

**At a Regular Meeting of the Town Council of the Town of Middletown,
RI held at the Middletown Town Hall on Monday, March 17, 2014 at
7:00 P.M.**

Council President Christopher T. Semonelli, Presiding

Vice President Robert J. Sylvia

Councillor Bruce J. Long

Councillor Paul M. Rodrigues

Councillor M. Theresa Santos

Councillor Barbara A. VonVillas, Members Present

Councillor Richard P. Adams, 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.

PUBLIC FORUM SESSION

1. 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.

John Bagwill, 587 Tuckerman Avenue, addressed the Council reviewing the following communication, regarding the Unified High School, entered

here:

On motion of Councillor Long, duly seconded, it was voted unanimously to accept and place the above communication into the minutes.

Lisa Cecchi, 29 JH Dwyer Drive, addressed the Council explaining that she has six children in the Middletown school system, moving here seventeen years ago investing in her family's future.

Carmela Geer, 10 Wood Road, addressed the Council reviewing the following statement regarding the Unified High School, entered here:

Pam Reynolds, 52 Talley Ho Court, addressed the Council reviewing the following statement, regarding the Unified High School, entered here:

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

unanimously to receive from both Carmela Geer and Pam Reynolds statements and place the above into the minutes as part of the record.

Annie Tatirosian, 4 Bartlett Road, addressed the Council reviewing the following statement, regarding the Unified High School, entered here:

On motion of Councillor Long, duly seconded, it was voted unanimously to receive the above statement and place in the record as part of the minutes.

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

2. (Public Hearing Advertised; Abutters Notified)

Application of Gilbert-Burton Post 4487 VFW d/b/a Captain Kenneth L. Gilbert Post 4487, 52 Underwood Lane for a Retailers Class BV Alcoholic Beverage License for the 2013-2014 licensing year. (NEW)

On motion of Vice President Sylvia, duly seconded, it was voted unanimously to continue said matter to the April 7, 2014 regular meeting of the board.

3. Application of Sail Newport, 60 Fort Adams Drive, Newport, for a Class F-1 Alcoholic Beverage License for use at Hood Sailmakers, 23 Johnnycake Hill Road, Middletown - Event May 10, 2014 (7:00 pm – 12:00 am).

Mr. Read, representing Sail Newport, noted that all servers of alcohol will be tips certified.

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

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

On motion of Vice President Sylvia, duly seconded, it was voted unanimously to act on items #26 thru #28, at this time.

Councillor Long requested that items #5 and #6 be heard under the regular portion of the docket.

CONSENT

4. Approval of Minutes, re: Regular Meeting, February 18, 2014.

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

5. Newport County Unified High School Exploratory Committee, re: Minutes – February 10, 2014.

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

6. Newport County Unified High School Exploratory Committee, re: Minutes – February 24, 2014.

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

Councillor Long noted that people have spoken and the matter of a Unified High School should be placed on the next agenda.

On motion of Councillor Long, duly seconded, it was voted unanimously to place an item of discussion regarding the Unified High School Exploratory Committee on the next regular agenda, April 7, 2014.

7. Communication of Perry Lewis, Vice Chairman, Rhode Island's Education Tall Ship Oliver Hazard Perry, re: Appreciation for donation of 600' fire hose.

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

8. Resolution of the City of Newport, re: Requesting support that the

RI Congressional delegation enacts a long-term Federal Transportation Reauthorization Act.

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

9. Communication of Tina Dolen, Executive Director, Aquidneck Island Planning Commission, re: AIPC Reorganization - Uniform Resolution by the Municipalities of Aquidneck Island.

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

10.

Resolution of the Council, re: Aquidneck Island Planning Commission Reorganization.

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

11. Applications received from the following named persons, firms and corporations for RENEWAL of Drain Layers Licenses for the 2014-2015 licensing year. (See Attached List)

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

12. Applications received from the following named persons, firms and corporations for RENEWAL of Holiday Sales Licenses for the 2014-2015 licensing year. (See Attached List)

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

13. Applications received from the following named persons, firms and corporations for RENEWAL of Sunday Sales Licenses for the 2014-2015 licensing year. (See Attached List)

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

LICENSES AND PERMITS

14. Application of Gilbert-Burton Post 4487 VFW d/b/a Captain Kenneth L. Gilbert Post 4487, 52 Underwood Lane 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 continue said matter to the April 7, 2014 regular

meeting of the Council.

15. Application of Deltra Cortes & Karen Carr dba Rhode Island Nutrition, 883 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.

16. Application for Special Event Permit from Sail Newport, Sail Newport's Annual Fundraiser and "Kick-Off" of the Sailing Season, Event – Shipwrecked to be held at Hood Sailmakers Loft, 23 Johnnycake Hill, on Saturday, May 10, 2014 from 7:00 pm until Midnight.

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

Councillor Long recused himself from acting on the following item #17 of business, due to a possible conflict of interest.

17. Application of Rhode Island Rugby Football Foundation, Event – Beast of the East Rugby Tournament, to be held in Portsmouth, RI, requesting the use of Second Beach Parking lot for the event, shuttles will be in service to transport attendees, on April 12 & 13, 2014.

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

18. Application for Special Event Permit from Middletown Pan Massachusetts Challenge Kids, A kid's bike ride fundraiser to support the Jimmy Fund, a cancer research foundation, Start and Finish at Second Beach Parking Lot on Sunday, May 18, 2014 from 8:00 am until 1:00 pm, includes a request to waive permit fee.

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

19. Application of the Aquidneck Island Police Parade Committee, Middletown, for RENEWAL of Peddler's License for (Novelties and T-Shirts) for Police Parade Day, Sunday, May 4, 2014, includes a request to waive license fee and be sole vendor for the event. (6 Vendors; Middletown Only)

On motion of Vice President Sylvia, duly seconded, it was voted unanimously to grant said license renewals, waive said fees and approve request for sole vendor.

20. Communication of Sergeant Corey A. Huck, Newport Police Department, Chairman, AINPP, re: Requesting "in-kind" services for police details, highway department personnel, and the use of Town owned properties.

On motion of Vice President Sylvia, duly seconded, it was voted unanimously to receive said communication and grant in-kind services.

21. Application for Special Event Permit from Lieutenant Richard Gamache, on behalf of the National Aquidneck Island Police Parade for the Aquidneck Island Annual Police Parade beginning on West Main Road Two Mile Corner to the One Mile Corner into Newport (Broadway) to be held on Sunday, May 4, 2014 at 9:30 am (Parade Committee respectfully requests permit fee to be waived)

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

22. Application for Special Event Permit from Walter Mey, Run The Wave For Dave 5K Fundraiser, 5K Family Fun Run/Walk, Sachuest Beach, Sachuest Road, on Saturday, April 5, 2014 from 12:00 pm until

2:00 pm, Applicant respectfully requests fee to be waived.

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

Councillor Santos recused herself from acting on the following item #23 of business, due to a possible conflict of interest.

23. Application for Special Event Permit received from Middletown Historical Society, Running of the Windmill, Paradise Park, Sunday, September 14, 2014 from 11:00 am to 4:00 pm.

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

TOWN COUNCIL

24. At the request of Councillor Long, Resolution of the Council, re: Repeal of Master-Lever Voting.

Councillor Long noted that the resolution was passed previously by this Council and the lever causes confusion to the voters.

Vice President Sylvia noted opposition to the Repeal of the Master-Lever voting.

Council President Semonelli explained that the master lever can disenfranchise voters.

Councillor Rodrigues noted that today's voters are educated and voted for the person.

Councillor Santos noted opposition to removal of the Master-Lever.

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

25. Discussion of rescheduling April 14, 2014 meeting date for the School Department Facilities Plan Consensus, as outlined in the February 5, 2014 Proposed Deliberation & Adoption Process.

On motion of Vice President Sylvia, duly seconded, it was voted unanimously to reschedule the April 14, 2014 meeting to April 28, 2014 the same night the School Committee presents its budget to the Council.

TOWN ADMINISTRATOR

The following items #26, #27 and #28 were acted on prior to the Consent Calendar.

26. Memorandum of Finance Director, thru Town Administrator, re: Proposed Draft Town of Middletown Retirement Plan – Investment Policy Statement (IPS).

Finance Director Lynne Dible reviewed the memorandum, entered

here:

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

Mike Lynch, Investment Consultant, PSolve Asset Solutions – Town’s Investment Advisor, Pension Trust Fund/OPEB Trust, gave an overview of the Proposed Draft Town of Middletown Retirement Plan – Investment Policy Statement (IPS), which is on file in the Office of the Town Clerk.

27. Resolution of the Council, re: Approving the Draft Town of Middletown Retirement Plan – Investment Policy Statement (IPS).

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

28. Resolution of the Council, re: Approving the Draft Investment Advisory Services Agreement with P-Solve for the Town of Middletown Retirement Plan.

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

unanimously to pass said resolution.

The Council acted on the Consent Calendar at this time.

29. (Continued from Regular Meetings February 18, 2014 and March 3, 2014)

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.

30. Memorandum of Town Engineer, thru Town Administrator, with

enclosures, re: RIDOT Two Mile Corner Project, Request for accident information @ intersection of West Main Road & Coddington Highway.

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

Town Administrator Shawn Brown noted the request by the Council for accident data at the intersection at a prior meeting. Mr. Brown recommended that the Department of Transportation be contacted to meet with the Council for review of the Two Mile Corner project.

Town Engineer Warren Hall reviewed the memorandum, entered above.

Discussion centered around safety factors, efficiency of the intersection, taper lane, signalization and DOT evaluation the accident data.

31. (Continued from February 18, 2014 Regular Meeting of the Council)

Town of Middletown OPEB Valuation Report - June 30, 2013, dated November 2013.

On motion of Vice President Sylvia, duly seconded, it was voted unanimously to receive said Town of Middletown OPEB Valuation Report - June 30, 2013, dated November 2013.

32. Memorandum of Finance Director, thru Town Administrator, with enclosure, re: Updated Town of Middletown Other Post Employment Benefits (OPEB) Valuation Report – June 30, 2013, dated February 2014.

Finance Director Lynne Dible reviewed the memorandum, entered here:

On motion of Vice President Sylvia, duly seconded, it was voted unanimously to receive said memorandum and Town of Middletown OPEB Valuation Report - June 30, 2013, dated February 2014.

33. Memorandum of Town Administrator, with enclosure, re: Construction & Maintenance Agreement - Gravel Wet Vegetated Treatment System – Valley Property.

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 the cost of the project, annual cleaning, Department of Environmental Regulations, project timeline, if the Gravel Wet Vegetated Treatment System will blend in the landscape,

the system provides necessary stormwater management and conforms with the Town's vision of the area.

34. Resolution of the Council, re: Authorizing the Town Administration to execute the Construction and Maintenance Agreement for the Two Mile Corner Reconstruction Stormwater Management Facility project.

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

35. Memorandum of Finance Director, thru Town Administrator, re: Contract Award MIDD-014-008 Upper Easton's Point CCTV.

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.

36. Resolution of the Council, re: Award of Contract - Upper Easton's Point CCTV.

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

37. Memorandum of Finance Director, thru Town Administrator, with enclosures, re: Contract Award: MIDD-014-010 Statistical Revaluation.

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

Discussion centered around process of the Statistical Revaluation, revaluation staff having identification as working for the Town, state law requires a statistical revaluation every three years and request legislators to repeal the state law requirement for revaluation every three years.

Town Administrator Shawn Brown noted a resolution regarding the repeal of the state law requirement for revaluation every three years will be on the next regular meeting agenda.

38. Resolution of the Council, re: Award of Contract - Statistical Revaluation.

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

APPOINTMENTS TO BOARDS & COMMITTEES

39. Appointment of one (1) member to the Committee for the Arts for a term expiring April 2016.

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

EXECUTIVE SESSION

40. 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, NEARI Town Hall and Teamsters DPW Unions)

On motion of Vice President Sylvia, duly seconded, it was voted unanimously to recess open session and reconvene in executive

session at 8:33 pm.

On motion of Vice President Sylvia, duly seconded, it was voted unanimously to recess executive session and reconvene in open session at 9:38 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.

On motion of Vice President Sylvia, duly seconded, it was voted unanimously to adjourn said meeting at 9:40 pm.

Wendy J.W. Marshall, CMC

Council Clerk

Published by ClerkBase

©2014 by Clerkbase. No Claim to Original Government Works.