

**At a Regular Meeting of the Town Council of the Town of Middletown,  
RI held at the Middletown Town Hall on Monday, May 5, 2014 at 5:30  
P.M.**

**Council President Christopher T. Semonelli, Presiding**

**Vice President Robert J. Sylvia**

**Councillor Richard P. Adams**

**Councillor Bruce J. Long, arrives at 5:36 pm**

**Councillor Paul M. Rodrigues**

**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.**

**5:30 P.M. – BUDGET**

**1. Review of FY 2014–2015 Proposed Budgets – Community Services, Beach, Civic Appropriations, Tax Assessor, IT, Town Clerk and matters related thereto.**

**On motion of Vice President Sylvia, duly seconded, it was voted unanimously to begin review of Community Services, Beach, Civic Appropriations, Tax Assessor, IT, Town Clerk budgets.**

**Also, present were Town Administrator Shawn Brown, Finance Director Lynne Dible, Deputy Finance Director Marc Tanguay, Deputy Town Clerk Karin Clancey and Town Solicitor Michael W. Miller.**

## **IT Department**

**IT Director Matthew Wainwright addressed the Council reviewing the following, entered**

**here:**

**Enter page 11 budget highlights**

**Discussion centered around working with the School IT Department, Information Technology collaborations between Middletown, Newport and Portsmouth, two full time employees in the department and collaboration between Towns regarding disaster recovery.**

**IT Director Matthew Wainwright reviewed the following:**

## **Library**

**Present, representing the Library, were Librarian Theresa Coish, Library Board of Trustees Vice Chair Stephen E. Arendt and members Sally Gauch and Susan Hester.**

**Vice Chair Stephen E. Arendt and Librarian Theresa Coish presented a power point outlining the proposed FY 2014-2015 budget, which is on file in the Office of the Town Clerk.**

**Discussion centered around building issues, infrastructure issues, library canned good policy, library programs, Friends of the Library supporting art exhibits, signs, community garden and the bookstore.**

## **Senior Center**

**Senior Center Director Arleen Kaul reviewed the following, entered here:**

**Discussion centered around services provided in 2014, meals, participation, fundraisers, Special Events, classes, collaboration with Visiting Nurse services, volunteers at the center, installation of a walking track for the seniors, an increase in membership and transportation to the Senior Center.**

### **Civic Appropriations**

**Town Administrator Shawn Brown reviewed the Civic Appropriation portion of the budget.**

**It was the consensus of the Council to fully fund the civic appropriation requests, including the three requests received, after**

**the printing of the proposed budget, from James L. Maher Center, Middletown Little League and Middletown Youth Soccer Club.**

**Town Administrator Shawn Brown noted that the Proposed Budgets of the Tax Assessor, Town Clerk, Beach and the Prevention Coalition Departments will be discussed at the May 19, 2014 budget meeting.**

**On motion of Vice President Sylvia, duly seconded, it was voted unanimously to recess this meeting at 7:05 pm.**

**On motion of Vice President Sylvia, duly seconded, it was voted unanimously to reconvene this meeting at 7:17 pm.**

## **PRESENTATIONS**

**2. Resolution of the Council, re: Commendation for Charles Paul**

**LaMond.**

**On motion of Vice President Sylvia, duly seconded, it was voted unanimously to continue this matter to the next regular meeting of the Council, May 19, 2014.**

**3. Email Communication of Kendra Jenkins, Publisher/Editor, Marcaroni Kid Cape Cod, with enclosure, re: Apraxia Awareness Day for Childhood Apraxia of Speech.**

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

**Kenda Jenkins, Portsmouth, Rhode Island reviewed the**

**following:**

**4. Resolution of the Council, re: Proclaiming May 14, 2014 as “CHILDHOOD APRAXIA OF SPEECH DAY” in the Town.**

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

#### **PUBLIC FORUM SESSION**

**5. 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.**

**No one spoke during this session.**

**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**

### **6. (Public Hearing Advertised; Abutters notified)**

**Application of Newport Vineyards & Winery, LLC d/b/a Newport Vineyards, 909 East Main Road, for a Retailers Class BM Alcoholic Beverage License for the 2013-2014 licensing year. (NEW)**

**Public hearing was declared open.**

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

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

**7. (Public Hearing Advertised; Abutters notified)**

**Application of KJ's Pub, LLC d/b/a KJ's Pub of a Retailer's Class BV Alcoholic Beverage License for premises located at 59 Aquidneck Avenue to expand the area of service of said license to include the outdoor patio at the southwest corner of the building for the 2013-2014 licensing year.**

**Public hearing was declared open.**

**Jeremiah C. Lynch, III, Esquire, representing the applicant, addressed the Board reviewing the history of the request. Mr. Lynch explained that an agreement with the abutter has been reached and requests conditions be placed on the license, that outdoor service of alcohol**

**shall not be permitted on said patio premises after December 31, 2014, unless the said patio area is completely enclosed and made a part of the restaurant facility itself.**

**Discussion centered around parking in the area, seating capacity of the restaurant, outdoor service of liquor and outside entertainment, and renovations of KJ's Pub.**

**Robert Silva, Attorney, 1100 Aquidneck Avenue, representing abutter Rosemary Nunes, addressed the council explaining Ms. Nunes has objected in the past to expansions, but has worked with KJ's over the past few months and come to a resolution.**

**Terri Flynn, 34 Warren Avenue, addressed the council noting concern with the expansion of KJ's Pub. Ms. Flynn explained she is concerned with the number of times KJ's has expanded and noise from the outdoor patio.**

**Nick Toppa, 72 Warren Avenue, addressed the council noting concern with the parking in the area, explaining the expansion will cause**

**additional parking issues. Mr. Toppa explained he has previously contacted the police department regarding parking issues in the area.**

**Mike Flynn, 34 Warren Avenue, addressed the council explaining parking in the area is a constant problem in the summer and creating a dangerous situation to the residents.**

**Discussion centered around parking concerns in the area, a parking study for the area, parking signage in the area, the number of parking spaces at KJ's, the possibility of future expansion of KJ's and other businesses in the area.**

**Antone Viveiros, 110 Indian Hill Road, addressed the council noting the parking at KJ's is adequate for now; however, a second floor expansion would require additional parking.**

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

**On motion of Councillor VonVillas, duly seconded, to grant said license**

**Discussion centered around parking concerns, entire surrounding neighborhood area to be reviewed regarding parking and amending motion to include conditions on the license set by Zoning Board of Review.**

**Council amended above motion, which was duly seconded, entered here:**

**On motion of Councillor VonVillas, duly seconded, it was voted to grant said license conditioned upon that outdoor service of alcohol shall not be permitted on said patio premises after December 31, 2014, unless the said patio area is completely enclosed and made a part of the restaurant facility itself, as amended; Vice President Sylvia, Councillor Rodrigues and Council Santos vote NO to said**

**motion, as amended.**

**Town Administrator Shawn Brown noted the administration will meet with the Police Chief and Building Official to further investigate and address parking in the area.**

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

**Consent items #13 and #14 were heard under the regular portion of the docket.**

## **CONSENT**

**8. Approval of Minutes, re: Regular Meeting, April 7, 2014.**

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

**9. Approval of Minutes, re: Regular Meeting, April 21, 2014.**

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

**10. Memorandum of Finance Director, thru Town Administrator, re: FY2014 Municipal Financial Report – Quarter ending March 31, 2014.**

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

**11. Communication of Robert C. Reynolds, Project Geologist, and Kevin D. Trainer, P.G., C.P.G., L.S.P., Associate, GEOINSIGHT, INC., re: Notification to Abutters – Completion of Short-Term Response Action Former Getty Service Station #68002, 10 Coddington Highway, Middletown, RI, LS#1917A.**

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

**12. Resolution of the East Greenwich School Committee, re: Requesting support to oppose 2014-H7465 & 2014-S2411 mandating expired teacher contracts must continue at the existing terms and conditions.**

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

**13. Resolution of the Town of Jamestown, re: Requesting support of**

## **S-2034 and H-7593 A Referendum Relating to the Code of Ethics.**

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

**Councillor Long noted the history of the resolution and requested a similar resolution be placed on the next council agenda, May 19th, 2014 for consideration.**

### **14. (Continued from April 21, 2014)**

**At the Regular Meeting of April 7, 2014, request of Councillor Long, re: Discussion regarding the Unified High School Committee Resolution outlining committee charge. (Withdrawn at the request of Councillor Long)**

**On motion of Vice President Sylvia, duly seconded, it was voted unanimously receive.**

**Vice President Sylvia applauded the efforts of Councillor VonVillas and Councillor Adams regarding the Unified High School, explaining it is time to redirect the efforts to schools here in Middletown. Mr. Sylvia noted studies do not show a benefit of regionalization and other communities are not interested; explaining people move to Middletown for the school system.**

**Councillor Adams explained the need to continue to explore merging high schools, noting decreasing enrollment numbers.**

**Councillor Long noted the intent of his request was to discuss the charge of the committee; however, the direction of the committee has changed and there is no further need for discussion.**

**Town Solicitor Michael Miller explained that the docket item is not appropriate to terminate the Unified High School Committee. Mr. Miller explained that an item may be placed on a future agenda for full**

**discussion and vote on the matter.**

**15. Applications received from the following named persons, firms and corporations for RENEWAL of Mechanical Amusement Device Licenses for the 2014-2015 licensing year. (See Attached List)**

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

## **LICENSES AND PERMITS**

**16. Application of Newport Vineyards & Winery, LLC dba Newport Vineyards, 909 East Main Road, for a Victualling House License for the 2013-2014 licensing year. (NEW)**

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

**unanimously to grant said license contingent on Building Official, Fire Marshal, Public Works and Board of Health approvals.**

**17. Application of KJ's Pub, LLC dba KJ's Pub, 59 Aquidneck Avenue, for a Victualling License for the 2013-2104 licensing year. (NEW- To include expansion of service of license to include outdoor patio at the southwest corner of the building)**

**On motion of Vice President Sylvia, duly seconded, it was voted to grant said license contingent on Building Official, Fire Marshal, Public Works and Board of Health approvals, Councillor Rodrigues voted NO to said motion.**

**18. Application of Keystone Novelties Distributor, LLC dba Keystone Fireworks, 741 West Main Road, for a Holiday License for the 2014-2015 licensing year. (NEW)**

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

**unanimously to grant said license.**

## **OTHER COMMUNICATIONS**

**19. Communication of Middletown Athletic Boosters, re: Requesting support by placing an ad in the Senior Athletic Awards Banquet program.**

**On motion of Vice President Sylvia, duly seconded, it was voted unanimously to receive said communication and authorize \$100. for a full page ad in the Senior Athletic Awards Banquet program to be appropriated from the President's Discretionary fund.**

**20. Communication of MHS Senior and Junior Post Prom Committee, re: Requesting support for Post Prom events.**

**On motion of Vice President Sylvia, duly seconded, it was voted unanimously to receive said communication and approve \$100.00 for the Senior Post Prom activities and \$100.00 for the Junior Post Prom activities to be appropriated from the Council President's Discretionary Fund.**

## **TOWN COUNCIL**

**21. At the request of Vice President Sylvia,**

**Resolution of the Council, re: Municipal Road and Bridge Revolving Fund.**

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

**22. Memorandum of Vice President Sylvia, re: Proposed Upgrade of Building 444 on Newport Naval Base.**

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

**Vice President Sylvia read the memorandum, entered above.**

**Robert Kempenaar, 153 Allston Avenue, addressed the Council noting the importance of speaking with the Navy to find out their intentions for the proposed upgrade of Building 444 on the Newport Naval Base. Mr. Kempenaar noted concern with the possible negative effect an expansion of the facility could have on the local economy.**

**Town Administrator Shawn Brown noted he will be meeting with the Navy to discuss this further.**

**Discussion centered around meeting with officials at the Navy Base,**

**renovations of 100 rooms, BRAC and economic impact on hotels in the area.**

**Robert Silva, 1100 Aquidneck Avenue, commended Vice President Sylvia for placing the item on the Council agenda. Mr. Silva noted he represents hotels that have made huge commitments to Aquidneck Island. Mr. Silva explained the importance of dialog with Navy Officials.**

**Town Administrator Shawn Brown explained he will continue to speak with representatives from the Navy Base and report back to the Council.**

**23. Memorandum of Councillor Adams, re: Non-Partisan Council Elections.**

**Councillor Adams read the following memorandum into the recorded, entered here:**

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

**Councillor Adams noted that non-partisan elections allow voters to select candidates on their own merits regardless of their party. It will also allow for Federal Employees to run for Council office.**

**Councillor Long questioned if a public hearing on the matter of non-partisan elections should be scheduled.**

**On motion of Councillor Adams, duly seconded, it was voted to hold a hearing on the proposed Charter change to non-partisan elections at the next regular meeting of the Council**

**Councillor VonVillas noted that previous Charter Commissions have**

**recommended non-partisan elections in the past.**

**Town Solicitor Michael Miller noted that the Council could establish a Charter Commission or place a Charter question on the ballot without establishing a Charter Commission.**

**Council President Semonelli noted the importance for voters to make the decision of non-partisan Council. Mr. Semonelli explained that if the Council becomes non-partisan, a Federal Employee would be able to run for office.**

**Vice President Sylvia explained that the item of non-partisan is insulting.**

**Councillor Adams explained that the item is not an attack to either party. Mr. Adams noted the need to have this question go before the voters.**

**Councillor Long noted that partisan politics does not make sense on the local level.**

**Councillor Santos noted that residents vote for the individual, not the party.**

**Councillor Rodrigues noted that he sees no issue with having democrat or republican candidates, voters select candidates on issues. Mr. Rodrigues explained that the School Committee is non-partisan and there are not a lot of candidates filing for office.**

**John Bagwill, 587 Tuckerman Avenue, explained that the prior community which he resided had non-partisan elections. Mr. Bagwill noted that Town issues do not fit into party issues and removing parties encourages voters to examine the candidates.**

**Robert M. Silva, 8 Circle Drive, explained that there is a very effective balance with a party system and the community runs well. Mr. Silva suggests the Council move on to a more meaningful item of business.**

**Council vote was taken at this time for the motion above, repeated here:**

**On motion of Councillor Adams, duly seconded, it was voted to hold a hearing on the proposed Charter change non-partisan elections at the next regular meeting of the Council; Vice President Sylvia, Councillor Rodrigues and Councillor Santos voted NO to said motion.**

## **EXECUTIVE SESSION**

**24. Executive Session - Pursuant to provisions of RIGL, Sections 42-46-2, 42-46-4 and 42-46-5 (a) (2) Collective Bargaining (IBPO Local 534, IAFF Fire, NEARI Town Hall and Teamsters DPW Unions), and (5)**

**Lease (JFK School).**

**ADDENDUM TO TOWN COUNCIL AGENDA**

**POSTED – May 1, 2014**

**Pursuant to provisions of RIGL, Sections 42-46-2, 42-46-4 and 42-26-5  
(a) (2) Potential Litigation.**

**On motion of Vice President Sylvia, duly seconded, it was voted unanimously to recess open session and reconvene in executive session at 9:50 pm.**

**On motion of Vice President Sylvia, duly seconded, it was voted unanimously to recess executive session and reconvene in open session at 11:10 pm.**

**On motion of Vice President Sylvia, duly seconded, it was voted unanimously to engage Attorney Matthew T. Oliveira to assist the Town in any potential construction disputes.**

**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.**

**On motion of Vice President Sylvia, duly seconded, it was voted unanimously to adjourn said meeting at 11:15 pm.**

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

**Council Clerk**

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