

**At a Regular Meeting of the Town Council of the Town of Middletown,
RI held at the Middletown Town Hall on Monday, November 4, 2013 at
6:00 P.M.**

Council President Christopher T. Semonelli, Presiding

Vice President Robert J. Sylvia

Councillor Richard P. Adams

Councillor Bruce J. Long

Councillor M. Theresa Santos

Councillor Barbara A. VonVillas, Members Present

Councillor Paul M. Rodrigues, Absent

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.

PRESENTATION

- 1. Presentation by Rhode Island Department of Transportation and VHB – Vanasse Hangen Brustlin, Inc. – Gravel Wetland in the Valley.**

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

Also present, representing RIDOT was Project Manager Anita Marshall and Supervision Civil Engineer Lambri Zerva, representing VHB James M. Pisano, P.E., Senior Project Manager and Jeff Peterson, Senior Soil Scientist.

Senior Project Manager James M. Pisano, representing VHB reviewed a power point presentation regarding the reconstruction of Two Mile Corner, including the gravel wetland in the Valley. The presentation is on file in the Office of the Town Clerk.

Discussion centered around two TMDL's on Bailey Brook, the treatment of bacteria, volume/flow of stormwater going into gravel wetlands, funding for the project RIDEM and RIDOT fund the entire project, maintenance agreement with RIDEM and review of the construction schedule of the gravel wetland.

On motion of Vice President Sylvia, duly seconded, it was voted unanimously to recess this meeting at 6:42 pm.

On motion of Vice President Sylvia, duly seconded, it was voted unanimously to reconvene this meeting at 7:00 pm.

PUBLIC FORUM SESSION

2. 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 consideration of waterlines being replaced in the Easton's Point area, prior to repaving the roads.

Councillor Santos requested that items #5 and #7 be heard under the regular portion of the docket.

CONSENT

3. Approval of Minutes, re: Special Meeting, October 16, 2013.

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

4. Approval of Minutes, re: Regular Meeting, October 21, 2013.

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

5.

Communication of Tax Assessor, thru Town Administrator, dated October 25, 2013, 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.

Councillor Santos requested clarification of the code erroneous information and soaker.

Town Administrator Shawn Brown explained that erroneous information was due to the water reading provided to the Town by the City of Newport and the soaker was due to an issue a resident had with a soaker hose.

6. 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.

7. Communication of Tax Assessor, thru Town Administrator, dated October 29, 2013, 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.

Councillor Santos requested clarification of estate of and family trusts, which were listed in the abatement report.

Town Administrator Shawn Brown requested the Council continue this matter to the next regular meeting of the Council, November 18, 2013, to research the inquiry.

On motion of Vice President Sylvia, duly seconded, it was voted unanimously to continue this matter to the next regular meeting of the Council, November 18, 2013.

8. 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.

On motion of Councillor Long, duly seconded, it was voted unanimously to reconsider item #8.

On motion of Councillor Long, duly seconded, it was voted unanimously to continue this matter to the next regular meeting of the Council, November 18, 2013.

9. Memorandum of Finance Director, thru Town Administrator, with enclosure, re: FY2014 Municipal Financial Report – Quarter ending September 30, 2013.

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

10. (Continued from October 21, 2013, Regular Meeting)

(Continued from October 7, 2013, Regular Meeting)

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 45, Burial Lots. (The Administration requests to continue this matter to November 18, 2013, Regular meeting of the Council)

On motion of Vice President Sylvia, duly seconded, it was voted unanimously to continue said matter to the November 18, 2013, Regular meeting of the Council.

11. Communication of Jody J. Sullivan, Executive Director, Newport County Chamber of Commerce, re: Support of USS John F. Kennedy resolution.

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

12. Email communication of David Croston, Chair, Portsmouth School Committee, with enclosure, re: Rejecting request to participate in the Unified High School Exploratory Committee.

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

13. Notice from Kevin M. Flynn, Secretary, State Planning Council, re: Notice of Rulemaking.

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

a. Application of Janet Fatulli dba Fatulli's Bakery & Deli, 909 East Main Road, for RENEWAL of a Victualling House License for the 2013-2014 licensing year.

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

14. Application of Wendy's International dba Wendy's, 62 Valley Road, for RENEWAL of a Victualling House License for the 2013-2014 licensing year.

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

15. Application of Marylou's News, Inc. dba Marylou's Coffee, 207 East Main Road, for RENEWAL of a Victualling House License for the 2013-2014 licensing year.

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

LICENSE

16. Application of Toby's, LLC dba Toby's Sub Shop, 1397 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.

PUBLIC HEARING

17. (Public Hearing Advertised)

Application of Marylou's News, Inc. dba Marylou's Coffee, 207 East Main Road, for RENEWAL of Additional Hours of Operation License for the 2013-2014 licensing year.

Public Hearing was declared 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 grant said license renewal.

OTHER COMMUNICATION

18. Communication of Robert A. Smith, P.E., Deputy Chief Engineer, Rhode Island Department of Transportation, re: Reconstruction of Two Mile Corner (Routes 138/114), West Main Road – Commercial Street to Maplewood Road, East Main Road – West Main Road to Bailey Brook, Middletown, RI, RI Contract No. 93116, R.I.F.A.P. NO. AF-0138(011), HPP-4858(001), Town Council Comments.

Town Administrator Shawn Brown reviewed the memorandum, entered

here:

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

Town Administrator Shawn Brown noted that the Administration will be meeting with the Department of Transportation regarding the project and will report back to the Council.

TOWN ADMINISTRATOR COMMUNICATIONS

19. Memorandum of Town Planner, thru Town Administrator, re: 2013 RIDEM Recreation Development Grant.

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.

Discussion centered around that the request is just to submit an application, trails allow for accessibility in the Valley, funding having been set aside, interest earned on funding, no obligation at the Town level, various RIDEM requirements must be met prior to construction and Town match may be in-kind services.

Carol Cummings, 738 Indian Avenue, addressed the Council in opposition to the development of trails. Ms. Cummings expressed concern regarding the maintenance required after the construction of the trails.

20. Resolution of the Council, re: Authorizing the Planning Department to prepare and submit the 2013 RIDEM Recreation

Development Grant.

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

APPOINTMENTS TO BOARDS & COMMITTEES

21. Communication of Mary M. Nunes, re: Resignation from the Middletown Citizens Memorial Committee.

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

Council President Semonelli recognized Mrs. Nunes and family for their commitment to the Town of Middletown.

22. Communication of Tina Vars, re: Resignation from the Middletown Prevention Coalition.

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

23.

Memorandum of Rosemarie K. Kraeger, Superintendent of Schools, re: Appointment to Committees.

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

24. Memorandum of Town Clerk, thru Town Administrator, re: Recreation Facilities Master Plan Advisory Group.

On motion of Vice President Sylvia, duly seconded, it was voted unanimously to receive said memorandum, confirm membership and appoint Vice President Sylvia, Councillor Adams and Councillor Long to the Recreation Facilities Master Advisory Group.

EXECUTIVE SESSION

25. Executive Session - Pursuant to provisions of RIGL, Sections 42-46-2, 42-46-4 and 42-46-5 (a) (5) Land Acquisition (Coddington Highway and (2) Litigation (Tax Appeal Cases).

On motion of Vice President Sylvia, duly seconded, it was voted unanimously to recess open session and reconvene in executive session at 7:45 pm.

On motion of Vice President Sylvia, duly seconded, it was voted unanimously to recess executive session and reconvene in open session at 8:28 pm.

On motion of Vice President Sylvia, duly seconded, it was voted unanimously to authorize the Perreria settlement set forth by the Town Solicitor.

On motion of Vice President Sylvia, duly seconded, it was voted unanimously to authorize the Constantine settlement.

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 8:33 pm.

Wendy J.W. Marshall, CMC

Council Clerk

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