

**At a Regular Meeting of the Town Council of the Town of Middletown,
RI held at the Middletown Town Hall on Tuesday, February 18, 2014 at
6:30 P.M.**

Council President Christopher T. Semonelli, Presiding

Vice President Robert J. Sylvia

Councillor Richard P. Adams

Councillor Bruce J. Long, arrives at 6:33 pm

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.

6:30 PM - EXECUTIVE SESSION

1. Executive Session - Pursuant to provisions of RIGL, Sections 42-46-2, 42-46-4 and 42-46-5 (a) (2) Collective Bargaining (IBPO Local 534, IAFF Fire and Teamsters DPW)

On motion of Vice President Sylvia, duly seconded, it was voted unanimously to recess open session and reconvene in executive session at 6:31 pm.

On motion of Vice President Sylvia, duly seconded, it was voted unanimously to recess executive session and reconvene in open session at 7:05 pm.

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.

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.

On motion of Vice President Sylvia, duly seconded, it was voted unanimously to act as a Board of License commission.

ACTING AS A BOARD OF LICENSE COMMISSION

3. Application of St. Lucy's Church, 909 West Main Road, for a Class F-1 Alcoholic Beverage License for use at the same premises - Event March 29, 2014.

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

4. Application of Gilbert-Burton Post 4487 VFW d/b/a Captain Kenneth L. Gilbert Post 448, 52 Underwood Lane for a Retailers Class BV Alcoholic Beverage License for the 2013-2014 licensing year. (NEW: Requires Advertising for Public Hearing and notice to abutters)

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

unanimously to receive said application, advertise for Public Hearing and notify abutters for March 17, 2014, regular meeting of the board.

On motion of Vice President Sylvia, duly seconded, it was voted unanimously to reconvene as a Town Council.

Items # 6, #7, #11, #13 and #14 were heard under the regular portion of the docket.

CONSENT

5. Approval of Minutes, Regular Meeting, January 27, 2014.

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

6. Newport County Unified High School Exploratory Committee, re:

Minutes – January 2, 2014.

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

7. Newport County Unified High School Exploratory Committee, re:

Minutes – January 23, 2014.

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

Vice President Sylvia noted that he applauds the efforts of Councillor Adams and VonVillas; however, has concerns with regionalization and at best is a lukewarm supporter. Mr. Sylvia explained that recent

feedback from parents is in opposition to regionalization. Vice President Sylvia suggests that parents attend the meetings. Vice President Sylvia noted concern that only one other community is interested in regionalizing with Middletown and what impact regionalization will have on student education.

Councillor Long noted concern that Middletown would only be regionalizing with one other community. Mr. Long questioned the benefits of regionalization to Middletown and its students.

Councillor Santos noted that many residents are not happy with regionalization and hopes that the Unified High School Exploratory Committee reaches out to the community regarding their findings.

Councillor Rodrigues noted agreement with Councillor Long and inquired why residents were not asked for input regarding regionalization. Mr. Rodrigues commends the committee for what has been provided to date.

Council President Semonelli noted support of the committee efforts. Mr. Semonelli suggests residents attend meetings held by the Newport County Unified High School Exploratory Committee.

Councillor VonVillas noted that a building will not be pursued at this time. The committee is exploring the possibility of unifying grades nine through twelve. There has only been three meetings held by the committee, the next meeting is regarding legislation, programs will be discussed at a later date. Ms. VonVillas noted she will update all once the committee has more information.

The Unified High School Committee meetings are public any one can attend.

8. Communication of Gregory C. Preston, Director, Department of Navy, re: Disposal of surplus property.

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

9. Memorandum of Town of Middletown, re: Employee Recognition Program – Pins of Service Fourth Quarter 2013.

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

10. Memorandum of Department of Public Works, thru Town Administrator, with enclosure, re: Beach Facility Advisory Committee.

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

11. Memorandum of Town Administrator, re: Authorization for Municipal Road and Bridge Revolving Fund for Paving Town Roads.

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

Councillor Rodrigues questioned the dollar amount to be borrowed. Mr. Rodrigues noted that the CIP was created for Town projects.

Town Administrator Shawn Brown, responding to Councillor Rodrigues, noted that he is not recommending or requesting the Council borrow funds, it is an inquiry if the Council desires to borrow funding for paving Town roads.

Discussion centered around not borrowing funding for road repairs, the process followed to advise the Council of potential funding and the list of current roads with conditions available on the Town website.

12. Town of Middletown OPEB Valuation Report – June 30, 2013. (The Administration requests to continue this matter to the March 17, 2014 Regular Meeting of the Council.)

On motion of Vice President Sylvia, duly seconded, it was voted unanimously to receive and continue said item to the March 17, 2014 Regular Meeting of the Council.

13. Memorandum of Finance Director, thru Town Administrator, with enclosure, re: FY2014 Municipal Financial Report – Quarter ending December 31, 2013.

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

Councillor Santos requests information from 7/1/2013 – 12/31/2013, showing check number, amount paid, vendor and account charged.

Town Administrator Shawn Brown noted that the report is not audited and the information requested will be provided to her by the Finance Office.

14. Communication of Tax Assessor, dated January 13, 2014, thru Town Administrator, 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.

15. 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.

16. Communication of Tax Assessor, dated January 16, 2014, thru Town Administrator, 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.

17. 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.

18. Communication of Tax Assessor, dated January 27, 2014, thru Town Administrator, 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.

19. 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.

20. Communication of Tax Assessor, dated January 27, 2014, thru Town Administrator, 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.

21. 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.

22. Communication of Tax Assessor, dated February 10, 2014, thru Town Administrator, 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.

23. 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.

24. Resolution of the Town of Exeter, re: Requesting Support of Newport Pell Bridge Safety.

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

25. Resolution of the Town of Charlestown, re: In opposition to opening the Chariho Act for revision.

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

26. Communication of Thomas B. Gentz, President, Charlestown Town Council, re: Requesting that the Chariho School Committee request that each Chariho Town consider the referendum item outlined in the communication.

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

27. (Continued from Regular Meetings, June 17, 2013, July 15, 2013, October 21, 2013, November 18, 2013, January 27, 2014) Memorandum of Gladys B. Lavine, Chair, Middletown Planning Board, with enclosures, re: Impact Fee Schedule Recommendation. (The Administration requests to continue this matter to June 2, 2014, Regular meeting of the Council)

On motion of Vice President Sylvia, duly seconded, it was voted unanimously to continue this item to June 2, 2014, Regular meeting of the Council.

Councillor Santos inquired if the Planning Board Chair had been notified of the date change.

Town Administrator Shawn Brown, responding to Councillor Santos, explained he was unsure if the date change had been communicated to the Planning Board Chair.

28. Application of Blue Plate Diner, 665 West Main Road, for RENEWAL of a Mechanical Amusement License for the 2013-2014 licensing year.

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

ORDINANCE

29. (Continued from the January 27, 2014 Regular Meeting)

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

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

On motion of Vice President Sylvia, duly seconded, it was voted unanimously to adopt said Cemetery Rules & Regulations.

30. (Continued to the January 27, 2014 Regular Meeting)

Memorandum of Town Clerk, thru Town Administrator, with enclosures, re: Approval of Cemetery forms.

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

Councillor Santos thanked the Town Clerk and all who have worked on the Cemetery project commending them for their work.

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

31. (Continued from Regular Meetings October 7, 2013, October 21, 2013, November 4, 2013, November 18, 2013 and January 31, 2014)

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.

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

OTHER COMMUNICATIONS

32. (Continued from Regular Meeting, January 27, 2014)

Memorandum of Tina Dolen, Executive Director, Aquidneck Island Planning Commission, 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.

Councillor Adams read the following

resolution, into the record.

On motion of Councillor Adams, duly seconded, to pass said resolution

Councillor Long requests Councillor Adams to withdraw the motion above, appoint members and continue the resolution to the first regular meeting in March. Mr. Long noted that he would like more time to consider the request.

Discussion centered around approving the recommendation, putting the resolution on the next regular docket, the last request being different than this resolution, increasing the number of Middletown committee members to the AIPC, docket item deadline and passing the resolution tonight.

Tina Dolen, Executive Director, Aquidneck Island Planning Commission, reviewed the request from the AIPC, noting the increase in membership and the structure of the Board.

Vice President Sylvia noted his support for the resolution.

Motion above was voted on as follows:

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

33. Communication of Tina Dolen, Executive Director, Aquidneck Island Planning Commission, with enclosures, re: Docket Item February 18th – AIPC Request for Reorganization.

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

34. Communication of Vincent J. Palumbo, P.E., Highway Managing Engineer, with enclosure, re: Reconstruction of Two Mile Corner (Routes 138/114) West Main Rd – Commercial St to Maplewood Road, East Main Rd – West Main Road to Bailey Brook, Middletown, RI, RI Contract No. 93116, R.I.F.A.P. NO. AF-0138(011), HHP -4858(001), Coddington Highway Taper Lane.

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

Town Administrator Shawn Brown noted that the above communication regarding the Council's interest in the Two Mile Corner project from the Department of Transportation.

Town Engineer Warren Hall reviewed the above communication.

Councillor Long questioned the crosswalk if the taper lane is kept, noted the study completed by VHB in 2010 and DOT used the study for this project, and if the Police could supply the amount of accidents within the area.

Councillor Rodrigues noted his agreement with Councillor Long.

Town Administrator Shawn Brown noted he will provide information to the Council at its next Regular meeting.

On motion of Vice President Sylvia, duly seconded, it was voted unanimously to continue this matter to the next Regular Meeting of the Council to be held on March 3, 2014.

35. Communication of St. Patrick's Day Parade Committee, re: Request for support by placing an ad in the Parade Bulletin or donating to the parade committee.

On motion of Vice President Sylvia, duly seconded, it was voted unanimously to receive said communication and place a ½ page ad in the St. Patrick's Parade Bulletin (\$130.00) to be appropriated from the Council President's discretionary fund.

TOWN COUNCIL

36. Town of Middletown – 2014 Draft Legislative Agenda as of January 28, 2014.

On motion of Vice President Sylvia, duly seconded, it was voted unanimously to receive 2014 Draft Legislative Agenda.

Vice President Sylvia requested to add Senate Bill S2335 and House Bill H7432 Rhode Island Transportation Infrastructure Fund to the Town's legislative agenda.

Councillor Rodrigues noted his support for S2335 and H7432.

Council President Semonelli updated the Council on the STEAM status. There is a STEAM status Summit at the Pell Center on April 3, 2014 from 4:30 pm to 7:00 pm. The summit will provide information to the public on programs that are in progress in Massachusetts.

Discussion centered around regionalization is premature to include on the Town's legislative priority list, messages sent to the Legislators requesting support, how residents perceive the legislative agenda adopted by the Council, if there is no language change to current legislation would it be perceived that Council supports regionalization as in current legislation and regionalization still being addressed by the Unified High School Committee.

On motion of Vice President Sylvia, duly seconded, it was voted unanimously to add to support Senate Bill S2355 “An Act Relating to Public Finance – Rhode Island Transportation Infrastructure Fund – Creation – Allocations to Fund” and House Bill H7432 “An Act Relating to Public Finance – Rhode Island Transportation Infrastructure Fund – Creation – Allocations to Fund” to the Town’s draft legislative agenda.

On motion of Vice President Sylvia, duly seconded, it was voted to approve all items on the January 28, 2014 draft legislative agenda, as amended, and remove item #1 from the January 28th, 2014, draft legislative agenda, under Aquidneck Island/East Bay, “Submit legislation that would authorize Middletown and Newport to hold a referendum to determine whether a regional school district should be established for the purpose of educating high school students”; Vice President Sylvia, Councillor Long, Councillor Rodrigues and Councillor Santos voted YES; Council President Semonelli, Councillor Adams and Councillor VonVillas voted NO to said motion.

37. Discussion related to January 27, 2014 Fielding Nair Presentation.

(No documentation)

On motion of Vice President Sylvia, duly seconded, it was voted unanimously to begin discussion related to the January 27, 2014 Fielding Nair Presentation.

Arthur Weber, 145 Island Drive, addressed the Council explaining that the plans are not Fielding Nair plans; it is facility Committee plans for Middletown schools. Mr. Weber noted that the 21st century teaching does not match the current facilities. Mr. Weber suggests an education summit, have Charitable Foundations assist and set funding aside.

Town Administrator Shawn Brown reviewed the School Department Facilities Plan (SDFP) Proposed Deliberation & Adoption Process as of February 5, 2014, entered

here:

Discussion centered around the importance of an action plan for

school facilities, there being no cost associated with the plan- only time, not using Fielding Nair Plan exclusively and input regarding the facilities plan from the residents.

Paul Mankofsky, School Committee Member, 20 Pequot Lane, speaking as a taxpayer, requests not to use Fielding Nair as a basis for moving forward, noting that the current report provided by Fielding Nair uses assertions not substantiated data that is six years old and emotions. Mr. Mankofsky noted the need for other alternatives to bring to the taxpayers.

Theresa Spengler, School Committee Chair, addressed the Council explaining that the March and April meetings will answer questions for the Council and the Public. Fielding Nair did not develop the plan; it was developed by the committee and consolidated by Fielding Nair.

TOWN ADMINISTRATOR

38. Town of Middletown Audit – Year Ended June 30, 2013.

On motion of Vice President Sylvia, duly seconded, it was voted unanimously to receive said Town of Middletown Audit – Year Ended June 30, 2014.

Finance Director Lynne Dible highlighted the audit noting the Town is in a strong financial position, there is a continued stability in the tax base, there is a 97% tax collection rate, outstanding debt is moderate-under 1%, continued investment in the Town's infrastructure and the pension continues to be fully funded.

Councillor Adams, member of the Pension Committee, explained that the Audit is transparent, accurate and complete. Middletown is well managed and stable.

Council President Semonelli, member of Audit Committee, noted the Audit was timely and complete.

Councillor Long complimented the Administration and noted the procedures and numbers given are true and right on target.

Councillor Rodrigues explained that the Audit process has evolved over time.

Councillor Santos complimented the Finance department on a fine job.

39. Town of Middletown Pension Plan – Actuarial Valuation Report July 1, 2013 – June 30, 2014.

On motion of Vice President Sylvia, duly seconded, it was voted unanimously to receive said Town of Middletown Pension Plan – Actuarial Valuation Report July 1, 2013- June 30, 2013.

Finance Director Lynne Dible reviewed highlights of the Middletown Pension Plan Actuarial Report, noting the funded ratio has improved and the Town is fortunate to have experienced and engaged investment committee.

40. Memorandum of Finance Director, thru Town Administrator, with enclosures, re: Contract Award: MIDD-014-014 Services – Collection and Transport of Residential Refuse, Recyclables, Yard Waste and Bulky Wastes.

Town Administrator Shawn Brown reviewed the memorandum and enclosures, entered

here:

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

Discussion centered around bulky waste changes, communication to residents regarding collection changes, where the savings from the contract would be realized, the snowbird rate charged by the Town, and how the collection trucks will pick up the trash and verify the use of Town bags.

Kathleen H. Caswell, 3 JH Dwyer Drive, addressed the Council, noting she is a private user of Republic Services and wants to keep using them. Ms. Caswell requests the Town to remove the restriction in the contract that Republic cannot serve residents in Town that are not in PAY-THROW. Ms. Caswell suggests the Town allow the residents currently using Republic to continue service, but not allow Republic to add additional clients in the Town.

Manuel Mello, Beacon Terrace North, noted that the bid seems low and questioned how the bins will be picked up by the truck and if 800 stops daily is possible. Mr. Mello explained that the first year may be tough, since drivers are not local people.

Kevin Block, Sales Supervisor representing Republic Services, Inc. Mr. Block residing at 111 John Kesson Lane addressed the Council, noting that the company has just purchased 56 new energy efficient trucks

Councillor Rodrigues questioned the clause in the Collection and Transport of Residential Refuse, Recyclables, Yard Waste and Bulky Wastes contract that does not allow the hauler to have private accounts within the Town.

Town Administrator Shawn Brown, responding to Councillor Rodrigues, explained that the clause is to protect the Town's interest and would not allow for the contractor to develop and an additional business.

41. Resolution of the Council, re: Contract Award: MIDD-014-014 Services – Collection and Transport of Residential Refuse, Recyclables, Yard Waste and Bulky Wastes.

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

APPOINTMENTS TO BOARDS & COMMITTEES

42. Appointment of one (1) member to the Economic Development Advisory Committee for a term expiring January 2018.

On motion of Vice President Sylvia, duly seconded, it was voted unanimously to appoint John W. Bagwill to the Economic Development Advisory Committee for terms expiring January 2018.

43. Appointment of one (1) member to the Pension Trust Committee for a term expiring February 2017.

On motion of Vice President Sylvia, duly seconded, it was voted unanimously to reappoint John Finn to the Pension Trust Committee for terms expiring February 2017.

44. Appointment of one (1) member to the Prevention Coalition Committee for a term expiring March 2017.

On motion of Vice President Sylvia, duly seconded, it was voted unanimously to reappoint Margaret Gayle Barrett to the Prevention Coalition Committee for a term expiring March 2017.

45. 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 Julian F. Peckham, IV 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 adjourn said meeting at 10:10 pm.

Wendy J.W. Marshall, CMC

Council Clerk

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