

**At a Regular Meeting of the Town Council of the Town of Middletown,  
RI held at the Middletown Town Hall on Monday, August 18, 2014 at  
6:00 P.M.**

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

**Vice President Robert J. Sylvia**

**Councillor Richard P. Adams**

**Councillor Bruce J. Long**

**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.**

**6:00 PM - STORMWATER UTILITY WORKSHOP**

**1.**

**Memorandum of Town Administrator, re: Stormwater Utility Report and Implementation.**

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

**2. Stormwater Management District Development Study – Final Report.**

**On motion of Vice President Sylvia, duly seconded, it was voted unanimously to begin said presentation and receive the Stormwater Management District Development Final Report.**

**Town Administrator Shawn Brown reviewed the memorandum received, item #1.**

**Mr. Brown introduced Rich Niles, Water Resources Project Manager, AMEC, Jean Haggerty, AMEC and Elizabeth Scott, Deputy Chief, RIDEM's Office of Water Resources.**

**Rich Niles, Water Resources Project Manager, AMEC and Elizabeth Scott, Deputy Chief, RIDEM's Office of Water Resources reviewed a power point presentation, which is on file in the Office of the Town Clerk.**

**Discussion centered around a stormwater draft policy or draft ordinance for the Council to consider, funding for stormwater, Town Street sweepers, Town catch basin cleaners, cleaning Town brooks, the state having to follow same policy/rules as the Town, grant funding for stormwater projects, stormwater legislation and fee structure for residents.**

**On motion of Vice President Sylvia, duly seconded it was voted unanimously to authorize the administration to negotiate a consulting engagement for the work/tasks associated with the next phase towards implementation, and submit to the Town Council for consideration. And Direct the Administrator and Solicitor to develop a draft stormwater utility ordinance in accordance with RIGL Chapter 45-61, Stormwater Management Districts.**

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

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

**unanimously reconvene this meeting at 7:15 pm.**

## **PRESENTATIONS**

**3.**

**Resolution of the Council, re: Commendation for Tina Dolen.**

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

**Councillor Adams thanked all who attended this evening and recognized members of the Aquidneck Island Planning Commission, State Senators, State Representatives and Aquidneck Island Town Council Members.**

**Councillor Adams presented the Resolution above to Tina Dolen.**

**Representative Deborah Ruggerio presented Tina Dolen with a House of Representative Citation.**

**State Senator Louis P. DiPalma presented Tina Dolen with a State Citation.**

**Tina Dolen thanked all for their recognition and noted how it was a pleasure to work with everyone.**

**4. Resolution of the Council, re: Commendation for Peter Milinazzo.**

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

**Council President Semonelli introduced Peter Milinazzo, read and presented him with the Commendation, entered above.**

**State Senator Louis P. DiPalma presented Peter Milinazzo with a State Citation.**

**Peter Milinazzo thanked the Town Council and Senator DiPalma for this recognition and opportunity to serve Middletown.**

**5. Memorandum of Council President Semonelli, re: Resolution of thanks.**

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

**6. Resolution of the Council, re: Sakonnet River Bridge Tolls.**

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

**Council President Semonelli noted that many people were involved with the movement to remove the tolls and thanked all involved. Mr. Semonelli reviewed the memorandum, item #5 and read the Resolution, item #6 into the record.**

**On motion of Councillor Long, duly seconded, it was voted unanimously to move item #36 under the Other Communication portion of the agenda, to be addressed at this time.**

**Item #36 was addressed at this time.**

## **PUBLIC FORUM**

**7. 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.**

**Richard Davis, 500 Mitchell's Lane, addressed the Council and presented them with a communication, which he read into the record, entered**

**here:**

**Roby Faria, 9 Cardoza Terrace, addressed the Council noting concern with the cost of a new Recreation Complex (9.5 Million dollars). Ms. Faria reviewed handouts regarding Open Space bonds, which are on**

**file in the Office of the Town Clerk.**

**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**

#### **8. (Advertised for Public Hearing and Abutters notified)**

**Application of Lin Enterprises, LLC dba Yumi Garden, 872 West Main Road for a Retailers Class BV Alcoholic Beverage License for the 2013-2014 licensing year.**

**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.**

**9. (Advertised for Public Hearing)**

**Application of J & S Enterprises, LLC dba Boss Man Burgers holder of a Class BL Alcoholic Beverage License, to upgrade its current Retailer's Alcoholic Beverage License for premises located at 510 East Main Road, Middletown, Rhode Island from Class BL (Beer and Wine) to Class BV (Full Service).**

**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.**

**10. Application of James L. Maher Center, 906 Aquidneck Avenue, for a Class F Alcoholic Beverage License for use at the same premises for an Event to be held on August 29, 2014.**

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

**11. Application of Ruby Tuesday, Inc. dba Ruby Tuesday, 593 West Main Road holder of a Class BV Alcoholic Beverage License to TRANSFER said License to MARJAN, Inc. dba Country Inn, for use at the same premises. (Requires advertng for public hearing)**

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

**unanimously to receive said application, advertise for Public Hearing for September 15, 2014, regular meeting of the board.**

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

**Councillor Rodrigues and Councillor Santos requested item #20, Councillor Santos requested item #21, and Councillor Adams requested item #30 be heard under the regular portion of the docket.**

## **CONSENT**

**12. Approval of Minutes, re: Regular Meeting, May 5, 2014.**

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

**13. Approval of Minutes, re: Regular Meeting, May 19, 2014.**

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

**14. Approval of Minutes, re: Special Meeting, May 21, 2014.**

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

**15. Approval of Minutes, re: Special Meeting, May 28, 2014.**

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

**unanimously to approve said minutes.**

**16. Approval of Minutes, re: Regular Meeting, June 7, 2014.**

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

**17. Approval of Minutes, re: Regular Meeting, June 21, 2014.**

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

**18. Approval of Minutes, re: Regular Meeting, July 7, 2014.**

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

**19. Approval of Minutes, re: Special Meeting, July 14, 2014.**

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

**20.**

**Memorandum of Finance Director, thru Town Administrator, with enclosure, re: Municipal Financial Report – Quarter/Fiscal year ending June 30, 2014.**

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

**Finance Director Lynne Dible reviewed the Municipal Financial Report, entered above.**

**Discussion centered around a revised budget, which reflects increases to each department, budget transfers typically submitted to Council in January, to supply a revised budget would require additional work to the staff, and negotiations are still taking place with DPW (Teamsters) and Town Hall (NEARI) unions.**

**21. Communication of Finance Director and Accounting Manager, thru Town Administrator, with enclosure, re: Quarterly Tax Collector's Report as of 06/30/2014-Town of Middletown.**

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

**Discussion centered around if there is any surplus monies in the**

**General Fund, the ability for the Council to put monies aside for the beach building and if monies should be placed in the Capital Improvement Program for upgrades to the current beach building.**

**22. Communication of Tax Assessor, thru Town Administrator, with enclosure, re: Cancellation of taxes for certain Middletown taxpayers.**

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

**23. Resolution of the Council, re: Cancellation of taxes for certain Middletown taxpayers.**

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

**24. Communication of Finance Director and Tax Collector, thru Town Administrator, with enclosure, re: Cancellation of taxes for certain Middletown taxpayers.**

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

**25. Resolution of the Council, re: Cancellation of taxes for certain Middletown taxpayers.**

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

**26. Notice of Public Hearing from the Middletown Zoning Board of Review, re: Petition of Sulky Rhode Island, LLC (owner), for a Special Use Permit from Section 1212 (B) (2) – to allow more than one building mounted sign per business in a shopping center on real estate located at 909 East Main Road, TAP 118, LOT 25B.**

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

**27. Resolution of the Council, re: Proclaiming the September 17th through September 23rd as Constitution week in the Town.**

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

**28. Application of Hess Retail Operations, LLC dba Hess #39207, 864 West Main Road, for an Additional Operating Hours License for the 2013-2014 licensing year. (NEW; Requires Advertising for Public Hearing)**

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

**unanimously to receive said application and advertise for September 15, 2014, Regular Meeting of the Council.**

**29. Application for Special Event Permit from Newport Athletic Club, for Capt. Thomas E. Hughes 5K walk beginning at the Newport Athletic Club turn around at YMCA, half way up Middletown High School Road and finish at the Newport Athletic Club, Event to be held on Saturday, June 6, 2015 at 8:30 am.**

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

**30. Communication of Loren Palmer, Newport, re: Request that Newport, Middletown and Portsmouth taxpayers purchase each other's beach passes as residents in common.**

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

**Councillor Adams noted that the idea of collaboration with Portsmouth and Newport regarding the beaches is interesting.**

**Councillor Rodrigues noted that the revenue stream may be affected by this decision.**

**Town Administrator Shawn Brown noted that the issue is being discussed by local Administrators.**

**On motion of Council President Semonelli, duly seconded, it was voted unanimously to request the Middletown Beach Commission to reflect on the matter of Newport, Middletown and Portsmouth taxpayers purchasing each other's beach passes as residents in common and report back to the Council.**

## **LICENSES AND PERMITS**

**31. Application of Lin Enterprises, LLC dba Yumi Garden, 872 West 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.**

**32. Application of Hess Retail Operations, LLC dba Hess #39207, 864 West 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.**

**33. Application of Hess Retail Operations, LLC dba Hess #39207, 864 West Main Road, for a Holiday Sales License for the 2014-2015 licensing year. (NEW)**

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

## **ORDINANCE**

**34. Memorandum of Police Chief, with enclosures, re: Handicapped Parking Area at 5 Harborview Court.**

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

**here:**

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

**Major Terry Hazel addressed the Council noting that the request is a quality of life issue and the Middletown Police Department supports the request.**

**35. 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, Schedule IV HANDICAPPED PARKING.**

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

## **OTHER COMMUNICATION**

**Item #36 was addressed after item #6.**

**36. Communication of Antone C. Viveiros, Middletown, re: Removal of Sakonnet Bridge toll.**

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

**Antone Viveiros, 110 Indian Hill Road, addressed the Council, noting the group to remove the tolls on the Sakonnet River Bridge assembled in 2012. Mr. Viveiros reviewed the history of how the tolls were reversed and thanked all that were present who participated in the removal of the Sakonnet River Bridge tolls.**

**Councillor Long explained that a change in the leadership in the House of Representatives allowed for support in the elimination of the tolls on the Sakonnet River Bridge.**

## **TOWN ADMINISTRATOR**

**37. Memorandum of Alison Ring, Principal Planner/GIS Manager and Ron Doire, Fire Chief/EMA Director, thru Town Administrator, with enclosure, re: Local Multi-Hazard Mitigation Plan Update.**

**Principal Planner/GIS Manager Alison Ring reviewed the memorandum, entered**

**here:**

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

**Alison Ring Principal Planner/GIS Manager reviewed the Hazard Mitigation Plan 2014 Update handout, entered here:**

**38. Resolution of the Council, re: Adopting the Local Multi-Hazard Mitigation Plan Update.**

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

## **APPOINTMENTS TO BOARDS & COMMITTEES**

**39. Appointment of one (1) member to the Aquidneck Island Planning Commission, term to be set by Council.**

**On motion of Vice President Sylvia, duly seconded, it was voted unanimously to appoint John Ciummo for a term expiring July 2017.**

**40. Appointment of two (2) members to the Conservation Commission one (1) vacancy to complete a term expiring July 2016 and two (2) vacancies, terms expiring July 2017.**

**On motion of Vice President Sylvia, duly seconded, it was voted unanimously to reappoint Gary Paquette for a term expiring July 2017 and appoint Lisa Cinquegrana to complete a term expiring July 2016.**

**41. Appointment of one (1) member to the Citizens Memorial Committee for an indefinite term.**

**On motion of Vice President Sylvia, duly seconded, it was voted unanimously to appoint George A. Wardwell for an indefinite term.**

**42.**

**Memorandum of Town Clerk, re: Resignations of Michael Hill from the Middletown Economic Development Advisory Committee (MEDAC) and Thomas Darby from the Aquidneck Island Planning Commission.**

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

## **EXECUTIVE SESSION**

**43. Executive Session – Pursuant to provisions of RIGL, Sections 42-46-2, 42-46-4 and 42-46-5 (a) (2) Collective Bargaining (IBPO Police Union) and (1) Personnel (Town Administrator).**

**On motion of Vice President Sylvia, duly seconded, it was voted unanimously to recess open session and reconvene in executive session at 8:47 p.m.**

**On motion of Councillor Santos, duly seconded, it was voted unanimously to recess executive session and reconvene in open session at 9:04 p.m.**

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

**On motion of Councillor VonVillas, duly seconded, it was voted unanimously to adjourn said meeting at 9:06 p.m.**

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

**Council Clerk**

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