

**At a Regular Meeting of the Town Council of the Town of Middletown, RI held at the Middletown Town Hall on Monday, June 17, 2013 at 6:00 P.M.**

**Council President Christopher T. Semonelli, Presiding, arrives at 6:30 pm**

**Vice President Robert J. Sylvia, Presiding from 6:00 pm to 6:30 pm**

**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 for retired Middletown Police Captain Frank Lema, Sr. and his wife, Janice, who were involved in an accident over the weekend.**

**Vice President Sylvia presiding.**

#### **6:00 PM PRESENTATIONS**

- 1. Memorandum of Town Administrator, re: Presentation – Greene Lane ADA Compliance Project.**

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

**2. Memorandum of Town Administrator, re: Presentation – Intersection West Main Road and Forest Avenue.**

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

**3. Memorandum of Town Administrator, with enclosures, re: RIìSTARS – Intersection – Aquidneck Avenue and Valley Road; Intersection – Aquidneck Avenue and Purgatory Road.**

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

**4. Memorandum of Town Administrator, re: Presentation on the Intersection of Aquidneck Avenue and Green End Avenue.**

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

**On motion of Councillor VonVillas, duly seconded, it was voted unanimously to recess this meeting at 6:08 pm.**

**On motion of Councillor VonVillas, duly seconded, it was voted unanimously to reconvene this meeting at 6:15 pm.**

**Items #2, #3 and #4 were presented.**

**Council President Semonelli arrived at 6:30 pm.**

**Sean Raymond, P.E., Project Manager, Traffic Management and Highway Safety, RIDOT and Peter Pavao, Transportation Systems Engineer, Vanasse Hangen Brustlin, Inc., presented a power point**

**presentation for the Aquidneck Avenue intersections with Green End Avenue, Valley Road and Purgatory Road, which is on file in the Office of the Town Clerk.**

**Item #1 was presented.**

**Jim Coogan, Project Manager, representing the Maguire Group and Kate Wilson, representing RIDOT reviewed the Greene Lane ADA Improvements. Ms. Wilson noted that Greene Lane was selected by the Governors Commission for improvements due to a Group home located in the Greene Lane area. The residents use the sidewalks on a daily basis. Currently, there is only a sidewalk on the north side of Greene Lane. The project is to place a sidewalk on the south side of Greene Lane.**

**On motion of Councillor VonVillas, duly seconded, it was voted unanimously to recess this meeting at 6:55 pm.**

**On motion of Councillor VonVillas, duly seconded, it was voted unanimously to reconvene this meeting at 7:05 pm.**

## **PUBLIC FORUM SESSION**

**5. 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.**

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

**Vice President Sylvia recused himself from item #6, due to a possible conflict of interest.**

## **ACTING AS A BOARD OF LICENSE COMMISSION**

### **6. (Public Hearing advertised; abutters notified)**

**Application of The 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.**

**Public Hearing was declared open.**

**Theresa Moreau, 3 Osage Drive, addressed the Council explaining she is an abutter to Wanumetonomy Golf Course and received notification regarding the request to expand the liquor license. Ms. Moreau expressed concern with the expansion of alcohol being served on the golf course.**

**Attorney Robert M. Silva, representing The Wanumetonomy Golf and Country Club, Inc., noted that the request is to expand the sale of alcoholic beverages beyond the club house, which will bring the club into compliance with current state law. Mr. Silva noted the servers will be TIPS certified.**

**Town Solicitor Michael Miller inquired how many carts will be serving alcoholic beverages.**

**Attorney Robert M. Silva, responding to Solicitor Miller noted there will be one cart only.**

**There being no other persons present desiring to be heard, public hearing was declared closed.**

**On motion of Councillor Santos, duly seconded, it was voted unanimously to grant said license expansion.**

**7. Application of KJ's Pub, LLC d/b/a KJ's Pub of a Retailer's Class BV Alcoholic Beverage License for premises located at 59 Aquidneck Avenue to expand the area of service of said license to include a the outdoor patio at the southwest corner of the building for the 2012-2013 licensing year. (Requires Advertising for Public Hearing and notification to the 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 July 15, 2013, regular meeting of the board.**

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

**Vice President Sylvia requested that items #16, #19, #21, and #28 be**

**heard under the regular portion of the docket.**

## **CONSENT**

**8. Approval of Minutes, re: Regular Meeting, May 20, 2013.**

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

**9. Approval of Minutes, re: Special Meeting, May 22, 2013.**

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

**10. Approval of Minutes, re: Special Meeting, May 29, 2013.**

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

**11. Communication of J. Clement Cicilline, M.S., President & CEO, Newport County Community Mental Health Center, re: Appreciation for support of Newport County Community Mental Health Center's 2nd Annual Spring Trot for Mental Health 5K Run/Walk in support of May Is Mental Health Month on May 4, 2013.**

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

**12. Communication of Dennis DeMarinis, Jr., Director of Development & Communication, James L. Maher Center, re: Appreciation for support of the Diamond Jubilee.**

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

**13. Resolutions from Rhode Island Cities and Towns, re: Request for support – in opposition to House Bill 6099 creation of the Ocean State Regional Water Authority, in support of Ethics Bill – in support of the Municipal Street Light Investment Act, in Opposition to House Bill 5953 and Senate Bill 0815 – relating to agriculture and forestry – renewable energy facilities and in Opposition to Senate Bill 0322 –Legislation relating to taxation. (See Attached List)**

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

**14. Notices of Public Hearings from the Zoning Board of Review – two (2) Petitions of Valley Partners of Newport, LLC.,(owner) Cheryl Szczepaniak (applicant) by their attorney Vernon L. Gorton, Esquire, one (1) petition for a Special Use Permit from Sections 602, 719 & 902- to allow a mixed residential/commercial use with beauty salon on**

**lower level and single family residence on upper level and one (1) petition for a Variance from Sections 603 & 903- to construct a 20' x 20' addition with a right side yard setback of 7.7' where 35' is required, both petitions for real estate located at 88 Valley Road, TAP 113, Lot 116.**

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

**15. Memorandum of Gladys B. Lavine, Chair, Middletown Planning Board, with enclosures, re: Impact Fee Schedule Recommendation. (Attached is a request from the Administration to continue the item to July 15, 2013 Regular Meeting of the Council)**

**On motion of Vice President Sylvia, duly seconded, it was voted unanimously to receive said memorandum and continue to July 15, 2013 Regular Meeting.**

**16. Memorandum of Town Administrator, with enclosures, re: Aquidneck Island Planning Commission (AIPC).**

**Councillor Adams noted the memo entered below, explaining the importance of the Town being involved in the Aquidneck Island Planning Commission, encouraging full participation of the Council.**

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

**17. Memorandum of Town Administrator, with enclosures, re: Pension Plan – Actuarial Valuation Report Plan Year July 1, 2012 thru June 30, 2013.**

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

**18. Memorandum of Town Administrator, with enclosures, re: NAVSTA Newport – Gate 23 (NUWC) Improvements.**

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

**19. 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.**

**Item #21 was also discussed at this time.**

**Councillor Santos thanked Tax Assessor George Durgin for his**

**excellent management of the abatements.**

**20. 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.**

**21. 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.**

**22. 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.**

**23. Memorandum of Gladys Lavine, Chair Middletown Planning Board, re: Recommendation to the Town Council on proposed amendments to Article 10 of the Middletown Rules and Regulations Regarding Subdivision and Development of Land regarding Development Plan Review procedures.**

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

**24. Resolution of the Council, re: Approving amendments to the Rules and Regulations Regarding the Subdivision and Development of Land as adopted by the Planning Board.**

**On motion of Vice President Sylvia, duly seconded, it was voted unanimously to pass said resolution, contingent upon passage of Zoning Amendment to Section 304 regarding the Technical Review Committee, and Sections 305-310 regarding Development Plan Review procedures.**

**25. Memorandum of Gladys Lavine, Chair Middletown Planning Board, re: Recommendation to the Town Council on proposed amendments to the Zoning Ordinance, Section 304 regarding the Technical Review Committee, and Sections 305-310 regarding Development Plan Review procedures. (Requires Advertising for Public Hearing)**

**On motion of Vice President Sylvia, duly seconded, it was voted unanimously to receive said memorandum and advertise public hearing for July 15, 2013 Regular Meeting of the Council.**

**26. Memorandum of Town Planner, with enclosure, re: Required revisions to the Town's Flood Hazard Areas regulations, Zoning**

**Ordinance, Article 10. (Requires Advertising for Public Hearing and Planning Board recommendation)**

**On motion of Vice President Sylvia, duly seconded, it was voted unanimously to receive said memorandum and advertise public hearing for July 15, 2013 Regular Meeting of the Council.**

**27. Application of Rui F. Almeida dba Doughboy's Kitchen, Fall River for RENEWAL of an Industrial Caterers License for the 2013-2014 licensing year.**

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

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

**A. Elemental:**

**On motion of Councillor Adams, duly seconded, it was voted unanimously to grant said Special Event Permit subject to Surf Camp Rules and Regulations and issuance of facilities use permit and other restrictions as identified by the Town Administrator or his designee.**

**B. Pulse:**

**On motion of Vice President Sylvia, duly seconded, it was voted unanimously to grant said Special Event permit subject to issuance of facilities use permit and other restrictions as identified by the Town Administrator or his designee.**

**C. YMCA:**

**On motion of Vice President Sylvia, it was voted unanimously to grant said Special Event permit subject to issuance of facilities use permit and other restrictions as identified by the Town Administrator or his designee.**

**D. DeCotis/Russo wedding:**

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

**E. Cape Codders:**

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

## **LICENSES & PERMITS**

**29. Application of Newport Vineyards, 909 East Main Road, for an Amusement License for the 2013-2014 licensing year. (NEW) (Jazz, acoustical music, “Shakespeare in the Vineyard”, Comedy shows and dance performances)**

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

**30. Applications four (4) for Special Event Permits received from NewportFILM. (See Attached List; request to waive permit fees attached)**

**On motion of Vice President Sylvia, duly seconded, it was voted unanimously to grant said Special Event Permits and not waive said fees.**

**31. Application for Special Event Permit received from Aspire Dermatology, Skin Cancer Screening at Second Beach, Sunday, June 22, 2013 from 10:00 am to 3:00 pm. (See attached request to waive permit fee)**

**On motion of Vice President Sylvia, duly seconded, it was voted unanimously to grant said Special Event Permit and not waive said fee.**

**32. Application for Special Event Permit received from Newport County Community Mental Health Center, Inc., NCCMHC'S Fifth Annual "Tour de Newport" Bike-A-Thon, Sunday, September 22, 2013 at 9:00 am. (See attached request to waive permit fee)**

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

**33. Application for Special Event Permit received from Shelley Dungan, Community Yoga at Third Beach, every Tuesday and Thursday evenings, June thru September from 6:00pm to 7:00 pm. (See attached request to waive permit fee)**

**On motion of Vice President Sylvia, duly seconded, it was voted unanimously to grant said Special Event Permit and not waive said fee.**

**34. Application for Special Event Permit received from Julia Orchard Merkel, LMT, OM Massage at Sachuest Beach, Mobile massage therapy offered daily to patrons at 2nd Beach using SPF lotion.**

**On motion of Vice President Sylvia, duly seconded, it was voted unanimously to deny said Special Event Permit based upon the Beach Commission's concerns that the beach will become an area for commercial businesses.**

## **ORDINANCES**

### **35. An Ordinance of the Town of Middletown (Second 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 adopt said ordinance on its second reading.**

### **36. 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 52 Approved Reservation of Outdoor Public Places.**

**On motion of Vice President Sylvia, duly seconded, it was voted unanimously to change (c) Wellness/Recreation Camps, 1. to \$10.00**

**per day.**

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

**37. Memorandum of Town Administrator, with enclosures, re: Request for Crosswalk-Norman Bird Sanctuary (NBS).**

**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.**

**38. An Ordinance of the Town of Middletown (First Reading)**

**An Ordinance in Amendment to the Town Code of the Town of Middletown, Title VII Traffic Code. (Third Beach Road – Norman Bird Sanctuary and Peabody Beach)**

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

**39. An Ordinance of the Town of Middletown (First Reading)**

**An Ordinance in Amendment to the Town Code of the Town of Middletown, Title VII Traffic Code. (Third Beach Road – Old Navy Beach)**

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

**40. Memorandum of Town Administrator, with enclosures, re: Request for Crosswalks Purgatory Road and Second Beach.**

**Town Administrator Shawn Brown noted the crosswalk from the RIPTA Bus stop to parking lot across from surfers end would need to be removed from the ordinance. Mr. Brown reviewed the memorandum entered below:**

**Town Engineer Warren Hall reviewed the locations of the four proposed crosswalks.**

**Councillor Rodrigues asked about the crosswalk coming from St. Georges to the Triangle at Surfer's End.**

**Town Engineer Warren Hall, responding to Councillor Rodrigues, explained the need to move pedestrian traffic away from the Surfer's End parking lot.**

**Town Administrator Shawn Brown requested this ordinance be continued for further review.**

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

**41. An Ordinance of the Town of Middletown (First Reading)**

**An Ordinance in Amendment to the Town Code of the Town of Middletown, Title VII Traffic Code. (Paradise Avenue, Sachuest Point Road and Purgatory Road)**

**On motion of Vice President Sylvia, duly seconded, it was voted unanimously to continue said ordinance for further review of the area.**

**OTHER COMMUNICATION**

**42. Memorandum of Finance Director, thru Town Administrator, re: Library Board of Trustees – FY2013 CIP Fund Change of Use.**

**Town Administrator Shawn Brown reviewed the memorandum entered below:**

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

**Librarian Theresa Coish addressed the Council explaining that the change in the use of the funding is to purchase public access photocopiers/scanners.**

**43. Resolution of the Council, re: Library Board of Trustees – FY2013 CIP Fund Change of Use.**

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

**44. Memorandum of Janet Parkinson, Dougald Parkinson and Peter Damon, re: 2-4 Coddington Highway and RIDOT.**

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

**Peter Damon, 280 Indian Avenue, noted the purpose of the letter is to bring attention to the Council regarding changes at Coddington Highway and West Main Road, explaining the changes to the intersection would negatively impact the four businesses located on the corner. Mr. Damon explained they have met with RIDOT and there are a number of proposed alternatives for the intersection that would keep the businesses from having to move.**

**COUNCIL COMMUNICATIONS**

**45. At the request of Vice President Sylvia, Resolution of the Council, re: Opposition to H-5394 and S-0322 “Relating to Taxation-Levy and Assessment of Local Taxes”.**

**Vice President Sylvia noted the bill would prevent a municipality from taxing a new single-family dwelling unit or residential condominium units at its full and fair cash value for as long as said new dwelling or condominium unit is not occupied, has never been occupied, and is on the market for sale.**

**Councillor Long explained the critical nature of the bill and the need to support the Rhode Island League of Cities and Towns in opposition to the bill.**

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

**46. At the request of Vice President Sylvia, Resolution of the Council, re: Supporting H-6210 and S-0989 “Relating to Highways-Rhode Island Turnpike and Bridge Authority – Establishment of a Bridge Maintenance Fund Restricted Receipt Account.**

**Vice President Sylvia recognized Senator DiPalma present at the meeting, noting his support for the Senate Bill.**

**Senator DiPalma thanked the Council for the placing the resolution in support of H-6210 and S-0989 on the agenda, explaining there has been a positive response with the general assembly over the past few weeks.**

**Senator DiPalma noted the bill is logical and equitable for all in Rhode Island.**

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

**Council President Semonelli recused himself from item #47, due to a possible conflict of interest.**

**Vice President Sylvia presiding.**

**47. At the request of Vice President Sylvia, Resolution of the Council, re: Requesting RI Department of Education reject the Newport STEAM Academy.**

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

**Councillor VonVillas noted as an educator she is opposed to the Charter School, explaining there is a decrease in enrollment at the public schools presently, operating costs for the public schools remain the same and are increasing, there is a decrease in revenues,**

**and the limit of academic opportunities a charter school would create.**

**Ms. VonVillas noted the need to improve educational opportunities for all students.**

**Councillor Adams explained he was not opposed to the charter school at first, but now realizes the harm it would cause to the public schools. Mr. Adams noted the public schools are already spread too thin and a Charter school would limit diversity in the public school.**

**Bill O'Connell, 18 Continental Drive, School Committee member, explained it was too early for him to decide if he was in favor of the Charter School.**

**Councillor Long noted the resolution is timely, explaining the Charter School would dilute the funding and educational opportunities for public school students. Mr. Long expressed the need to send a strong message.**

**Vice President Sylvia noted the creation of a Charter School would further reduce funding to the public schools. Vice President Sylvia requests support from his fellow Councillors to reject the Newport STEAM Academy as the vanguard approach for the education of children, instead of focusing attention, funding, and policy advocacy on improving existing, performing Middletown Public Schools and work through local, state and federal legislative processes to ensure that all public schools are provided the necessary funding, support and autonomy necessary to educate all students.**

**Councillor VonVillas explained the students in public schools should have the same opportunities as those in Charter Schools, expressing concern that Newport County can barely afford the schools now.**

**School Superintendent Rosemarie Kraeger thanked the Council for the resolution, explaining she is not opposed to charter schools. Mrs. Kraeger noted the lack of collaboration with the development of the Newport STEAM Charter School. Mrs. Kraeger explained that the Rhode Island Superintendents Association is opposed to the charter school, noting there was no dialogue with the districts the charter school would affect; explaining Middletown would suffer a loss of a cost per student. Mrs. Kraeger stated the school committee will be**

**considering the same resolution.**

**On motion of Councillor VonVillas, duly seconded, it was voted unanimously to pass said resolution.**

**Council President Semonelli presiding.**

**48. At the request of Councillor Long, Resolution of the Council, re: Requesting the Middletown School Committee to revisit the Town's master plan for educational facilities.**

**Councillor Long read the resolution entered below. Mr. Long explained the Planning Board has reviewed the impact fees ordinance. Mr. Long is looking for direction from the school committee as to how to proceed and requests an update at the next council meeting July 15, 2013.**

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

## **TOWN ADMINISTRATOR COMMUNICATIONS**

**49. Continued from Regular Meeting, May 20, 2013.**

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

**Town Administrator Shawn Brown reviewed the letter entered here:**

**Councillor VonVillas congratulated the administration for creating an alternative for traffic flow in the area.**

**Councillor Long noted he is very pleased with the work the**

**administration has done on this matter.**

**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 authorize the Town Council President to execute the letter to the RIDOT.**

**50. Memorandum of Finance Director, thru Town Administrator, re: Contract Award: MIDD-013-010 KVH Walkway.**

**Town Administrator reviewed the memorandum, entered here:**

**Councillor Rodrigues inquired if the walkway was located on Town property, noting concern with the Town having an easement on**

**private property.**

**Town Administrator Shawn Brown, responding to Councillor Rodrigues, explained the walkway is an easement going to KVH's parking lot. Mr. Brown explained the walkway is necessary to get to the parking lot, due to the drainage and culvert areas between the Town Hall and KVH property.**

**Vice President Sylvia asked if there was any payment made for the lease.**

**Town Administrator Shawn Brown, responding to Vice President Sylvia, explained the easement was granted in lieu of KVH paying an impact fee to the Town.**

**Discussion centered around public works completing the walkway project, the possibility of public works falling behind on other projects if they construct the walkway, the cost of the impact fees to**

**KVH, bussing for meetings, court and events at the Town Hall, the need for additional parking, the walkway having to meet stormwater regulations, and the cost of constructing the walkway.**

**On motion of Vice President Sylvia, duly seconded, it was voted to receive said memorandum; Councillor Santos voted NO to said motion.**

**51. Resolution of the Council, re: Contract Award: MIDD-013-010 KVH Walkway.**

**On motion of Councillor Santos, duly seconded, it was voted unanimously to continue this matter.**

**52. Memorandum of Finance Director, thru Town Administrator, re: Contract Award: Financial Audit Services.**

**Town Administrator Shawn Brown reviewed the memorandum entered here:**

**Vice President Sylvia inquired if the contract was inclusive for all aspects of the audit.**

**Finance Director Lynne Dible, responding to Vice President Sylvia, noted the contract is inclusive.**

**Councillor Santos inquired the number of years the company has been conducting the audit, asking if it was time to change audit companies for a new set of eyes.**

**Finance Director Lynne Dible, responding to Councillor Santos, explained the Town has been utilizing the current auditors for the past nine years, the auditors are rotated yearly, and all are qualified.**

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

**53. Resolution of the Council, re: Contract Award: Financial Audit Services.**

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

**54. Memorandum of Town Administrator, with enclosure, re: Aquidneck Avenue Sewer Improvements Project, MIDD-012-028.**

**Town Administrator Shawn Brown reviewed the memorandum entered below, explaining the recommendation is a change order to complete the work at night to minimize the impact on businesses in the area.**

**Councillor Rodrigues inquired the timeframe of the project.**

**Town Administrator Shawn Brown, responding to Councillor Rodrigues, noted the timeframe of the project was September/October.**

**Councillor Santos asked if the project also included sidewalks along Aquidneck Avenue.**

**Town Administrator Shawn Brown, responding to Councillor Santos, explained there is no funding for sidewalks; the sidewalks have been placed in the state TIP program.**

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

**55. Resolution of the Council, re: re: Approving change order - Aquidneck Avenue Sewer Improvements Project, MIDD-012-028.**

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

**56. Memorandum of Finance Director, thru Town Administrator, with enclosures, re: FY2013-2014 Regional Animal Shelter Agreement – Potter League.**

**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.**

**57. Resolution of the Council, re: Approving FY2013-FY2014 Regional Animal Shelter Agreement and Authorizing Execution of said Agreement.**

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

**58. Memorandum of Finance Director, thru Town Administrator, with enclosures, re: Contract – Waste Management – Amendment Two Option Year Extension.**

**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.**

**59. Resolution of the Council, re: Contract Extension to Agreement with Waste Management and Authorizing Execution of said Agreement.**

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

## **APPOINTMENTS TO BOARDS & COMMITTEES**

**60. Email communication of John Pinto, 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 resignation with regret.**

**61. Communication of Susan Winsor, LICSW, Case Management Department, Newport Hospital, re: Resignation from the Middletown Prevention Coalition.**

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

**62. Appointment of one (1) member to the Citizens Memorial Committee for an indefinite term.**

**On motion of Vice President Sylvia, duly seconded, it was voted unanimously to appoint Linda M. Chaves to the Citizens Memorial Committee for an indefinite term.**

**63. Appointment of one (1) regular member to the Zoning Board of Review to complete a term expiring April 2014.**

**Councillor Long noted the need to schedule interviews for all applicants to the Zoning Board of Review.**

**Councillor Rodrigues noted his agreement with Councillor Long, explaining the Council rules must be followed.**

**Town Solicitor Michael Miller read Council Rule #32 which states “The Council collectively interview applicants wishing to be appointed to the Zoning and Planning Boards; Council may waive the requirement for reappointments; all new applicants shall be interviewed prior to appointment”.**

**On motion of Councillor Long, duly seconded, it was voted unanimously to direct the Town Clerk to schedule interviews for all applicants at the next regular meeting of the Council July 15, 2013.**

## **EXECUTIVE SESSION**

**64. Pursuant to provisions of RIGL, Sections 42-46-2, 42-46-4 and 42-46-5 (a) (2) Potential Litigation, (2) Collective Bargaining (IBPO), (5) Lease (Verizon Wireless) and (5) Land Acquisition (Paradise Avenue and Purgatory Road).**

**On motion of Vice President Sylvia, duly seconded, it was voted unanimously to recess open session and reconvene in executive session at 9:23 pm.**

**On motion of Vice President Sylvia, duly seconded, it was voted unanimously to recess executive session and reconvene in open session at 10:42 pm.**

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

**unanimously to authorize the Town Administrator and legal defense team to negotiate.**

**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 10:44 p.m.**

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**Wendy J.W. Marshall, CMC**

**Council Clerk**

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