

**At a Regular Meeting of the Town Council of the Town of Middletown,
RI held at the Middletown Town Hall on Monday, October 1, 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 – 6:30 PM

- 1. Pursuant to provisions of RIGL, Sections 42-46-2, 42-46-4 and 42-46-5 (a) (1) personnel (Town Administrator).**

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

On motion of Vice President Long, duly seconded, it was voted unanimously to recess executive session and reconvene in open session at 7:00 pm.

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

Section 42-46-7. RIGL.

PRESENTATIONS

- 2. Memorandum of Town Administrator, re: Employee Recognition – Pins of Service Third Quarter 2012.**

Council President Weber read the memorandum, entered here:

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

- 3. Resolution of the Council, re: Commendation Grand Island Center – Genesis HealthCare.**

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

Council President Weber presented the commendation to representatives from the Grand Island Center.

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

PUBLIC FORUM SESSION

4. 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

5. Approval of Minutes, re: Regular Meeting, September 4, 2012.

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

6. Approval of Minutes, re: Regular Meeting, September 17, 2012.

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

7. Approval of Minutes, re: Special Meeting, September 24, 2012.

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

8. Communication of Lincoln D. Chafee, re: Rhode Island Community Development Block Grant (CDBG) Program award.

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

9. Communication of Finance Director, with enclosure, re: Cancellation of taxes for certain Middletown taxpayers.

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

10. Resolution of the Council, re: Cancellation of taxes for certain Middletown taxpayers.

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

11. Application of Paul C. Graf, Middletown, for RENEWAL of a Private Detective License for the 2012-2013 licensing year.

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

12. Applications six (6) 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.

PUBLIC HEARING

13. (Public Hearing Advertised)

Application of Marylous News, Inc. dba Marylous Coffee, 207 East Main Road for an Additional Hours of Operation License for the 2011-2012 licensing year. (NEW)

Public Hearing was declared open.

There being no person present desiring to be heard, public hearing was declared closed.

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

OTHER COMMUNICATIONS

14. Memorandum of Superintendent of Schools, re: School Committee vacancy.

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

15. Memorandum of Town Administrator, with enclosure, re: Process for Appointment of Interim School Committee Member.

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.

Councillor Semonelli noted respect for past School Committee Chair Michael Crowley.

On motion of Vice President Long, duly seconded, it was voted unanimously to begin the process for Appointment of Interim School Committee Member as outlined in the Town Administrator's memorandum, entered above.

COUNCIL COMMUNICATION

16. At the request of Vice President Long, re: Discussion of Tolls on the Sakonnet River Bridge with Newport County Chamber of Commerce and DISCOVERNEWPORT. (Newport County Chamber of

Commerce Resolution in Opposition to Toll Increase on the Newport Bridge Expansion of Tolls onto the Sakonnet River Bridge (included). The DISCOVERNEWPORT board has elected not to take a position concerning tolling on the new Sakonnet River Bridge.)

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

Vice President Long explained the tolling issue has been discussed on several occasions. Mr. Long felt it necessary to invite Newport County Chamber of Commerce and DiscoverNewport to attend this meeting. Mr. Long explained Newport County is being taxed by tolls for the infrastructure maintenance cost of the bridges. Mr. Long noted that the Chamber of Commerce has developed a resolution in opposition to toll increases; DiscoverNewport has not taken a position regarding the issue.

On motion of Vice President Long, to direct the Town Administrator to communicate with Evan Smith from DiscoverNewport asking for the rationale and reason why the board has not taken a position on

the tolls (there was no second at this time).

Council President Weber read and email from Councillor Silveira, entered here:

Vice President Long explained that it would be appropriate for the Town Administrator to contact DiscoverNewport concerning this matter.

Councillor VonVillas noted that she is reluctant to put political pressure on the DiscoverNewport board. Ms. VonVillas commended the Newport Chamber of Commerce for their resolution in opposition to the tolls. Councillor VonVillas explained that the Town has passed two resolutions in opposition to tolling.

The motion from above, was duly seconded, a vote was taken: Council President Weber and Councillors Semonelli and VonVillas voted NO; Vice President Long and Councillor Viveiros voted YES to

said motion; MOTION FAILED TO PASS.

On motion of Councillor Semonelli, duly seconded it was voted to reconsider said motion; Council President Weber and Councillor VonVillas voted NO; Vice President Long and Councillors Semonelli and Viveiros voted YES to said motion.

Councillor VonVillas inquired why a motion was made to request the administration to contact DiscoverNewport and not just a request to the Administrator for a response.

Councillor Viveiros noted that the tolls would effect and burden anyone.

On motion of Vice President Long, duly seconded, it was voted to direct the Town Administrator to communicate with Evan Smith from DiscoverNewport asking for the rationale and reason why the board has not taken a position on the tolls; Council President Weber and

Councillor VonVillas voted NO; Vice President Long and Councillors Semonelli and Viveiros voted YES to said motion.

Manuel Mello, 31 Beacon Terrace North, requested the Council to invite Senator DiPalma to a meeting to discuss the tolling on the Sakonnet bridge.

Larry Fitzmorris, 50 Kristen Court, Portsmouth, addressed the Council explaining that the tolls are caused by a burden shifting scheme, the tolls on the Sakonnet River Bridge will also pay for maintenance on the Jamestown Bridge. Mr. Fitzmorris noted the importance of taking a strong stand against the tolling.

Councillor VonVillas thanked Mr. Fitzmorris for attending and inquired if any solutions/alternatives have been suggested in place of the tolls.

Mr. Fitzmorris, responding to Councillor VonVillas, noted that a

suggestion of redirecting gas tax revenue has been offered as a solution.

TOWN ADMINISTRATOR COMMUNICATION

17. Memorandum of Town Administrator, re: Amendment to Aquidneck Island Re-Use Implementing Authority (AIRIA) Interlocal Agreement.

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 Solicitor Michael W. Miller noted support for the amendment to the AIRIA Agreement. Mr. Miller noted the amendment will also be

considered by Newport and Portsmouth Council's.

On motion of Vice President Long, duly seconded, it was voted unanimously to approve the proposed Amendment to Aquidneck Island Re-Use Implementing Authority (AIRIA) Interlocal Agreement and authorize the Town Administrator to execute.

APPOINTMENTS TO BOARDS & COMMITTEES

18. Communication of Town Planner, re: Planning Board Representative to the Beach Facility Advisory Committee.

On motion of Vice President Long, duly seconded, it was voted unanimously to confirm the appointment of Charlene Cirillo, representing the Planning Board and Joseph P. Marnane as alternate to the Beach Facility Advisory Committee.

On motion of Vice President Long, duly seconded, it was voted unanimously to adjourn said meeting at 7:41 pm.

Wendy J.W. Marshall, CMC

Council Clerk

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