

**At a Regular Meeting of the Town Council of the Town of Middletown,  
RI held at the Middletown Town Hall on Monday, September 15, 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, arrives at 6:07 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.**

**6:00 PM - EXECUTIVE SESSION**

**1. Executive Session – Pursuant to provisions of RIGL, Sections 42-46-2, 42-46-4 and 42-46-5 (a) (2) Collective Bargaining (Teamsters Union), Collective Bargaining (Town Hall) 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 6:01pm.**

**On motion of Vice President Sylvia, duly seconded, it was voted unanimously to recess executive session and reconvene in open session 6:53 pm.**

**On motion of Vice President Sylvia, duly seconded, it was voted unanimously to approve the tentative FY2015-FY2017 Teamsters agreement and authorize the Town Administrator to execute the agreement.**

**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 recess this meeting at 6:55 pm.**

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

**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.**

**Roby Faria, 9 Cardoza Terrace, addressed the Council, noting concern with the proposed Athletic Complex near the Mitchell's Lane area. Ms. Faria explained a few of the abutters where not notified of a public hearing on the project.**

**Kathleen Davis, 500 Mitchell's Lane, addressed the Council and presented them with a handout of pictures showing open space area, which may be developed for an athletic complex. Mrs. Davis noted concern with cost of the project, loss of farmland, no adequate assessment of current athletic fields and anticipated increase traffic in the area. Kathleen Davis requested the Council to review a Facebook page SAVE MIDDLETOWNS OPEN SPACES.**

**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**

### **3. (Public Hearing Advertised)**

**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.**

**Public hearing was declared open.**

**Councillor Santos questioned if taxes were owed by Ruby Tuesday.**

**Town Clerk Wendy J.W. Marshall, responding to Councillor Santos, explained that applications must be accompanied by a tax clearance from the Town.**

**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 transfer.**

**4. Applications received from the following named persons, firms or corporations for RENEWAL of Alcoholic Beverage Licenses for the 2014-2015 licensing year. (Requires Advertising for Public Hearing)  
(See attached list)**

**On motion of Vice President Sylvia, duly seconded, it was voted unanimously to receive said applications and advertise for public hearing for October 6, 2014, regular meeting of the board.**

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

## **PUBLIC HEARING**

### **5. (Public Hearing Advertised)**

**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.**

**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.**

**Councillor Santos requested that items #16, #17, #18 and #19 be heard under the regular portion of the docket.**

## **CONSENT**

**6. Approval of Minutes, re: Regular Meeting, August 18, 2014.**

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

**7. Approval of Minutes, re: Regular Meeting, September 2, 2014.**

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

**8. Communication of Lori N. DiPersio, Executive Director of Women's Resource Center, re: Appreciation for Support.**

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

**9.**

**Communication of Evan Smith, President & CEO of Discover Newport, with enclosure, re: Annual Audit Report – Fiscal Year ended March 31, 2014.**

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

**10. Memorandum of Finance Director, thru Town Administrator, with enclosures, re: FY2014 Budget Adjustments as of June 30, 2014.**

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

**11. Resolution of the Council, re: FY2014 Budget Adjustments as of June 30, 2014 – General Fund.**

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

**12. Resolution of the Council, re: FY2014 Budget Adjustments as of June 30, 2014 – School Department.**

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

**13. Resolution of the Council, re: FY2014 Budget Adjustments as of June 30, 2014 – Parks & Recreation Fund.**

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

**14. Resolution of the Council, re: FY2014 Budget Adjustments as of June 30, 2014 – Sewer Fund.**

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

**15. Resolution of the Council, re: FY2014 Budget Adjustments as of June 30, 2014 – Refuse & Recycling Fund.**

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

**16. Communication of Tax Assessor, with enclosures, re: Cancellation of taxes for certain Middletown residents.**

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

**Councillor Santos noted concern that exemptions may be left off and**

**inquired if a new software product would eliminate the issue.**

**Town Administrator Shawn Brown noted that adjustments must be made. The solution to the issue would not be worth the cost of conversion to new software.**

**17. Resolution of the Council, re: Cancellation of taxes for certain Middletown residents.**

**Councillor Santos questioned if the abatement amount could be placed within the resolution.**

**Town Administrator Shawn Brown noted that the abatement amount is in the communication, which is referred to in the resolution.**

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

**unanimously to pass said resolution.**

**18. Communication of Tax Collector, with enclosures, re: Cancellation of taxes for certain Middletown residents.**

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

**19. Resolution of the Council, re: Cancellation of taxes for certain Middletown residents.**

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

**20. Communication of Michael P. Lewis, Director, RI Department of Transportation and William Sequino, Jr., Executive Director, RI Clean**

**Water Finance Agency, re: Municipal Road and Bridge Revolving Fund.**

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

**21. Application for Special Event Permit from Eident Sports Marketing for Harvest Wine Run Sponsored by Newport Vineyards, A 5K Trail Run with a BBQ & Wine Tasting Post-Event to be held at Newport Vineyards on Sunday, September 21, 2014 from 3:00 pm to 5:00 pm.**

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

**22. Application for Special Event Permit from St. George's School/Student Activities for a St. George's Student Cookout to be held at Second Beach, Surfers End Parking Lot on Sunday, October 12, 2014 from 4:00 pm to 7:00 pm.**

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

**23. Application for Special Event Permit from Newport Running Club for The Pie Run, 5 Mile Road Race and 3 Mile Walk from YMCA to Second Beach and Back to be held on Thursday, November 27, 2014 beginning at 8:30 am.**

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

**24. Applications received from the following named persons, firms or corporations for RENEWAL of Victualling House Licenses, Additional Hours of Operation, for the 2014-2015 licensing year. (Requires Advertising for Public Hearing) (See attached list)**

**On motion of Vice President Long, duly seconded, it was voted unanimously to receive said applications and advertise for October 6, 2014.**

## **LICENSES AND PERMITS**

**25. Application of MARJAN, INC. dba Country Inn, 593 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.**

**26. Application of SB Newport, LLC, dba Studio Barre Newport, 692 Aquidneck Avenue, 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**

**27.**

**Communication of Deacon Willa L. Johnson, Booklet Chairperson and Deacon Helena Miller, Anniversary Chairperson, Community Baptist Church, Newport, re: Request for support by placing an ad in its Anniversary Booklet for the Community Baptist Church celebrating its 40 years in the gospel ministry.**

**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 Anniversary Booklet to be appropriated from the Council President's Discretionary fund.**

**28. Memorandum of Gladys B. Levine, Chair, Middletown Planning Board, with enclosure, re: Middletown Comprehensive Community Plan.**

**On motion of Vice President Sylvia, duly seconded, it was voted unanimously to receive said memorandum and advertise for public hearing on October 6, 2014.**

**Planning Board Chair Gladys B. Levine addressed the Council, noting it has been five years of work and preparation to revise the Comprehensive Community Plan document. Ms. Levine thanked all who have been involved with amending the Middletown Comprehensive Community Plan.**

**The Council thanked all who contributed to the revision of the Middletown Comprehensive Community Plan.**

**Councillor Rodrigues recused himself from acting on items #29 and #30, due to a possible conflict of interest.**

## **TOWN ADMINISTRATOR**

**29.**

**Memorandum of Finance Director, thru Town Administrator, with enclosures, re: MIDD – 015-001 Walking Path at the Senior Center.**

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

**Town Administrator Shawn Brown reviewed the memorandum entered above.**

**Discussion centered around funding for the Walking Path project, construction materials for the project, benches along the walking path, public works installing the benches, the path being 5 feet wide, staff to accompany the walkers, trees to be placed along the walking path and treadmills for the Senior Center.**

**Town Engineer Warren Hall reviewed the Walking Path project. Mr. Hall noted that the first round of bids were too costly. The scope of the project was scaled back and the project was bid a second time.**

**30. Resolution of the Council, re: Award of Contract – Walking Path at the Senior Center.**

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

**Councillor Rodrigues recused himself from acting on item #31, due to a possible conflict of interest.**

**31. Memorandum of Gladys B. Lavine, Chair, Middletown Planning Board, re: Storm water drainage concerns – Orchard Farm (aka Peckham Estates) neighborhood.**

**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.**

**32. Memorandum of Town Administrator, with enclosures, re: Private Wells – Orchard Farm and surrounding neighborhoods.**

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

**Town Administrator Shawn Brown reviewed the memorandum, entered above. Mr. Brown also reviewed the Nitrate in Middletown handout, which is on file in the Office of the Town Clerk.**

**Discussion centered around continuing to educate the public regarding nitrates in the water, water pipes on Wyatt Road, the Town of Portsmouth will not provide water to Middletown, loans for installation of waterlines, and waterlines can be viewed through the Town web GIS.**

## **APPOINTMENTS TO BOARDS & COMMITTEES**

**33. Appointment of one (1) member to the Middletown Prevention Coalition, for a term expiring August 2017.**

**On motion of Vice President Sylvia, duly seconded, it was voted unanimously to reappoint Danielle Proulx to the Middletown Prevention Coalition for a term expiring August 2017.**

## **ADDENDUM TO TOWN COUNCIL AGENDA**

**POSTED – September 12, 2014**

**REGULAR MEETING – September 15, 2014**

## **COUNCIL COMMUNICATION**

**34.**

**Communication of Councillor Adams, with enclosure, re: Amending ordinance related to chickens in the backyard.**

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

**Councillor Adams reviewed the communication above. Mr. Adams noted that he would like the Town Administration to review the current ordinance.**

**On motion of Councillor Adams, duly seconded, it was voted unanimously to have the Administration review the current ordinance to see if changes are required.**

**On motion of Vice President Sylvia, duly seconded, it was voted unanimously to adjourn said meeting at 8:02 pm.**

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

**Council Clerk**

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