

**At a Regular Meeting of the Town Council of the Town of Middletown,
RI held at the Middletown Town Hall on Monday, February 1, 2016 at
6:00 P.M.**

Council President Robert J. Sylvia, Presiding

Vice President Robert Kempenaar, II

Councillor Henry F. Lombardi, Jr.

Councillor Paul M. Rodrigues

Councillor M. Theresa Santos

Councillor Antone C. Viveiros

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.

6:00 PM - EXECUTIVE SESSION

1. Executive Session - Pursuant to provisions of RIGL, Sections 42-46-2, 42-46-4 and 42-46-5 (a) (1) Personnel (Town Administrator).

ADDENDUM TO TOWN COUNCIL AGENDA

POSTED – January 28, 2016

REGULAR MEETING – February 1, 2016

6:00 PM – EXECUTIVE SESSION

1. Executive Session - Pursuant to provisions of RIGL, Sections 42-46-2, 42-46-4 and 42-46-5 (a) (2) Potential Litigation.

Vice President Kempenaar announced that Town Administrator Shawn Brown was notified in writing Pursuant to RIGL 42-46-5 (a) (1).

On motion of Vice President Kempenaar, duly seconded, it was voted unanimously to recess open session and reconvene in executive session at 6:03 pm.

On motion of Vice President Kempenaar, duly seconded, it was voted unanimously to recess executive session and reconvene in open session at 7:00 pm.

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.

No one spoke during this session.

Council President Sylvia requested that items #4 thru #12 be heard under the regular portion of the docket.

CONSENT

3. Approval of Minutes, re: Regular Meeting, January 19, 2016.

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

4. (Continued from December 7, 2015 and January 19, 2016, Regular Meetings)

Communication of Tax Assessor, dated December 1, 2015, with enclosures, re: Cancellation of Taxes for certain Middletown residents.

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

Councillor Santos noted that she met with the Town Administrator, Tax Assessor, Councillor Viveiros and two others regarding inquiries

on the tax abatement list. The Tax Assessor will now supply more detailed information regarding abatements.

5. (Continued from December 7, 2015 and January 19, 2016, Regular Meetings)

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

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

6. (Continued from January 19, 2016, Regular Meeting)

Communication of Tax Assessor, dated December 29, 2015, with enclosures, re: Cancellation of Taxes for certain Middletown residents.

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

7. (Continued from January 19, 2016, Regular Meeting)

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

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

8. (Continued from January 19, 2016, Regular Meeting)

Communication of Tax Assessor, dated January 12, 2016, with enclosures, re: Cancellation of Taxes for certain Middletown residents.

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

unanimously to receive said communication.

9. (Continued from January 19, 2016, Regular Meeting)

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

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

10. (Continued from January 19, 2016, Regular Meeting)

Communication of Tax Assessor and Finance Director, dated January 11, 2016, with enclosures, re: Cancellation of Taxes for certain Middletown residents.

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

11. (Continued from January 19, 2016, Regular Meeting)

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

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

12. Resolution of the Council, re: Budget Adjustments – General Fund – FY2016.

Councillor Rodrigues inquired about the budget adjustments regarding salaries.

Town Administrator Shawn Brown, responding to Councillor

Rodrigues, explained that the adjustment is based on a resolution passed by the Council.

Dennis Turano, 182 Tuckerman Avenue, addressed the Council requesting the Council not to shift monies to another project, if the monies do not get spent. Mr. Turano noted the need for transparency.

Council President Sylvia explained that the Council is transparent, all expenses are authorized by resolution.

Discussion centered around if the transfer is for salaries or a bonus, bonus money does not compound in the budget it is a one-time expenditure, the salaries were reviewed line by line (each individual) and all Councillors had the opportunity to weigh in.

On motion of Vice President Kempenaar, duly seconded, it was voted to pass said resolution; Councillor Santos voted NO to said motion.

13. An Ordinance of the Town of Middletown

An ordinance in Amendment to the Town Code of the Town of Middletown, Title XV, Land Use, Chapter 152 Zoning Code, Section 605 “Maximum Building Footprint. (Planning Board Recommendation to follow; Requires Advertising for Public Hearing and Notification to Abutters)

On motion of Council President Sylvia, duly seconded, it was voted unanimously to receive said ordinance amendment, advertise for Public Hearing and Notify Abutters for Regular Meeting to be held on March 7, 2016.

14. Resolution of the Town of Narragansett, re: In Opposition to Governor Raimondo’s Proposed Truck Toll Gantries to be placed throughout the State of Rhode Island.

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

15. Application of for Special Event Permit from Rhode Island Rugby Football Foundation for a Special Event Permit Event – Beast of East Rugby Tournament. Requesting the use of Sachuest Beach Parking lot on April 16th and April 17th, 2016 for parking. The event is held in Portsmouth, RI and participants will be shuttled from Sachuest Beach to Gardener Seveney Sports Complex.

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

16. Application for a Special Event Permit from Manuka Sports Event Management for Race the State to be held on August 7, 2016 from 7:00 am – 10:00 am, event location Third Beach/Sachuest Point Road & Purgatory Road.

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

17. Application for Special Event Permit from FROSTY FREEZ 5K for 5K Run/Walk, donations to Middletown Cross Country Team & MMRF to be held at Second Beach on Saturday, March 26, 2016 beginning at 8:00 AM.

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

18. Application for Special Event Permit from Charlotte O'Halloran for Chicks That Rip, Child Development Camp to be held July 11th – 15th, 2016 from 12:30 pm to 3:30 pm at Second Beach.

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

OTHER COMMUNICATIONS

19.

Communication of Timothy D. Brown, VP Middletown Athletic Boosters Club, re: Request for Middletown Town Council Support.

On motion of Vice President Kempenaar, duly seconded, it was voted unanimously to receive said communication and authorize \$500.00 donation to the Middletown Athletic Boosters Club for the purchase of jackets for the MHS Girls Soccer and Unified Volleyball Teams to be appropriated from the Council President's Discretionary fund.

20. Memorandum of Mason Hawes, Chairperson of the Middletown Open Space and Fields Committee, re: Request the Town Council to develop the former drive-in theatre as multi-purpose recreation fields and an innovative storm water treatment project.

On motion of Vice President Kempenaar, duly seconded, it was voted unanimously to receive said memorandum and refer said matter to the Town Council Recreation Field Subcommittee for recommendation.

Mason Hawes, Chair Open Space & Fields Committee, addressed the Council requesting support to build multi-purpose fields on the drive in property.

Discussion centered around if the area is developed would the Town have to reimburse the state for housing aid, if the land has any contamination on it, there are two Open Space bonds available for the project and the need to make the best decision for the town.

21. Communication of Dennis Turano, Middletown, re: Requesting Council to form a committee to review the current tax system and other tax systems.

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

Dennis Turano, 182 Tuckerman Avenue, requested the Council to reconsider their motion from January 19, 2016 not to form a committee to review the Town's current tax system.

22. Email communication from Superintendent of Schools Rosemarie K. Kraeger, with enclosure, re: Requesting Council to Schedule a Meeting to review Facility Analysis documents. (Enclosures on file in the Office of the Town Clerk)

On motion of Vice President Kempenaar, duly seconded, it was voted unanimously to receive said email communication and schedule a meeting with the School Committee for Monday, March 7, 2016 at 5:00 pm to review the Facility Analysis documents.

TOWN COUNCIL

23. By vote of the Council, January 19, 2016, Discussion of increasing the CIP for road repair in lieu of going out to bond.

On motion of Vice President Kempenaar, duly seconded, it was voted unanimously to begin said discussion.

Councillor Rodrigues noted concern that the road bond will impact the tax rate and suggested to increase the Road Repair in the CIP by \$185,000 over the next 5-6 years.

Discussion centered around bond monies would be for failed roads and maintaining current roads, the chance that the Town will fall behind in regular maintenance of current roads, CIP monies are used for crack sealing and patching roads, there will be \$441,000 coming off the Town's debt service and if the funding is not borrowed, the red

roads listed on the road condition index may not be addressed.

Town Administrator Shawn Brown reviewed the following handout, entered

here:

Discussion centered around pay as you go, senior citizens population in the Town and what the Town can accomplish on the roads with the \$650,000 from CIP plus the \$441,000. from the debt service.

24. Resolution of the Council, re: In Opposition to Governor Raimondo's Proposed Truck Toll Gantries to be placed throughout the State of Rhode Island.

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

TOWN ADMINISTRATOR

25.

Memorandum of Finance Director, thru Town Administrator, with enclosures, re: Contract Award: MIDD-016-007 Municipal Building Janitorial & Maintenance Services.

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

Dennis Turano, 182 Tuckerman Avenue noted concern with the Town outsourcing the Janitorial & Maintenance Service, explaining that he believes the price for the service will grow.

Town Administrator Shawn Brown reviewed the memorandum above.

Mr. Brown noted that at 3:00 pm today the NEARI President informed him that an unfair labor practice grievance may be filed by the union.

Discussion centered around the contract if awarded has good standing, the cost of a full time employees for the positions would be approximately \$250,000 to \$300,000, consideration of the School Department cleaning the buildings, the bid not including the Senior Center, cleaning being performed at the Town Hall in the evening, what is best for the community and currently the Fire Department and Public Works clean their buildings.

Councillor Rodrigues suggested that the Town hire part-time employees for the Janitorial & Maintenance Services.

Discussion centered around if \$10,000 would be enough budgeted for additional maintenance costs, cleaning supplies being furnished by the Town and if it is possible to get an estimate for part-time employees for the Janitorial and Maintenance Services.

Building Official Jack Kane was present to answer Council questions regarding the bid proposal.

**26. Resolution of the Council, re: Contract Award: MIDD-016-007
Municipal Building Janitorial & Maintenance Services.**

On motion of Vice President Kempenaar, duly seconded, it was voted to pass said resolution; Councillor Rodrigues, Councillor Santos and Councillor Viveiros voted NO to said motion.

27. Memorandum of Town Administrator, with enclosure, re: Special Meeting for Lower Aquidneck Avenue Improvements.

On motion of Vice President Kempenaar, duly seconded, it was voted unanimously to receive said memorandum and schedule a meeting with DOT on February 16, 2016 at 5:00 pm.

APPOINTMENT TO BOARDS AND COMMITTEES

28. Appointment of one (1) member to the Middletown Prevention Coalition (Parent Sector), to complete a term expiring April 2017.

On motion of Vice President Kempenaar, duly seconded, it was voted unanimously to appoint Jacob Cathers to the Middletown Prevention Coalition (Parent Sector) to complete a term expiring April 2017.

On motion of Vice President Kempenaar, duly seconded, it was voted unanimously to recess open session and reconvene in executive session at 8:30 pm.

On motion of Vice President Kempenaar, duly seconded, it was voted unanimously to recess executive session and reconvene in open session at 9:25 pm.

On motion of Vice President Kempenaar, duly seconded, it was voted unanimously to seal the executive session minutes pursuant to Section 42-46-7. RIGL.

On motion of Vice President Kempenaar, duly seconded, it was voted unanimously to adjourn said meeting at 9:27 pm.

Wendy J.W. Marshall, CMC

Town Clerk

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