

**At a Regular Meeting of the Town Council of the Town of Middletown,
RI held at the Middletown Town Hall on Monday, December 2, 2013 at
6:00 P.M.**

Council President Christopher T. Semonelli, Presiding

Councillor Richard P. Adams

Councillor Bruce J. Long

Councillor Paul M. Rodrigues

Councillor M. Theresa Santos

Councillor Barbara A. VonVillas, Members Present

Vice President Robert J. Sylvia, 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.

EXECUTIVE SESSION- 6:00 PM

1. Executive Session - Pursuant to provisions of RIGL, Sections 42-46-2, 42-46-4 and 42-46-5 (a) (2) Potential Litigation, (5) land acquisition and (5) land acquisition.

On motion of Councillor VonVillas, duly seconded, it was voted unanimously to recess open session and reconvene in executive session at 6:01pm.

On motion of Councillor VonVillas, duly seconded, it was voted unanimously to recess executive session and reconvene in open session at 6:23 pm.

On motion of Councillor VonVillas, duly seconded, it was voted unanimously to authorize the Administration to negotiate purchase of property and allow administration to engage professional legal and consulting services.

On motion of Councillor VonVillas, duly seconded, it was voted unanimously to seal the executive session minutes pursuant to section 42-46-7, RIGL.

PRESENTATION – 6:15 PM

2. Memorandum of Town Engineer, thru Town Administrator, with enclosures, re: Aquidneck Avenue (RT 138A) and Green End Avenue, RIDOT Safety Improvements Project.

On motion of Councillor VonVillas, duly seconded, it was voted

unanimously to begin said presentation.

Town Administrator Shawn Brown explained that the Town and Department of Transportation are close to completing the Aquidneck Avenue (RT 138A) and Green End Avenue, RIDOT Safety Improvements Project.

Sean Raymond, P.E., Project Manager, Traffic Management and Highway Safety, Rhode Island Department of Transportation, reviewed a powerpoint presentation of the Aquidneck Avenue (RT 138A) and Green End Avenue, RIDOT Safety Improvements Project. The presentation is on file in the Office of the Town Clerk.

Discussion centered around the widening of the four lanes, which will be approximately 300 feet, taking approximately five to eight feet from land owners, RIDOT will negotiate with land owners for the property, curb cuts, left hand turning lanes, some areas will be right turn in right turn out only, sidewalks on Aquidneck Avenue and impact on businesses in the area.

Donna Beebe, representing 7-Eleven on Aquidneck Avenue, explained that where the 7-Eleven sign is located, the gas vents are in the same area. Ms. Beebe noted concern with an environmental nightmare.

Robert St. Geramin, representing 7-Eleven on Aquidneck Avenue, expressed concern that patrons would not have the ability to make a left hand turn from Green End Avenue into the 7-Eleven parking lot.

Discussion center around time frame of the project, possibility of night time construction and the importance of working with business and property owners in the area before and after construction begins.

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

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 expressing concern that the water lines will not be replaced in Easton's point area, during the construction. Mr. Turano questioned if the Town has placed pressure on the water department to consider replacing the water lines.

Town Administrator Shawn Brown noted that a memorandum on the

November 18, 2013 Consent Calendar addressed Mr. Turano's concerns.

Councillor Santos requested that item #5, Councillor VonVillas requested item #7 and Council President Semonelli requested item #10, be heard under the regular portion of the docket.

CONSENT

4. Approval of Minutes, re: Regular Meeting, November 18, 2013.

On motion of Councillor VonVillas, duly seconded, it was voted unanimously to approve said minutes.

5.

Communication of Tax Assessor, thru Town Administrator, with enclosure, re: Cancellation of taxes for certain Middletown taxpayers.

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

Councillor Santos questioned bill adjustment.

Town Administrator Shawn Brown explained that the adjustments are addendum bills.

6. Resolution of the Council, re: Cancellation of taxes for certain Middletown taxpayers.

On motion of Councillor VonVillas, duly seconded, it was voted

unanimously to pass said resolution.

7. Resolution of City of Newport, re: Agreeing to appoint two City Council members to the Unified High School Exploratory Committee.

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

Councillor VonVillas reviewed the status of the Unified High School Exploratory Committee. Councillor VonVillas and Councillor Adams have met with several Town Councils and School Committees in Newport County presenting a powerpoint explaining the Unified High School concept. Ms. VonVillas noted that the plan is to have an organizational meeting of the committee prior to the holidays.

8. Resolution of the Town of Richmond, re: Expressing support for the concept of bringing the Retired Aircraft Carrier USS John F. Kennedy to Newport County.

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

9. Communication of Cheryl A. Fernstrom, CMC, Town Clerk, Town of Jamestown, with enclosure, re: Requesting the Town Council to support the efforts to improve bridge safety on the Newport Pell Bridge.

On motion of Councillor VonVillas, duly seconded, it was voted unanimously to receive said communication and to request the clerk to draft a resolution supporting said efforts to improve bridge safety.

10. Communication of Leland Mello, IM/Project Manager, with enclosure, re: Annual Monitoring Report for CRMC File No. 2008-09-118 – Carex kobomugi Management Project, Second Beach, Middletown, Rhode Island.

On motion of Councilllor VonVillas, duly seconded, it was voted unanimously to receive said communication and report.

Council President Semonelli reviewed the Annual Monitoring Report for CRMC File No. 2008-09-118 – Carex kobomugi Management Project, Second Beach, Middletown, Rhode Island.

11. Communication of Clara Maurer, re: Appreciation for support to attend the All-National Honors Mixed Voice Chorus.

On motion of Councilllor VonVillas, duly seconded, it was voted unanimously to receive said communication.

ORDINANCES

12. 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 34, Taxes, Section 34.02, Exemption on Residential Property.

Councillor Santos questioned the first paragraph of the ordinance and who would be eligible for the exemption.

Town Administrator Shawn Brown noted the purpose of the ordinance is to amend the exemption amounts.

Town Solicitor Michael W. Miller noted that in section 34.01, resident is defined for this chapter, which indicates the individual must be a resident for five years.

On motion of Councillor VonVillas, duly seconded, it was voted unanimously to adopt said ordinance on its second reading.

13. 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 100, Special Events, Section 100.02, Definition and Examples.

On motion of Councillor VonVillas, duly seconded, it was voted unanimously to adopt said ordinance on its second reading.

OTHER COMMUNICATION

14.

Memorandum of Town Administrator, Town Clerk and President,

Middletown Municipal Employees Association – NEARI, re: Holiday Donation – Request for Funds.

On motion of Councillor VonVillas, duly seconded, it was voted unanimously to receive said memorandum and donate \$500 from the Town Council's Discretionary Fund as an additional contribution to this worthwhile cause.

TOWN ADMINISTRATOR COMMUNICATIONS

15. Memorandum of Finance Director, thru Town Administrator, with enclosures, re: Contract Award: MIDD-014-004 Addition and Alterations – Middletown Fire Station & Public Works Department.

Town Administrator Shawn Brown reviewed the memorandum, entered

here:

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

Council President Semonelli noted that the decision for the construction of a Middletown Fire Station and Public Works Department was made by the residents. Mr. Semonelli noted the excellent job done by the staff.

Councillor Santos inquired if the contract could be awarded to a local contractor.

Town Administrator Shawn Brown, responding to Councillor Santos, explained that special legislation would be needed to change the Town Charter for local preference.

Councillor Adams expressed concern that local preference could interfere with the bid process.

Discussion centered around the design of the facility, contingency fund, the new fire training tower, electric operated gates, rubber flooring, fiber optic lines and the bid being under budget.

Richard S. Lawrence, AIA, President, The Lawrence Associates, Architects/Planners, P.C., was present to answer Council questions regarding the plan and design of the Middletown Fire Station and Public Works Department.

16. Resolution of the Council, re: Award of Contract - MIDD-014-004 Addition and Alterations – Middletown Fire Station & Public Works Department.

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

17. Memorandum of Finance Director, thru Town Administrator, with enclosures, re: Contract Award: MIDD-014-006 Services – Project Representative – Addition and Alterations – Middletown Fire Station & Public Works Department.

Town Administrator Shawn Brown reviewed the memorandum, entered here:

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

Councillor Rodrigues inquired if a Clerk of the Works will be on site during the entire project.

Town Administrator Shawn Brown, responding to Councillor

Rodrigues, noted that Mike Taber will be on site daily during the entire project.

18. Resolution of Council, re: Award of Contract - MIDD-014-006 Services – Project Representative – Addition and Alterations – Middletown Fire Station & Public Works Department.

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

19. Memorandum of Finance Director, thru Town Administrator, with enclosure, re: Contract Award: MIDD-014-001 Engineering Services –West Side Sewage Pump Station Consolidation Project.

Town Administrator Shawn Brown reviewed the memorandum, entered here:

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

Councillor Rodrigues inquired how the West Side Sewage Pump Station Consolidation project will tie into Coddington pump station and if the project is part of the current Town budget?

Town Administrator Shawn Brown, responding to Councillor Rodrigues, noted that the Coddington pump station needs to be upgraded and the project was in last year's budget.

20. Resolution of the Council, re: Award of Contract - MIDD-014-001 Engineering Services – West Side Sewage Pump Station Consolidation Project.

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

21. Memorandum of Finance Director, thru Town Administrator, with enclosures, re: Adoption Agreements – Town of Middletown 401(a) Plan and Town of Middletown 457 (b) Plan.

Town Administrator Shawn Brown reviewed the memorandum, entered here:

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

Discussion centered around there being nineteen active employees in the John Hancock Pension Plan, the 401(a) Plan is for new hires in the Town Hall and Public Works Unions, the employees will contribute 6%, which the Town will match 6%, death benefits will be given to the spouse, there is no liability to the Town only risk is to the employee, the employee will be vested immediately with their portion and vested with the Town portion after three years.

22. Resolution of the Council, re: Approval and Execution of Adoption Agreements – Town of Middletown 401(a) Plan and Town of Middletown 457(b) Plan.

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

APPOINTMENTS TO BOARDS & COMMITTEES

23.

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

On motion of Councillor VonVillas, duly seconded, it was voted

unanimously to receive said memorandum and confirm membership.

24. Memorandum of Town Planner, thru Town Administrator, re: Planning Board committee appointments.

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

25. Memorandum of Superintendent Kraeger, re: Appointments to the Committee for the Arts.

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

26. Communication of Diana Campagna Skaggs, re: Resignation from the Middletown Committee for the Arts.

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

Councillor Rodrigues questioned the number of recent resignations to this committee and requested the Town Administrator to inquire.

On motion of Councillor VonVillas, duly seconded, it was voted unanimously to adjourn said meeting at 8:20 pm.

Wendy J.W. Marshall, CMC

Council Clerk

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