

**At a Regular Meeting of the Town Council of the Town of Middletown,
RI held at the Middletown Town Hall on Monday, April 7, 2014 at 5:35
P.M.**

Council President Christopher T. Semonelli, Presiding

Vice President Robert J. Sylvia

Councillor Richard P. Adams

Councillor Bruce J. Long, arrives at 6:02 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)

Council President Semonelli requests that the reconsideration be postponed until the 7:00 pm meeting of the Council.

5:30 P.M. – BUDGET

1. Receipt of Town of Middletown Proposed Budgets and Capital Improvement Plan, Fiscal Year 2014 - 2015.

On motion of Vice President Sylvia, duly seconded, it was voted unanimously to receive said Proposed Budgets and Capital Improvement Plan for Fiscal Year 2014-2105.

2. Review of FY 2014–2015 Proposed Budgets – General Government, Planning and Building & Inspections and matters related thereto.

On motion of Vice President Sylvia, duly seconded, it was voted unanimously to begin the review of General Government, Planning, Building & Inspections.

Also, present were Town Administrator Shawn Brown, Finance Director Lynne Dible, Town Solicitor Michael W. Miller, Deputy Town Clerk Karin Clancey, Building Official Jack Kane, and Town Planner Ronald Wolanski.

Town Administrator Shawn Brown reviewed the Proposed Budget FY2015 Highlights, entered

here:

Building & Inspection Department

Building Official Jack Kane reviewed the following:

Building Official Jack Kane explained that the department proposed budget is level funded or below the prior year.

Discussion centered around staffing, certification upgrades, the upward building trend, streamlining the permitting process, number of vehicles in the department, online permitting, no requests made inquiring about affordable housing and salaries.

Town Administrator Shawn Brown noted that there are 20 non-classified employees, salary increases are not in the budget, there is money set aside in contingency for unknown labor costs.

Planning Department

Town Planner Ronald Wolanski reviewed the following:

Discussion centered around the consulting line item, RIDOT will be starting improvements on lower Aquidneck Avenue, the State looking to remove slip lane on lower Aquidneck Avenue, Aquidneck Avenue sidewalks are still in the TIP program, potential grant application for Tibbits & Boulevard properties, transfer of land from Navy for fishing pier and Town would be responsible to maintain the pier.

Town Council

Town Administrator Shawn Brown reviewed the following:

Town Administrator Shawn Brown noted that the increase is due to the Council Inauguration.

Town Solicitor

Town Administrator Shawn Brown reviewed the following:

Town Administrator Shawn Brown noted that labor negotiations have decreased.

Councillor Rodrigues noted that in the past the Solicitor's office helped negotiate contracts.

Town Solicitor Michael Miller explained that over time negotiations and contracts have become more detailed and the Town relies on Attorney Kinder's office for guidance.

Boards & Committees

Town Administrator Shawn Brown reviewed the following:

Town Clerk Wendy J.W. Marshall noted an increase in the Election Workers stipend.

Discussion centered around the number of election workers for the upcoming elections, polling locations, stipends and changes by the State.

Town Administrator

Town Administrator Shawn Brown reviewed the following:

Discussion centered around 457 contributions, employment contract and uniform apparel.

Town Administrator Shawn Brown noted that the Finance, Tax Assessor, Town Clerk and IT Department Budgets will be placed on the next docket.

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.

The reconsideration was discussed at this time.

Councillor Long requested reconsideration of a vote taken on March 17, 2014 Regular Meeting, item #24, which he voted in the affirmative, be reconsidered.

On motion of Councillor Long, duly seconded, it was voted to reconsider item #24 from the March 17, 2014 regular meeting of the Council entered here:

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

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.

On motion of Councillor Long, duly seconded, it was voted to pass said resolution

Councillor Long noted the debate at the last meeting regarding the Repeal of the Master Lever. Mr. Long explained that Rhode Island is

the only state in New England which still has the master lever.

Councillor Adams requests Council support to pass this resolution to repeal Master-Lever voting. Mr. Adams noted the repeal of the master lever creates a level playing field.

Councillor Santos explained that repealing the master lever is telling people how to vote.

Councillor Rodrigues noted that today voters are more aware of the issues and repealing the master lever takes a choice away from the voter.

Vice President Sylvia explained that people vote for people or party and suggest not repealing the master lever.

Council President Semonelli noted it may be important to ask people to vote individually. Mr. Semonelli explained that eliminating the master lever will eliminate speculation of mis-voting.

A vote was taken at this time on the motion above, to pass said resolution, entered here:

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.

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.

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

4. (Continued from Regular Meeting, March 17, 2014)

(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)

Public hearing was declared open.

There being no person present desiring to be heard, public hearing was declared closed.

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

5. Application of Newport Vineyards & Winery, LLC d/b/a Newport Vineyards, 909 East Main Road, for a Retailers Class BM Alcoholic Beverage License for the 2013-2014 licensing year. (NEW; Requires Advertising for public hearing and notification 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 May 5, 2014, regular meeting of the board.

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

CONSENT

6. Approval of Minutes, re: Regular Meeting, March 3, 2014.

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

7. Approval of Minutes, re: Special Meeting, March 7, 2014 at 8:00 am.

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

8. Approval of Minutes, re: Special Meeting, March 7, 2014 at 10:00 am.

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

9. Approval of Minutes, re: Regular Meeting, March 17, 2014.

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

10.

Memorandum of Finance Director, thru Town Administrator, with enclosures, re: FY2014 Budget Adjustments as of March 31, 2014.

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

11. Resolution of the Council, re: Approval of FY2014 General Fund Budget Adjustments.

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

12. Resolution of the Council, re: Approval of FY2014 Parks & Recreation Fund Budget Adjustments.

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

unanimously to pass said resolution.

13. Communication of Tax Assessor, with enclosures, re: Cancellation of Taxes for certain Middletown Taxpayers.

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

14. 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.

15. Memorandum of Finance Director, thru Town Administrator, re: Surplus Vehicles & Equipment. (1997 Cross Country Trailer)

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

**16. Resolution of the Council, re: Surplus Vehicles & Equipment.
(1997 Cross Country Trailer)**

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

**17. Memorandum of Tax Assessor, thru Town Administrator, re: 2014
Tax Sale Schedule.**

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

18. Communication of William Sequino, Jr., Executive Director, RI Clean Water Finance Agency, with enclosure, re: Extension of deadline to submit application for borrowing from MRBRF.

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

19. Communication of James Forrelli, PE, Project Manager, Tetra Tech, with enclosure, re: Proposed Remedial Action Plan for Site 17 at Naval Station Newport.

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

20. Resolution of Smithfield School Committee, re: In opposition to amendment to RIGL 16-12-9 entitled “An Act Relating to Education –

School Committees and Superintendents - (2014-H7757).

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

21. Resolution of South Kingstown School Committee, re: Relative to Bus Monitors.

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

22. Resolution of South Kingstown School Committee, re: Relative to Group Home Aid.

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

23. Resolution of South Kingstown School Committee, re: Layoff Notification Date.

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

24. Resolution of South Kingstown School Committee, re: Elimination of Straight Party Vote.

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

25. Resolution of South Kingstown School Committee, re: Contract Continuation.

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

26. Resolution of the Town of Foster, re: In opposition to S-2677 & H-7631 Relating to Levy and Assessment of Taxes.

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

27. Resolution of the Town of Burrillville, re: Supporting Senate Bill 2014-S2135 relative to Common Core Mandates and Standards.

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

28. Resolution of the Town of Burrillville, re: Supporting House Bills 2014-H7095 and H7580 relative to Common Core Mandates and Standards.

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

29. Resolution of the Town of Burrillville, re: In opposition to Senate Bill 2014-S2411- An Act Relating to Labor and Labor Relations – Arbitration – continuance of contractual provisions.

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

30. Resolution of the Town of Burrillville, re: In opposition to House Bills 2014-H7464 and 2014-H7465 – An Act Relating to Labor and Labor Relations – Arbitration – continuance of contractual provisions.

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

31. Resolution of the Town of Burrillville, re: In support of House Bills 2014-H7501 and H7502 – Acts Relating to Courts and Civil procedures – interest on judgments.

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

32. Resolution of the Town of Burrillville, re: In support of House Bill 2014-H7291; amendments to 16-7-44 School housing project costs.

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

33. Resolution of the Town of Portsmouth, re: Supporting the Repeal of Master Lever Voting (S-2091).

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

34. Application of The Newport Hobby House, Ltd. dba Newport Hobby House, 2 Coddington Highway, for RENEWAL of a Holiday License for the 2014-2015 licensing year.

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

LICENSES AND PERMITS

35. (Continued from Regular Meeting, March 17, 2014)

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 grant said license contingent on Building Official, Fire Marshal, Public Works and Board of Health approvals.

36. Application of Oceana Tanning, LLC dba Oceana Tanning, 238 East Main Road for a Holiday Selling License for the 2014-2015 licensing year. (NEW)

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

OTHER COMMUNICATION

37. Notice from the Aquidneck Island National Police Parade, re: Invitation to Participate in the 31st Annual Aquidneck Island National Police Parade and request for support by placing an Ad in the Parade Booklet.

On motion of Vice President Sylvia, duly seconded, it was voted unanimously to receive said notice and place a ½ page ad in the Aquidneck Island National Police Parade Bulletin (\$250.00) to be appropriated from the Council President's discretionary fund.

TOWN COUNCIL

38. On motion of Councillor Long, March 17, 2014, re: Discussion of Unified High School Exploratory Committee.

On motion of Vice President Sylvia, duly seconded, it was voted unanimously to begin said discussion regarding the Unified High School Exploratory Committee.

Mike Cullen, 19 Bayside, Newport, Chair of RI STEAM Academy, addressed the Council, noting the need for Middletown and Newport to continue discussion regarding a Unified High School. Mr. Cullen explained there is plenty of talent on Aquidneck Island and the need to raise the achievement bar.

Carmella Geer, 10 Wood Road, noted that she attended the last Unified High School Exploratory Committee meeting and realized the meeting was more exploratory than planning. Mrs. Geer explained that she is not sure where she stands with regionalization.

Brian Sullivan, 45 Keer Avenue, Newport, requests the discussions regarding a unified high school keep going. Mr. Sullivan noted the lack of elective classes in Middletown and Newport.

John Bagwill, 587 Tuckerman Avenue, addressed the Council explaining he attended the STEAM conference and realized opportunities to engage students. Mr. Bagwill suggests reviewing ways to combine areas short of full school merging.

Councillor Long noted that the Unified High School Exploratory Committee is to review ways to collaborate with another school district. Mr. Long suggested the committee continue focusing on how the districts can collaborate to create more opportunities. Councillor Long explained that he does not want to unify only with two districts.

Councillor Adams explained the committee has started governance (school boards with equal membership), financial management and is still investigating facts. Mr. Adams noted the need for open public input, inquiring what the citizens think of a Unified High School.

Councillor VonVillas noted that at the Unified High School Committee meeting it was decided that both Middletown and Newport would place a question on their websites asking what questions the citizens have regarding Newport and Middletown school consolidation. Ms. VonVillas encouraged the citizens to respond to the question.

Councillor Rodrigues noted the need to remain open minded and ask taxpayers what they want. Mr. Rodrigues explained that communication needs to be better between the citizens and the committee. Councillor Rodrigues noted that just because two schools are joined together, does not mean that students would receive a better education.

Vice President Sylvia noted support for the Exploratory Committee. Mr. Sylvia explained that there needs to be a balance of information; more facts are required before a decision can be made regarding a unified high school. We need to plan for tomorrow.

Councillor Santos explained that the Council is elected by the people and residents need to vote on a unified high school.

Council President Semonelli noted the committee has slowed down and the process should continue.

Councillor Long noted concern that the committee has not had a lot of press coverage and a resolution must be made on how to proceed. Mr. Long suggests raising the achievement bar, but not necessarily by merging school districts. Councillor Long requests members of the Council to think about how the Unified High School Committee should proceed and a resolution may be taken up at the next regular Council meeting.

TOWN ADMINISTRATOR

39. Memorandum of Finance Director, thru Town Administrator, with enclosures, re: Contract Extension: Engineering Services – Development Plan Review.

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.

40. Resolution of the Council, re: Contract Extension: Engineering Services – Development Plan Review.

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

41. Memorandum of Finance Director, thru Town Administrator, with enclosures, re: Contract Award: 2014-2015 Portable Toilets.

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.

42. Resolution of the Council, re: Contract Award: 2014-2015 Portable Toilets.

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

43. Memorandum of Town Administrator, with enclosures, re: Contract Award – Consulting Services - Planning.

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 reviewed a Comprehensive Plan update timeline, entered here:

Discussion centered around no bids received for this contract, qualifications of VHB and the importance of the Comprehensive Community Plan.

44. Resolution of the Council, re: Award of Contract – Consulting Services - Planning.

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

45. Memorandum of Town Administrator, with enclosure, re: Forming a Regional GIS Integration Working Group.

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

Town Administrator Shawn Brown reviewed the memorandum, entered above.

On motion of Vice President Sylvia, duly seconded, it was voted unanimously to approve Town participation in a Regional GIS Integration Working Group.

APPOINTMENTS TO BOARDS & COMMITTEES

46. Appointment of one (1) member to the Middletown Prevention Coalition for a term expiring April 2017. (Healthcare Position)

On motion of Vice President Sylvia, duly seconded, it was voted unanimously to appoint Marci McNicol for the Healthcare Position on the Middletown Prevention Coalition for a term expiring April 2017.

47. Communication of Vincent J. McMahon, JD, LICSW, CDP, CDS, re: Resignation from the Middletown Prevention Coalition.

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

48. Communication of Jill Connors Cooper, re: Resignation from the Middletown Prevention Coalition.

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

49. Communication of George Ramsey, re: Resignation as the Sealer of Weights and Measures for the Town of Middletown.

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

Vice President Sylvia inquired how long Mr. Ramsey held the position for the Town and what steps will be taken to fill the position.

Town Clerk Wendy J.W. Marshall, responding to Vice President Sylvia, noted that Mr. Ramsey was appointed in 1990, the Council could advertise for the position or at the request of the Town Council the State will appoint someone to the position at no cost to the Town.

Councillor Rodrigues requests the Town Clerk to advertise for the position.

Vice President Sylvia noted that if no applications are received within one month, the Town Clerk should request the state appoint someone to the position of Sealer of Weights and Measures.

EXECUTIVE SESSION

50. 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), (5) Land Acquisition, (5) Land Acquisition and (2) Litigation (Tax Appeal

Case).

On motion of Vice President Sylvia, duly seconded, it was voted unanimously to recess open session and reconvene in executive session at 8:35 pm.

On motion of Councillor VonVillas, duly seconded, it was voted unanimously to recess executive session and reconvene in open session at 9:37 pm.

On motion of Councillor VonVillas, duly seconded, it was voted unanimously to approve tax settlement.

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

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