

**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 Tuesday, September 4, 2018 at 5:30 P.M.**

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

**Vice President Paul M. Rodrigues, arrives at 6:25 p.m.**

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

**Councillor M. Theresa Santos**

**Councillor Dennis B. Turano**

**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.

## **5:30 P.M. – MEETING OF TOWN/SCHOOL BACK OFFICE CONSOLIDATION STEERING COMMITTEE**

**1. Discussion of the possibilities of Combining/Consolidating functions within the Town.**

**On motion of Councillor Santos, duly seconded, it was voted unanimously to begin discussion of the possibilities of Combining/Consolidating functions within the Town.**

**Present representing the Town/School Back Office consolidation Steering Committee were Council President Robert J. Sylvia, Councillor Henry F. Lombardi, Jr., Councillor M. Theresa Santos, Councillor Dennis B. Turano, Councillor Antone C. Viveiros,**

**Councillor Barbara A. VonVillas, Town Administrator Shawn Brown, School Committee Chair Kellie DiPalma Simeone, Vice Chair Theresa Spengler, Members Doug Arnold and Liana Ferreira Fenton and Superintendent Rosemarie Kraeger.**

**School Committee member William O'Connell arrived at 5:35 pm.**

**Vice President Paul M. Rodrigues was absent.**

**Council President Sylvia noted this meeting is an opportunity to discuss the possible merging of the Town Finance and Department of Public Works with the School Department's Finance Office and Maintenance Department. Council President Sylvia noted this is a time for input on consolidation.**

**School Committee member William O'Connell arrived.**

**School Committee Chair Kellie DiPalma Simeone noted if this is being done just to save money, it is not worth it. Ms. Simone explained quality of service should not be compromised and both sides must be accountable for their responsibilities.**

**Superintendent Rosemarie Kraeger noted herself and Town Administrator Shawn Brown have been working closely on this and other projects between the Town and School. Ms. Kraeger explained there is excellent communication between the finance offices.**

**Councillor Turano inquired what the downside of combining departments would be.**

**Superintendent Rosemarie Kraeger explained the communication between Town and School departments is good. Ms. Kraeger noted there has not been success with combining departments within the State, explaining many positions within the school department have multiple responsibilities.**

**Councillor Lombardi noted the Town and School have collaborated on projects, explaining combining the two departments may not increase efficiency or cost savings. Mr. Lombardi explained he is not opposed to combining departments under the same roof, which may result in better communication.**

**Councillor Santos noted agreement with the need for the Town and School Departments to work together and communicate.**

**Discussion centered around projects the Town and School have completed together, sharing services and staff between the Town and School, designating the School maintenance department to oversee Town and School buildings, the differences between the Town and School finances, the effect of combining services on state funding, the need to have supporting data to base a decision on merging departments, the importance of maintaining municipal buildings and**

**the possibility of forming a subcommittee to compile data on merging of departments.**

**On motion of Council President Sylvia, duly seconded, it was voted to establish a subcommittee to look into merging of departments further, Councillor Turano, Councillor Viveiros and School Committee Chair Kellie DiPalma Simeone voted YES to said motion; Council President Sylvia, Councillor Lombardi, Councillor Santos, Councillor VonVillas, School Committee Vice Chair Theresa Spengler, School Committee Member Douglas Arnold, School Committee Member Liana Ferreira Fenton and School Committee Member William O'Connell voted NO to said motion; MOTION FAILED TO PASS.**

**On motion of Council President Sylvia, duly seconded, it was voted unanimously to recess this meeting at 6:20 p.m.**

**Vice President Rodrigues arrived at 6:25 pm.**

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

## **7:00 P.M. REGULAR MEETING**

### **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.

Mark Patao, 1535 Wapping Road, addressed the Council reviewing a previous request for stop signs at the intersection of Wapping Road, Mitchell's Lane and Third Beach Road. Mr. Patao noted the need for traffic to slow down area and he has a signed petition by neighbors in the area in support of stop signs.

Town Administrator Shawn Brown explained a traffic study is currently being conducted in the area and will be addressed this fall.

## **COLLECTIVE BARGAINING**

### **3. Memorandum of Superintendent of Schools, re: NEAM Contract.**

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

Superintendent Rosemarie Kraeger requested support for the NEAM Contract, noting Council questions were provided in emails, the

**School Department is a service organization 80% of the budget is salaries. The contract is fair and the teacher deserve a raise, explaining it is not the highest or lowest raise in the state.**

**Vice President Rodrigues noted the increase is fair to the teachers, explaining we are one community and need to do what is best for the taxpayers.**

**Councillor Lombardi noted agreement with Vice President Rodrigues, explaining the contract is fair and in line with what is happening throughout the state.**

**Council President Sylvia commended the teachers for the job they do, noting the contract is fair.**

**On motion of Council President Sylvia, duly seconded, it was voted unanimously to ratify the 2019-2021 Middletown Teacher's Association contract; however, will not obligate the funding.**

## **TOWN BUSINESS UPDATE**

**4. Communication of Vice President Rodrigues and Councillor Turano, re: Update Storm Water Filter Systems & Stormwater runoff.**

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

**Public Works Director Tom O'Loughlin reviewed a handout entered here:**

**Enter handout**

**Mr. O'Loughlin noted all BMP's have been inspected by himself and Warren Hall and are in working order. Mr. O'Loughlin explained each system is inspected after storm events to insure the systems are working.**

**Councillor Santos inquired if there is something to keep people out of the BMP's.**

**Public Works Director Tom O'Loughlin, responding to Councillor Santos, noted he will investigate options to enclose the BMPs.**

**On motion of Vice President Rodrigues, duly seconded, it was voted unanimously to act as a Board of License Commission.**

#### **ACTING AS A BOARD OF LICENSE COMMISSION**

**5. Application of St. Lucy's Church, 909 West Main Road for a Class F Alcoholic Beverage License for use at the same premises - Event November 10, 2018.**



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

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

## **CONSENT**

### **6. Approval of Minutes, re: Regular Meeting, August 20, 2018.**

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

**7. At the request of Council President Sylvia, Resolution of the Council, Re: Proclamation – September Is National Suicide Prevention Awareness Month.**

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

**8. Communication of Tax Assessor, with enclosure, re: Cancellation of Taxes for certain Middletown residents.**

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

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

**Middletown residents.**

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

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

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

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

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

**12. Memorandum of Town Planner, with enclosures, re: Atlantic Beach TIF District Master Plan. (Requires Planning Board and MEDAC review and recommendation)**

**On motion of Vice President Rodrigues, duly seconded, it was voted unanimously to receive said memorandum, forward the information to the Planning Board and MEDAC for review and recommendation.**

**13. Communication of Candace Sharkey, RN, MSHA, Chief Executive Officer, Visiting Nurse, re: Appreciation for support.**

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

**14. Communication of Susan Roberts, Executive Director, Rhode Island Chapter, American Red Cross, re: Appreciation for support.**

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

**15. Communication of Joseph Pratt, Executive Director, Boys & Girls Clubs of Newport County, re: Appreciation for support.**

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

**16. Ordinance of the Town of Middletown, Title XV: Land Usage, Chapter 152, Section 709: Parking, Storage and Use of Major Recreational Equipment in Residential Districts. (Requires advertising for Public Hearing)**

**On motion of Vice President Rodrigues, duly seconded, it was voted unanimously to advertise said ordinance for public hearing to be held at the October 1, 2018, Regular Meeting of the Council.**

**17. License of Burial, re: Avie Maxwell, Section 55, Graves 9, 10 & 11.**

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

## **LICENSE**

**18. Application of Newport County Chamber of Commerce for a Bingo license (One Day Event) for a Thursday night at 5:00 p.m. between October 18, 2018 thru November 18, 2018. (Applicant requests license fee to be waived)**

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

## **OTHER COMMUNICATION**

**19. Email communication of Richard & Elaine Seskevich, re: Campground Second Beach.**

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

**Dan Baer, 1254 Buck Lane, West Chester, Pennsylvania, campground resident, noted disagreement with the communication, explaining issues are addressed by the campground manager and town staff.**

**Elizabeth Flynn, 237 S. Main Street, Assonet, Massachusetts, campground resident for 13 years, noted agreement with Mr. Baer, explaining the campground residents and staff are great.**

**Lorraine Starr, 17 Holden Street, Worcester, Massachusetts, campground resident, noted the campground manager and town facilities director are fabulous. Ms. Starr also thanked the Council for the fun on the beach this summer with music and events.**

**Vice President Rodrigues noted support for the summer events at the beach and the need to have the Beach Subcommittee review the campground area for improvements.**

**Town Administrator Shawn Brown explained that work at the campground was deferred this summer due to the possibility the campground may be used for beach parking. Mr. Brown noted improvements to the campground plumbing, swing, and electricity will be repaired for the upcoming season.**

**PUBLIC HEARINGS**

**20. (Public Hearing Advertised)**

**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 4 Definitions, Article 6, § 602 and Article 27 Commercial and Industrial Performance Standards (Gravel Processing and Outdoor Storage of Bulk Materials). (See attached Ordinance)**

**Public Hearing Remains open.**

**On motion of Vice President Rodrigues, duly seconded, it was voted unanimously to add “which specifically include Outdoor Storage of Bulk Materials” under section 2730 (b).**

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

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

**21. (Public Hearing Advertised)**

**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 27 – Mixed-Use Development Project. (See attached Ordinance)**

**Public Hearing Remains open.**

**Councillor Turano inquired if the ordinance is only for the Connell Highway area?**

**Town Solicitor Peter B. Regan noted that the ordinance is for the entire Town.**

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

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

## **ORDINANCES**

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

**An Ordinance in amendment to the Town Code of the Town of Middletown, Title VII, Chapter 72 Parking Regulations, Section 72.09 Parking of Boats and Boat Trailers in Residential Districts. (New Section)**

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

### **23. On-Site Wastewater Management Plan.**

**Vice President Rodrigues noted that septic system maintenance is already addressed under state law and noted this places more of a financial burden on homeowners.**

**Councillor Turano inquired about enforcement and fines.**

**Town Solicitor Peter Regan, responding to Councillor Turano, explained the fines are addressed under the ordinance.**

**On motion of Vice President Rodrigues, duly seconded, it was voted to adopt said On-Site Wastewater Management Plan, Councillor Lombardi and Councillor VonVillas voted YES, Council President Sylvia, Vice President Rodrigues, Councillor Santos, Councillor Turano, Councillor Viveiros voted NO to said motion; MOTION FAILED TO PASS.**

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

**An Ordinance in amendment to the Town Code of the Town of Middletown, Title XV, Land Usage, Chapter 154 Wastewater Management District. (New Chapter)**

**On motion of Vice President Rodrigues, duly seconded, it was voted to receive said ordinance on its first reading, Councillor Lombardi,**



**Councillor Viveiros and Councillor VonVillas voted YES to said motion, Council President Sylvia, Vice President Rodrigues, Councillor Santos and Councillor Turano voted NO to said motion, MOTION FAILED TO PASS.**

## **TOWN COUNCIL**

**25. (Continued from the August 20, 2018, Regular Meeting)**

**Communication of Councillor Turano, re: Town Business Update.**

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

**Councillor Turano explained the original intent of the Town Business Update was for the Town Administrator to review a punch list of on-going Town projects and give a quick update.**

**Council President Sylvia noted support of the Town Business Update, explaining it needs to be kept to 15 minutes. Council President explained if an item needs to be discussed, it should be placed on the regular Council docket.**

**Councillor VonVillas suggested moving the update to later in the agenda so residents are not waiting for agenda items to be heard.**

**Vice President Rodrigues noted support of the Town Business**

**Update, explaining it should be more informational, not a debate.**

**26. (Continued from August 20, 2018, Regular Meeting for update)  
Communication of Councillor Turano, re: Middletown 2018 Property  
Reassessment.**

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

**Councillor Turano requested an update from Tax Assessor George  
Durgin.**

**Tax Assessor George Durgin noted there is a trend in smaller single  
story houses, people are downsizing and an increase in assessments  
in the Easton's Point area.**

**Mr. Durgin reviewed a handout entered here:**

**Enter Handout**

**Councillor VonVillas noted the demand in the real estate market for  
smaller homes.**

**Mr. Durgin explained tax appeals begin September 10th, 2018.**

**Discussion centered around the tax appeal process, properties in**

**town that have either increased or decreased in assessment, the RIPEC study and the appraisal process.**

**27. Memorandum of Councillor VonVillas, re: Smoking outside public buildings.**

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

**Councillor VonVillas reviewed her memorandum above, requesting the Town Solicitor to draft an amendment to the ordinance.**

**On motion of Vice President Rodrigues, duly seconded, it was voted unanimously to direct the Town Solicitor to amend Town Ordinance 130.40 to meet the standard delineated in the Smoke Free Workplace Policy 2.9 of the Volunteer Hand Book.**

**28. Memorandum of Finance Director, thru Town Administrator, with enclosures, re: Change order – MIDD 018-006, Town Line Sewer Improvements Phase II, Rogers Lane and Burton Place.**

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

**Town Engineer Warren Hall reviewed the memorandum above, noting the repairs are also supported by Oxbow Management.**

**Councillor VonVillas noted the importance of the location as a safety issue for children who are at the playground.**

**Town Engineer Warren Hall reviewed pictures of the work needed to be complete in the area. (Pictures are on file in the Office of the Town Clerk.)**

**Discussion centered around the type of berm and materials being used for the installation, snowplowing damaging berms and sidewalks, the project is classified as a change order, due to adding on additional work to an existing contract, the change orders saves funds incurred by the bid process and monies that have been saved on projects in the CIP allow for this project to be complete.**

**29. Resolution of the Council, re: Change order – MIDD 018-006, Town Line Sewer Improvements Phase II, Rogers Lane and Burton Place.**

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

**30. Memorandum of Finance Director, thru Town Administrator, with enclosures, re: Change order – MIDD 018-006, Town Line Sewer Improvements Phase II, Bliss Mine Road.**

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

**Town Engineer Warren Hall reviewed the memorandum entered above. Mr. Hall explained this is the final piece of the red road paving project, noting it is for inaccessible manholes, not slip lining. The project is 1,100 linear feet and approximately 300 linear feet of laterals.**

**Public Works Director Tom O'Loughlin explained the project is in the CIP and will be coordinating with Newport Water and National Grid, properties will also be allowed to tie into the Town sewer system. Mr. O'Loughlin explained this is an addition to work already bid, which will allow for the project to be completed before the winter.**

**Vice President Rodrigues noted concern with roads settling once project are complete and then are not followed up with contractors for repair. Vice President Rodrigues requests the need for better follow up.**

**Councillor Turano noted agreement with Vice President Rodrigues.**

**Public Works Director Tom O'Loughlin noted there is a retainer on all contracts.**

**Town Administrator Shawn Brown explained the retainer is for up to**

**90 days which is Rhode Island State Law. Mr. Brown noted contracts could be bid out with a bonding requirement, if the council wishes.**

**On motion of Councillor Viveiros, duly seconded, it was voted to have Mr. Brown look into this; Council President Sylvia, Vice President Rodrigues, Councillor Lombardi, Councillor Santos, Councillor Turano, Councillor Viveiros and Councillor VonVillas voted NO to said motion; MOTION FAILED TO PASS.**

**On motion of Council President Sylvia, duly seconded, it was voted unanimously to have an additional bond, to be held for a full year after project completion on all Department of Public Works projects costing \$250,000 or more.**

**31. Resolution of the Council, re: Change order – MIDD 018-006, Town Line Sewer Improvements Phase II, Bliss Mine Road.**

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

**32. Memorandum of Finance Director, thru Town Administrator, with enclosures, re: Project Award: Crack Sealing Services.**

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

**Public Works Director Tom O'Loughlin reviewed a list of roads which are scheduled to be crack sealed.**

**Enter list**

**Vice President Rodrigues questioned the amount of monies budgeted for crack sealing, asking if it is money well spent.**

**Public Works Director Tom O'Loughlin, responding to Vice President Rodrigues, noted \$140,000 has been budgeted and the cost of the project is \$100,000. The project will focus on heavily traveled roads, which will help extend the life of the roads.**

**33. Resolution of the Council, re: Project Award: Crack Sealing Services.**

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

**34. (Continued from the August 20, 2018, Regular Meeting)  
Communication of Recycling Coordinator, Operations & Facility Manager, re: SimpleRecycling, textile collection.**

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

**Recycling Coordinator Will Cronin reviewed the memorandum above, explaining there is no additional cost to the trash program user or the Town. Mr. Cronin noted there will be a list of acceptable items that will be able to be placed in collection bags and residents will be notified of the service.**

**On motion of Vice President Rodrigues, duly seconded, it was voted unanimously to authorize the Town Administration to execute an agreement with the SimpleRecycling service.**

## **BOARDS AND COMMITTEES**

**35. Appointment of one (1) member to the Conservation Commission for a term expiring July 2021.**

**On motion of Vice President Rodrigues, duly seconded, it was voted unanimously to reappoint Howard R. Hall to the Conservation Commission for a term expiring July 2021.**

**36. Appointment of one (1) member to the Library Board of Trustees for a term expiring September 2021.**



**On motion of Vice President Rodrigues, duly seconded, it was voted unanimously to appoint Carol A. Sarro to the Library Board of Trustees for a term expiring September 2021.**

**37. Appointment of one (1) member to the Middletown Prevention Coalition (parent sector) to complete a term expiring April 2020.**

**On motion of Vice President Rodrigues, duly seconded, it was voted unanimously to appoint Siobhan M. Bogosian to the parent sector of the Middletown Prevention Coalition to complete a term expiring April 2020.**

#### **EXECUTIVE SESSION**

**38. Executive Session - Pursuant to provisions of RIGL, Sections 42-46-2, 42-46-4 and 42-46-5 (a) (5) Lease.**

**On motion of Vice President Rodrigues, duly seconded, it was voted unanimously to recess open session and reconvene in executive session at 9:16 p.m.**

**On motion of Vice President Rodrigues, duly seconded, it was voted unanimously to approve the agreement with the RI Department of Transportation on behalf of the State of Rhode Island, subject to confirmation that there will be pedestrian access and authorize the Town Administrator to execute.**

**On motion of Vice President Rodrigues, duly seconded, it was voted unanimously to recess executive session and reconvene in open session at 9:24 p.m.**

**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 9:25 p.m.**

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

**Supporting documentation is available at  
<http://clerkshq.com/default.ashx?clientsite=Middletown-ri>**