

**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 3, 2017 at 6:00 P.M.**

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

**Vice President Paul M. Rodrigues, Arrives at 6:50 pm**

**Councillor Henry F. Lombardi, Jr.**

**Councillor M. Theresa Santos**

**Councillor Dennis B. Turano**

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

**Councillor Antone C. Viveiros, Absent**

## **PLEDGE OF ALLEGIANCE TO THE FLAG**

### **6:00 P.M. 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 and (1) personnel (Non-classified Municipal Positions).**

**On motion of Councillor Santos, duly seconded, it was voted unanimously to recess open session and reconvene in executive session at 6:02 p.m.**

**On motion of Councillor Santos, duly seconded, it was voted unanimously to recess executive session and reconvene in open session at 6:46 p.m.**

**On motion of Councillor Santos, duly seconded, it was voted unanimously to approve the recommendation of the Town Administrator for Non-Classified Municipal Personnel.**

**On motion of Councillor Santos, duly seconded, it was voted unanimously to approve the recommendation of the Town Administrator for exceptional service of Non-Classified Municipal Personnel.**

**On motion of Councillor Santos, duly seconded, it was voted unanimously to approve the recommendation of the Town Administrator for a salary step increase for Non-Classified Municipal Personnel.**

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

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

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

## **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.**

**PUBLIC FORUM**

**2. Pursuant to Rule 25 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. The entire Public Forum period shall be no longer than fifteen minutes. All items discussed during this session will not be voted upon.**

**No one spoke during this session.**

**Vice President Rodrigues requested that item # 8 be heard under the regular portion of the docket.**

**CONSENT**

**3. Approval of Minutes, re: Regular Meeting, June 19, 2017.**

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

**4. Communication of Cheryl G. Robinson, President, Turning Around Ministries, Inc., re: Appreciation for support of TAM's 12th Annual Celebration.**

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

**5. Public Notice – 2017 Annual STIP Update – Application Period Now Open through August 11, 2017.**

**On motion of Vice President Rodrigues, duly seconded, it was voted unanimously to receive said public notice.**

**6. Memorandum of Finance Director, thru Town Administrator, re: Resolution authorizing up to \$2.0M issuance of Bonds and/or Notes for Acquisition/Preservation of Open Space- November 4, 2008.**

**Enter memo**

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

**7. Resolution of the Council, re: Authorizing the issuance of up to Three Hundred Thousand Dollars (\$300,000) Bonds for the purpose of financing the acquisition and preservation of open space in the Town.**

**Enter resolution**



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

**8. Application for Special Event Permit from the Cape Codders Chapter of Family Motorcoach Association for the Annual Second Beach Rally - Memorial Day Weekend Motorhome Rally to be held at Second Beach Parking Lot on Thursday, May 24, 2018, thru Monday, May 28, 2018.**

**Councillor Turano inquired the fees for the event.**

**Town Administrator Shawn Brown, responding to Councillor Turano, noted that the Special Event fee is \$100. and the Facility Use Fee is \$200.00 per day.**

**On motion of Vice President Rodrigues, duly seconded, it was voted unanimously to grant said Special Event permit.**

## **LICENSES**

**9. Application of East Bay Community Action Program, Molar Express, Dental Visits for children 2-21 and Free Care for uninsured ages 2-21, to be held at Linden Park on July 5, 2017 – 8:00 am to 5:00 pm, July 6, 2017 – 8:00 am – 12:00 pm, July 7, 2017 - 8:00 am to 5:00 pm and July 24 - 31, 2017 , from 8:00 am to 5:00 pm. (Attached is a request to waive permit fee)**

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

**10. Application of Middletown Fire Fighters Association, MDA Fill-the-Boot, Collection for Muscular Dystrophy Association by MFD, to be held at West Main Road and Coddington Highway, September 2, 3 and 4th from 10:00 am to 4:00 pm. (MFD requests permit fee be waived)**

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

**Councillor Santos recused herself from acting on the following item #11 of business, due to a possible conflict of interest.**

**11. Application of Middletown Historical Society, Middletown Founder's Day, Community celebration of the founding of Middletown, to be held at Paradise Park on August 19, 2017 from 10:00 am to 4:00 pm. (Middletown Historical Society requests permit fee to be waived)**

**On motion of Vice President Rodrigues, duly seconded, it was voted unanimously to grant said Special Event permit; permit fee and detail fees to be waived.**

**ORDINANCES**

**12. Continued from June 19, 2017.**

**Continued from May 15, 2017, Regular Meeting for Planning Board to review new request and provide recommendation – No Planning Board action was taken at the request of the Applicant’s Attorney; therefore no additional advertising for conditions was prepared.**

**Public Hearing (Advertised; Abutters and Tenants 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 Usage, Chapter 152 Zoning Code, Section 602 Schedule Of District Regulations – Uses and Districts. (Planning Board recommendation attached)**

**On motion of Vice President Rodrigues, duly seconded, it was voted unanimously to continue this matter to the September 18, 2017 Regular Meeting, at the request of the Applicants Attorney.**

**13. Continued from June 19, 2017**

**Continued from May 15, 2017, Regular Meeting.**

**Public Hearing (Advertised; Abutters and Tenants 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 Usage, Chapter 152 Zoning Code, Article 7 Supplementary Regulations, Section 702 Number of Dwelling Units or Principal Building Per Lot. (Planning Board recommendation attached)**

**On motion of Vice President Rodrigues, duly seconded, it was voted unanimously to continue this matter to the September 18,, 2017 Regular Meeting, at the request of the Applicants Attorney.**

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

**An Ordinance in amendment to the Town Code of the Town of Middletown, Title VII, Traffic Code, Chapter 74 Parking Schedule II and Schedule III Handicapped Parking.**

**On motion of Vice President Rodrigues, duly seconded, it was voted unanimously to continue this matter to the August 21, 2017 Regular Meeting.**

**TOWN COUNCIL**

**15. (Tabled from the June 5, 2017 and May 15, 2017 Regular Meetings)**

**Communication of Councillor Viveiros, re: Discuss installation of Work Order program for the Public Works Department.**

**On motion of Vice President Rodrigues, duly seconded, it was voted unanimously to continue this item to the August 21, 2017 Regular Meeting of the Council.**

**TOWN ADMINISTRATOR**

**16. Memorandum of the Town Administrator, re: IBPO, Local 534 Decertification Election Results.**

**Enter memo**

**Council President Sylvia noted the following:**

**Enter his speech**

**Town Administrator Shawn Brown reviewed the memorandum, entered above.**

**Councillor Lombardi noted that he will not support this item.**

**Discussion centered around that action will be taken on this item tonight, the item is not in executive session, the Council President placed the item on the regular docket for all to hear the discussion, the item is not regarding performance of an individual, the issue is housekeeping to fill in the blanks for areas not addressed in the Town Charter, the action tonight is to protect the Town and Police, the 2016 state labor law change which does not allow for another union to automatically replace the decertified union and the grievance process.**

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



**On motion of Vice President Rodrigues, duly seconded, it was voted to approve the Town Administrator's recommendation for police officer compensation, outlined in item #3 in the above memorandum; Councillor Lombardi vote NO to said motion.**

**On motion of Vice President Rodrigues, duly seconded, it was voted to approve the Town Administrator's recommendation for police officer insurance benefits, outlined in item #4 in the above memorandum; Councillor Lombardi voted NO to said motion.**

**16a. Communication of Mike McGonagle, Acting Director of Policy & Programs, with enclosures, re: Municipality's Solid Waste and Recycling Services Agreement with Rhode Island Resource Recovery Corporation for Fiscal Years 2018-2019.**

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

**On motion of Vice President Rodrigues, duly seconded, it was voted unanimously to approve said agreement and authorize the Town Administrator and Town Solicitor to execute the agreement on behalf of the Town.**

## **BOARDS AND COMMITTEES**

**17. Communication of Gladys B. Lavine, re: Stepping down from the AIPC Board.**

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

**18. Appointments of three (3) members to the Middletown Prevention Coalition, one (1) vacancy, Healthcare profession sector, one (1) vacancy, Parent sector and one (1) vacancy, Civic/Volunteer Organization sector for terms expiring April 2020.**

**On motion of Vice President Rodrigues, duly seconded, it was voted unanimously to reappoint Jon E. Brett, Healthcare Professional sector, Jacob Cathers, Parent sector, and Helen Sowinski, Civic/Volunteer Organization sector to the Middletown Prevention Coalition.**

**On motion of Vice President Rodrigues, duly seconded, it was voted unanimously to adjourn said meeting at 7:53 P.M.**

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

**Council Clerk**

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