

**At a Regular Meeting of the Town Council of the Town of Middletown,
RI held at the Middletown Town Hall on Tuesday, September 3, 2013
at 6:00 P.M.**

Council President Christopher T. Semonelli, Presiding

Vice President Robert J. Sylvia

Councillor Richard P. Adams

Councillor Bruce J. Long, arrives at 6:10 pm

Councillor Paul M. Rodrigues, arrives at 6:14 pm

Councillor M. Theresa Santos

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. Pursuant to provisions of RIGL, Sections 42-46-2, 42-46-4 and 42-46-5 (a), (1) personnel (Town Administrator) and (5) land acquisition (Coddington Highway, Burma Road and West Main Road).

On motion of Vice President Sylvia, duly seconded, it was voted unanimously to recess open session and reconvene in executive session at 6:01pm.

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

On motion of Vice President Sylvia, duly seconded, it was voted unanimously to authorize the administration to proceed with negotiations for potential land acquisition.

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

PUBLIC FORUM SESSION

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.

Karen Weber, 45 Wyatt Road, addressed the Council expressing frustration with the use of the former Drive In property as a staging area for the Esplande construction project. Ms. Weber explained that the construction is noisy, dirty and disturbs her sleep. Ms. Weber

requests the land be cleared of all materials and an alternate area be established for staging projects.

William F. Flowers, 60 Wyatt Road, noted he echoes Ms. Weber's concerns regarding the use of the Drive In property as a staging area for construction. Mr. Flowers requests another area be used for staging, noting work done at night will cause more issues.

Town Engineer Warren Hall noted there will be a public information meeting regarding the Aquidneck Avenue Sewer Project held on Thursday, September 5, 2013, 6:00 pm at the Town Hall.

PRESENTATIONS

3. Resolution of the Council, re: Commendation for David Buckley.

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

unanimously to pass said resolution.

Council President Semonelli presented the commendation to Mr. Buckley, thanking him for his actions.

4. Resolution of the Council, re: Commendation - Town of Portsmouth Celebrating its 375th Anniversary.

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

Council President Semonelli noted the celebration was incredible, organized by a group of volunteers. Mr. Semonelli read the commendation above into the record.

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

unanimously to act as a Board of License Commission.

ACTING AS A BOARD OF LICENSE COMMISSION

5. Application of Custom House Coffee, LLC holder of a Retailer's Class BV Alcoholic Beverage License for premises located at 797 Aquidneck Avenue to expand service removing restrictions on the types of alcoholic beverages to be served and allowing the premises to remain open Sunday through Thursday until 10 pm for private functions for the 2012-2013 licensing year. (Requires Advertising for Public Hearing and notification to abutters)

On motion of Vice President Sylvia, duly seconded, it was voted unanimously to receive said application, advertise for public hearing and notify abutters for October 7, 2013, regular meeting of the board.

6. Application of All Saints Academy, 915 West Main Road, for a Class F-1 Alcoholic Beverage License for use at the same premises - Event October 26, 2013.

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

Councillor Rodriques inquired if this type of license had been issued before.

Town Solicitor Michael Miller, responding to Councillor Rodriques, noted there is no prohibition; it is a 19 hour license.

Town Solicitor Michael W. Miller recused himself from item #7, due to a possible conflict of interest.

7. Petition of Vilma Parsonage, Bar Manager and Mary Connor, Secretary, of All-Vets Club, 985 Aquidneck Avenue, re: Request for expansion of Class D Alcoholic Beverage License to provide outdoor

service on Saturday, September 14, 2013, beginning at 4:00 pm, for the All-Vets Club annual Clam Boil fundraiser.

Vice President Sylvia expressed concern with the application stating “safety concerns”, requesting a representative from the All Vets Club come to the meeting for more of an explanation.

On motion of Councillor Long, duly seconded, it was voted unanimously to move item #7 to the end of the docket.

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

After item #22 on the Council returned to item #7.

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

unanimously to act as a Board of License Commission.

Vice President Sylvia inquired what the safety concerns the All Vets Club have regarding this request.

Vilma Parsonage, All-Vets Bar Manager, explained the petition was filed to allow outdoor service of alcohol.

Thomas Ney, President of All-Vets Club, 70 Wyatt Road, addressed the Council, explaining the Club will be having its annual fundraiser and does not anticipate any safety issues.

Discussion centered around where the vehicles park for the fundraisers and former noise issues with the neighbors.

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

unanimously to grant said petition.

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

Councillor Santos requested that item #9 be heard under the regular portion of the docket and Council President Semonelli requested item #21 be heard under the regular portion of the docket.

CONSENT

8. Approval of Minutes, re: Regular Meeting, August 19, 2013.

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

9. Memorandum of Finance Director, thru Town Administrator, with enclosures, re: FY2013 Budget Adjustments as of June 30, 2013.

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

Councillor Santos asked Town Administrator Shawn Brown for an explanation of the budget transfers.

Town Administrator Shawn Brown, responding to Councillor Santos, explained the budget process; noting transfers are necessary to close out the 2013 budget.

Councillor Rodriuges noted he liked the narrative provided by the School Department.

Town Administrator Shawn Brown explained that a narrative will be provided with the next set of budget adjustments.

10. Resolution of the Council, re: Approval of FY2013 General Fund Budget Adjustments.

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

11. Resolution of the Council, re: Approval of FY2013 School Department Budget Adjustments.

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

12. Resolution of the Council, re: Approval of FY2013 Parks & Recreation Fund Budget Adjustments.

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

13. Resolution of the Council, re: Approval of FY2013 Sewer Fund Budget Adjustments.

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

14. Resolution of the Council, re: Approval of FY2013 Refuse & Recycling Fund Budget Adjustments.

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

unanimously to pass said resolution.

15. Memorandum of Finance Director, thru Town Administrator, with enclosures, re: Correction of legal entity name for Citizens Bank to RBS Citizens, NA on GAC Amendments #29 and #30.

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

16. Communication of Lincoln D. Chafee, Governor, re: Rhode Island Community Development Block Grant (CDBG) Program award.

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

17. Memorandum of Margarita H. Chatterton, Senior Sanitary

Engineer, RIPDES Program/Office of Water Resources, re: Re-issuance of Rhode Island Pollutant Discharge Elimination System (RIPDES) General Permit for Stormwater Discharges from Small Municipal Separate Storm Sewer Systems (MS4s) and from Industrial Activity at Eligible Facilities Operated by Regulated Small MS4s (MS4 GP).

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

18. Communication of Jamia R. McDonald, Executive Director, re: Biggert-Waters Flood Insurance Reform Act of 2012 – Insurance Outreach Meetings.

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

19. Communication of Safety Town Program, re: Appreciation for

support of the Safety Town program.

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

20. Communication of Beth Larcom, re: Appreciation for support for travels to attend Camp Fulbright Junior Internship Program.

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

21. Communication of Barbara A. VonVillas, Ph.D., Middletown Town Council, with enclosure, re: Appreciation for meeting and discussing the process of school regionalization.

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

unanimously to receive said communication.

Council President Semonelli recognized Councillors VonVillas and Adams for their time and diligence with the regionalization effort.

22. Resolution of the Jamestown School Committee, re: In support of the Development of a Representative Model of a Regional High School.

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

On motion of Councillor Long, duly seconded, it was voted unanimously to act upon item #7 at this time.

PERMIT

23. Application of All Saints Academy, 915 West Main Road, for a Special Event Permit for the ASA October Fest to be held on October 26, 2013, beginning at 12:00 noon until 6:00 pm. (Attached is a request to waive said fee)

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

OTHER COMMUNICATION

24. Communication of Robert A. Smith, P.E. , Deputy Chief Engineer, Rhode Island Department of Transportation, Engineering Division, re: Reconstruction of Two Mile Corner (Routes 138/114) West Main Road – Commercial Street to Maplewood Road East Main Road – West Main Road to Bailey Brook Middletown, RI, RI Contract No. 93116, RIFAP No. AF-0138 (011), HPP-4958 (001).

Town Administrator Shawn Brown reviewed the communication entered here:

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

COUNCIL COMMUNICATIONS

25. Memorandum of Councillor Rodrigues and Vice President Sylvia, re: Received Resolution – USS JFK.

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

26. At the Request of Councillor Rodrigues and Vice President Sylvia, Resolution of the Council, re: Support for the concept of bringing the Retired Aircraft Carrier USS John F. Kennedy to Newport County.

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

Vice President Sylvia explained that the committee for the USS JFK is present to answer any questions the Council may have regarding the proposed project.

Frank Lennon, President, Rhode Island Aviation Hall of Fame, addressed the Council explaining the committee for the USS JFK is looking for support of the concept at this time, no commitment. Mr. Lennon explained there is no liability or funding required by the Town of Middletown. The town will benefit from the project. Mr. Lennon explained the USS JFK will be located on Federal property, and donations will be collected to support the project. Mr. Lennon read a letter of support for the project from former President George Herbert Walker Bush.

Council President Semonelli noted he has many questions, expressing concern about the impact on Town Services and the projections for the project seem aggressive.

Councillor VonVillas noted it is important to verbalize the Town's concerns regarding this proposed project. Ms. VonVillas requests that the concern with traffic be recorded as part of the record.

Councillor Adams explained the project is worth completing, due to no risk to the Town.

Councillor Santos inquired if there is any cost to the State and Federal governments.

Frank Lennon, responding to Councillor Santos, explained when the Navy donates a ship, there is must be no cost to the Federal Government. There has been no request for a budget line item in the State of Federal Government.

Councillor Long noted he whole heartedly supports this concept, explaining that all the objections being heard are legitimate and will be answered. Mr. Long noted that at some point the Middletown Town Council will be in a line waiting for a presentation and to give our nod after due diligence of our administration.

Vice President Sylvia stated he echoed the same concerns, and noted his support of the concept.

Councillor Rodrigues noted the project is a unique opportunity with many benefits to the Town.

On motion of Vice President Sylvia, duly seconded, it was voted to pass said resolution, Council President Semonelli voted NO to said motion.

APPOINTMENTS TO BOARDS & COMMITTEES

27. Communication of Carmela A. Geer, re: Resignation from the Middletown Prevention Coalition.

On motion of Vice President Sylvia, duly seconded, it was voted unanimously to receive said communication and accept resignation with regret.

28. Communication of Barbara Barrow, re: Resignation from the Open Space and Field Committee.

On motion of Vice President Sylvia, duly seconded, it was voted unanimously to receive said communication and accept resignation with regret.

29. Memorandum of Town Clerk, thru Town Administrator, re: Stormwater Management Steering Committee (SMSC).

On motion of Vice President Sylvia, duly seconded, it was voted unanimously to receive said memorandum and confirm said appointments to the Stormwater Management Steering Committee (SMSC).

30. Email communication of Evan Smith, President & CEO, Discover Newport, re: Discover Newport Board appointees.

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

On motion of Vice President Sylvia, duly seconded, it was voted unanimously to reappoint Len Panaggio and Rocky Kempenaar to the Newport and Bristol County Convention and Visitors' Bureau.

On motion of Vice President Sylvia, duly seconded, it was voted unanimously to adjourn said meeting at 8:05 p.m.

Wendy J.W. Marshall, CMC

Council Clerk

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