

**At a Regular Meeting of the Town Council of the Town of Middletown,
RI held at the Middletown Town Hall on Monday, May 6, 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 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 PM - EXECUTIVE SESSION

1. Pursuant to provisions of RIGL, Sections 42-46-2, 42-46-4 and 42-46-5 (a) (2) Potential Litigation, (5) Potential Litigation, (5) Lease (Mitchell's Lane - Plat 123, Lot 700), (5) Lease (East Main Road – Plat 118 Lot 31) (5) Lease (JFK School) and (5) Lease (Berkeley Peckham School)

On motion of Vice President Sylvia, duly seconded, it was voted unanimously to recess open session and reconvene in executive session at 5:34 pm.

On motion of Vice President Sylvia, duly seconded, it was voted unanimously to recess executive session and reconvene in open session at 6:06 pm.

BUDGET

2. Review of FY 2013–2014 Proposed Budgets – Community Services, Beach, Civic Appropriations and matters related thereto.

On motion of Vice President Sylvia, duly seconded, it was voted unanimously to being review of Community Services, Beach, Civic Appropriations.

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

Library Budget

Present, representing the Library, were Librarian Theresa Coish, Library Board of Trustees Chair Paul Lamond and Vice Chair Stephen E. Arendt.

Vice Chair Stephen E. Arendt presented a power point outlining the proposed FY 2013-2014 budget, which is on file in the Office of the Town Clerk.

Librarian Theresa Coish presented a power point outlining programs and services provided by the library: Children's Services, Story times, Summer Reading, Live Performances, Art Exhibits, Community Garden, Access to Public Computers and Busy Circulation Desk.

Senior Center Budget

Senior Center Director Arleen Kaull reviewed the program handout, including the Center's activities and services, which is on file in the Office of the Town Clerk.

Discussion centered around Special Events, an increase in the elderly population in Middletown, need for affordable public housing for

seniors, transportation to the Senior Center and overtime expense.

Middletown Prevention Coalition

Town Administrator Shawn Brown reviewed the following:

MPC Coordinator Lori Verderosa explained that the Middletown Prevention Coalition is a grant funded department. Ms. Verderosa is requesting \$8,300. in the CIP to assist in the sustainability plan to create a 501(c) 3.

Discussion centered around the State Marijuana Laws, student surveys and expansion of the intervention program.

Ms. Verderosa reviewed the following:

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

On motion of Vice President Sylvia, duly seconded, it was voted unanimously to reconvene this meeting at 7:10 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. All items discussed during this session will not be voted upon.

Dennis Turano, 182 Tuckerman Avenue, addressed the Council requesting relief from the construction at Easton's Point. Mr. Turano

suggests that Tuckerman Avenue be swept and roads be repaired from the big trucks traveling to and from the Easton's Point construction area.

Antone Viveiros, 110 Indian Hill Road, Chairman of STOP, thanked the Council for supporting the fight against tolls being placed on the Sakonnet River Bridge.

Dennis Turano, 182 Tuckerman Avenue, noted that he would like to see no tax increase this year and inquired the amount of revenue generated from residential taxes.

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

4. Application of Wanumetonomy Golf and Country Club, Inc., 152 Brown's Lane, for a EXPANSION of its Class D Alcoholic Beverage License for the 2012-2013 licensing year. (Requires advertising for public hearing and notice of abutters)

On motion of Vice President Sylvia, duly seconded, it was voted unanimously to receive said application, advertise for Public Hearing and notify abutters for June 3, 2013, regular meeting of the board.

Attorney Robert M. Silva, representing Wanumetonomy Golf and Country Club, Inc. noted that the request is to expand the sale of beverages beyond the Club house.

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

CONSENT

Council President Semonelli requested that item #16 be heard under the regular portion of the docket.

5. Approval of Minutes, re: Special Meeting, April 8, 2013.

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

6. Approval of Minutes, re: Regular Meeting, April 15, 2013.

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

7. Memorandum of Finance Director, thru Town Administrator, with enclosures, re: FY2103 Municipal Financial Report – Quarter Ending

March 31, 2013.

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

8. 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.

9. 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.

10. Memorandum of Gladys B. Lavine, Chair, Middletown Planning Board, with enclosure, re: Impact Fees Schedule Recommendation.

On motion of Vice President Sylvia, duly seconded, it was voted unanimously to receive said memorandum and schedule a meeting on June 17, 2013 at 6:00 pm for discussion of Impact Fees.

11. Memorandum of Gladys B. Lavine, Chair, Middletown Planning Board, re: Request for Resolution in support of Senate Bill S0212 regarding low and moderate income housing.

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

12. Resolution of the Council, re: Supporting Senate Bill S0212

regarding low and moderate income housing.

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

13. Memorandum of Town Administrator, with enclosures, re: Petition – J.H. Dwyer Road – Unacceptable Road Condition.

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

14. Resolutions from Rhode Island Cities and Towns, re: Request support in passage of moving the teacher layoff deadline notice, Request support Contract Continuation – Binding Arbitration – to oppose and reject any and all mandatory binding arbitration legislation being considered for teacher and other school employee contracts, Request for support straight party vote option and Request for support – authorizing communities to utilize bus monitors at their

discretion. (See Attached List)

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

15. Communication of Sandra J. Pattie, President & Chief Executive Officer, BankNewport, re: Proposed reconstruction of the intersections of West Main Road at East Main Road (Two Mile Corner) and West Main Road at Coddington Highway.

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

16. Communication of Thomas Ewens, Middletown, with enclosures, re: Requesting resolution in support of S0337 and H5498 - relating to the Code of Ethics.

Thomas Ewens, 274 Tuckerman Avenue, addressed the Council requesting them to support placing a resolution relating to the Code of Ethics on the next regular meeting docket, May 20, 2013.

On motion of Vice President Sylvia, duly seconded, it was voted unanimously to receive said communication and place a resolution supporting S0337 and H5498 on the next regular docket, May 20, 2013.

17. Applications received from the following named persons, firms and corporations for RENEWAL of Mechanical Amusement Device 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.

18. Application of Francis Daniel Sullivan, III, Middletown, for

RENEWAL of a Private Detective License for the 2013-2014 licensing year.

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

19. Application of Peckham Brothers Co., Inc., Middletown, for RENEWAL of a Drain Layer's License for the 2013-2014 licensing year.

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

20. Application of LHM Restaurant, Inc. dba Newport Beach Hotel & Suites, 1 Wave Avenue, for RENEWAL of an Amusement License for the 2013-2014 licensing year.

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

21. Application of HPK, Inc. dba Tickets, 15 Aquidneck Avenue, for RENEWAL of an Amusement License for the 2013-2014 licensing year.

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

22. Application of Johnny's Atlantic Beach, Inc. dba Johnny's Atlantic Beach Club, 53 Purgatory Road, for RENEWAL of an Amusement License for the 2013-2014 licensing year.

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

23. Memorandum of Planning Director, re: Planning Board Officers.

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

24. Memorandum of Planning Director, re: Planning Board recommendation for AIPC appointments.

On motion of Vice President Sylvia, duly seconded, it was voted unanimously to confirm Gladys B. Lavine and John L. Ciummo as Town Representatives to the Aquidneck Island Planning Commission (AIPC).

25. Memorandum of Planning Director, re: Planning Board recommendation for representative to the Open Space & Fields Committee.

On motion of Vice President Sylvia, duly seconded, it was voted unanimously to confirm Matthew Sullivan as Planning Board Representative on the Open Space & Fields Committee.

LICENSES & PERMITS

26. Application of Advance Stores Company, Inc. dba Advance Auto Parts #7361, 957 West Main Road, for a Holiday License for the 2013-2014 licensing year. (NEW)

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

27. Application of Keystone Novelties Distributor, LLC dba Keystone Fireworks, 741 West Main Road, for a Holiday License for the 2013-2014 licensing year. (NEW)

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

28. Application of Custom House Coffee, LLC dba Custom House Coffee, 796 Aquidneck Avenue, for an Amusement License for the 2013-2014 licensing year. (NEW) (Type of Amusement – Acoustic Guitar, Open Mic, Karaoke, Duo/Trio, Poetry Reading)

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

ORDINANCE

29. An Ordinance of the Town of Middletown (First Reading)

An Ordinance Amendment to the Town Code of the Town of

Middletown, Title III Administration, Chapter 36 Fee Schedule, Section 55 Recreation Fees.

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

OTHER COMMUNICATIONS

30. Communication of MHS Post Prom Committee, re: Request for support for the MHS Post Prom events.

On motion of Vice President Sylvia, duly seconded, it was voted unanimously to receive said communication and approve (\$100.00) for the Senior Post Prom activities and (\$100.00) for the Junior Post Prom activities to be appropriated from the Council President's Discretionary Fund.

31. Communication of Middletown Athletic Boosters, re: Requesting support by placing an ad in the Senior Athletic Awards Banquet program.

On motion of Vice President Sylvia, duly seconded, it was voted unanimously to receive said communication and authorize \$100. for a full page ad in the Senior Athletic Awards Banquet program to be appropriated from the President's Discretionary fund.

32. Communication of Victoria Johnson and Alphonsa Cook, Tournament Coordinators, Newport County NAACP, re: Request for support – NAACP Annual Golf Tournament.

On motion of Vice President Sylvia, duly seconded, it was voted unanimously to receive said communication and authorize a \$100. donation for sponsorship of a TEE, said donation to be appropriated from the Council President's Discretionary Fund.

33. Communication of Paul LaMond, Chair, Middletown Library Board of Trustees, re: Request for Support to defray cost of signage and dedication ceremony for the naming of the Library conference room “Norman and Gillian Hall”.

On motion of Vice President Sylvia, duly seconded, to receive said communication and authorize a \$200. contribution to the Middletown Library Board of Trustees to defray cost of signage and ceremony for the “Norman and Gillian Hall Conference Room” to be appropriated from the Council President’s Discretionary Fund.

Councillor Long noted that it is appropriate that the Town Council support this request, Mr. Hall deserves this recognition.

Councillor Santos noted that Mr. Hall was a member of the Historical Society Board of Directors, and was instrumental in moving the windmill and grant writing.

A vote was taken; for the above motion; it was voted unanimously, to receive said communication and authorize a \$200. contribution to the Middletown Library Board of Trustees to defray cost of signage and ceremony for the “Norman and Gillian Hall Conference Room” to be appropriated from the Council President’s Discretionary Fund.

34. Communication of Joseph McLaughlin, Norman Bird Sanctuary, with enclosures, re: Request installation of a crosswalk at 830 Third Beach Road.

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

Joseph McLaughlin, 583 Third Beach Road, representing the Norman Bird Sanctuary, addressed the Council requesting installation of a crosswalk on Third Beach Road for the safety of the summer campers.

Town Administrator Shawn Brown requested the matter be referred to him to coordinate with the Police and Town Engineer for recommendations. Mr. Brown also noted an investigation of the area would be necessary to determine the owner of the property where the proposed crosswalk would be installed.

On motion of Vice President Sylvia, duly seconded, it was voted unanimously to forward the request to the Town Administrator for investigation of the matter and report findings and recommendation to the Council.

Lt. Patrick Sweeney addressed the Council on behalf of the Middletown Police department, noting full support of the installation of a crosswalk in the Third Beach Road area.

TOWN ADMINISTRATOR COMMUNICATIONS

35. Memorandum of Finance Director, thru Town Administrator, with enclosures, re: Contract Award: Town Hall Bathroom Renovations.

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.

Mr. Brown noted that it is difficult to maintain the restrooms in a sanitary manner. The bid is not to the lowest bidder, due to two of the applicants being found non-responsible.

Building Official Jack Kane addressed the Council explaining that the restrooms were installed in approximately 1985, the tile and grout are failing, there are leaks, and the restrooms are unsanitary and not easily maintained.

Councillor Santos expressed concern that the leak has not been addressed.

Councillor Rodrigues suggest the leak be repaired and sees the issue as nice, not necessary to replace the entire restroom. Mr. Rodrigues noted he cannot support this request to replace the entire restrooms.

Vice President Sylvia suggest the restrooms be repaired and not replaced.

Councillor VonVillas noted a public restroom needs to work well and be sanitary.

Councillor Adams noted his agreement with Councillor VonVillas.

Councillor Long inquired if there is a possible issue with mold?

Building Official Jack Kane, responding to Councillor Long, explained that there is moisture and until the tile is removed, the question cannot be answered.

36. Resolution of the Council, re: Award of Contract – Town Hall Bathroom Renovations.

On motion of Vice President Sylvia, duly seconded, it was voted to pass said resolution; Council President Semonelli, Councillor Adams, Councillor Long and Councillor VonVillas voted YES; Vice President Sylvia, Councillor Rodrigues and Councillor Santos voted NO to said motion.

37. Memorandum of Town Administrator, with enclosures, re: Intercom System – Upgrades – Aquidneck & Forest Avenue Schools.

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.

Mr. Brown noted that the Intercom System was identified by the School Facilities Director and is recommended by the Chief of Police and Superintendent of Schools in an effort to increase school safety.

38. Resolution of the Council, re: Budget Adjustment for Intercom System Upgrades – Aquidneck & Forest Avenue Schools.

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

39. Memorandum of Town Administrator, with enclosures, re: Fire Boat – Replacement.

Town Administrator Shawn Brown reviewed the memorandum, entered here:

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

Fire Chief Ronald Doire noted the main issue with the current boat is the door cut into the hull, if left open the boat sinks. Mr. Doire explained that the boat is not designed to remove a victim in the water from the side of the boat.

Vice President Sylvia questioned the number of the rescue boats and the use of the Harbor Master boat for rescues.

Fire Chief Ronald Doire, responding to Vice President Sylvia, explained the department has a jet ski and a 21 foot boat. The Harbor Master boat is not built for water rescue and there is no area to store equipment.

Councillor VonVillas inquired if the boat presents a safety issue to personnel?

Fire Chief Ronald Doire, responding to Councillor VonVillas, explained that the boats structural integrity has been weakened. The boat has sunk and does present a risk to personnel.

Town Administrator Shawn Brown noted that a Nautical Engineer has inspected and reported on the boat. The boat has many safety issues.

Councillor Rodrigues inquired when the door was cut into the boat.

Fire Chief Ronald Doire, responding to Councillor Rodrigues explained that the door was cut when the boat was purchased. If the door is sealed, it will be difficult to get a victim into the boat.

Discussion continued regarding the purpose of the Harbor Master Boat, funding for the boat from the Rescue Wagon Fund, Mutual Aid provided with the boat, and that the purchase of the new boat meets all requirements.

40. Resolution of the Council, re: Purchase of Fire Rescue Boat.

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

APPOINTMENTS TO BOARDS & COMMITTEES

41. Appointment of one (1) member to the Middletown Committee for the Arts for term expiring April 2016.

On motion of Vice President Sylvia, duly seconded, it was voted unanimously to reappoint Lisa Hansel to the Arts Committee for a term expiring April 2016.

42. Communication of Lucy R. Levada, re: Resignation from Middletown Zoning Board of Review.

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

Councillor Adams noted that Ms. Levada deserves a big “Thank You” for her extraordinary service to the Town.

Vice President Sylvia noted his agreement with Councillor Adams, explaining that Ms. Levada was dedicated to the Town.

Councillor Long explained that Ms. Levada has a great work ethic and thanks her for the years of service.

Council President Semonelli noted his gratitude for Ms. Levada's years of service.

Councillor Rodrigues noted that he worked with Ms. Levada on the Zoning Board of Review and explained that she is an extraordinary individual and thanks her for the years of service.

On motion of Vice President Sylvia, duly seconded, it was voted unanimously to recess open session and reconvene in executive

session at 8:35 pm.

On motion of Vice President Sylvia, duly seconded, it was voted unanimously to recess executive session and reconvene in open session at 9:53 pm.

Council President Semonelli recused himself from acting on the Lease (JFK School), due to a possible conflict of interest.

On motion of Vice President Sylvia, duly seconded, it was voted unanimously to applaud the effort of the Portsmouth Town Council and citizens; Middletown is unable to monetarily support Portsmouth at this time.

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 said meeting at 9:55 p.m.

Wendy J.W. Marshall, CMC

Council Clerk

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