this area next summer, Council endorsement of the plan, safety concerns on East and West Main Roads and financial support for the plan.**

**On motion of Vice President Long, duly seconded, it was voted unanimously to recess at 6:52 P.M.**

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

## **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.**

**Paul Mankofsky, 20 Pequot Lane, addressed the Council noting concern that there may be waste and inefficiencies in last year's budget. Mr. Mankosfsky suggested a 15% reduction in department budgets, engage the state to defer mandates, roll back taxes by 10% and not allow approval of the school budget.**

**M. Theresa Santos, 214 Morrison Avenue, questioned burial deed transfers. Ms. Santos also inquired why the Town is not working with Newport to share a Tax Assessor.**

**Council President Weber requested that Ms. Santos inquiry concerning the Tax Assessor be placed on the January 3, 2012 agenda.**

## **CONSENT**

**4. Approval of Minutes, re: Regular Meeting, December 5, 2011.**

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

**5. Memorandum of Finance Director, thru Town Administrator, with**

**enclosures, re: Surplus Lockers, School Dept.**

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

**6. Resolution of the Council re: Surplus Lockers, School Dept.**

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

**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.**

**M. Theresa Santos, 214 Morrison Avenue, addressed the Council questioning what the mathematical and typographical errors that were being corrected.**

**Town Administrator Shawn Brown, responding to Ms. Santos, requested to review the matter with Ms. Santos at a later date, to provide all information requested.**

**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.**

**LICENSES**

**9. Application of Kiltco, LLC dba A Sears Authorized Retail Dealer, 1235 West Main Road, for a Holiday License for the 2011-2012 licensing year. (NEW)**

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

## **ORDINANCES**

**10. Memorandum of Councillor Viveiros, re: Fund Balance Policy.**

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

**Councillor Viveiros noted that after he receives more information concerning the Fund Balance Policy the matter may be placed on a**

**future agenda.**

**11. Memorandum of Finance Director, thru Town Administrator, with enclosures, re: Fund Balance Policy discussion.**

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

**12. An Ordinance of the Town of Middletown (Second 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 to adopt said ordinance on its second reading; Councillor Viveiros voted NO to said motion.**

## **OTHER COMMUNICATIONS**

**13. Memorandum of Rosemarie K. Kraeger, Superintendent, re: School Budget Amendments.**

**Town Administrator Shawn Brown noted this request does not change the budget.**

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

**14. Resolution of the Council, re: FY2012 School Budget Amendments.**

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

**unanimously to pass said resolution.**

## **COUNCIL COMMUNICATIONS**

**15. At the request of Vice President Long, Resolution of the Council, re: Opposing Increased Tolls for the Newport Pell Bridge.**

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

**Vice President Long noted that this is a request that the RI Turnpike and Bridge Authority abandon any proposed toll increases for the Newport Pell Bridge, other than for its own maintenance and support.**

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

## **TOWN ADMINISTRATOR**

**16. Memorandum of Town Planner, thru Town Administrator, with enclosures, re: Engineering Services Contract Extension – Development Plan Review MIDD-011-002.**

**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.**

**17. Resolution of the Council re: Engineering Services Contract Extension – Development Plan Review MIDD-011-002.**

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

**18. Memorandum of Finance Director, thru Town Administrator, with enclosures, re: Consulting – Fire Station – Transportation and site modeling.**

**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.**

**Discussion centered around this project being a priority, location of the Fire Station, competition of the project and project standards.**

**19. Resolution of the Council, re: Award of contract – Consulting – Fire Station – Transportation and site modeling.**

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

**20. Memorandum of Town Administrator, with enclosure, re: Request for Funds to Paint Interior Sections of Town Hall.**

**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.**

**M. Theresa Santos, 214 Morrison Avenue, addressed the Council**

**questioning if the School Department would be assisting in the painting project and monies spent to date on work previously done by the school department.**

**Town Administrator Shawn Brown, responding to Ms. Santos, explained that it is not cost effective to have the School Department assist in the project. Mr. Brown noted that an invoice has not been received for work completed by the school department.**

**21. Resolution of the Council, re: Award of contract for Painting Sections of Town Hall.**

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

**APPOINTMENTS TO BOARDS AND COMMITTEES**

**22. Appointment of two (2) members to the Beach Commission for terms expiring January 2015.**

**On motion of Vice President Long, duly seconded, it was voted unanimously to reappoint John S. Crimmins and reappoint Helen F. Flynn to the Beach Commission for terms expiring January 2015.**

**23. Appointment of one (1) member to the Personnel Board for a term expiring December 2014.**

**On motion of Vice President Long, duly seconded, it was voted unanimously to reappoint Edward W. McCarthy, Jr. to the Personnel Board for a term expiring December 2014.**

**24. Appointment of two (2) members (professional) to the Roads and Utilities Advisory Committee for terms expiring January 2015.**

**On motion of Vice President Long, duly seconded, it was voted unanimously to reappoint John R. Mello, Jr. and reappoint Julian F. Peckham, III to the Roads and Utilities Advisory Committee for terms expiring January 2015.**

**25. Appointment of three (3) members to the Senior Citizens Board of Directors for terms expiring January 2015.**

**On motion of Vice President Long, duly seconded, it was voted unanimously to reappoint Julia M. Finn, reappoint Olga Probert and appoint Marion Rodrigues to the Senior Citizens Board of Directors for terms expiring January 2015.**

**26. Appointments to the Wind Turbine Committee.**

**Councillor Cambra requested to discuss the terms of the Committee.**

**On motion of Councillor Semonelli, duly seconded it was voted unanimously appoint Nicholas P. Pasyanos and Richard Price to the Wind Turbine Committee.**

**Vice President Long requested to discuss the terms of the Committee at the next Regular Meeting of the Council, January 3, 2012.**

#### **COMMUNICATION TOWN ADMINISTRATOR**

**27. Memorandum of Town Administrator, with enclosure, re: Park Steward Program.**

**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.**

**Vice President Long noted the Open Space and Fields Committee is an active committee, which visits Town sites.**

**Mason Hawes, Member of Open Space and Fields Committee, addressed the Council in support of the Park Steward Program, noting that there are many people ready to volunteer once the program is adopted.**

**On motion of Vice President Long, duly seconded, it was voted unanimously to adopt the Park Steward Program, as presented and direct the Town Clerk to advertise for positions on the Town website.**

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

**unanimously to adjourn said meeting at 7:50 P.M.**

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

**Council Clerk**

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