

**At a Regular Meeting of the Town Council of the Town of Middletown,
RI held at the Middletown Town Hall on Monday, October 6, 2014 at
5:30 P.M.**

Council President Christopher T. Semonelli, Presiding

Vice President Robert J. Sylvia

Councillor Richard P. Adams

Councillor Bruce J. Long

Councillor Paul M. Rodrigues, arrives at 5:33 pm

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.

5:30 PM - EXECUTIVE SESSION

1. Executive Session – Pursuant to provisions of RIGL, Sections 42-46-2, 42-46-4 and 42-46-5 (a) (5) Land Acquisition and (2) Collective Bargaining NEARI (Town Hall Union).

On motion of Vice President Sylvia, duly seconded, it was voted unanimously to recess open session and reconvene in executive session at 5:31 pm.

Councillor Rodrigues recused himself from acting on the Collective Bargaining issue, due to a possible conflict of interest and left the session at 5:55 pm.

On motion of Vice President Sylvia, duly seconded, it was voted unanimously to recess executive session and reconvene in open session at 6:23 pm.

On motion of Vice President Sylvia, duly seconded, it was voted unanimously to authorize the Town Administrator to execute the contract with Bay Ridge Condominium Association.

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

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.

Ella Stookey, 1215 Green End Avenue, addressed the Council expressing the need for Lacrosse fields in the Town.

Brad Read, 1166 Wapping Road, noted the need for public access to help manage fields. Mr. Read suggested that the Town work with Island Youth Lacrosse, regarding the proposed recreation complex.

Anson Stookey, 1215 Green End Avenue, addressed the Council, noting the need for more suitable fields for Island Youth Lacrosse. Mr. Stookey noted that the plan for the proposed recreation complex has not been finalized. Anson Stookey explained that he hopes the committee is able to complete its charge and present the proposal to the Council and residents.

Julia Sisk, 71 Riverview Road, addressed the Council, noting the need for extra fields in the Town.

Council President Semonelli noted that he understands the views from both residents in support of the fields and residents not supporting the fields. Mr. Semonelli hopes the residents can come to an agreement regarding Town recreational facilities.

On motion of Vice President Sylvia, duly seconded, it was voted unanimously to hear item #24, at this time.

Vice President Sylvia noted that the Comprehensive Community Plan is a very important document to the Town, which has a significant impact on life within the Town. Mr. Sylvia explained that the Council and residents need to understand the plan and suggests the public hearing for the Comprehensive Community Plan be postponed to the first Council meeting in December. Vice President Sylvia noted the need for public workshops regarding the Comprehensive Community Plan.

Town Solicitor Michael W. Miller addressed the Council noting that item #24 Public Hearing for the Middletown Comprehensive Community Plan was advertised for hearing at 7:00 pm. Mr. Miller suggests that the Council wait to take action at that time.

Councillor Adams noted that the Comprehensive Community Plan is an extraordinary document, very well done.

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. (Public Hearing Advertised)

Applications received from the following named persons, firms or corporations for RENEWAL of Alcoholic Beverage Licenses for the 2014-2015 licensing year. (See attached list)

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 renewals.

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

PUBLIC HEARING

4. (Public Hearing Advertised)

Applications received from the following named persons, firms or corporations for RENEWAL of Victualling House Licenses, Additional Hours of Operation, for the 2014-2015 licensing year.

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 renewals.

Councillor Santos requested that items #8, #10, #11, #12 and #13 be heard under the regular portion of the docket.

CONSENT

5. Approval of Minutes, re: Regular Meeting, September 15, 2014.

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

6.

Resolution of the Council, re: Proclaiming November as National American Indian Heritage Month.

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

unanimously to pass said resolution.

7. Communication of Jennifer Barrera, Program Director, Lucy's Heath, re: Appreciation for support.

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

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

8. Memorandum of MPC Coordinator, thru Town Administrator, re: Utilization Recommendations for the Berkeley Peckham School. (Committee requests to meet with Council in January 2015)

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

unanimously to receive said memorandum and request the Town Clerk to schedule said meeting.

Councillor Santos noted that Berkeley School is the Senior Center and Peckham School is the vacant portion of Berkeley Peckham School.

9. Memorandum of Finance Director, thru Town Administrator, re: Projected General Fund and School Department Fund Balance as of June 30, 2014.

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

10. Communication of Tax Assessor, with enclosures, re: Cancellation of taxes for certain Middletown residents.

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

Councillor Santos noted that the last name on the list was a clerical error, as in the prior year. Ms. Santos noted that the Tax Assessor has confirmed the correction has been made.

11. Resolution of the Council, re: Cancellation of taxes for certain Middletown residents.

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

Councillor Santos requested that the total amount in the communication be placed within the resolution.

Town Solicitor Michael W. Miller explained that the abatement is for an individual account, not for the total of the accounts.

12. Communication of Tax Collector, with enclosures, re: Cancellation of taxes for certain Middletown residents.

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

Councillor Santos inquired why death records are not processed in a timely manner and if our State Legislators would be able to assist in the matter.

Town Clerk Wendy J. W. Marshall, responding to Councillor Santos, explained that the State Office of Vital Statistics is understaffed and there is a delay in receipt of vital records. The State Legislators would not be able to assist in the matter.

13. Resolution of the Council, re: Cancellation of taxes for certain Middletown residents.

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

14. Resolution of the City of Newport, re: Prohibiting smoking at beaches. (Currently under review by Middletown Beach Commission)

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

15. Application of Middletown Columbus Club, Inc., 7 Valley Road, for RENEWAL of a Bingo License for the 2014-2105 licensing year.

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

16. Application of Laurin Enterprises dba Gold's Auto Wrecking, 113 Fenner Avenue, for RENEWAL of a Junk Dealer's License for the 2014-2015 licensing year.

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

17. Application of Paul C. Graf, 181 Island Drive, for RENEWAL of a Private Detective 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

18.

Applications received from the following named persons, firms or corporations for RENEWAL of Victualling House Licenses, for the 2014-2015 licensing year. (See attached list)

On motion of Councillor Long, duly seconded, it was voted unanimously to remove Longade, LLC/Del's Lemonade from the 2014-2015 Vicutalling House License list and act on the application separately.

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

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

Application of Longade, LLC/Del's Lemonade, 729 West Main Road, for RENEWAL of Victualling House License for the 2014-215 licensing year.

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

OTHER COMMUNICATION

19.

Communication of Bethany Scully, Director of Thomas E. Hughes Memorial 5K, re: Request for Special Event fee to be waived for the Thomas E. Hughes Memorial 5K. (Council approved permit at the August 18, 2014 Regular Meeting)

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

PRESENTATION

20. At the request of Vice President Sylvia, Citation, re: Middletown Finance Department.

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

Vice President Sylvia presented Finance Director Lynne Dible with a Town Citation recognizing the Finance Office for being selected by the Government Finance Officers Association of the United States

and Canada (GFOA) for the Distinguished Budget Presentation Award for its Fiscal Year 2015 Budget.

Finance Director Lynne Dible thanked the Town Council, Town Administrator, Town Department Heads, School Administration, School Committee and Library Board for their part in the budget preparation process.

Council President Semonelli noted the excellent job performed by the Finance Office.

TOWN ADMINISTRATOR COMMUNICATIONS

21.

Memorandum of Town Administrator, re: Survey of Atlantic Beach District Residents on Parking Issues.

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

Town Administrator Shawn Brown reviewed the memorandum above. Mr. Brown noted that the Town has identified that there is no need for sticker parking in the area and the current ordinances are sufficient regarding the parking in the Atlantic Beach District.

Discussion centered around the Atlantic Beach resident survey, short term rentals in the area, signage and enforcement in the area and maintaining quality of life in the neighborhood.

22. Memorandum of Town Administrator, re: Stop Sign Policy.

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.

Police Chief Anthony Pesare addressed the Council reviewing the proposed Stop Sign Policy, entered here:

Police Chief Anthony Pesare noted that stop signs are not always a solution to slowing down traffic. Mr. Pesare explained that there are other ways to slow traffic in an area, such as well constructed roads, stripping of roads, speed bumps and enforcement of speed limits.

Discussion centered around the stop sign policy process, speed reduction measures, how often Town streets are reviewed for traffic issues and Traffic Engineers assisting the Town with the Stop Sign policy.

On motion of Vice President Sylvia, duly seconded, it was voted unanimously to adopt said Stop Sign Policy.

APPOINTMENTS TO BOARDS & COMMITTEES

23. Appointment of one (1) member to the Middletown Prevention Coalition, for a term expiring March 2015.

On motion of Vice President Sylvia, duly seconded, it was voted unanimously to appoint Melissa Ann Patricio to the Middletown Prevention Coalition, Media Sector, to complete a term expiring March 2015.

ORDINANCE – 7:00 PM

24. Public Hearing (Advertised; First Reading)

Middletown Comprehensive Community Plan – 2014 Revision.

Vice President Sylvia suggested that the public hearing for the Middletown Comprehensive Community Plan be postponed to December 1, 2014. Mr. Sylvia reiterated what he explained at the start of the meeting.

On motion of Vice President Sylvia, duly seconded, to continue the Middletown Comprehensive Community Plan to December 1, 2014 and do step by step due diligence

Council President Semonelli noted the need to have workshops on the Middletown Comprehensive Community Plan to allow for a quality document.

Councillor VonVillas suggested the Town Administration provide the

Council with a proposed schedule to review the Middletown Comprehensive Community Plan.

Councillor Adams suggested that the Town Administrator put together a proposed schedule for the December 1, 2014 Regular Meeting of the Council.

Councillor Long noted that the two most important documents in the Town are the Charter and the Comprehensive Community Plan.

Council President Semonelli suggested scheduling public workshops to review the draft Comprehensive Community Plan with the Town Administration and Town Solicitor, dates to be determined at the December 1, 2014, Regular Meeting of the Council.

Town Solicitor Michael W. Miller summarized the Council discussion. No action will be taken on the item regarding the Middletown Comprehensive Community Plan tonight, the item will be continued

to December 1, 2014, at that time the new Council will establish a schedule, which will result in workshops to educate themselves and citizens of the Town on the contents of the plan.

At this time the Council voted on the motion above, restated here:

On motion of Vice President Sylvia, duly seconded, it was voted unanimously to continue the Middletown Comprehensive Community Plan to December 1, 2014 and do step by step due diligence.

On motion of Vice President Sylvia, duly seconded, it was voted unanimously to adjourn said meeting at 7:39 pm.

Wendy J.W. Marshall, CMC

Council Clerk

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