

**At a Regular Meeting of the Town Council of the Town of Middletown,  
RI held at the Middletown Town Hall on Monday, February 6, 2012 at  
6:30 P.M.**

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

**Vice President Bruce J. Long**

**Councillor Christopher T. Semonelli**

**Councillor Antone C. Viveiros**

**Councillor Barbara A. VonVillas, Members Present**

**Councillor Richard Cambra, Absent**

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

## **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**

**Pursuant to provisions of RIGL, Sections, 42-46-2., 42-26-4., and 42-46-5. (a) (2) Litigation (HK&S vs. Town of Middletown).**

**On motion of Vice President Long, duly seconded, it was voted unanimously to recess open session at 6:31 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 7:00 P.M.**

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

## **AWARDS & PROCLAMATIONS**

- 1. Memorandum of Town Administrator, re: Employee Recognition Program – Pins of Service Third and Fourth Quarters 2011.**

**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.**

**Town Administrator Shawn Brown recognized MaryBeth Sylvia for**

**her accomplishments during her tenure.**

**2. Resolution of the Council, re: Commendation for Julie Oakley.**

**On motion of Vice President Long, duly seconded, it was voted unanimously to continue this matter to the next regular meeting of the Council to be held on February 21, 2012.**

## **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, January 3, 2012.**

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

**5. Approval of Minutes, re: Special Meeting, January 9, 2012.**

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

**6. Resolution of the Town of Gloucester, re: Requesting to Amend**

**RIGL §16-7-23.**

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

**7. Resolution of the Town of Exeter, re: In support of Resolution in the Aftermath of Tropical Storm Irene.**

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

**8. Communication of Walter Elwell, Chair, Eastern Rhode Island Conservation District, re: Request for Support.**

**On motion of Vice President Long, duly seconded, it was voted unanimously to receive said communication and forward to the**

**Finance Director for consideration in the FY2012 Budget – Civic Appropriations.**

**9. Memorandum of Finance Director, thru Town Administrator, with enclosure, re: FY2011 Town of Middletown Financial Audit Report Highlights.**

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

**10. Memorandum of Finance Director, with enclosure, re: Quarterly Financial Report as of December 31, 2011.**

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

**11. Memorandum of Accounting Manager, thru Finance Director, re: Tax Collector's report for the period ending December 31, 2011.**

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

**12. Communication of Finance Director, 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 communication.**

**13. 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.**

**14. Communication 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 communication.**

**15. 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.**

**16. Memorandum of Town Administrator, with enclosures, re: Wind Turbine Survey. (This item will be discussed when the State Wide**

**Planning Program and Renewable Energy Siting Partnership have completed their Wind Turbine Studies)**

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

**17. Memorandum of Jan Eckhart, Chairman, Middletown Planning Board, re: Proposed amendments to the Middletown Zoning Ordinance regarding signs, Article 12, Sections 1202, 1203, 1208, 1209, 1210, 1211, 1213 and 1213. (Requires advertising for public hearing)**

**On motion of Vice President Long, duly seconded, it was voted unanimously to receive said memorandum and advertise for public hearing to be heard at the March 19, 2012 Regular Meeting of the Council.**

**18. Communication of Robert M. Silva, Esquire, on behalf of 28**

**Jacome Way, LLC, re: Requesting Petition to Rezone Ground Mounted Solar Array. (Requires Planning Board Recommendation.**

**On motion of Vice President Long, duly seconded, it was voted unanimously to receive said communication and forward request to the Planning Board for recommendation.**

**19. Application of March and Debora Conrad for a Special Event Permit for Conrad-Bickerstaffee Wedding to be held at Dunlap-Wheeler Park on August 18, 2012 from 4:00 pm until 7:00 pm.**

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

**20. Application of Middletown Senior Citizens Center, 650 Green End Avenue, for RENEWAL of the Bingo License for the 2012-2013 licensing year.**

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

## **LICENSES**

**21. Application of Thomas A. Santilli, Narragansett, RI, for a Drain Layer's License for the 2011-2012 year. (NEW)**

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

**22. Application of Newport Cakes, LLC dba Newport Cakes, 796 Aquidneck Avenue, for a Victualling House License for the 2011-2012 licensing year. (NEW)**

**On motion of Vice President Long, duly seconded, it was voted unanimously to grant said license contingent on Building Official, Fire Marshal, Public Works and Board of Health approvals.**

## **OTHER COMMUNICATIONS**

**23. Memorandum of Edward Collins, Director of Facilities Management, with enclosure, re: Update on the State II Necessity of School Construction application.**

**On motion of Vice President Long, duly seconded, it was voted unanimously to continue this item to the Special Meeting of the Town Council with the School Committee to be held on April 9, 2012 at 6:00 pm.**

**24. Communication of Edward J. Collins, Director of Facilities Management, re: Request to re-allocate funding from the Town's CIP Special Revenue Fund.**

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

**25. Resolution of the Council, re: Re-allocation of FY2012 Approved Capital Improvement Program funding.**

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

**26. Communication of the St. Patrick's Day Parade Committee, re: Request for support by placing an ad in the Parade Bulletin or donating to the parade committee.**

**On motion of Vice President Long, duly seconded, it was voted unanimously to place a ½ page ad in the St. Patrick's Parade Bulletin (\$130.00) to be appropriated from the Council President's**

**discretionary fund.**

## **COMMUNICATION OF TOWN COUNCIL**

**27. Memorandum of Council President Weber and Vice President Long, re: Proposed Wind Turbine Report.**

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

**Councillor Semonelli noted that he has been involved with the wind turbine issue for several years. Mr. Semonelli explained that he met with residents and discussed the impact of wind turbines on neighbors.**

**Councillor Semonelli moved, duly seconded, to instruct the Town Administrator, Town Planner and Town Solicitor to prepare an**

**amendment to the Zoning Ordinance to prohibit wind turbines in all zoning districts, with the following exceptions:**

**1. Building Mounted, Small and Medium-Tower Turbines may be allowed for the following Agricultural uses, provided the use is the primary use on the lot:**

**a. Field crop farms or horticultural nurseries, including wholesale sales on the same lot.**

**b. Livestock farms**

**Councillor VonVillas reviewed results from the wind turbine survey. Ms. VonVillas noted concern that the Council had decided to act upon wind turbines prior to receipt of the state studies.**

**Vice President Long explained that studies conducted only address large turbines, not small or medium; additional information is needed regarding wind turbines. Mr. Long suggests that the amendment to the zoning ordinance should not be based on machinery, due to**

**constant upgrades.**

**Councillor Viveiros noted his concern of the effects of wind turbines on abutters.**

**Council President Weber noted his agreement with Vice President Long.**

**Richard Price, 9 J.H. Dwyer Drive, addressed the Council noting his support for an additional study of wind turbines. Mr. Price explained that additional information assists in the decision making process.**

**Nick Pasyanos, 2 Toni Lynn Terrace, member of the Wind Turbine Committee, spoke in favor of an independent report regarding wind turbines, explaining that the knowledge will assist in future decisions.**

**The motion on the floor by Councillor Semonelli was voted on at this time:**

**Councillor Semonelli moved, duly seconded, to instruct the Town Administrator, Town Planner and Town Solicitor to prepare an amendment to the Zoning Ordinance to prohibit wind turbines in all zoning districts, with the following exceptions:**

- 1. Building Mounted, Small and Medium-Tower Turbines may be allowed for the following Agricultural uses, provided the use is the primary use on the lot:**
  - a. Field crop farms or horticultural nurseries, including wholesale sales on the same lot.**
  - b. Livestock farms; Councillor VonVillas voted NO to said motion.**

**Vice President Long moved, duly seconded, that we request the Town Administration to report back to the Council at the next meeting in regard to evaluating the proposed report that is in the docket tonight**

**and with a plan as to how we can bring together that information for the purpose of our amendment to the zoning code.**

## **COMMUNICATIONS OF TOWN ADMINISTRATOR**

**28. Memorandum of Town Administrator, re: Confirmation of Appointment- Tax Assessor.**

**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.**

**Mr. Brown requested the Council to confirm Mr. Durgin's appointment as Tax Assessor.**

**On motion of Vice President Long, duly seconded, it was voted unanimously to confirm the appointment of George Durgin as Tax Assessor.**

**29. Memorandum of Town Planner, thru Town Administrator, with enclosure, re: Development Impact Fees – Schedule of Fees Update.**

**Town Planner Ronald Wolanski reviewed the memorandum entered here:**

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

**Town Administrator Shawn Brown noted that the current ordinance was adopted in 2004.**

**On motion of Vice President Long, duly seconded, it was voted unanimously to authorize the administration to proceed with the RFP.**

**30. Memorandum of Town Administrator, with enclosure, re: Proposal for Evaluation of Refuse & Recycling Service and Contract.**

**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.**

**31. Resolution of the Council, re: Award of contract for Evaluation of Refuse & Recycling Service and Contract.**

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

**32. Memorandum of Police Chief, thru Town Administrator, with enclosures, re: Patrol Vehicle purchase.**

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

**Town Administrator Shawn Brown requested the purchase of an additional patrol vehicle, due to the change of the Police shift schedule, which is increasing the demand on Police vehicles.**

**33. Resolution of the Council, re: Authorizing the Patrol Vehicle purchase.**

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

## **APPOINTMENS TO BOARDS & COMMITTEES**

**34. Appointment of one (1) member to the Substance Abuse Prevention Task Force for a term expiring August 2014.**

**On motion of Vice President Long, duly seconded, it was voted unanimously to reappoint Henry “Rick” Lombardi to the Substance Abuse Prevention Task Force for a term expiring August 2014.**

**35. Appointment of Tree Warden for the 2012 calendar year.**

**On motion of Vice President Long, duly seconded, it was voted unanimously to receive said memorandum and reappoint Alan Kirby**

**as Tree Warden for the 2012 calendar year.**

**36. Communication of Jeffrey M. Willis, Deputy Director, CRMC, re: Requesting Council to appoint a representative of the Town to serve as an alternate subcommittee member.**

**On motion of Vice President Long, duly seconded, it was voted unanimously to continue this matter to the next regular meeting of the Council to be held on February 21, 2012.**

**37. Communication of Richard Barker, re: Resignation from the Open Space and Fields Committee.**

**On motion of Vice President Long, duly seconded, it was voted unanimously to receive said communication and accept resignation with regret.**

**On motion of Vice President Long, duly seconded, it was voted unanimously to adjourn said meeting at 7:55 p.m.**

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

**Council Clerk**