

**At a Regular Meeting of the Town Council of the Town of Middletown,
RI held at the Middletown Town Hall on Monday, May 20, 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.

Vice President Sylvia requested a moment of silence in memory of Lt. Raymond Gould, retired from the Middletown Fire Department.

5: 30 P.M.- PRESENTATION

1. Presentation of Pension/OPEB investment Committee, re: Review work that the Committee has done with the Actuaries (Buck Consultants) and Investment Advisor (PSolve) to update the Pension Investment Policy and analyze the Town Pension plan and OPEB liabilities and funding.

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

Finance Director Lynne Dible introduced Jonothan Chipko and Philip Bonanno representing Buck Consultants.

Finance Director Lynne Dible reviewed the memorandum, entered here:

Jonathan Chipko reviewed slides three and four, entered here:

Philip Bonanno reviewed slides five and six, entered here:

The entire presentation is on file in the Office of the Town Clerk.

Discussion centered around actuary projections, beneficiaries and disability retirements.

BUDGET

2. Review of FY 2013–2014 Proposed Budgets – General

Government, Beach, Public Safety, Non-department specific, Civic Appropriations and matters related thereto.

On motion of Vice President Sylvia, duly seconded, it was voted unanimously to begin review of FY 2013–2014 Proposed Budgets – General Government, Beach, Public Safety, Non-department specific, 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.

Fire Department Budget

Town Administrator Shawn Brown reviewed the following:

Fire Chief Ronald Doire addressed the Council reviewing Fires and Hazardous Conditions Response calls, Mutual Aid Responses, Emergency Medical Services (EMS) and civilian dispatchers.

Discussion centered around Civilian dispatchers, healthcare buy back, number of firefighters on the department, sick leave, overtime, longevity, fire vehicles and minimum manning.

Police Department Budget

Town Administrator Shawn Brown reviewed the following:

Police Chief Anthony Pesare presented a power point presentation to the Council, which is on file in the Office of the Town Clerk.

Discussion centered around vehicle fleet replacement program, 12

hour shifts, annual calls for service, other charges (under Animal Control) for Payment to Potter League, Code Red alert system, vacation payoff, overtime, minimum manning, staffing, and Police Department accreditation.

Town Administrator Budget

Town Administrator Shawn Brown reviewed the following:

Town Clerk/Canvassing/Probate/Municipal Court Budgets

Town Administrator Shawn Brown reviewed the following:

Town Clerk Wendy Marshall noted that the overall budget is level funded, slight increase line item Professional Organization (Joined Cemetery Association), slight increase in Reference Books (Increase

for updating of Town Code), slight increase in Advertising (Newport Daily News fees), slight increase - Land Evidence – Other Technical Services – (increase in recordings). The Canvassing budget has decreased, due to no elections. The line item for postage has increased, due to State required (NCOA) National Change of Address process. The Probate budget is level funded. The advertising line indicates an increase, due to advertising estates; however, the fees are reimbursed back to the Town. The Municipal Court Overall Budget is level funded. There is an increase in Court Costs, due to budgeting for busing from RK Associates shopping plaza.

Town Solicitor

Town Administrator Shawn Brown reviewed the following:

Non-Department Specific

Finance Director Lynne Dible reviewed the following:

Civic Appropriation

Vice President Sylvia suggests level funding the Civic Appropriations this year only and notifying the applicants that the Council will scrutinize applications for next year.

Council President Semonelli noted support for level funding Civic Appropriations.

Councillor VonVillas noted agreement with Vice President Sylvia.

Councillor Adams noted agreement to level fund Civic Appropriations and review for next year.

Councillor Santos noted agreement with Vice President Sylvia.

Councillor Long explained that there are two types of Civic Appropriations; Middletown and County wide. Mr. Long noted the importance to support Middletown Associations.

Beach

Town Administrator Shawn Brown reviewed the following:

Discussion centered around the beach opening on May 25, 2013, who will be in charge of the beach and seasonal staffing.

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

On motion of Vice President Sylvia, duly seconded, it was voted unanimously to reconvene at 7:20 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.

No one spoke during this session.

Item #22 was acted on at this time.

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

Town Solicitor Michael W. Miller recused himself from items #5 and #6, due to a possible conflict of interest.

ACTING AS A BOARD OF LICENSE COMMISSION

4. (Public Hearing advertised; abutters notified)

Application of Main Hotel, LLC dba Homewood Suites, 348 West Main Road, for a Retailers Class BT Alcoholic Beverage License for the 2012-2013 licensing year. (NEW)

Public Hearing was declared open.

There was no persons 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.

5. Petition of Thomas Ney, President and Mary Connor, Secretary, of All-Vets Club, 985 Aquidneck Avenue, re: Request for expansion of Class D Alcoholic Beverage to provide outdoor service on Saturday, May 25, 2013, beginning at 5:00 pm, for the All-Vets Club Fundraiser in honor of Sgt. Michael Verardo.

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

6. Petition of Thomas Ney, President and Mary Connor, Secretary, of

All-Vets Club, 985 Aquidneck Avenue, re: Request for expansion of Class D Alcoholic Beverage to provide outdoor service on Sunday, June 2, 2013, beginning at 12:00 noon, for the All-Vets Club annual Viking Riders Blessing of the Bikers Fundraiser.

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

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, May 6, 2013.

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

8. Resolutions from Rhode Island Cities and Towns, re: Request for support – authorizing communities to utilize bus monitors at their discretion and Request support in opposition to House Bill 5953 and Senate Bill 0815 – relating to agriculture and forestry – renewable energy facilities. (See Attached List)

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

9. Notice of Public Hearings from the Zoning Board of Review – Petition of Daniel G. Kamin, BJ's of Middletown, LLC (owner) – BJ's Wholesale Club, Inc. (applicant), for a Special Use Permit from Section 602(B) & 1106 – to allow the construction of a propane dispensing facility in a (GBA) General Business/Traffic Sensitive zoning district and Zone 2 of the Watershed Protection District consisting of two 1,000 gallon above ground LPG tanks and related appurtenances, on real estate located at 173 East Main Road, TAP 107SE, Lot 107.

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

10. Email communication CVDD II, LLC, re: Request to withdraw petition to rezone TAP 111, Lot 9A.

On motion of Vice President Sylvia, duly seconded, it was voted unanimously to receive said Email communication and accept withdrawal of petition to rezone TAP 111, Lot 9A.

11. Application of HPK, Inc., dba Tickets, 15 Aquidneck Avenue, for RENEWAL of Mechanical Amusement License for the 2013-2014 licensing year. (1 Juke Box, 1 Pool Table and 6 Games)

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

12. Applications received from the following named persons, firms and corporations for Special Event Permits. (See Attached List)

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

Item #23 was acted on at this time.

LICENSES & PERMITS

13. Application of Main Hotel, LLC dba Homewood Suites, 348 West Main Road, for a Victualling House License for the 2012-2013 licensing year. (NEW)

On motion of Vice President Sylvia, duly seconded, it was voted unanimously to grant said license contingent on Building Official, Fire Marshal, Public Works and Board of Health approvals.

14. Application of Peter Dorrien Traisci, Executive Director, Camp Ramleh for a Special Event (Camp Ramleh Yard Sale) to be held at St. George's School, 372 Purgatory Road on Saturday, June 15, 2013 from 8:00 am to 12:00 noon. (Attached is a request to waive fee)

Council President Semonelli noted the Camp Ramleh is a Camp for low income Kids.

Councillor Long noted that Camp Ramleh is a good cause and previous Council's have waived the fee.

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

15. Applications five (5) for Special Event Permits received from Norman Bird Sanctuary, 583 Third Beach Road (See Attached List; request to waive fees attached)

Vice President Sylvia noted that the Council has been waiving many Special Event fees and the Council should discuss a procedure.

Councillor VonVillas suggests discussion during the Civic appropriation discussion.

Councillor Santos suggests the Town charge \$50. for non-profit organizations.

Town Administrator Shawn Brown noted that the Town Clerk, himself and his Administrative Assistant, have been reviewing the Special Event fees and waiving of the fees. Mr. Brown explained that a

recommendation regarding Special Event fees will be brought to Council at a later date.

Vice President Sylvia suggests waiving the fees this time and reviewing the process, noting there are other costs associated with the requests.

Councillor Adams noted the need for consistency.

Councillor Long noted that former Councillor Cambra brought the matter of waiving fees to the last Council on several occasions. Mr. Long explained that it is appropriate for the Town Administrator to give recommendation regarding the Special Event fees.

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

16. Application of American Promotional Events, Inc. dba TNT Fireworks, 1315 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.

17. Application of Middletown Fraternal Order of Police Lodge #21, Mitchell's Lane, for a Mechanical Amusement License for the 2013-2014 licensing year. (NEW) (1 Juke Box and 2 Games)

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

ORDINANCES

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

An Ordinance in 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 adopt said ordinance on its second reading.

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

An Ordinance in Amendment to the Town Code of the Town of Middletown, Title IX General Regulations, Chapter 96 Tree Preservation, Section 36.08 Location.

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

20. Memorandum of Town Administrator, re: Amendments to Town Code Chapter 36 Fee Schedule: Recreation Facility Use Fees.

Town Administrator Shawn Brown reviewed the memorandum, entered here:

Mr. Brown noted the need for a new process and a fee for organizations.

Discussion centered around if the businesses were legitimate, paperwork that will be provided for proof of legitimate businesses and enforcement of the ordinance.

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

21. 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 36 Fee Schedule, Section 52 Approved Reservation of Outdoor Public Places.

On motion of Vice President Sylvia, duly seconded, it was voted unanimously to amend the word “Sports” under (c) to “Recreation” and to receive said ordinance on its first reading, as amended.

COUNCIL COMMUNICATIONS

Council acted on item #22 was acted on after the Public Forum Session.

22. At the Request of Council President Semonelli, Resolution of the Council, re: Supporting Municipal Road and Bridge Revolving Fund.

Joe Pratt and Geoffrey Peterson, representatives from the Rhode Island Treasurer's Office addressed the Council requesting support for the resolution and reviewed the process for applicants to receive monies from the Municipal Road Revolving Fund.

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

Council acted on item #4 at this time.

Council acted on item #23 after item #12.

23. At the request of Vice President Sylvia, Resolution of the Council, re: Supporting S0337 and H5498 - relating to the Code of Ethics.

Francis Digregorio, 143 Hallville Road, Exeter, member of Common Cause, addressed the Council noting that passage of this resolution will assist in placing the RI General Assembly back under the Ethics Commission jurisdiction.

Councillor Long noted the issue of placing the RI General Assembly back under the Ethics Commission jurisdiction is very important in the State of Rhode Island.

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

Council acted on item #13 at this time.

24. At the request of Vice President Sylvia, Proclamation of the Council, re: Declaring May 25, 2013 as National Missing Children's Day in the Town.

On motion of Vice President Sylvia, duly seconded, it was voted unanimously to proclaim May 25, 2013 as National Missing Children's Day in the Town.

25. Communication of Council President Semonelli, re: The Rhode Island Defense Economy Planning Commission Meeting Thursday, May 9th minutes.

Council President Semonelli reviewed the communication, entered here:

On motion of Vice President Sylvia, duly seconded, it was voted unanimously to receive said communication and appoint Council President as representative to the Rhode Island Defense Economy Planning Commission.

Councillor Long noted the importance of having a Middletown representative on the commission.

Councillor Adams noted his support for Middletown having a presence on the commission.

TOWN ADMINISTRATOR COMMUNICATIONS

26. Memorandum of Town Administrator, with enclosures, re: Pavilion – Wyatt Road Soccer Fields – Middletown Youth Soccer Club (MYSC).

Town Administrator Shawn Brown reviewed the memorandum, entered here:

Discussion centered around the purpose of the pavilion, if the pavilion will be built to Town specs, who will maintain the structure

and who will construct the pavilion.

Walt Wildeman, 4 Baldwin Road, President of MYSC, addressed the Council explaining that the MYSC has maintained the turf and concession stand on the Soccer field. The pavilion is a kit, which will be professionally installed.

On motion of Vice President Sylvia, duly seconded, it was voted unanimously to receive said memorandum, authorize the Town Administrator to seek exception from the ALT, to their conservation easement specifically a waiver from the single structure limitation and if approved authorize Middletown Youth Soccer Club to construct the pavilion.

27. Memorandum of Town Administrator, re: Proposed RIDOT 75% plans for Two-Mile Corner Improvements.

On motion of Vice President Sylvia, duly seconded, it was voted unanimously to continue this item to the next Regular Meeting of the Council.

Vice President Sylvia recused himself from acting on item #28, due to a possible conflict of interest.

APPOINTMENTS TO BOARDS & COMMITTEES

28. Appointment of one (1) member to the Middletown Personnel Board of Review for a term expiring June 2016. (Bipartisan Board)

On motion of Council President Semonelli, duly seconded, it was voted unanimously to reappoint Barbara Sylvia to the Personnel Review Board for a term expiring June 2016.

29. Memorandum of Town Administrator, with enclosures, re: Wind Turbine Advisory Committee 'Sunsetting'.

On motion of Vice President Sylvia, duly seconded, it was voted unanimously to receive said memorandum and final report from the Wind Turbine Advisory Committee.

EXECUTIVE SESSION

30. Pursuant to provisions of RIGL, Sections 42-46-2, 42-46-4 and 42-46-5 (a) (1) personnel (Non-Classified Municipal Positions).

On motion of Vice President Sylvia, duly seconded, it was voted unanimously to recess open session and reconvene in executive session at 8:08 pm.

On motion of Vice President Sylvia, duly seconded, it was voted unanimously to recess executive session and reconvene in open session at 9:07 pm.

On motion of Vice President Sylvia, duly seconded, it was voted unanimously to approve the Town Administrator's recommendation to re-align Non-classified Municipal Positions.

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 9:10 p.m.

Wendy J.W. Marshall, CMC

Council Clerk

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