

At a Special 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 31, 2017 at 10:00 A.M.

Council President Robert J. Sylvia, Presiding

Vice President Paul M. Rodrigues

Councillor Henry F. Lombardi, Jr.

Councillor M. Theresa Santos

Councillor Dennis B. Turano

Councillor Barbara A. VonVillas, Members Present

Councillor Antone C. Viveiros, Absent

AMENDED – JULY 28, 2017

POSTED – JULY 28, 2017

POSTED – July 27, 2017

Wendy J.W. Marshall, Town Clerk

Town of Middletown

Town Hall – 350 East Main Road

Middletown, Rhode Island 02842

Dear Ms. Marshall:

Pursuant to the provisions of Article II, Section 203 of the Town Charter and in accordance with Sections 42-46-2., 42-46-4., 42-46-5., and 42-46-6., RIGL, I hereby call a Special Meeting of the Town Council to formally consider, discuss and act upon the following items of business. All items on this agenda, may be considered, discussed and voted upon.

PLEDGE OF ALLEGIANCE TO THE FLAG

TOWN ADMINISTRATOR

- 1. Memorandum of Town Administrator, re: Authority to Negotiate Police Contract.**

- 2. Resolution of the Council, re: Authorizing the Town Administrator Shawn Brown and Attorney Timothy Cavazza to Negotiate Police Contract.**

EXECUTIVE SESSION

3. Executive Session - Pursuant to provisions of RIGL, Sections 42-46-2, 42-46-4 and 42-46-5 (a) (5) Land Acquisition, (1) Personnel (Town Administrator) and (4) Any investigative proceedings regarding allegations of misconduct, either civil or criminal.

Said meeting will be held on Monday, July 31, 2017, at 10:00 A.M. at the Middletown Town Hall, 350 East Main Road, Middletown, Rhode Island 02842.

Robert J. Sylvia, President

Middletown Town Council

cc:

Town Council

Public Library

Finance Director

Town Administrator

Town Solicitor

This meeting location is accessible to the handicapped. Individuals requiring interpreter services for the hearing-impaired should notify the Town Clerk's Office at 847-0009 not less than 48 hours before the meeting.

TOWN ADMINISTRATOR

- 1. Memorandum of Town Administrator, re: Authority to Negotiate Police Contract.**

Councillor Santos inquired why the Police Department will hold their election at Town Hall and why are the Town Councillors, Department Heads and Solicitors unable to be in the building during the election.

Town Administrator Shawn Brown explained that the Town is following Labor Board rules.

Discussion centered around that the action for the resolution is based on timing of the election, the negotiations being formal or informal depending on the letter requesting the negotiations from the union and the union once certified having ten days to file with Town and state to negotiate a contract.

Vice President Rodrigues requested information regarding what the Town has spent on labor lawyers.

Town Administrator Shawn Brown also reviewed RIGL 28-9.2-6, entered here:

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

2. Resolution of the Council, re: Authorizing the Town Administrator Shawn Brown and Attorney Timothy Cavazza to Negotiate Police Contract.

Councillor Lombardi suggests that the Town Administrator meet with the union alone.

Town Administrator Shawn Brown noted he would be uncomfortable meeting with the union alone and the union will have their attorney present during the negotiations.

Council President Sylvia noted that the discussion is getting ahead here with many emotions involved. The issue needs to be deflated and it would not be wise for the Town Administrator to negotiate alone.

Vice President Rodrigues agrees all should be amicable, fair and reasonable. The damage must be repaired and suggest informal

negotiations.

Council President Sylvia expressed concern with exposing the town to negotiations with just the Town Administrator who may not be privy to all labor laws.

Town Solicitor Peter B. Regan noted that the FOP is suing the Town in Superior Court and suggests not handcuffing the Town in the process of negotiations.

Councillor VonVillas noted that no one should be sent into a meeting alone when the other side has an attorney present.

Town Administrator Shawn Brown noted prior to the decertification by the police union, there were two informal meetings parallel with formal negotiations.

Discussion centered around that there may be many bitter people since this situation has risen, Council concern with liabilities and the resolution does not say that the Town Administrator is unable to have informal negotiations.

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

EXECUTIVE SESSION

3. Executive Session - Pursuant to provisions of RIGL, Sections 42-46-2, 42-46-4 and 42-46-5 (a) (5) Land Acquisition, (1) Personnel (Town Administrator) and (4) Any investigative proceedings regarding allegations of misconduct, either civil or criminal.

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

session at 10:27 a.m.

On motion of Vice President Rodrigues, duly seconded, it was voted unanimously to recess executive session and reconvene in open session at 12:22 p.m.

On motion of Vice President Rodrigues, duly seconded, it was voted unanimously to purchase the property at Purgatory and Aquidneck Avenue (2100 Square Feet of land).

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

On motion of Vice President Rodrigues, duly seconded, it was voted unanimously to adjourn said meeting at 12:25 p.m.

Wendy J. W. Marshall

Council Clerk

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