

**At a Regular Meeting of the Town Council of the Town of Middletown,
RI held at the Middletown Town Hall on Monday, July 7, 2014 at 6:00
P.M.**

Council President Christopher T. Semonelli, Presiding

Vice President Robert J. Sylvia

Councillor Richard P. Adams

Councillor Bruce J. Long, arrives at 7:00 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.

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, NEARI Town Hall and Teamsters DPW Unions), (1) personnel (Non-Classified Municipal Positions), (5) Lease (JFK School), and (2) potential litigation.

On motion of Vice President Sylvia, duly seconded, it was voted unanimously to recess open session and reconvene in executive session at 6:05 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 Lin Enterprises, LLC d/b/a Yumi Garden, 872 West Main Road 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 August 18, 2014, regular meeting of the board.

4. Application of J & S Enterprises, LLC dba Boss Man Burgers holder of a Class BL Alcoholic Beverage License, to upgrade its current Retailer's Alcoholic Beverage License for premises located at 510 East Main Road, Middletown, Rhode Island from Class BL (Beer and Wine) to Class BV (Full Service). (Requires Advertising for Public Hearing)

On motion of Vice President Sylvia, duly seconded, it was voted unanimously to receive said application, advertise for Public Hearing for August 18, 2014, regular meeting of the board.

Town Solicitor Michael W. Miller recused himself from the following item of business #5, due to a possible conflict of interest.

5. Petition of Thomas Ney, President and Donna Marley, Bar Manager, of All-Vets Club, 985 Aquidneck Avenue, re: Request for expansion of Class D Alcoholic Beverage License to provide outdoor service on Saturday, August 23, 2014 for the All-Vets Club Annual

Clam Boil.

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

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

Council President Semonelli and Councilor Rodrigues requested that items #7 and #8 be heard under the regular portion of the docket.

CONSENT

6. Resolution of the Town of Warren, re: Requesting supporting FY2015 to sustain the Municipal Road and Bridge Revolving Fund.

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

7.

Memorandum of Town Administrator, re: DOI Resiliency Grant Award.

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

Council President Semonelli explained that part of the DOI Resiliency grant request was to place underground utilities in the Sachuest Beach area.

Councillor Rodrigues inquired the cost to place utilities underground in the Sachuest Beach area.

Town Administrator Shawn Brown noted the estimated cost to bury the powerlines is 1.4 million dollars. Mr. Brown explained the need to look for other funding sources for the project.

8. Memorandum of Superintendent of Schools, thru Town Administrator, re: Budget Adjustments – FY2015.

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.

Councillor Rodrigues inquired why the budget amendments are being considered after the adoption of the Town budget.

Discussion centered around information being received at the end of the fiscal year, the Department of Education issuing final funding numbers last week, and grant funding for wireless access in the classrooms.

9. Resolution of the Council, re: Budget Adjustments – FY2015.

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

10. Communication of Tax Assessor, 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.

11. 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.

12. Petitions received from the following named persons for perpetual care of burial lots in the Middletown Cemetery:

a. William S. Bailey, Jr. – Section 47 West, Lots 25 & 26

b. Timothy Barlow – Section 49, Lots 33 & 34

- c. Deborah A. Bulk – Section 51 West, Lots 167, 168 & 169**
- d. Kevin Bulk – Section 47 East, Lots 33, 34, 35, 36, 37 & 38**
- e. Jeffrey Gerlach – Section 53, Lot 222**
- f. Warren F. Hall – Section 49, Lots 31 & 32**
- g. Kathleen Hogan – Section 53, Lots 220 & 221**
- h. Donna J. Jacklyn – Section 49, Lot 48**
- i. Alice C. Lacerda – Section 50 East, Lots 94 & 95**

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

13. Application for Special Event Permit from Yoga Surf Excursion to be held on Second Beach (Sachuest) on Saturday, August 30, 2014 from 6:00 am to 9:45 am.

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

PERMITS

14. Application for Special Event Permit from Middletown Arts Committee - Middletown Celebration of the Arts for A Family Fun Day featuring and supporting Middletown visual & performing arts to be held at Paradise Park on Saturday, August 16, 2014 (Rain Date Sunday, August 17, 2014) beginning at 10:00 am until 4:00 pm. (Request to waive fee attached)

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

15. Application for Special Event Permit received from Newport

County Community Mental Health Center, Inc., NCCMHC'S Sixth Annual "Tour de Newport" Bike-A-Thon, Sunday, September 28, 2014 at 9:00 am. (See attached 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.

16. Application of Salt Pond Construction, LLC, Exeter, for a Drain Layers 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

17. Communication of Tegan Nelson, Middletown, re: Requesting

support for trip as a full-time volunteer in Guayaquil, Ecuador with Rostro de Cristo.

On motion of Vice President Sylvia, duly seconded, it was voted unanimously to receive said communication and authorize \$100.00 from the Council President's Discretionary Fund, funding payable to Tegan Nelson.

TOWN COUNCIL

18. At the request of Vice President Sylvia, Resolution of the Council, re: Requesting support from the Rhode Island Congressional Delegation for the Purchase of NAVSTA Newport Surplus Property from the Department of Defense.

Vice President Sylvia noted the resolution below is requesting assistance from the Federal Delegation with the Purchase of NAVSTA Newport Surplus Property from the Department of Defense.

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

TOWN ADMINISTRATOR

19.

Memorandum of Finance Director, thru Town Administrator, with enclosures, re: Disposal of School Department surplus 2004 Ford Box Truck.

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

Manny Mello, Beacon Terrace North, addressed the Council noting concern that the 2004 Ford Box Truck should be sold, not surplus.

Town Administrator Shawn Brown noted the 2004 Ford Box Truck is not safe to sell.

20. Resolution of the Council, re: Approving disposal of School Department surplus 2004 Ford Box Truck.

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

21. Memorandum of Town Administrator, with enclosures, re: FY2014 Homeland Security Grant Program (HSGP) Application.

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.

Councillor Rodrigues questioned the long-term costs to maintain these systems listed in the grant application.

Town Administrator Shawn Brown noted all items in the grant request would be a cost to the Town.

Discussion centered around the handicap door at the Police Station, security gate at the Police Station, cameras monitoring the back of the Police Station and long term maintenance.

On motion of Councillor VonVillas, duly seconded, it was voted unanimously to authorize submission of a grant application for the FY2014 Homeland Security Grant Program (HSGP) Application.

22. Memorandum of Principal Planner, thru Town Administrator, re: Southern New England Coastal Watershed Restoration Program Nutrient Management Grants.

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 site design, funding from the CIP, following stormwater regulations from the state and in-kind services for the project.

On motion of Vice President Sylvia, duly seconded, it was voted unanimously to authorize submission of a grant application to Southern New England Coastal Watershed Restoration Program Nutrient Management Grants.

23. Memorandum of Finance Director, thru Town Administrator, with enclosures, re: Approval to hire DFC grant writer.

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.

Middletown Prevention Coalition Coordinator Lori Verderosa reviewed the following:

24. Resolution of the Council, re: Approving hiring DFC grant writer.

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

25. Memorandum of Finance Director, thru Town Administrator, re: Contract Award: MIDD-014-015 Demolition 326 Coddington Highway.

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.

**26. Resolution of the Council, re: Award of contract for Demolition
326 Coddington Highway.**

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

**27. Memorandum Finance Director, thru Town Administrator, re:
Contract Amendment MIDD-013-012 Sewer and Drainage
improvements on Forest Avenue.**

**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 Engineer Warren Hall reviewed the change order, entered here:

Discussion centered around timing of the project, types of road binders, final top coat for Forest Avenue, sidewalks in the area, asphalt curbing, road stripping, crosswalks, road settling, traffic speed on roadway and paving extension road from Commodore Perry Village.

28. Resolution of the Council, re: Award of Contract for Sewer and Drainage improvements on Forest Avenue.

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

APPOINTMENTS TO BOARDS & COMMITTEES

29. Appointment of three (3) members to the Aquidneck Island Planning Commission, terms to be set by Council.

On motion of Vice President Sylvia, duly seconded, it was voted unanimously to appoint to the Aquidneck Island Planning Commission Diana Campagna Skaggs for a term expiring July 2015, appoint Thomas Darby for a term expiring July 2016 and appoint Gladys B. Lavine for a term expiring July 2017.

30. Appointment of one (1) member to the Open Space and Fields Committee for term expiring November 2016.

On motion of Vice President Sylvia, duly seconded, it was voted unanimously to appoint Lisa Cinquegrana to the Open Space and Fields Committee for a term expiring November 2016.

31. Appointment of one (1) member to the Tree Commission to

complete a term expiring January 2017.

On motion of Vice President Sylvia, duly seconded, it was voted unanimously to appoint Charles J. DiTucci to the Tree Commission to complete a term expiring January 2017.

On motion of Vice President Sylvia, duly seconded, it was voted unanimously to adjourn said meeting at 8:35 pm.

Wendy J.W. Marshall, CMC

Council Clerk

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