

**At a Regular Meeting of the Town Council of the Town of Middletown,
RI held at the Middletown Town Hall on Monday, January 7, 2013 at
5:30 P.M.**

Council President Christopher T. Semonelli, Presiding

Vice President Robert J. Sylvia

Councillor Richard P. Adams

Councillor Bruce J. Long

Councillor Paul M. Rodrigues

Councillor Barbara A. VonVillas, Members Present

Councillor M. Theresa Santos, 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.

JOINT MEETING WITH SCHOOL COMMITTEE- 5:30 P.M.

1. Meeting with School Committee and Administration, re: General discussion.

Also present were Town Administrator Shawn Brown, Finance Director Lynne Dible, Deputy Finance Director Marc Tanguay, Deputy Town Clerk Karin Clancey and Town Solicitor Michael W. Miller.

On motion of Vice President Sylvia, duly seconded, it was voted unanimously to recess this meeting at 5:35 pm.

Present, representing the School Department, were Superintendent Rosemarie Kraeger, Business Manager Raquel Pellerin, School Committee Chair Theresa Spengler, Vice Chair Kellie DiPalma, and

members Liana Ferreira Fenton, Paul Mankofsky, and William O'Connell (all arriving between 5:36 pm and 6:00 pm).

On motion of Vice President Sylvia, duly seconded, it was voted unanimously to reconvene this meeting at 5:57 pm.

Council President Semonelli welcomed all attending and noted need for open communication between the Council and School Committee.

LEGISLATIVE AGENDA - 6:00 P.M.

2. Town's legislative concerns to be addressed at the 2013-2014 session of the General Assembly – with the Town's General Assembly delegation.

Also present were Town Administrator Shawn Brown, Finance Director Lynne Dible, Deputy Finance Director Marc Tanguay, Deputy

Town Clerk Karin Clancey and Town Solicitor Michael W. Miller.

Present, representing the School Department, were Superintendent Rosemarie Kraeger, Business Manager Raquel Pellerin, School Committee Chair Theresa Spengler, Vice Chair Kellie DiPalma, and members Liana Ferreira Fenton, Paul Mankofsky, and William O'Connell.

Present, representing the Town's General Assembly Delegation, were State Senator Louis P. DiPalma, State Representative Linda Finn and State Representative Deborah L. Ruggiero.

On motion of Vice President Sylvia, duly seconded, it was voted unanimously to begin the said meeting with the General Assembly delegation.

Council President Semonelli thanked all attendees for participating in this meeting.

Town Administrator Shawn Brown reviewed the Town's 2013 Proposed Legislative Agenda, entered here:

Superintendent Rosemarie Kraeger reviewed the School Committee 2013 Proposed Legislative Agenda, entered here:

School Committee member William O'Connell left the meeting at 6:20 pm.

Library Director Theresa Coish reviewed the Library 2013 Proposed Legislative Agenda, entered here:

Senator DiPalma noted time is of the essence; amendments to State Legislation should be submitted by February 2013 and Local amendments by March 2013.

On motion of Vice President Sylvia, duly seconded, it was voted unanimously to adjourn said meeting at 6:45 pm.

JOINT MEETING WITH SCHOOL COMMITTEE- 6:30 P.M.

3. Pursuant to - “§ 16-2-21 Pre-budget consultation – Annual reports – Appropriation requests – Budgets. – (a) At least sixty (60) days but not more than ninety (90) days prior to the formal submission of the school budget to the appropriate city or town officials by the school committee, there shall be a joint pre-budget meeting between the school committee and the city or town council(s). At or before this meeting:”

**(1) “The highest elected official of the city or town shall submit to the school committee an estimate, prepared in a manner approved by the department of administration, of projected revenues for the next fiscal year. In the case of the property tax, the projections shall include only changes in the property tax base, not property tax rates;
“**

(2) “The school committee shall submit to the city or town council a statement for the next ensuing fiscal year of anticipated total expenditures, projected enrollments with resultant staff and facility requirements, and any necessary or mandated changes in school programs or operations”.

Also present were Town Administrator Shawn Brown, Finance Director Lynne Dible, Deputy Finance Director Marc Tanguay, Deputy Town Clerk Karin Clancey and Town Solicitor Michael W. Miller.

Present, representing the School Department, were Superintendent Rosemarie Kraeger, Business Manager Raquel Pellerin, School Committee Chair Theresa Spengler, Vice Chair Kellie DiPalma, and members Liana Ferreira Fenton and Paul Mankofsky.

On motion of Vice President Sylvia, duly seconded, it was voted unanimously to begin said meeting with the School Committee and Administration.

Town Administrator Shawn Brown reviewed the memorandum, entered here:

School Committee member William O'Connell, arrived at 6:48 pm

School Committee Chair Theresa Spengler reviewed the memorandum, entered here:

Business Manager Raquel Pellerin and Superintendent Rosemarie Kraeger reviewed the RIDE Stage II Housing Application portion of the memorandum, entered above.

Discussion centered around Health Care Costs, Student Enrollment, Basic Education Plan, Federal Impact Aid and CIP Funding.

On motion of Vice President Sylvia, duly seconded, it was voted unanimously to adjourn said meeting at 7:05 pm.

On motion of Vice President Sylvia, duly seconded, it was voted unanimously to reconvene at 7:15 pm.

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.

David Dill, 141 Buser Drive, addressed the Council requesting that the timeline set for CVDD II, LLC Zoning Petition and Amendment to the Comprehensive Community Plan, be held to the set schedule and not allow for any last minute rescheduling of the public hearings.

On motion of Vice President Sylvia, duly seconded, it was voted unanimously to act as a Board of License commission.

ACTING AS A BOARD OF LICENSE COMMISSION

5. (Public Hearing Advertised; abutters notified)

Application of J & S Enterprises, LLC dba Boss Man Burgers, 501 East Main Road, for a Retailers Class BL Alcoholic Beverage License for the 2012-2013 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 Sylvia, duly seconded, it was voted unanimously to grant said license.

6. Application of MEGLAN, LLC dba County Liquor Mart, 43 Aquidneck Avenue, holder of a Class A Alcoholic Beverage License to TRANSFER said license to Beach Liquors, LLC dba Beach Wine & Liquors, for use as the same premises. (Requires advertising for public hearing)

On motion of Vice President Sylvia, duly seconded, it was voted unanimously to receive said application, advertise for Public Hearing for February 4, 2013, regular meeting of the board.

On motion of Vice President Sylvia, duly seconded, it was voted unanimously to reconvene as a Town Council.

CONSENT

7. Approval of Minutes, re: Regular Meeting, December 3, 2012.

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

8. Notice of Public Hearing from the Zoning Board of Review, BankNewport (owner), by their attorney Neil P. Galvin, Esquire, for a Special Use Permit from Section 717-to permit petitioner to have a drive through ATM on the premises per plans submitted, said real estate located at 184 John Clarke Road and further identified as Lot 39 on Tax Assessor's Plat 115.

On motion of Vice President Sylvia, duly seconded, it was voted unanimously to receive said notice of public hearing.

9. Communication of Josephine Brown, AD Chairperson, Newport County NAACP, re: Appreciation for support.

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

10. Communication of Charles J. Vucci, Esquire, Gemma Law Associates, Inc., with enclosure, re: Petition of injury of Nancy Monteiro.

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

11. Communication of Donald P. Courtsal, Middletown, re: Presentation regarding Bay Ridge.

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

12. (Continued from October 15, 2012, Regular Meeting)

Memorandum of Town Administrator, with enclosure, re: Request from Forest Avenue School PTG for Playground Equipment. (Attached is a letter from the Administration requesting this item be withdrawn)

On motion of Vice President Sylvia, duly seconded, it was voted unanimously to withdrawn said matter.

13. (Continued from December 3, 2012, Regular Meeting)

(Continued from November 5, 2012, Regular Meeting)

Memorandum of Chief Pesare thru Town Administrator, with enclosures, re: Traffic Study of intersection Wolcott Avenue and Reservoir Road. (Attached is a letter from the Administration

requesting this item be continued to January 22, 2013)

On motion of Vice President Sylvia, duly seconded, it was voted unanimously to continue said matter to the January 22, 2013, Regular Meeting of the Council.

14. Communication of Tax Assessor, with enclosure, re: Cancellation of taxes for certain Middletown taxpayers.

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

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

On motion of Vice President Sylvia, duly seconded, it was voted

unanimously to pass said resolution.

16. Petition of CVDD II, LLC, with enclosure, re: to amend the Zoning Ordinance, by changing zoning designation for property at 1747 West Main Road, and identified as Plat 111, Lot 9A, from Light Industrial Traffic Sensitive (LIA) to Residential (R-10). (Planning Board Recommendation Attached; Requires Advertising for Public Hearing and notice to abutters)

On motion of Vice President Sylvia, duly seconded, it was voted unanimously to receive said petition, notify abutters and advertise for public hearing, to be held on March 4, 2013.

17. Petition of CVDD II, LLC, with enclosure, re: to amend the Middletown Comprehensive Community Plan, to change the designation on the Future Land Use Plan, Figure 7, for property at 1747 West Main Road, and identified as Plat 111, Lot 9A, from Light Industrial to High Density Residential. (Planning Board Recommendation Attached; Requires Advertising for Public Hearing and notice to abutters)

On motion of Vice President Sylvia, duly seconded, it was voted unanimously to receive said petition, notify abutters and advertise for public hearing, to be held on March 4, 2013.

18. Application of Nicole Stannard and Alex Schebec for a Special Event Permit - Wedding Ceremony to be held at Dunlap-Wheeler Park on August 30, 2013 from 3:00 pm to 7:00 pm.

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

19. Resolution of the Council, re: Requesting General Assembly ratification of Town of Middletown Charter amendments approved by voters on November 6, 2012.

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

ORDINANCE

20. An Ordinance of the Town of Middletown (Second Reading)

An Ordinance in amendment to the Town Code, Title VII, Traffic Code, Stop Sign Intersection. (Wood Road and Oakwood Road)

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

TOWN COUNCIL COMMUNICATIONS

Council acted on item #23, at this time.

21. At the request of Councillor Rodrigues, Resolution of the Council, re: Opposing tolls on the Sakonnet River Bridge.

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

State Representative Linda Finn noted that a Rhode Island Department of Transportation (RIDOT) is conducting a survey regarding the economic impact of placing tolls on the Sakonnet River Bridge. Ms. Finn expressed the need for businesses and residents to contact RIDOT to complete a survey.

Town Administrator Shawn Brown noted that there is contact information for RIDOT on the Town's website.

Discussion centered around the deadline for the survey, the negative economic impact on residents and businesses if tolls are installed,

and repealing legislation transferring the bridge to the RI Bridge and Turnpike authority.

22. Continued from December 3, 2012, Regular Meeting

Memorandum of Councillor Rodrigues, re: Discussion of the FY 13 budget.

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

Councillor Rodrigues reviewed his memorandum, entered here:

Mr. Rodrigues requests a spending freeze and suggests the Council review the budget for potential savings.

Councillor Long noted his agreement to save money and willingness to review the budget.

Council President Semonelli explained the importance of keeping the momentum for the FY2014 budget.

Councillor Rodrigues noted that residents may not be aware of Town projects.

Councillor Adams noted willingness to review budget with input from the administration. Mr. Adams explained that eliminating some budget items may have consequences.

Councillor VonVillas noted that residents are aware; there has been public hearings and newspaper coverage of future projects.

23. Memorandum of Councillor Rodrigues, re: Discussion of School Security.

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

Councillor Rodrigues reviewed his memorandum, entered here:

Mr. Rodrigues noted the importance of the safety of the school children and staff.

Vice President Sylvia noted that importance of public safety and suggests the Police Chief and School Administration develop a confidential safety plan.

Councillor Adams explained that the safety issue is a nationwide

problem, noting support for safety which the Town can afford.

Councillor VonVillas noted that the state legislators are addressing the issue statewide.

Councillor Long noted his agreement with fellow Councillors and explained that all public places should review safety procedures.

Council President Semonelli noted his agreement with safety concerns.

Superintendent Rosemarie Kraeger addressed the Council, explaining that the School Safety Committee is addressing current security policies and procedures, along with ways to improve school safety. Ms. Kraeger noted amendments to the policies, procedures and improvements to security within the facilities needs to be a thoughtful, measured process.

Discussion centered around the need for a new safety trail, requesting assistance from federal legislators and community resource officers.

School Committee Chair Theresa Spengler noted the need to be proactive and preventative, explaining the importance of having Guidance Counselors in each school to assist with student issues and needs.

Police Chief Pesare addressed the Council, explaining that there is not one way to prevent violence, security plans for all Middletown schools are in place and lock downs are practiced. Chief Pesare suggests an increase in school resource officers. The Police Department is actively working with the School Safety Advisory Committee regarding safety issues.

Item #21 was addressed at this time.

24. Email communication of Council President Semonelli, with enclosure, re: Update of status Purgatory pathway at Second Beach.

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

Council President Semonelli reviewed the communication, entered here:

State Representative Linda Finn noted the ownership of the property is being investigated and Department of Environmental Management may be a possible funding source for this project.

25. Memorandum of Council President Semonelli, with enclosure, re: Town of Middletown – Strategic Plan.

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

Council President Semonelli noted the administration requires guidance from the Council and requests Councillors to review the Town's Strategic Plan document for discussion at a later date.

Town Administrator Shawn Brown noted that Department Heads will be meeting on January 10, 2013 to develop more detailed objectives for the Strategic Plan document.

Councillor VonVillas explained the need to review the core of the strategic plan and revise some areas, but not develop a new plan.

Councillor Sylvia noted that the strategic plan should not change, though there may be a need to deviate from the plan, if necessary.

Councillor Rodrigues noted his agreement with Councillor VonVillas.

On motion of Council President Semonelli, duly seconded, it was voted unanimously to meet in four weeks to report to the Administration on the Town's Strategic Plan.

TOWN ADMINISTRATOR COMMUNICATIONS

26. Memorandum of Town Administrator, re: Esplande Outfall Redirection Project – Contract Amendment.

Town Administrator Shawn Brown reviewed the memorandum, entered here:

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

Councillor Rodrigues expressed concern that the Town is liable to pay for the additional expenses of the Esplande project.

Discussion centered around additional engineers hired for the project, insurance claims, guarantee that there will be no other increase cost of the project, and new project design.

Manual Mello, 3 Beacon Terrace North, addressed the Council explaining he never believed the design of the Esplande project would work correctly. Mr. Mello noted concern that the new plan may also fail.

Dennis Turano, 182 Tuckerman Avenue, asked if the Town could take insurance for the project. Mr. Turano also inquired about drainage improvement on Tuckerman Avenue, asking for a long term plan not

just spot repairs.

27. Resolution of the Council, re: Esplande Drainage Improvement – Contract Amendment.

On motion of Vice President Sylvia, duly seconded, it was voted to pass said resolution; Councillor Rodrigues voted NO to said motion.

28. Memorandum of Finance Director, thru Town Administrator, with enclosures, re: Proposed Funding- Esplande Drainage Improvements – redesign change order.

Finance Director Lynne Dible reviewed the memorandum, entered here:

On motion of Vice President Sylvia, duly seconded, it was voted

unanimously to receive said memorandum.

Discussion centered around the Town's bond rating, if the change is permanent and the change would be at no cost to the taxpayer.

Councillor Long noted that he would not be opposed to revisit this change at a later date.

29. Resolution of the Council, re: Memorializing the General Assembly to Amend Legislation which would increase the cap on the amount of judgment Bonds the Town can issue pursuant to section 45-12-4.4 of the General Laws.

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

30. Memorandum of Town Administrator, with enclosures, re: Award of Contract – Professional Services – Town Center & Shoreline Drive.

Town Administrator Shawn Brown reviewed the memorandum, entered here:

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

Councillor Adams noted that he has been involved with this project for years, explaining that the project lays out a vision tying all three communities, Portsmouth, Middletown and Newport, together.

Councillor Rodrigues expressed support for the Shoreline property; however expressed concern with the potential increase in traffic volume.

Councillor Adams noted his support for the project.

Councillor Long noted the importance of the project to Middletown.

Manuel Mello, 3 Beacon Terrace North, addressed the Council inquiring funding for the project.

Town Administrator Shawn Brown, responding to Mr. Mello noted that Department of Environmental Management would fund the Shoreline Drive project and a developer would fund the West Main Road project.

31. Resolution of the Council, re: Award of Contract - Coddington and West Main Town Center Master Plan.

On motion of Vice President Sylvia, duly seconded, it was voted

unanimously to pass said resolution.

32. Resolution of the Council, re: Award of Contract – Shoreline Drive (Burma Road) Waterfront, Greenway and Parks Master Plan.

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

APPOINTMENTS TO BOARDS & COMMITTEES

33. Email communication of Christen Lambiase, re: Resignation from the Open Space and Fields Committee.

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

34. Memorandum of Ralph Thomas, Secretary of Open Space and Fields Committee, with enclosures, re: Amending the By-Laws by removing the provision limiting officers to two consecutive terms.

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

On motion of Vice President Sylvia, duly seconded, it was voted unanimously to amend the bylaws removing provision of limiting officers to two consecutive terms.

35. Email communication of Mason Hawes, Chair of Open Space and Fields Committee, with enclosure, re: Possibility of revising the Town's Memorial Policy.

On motion of Vice President Sylvia, duly seconded, it was voted

unanimously to receive said email communication.

Mason Hawes, Chair of the Open Space and Fields Committee, 431 Reservoir Road, addressed the Council requesting to revise the Town's memorial policy with the assistance of the Beach Commission and Tree Commission.

On motion of Vice President Sylvia, duly seconded, it was voted unanimously to authorize the Open Space and Fields Committee to review and revise the Town's Memorial Policy.

36. Appointment of Town Council representatives to various boards and commissions.

On motion of Vice President Sylvia, duly seconded, it was voted unanimously to appoint Councillor Adams as liaison to the Aquidneck Island Planning Commission.

On motion of Vice President Sylvia, duly seconded, it was voted unanimously to appoint Councillor Adams as liaison to the Aquidneck Island Re-use Implementation Authority.

On motion of Vice President Sylvia, duly seconded, it was voted unanimously to expand the liaison position to two representatives to the Beach Commission.

On motion of Vice President Sylvia, duly seconded, it was voted unanimously to appoint Council President Semonelli and Vice President Sylvia as liaisons to the Beach Commission.

On motion of Vice President Sylvia, duly seconded, it was voted unanimously to appoint Councillor Long as liaison to the Chamber of Commerce.

On motion of Vice President Sylvia, duly seconded, it was voted unanimously to appoint Councillor Santos as liaison to the Citizens Memorial Committee.

On motion of Vice President Sylvia, duly seconded, it was voted unanimously to appoint Councillor Adams as liaison to the Coastal Resource Management Council.

On motion of Vice President Sylvia, duly seconded, it was voted unanimously to appoint Council President Semonelli and Councillor VonVillas as liaisons to the Economic Development Advisory Committee.

On motion of Vice President Sylvia, duly seconded, it was voted unanimously to appoint Councillor VonVillas as liaison to the Library Board of Trustees.

On motion of Vice President Sylvia, duly seconded, it was voted

unanimously to appoint Councillor Long as liaison to the Middletown Prevention Coalition.

On motion of Vice President Sylvia, duly seconded, it was voted unanimously to appoint Councillor Rodrigues as liaison to the Newport County Convention and Visitors Bureau.

On motion of Vice President Sylvia, duly seconded, it was voted unanimously to appoint Councillor Adams as liaison to the Open Space and Fields Committee.

On motion of Vice President Sylvia, duly seconded, it was voted unanimously to appoint Councillor Adams as liaison to the Pension Trust Fund Investment Committee.

On motion of Vice President Sylvia, duly seconded, it was voted unanimously to appoint Councillor Rodrigues as liaison to the Roads/Utilities Advisory Committee.

Discussion centered around changing the School Budget Committee liaison to a School Committee liaison.

On motion of Vice President Sylvia, duly seconded, it was voted unanimously to change the School Budget Committee liaison to School Committee liaison and expand the position to two representatives.

On motion of Vice President Sylvia, duly seconded, it was voted unanimously to appoint Council President Semonelli and Vice President Sylvia as liaison to the School Committee.

On motion of Vice President Sylvia, duly seconded, it was voted unanimously to appoint Council President Semonelli, Vice President Sylvia and Councillor Long to the Special Assessment Review Sub-Committee.

On motion of Vice President Sylvia, duly seconded, it was voted unanimously to appoint Councillor VonVillas as liaison to the Wind Turbine Committee.

EXECUTIVE SESSION

37. Pursuant to provisions of RIGL, Sections 42-46-2, 42-46-4 and 42-46-5 (a) (5) Land Acquisition (Enterprise Drive).

On motion of Vice President Sylvia, duly seconded, it was voted unanimously to recess open session and reconvene in executive session at 10:00 pm.

On motion of Vice President Sylvia, duly seconded, it was voted unanimously to recess executive session and reconvene in open session at 10:25 pm.

On motion of Vice President Sylvia, duly seconded, it was voted unanimously to approve the Planning Board recommendation.

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

On motion of Vice President Sylvia, duly seconded, it was voted unanimously to adjourn at 10:28 pm.

Wendy J.W. Marshall, CMC

Council Clerk

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