

**At a Regular Meeting of the Town Council of the Town of Middletown,  
RI held at the Middletown Town Hall on Monday, June 18, 2012 at 6:00  
P.M.**

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

**Vice President Bruce J. Long**

**Councillor Richard Cambra**

**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.**

## **BEACH PAVILION - 6:00 PM**

- 1. Meeting with the Beach Commission to review and discuss the basis of the beach pavilion plan & program of the proposed beach building.**

**On motion of Vice President Long, duly seconded, it was voted unanimously to begin review and discussion of the beach pavilion plan and program of the proposed beach building.**

**Councillor Semonelli noted the time is now for investment in the Beach Pavilion, the project is long overdue. Mr. Semonelli explained the need to have a vision for the future and the importance of letting the voters decide.**

**Town Administrator Shawn Brown noted Jim Farrar representing Farrar Associates was present to review the Beach Pavilion project**

**with the Council. Mr. Brown explained the Beach Pavilion project has been an ongoing discussion for many years; the new pavilion could bring potential economic development for the Town, tourism and address' what the residents want.**

**Jim Farrar, representing Farrar Associates, explained the process of costing out the project, noting the use of East Matunuck beach as a model since work had recently been completed. Mr. Farrar reviewed renderings of the proposed Beach pavilion and a hand out on the project, which are on file in the Office of the Town Clerk.**

**Discussion centered around materials to be used for the project, the construction process and time line, the concern of the beach remaining open while under construction, flood insurance, the condition of the current facility, the business plan report completed by RKG Associates, the operating costs of a new facility, the size of the current facility vs. the proposed facility, and parking.**

**John Bagwill, 587 Tuckerman Avenue, questioned the number of square feet in the current building vs the proposed.**

**Public Works Director Tom O'Loughlin, responding to Mr. Bagwill, noted the current building is 5,000 square feet and the proposed building is 19, 000 square feet including the deck.**

**Jim Farrar, representing Farrar Associates, explained the deck area on the proposed beach pavilion is 10, 898 square feet and the building is 8,400 square feet.**

**M. Theresa Santos, 214 Morrison Avenue, inquired the increase of maintenance and expense to run the new facility.**

**John Crimmins, 108 Riverview Avenue, noted the new Fire/DPW station would not add money to the tax rate. Mr. Crimmins explained that the beach pavilion would not compete with the Fire/DPW facility for funding.**

**Councillor VonVillas inquired the number of season passes sold to residents annually.**

**Town Administrator Shawn Brown, responding to Councillor VonVillas, noted he will provide the information.**

**Manny Mello, Beacon Terrace North, noted concern for the size of the building and the number of roofs.**

**Sarah Gill, representing Easton's Point Board, explained the beaches are a huge asset in the Town. Ms. Gill noted the Easton's Point Board feels the building is too large and should be scaled back. Ms. Gill urges the council to reconsider and take the question off the ballot.**

**On motion of Vice President Long, duly seconded, it was voted unanimously to recess for five (5) minutes at 7:02 pm.**

**On motion of Vice President Long, duly seconded, it was voted unanimously to reconvene at 7:10 pm.**

## **PUBLIC FORUM SESSION**

**2. 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**

**3. Communication of Cheryl G. Robinson, President, Turning Around Ministries, Inc., re: Appreciation for support of placing an advertisement in this year's TAM Weekend Souvenir Booklet.**

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

**4. Resolution of the Pawtucket School Committee, re: Requesting support in opposition to the proposed Highly Distressed Intervention Act.**

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

**5. Memorandum of the Town Administrator, with enclosures, re: FY2012 Budget Adjustments as of March 31, 2102.**

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

**6. Resolution of the Council, re: FY2012 Budget Adjustments as of March 31, 2012– General Fund.**

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

**7. Memorandum of the School Department, re: School Department Budget Amendments.**

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

**8. Resolution of the Council, re: School Department Budget**

## **Amendments.**

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

**9. Memorandum of Town Administrator, re: Surplus Property- Transfer of various items.**

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

**10. Resolution of the Council, re: Surplus Property- Transfer of various items.**

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

**11. Applications seven (7) from the following named persons, firms or corporations for Special Event Permits. (See Attached List)**

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

## **LICENSE & PERMITS**

**12. Application of Cole & Co. Hair Studio, LLC dba Cole & Co. Hair Studio, 936 1B Aquidneck Avenue, for a Holiday Sales License for the 2012-2013 licensing year. (NEW)**

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

## **ORDINANCES**

### **13. An Ordinance of the Town of Middletown (Second Reading)**

**An Ordinance in Amendment to the Town Code of the Town of Middletown, Title VII, Traffic Code. (Speed Limit – Casey Drive, Donald Drive, Murphy Circle and Orville Drive)**

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

**Items #14 and #15 were continued at the request of the administration.**

**14. Memorandum of the Town Administrator, re: Updating Ordinance for Senior Exemptions.**

**15. 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 34, Taxes, Section 34.02, Exemption on Residential Property.**

**OTHER COMMUNICATION**

**16. Communication of Frank DiGregorio, re: Joint Resolutions S-2639 & H-7603- Requesting Council support for a Resolution Supporting a Referendum Relating to the Code of Ethics.**

**Vice President Long noted his support for the joint resolutions supporting a referendum relating to the Code of Ethics.**

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

**On motion of Vice President Long, duly seconded, it was voted unanimously to consider the resolution supporting a Referendum Relating to the Code of Ethics at the next regular meeting of the Council, July 2nd, 2012.**

## **TOWN COUNCIL**

**17. At the request of Council President Weber and Vice President Long, re: Discussion and consideration of televising budget meetings. (No Documentation)**

**On motion of Vice President Long, duly seconded, it was voted unanimously to begin said discussion and consideration of televising budget meetings.**

**Vice President Long noted the importance of televising budget meetings and workshops to inform residents.**

**On motion of Vice President Long, duly seconded, it was voted unanimously to televise all public workshops regarding the budget for the upcoming year.**

## **TOWN ADMINISTRATOR COMMUNICATIONS**

**18. Memorandum of the Town Administrator, re: School Department FY2013 Budget Adjustments Capital projects approved for reimbursement- State Housing Aid.**

**Finance Director Lynne Dible reviewed the memorandum entered below:**

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

**Councillor Viveiros inquired the effect to the tax rate or budget.**

**Town Administrator Shawn Brown, responding to Councillor Viveiros, noted it is an accounting matter.**

**School Superintendent Rosemarie Kraeger expressed concern with the amount of reimbursement to the school department CIP fund.**

**19. Resolution of the Council, re: FY2013 School Department Budget adjustments.**

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

**20. Memorandum of the Town Administrator, with enclosures, re: Interlocal Agreement with Newport for Study of Joint Waste Collection Services.**

**Town Administrator Shawn Brown noted it is an opportunity to share services and save funds. Mr. Brown reviewed the memorandum entered below:**

**Vice President Long noted this is an excellent opportunity and a chance for greater savings in the budget for the Town.**

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

**On motion of Vice President Long, duly seconded, it was voted unanimously to authorize the Town Solicitor and Town Administrator to execute said agreement.**

**21. Memorandum of the Town Administrator, with enclosures, re: Contract- Waste Management- Amendment Two.**

**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 explained the program will be moving toward a single stream of recycling and the need to collect resident's third tote.**

**22. Resolution of the Council, re: Amendment Two to the Town's Agreement with Waste Management of Rhode Island, Inc. dated October 16, 2007, previously amended by Amendment One dated August 12, 2009 for solid waste, recycling and transportation.**

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

**23. Memorandum of the Town Administrator, with enclosures, re: FY2012 Regional Animal Shelter Agreement- Potter League.**

**Town Administrator Shawn Brown reviewed the memorandum, entered here:**

**On motion of Councillor Silveira, duly seconded, it was voted unanimously to receive said memorandum.**

**24. Resolution of the Council, re: FY2012 Regional Animal Shelter Agreement.**

**On motion of Councillor Silveira, duly seconded, it was voted unanimously to pass said resolution.**

**25. Memorandum of the Town Administrator, re: Open Space and Fields Committee.**

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

**Town Administrator Shawn Brown reviewed the history of the Open Space and Fields committee, noting the difficulty of maintaining a membership of thirteen. Mr. Brown explained the Committee is requesting the membership be reduced to 9 members.**

**On motion of Vice President Long, duly seconded, it was voted unanimously to reduce the Open Space and Fields Committee**

**membership from 13 members to 9 members.**

**On motion of Vice President Long, duly seconded, it was voted unanimously to direct the Clerk to modify the by-laws of the Open Space and Fields Committee to be approved at the next regular meeting of the Council held on July 2nd, 2012.**

## **EXECUTIVE SESSION**

**26. Pursuant to provisions of RIGL, Sections 42-46-2, 42-46-4 and 42-46-5 (a) (5) lease (JFK School).**

**On motion of Vice President Long, duly seconded, it was voted unanimously to recess open session at 7:40 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 7:55 P.M.**

**On motion of Councillor Silveira, duly seconded, it was voted unanimously to accept the lease and authorize the Town Administrator to execute said lease.**

**On motion of Councillor Silveira, duly seconded, it was voted unanimously to seal the minutes of 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 7:56 P.M.**

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**Karin H. Clancey**

**Deputy Town Clerk**

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