

**At a Regular Meeting of the Town Council of the Town of Middletown,
RI held at the Middletown Town Hall on Monday, January 6, 2014 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.

LEGISLATIVE AGENDA - 5:30 P.M.

1. Town's legislative concerns to be addressed at the 2013-2014 session of the General Assembly – with the Town's General Assembly delegation. (Documentation to follow)

On motion of Vice President Sylvia, duly seconded, it was voted unanimously to begin said meeting with General Assembly delegation.

Also present were Town Administrator Shawn Brown, Finance Director Lynne Dible, Deputy Finance Director Marc Tanguay, Police Chief Anthony Pesare, Librarian Theresa Coish, Middletown Prevention Coalition Coordinator Lori Verderosa, Deputy Town Clerk Karin Clancey and Town Solicitor Michael W. Miller.

Present, representing the School Department, were Superintendent Rosemarie Kraeger, Assistant Superintendent Linda Savastano, Business Manager Raquel Pellerin, Facilities Director Edward Collins, School Committee Chair Theresa Spengler, Vice Chair Kellie DiPalma, and members Liana Ferreira Fenton, Paul Mankofsky, and William O'Connell.

Present, representing the Town's General Assembly Delegation, were State Senator Louis P. DiPalma and State Representative Deborah L. Ruggiero.

On motion of Vice President Sylvia, duly seconded, it was voted unanimously to begin the said meeting with the General Assembly delegation.

Council President Semonelli thanked all attendees for participating in this meeting. Mr. Semonelli noted the proposed Legislative Agenda, entered

here:

Senator Louis P. DiPalma reviewed the proposed legislative agenda and noted the importance of having a Master Plan in place for Town Projects. Mr. DiPalma also mentioned the importance of Navy presence within the Town.

Representative Deborah Ruggiero noted agreement with Senator DiPalma and the importance of the defense industry in the state.

Discussion centered around Housing Aid, Marijuana legalization, the Pilot Program, Sakonnet Bridge Tolls, Tip program, reimbursement for Group Homes and Judgment Bond legislation.

Police Chief Anthony Pesare reviewed his request to amend RIGL 40.1-5-7 Emergency Certification (Mental Health Laws).

Council President Semonelli noted the success of STEAM Education in Massachusetts and requests legislative support for STEAM Education in Rhode Island.

Librarian Theresa Coish noted the need of full state funding for Libraries.

JOINT MEETING WITH SCHOOL COMMITTEE- 6:30 P.M.

2. Pursuant to - “§ 16-2-21 Pre-budget consultation – Annual reports – Appropriation requests – Budgets. – (a) At least sixty (60) days but not more than ninety (90) days prior to the formal submission of the school budget to the appropriate city or town officials by the school committee, there shall be a joint pre-budget meeting between the school committee and the city or town council(s). At or before this meeting:”

(1) “The highest elected official of the city or town shall submit to the

school committee an estimate, prepared in a manner approved by the department of administration, of projected revenues for the next fiscal year. In the case of the property tax, the projections shall include only changes in the property tax base, not property tax rates;
“

(2) “The school committee shall submit to the city or town council a statement for the next ensuing fiscal year of anticipated total expenditures, projected enrollments with resultant staff and facility requirements, and any necessary or mandated changes in school programs or operations”.

Also present were Town Administrator Shawn Brown, Finance Director Lynne Dible, Deputy Finance Director Marc Tanguay, Deputy Town Clerk Karin Clancey and Town Solicitor Michael W. Miller.

Present, representing the School Department, were Superintendent Rosemarie Kraeger, Assistant Superintendent Linda Savastano, Business Manager Raquel Pellerin, Facilities Director Edward Collins, School Committee Chair Theresa Spengler, Vice Chair Kellie DiPalma, and members Liana Ferreira Fenton, Paul Mankofsky, and William O’Connell.

On motion of Vice President Sylvia, duly seconded, it was voted unanimously to begin said meeting with the School Committee and Administration.

Council President Semonelli thanked all for attending and noted that need to be mindful of funds.

3.

Communication of Christopher T. Semonelli, President, Middletown Town Council, with enclosure, re: Information in accordance with RIGL 16-2-21. (Documentation to follow)

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

4. Receipt of Revenue Manual. (Documentation to follow)

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

5. Memorandum of Theresa Spengler, School Committee Chair, with enclosures, re: Pre-Budget Consultation FY 2014-2015.

Town Administrator Shawn Brown noted that Town revenues are flat.

Superintendent Rosemarie Kraeger thanked the Council for their support and generous yearly budget increases, which demonstrates their commitment to quality education in Middletown.

School Committee Chair Theresa Spengler and Vice Chair Kellie

Dipalma reviewed the memorandum, with enclosures, entered here:

Discussion centered around enrollment, Park Test, revenues and funding formula.

Finance Director Lynne Dible reviewed the Pre-Budget Consultation Revenue Manual powerpoint, entered here:

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

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

PUBLIC FORUM SESSION

6. 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.

Carol Cummings, 738 Indian Avenue, addressed the Council expressing concern with the development of Kempenaar Valley. Ms. Cummings explained that there are many residents who do not want to develop Kempenaar Valley.

Kathleen Connell, 233 Tuckerman Avenue, noted that projects should not be undertaken just to avoid a lawsuit and that Kempenaar Valley is enjoyable as it is.

Council President Semonelli and Councillor Santos request that item

#8 be heard under the regular portion of the docket.

CONSENT

7. Approval of Minutes, re: Regular Meeting, December 2, 2013.

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

8. Memorandum of Town Administrator, with enclosure, re: Middletown Police Department Community Survey 2013.

Town Administrator Shawn Brown noted that the Middletown Police Department Community Survey 2013 will be formally presented to the Council in March.

On motion of Vice President Sylvia, duly seconded, it was voted unanimously to receive said memorandum and schedule presentation on March 2014.

9. Communication of James Winters, President, Newport County NAACP, re: Appreciation for support.

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

10. Petitions received from the following named persons for perpetual care of burial lots in the Middletown Cemetery:

a. Burton D. Alpert and Barbara Olins Alpert – Section 53, Lots 232, 233, 234 & 235

- b. Ronald W. Atkins and Linda S. Atkins – Section 53, Lot 213**

- c. Francis J. Cardoza and Beverly T. Cardoza – Section 53, Lots 214 & 215**

- d. Michael J. Fenton and Liana Ferreira Fenton – Section 53, Lots 218 & 219**

- e. David Lemler – Section 50 West, Lots 1 & 2**

- f. Anna Luna – Section 49, Lot 54**

- g. Doris Miller – Section 53, Lots 228 & 229**

- h. Edward J. Siegal and Michelle L. Siegal – Section 53, Lots 216 & 217**

- i. Arthur C. Stefanopoulos and Ronna Stefanopoulos – Section 53, Lots 210, 211 & 212**

- j. Megan Surber – Section 53, Lots 226 & 227**

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

11. Petition of National Grid Electric Company and Verizon for Green End Avenue Propose New JO pole location. (Recommendation of Roads/Utilities Committee/Public Works Director)

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

12. Application of James J. Gaston, Middletown for RENEWAL of a Private Detective License for the 2013-2014 licensing year.

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

13. Adoption of proposed budget

schedule.

On motion of Vice President Sylvia, duly seconded, it was voted unanimously to adopt said budget schedule.

LICENSE

14. Application of Amir Wahab dba Kennedy Grill Food Mart, 390 West Main Road, for a Victualling House License for the 2013-2014 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.

TOWN COUNCIL

15. At the request of Council President Semonelli and Councillor Long,

Resolution of the Council, re: Newport Pell Bridge safety improvements.

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

16. At the request of Councillor Santos, Communication, re: Middletown Historical Society Speaker Series for the year 2014.

Councillor Santos reviewed the memorandum, entered here:

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

unanimously to receive said communication.

Vice President Sylvia announced that item #27 will be withdrawn.

TOWN ADMINISTRATOR COMMUNICATIONS

17. Memorandum of Town Clerk, thru Town Administrator, with enclosures, re: Land Evidence Archival Services.

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.

Councillor Rodrigues inquired if the project was necessary and in the budget. Mr. Rodrigues noted the importance of the project staying on budget.

Councillor Santos expressed concern that the project will exceed the contracted amount.

Town Administrator Shawn Brown, responding to Councillor Rodrigues and Councillor Santos, noted that the funding is from a restricted fund set by the State of Rhode Island for the project. The contract is specific not to exceed \$80,000.

18. Resolution of the Council, re: Award of contract for Land Evidence Archival Services.

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

19. Memorandum of DPW Director, thru Town Administrator, with enclosure, re: Catch Basin Cleaner.

Town Administrator Shawn Brown and Public Works Director Tom O'Loughlin reviewed the following:

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

Discussion centered around what the truck will be used for, funding, the amount left in CIP after purchasing the vehicle, inventory and assessment of catch basins in the Town, if the current sewer truck is used for the same purpose as this new vehicle and EPA regulations regarding sewers.

Vice President Sylvia noted concern of the expense and request of the additional truck.

Councillor Santos inquired if any other companies make the same vehicle.

Councillor Rodrigues noted his disagreement with the purchase of this vehicle.

Councillor Long inquired if a cost analysis would aid in the decision to purchase this vehicle.

Town Administrator Shawn Brown explained the CIP request to purchase the vehicle, reviewed the catch basin project, noted the Clam Shell trucks limitations and explained that the purchase of this truck will assist in complying with EPA regulations/requirements.

20. Resolution of the Council, re: Purchase of Catch Basin Cleaner.

On motion of Vice President Sylvia, duly seconded, it was voted to pass said resolution, Council President Semonelli, Councillor Adams, Councillor Long and Councillor VonVillas voted YES; Vice President Sylvia, Councillor Rodrigues and Councillor Santos voted NO to said motion.

21. Memorandum of Finance Director, thru Town Administrator, with enclosures, re: Improvements to the Fire Department and Department of Public Works Facility.

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.

Councillor Santos inquired if monies have been set aside for change orders?

Councillor Rodrigues noted concern with the installation of an electronic security gate, which will be installed at the upgraded facility.

Town Administrator Shawn Brown noted that funding has been set aside for change orders. Mr. Brown also noted that the plans can be reviewed again with the architect.

22. Resolution of the Council, re: Authorizing the issuance of up to \$7.5M – General Obligation Bonds for Improvements to the Fire Department and Department of Public Works Facility.

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

**23. Memorandum of Town Administrator, re: Projects – Esplanade.
(Documentation to follow)**

**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.

Town Administrator Shawn Brown noted that he will forward this memorandum by email and regular mail to Mr. Turano.

APPOINTMENTS TO BOARDS & COMMITTEES

24. Appointment of Tree Warden for the 2014 calendar year.

On motion of Vice President Sylvia, duly seconded, it was voted unanimously to reappoint Alan Kirby as Tree Warden for the 2014 calendar year.

25. 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 John Michael Skaggs to the Citizens Memorial Committee for an indefinite term.

26. Appointment of one (1) member to the Middletown Committee for the Arts for term expiring April 2014 or April 2016.

On motion of Vice President Sylvia, duly seconded, it was voted unanimously to appoint Christine Bagley to the Middletown Committee for the Arts for a term expiring April 2016.

TOWN ADMINISTRATOR

27. Memorandum of Town Administrator, with enclosure, re: National Fish and Wildlife Foundation Grant. (Documentation to follow)

On motion of Vice President Sylvia, duly seconded, it was voted unanimously to withdraw said matter, at the request of the Administration.

On motion of Vice President Sylvia, 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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