

**At a Regular Meeting of the Town Council of the Town of Middletown,
RI held at the Middletown Town Hall on Monday, August 19, 2013 at
7:00 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.

PUBLIC FORUM SESSION

1. 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.

Ken Corderio, 2 Fagan Court, addressed the Council concerning his quality of life in the Town. Mr. Corderio expressed concern with the Town receiving federal monies for Town projects.

Councillor Santos requested that items #3 and #4 be heard under the regular portion of the docket.

CONSENT

2. Approval of Minutes, re: Regular Meeting, July 15, 2013.

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

3. Memorandum of Town Administrator, re: Update on Resolution Requesting Support from Local Legislative Delegation.

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

Councillor Santos questioned if there were any updates or changes to the original request to the Local Legislative Delegation.

Town Administrator Shawn Brown, responding to Councillor Santos, noted that there are no changes.

4. Memorandum of Finance Director, thru Town Administrator, re: Municipal Financial Report – Quarter/Fiscal year ending June 30, 2013 – Town of Middletown.

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

Councillor Santos reviewed the above report and requested that in September the July and August reports include the Town's check register.

Town Administrator Shawn Brown noted that the check register will be provided, if the account has been reconciled.

5. Communication of Susan E. Erstling, Ph.D., LICSW, Board Chair, Lucy's Hearth, re: Appreciation for Civic Appropriation.

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

6. Communication of J. Clement Cicilline, M.S. President & CEO, Newport County Community Mental Health Center, re: Appreciation for Civic Appropriation.

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

7. Communication of Robert A. Shawver, P.E., Administrator, Planning & Finance Division, Rhode Island Department of Transportation, re: 2014 Local Roads Program Funding Not

Available.

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

8. Communication of David H. Stearrett, CFM, Chief, Floodplain Management Branch, Federal Insurance and Mitigation Administration, re: Reminder that the Town of Middletown has until September 4, 2103 to adopt the Floodplain Management ordinance.

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

9. Resolution of Town of Charlestown, re: Support of Municipal Road and Bridge Revolving Fund.

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

10. Communication of John J. Lombardi, Esquire, on behalf of Robert Lopes, with enclosure, re: Notice of Injury and Demand for Satisfaction Pursuant to RIGL 45-15-5.

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

11. Communication of Beth Larcom and Carmela Geer, re: Request for support – Middletown Safety Town. (Approved by Town Administrator, due to timing of the event- support was level funded from last year)

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

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 contingent upon approvals from Police, Fire, Building Official, Property/Operations Manager and Town Administrator.

PERMIT

13. Application for Special Event Permit received from Middletown Historical Society, Running of the Windmill, Paradise Park, Sunday, September 8, 2013 from 12:00 Noon to 4:00 pm.

Vice President Sylvia noted the importance of the Historical Society to the Town.

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

PUBLIC HEARINGS

14. Public Hearing (Advertised)

Public Hearing Remains Open.

An Ordinance of the Town of Middletown (Second Reading)

An Ordinance in amendment to the Town Code of the Town of Middletown, Chapter 152 Zoning Code, Article 10 – Flood Hazard Areas.

(Planning Board recommendation attached)

Public Hearing remains open.

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

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

15. Public Hearing (Advertised)

Public Hearing Remains Open.

An Ordinance of the Town of Middletown (Second Reading)

An Ordinance in amendment to the Town Code of the Town of Middletown, Chapter 152 Zoning Code, Article 3 Administration, Enforcement and Procedures, Section 304 Technical Review Committee, Section 305 Development Plan Review (DPR), Section 306 Uses Subject To and Exempt From Development Plan Review, Section 307 Development Plan Review For Uses Permitted by Right, Section 308 Development Plan Review for Use Requiring A Variance or Special Use Permit, Section 309 Required Guidelines, Findings and

**Improvements and Section 310 Development Impact Review.
(Planning Board recommendation attached)**

Public Hearing remains open.

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

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

ORDINANCE

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

An Ordinance in Amendment to the Town Code of the Town of Middletown, Title VII Traffic Code. (Purgatory Road at Crescent Street

and Ellery Avenue)

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

COUNCIL COMMUNICATIONS

17. At the Request of Councillor Rodrigues and Vice President Sylvia, Resolution of the Council, re: Support for the concept of bringing the Retired Aircraft Carrier USS John F. Kennedy to Newport County.

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

Councillor Rodrigues read the resolution, entered here:

Councillor Rodrigues noted that Mr. Lennon was present to answer any question the Council may have.

Vice President Sylvia suggested that that the item be continued to allow for the Council to review the matter, due to the importance of the project. Mr. Sylvia noted that tax dollars are not to be jeopardized.

Councillor Long explained that the resolution is to support a concept, not a plan; Mr. Lennon can present the proposal when complete.

Councillor VonVillas noted she would like to review the details of the project.

Town Solicitor Michael W. Miller noted that the resolution supports the concept and the Council can continue this matter, if desired.

Councillor Santos noted need to our dot “i”s and cross our “t”s.

Discussion centered around support of the concept and the similarity to the Model of regionalization resolution.

Council President Semonelli noted his support for the concept.

Town Administrator Shawn Brown noted that the Town has no jurisdiction over federal property where the project would be located, all that can be done is to support the concept.

18. Memorandum of Councillor Adams, re: Four Corners Cemetery Clean-Up and Maintenance.

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

unanimously to receive said memorandum.

Councillor Adams thanked the staff for the ongoing work at the Middletown Four Corners Cemetery. Mr. Adams noted the cemetery is getting the attention it deserves.

On motion of Councillor Adams, duly seconded, it was voted unanimously to thank the administration for their accomplishments at the Middletown Four Corners Cemetery.

TOWN ADMINISTRATOR COMMUNICATIONS

19. Memorandum of Town Planner, thru Town Administrator, re: CDBG-Disaster Recovery (Hurricane Sandy) Application.

Acting Town Planner Allison Ring, reviewed the memorandum, entered here:

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

20. Resolution of the Council, re: Approval of filing of the CDBG-Disaster Recovery Application and Authorizing Town Administrator to file said application and execute agreement.

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

21. Memorandum of Finance Director, thru Town Administrator, with enclosures, re: Town Pension Plan (John Hancock) Amendments #29 and #30.

Finance Director Lynne Dible reviewed the memorandum, entered

here:

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

Discussion centered around if John Hancock is able to walk away from the contract, that John Hancock is still maintaining the plan accept for the areas being amended, there will be no effect on the retirees and the yearly administrative costs.

22. Resolution of the Council, re: Approving Amendment #29 and Amendment #30 to the Plan and Article I of the Group annuity Contract.

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

APPOINTMENTS TO BOARDS & COMMITTEES

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

Vice President Sylvia noted that the Council has done due diligence by interviewing the applicants for the Zoning Board of Review.

On motion of Vice President Sylvia, duly seconded, to appoint James Miller as regular member of the Zoning Board of Review to complete a term expiring April 2014, appoint Nicholas P. Pasyanos as 1st alternate to complete a term expiring April 2014, appoint Olin D. Gambrell, Sr. as 2nd alternate to complete a term expiring April 2014 and appoint Robert R. Novick as 3rd alternate to complete a term expiring April 2014

Vice President Sylvia explained that the motion on the floor is within the scope of Council's authority.

Town Solicitor Michael W. Miller read Council rule #32, entered here:

32 *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.

Mr. Miller noted that the candidates were interviewed and the motion is acceptable.

Councillor Long explained that he has an issue with the process, that there was no advertisement for the alternate positions. Mr. Long requests that the motion be divided: 1. for the full time member (regular member) and 2. for the alternate members.

Councillor VonVillas noted that the motion provides for a level of efficiency.

Council President Semonelli explained that the alternate members who have invested time deserve to be advanced.

Councillor Rodrigues thanked all the candidates.

Town Solicitor Michael Miller noted that previous Councils have appointed permanent members and advanced alternate members at the same time.

Councillor Long explained that the advertisement was to complete a term for a full time position (regular member) on the board. Docket item #23 provided for 'the appointment of (1) one regular member to the Zoning Board of Review to complete a term expiring April 2014. The appointments of alternate members were not on this agenda. Mr. Long requests that the original motion be divided into two motions, because he would be abstaining from the vote on the appointment of the alternate members.

Vice President Sylvia amended the above motion, as follows:

On motion of Vice President Sylvia, duly seconded, it was voted unanimously to appoint James Miller as regular member of the Zoning Board of Review to complete a term expiring April 2014.

On motion of Vice President Sylvia, duly seconded, it was voted to appoint Nicholas P. Pasyanos as 1st alternate to complete a term expiring April 2014, appoint Olin D. Gambrell, Sr. as 2nd alternate to complete a term expiring April 2014 and appoint Robert R. Novick as 3rd alternate to complete a term expiring April 2014; Councillor Long abstained from this vote for the reason stated above.

24. Appointment of one (1) member to the Middletown Prevention Coalition (Healthcare Sector) to complete a term expiring March 2014.

On motion of Vice President Sylvia, duly seconded, it was voted unanimously to appoint Margaret G. Barrett to complete a term expiring March 2014 (Healthcare Sector).

25. Appointment of one (1) member to the Middletown Conservation Commission for a term expiring July 2016.

On motion of Vice President Sylvia, duly seconded, it was voted unanimously to reappoint Robert R. Johnson for a term expiring July 2016.

26. Appointment of three (3) members to the Stormwater Management Steering Committee for indefinite terms.

On motion of Vice President Sylvia, duly seconded, it was voted unanimously to appoint William DiMarco, John R. Mello, Jr. and Steven Rodrigues to the Stormwater Management Steering

Committee for indefinite terms.

On motion of Vice President Sylvia, duly seconded, it was voted unanimously to adjourn said meeting at 8:05 p.m.

Wendy J.W. Marshall, CMC

Council Clerk

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