

**At a Regular Meeting of the Town Council of the Town of Middletown, RI held at the Middletown Town Hall, 350 East Main Road, Middletown, RI on Monday, July 18, 2016 at 6:15 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 Barbara A. VonVillas, Members Present**

**Councillor Antone C. Viveiros, 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.**

## **6:15 P.M. – ZONING BOARD INTERVIEWS**

### **1. Zoning Board Interviews:**

**Stephen R. Barth**

**Thomas A. Heaney, Jr.**

**Jeffrey B. Poole**

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

**Candidates for the Zoning Board of Review were interviewed in open**

**session; applicant's interviews began at 6:15 pm with 1) Stephen R. Barth, 2) Thomas A. Heaney, Jr. and 3) Jeffrey B. Poole. Mr. Adams withdrew his application.**

**Human Resource Director Cecilia Dursi asked all applicants the following questions:**

- 1. Why do you want to be on the Zoning Board?**
- 2. Are you available for meetings?**
- 3. Quality of Life - How would you approach? What does it mean to you?**
- 4. Have you ever appeared before the Zoning Board?**

**6:30 P.M. – PRESENTATION**

**2. Communication of Councillor Viveiros, with enclosures, re: Financial questions that the Portsmouth Town Council has of the AIPC.**

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

**Council President Sylvia read the above communication into the record.**

**On motion of Councillor Santos, duly seconded, to postpone the action on this item until the August meeting; however Council can allocate a portion to the AIPC**

**Discussion centered around the financial reporting from the AIPC and if the Council should allocation half of the Civic Appropriation at this time or the entire Civic appropriation.**

**Council President Sylvia amended the above motion to allocate half of the Civic Appropriation at this time and the other half at a later date**

**On motion of Council President Sylvia, duly seconded, it was voted unanimously to table the matter to a later time.**

**3. Thomas C. Ardito, Executive Director, Aquidneck Island Planning Commission, re: - Review of AIPC Strategic Plan.**

**On motion of Vice President Kempenaar, duly seconded, it was voted unanimously to receive said AIPC Strategic Plan and begin said presentation.**

**Thomas C. Ardito, Executive Director, Aquidneck Island Planning Commission, and Raymond Berberick, Board Member of the AIPC presented a powerpoint presentation of the Draft AIPC Strategic Plan,**

**which is on file in the Office of the Town Clerk.**

**On motion of Council President Sylvia, duly seconded, it was voted unanimously to bring the matter of AIPC Civic Appropriation Funding back to the table.**

**On motion of Council President Sylvia, duly seconded, to authorize release of half the Civic Appropriation money now and bring the issue back at a later date determined by the Town Council**

**Vice President Kempenaar, Councillor Lombardi and Councillor VonVillas all noted agreement that full funding should be given at this time.**

**Town Administrator Shawn Brown noted that from an accounting standpoint only half of the Civic Appropriation should be released at this time. Mr. Brown explained that process for procedural changes come from the AIPC Board of Directors.**

**A vote was taken here on the motion above – motion repeated**

**On motion of Council President Sylvia, duly seconded, it was voted to authorize release of half the Civic Appropriation money now and bring the issue back at a later date determined by the Town Council; Councillor Lombardi voted no to said motion.**

**On motion of Council President Sylvia, duly seconded, it was voted unanimously to recess this meeting at 6:55 p.m.**

**On motion of Council President Sylvia, duly seconded, it was voted unanimously to reconvene this meeting at 7:00 p.m.**

**PUBLIC FORUM**



**4. 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.**

**Michael Flynn, 34 Warren Avenue, noted opposition to the fence constructed around the Newport Beach House property.**

**Dave Rushlow, 32 Ellery Avenue, addressed the Council noting concern that his neighbors have not filed a Short-Term rental form.**

**Bill Dore, 76 Purgatory Road, noted opposition to the fence constructed at the Newport Beach House property. Mr. Dore noted that the fence impacts his water views and quality of life.**

**Carol Cummings, 738 Indian Avenue, addressed the Council noting that no one in the Town is in favor of the Town purchasing the Old Farm property.**

**Nancy Crockett, 122 Purgatory Road, addressed the Council regarding the Dunlap Wheeler Park signage and parking.**

**Dana Harold, 275 Green End Avenue, representing the Easton's Point Association, read the following resolution by the Association into the record –**

**Cameron Clark, 112 Corey Lane, addressed the Council requesting the parking at Dunlap Wheeler Park be preserved as well as access to the beach.**

**On motion of Vice President Kempenaar, duly seconded, it was voted**

**unanimously to act as a Board of License Commission.**

## **BOARD OF LICENSE COMMISSION**

### **5. (Public Hearing Advertised)**

**Application of KJ's Restaurant, LLC dba KJ's Pub, 61 Aquidneck Avenue, holder of a Class BV Alcoholic Beverage License to TRANSFER said 2015-2016 License to KJS Restaurant, LLC d/b/a KJ's Pub, for use at the same premises.**

**Public hearing was declared open.**

**Jeremiah Lynch, Esquire, representing the applicant, addressed the Council explaining the application is a transfer for a corporate restructuring. There will be no changes of service.**

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

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

**6. Application of Seaview Hotel, Inc. for a Class BT Alcoholic Beverage License for the 2015-2016 licensing year on premises located at 240 Aquidneck Avenue, Middletown. (New; Requires Advertising for Public Hearing and Notification to abutters)**

**On motion of Vice President Kempenaar, duly seconded, it was voted unanimously to receive said license, advertise for public hearing and notify abutters for the August 15, 2016 meeting of the Board.**

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

**Vice President Kempenaar requested that items #10, #15, #19 and #28 be heard under the regular portion of the docket.**

## **LICENSES**

**7. Application of KJS Restaurant, LLC dba KJ's Pub, 61 Aquidneck Avenue for a Victualling House License for the 2015-2016 licensing year. (NEW)**

**On motion of Vice President Kempenaar, duly seconded, it was voted unanimously to grant said license contingent on Building Official, Fire Marshal, Public Works and Board of Health approvals.**

**8. Application of Kasbac, LLC dba McDonald's Restaurants, 300 East Main Road for a Victualling House License for the 2015-2016 licensing**

**year. (NEW)**

**On motion of Vice President Kempenaar, duly seconded, it was voted unanimously to grant said license contingent on Building Official, Fire Marshal, Public Works and Board of Health approvals.**

**9. Application of Kasbac, LLC dba McDonald's Restaurants, 1425 West Main Road for a Victualling House License for the 2015-2016 licensing year. (NEW)**

**On motion of Vice President Kempenaar, duly seconded, it was voted unanimously to grant said license contingent on Building Official, Fire Marshal, Public Works and Board of Health approvals.**

**CONSENT**

**10. Approval of Minutes, re: Regular Meeting, June 20, 2016.**

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

**Councillor Rodrigues questioned the time he left at the June 20, 2016 meeting.**

**Town Clerk Wendy Marshall noted that he had left prior to adjourning the executive session.**

**11. Memorandum of Finance Director, with enclosure, re: Surplus three Police vehicles – 2006 Ford Crown Victoria and two 2008 Dodge Chargers.**

**On motion of Vice President Kempenaar, duly seconded, it was voted**

**unanimously to receive said memorandum.**

**12. Resolution of the Council, re: Surplus three Police vehicles – 2006 Ford Crown Victoria and two 2008 Dodge Chargers.**

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

**13. Communication of Tax Assessor and Finance Director, with enclosure, re: Cancellation of Taxes for certain Middletown residents.**

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

**14. Resolution of the Council, re: Cancellation of Taxes for certain**



**Middletown residents.**

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

**15. Communication of Tax Assessor, with enclosure, 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 the Tax Assessor will use a method to identify deceased tax payers.**

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

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

**17. Memorandum of Finance Director, thru Town Administrator, with enclosures, re: School Department – FY2016 and FY2017 restricted appropriation from the Capital Improvement Program Special Revenue Fund (CIPSRF) and JFK Special Revenue Fund.**

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

**18. Resolution of the Council, re: FY2016 School Department budget adjustments.**

**On motion of Vice President Kempenaar, duly seconded, it was voted**

**unanimously to pass said resolution.**

**19. Memorandum of Finance Director, thru Town Administrator, with enclosure, re: Refunding 2007 & 2008 General Obligation Bonds.**

**Councillor Rodrigues read the above memorandum into the record and noted the additional savings from the bond refunding.**

**Councillor VonVillas noted that bond refunding is the same as refinancing a home. The Town has saved money.**

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

**20. Communication of Peter V. Lacouture, with enclosures, re: The Narragansett Electric Company dba National Grid Aquidneck**

**Reliability Project PUC Docket No. 4614.**

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

**21. Communication of Peter V. Lacouture, with enclosures, re: The Narragansett Electric Company dba National Grid Aquidneck Reliability Project PUC Docket No. 4614.**

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

**22. The Rhode Island Division of Public Utilities' Interrogatories and Requests for Production – Set I To Narragansett Electric Company dba National Grid.**

**On motion of Vice President Kempenaar, duly seconded, it was voted unanimously to receive said Rhode Island Division of Public Utilities' Interrogatories and Requests for Production – Set I To Narragansett Electric Company dba National Grid.**

**23. Communication of Mark D. Kauffman, PE, Activity Coordinator, NAVSTA Newport, with enclosure, re: Land Use Control (LUC) Remedial Design (RD), Derecktor Shipyard (Site 19), Operable Units 5 and 12, Naval Station (NAVSTA) Newport, Middletown, Rhode Island.**

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

**24. Communication of Cheryl G. Robinson, President, Turning Around Ministries, re: Appreciation for support.**

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

**25. Communication of Thomas C. Ardito, Executive Director, Aquidneck Island Planning Commission, re: Appreciation for support.**

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

**26. Resolution of the Town of Richmond, re: In opposition of Tolling Gantries.**

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

**27. An Ordinance in Amendment to the Town Code of the Town of Middletown, Title XV Land Use, Chapter 152 Zoning Code, Article 4**

**Definitions, Section 400 Definitions and Article 6, Section 602 – Schedule of District Regulations – Uses and Districts. (Requires Planning Board recommendation)**

**On motion of Vice President Kempenaar, duly seconded, it was voted unanimously to forward said ordinance to the Planning Board for recommendation.**

**28. Application for Special Event Permit from Rhode Races Events, Inc. for a Newport Rhode Race – Marathon – Half Marathon to be held on Saturday, April 15, 2017 from 7:30 am to 1:30 pm. (Roads are in Newport and Middletown – see map) – This application was approved by Newport City Council on June 20, 2016.**

**On motion of Councillor Lombardi, duly seconded, it was voted unanimously to grant said Special Event Permit, contingent upon paying Police detail in advance.**

**29. Application for Special Event Permit from the Norman Bird Sanctuary, 11th Annual Bird Ball, Gala Fundraiser at their Third Beach Property, on Saturday, August 20, 2016 beginning at 7:00 pm. (The Council previously granted a Special Event Permit on April 4, 2016 for this event to be held at 583 Third Beach Road, the applicant requests a location change; permit fee was waived for the previous permit).**

**On motion of Vice President Kempenaar, duly seconded, it was voted unanimously to approve said event location change, grant said Special Event Permit and waive said fee.**

**30. Application of Middletown Fraternal Order of Police Lodge #21, 464 Mitchell's Lane for RENEWAL of a Mechanical Amusement License for the 2016-2017 licensing year.(One Juke Box and Two Games)**

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



## **PUBLIC HEARINGS**

### **31. (Public Hearing Advertised; Abutters Notified)**

**Public Hearing Remains Open.**

**An Ordinance of the Town of Middletown (Second Reading)**

**An Ordinance in Amendment to the Town Code of the Town of Middletown, Title XV Land Use, Chapter 152 Zoning Code – Town’s Zoning Map.**

**Public hearing remains open.**

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

**On motion of Vice President Kempenaar, duly seconded, it was voted unanimously to adopt said ordinance on its second reading.**

**32. Public Hearing Advertised; Abutters Notified.**

**Application from Narragansett Electric Company dba National Grid, for a sound variance to the Noise Ordinance for its Aquidneck Island Reliability Project – Sections 130.75 – 130.91 of the Middletown Town Code, entitled “Noise”.**

**Public hearing was declared open**

**George W. Watson, III, Esquire and Dan McIntyre, Civil Engineer, representing Narragansett Electric Company, addressed the Council presenting a powerpoint presentation of the Aquidneck Island Reliability Project, which is on file in the Office of the Town Clerk.**

**Discussion centered around placing utilities underground, placing utilities underground would be costly and hard to repair, the size of the existing substation versus the size of the new substation, if the new substation could be placed where the current substation is, the vegetation in the area, the height of the screen wall being 20 ft tall and the chain link fence would be 9 ft tall, what the noise level would be in the area from the powerlines, the neighbors in the area being in opposition to the project, the need to protect the residents, National Grid should meet with the neighbors regarding the project and the timeline of the project not being set at this time.**

**Terri Flynn, 34 Warren Avenue, addressed the Council speaking in opposition to the project. Mr. Flynn inquired why the wires are not being placed underground and suggests eliminating the 20 foot wall.**

**Kevin Smith, 519 Jepson Lane, addressed the Council noting he is totally opposed to the project. Mr. Smith explained that the project is ruining his family's life and urges the Council to reject the request.**

**Roby Faria, 9 Cardoza Terrace, addressed the Council speaking in**

**opposition to the project explaining that the powerlines will be noisy and homes will lose value.**

**Conner Smith, 19 Jepson Lane, addressed the Council noting opposition to the National Grid project.**

**Marilyn Hennessey, 408 Mitchell's Lane, addressed the Council reviewing an incident with National Grid at her home. Ms. Hennessey cautioned the Council regarding dealings with National Grid.**

**Lisa Wagonblott, 129 Mitchell's Lane, addressed the Council presenting a recording of the noise levels from the powerlines on Jepson Lane.**

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

**On motion of Vice President Kempenaar, duly seconded, to grant request for a sound variance to the noise ordinance**

**Discussion centered around the Town of Portsmouth Advisory Opinion, National Grid providing the Council with a project schedule, National Grid meeting with Mr. Smith and his Attorney and that Middletown can place conditions on the Advisory Opinion.**

**Vice President Kempenaar, withdrew the motion to grant the sound variance to the noise ordinance.**

**On motion of Vice President Kempenaar, duly seconded, it was voted unanimously to reopen the public hearing.**

**On motion of Vice President Kempenaar, duly seconded, it was voted unanimously to continue the public hearing to August 15, 2016 Regular Meeting of the Council.**

## **ORDINANCES**

### **33. An Ordinance of the Town of Middletown (Second Reading)**

**An Ordinance in Amendment to the Town Code of the Town of Middletown, Title III Administration, Chapter 34 Taxes, Section 34.01 Definitions, Section 34.02, Exemption on Residential Property and Section 34.16 Freeze of Tax Rate and Valuation.**

**Councillor Santos inquired how the resident would be aware of the tax change.**

**Council President noted that the information would be in the Tax Assessors Office, newspaper and Senior Citizens Center.**

**Councillor Rodrigues inquired the impact on taxes and seniors?**

**Tax Assessor George Durgin reviewed the following, entered here:**

**Councillor Santos left the dais at 8:53 pm.**

**Discussion centered around the proposed ordinance being based on the Federal poverty level guidelines and no residents are currently taking advantage of a tax freeze.**

**Councillor Santos returned to the dais at 8:56 pm.**

**On motion of Vice President Kempenaar, duly seconded, it was voted unanimously to adopt said ordinance on its second reading.**

### **34. An Ordinance of the Town of Middletown (First Reading)**

**An Ordinance in Amendment to the Town Code of the Town of Middletown, Title XI Business Regulations, Chapter 110 General Provisions, Section 110.01 Issuance and Renewal of Town Licenses and Permits.**

**On motion of Vice President Kempenaar, duly seconded, it was voted unanimously to receive said ordinance on its first reading.**

### **OTHER COMMUNICATIONS**

**35. Memorandum of Dave McLaughlin, Clean Ocean Access, re: Ordinance for the elimination of single-use carryout check out bags.**

**Anthony Martin, 29 JH Dwyer Drive, addressed the Council in support of banning plastic bags in the Town.**



**Council President Sylvia noted that the Town Administrator is working with the City of Newport for a joint solution to the single-use carryout check out bags.**

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

**On motion of Vice President Kempenaar, duly seconded, it was voted unanimously to direct the Town Solicitor to prepare an ordinance eliminating single-use carryout check out bags.**

**36. Communication of Dan Glenning, Newport County YMCA Special Olympics Booster Club, re: Request for support for by purchasing an advertisement in the yearbook.**

**On motion of Vice President Kempenaar, duly seconded, it was voted unanimously to receive said communication and authorize \$150.00 for a full page ad in the Newport County YMCA Special Olympics Yearbook to be appropriated from the Council President's Discretionary Fund.**

**37. Communication of Hunter Armstrong, Sponsorship Intern: Middletown Safety Town 2016, re: Request for support of the Safety Town Program.**

**On motion of Vice President Kempenaar, duly seconded, it was voted unanimously to receive said communication and authorize \$200.00 to the Safety Town Program to be appropriated from the Council President's Discretionary Fund.**

## **TOWN COUNCIL**

**38. Resolution of the Council, re: Approving submission of the**

**proposed Charter amendment to the Office of the Secretary of State for inclusion on the November 8, 2016 General Election ballot.**

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

**39. Resolution of the Council, re: Approving submission of the proposed School Facility Project Bond question to the Office of the Secretary of State for inclusion on the November 8, 2016 General Election ballot.**

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

**40. Resolution of the Council, re: Approving submission of the proposed Road Bond question to the Office of the Secretary of State for inclusion on the November 8, 2016 General Election ballot.**

**Councillor Rodrigues noted his proposal to pay as you go for the roads by adding \$185,000 to the CIP for 6 years.**

**Discussion centered around the potential savings if pay as you go is implemented, annual increase of construction over time, the question should be placed before the voters, there are eight miles of failed roads in the Town, there are eight miles of fair roads in the Town, the money in the CIP is used for crack sealing and large scale permanent patching in the Town.**

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

**TOWN ADMINISTRATOR**

**41. Memorandum of Town Administrator, with enclosures, re: Internal**

**Control Report - School Department Purchasing & Interrelationship  
Between the Town Hall Finance Department and School Department.**

**Town Administrator Shawn Brown reviewed the following memorandum, enter here:**

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

**On motion of Vice President Kempenaar, duly seconded, it was voted unanimously to forward the Audit Committee the Internal Control Report and response to monitor progress toward implementing the necessary procedures and controls.**

**42. Memorandum of Town Administrator, with enclosures, re: Results of Survey – East Side Waterline Expansion.**

**Town Administrator Shawn Brown reviewed the memorandum, entered here:**

**Town Engineer Warren Hall reviewed the following:**

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

**On motion of Vice President Kempenaar, duly seconded, it was voted to approve the East Side Waterline Expansion project; All Councillors voted NO to said motion; MOTION FAILED TO PASS.**

**43. Memorandum of Town Administrator, with enclosures, re: Municipal Stormwater Utility District Planning.**

**Town Administrator Shawn Brown reviewed the memorandum, entered here:**

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

**44. Resolution of the Council, re: Award of Contract for Municipal Stormwater Utility District Planning.**

**David McLaughlin, representing Clean Ocean Access, noted support for the Municipal Stormwater Utility District Planning, noting that this is a great step for the Town of Middletown.**

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

**45. Memorandum of Town Planner, with enclosures, re: RIDEM Non-point Source Grant.**

**Town Administrator Shawn Brown reviewed the memorandum, entered here:**

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

**46. Resolution of the Council, re: Approval and acceptance of award of the 2014 Bay and Watershed Restoration Grant Program, with 100% Town match.**

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



**Councillor Rodrigues recused himself from acting on the following item, #47 of business, due to a possible conflict of interest.**

**47. Memorandum of Town Engineer, with enclosure, re: Aquidneck Avenue @ Prospect Avenue intersection request for approval, submittal of the RIDOT Physical Alteration Permit Application.**

**Town Administrator Shawn Brown reviewed the memorandum, entered here:**

**Town Engineer reviewed the scope of the project, entered here:**

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

**On motion of Vice President Kempenaar, duly seconded, it was voted**

**unanimously to approve submittal of RIDOT Physical Alternation Permit application of Aquidneck Avenue @ Prospect Avenue intersection.**

**48. Memorandum of Finance Director, thru Town Administrator, with enclosures, re: Contract Award: Financial Audit Services FY2016 through FY2018.**

**Town Administrator Shawn Brown reviewed the memorandum, entered here:**

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

**49. Resolution of the Council, re: Contract Award: Financial Audit Services FY2016 through FY2018.**

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

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

**Town Administrator Shawn Brown reviewed the memorandum, entered here:**

**Discussion centered around that the contract award does not include the Library, the agreement is for two years, if part time custodians would be less costly than a contracted service and that if part time custodians are considered, union wages must to paid.**

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

**51. Resolution of the Council, re: Contract Award: Municipal Building Janitorial & Maintenance Services.**

**On motion of Vice President Kempenaar, duly seconded, it was voted to pass said resolution; Councillor Rodrigues opposed said motion.**

**52. Memorandum of Finance Director, thru Town Administrator, with enclosures, re: Contract Award: MIDD-016-009 Middletown Town Hall Renovations Phase One Windows and Exterior Renovations.**

**Town Administrator Shawn Brown reviewed the memorandum, entered here:**

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

**53. Resolution of the Council, re: Contract Award: MIDD-016-009 Middletown Town Hall Renovations Phase One Windows and Exterior Renovations.**

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

## **BOARDS AND COMMITTEES**

**54. Appointment of four (4) members to the Zoning Board of Review – one (1) vacancy, regular member term expiring April 2012 and three (3) vacancies, alternate members, terms expiring April 2017.**

**On motion of Vice President Kempenaar, duly seconded, it was voted unanimously to reappoint Chris Sousa as regular member, reappoint**

**Henry Pine as 1st alternate, appoint Thomas A. Heaney, Jr. as 2nd alternate and reappoint Eric Kirton as 3rd alternate to the Zoning Board of Review.**

## **EXECUTIVE SESSION**

**55. Executive Session - Pursuant to provisions of RIGL, Sections 42-46-2, 42-46-4 and 42-46-5 (a) (5) Land Acquisition (West Main Road), (5) Land Acquisition (US Fish and Wildlife), (5) Land Acquisition (Wyatt Road), (2) Potential Litigation, (2) Potential Litigation and (2) Collective Bargaining (IBPO).**

**On motion of Vice President Kempenaar, duly seconded, it was voted unanimously to recess open session and reconvene in executive session at**

**10:30 p.m.**

**On motion of Vice President Kempenaar, duly seconded, it was voted unanimously to recess executive session and reconvene in open session at**

**11:07 p.m.**

**On motion of Vice President Kempenaar, duly seconded, it was voted unanimously to authorize the Town Administrator to execute an agreement with US Fish & Wildlife, subject to review of the agreement by the Town Solicitor.**

**On motion of Vice President Kempenaar, duly seconded, it was voted unanimously to authorize the Town Administrator to execute an agreement with RIEMA, subject to review of the agreement by the Town Solicitor.**

**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 11:10 p.m.**

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

**Council Clerk**

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