

**At a Regular Meeting of the Town Council of the Town of Middletown,  
RI held at the Middletown Town Hall on Monday, April 21, 2014 at 5:30  
P.M.**

**Vice President Robert J. Sylvia, Presiding**

**Councillor Richard P. Adams**

**Councillor Bruce J. Long, arrives at 5:35 pm**

**Councillor Paul M. Rodrigues**

**Councillor M. Theresa Santos**

**Councillor Barbara A. VonVillas, Members Present**

**Council President Christopher T. Semonelli, 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.**

**Vice President Sylvia requested a moment of silence for the late Senator Claiborne Pell's wife, Nuala Pell.**

**5:30 P.M. – BUDGET**

**1. Review of FY 2014–2015 Proposed Budgets – DPW, Wastewater, Refuse & Recycling, Finance, Tax Assessor, IT, Town Clerk and matters related thereto.**

**On motion of Councillor VonVillas, duly seconded, it was voted unanimously to begin review of DPW, Wastewater, Refuse & Recycling, Finance, Tax Assessor, IT, and Town Clerk budgets.**

**Also, present were Town Administrator Shawn Brown, Finance Director Lynne Dible, Deputy Finance Director Marc Tanguay, Public Works Director Tom O'Loughlin, Town Engineer Warren Hall, Recycling Coordinator/Operations and Facilities Manager Will Cronin.**

**Town Administrator Shawn Brown noted that the Tax Assessor and IT Budgets will be addressed at the May 5, 2014 budget meeting.**

**Public Works, Sewer Fund, Refuse & Recycling**

**Public Works Director Tom O'Loughlin reviewed the**

**following:**

**Discussion centered around snow removal reduction, snow removal being budgeted by using the ten year average, CCTV Inspection of Town sewer lines, DPW contract is in negotiation, funding to support**

**pay increases is placed in contingency and CIP budget.**

**Town Administrator Shawn Brown reviewed the following:**

**Public Works Director Tom O'Loughlin reviewed the following:**

**Discussion centered around the purchase of new vehicles, paving Forest Avenue, paving the Esplande area, Green End Avenue being a State Road, and National Grid trimming trees.**

**Public Works Director Tom O'Loughlin completed the Sewer Fund highlights, as outlined above and reviewed the following performance plan, entered here:**

**Mr. O'Loughlin reviewed the following:**

**Discussion centered around stormwater flow into Middletown from other communities, the Wapping Road area water issue, how residents were notified that there may be high nitrates in wells in the Wapping Road area, Bailey Brook interceptor project and cleaning of Town brooks.**

**Public Works Director Tom O'Loughlin reviewed the Pay As You Throw/ Recycling Program highlights, entered here:**

**Discussion centered around the reduction in the Pay As You Throw program user fee, recycling monies received from the Town, stabilizing the user rate for three years, there being approximately 4,100 totes, building a two month operating expense reserve for the fund, setting aside funding for totes, the increase in the compensation line is due to reorganization within the Town, and closing of the drop off bin at the Department of Public Works.**

**Finance Director Lynne Dible reviewed the Three Year Forecast – Set Annual User Fee, entered here:**

## **Finance Department**

**Finance Director Lynne Dible reviewed the Finance Department highlights and Performance Plan, entered here:**

**Discussion centered around financial reporting, implementing a budget validation tool, Human Resource duties currently being shared by staff, budget printing cost, and the number of employees within the department.**

**On motion of Councillor VonVillas, duly seconded, it was voted unanimously to recess this meeting at 6:50 pm.**

**On motion of Councillor VonVillas, duly seconded, it was voted unanimously to reconvene this meeting at 7:00 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.**

**On motion of Councillor VonVillas, duly seconded, it was voted unanimously to act as a Board of License Commission.**

**ACTING AS A BOARD OF LICENSE COMMISSION**

**3. Application of KJ's Pub, LLC d/b/a KJ's Pub of a Retailer's Class BV Alcoholic Beverage License for premises located at 59 Aquidneck Avenue to expand the area of service of said license to include the outdoor patio at the southwest corner of the building for the 2013-2014 licensing year. (Requires Advertising for Public Hearing and notification to the abutters).**

**On motion of Councillor VonVillas, 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 Councillor VonVillas, duly seconded, it was voted unanimously to reconvene as a Town Council.**

**Consent items # 8, #10, #11, #12, #13, #14, #29, #31, #32 and #33 were heard under the regular portion of the docket.**

## **CONSENT**

- 4. Approval of Minutes, re: Special Meeting, March 31, 2014.**

**On motion of Councillor VonVillas, duly seconded, it was voted unanimously to approve said minutes.**

- 5. Approval of Minutes, re: Special Meeting, April 2, 2014.**

**On motion of Councillor VonVillas, duly seconded, it was voted unanimously to approve said minutes.**

- 6. At the Regular Meeting of April 7, 2014, request of Councillor Long, re: Discussion regarding the Unified High School Committee**

**Resolution outlining committee charge. (Councillor Long requests this item be continued to the May 5, 2014 Regular Meeting of the Council)**

**On motion of Councillor VonVillas, duly seconded, it was voted unanimously to continue this matter to the May 5, 2014 regular meeting of the Council.**

**7. Communication of Jeffrey M. Willis, Deputy Director, Coastal Resources Management Council, re: Federal Coastal Zone Consistency Determination for disposal and reuse of surplus property at Naval Station Newport, Rhode island – Reference CRMC File 2014-02-057.**

**On motion of Councillor VonVillas, duly seconded, it was voted unanimously to receive said communication.**

**8.**

**Communication of Natalie M. Robitaille, Staff Appraiser, Department of Transportation Real Estate, re: Reconstruction of Two Mile Corner, Intersection of Routes 138 and 114, Middletown, RI, Plat No. 2769/Parcel No(s). 32, Federal Aid Project No. HPP-4858(001).**

**On motion of Councillor VonVillas, duly seconded, it was voted unanimously to receive said communication.**

**Councillor Rodrigues reviewed the communication above and inquired what properties the State will be purchasing.**

**Town Administrator Shawn Brown, responding to Councillor Rodrigues, explained that he will contact the State for a complete list of properties they will be purchasing.**

**9. Communication of Joseph P. Pratt, Executive Director/CEO, Boys & Girls Clubs of Newport County, re: Appreciation for support.**

**On motion of Councillor VonVillas, duly seconded, it was voted unanimously to receive said communication.**

**10. Memorandum of Finance Director, thru Town Administrator, with enclosure, re: Quarterly Tax Collector's Report as of 03/31/2014 – Town of Middletown.**

**On motion of Councillor VonVillas, duly seconded, it was voted unanimously to receive said memorandum and report.**

**Discussion centered around the Tax Collector position, preparation of the Tax Collector's report and the favorable results of the Quarterly Tax Collector's Report.**

**Town Administrator Shawn Brown reviewed the Quarterly Tax**

**Collector's Report above.**

**11. Communication of Tax Collector, thru Town Administrator, with enclosure, re: Cancellation of taxes for certain Middletown taxpayers.**

**On motion of Councillor VonVillas, duly seconded, it was voted unanimously to receive said communication.**

**12. Resolution of the Council, re: Cancellation of taxes for certain Middletown taxpayers.**

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

**13. Communication of Tax Assessor, thru Town Administrator, with enclosure, re: Cancellation of taxes for certain Middletown taxpayers.**

**On motion of Councillor VonVillas, 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 Councillor VonVillas, duly seconded, it was voted unanimously to amend said resolution by amending the second item, third column, the word “Appear” to “Appeal” and to pass said resolution, as amended.**

**Councillor Santos noted concern that the resolution does not state the amount being abated.**

**Town Administrator Shawn Brown noted that the resolution refers to**

**the abatement list attached to the communication. Mr. Brown will review the resolution process.**

**15. Resolution of Smithfield School Committee, re: Contract Continuation – Requesting the General Assembly to oppose any and all legislative proposal that would mandate expired teacher contracts must continue at the existing terms and conditions.**

**On motion of Councillor VonVillas, duly seconded, it was voted unanimously to receive said resolution.**

**16. Resolution of North Kingstown School Committee, re: Contract Continuation – Requesting the General Assembly to oppose any and all legislative proposal that would mandate expired teacher contracts must continue at the existing terms and conditions.**

**On motion of Councillor VonVillas, duly seconded, it was voted unanimously to receive said resolution.**

**17. Resolution of North Kingstown Town Council, re: Request of support to repeal the straight party vote option on the ballot in future elections.**

**On motion of Councillor VonVillas, duly seconded, it was voted unanimously to receive said resolution.**

**18. Resolution of the Town of Burrillville, re: In opposition to Senate Bill 2014- S 2677, An Act Relating to Taxation – Levy and Assessment of Local Taxes.**

**On motion of Councillor VonVillas, duly seconded, it was voted unanimously to receive said resolution.**

**19. Resolution of the Town of Burrillville, re: Supporting Senate Bill**

**2014-S 2078, Acts Relating to Taxation – Levy and Assessment of Local Taxes.**

**On motion of Councillor VonVillas, duly seconded, it was voted unanimously to receive said resolution.**

**20. Resolution of the Town of Burrillville, re: Supporting Senate Bill 2014-S 2032, Acts Relating to Courts and Civil Procedures – Procedure Generally.**

**On motion of Councillor VonVillas, duly seconded, it was voted unanimously to receive said resolution.**

**21. Resolution of the Town of Burrillville, re: Supporting House Bill 2014-H - 7270, Acts Relating to Courts and Civil Procedures – Procedure Generally.**

**On motion of Councillor VonVillas, duly seconded, it was voted unanimously to receive said resolution.**

**22. Resolution of the Town of Burrillville, re: Supporting House Bill 2014-H -7247, Acts Relating to Highways- Municipal Road and Bridge Revolving Fund.**

**On motion of Councillor VonVillas, duly seconded, it was voted unanimously to receive said resolution.**

**23. Resolution of the Town of Burrillville, re: Supporting Senate Bill 2014-S 2085 and House Bill 2014-H -7628, Acts Relating to Towns and Cities – Low Moderate Income Housing.**

**On motion of Councillor VonVillas, duly seconded, it was voted unanimously to receive said resolution.**

**24. Resolution of the Town of Burrillville, re: Supporting Senate Bill 2014-S 2104 and House Bill 2014-H - 7126, Acts Relating to Towns and Cities – Background Checks.**

**On motion of Councillor VonVillas, duly seconded, it was voted unanimously to receive said resolution.**

**25. Resolution of the Town of Burrillville, re: Supporting Senate Bill 2014-S 2018 and House Bill 2014-H -7430, Acts Relating to Taxation – Levy and Assessment of Local Taxes.**

**On motion of Councillor VonVillas, duly seconded, it was voted unanimously to receive said resolution.**

**26. Resolution of the Town of Burrillville, re: Opposing Senate Bill 2014-S 2593, An Act Relating to Parks & Recreation – Public Use of**

## **Private Lands – Liability Limitations.**

**On motion of Councillor VonVillas, duly seconded, it was voted unanimously to receive said resolution.**

**27. Resolution of the Town of Burrillville, re: Supporting House Bill 2014-H -7747, An Act Relating to Education – the Education and Equity and Property Tax Relief Act.**

**On motion of Councillor VonVillas, duly seconded, it was voted unanimously to receive said resolution.**

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

**On motion of Councillor VonVillas, duly seconded, it was voted unanimously to grant said license renewals.**

**Councillor Long recused himself from acting on the following item, #29 due to a possible conflict of interest.**

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

**On motion of Councillor VonVillas, duly seconded, it was voted unanimously to grant said license renewals.**

**30. Application USV Optical, Inc., dba BJ's Optical #4306, 173 East Main Road, for RENEWAL of a Holiday License for the 2014-2015 licensing year.**

**On motion of Councillor VonVillas, duly seconded, it was voted unanimously to grant said license renewal.**

**31. Application of Apache Oil Company dba Middletown Mobil, 356 West Main Road, for RENEWAL of a Holiday License for the 2014-2015 licensing year.**

**On motion of Councillor VonVillas, duly seconded, it was voted unanimously to grant said license renewal.**

**Councillor Santos inquired who prepares license applications and why do some applications require social security numbers?**

**Town Clerk Wendy J.W. Marshall, responding to Councillor Santos, explained that the applications are prepared by the Clerk's Office following State requirements. Any application that includes a social security number, the social security number is not made public.**

**32. Application of Chris and Mike's Place, LLC dba Kingston Pizza, 659 West Main Road, for RENEWAL of a Mechanical Amusement Device License for the 2014-2015 licensing year.**

**On motion of Councillor VonVillas, duly seconded, it was voted unanimously to grant said license renewal.**

**33. Application of Shaw's Supermarket, Inc. dba Shaw's, 71 East Main Road, for RENEWAL of a Mechanical Amusement Device License for the 2014-2015 Licensing year.**

**On motion of Councillor VonVillas, duly seconded, it was voted unanimously to grant said license renewal.**

**34. Application for Special Event Permit from the Boys & Girls Clubs**

**of Newport and Newport Historical Society for the Newport Antiques Show to be held at St. George's School, Purgatory Road, beginning Thursday, July 24th, 2014 (5:00 pm – 9:00 pm), Friday, July 25, 2014 and Saturday, July 26, 2014 both from (10:00 am – 6:00 pm) and Sunday, July 27, 2014 (10:00 am – 4:00 pm).**

**On motion of Councillor VonVillas, duly seconded, it was voted unanimously to grant said Special Event Permit.**

**35. Application for Special Event Permit received from Shelley Dungan, Community Yoga at Third Beach opposite end from Boat Launch, every Tuesday and Thursday evenings at 6:00 pm, Wednesday, Friday and Sunday mornings at 7:00 am from June 17, 2014 to September 11, 2014.**

**On motion of Councillor VonVillas, duly seconded, it was voted unanimously to grant said Special Event Permit.**

## **PUBLIC HEARING**

**36. Memorandum of Town Planner thru Town Administrator, re: FY2014 CDBG Application – 1st Public Hearing.**

**Town Planner Ronald Wolanski reviewed the memorandum, entered**

**here:**

**On motion of Councillor VonVillas, duly seconded, it was voted unanimously to receive said memorandum.**

**37. Public Hearing (Advertised)**

**Town of Middletown application for FY2014 Small Cities Community Development Block Grant (CDBG) program for a certain project, in an amount not to exceed \$250,000.**

**Public Hearing was declared open.**

**Christian Belden, representing Church Community Housing Corporation, addressed the Council noting that Church Community Housing Corporation has assisted Middletown for 27 years with the CDBG grant application. Mr. Belden noted that he is aware of social service agencies that have or are intending to request to be included in the grant application.**

**Susan Schenck, Chief Operating Officer, representing East Bay Action Program, requested support for the Community Dental program in the amount of \$10,000.**

**Arma Brookman, representing Lucy's Hearth, requests support in the amount of \$20,000. Ms. Brookman noted its Lucy's Hearth's 30th year; the facility has served 45 moms and 83 children this year and provides outreach services, aftercare and educational classes.**

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

**Councillor Long recused himself from acting on the following item, #38 due to a possible conflict of interest.**

## **LICENSES AND PERMITS**

**38.**

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

**On motion of Councillor VonVillas, duly seconded, it was voted unanimously to grant said license renewals.**

**39. Application of Newport County Community Mental Health Center, Inc. dba NCCMHC'S May is Mental Health Month 5K Fun Run, 5K Fun Run/Walk, taking place at 127 Johnny Cake Hill Road (Aquidneck Corporate Park) on Saturday, May 17, 2014 beginning at 10:00 am until 1:00 p.m. (Request to waive fee attached)**

**On motion of Councillor VonVillas duly seconded, it was voted unanimously to grant said Special Event Permit and waive said fee.**

#### **OTHER COMMUNICATION**

**40. Communication of C. William Welch, Middletown, with enclosures, re: Neighborhood opposition to Mitchell's Lane access to Kempenaar-Tibbetts sports fields.**

**On motion of Councillor VonVillas, duly seconded, it was voted unanimously to receive said communication.**

**Roby Faria, 9 Cardoza Terrace, addressed the Council, on behalf of herself and Mrs. Van Beuren, expressing concern that Mitchell's Lane is too narrow to add access to Kempenaar-Tibbetts sport fields.**

**Councillor Adams noted that the access idea coincides with the Comprehensive Community Plan. The committee is aware of traffic concerns on Mitchell's Lane; discussion is that two access points are needed. Mitchell's Lane would be for Police and Fire only and would require a key. Mr. Adams encouraged Ms. Faria to attend the committee meetings.**

**Discussion centered around placing meeting notification flyers on abutters to the Kempenaar-Tibbetts sports field doors.**

**TOWN COUNCIL**

**41. At the request of Councillor Rodrigues,**

**Resolution of the Council, re: In support of S-2087 “An Act Relating To Taxation – Levy and Assessment of Local Taxes”.**

**On motion of Councillor VonVillas, duly seconded, it was voted unanimously to receive said resolution.**

**Councillor Rodrigues noted the expense of the statistical revaluation and suggests support the above legislation to increase the years from three (3) to five (5).**

**Councillor Long noted his support and agreement with this legislation.**

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

## **APPOINTMENTS TO BOARDS & COMMITTEES**

**42. Appointment of two (2) members to the Arts Committee, terms expiring April 2017.**

**On motion of Councillor VonVillas, duly seconded, it was voted unanimously to reappoint Linda Phelan and appoint David Kirchner to the Arts Committee for terms expiring April 2017.**

**43. Appointment of one (1) member to the Open Space and Fields Committee, term expiring November 2016.**

**On motion of Councillor VonVillas, duly seconded, it was voted**

**unanimously to appoint David Kirchner to the Open Space and Fields Committee for a term expiring April 2017.**

**44. Appointment of two (2) members to the Roads and Utilities Advisory Committee, terms expiring January 2017.**

**On motion of Councillor VonVillas, duly seconded, it was voted unanimously to appoint Joseph A. Cirillo and Antone C. Viveiros to the Roads and Utilities Committee for terms expiring January 2017.**

**45. Appointment of four (4) members to the Zoning Board of Review; one (1) vacancy, regular member, term expiring April 2019 and three (3) Alternate members for terms expiring April 2015.**

**On motion of Councillor VonVillas, duly seconded, to reappoint James Miller as regular member of the Zoning Board of Review for a term expiring April 2019, reappoint Nicholas P. Pasyanos as 1st alternate, Olin D. Gambrell, Sr. as 2nd alternate, and Robert R. Novick**

**as 3rd alternate for terms expiring April 2015.**

**46. Communication of Paul Lamond, re: Resignation from the Middletown Tree Commission and Middletown Library Board of Trustees.**

**On motion of Councillor VonVillas, duly seconded, it was voted unanimously to receive said resignation with regret.**

## **EXECUTIVE SESSION**

**47. 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) and (5) Land Acquisition.**

**Executive session was cancelled.**

**On motion of Councillor VonVillas, duly seconded, it was voted unanimously to adjourn said meeting at 7:51 pm.**

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**Wendy J.W. Marshall, CMC**

**Council Clerk**

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