

Regular Meeting, Tuesday, January 21, 2014 was postponed to Monday, January 27, 2014, due to the weather.

At a Regular Meeting of the Town Council of the Town of Middletown, RI held at the Middletown Town Hall on Monday, January 27, 2014 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 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.

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

PRESENTATION - 6:00 P.M.

1. Fielding Nair Report – Presented by Frank Locker and Jay Litman.

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

unanimously to begin said presentation.

School Committee Chair Theresa Spengler thanked all for attending the presentation and introduced the presenters.

Jay Litman reviewed a power point presentation, regarding the Fielding Nair Report, which is on file in the office of the Town Clerk.

Discussion centered around renovations to existing schools, construction of a new High School, cost savings, emotional social maturity leading to better learning, teaching to the state tests, graduation rates, the current high school being past its prime, Gaudet Middle School is structurally sound, recent school upgrades recommended by Fielding Nair will continue to be utilized and merging the elementary schools to the current high school location.

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 7:10 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.

No one spoke during this session.

PRESENTATION

3. Memorandum of Tina Dolen, Executive Director, re: Request to consider reorganization of the Aquidneck Island Planning Commission Board of Directors.

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

Tina Dolen, Executive Director, Aquidneck Island Planning Commission, presented a power point, regarding the reorganization of the Aquidneck Island Planning Commission Board of Directors. The presentation is on file in the Office of the Town Clerk.

Discussion centered around the expansion of the Aquidneck Island Planning Commission Board of Directors, everyone on the committee will have an equal vote, the need to raise funds for projects, Town Council liaison to the Committee and grant funding by the Planning

Commission.

On motion of Councillor Long, duly seconded, it was voted unanimously to continue this matter to the second regular meeting in February.

Items # 6, #7 and #12 were heard under the regular portion of the docket.

CONSENT

4. Approval of Minutes, re: Regular Meeting, January 6, 2014.

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

5. Approval of Minutes, re: Special Meeting, January 7, 2014.

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

6.

Communication of Steven W. Pristawa, P.E., Secretary, State Traffic Commission, re: Engineering Study of installing a midblock crosswalk on West Main Road (Route 138) at Rosedale Avenue.

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

Councillor Adams noted he would like more information regarding the study of installing a midblock crosswalk on West Main Road at

Rosedale Avenue.

Town Administrator Shawn Brown reviewed the communication above.

Councillor Long noted the walker is responsible for using crosswalks.

7. Notice of Public Hearings two (2) from the Middletown Zoning Board of Review, re: Petition of Seaview Inn, LLC (owner), by their Attorney David P. Martland 1) for a Special Use Permit from Section 1106- for permission to construct portions of hotel facility and related infrastructure improvements in Zone 1 of the Watershed Protection District pursuant to plans filed with said petition and 2) for a Special Use Permit from Section 602 & 1400 et seq- to construct a hotel facility with 198 units and accessory uses pursuant to plans filed with said petition on real estate located at 240 Aquidneck Avenue, John Clarke Road & Valley Road, TAP 115, Lots 1X, 5, 53, 54 & 55.

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

Councillor Rodrigues noted the need for plenty of parking at the hotel based on the number of rooms.

Councillor Long noted the importance of the project for the Atlantic Beach district.

8. Memorandum of Finance Director, thru Town Administrator, with enclosures, re: Donation of Surplus Books/Education Supplies – School Department.

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

9. Resolution of the Council, re: Donation of Surplus Books/Education Supplies – School Department.

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

10. Memorandum of Finance Director, thru Town Administrator, with enclosures, re: Donation of Surplus Fire Hose.

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

11. Resolution of the Council, re: Donation of Surplus Fire Hose.

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

unanimously to pass said resolution.

12. Memorandum of Accounting Manager, thru Finance Director, re: Quarterly Tax Collector's Report as of 12/31/2013 – Town of Middletown.

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

Councillor Rodrigues noted tax collections are favorable and requested the Administrator to review the report, entered above.

Town Administrator Shawn Brown reviewed the report above.

13. Memorandum of Town Clerk, thru Town Administrator, with enclosure, re: Adoption of Cemetery Rules & Regulations. (This item

will be acted on at the February 3, 2014 Regular Meeting of the Council.)

On motion of Vice President Sylvia, duly seconded, it was voted unanimously to continue this item to the February 3, 2014, Regular Meeting of the Council.

14. Memorandum of Town Clerk, thru Town Administrator, with enclosures, re: Approval of Cemetery forms. (This item will be acted on at the February 3, 2014 Regular Meeting of the Council.)

On motion of Vice President Sylvia, duly seconded, it was voted unanimously to continue this item to the February 3, 2014, Regular Meeting of the Council.

15. (Continued from Regular Meetings October 7, 2013, October 21, 2013, November 4, 2013 and November 18, 2013)

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 February 3, 2014, Regular meeting of the Council)

On motion of Vice President Sylvia, duly seconded, it was voted unanimously to continue this item to the February 3, 2014, Regular Meeting of the Council.

16. (Continued from Regular Meetings, June 17, 2013, July 15, 2013, October 21, 2013 and November 18, 2013)

Memorandum of Gladys B. Lavine, Chair, Middletown Planning Board, with enclosures, re: Impact Fee Schedule Recommendation. (The Administration requests to continue this matter to February 18, 2014, Regular meeting of the Council)

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

unanimously to continue this item to the February 18, 2014, Regular Meeting of the Council.

17. Application of Middletown Senior Center, Middletown for RENEWAL of a Bingo License for the 2014-2015 licensing year.

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

OTHER COMMUNICATIONS

18. Public Notice from State Planning Council, re: Rhode Island State Rail Plan.

Town Administrator Shawn Brown reviewed the notice, entered

here:

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

Town Administrator Shawn Brown explained that the notice is normally on consent; however, it pertains to the next item submitted by Mr. John Bagwill.

19. Communication of John W. Bagwill, with enclosure, re: Rail Extension – Aquidneck Island to Fall River (and the commuter rail system of the Massachusetts Bay Transportation Authority.)

John Bagwill, 587 Tuckerman Avenue, reviewed the communication and resolution, entered here:

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

Council President Semonelli noted that a rail extension would benefit the community and tourism.

TOWN COUNCIL COMMUNICATION

20. Memorandum of Vice President Sylvia, re: Budget Sub-Committee.

Vice President Sylvia reviewed the memorandum, entered

here:

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

Vice President Sylvia noted that in 2008 a Budget Sub-Committee was established, which was informative and smoothed the budget process.

On motion of Council President Semonelli, duly seconded, to appoint Vice President Sylvia, Councillor Rodrigues and Councillor Santos to the Budget Sub-Committee.

Councillor Long inquired if the Budget Sub-Committee meetings will be televised.

Vice President Sylvia reviewed a motion from June 18, 2012 to televise all public workshops regarding the budget for the upcoming year.

Councillor Long noted that he will prepare a resolution regarding televised budget workshops.

At this time the Council voted on the motion, as follows:

On motion of Council President Semonelli, duly seconded, it was voted unanimously to appoint Vice President Sylvia, Councillor Rodrigues and Councillor Santos to the Budget Sub-Committee.

TOWN ADMINISTRATOR COMMUNICATIONS

21.

Memorandum of Town Administrator, with enclosures, re: 2014 Legislative agenda.

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

Town Administrator Shawn Brown explained that he is seeking guidance for 2014 Legislative Agenda priorities.

Discussion centered around if the above list was to lengthy for the legislators, the need to decide what time should be invested in what issues, some issues can be supported by resolution, repealing Stormwater legislation, Economic Development and the Administrator will prioritize a legislation list based on Council survey and will provide results at the next regular meeting of the Council.

22. Memorandum of Finance Director, thru Town Administrator, with enclosures, re: Proposed Change Order #5 – MIDD-013-002 Easton's Point Sanitary Sewer Spot Repairs.

Town Administrator Shawn Brown reviewed the memorandum and

resolution for funding, entered here:

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

Town Engineer Warren Hall reviewed the Easton's Point Sanitary Sewer Spot Repairs project, specifically regarding the following:

Discussion centered around timeline of the project, permanent patch, streets/areas where work will be completed, funding source of the project, and type of materials that will be used.

23. Resolution of the Council, re: Proposed Change Order #5 – MIDD-013-002 Easton's Point Sanitary Sewer Spot Repairs.

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

unanimously to pass said resolution.

24. Memorandum of Town Administrator, with enclosures, re: National Fish and Wildlife Foundation Hurricane Sandy Coastal Resiliency Competitive Grant Program.

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 thanked all who assisted with the grant application process.

Alyssa Lozupone, representing the Newport Preservation Society,

read a letter from Trudy Coxe, CEO and Executive Director, entered here:

Charles B. Allott, Executive Director, Aquidneck Land Trust, spoke in support of the National Fish and Wildlife Foundation Hurricane Sandy Coastal Resiliency Competitive Grant Program.

Charles Vandemoer, Project Leader, Rhode Island National Wildlife Refuge Complex, addressed the Council noting that completion of the remaining underground utility lines would complement what the RI National Wildlife Refuge has already done.

Natasha Harison, Executive Director, Norman Bird Sanctuary, addressed the Council noting support for the grant application.

Discussion centered around matching funds for the grant, funding opportunities, contacting the Federal Delegation for support and the grant being very competitive.

On motion of Vice President Sylvia, duly seconded, it was voted unanimously to authorize submission of a grant application to the Hurricane Sandy Coastal Resiliency Competitive Grant Program.

APPOINTMENTS TO BOARDS & COMMITTEES

25. Appointment of two (2) members to the Beach Commission, one (1) term expiring November 2015 and one (1) term expiring November 2016.

On motion of Vice President Sylvia, duly seconded, it was voted unanimously to reappoint John Ceglarski, term expiring November 2015 and reappoint John Crimmins, term expiring November 2016 to the Beach Commission.

26. Appointment of two (2) members to the Economic Development Advisory Committee, One (1) vacancy, term expiring January 2018 and two (2) vacancies, terms expiring January 2019.

On motion of Vice President Sylvia, duly seconded, it was voted unanimously to reappoint Liana Ferreira Fenton and reappoint Nicholas Coogan to the Economic Development Advisory Committee for terms expiring January 2019.

27. Appointment of two (2) members to the Planning Board for terms expiring February 2017.

Vice President Sylvia noted the past practice of the Council to interview applicants for the Planning Board. Mr. Sylvia explained that both applicants have been interviewed in the past.

On motion of Vice President Sylvia, duly seconded, it was voted unanimously to reappoint John L. Ciummo and appoint Arthur S.

Weber to the Planning Board for terms expiring February 2017.

28. Appointment of one (1) member to the Roads and Utilities Advisory Committee for a term expiring January 2017.

On motion of Vice President Sylvia, duly seconded, it was voted unanimously to reappoint John R. Mello to the Roads and Utilities Advisory Committee for a term expiring January 2017.

29. Appointment of three (3) members to the Senior Citizens Board of Directors for terms expiring January 2017.

On motion of Vice President Sylvia, duly seconded, it was voted unanimously to reappoint Karen D. Johnson, reappoint Joyce Quinn and reappoint Elizabeth O. Yashura to the Senior Citizens Board of Directors for terms expiring January 2017.

30. Appointment of two (2) members to the Tree Commission for terms expiring January 2017.

On motion of Vice President Sylvia, duly seconded, it was voted unanimously to reappoint Karen Day and reappoint Paul Lamond to the Tree Commission for terms expiring January 2017.

EXECUTIVE SESSION

31. Executive Session - Pursuant to provisions of RIGL, Sections 42-46-2, 42-46-4 and 42-46-5 (a) (2) Potential Litigation and (2) Collective Bargaining (IBPO Local 534, IAFF Fire, Teamsters DPW and NEARI Town Hall Unions)

On motion of Vice President Sylvia, duly seconded, it was voted unanimously to recess open session and reconvene in executive session at 9:20 Pm.

On motion of Councillor Adams, duly seconded, it was voted unanimously to recess executive session and reconvene in open session at 10:35 pm.

On motion of Councillor VonVillas, duly seconded, it was voted unanimously to receive said notice of claim/demand pursuant to RIGL Section 45-15-5.

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

On motion of Councillor VonVillas, duly seconded, it was voted unanimously to adjourn said meeting at 10:40 pm.

Wendy J.W. Marshall, CMC

Council Clerk

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