

**At a Regular Meeting of the Town Council of the Town of Middletown,
RI held at the Middletown Town Hall on Monday, March 18, 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, arrives at 5:31 pm

Councillor Paul M. Rodrigues

Councillor M. Theresa Santos

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.

5:30 P.M. - EXECUTIVE SESSION

- 1. Pursuant to provisions of RIGL, Sections 42-46-2, 42-46-4 and 42-46-5 (a) (2) Potential Litigation and (2) Collective Bargaining (Police, Fire, Public Works and Town Hall).**

On motion of Vice President Sylvia, duly seconded, it was voted unanimously to recess open session and reconvene in executive session at 5:32 pm.

On motion of Vice President Sylvia, duly seconded, it was voted unanimously to recess executive session and reconvene in open session at 6:50 pm.

On motion of Vice President Sylvia, duly seconded, it was voted unanimously to authorize the Town Administrator to engage into collective bargaining discussions necessary to implement desired

changes.

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.

6:00 P.M. – DISCUSSION OF TOWN’S STRATEGIC PLAN

2. (Continued from January 7, 2013)

(Continued from February 4, 2013)

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 and begin discussion.

Council President Semonelli reviewed the memorandum, entered here:

Councillor VonVillas suggested that Councillors send strategic plan information to the Administrator to correlate and return to the Council.

Councillor Adams noted that the strategic plan vision is broad.

Vice President Sylvia noted the need to be articulate in areas of the strategic plan.

Council President Semonelli explained that the Council needs to give the administration a sense of what needs to be achieved.

On motion of Vice President Sylvia, duly seconded, that individuals funnel desires for the long term strategic plan to the Town Administrator for review and collect majority ideas together and submit to the Council.

Councillor Rodrigues noted that the plan is purposely broad.

Councillor VonVillas noted the need to be clear for the Town Administrator, who will be carrying out Town policies.

At vote was taken for the above motion; it was voted unanimously, that individuals funnel desires for long term strategic plan to the Town Administrator for review and collect majority ideas together and submit to the Council.

On motion of Vice President Sylvia, duly seconded, it was voted unanimously to recess this meeting at 6:58 pm.

On motion of Vice President Sylvia, duly seconded, it was voted unanimously to reconvene this meeting at 7:02 pm.

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.

Berniece Clohecy, Assistant Director of Head Start, addressed the Council updating the impact of sequestration. Ms. Clohecy explained that Head Start may lose between 5% and 8% of their budget; which would create a loss in staff and loss of two classrooms, possibly three. At this time, the programs are especially needed, due to the economy.

Councillor Santos requested that item #9 be heard under the regular portion of the docket.

CONSENT

4. Approval of Minutes, re: Regular Meeting, March 4, 2013.

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

5. Communication of Dennis DeMarinis, Jr., Director of Development & Communications, James L. Maher Center, re: Appreciation for 2012 Civic Appropriation.

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

unanimously to receive said communication.

6. Memorandum of MPC Coordinator, thru Town Administrator, re: STOP Grant Submittal Update.

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

7. Memorandum of Superintendent Rosemarie K. Kraeger, with enclosure, re: FY2013 Budget Adjustments.

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

8. Resolution of the Council, re: FY2013 Budget Adjustment- School Department.

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

9. Petitions received from the following named persons for perpetual care of burial lots in the Middletown cemetery:

- a. Lisa Boiani – Section 52, Lot 30**
- b. Kelly Pimental – Section 53, Lot 22**
- c. Col. Wayne Pembroke – Section 53, Lot 16**
- d. William Simmons – Section 53, Lot 20**

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

Councillor Santos inquired the number of cemetery lots are in the Middletown Cemetery.

Town Clerk Wendy J.W. Marshall, responded to Councillor Santos, explained the information will be provided at a later date.

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

10. Resolutions two (2) from the Town of Charlestown, re: Master Lever Voting and Continued discussions on the complicated issues of gun safety, safety in our schools, mental illness, and access to illegal guns.

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

11. Applications received from the following named persons, firms and corporations for RENEWAL of Holiday Sales Licenses for the 2013-2014 licensing year. (See Attached List)

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

12. Application of Michael Santos dba Sandy's Liquors, 717 Aquidneck Avenue, for RENEWAL of a Sunday Selling License for the 2013-2014 licensing year.

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

13. Application for Special Event Permit from Megan Toppa for a

Wedding Ceremony to be held at Paradise Park on Saturday, May 18, 2013 beginning at 4:00 pm until 5:00 pm.

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

PERMITS

Councillor Long recused himself from acting on the following item of business, #14, due to a possible conflict of interest.

14. Application for Special Event Permit from Middletown Education Collaborative for Family Beach Party and Duck Race to be held at Third Beach on Thursday, July 11, 2013 beginning at 4:00 pm until 8:00 pm. (Request to waive fee attached)

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

unanimously to grant said Special Event Permit and waive said fee.

15. Application of Newport County Community Mental Health Center, Inc. dba NCCMHC'S May is Mental Health Month 5K Fun Run, 5K Fun Run/Walk, taking place at 127 Johnny Cake Hill Road (Aquidneck Corporate Park on Saturday, May 4, 2013 beginning at 10:00 am until 1:00 p.m. (Request to waive fee attached)

On motion of Vice President Sylvia, duly seconded, it was voted unanimously to grant said Special Event Permit and waive said fee.

PUBLIC HEARING

16. Memorandum of Town Planner, thru Town Administrator, with enclosures, re: FY2013 CDBG Application – Project Priorities.

Town Planner Ronald Wolanski reviewed the memorandum, entered

here:

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

17. Public Hearing (Advertised)

Town of Middletown application for FY 2013- Small Cities Community Development Block Grant (CDBG) for certain projects, in an amount not to exceed \$300,000.,as well as an additional \$1.3 million request not subject to the town's funding cap for the State Housing Acquisition and Rehabilitation Program.

Public Hearing was declared open.

Christian Belden, representing Church Community Housing Corporation, addressed the Council thanking the Town for allowing Church Community Housing Corporation to assist with the CDBG

grant application. Mr. Belden explained that he does not see where the sequestration would impact the CDBG grant list. A Sharp program is within the CDBG grant this year; this is a state created acquisition of affordable housing. There would be 2 million dollars placed in a separate Town account, which would require a small accounting effort on the Town's part. The monies may trigger a single audit if it is the largest amount of federal funding received by the Town. To cover the costs of a single audit, there is an increase in the administrative funds from the CDBG grant.

Councillor Rodrigues inquired if there are additional costs and any benefit for allowing funding to be funneled through the Town.

Councillor Santos inquired if \$20,000 would cover administrative costs incurred by the Town.

Councillor Long inquired if the administrative costs are guaranteed to be enough.

Christian Belden, representing Church Community Housing, responding to Councillors, explained that the Town has worked with Church Community Housing in the past and there is an increase of Administrative funding to the Town within the CDBG grant to offset costs.

Town Administrator Shawn Brown noted that Church Community Housing administers the CDBG grant work, which is then reviewed by the Town Administration.

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

18. Resolution of the Council, re: FY2013 Small Cities Community Development Block Grant – Project priorities.

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

unanimously to pass said resolution.

OTHER COMMUNICATIONS

19. Communication of Dennis DeMarinis, Jr., Director of Development & Communications, with enclosure, re: Requesting support for their Diamond Jubilee with a sponsorship.

On motion of Vice President Sylvia, duly seconded, it was voted unanimously to receive said communication and place a ¼ page ad in the James L. Maher Center 60th Diamond Jubilee Program (\$125.00) to be appropriated from the Council President's discretionary fund.

20. Communication of Antone C. Viveiros, Middletown, re: Request Council to attend Sakonnet Bridge Toll hearings.

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

unanimously to receive said communication.

Antone Viveiros, 110 Indian Hill Road, Chairman of STOP, requests Council support for Opposition of Tolls on the Sakonnet River Bridge.

Mr. Viveiros requests a Council representative attend the House Finance Committee hearings regarding Sakonnet River Bridge legislation.

Councillor Long thanked Mr. Viveiros for efforts regarding opposition to tolls on the Sakonnet River Bridge. Mr. Long noted that the Town of Portsmouth is litigating with the Federal Government regarding the tolls on the bridge.

Council President Semonelli requested that a resolution be prepared supporting H5137 for consideration at the next regular meeting of the Council.

Vice President Sylvia noted that there are several legislative bills

regarding the Sakonnet River Bridge; one submitted by Senator DiPalma, which has a solution to support maintenance of the bridge.

Councillor Long noted the need to examine all bills and find the ones which are good for Middletown.

TOWN ADMINISTRATOR COMMUNICATION

21. Memorandum of Finance Director, thru Town Administrator, with enclosures, re: Contract Award: Engineering Services – Development Plan Review.

Town Planner Ronald Wolanski reviewed the memorandum, entered here:

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

22. Resolution of the Council, re: Award of Contract Engineering Services – Development Plan Review.

Councillor Rodrigues questioned the length of contract and if this service is for Planning and Zoning.

Town Administrator Shawn Brown, responding to Councillor Rodrigues explained that the services are both Planning and Zoning.

Town Planner Ronald Wolanski, responding to Councillor Rodrigues, explained that the applicants pay for the Development Plan Reviews.

Councillor Adams noted the importance of having an independent analysis available to the Planning and Zoning Boards.

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

APPOINTMENTS TO BOARDS & COMMITTEES

23. Email communication of Henry Rick Lombardi, re: Resignation from the Middletown Prevention Coalition f/k/a Substance Abuse Task Force.

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

24. Communication of Jennifer Barrera, re: Resignation from the Middletown Prevention Coalition.

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

25. Communication of Helen Flynn, re: Resignation from Middletown Beach Commission.

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

26. Revision of Middletown Beach Commission document indicating composition, terms, meetings, powers and duties.

On motion of Councillor Long, duly seconded, it was voted unanimously to amend #1 from eleven (11) to twelve (12) members.

On motion of Vice President Sylvia, duly seconded, it was voted unanimously to approve said Composition, terms, meetings, powers and duties of the Beach Commission Composition, as amended.

TOWN ADMINISTRATOR COMMUNICATION

27. Memorandum of Town Administrator, re: Modification No. 3 to Wastewater Agreement with City of Newport.

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.

Town Administrator Shawn Brown noted the responsibility to make the capital contribution for Middletown's share which is budgeted.

Councillor Rodrigues questioned the dollar amount of debt service.

Finance Director Lynne Dible, responding to Councillor Rodrigues, explained that the debt service is \$330,000 paid from the sewer fund. The repayment schedule is 20 years and the debt service belongs to the City of Newport.

On motion of Vice President Sylvia, duly seconded, it was voted unanimously to approve said modification No. 3 to said Wastewater Agreement with City of Newport and authorize Finance Director to execute agreement.

COUNCIL RESOLUTIONS

28. Resolution of the Council, re: Opposing Binding Arbitration Legislation.

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

29. Resolution of the Council, re: Opposing Contract Continuation Legislation.

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

On motion of Vice President Sylvia, duly seconded, it was voted unanimously to adjourn said meeting at 7:45 pm.

Wendy J.W. Marshall, CMC

Council Clerk

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