

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 Monday, June 20, 2016 at 6.00 P.M.

Council President Robert J. Sylvia, Presiding

Vice President Robert Kempenaar, II

Councillor Henry F. Lombardi, Jr.

Councillor Paul M. Rodrigues

Councillor M. Theresa Santos

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)

Council President Sylvia requested a moment of silence for the victims and families of the Orlando Florida night club tragedy.

6:00 P.M. – ZONING BOARD INTERVIEWS

1. Zoning Board Interviews:

Eric Kirton (Seeking reappointment - currently 3rd Alternate)

John Peixinho (Seeking reappointment – currently 2nd Alternate - requests consideration for regular position)

Henry A. Pine (Seeking reappointment – currently 1st Alternate)

Christopher Sousa (Seeking reappointment – currently regular member)

Richard P. Adams

On motion of Council President Sylvia, duly seconded, it was voted unanimously to begin said interviews.

Candidates for the Zoning Board of Review were interviewed in open session; applicant's interviews began at 6:00pm with 1) Eric Kirton, 2) John Peixinho 3) Henry A. Pine and 4) Christopher Sousa. Mr. Adams withdrew his application.

Human Resource Director Cecilia Dursi asked all applicants the following questions:

- 1. Why do you want to be on the Zoning Board?**
- 2. Are you available for meetings?**
- 3. Quality of Life - How would you approach? What does it mean to you?**

4. Have you ever appeared before the Zoning Board?

5. Have you ever had any difficult decisions while serving on the Zoning Board?

Councillor Viveiros asked the following question to all applicants.

What is the prime purpose of the Zoning Board?

Councillor Santos asked the following question to all applicants.

How long have you resided in Middletown?

On motion of Council President Sylvia, duly seconded, it was voted unanimously to recess this meeting at 6:23 pm.

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

PLEDGE OF ALLEGIANCE TO THE FLAG

PRESENTATIONS

2. At the request of Council President Sylvia, Citation of the Council, re: United States Marine Corporal Paul J. Berdy, Jr.

On motion of Vice President Kempenaar, duly seconded, it was voted unanimously to begin said presentation.

Council President Sylvia and Arthur Weber presented United States Marine Corporal Paul J. Berdy, Jr. with a citation and Town tile for his

service to the Country.

3. At the request of Council President Sylvia, Citation of the Council, re: Middletown Youth Soccer Club U14 Girls Soccer Team.

On motion of Vice President Kempenaar, duly seconded, it was voted unanimously to begin said presentation.

Council President Sylvia and Vice President Kempenaar presented the Middletown Youth Soccer Club U14 Girls Team and Coach Bardorf with a citation and a soccer ball signed by the Town Council.

On motion of Vice President Kempenaar, duly seconded, it was voted unanimously to donate a \$1,000 to support the Team for their trip to the National Championships in West Virginia, funds to be allocated from the Council Discretionary Fund.

4. Presentation by Michael Baer, Rhode Island Infrastructure Bank, Senior Advisor to the Executive Director - Memorandum of Town Planner, thru Town Administrator, with enclosure, re: RI C-PACE Program.

On motion of Vice President Kempenaar, duly seconded, it was voted unanimously to begin said presentation and receive said memorandum.

Mr. Baer, Senior Advisor to the Executive Director of the Rhode Island Infrastructure Bank, addressed the Council reviewing a power point presentation which is on file in the Office of the Town Clerk.

5. Resolution of the Council, re: Designating the Town of Middletown as a PACE Municipality and authorizing the Town Administrator to execute the C-PACE Agreement.

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

Councillor Lombardi recused himself from acting on the following item of business #6, due to a possible conflict of interest.

COLLECTIVE BARGAINING

6. Memorandum of Rosemarie K. Kraeger, Superintendent of Schools, re: Middletown Association of Auxiliary Personnel/NEARI/NEA. (Fiscal Impact Statement received by Council on June 6, 2016.)

Superintendent Rosemarie K. Kraeger requested the Council to support the contract.

On motion of Vice President Kempenaar, duly seconded, it was voted unanimously to receive said memorandum and ratify the 2015-2018 Tentative Agreement with the Middletown Association of Auxiliary Personnel/NEARI/NEA.

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.

James Redfearn, 275 Green End Avenue, addressed the Council noting concern regarding a party house located next door to his residence. Mr. Redfearn presented the Council with photographs (on file in the Office of the Town Clerk) of the property next to his home. Mr. Redfearn requests the Town to address the situation.

Carol Cummings, 738 Indian Avenue, addressed the Council requesting the Council not to consider purchasing the Old Farm property on West Main Road. Ms. Cummings presented the Council with two handouts, which are on file in the Office of the Town Clerk.

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

BOARD OF LICENSE COMMISSION

8. (Public Hearing Advertised; Abutters Notified)

Application of Newport Beach House, Inc. dba Newport Beach House, 53-55 Purgatory Road, holder of a Class BV Alcoholic Beverage License to expand the service area to include service in connection with privately hosted events, primarily wedding ceremonies on the patio and beach areas for the 2015-2016 licensing year.

Public Hearing was declared open.

Attorney Brian Bardorf, 36 Washington Square, Newport, RI addressed the Council reviewing the following –

Attorney Brian Bardorf presented the Council with exhibits a copy of the Warranty Deed for the property, the Zoning Board Decision, a letter from abutter, a google map before purchase, a google map of the moat and a picture of activity prior to purchase.

Discussion center around the high water mark on the beach, a high water mark survey is established over a 19 year cycle, resident parking at Dunlap Wheeler Park, service of alcohol on the beach and patio area of the facility, security will be hired to assure that patrons stay on the property, amplified music and wedding ceremonies, receptions and on the beach.

Belinda Mazarello – Kracunas, President – Managing Partner, Longwood Events, addressed the Council explained that tents are not automatic for any event, there will be no bar on the beach, there is a host with the guests and the functions are not open to the public.

Natalie Volpe, Goat Island South Condominium Association, President, addressed the Council in support of Longwood Events. Ms. Volpe explained that since leasing the Goat Island property to Belle Mer, there have been no issues with any of their events.

Terri Flynn, 34 Warren Avenue, noted concern that the Town beach area needs to be defined and requests Town spaces to be protected.

Discussion centered around the venue helping local businesses in the area and request the applicant for a more specific meets and bounds area for the outside service of alcohol.

There being no other person present desiring to be heard, public

hearing was declared closed.

On motion of Councillor Lombardi to approve license with the following conditions:

Weddings only, no other events on beach

Appropriate wedding music, no amplified music

Alcohol served by server, no bars on the beach

No receptions on the beach

No fireworks on the beach

Ceremony completed in 30 minute timeframe, not past dusk

Facility provide Security

1 year trial period and come back before the Council for review

Discussion centered around each conditions collectively all agreed to

allow withdrawal of the motion.

Councillor Lombardi withdrew the proposed motion.

On motion of Councillor Lombardi, duly seconded, it was voted to approve weddings on the beach (Alcohol and passed Hors d'oeuvres allowed following the ceremony); no receptions on the beach, Councillor Viveiros voted NO to said motion.

On motion of Vice President Kempenaar, duly seconded, it was voted to grant said license expansion with restrictions, Councillor Viveiros voted NO to said motion.

9. Application of KJ's Restaurant, LLC dba KJ's Pub, 61 Aquidneck Avenue, holder of a Class BV Alcoholic Beverage License to TRANSFER said 2015-2016 License to KJ's Restaurant, LLC d/b/a KJ's Pub, for use at the same premises. (Requires advertising for public hearing)

On motion of Vice President Kempenaar, duly seconded, it was voted unanimously to advertise said transfer for the July 18, 2016 meeting of the Board.

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

LICENSE

10. Application of Newport Beach House, Inc. dba Newport Beach House, 53-55 Purgatory Road, for expansion of Amusement License to expand the service area to include service in connection with privately hosted events, primarily wedding ceremonies on the patio and beach areas.

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

Vice President Kempenaar requested that items #12, #13 and #14 be heard under the regular portion of the docket.

CONSENT

11. Approval of Minutes, re: Regular Meeting, June 6, 2016.

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

12. Memorandum of Luly E. Massaro, Commission Clerk, re: PUC Docket No. 4614 – PUC Advisory Opinion Regarding Need of The Narragansett Electric Co., dba National Grid to Construct and Alter

Certain Transmission Components in the Town of Portsmouth and Middletown (Aquidneck Island Reliability Project)

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

13. Memorandum of Robert M. Silva, Chairman, Middletown Economic Development Advisory Committee, re: Proposed Atlantic Beach Business Improvement District (BID).

Robert M. Silva, Chair of the Middletown Economic Development Advisory Committee, addressed the Council reviewing the memorandum above.

Town Planner Ronald Wolanski noted that the Economic Development Advisory Committee will meet with property owners in the area for their input regarding the project.

Councillor Rodrigues noted that the Newport and Bristol County Convention and Visitors Bureau has created districts and suggests the committee contact Evan Smith from the Newport and Bristol County Convention and Visitors Bureau, if assistance is needed.

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

14. Notice of Public Hearing from the Rhode Island State Planning Council, to consider adoption of a draft plan entitled “Water Quality 2035” to be held on Wednesday, July 13, 2016.

Councillor Viveiros noted concern with water quality and development in watershed areas.

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

unanimously to receive said Notice of Public Hearing.

15. Application for Special Event Permit from Newport Yogis, LLC for Full Moon Yoga to be held on Second Beach (Surfers End) Monday, June 20th, Tuesday, July 19th, Thursday, August 18th and Friday, September 16, 2016 from 7:30 pm to 9:30 pm.

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

16. Application for Special Event Permit from Newport FILM for an Outdoor film screening to be held at St. George's School Lawn, 372 Purgatory Road on Thursday, June 23, 2016 from 6:00 pm to 10:00 pm.

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

17. Application for Special Event Permit from the Cape Codders Chapter of Family Motorcoach Association for the Memorial Day Weekend Motorhome Rally to be held at Second Beach Parking Lot on Thursday, May 25, 2017, thru Monday, May 29, 2017.

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

18. Application of Kristina Gatta, Portsmouth for RENEWAL of a Tattoo License to be used at Troubled Soul and Company, 999 West Main Road for the 2016-2017 licensing year.

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

PUBLIC HEARING

19. (Public Hearing Advertised; Abutters Notified)

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 Use, Chapter 152 Zoning Code – Town’s Zoning Map.

Public Hearing was declared open.

Town Planner Ronald Wolanski explained that the rezoning is to reflect the properties current use.

Note – Ms. Curran spoke regarding this issue after item #22.

There being no other persons present desiring to be heard, public hearing will remain open.

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

ORDINANCES

20. An Ordinance of the Town of Middletown (Second Reading)

An Ordinance in Amendment to the Town Code of the Town of Middletown, Title III Administration, Chapter 36 Fee Schedule, Section 33 Beach Fees.

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

21. An Ordinance of the Town of Middletown (First Reading)

An Ordinance in Amendment to the Town Code of the Town of Middletown, Title III Administration, Chapter 34 Taxes, Section 34.01 Definitions, Section 34.02, Exemption on Residential Property and Section 34.16 Freeze of Tax Rate and Valuation.

Tax Assessor George Durgin noted he has prepared an impact statement regarding the financial impact of the ordinance changes.

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

OTHER COMMUNICATION

22. Communication of Nancy L. Crockett, re: To discuss changing signage at the Dunlap Wheeler Park.

Nancy L. Crockett addressed the Council reviewing the memorandum above.

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

On motion of Vice President Kempenaar, duly seconded, it was voted unanimously to have the Town Administration review the signage in the Dunlap Wheeler Park area.

Ms. Alice Curran, 429 Forest Avenue, addressed the Council regarding the Zoning Map Amendment inquiring the effect on Oakview Terrace.

Town Administrator Shawn Brown, responding to Ms. Curran,

explained that the Zoning Map changes are for Mitchell's Lane.

TOWN COUNCIL

23. Communication of Councillor Viveiros, re: Development that may negatively impact the watershed.

Councillor Viveiros noted concern with water quality on Aquidneck Island and wanted to bring the issue to everyone's attention.

Sara Poirier, 127 Mitchell's Lane, reviewed the following –

Terri Flynn, 34 Warren Avenue, addressed the Council noting support for a moratorium (in watershed areas) on construction, especially in the Zone 1 watershed.

Arthur Weber, 145 Island Drive, explained that the Planning Board takes their responsibility seriously. Mr. Weber noted he does not recommend a moratorium in Zone 1.

Town Administrator Shawn Brown noted that the moat is to collect stormwater and drain it away from the drinking water. The moat does not feed the drinking water.

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

TOWN ADMINISTRATOR

24. Memorandum of Human Resources Manager, thru Town Administrator, with enclosure, re: Employee Handbook.

Human Resources Manager M. Cecelia Dursi, reviewed the following:

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

On motion of Vice President Kempenaar, duly seconded, it was voted unanimously to approve said Employee Handbook.

BOARDS AND COMMITTEES

25. Email communication of Lisa Cinquegrana, re: Resignation from the Conservation Commission.

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

unanimously to receive said resignation with regret.

EXECUTIVE SESSION

26. Executive Session - Pursuant to provisions of RIGL, Sections 42-46-2, 42-46-4 and 42-46-5 (a) (5) Land Acquisition (West Main Road) and (1) personnel (Non-Classified Municipal Positions).

On motion of Vice President Kempenaar, duly seconded, it was voted unanimously to recess open session and reconvene in executive session at 10:02 pm.

Councillor Rodrigues left the executive session at 10:11 pm, due to a possible conflict of interest (Non-Classified Municipal Personnel).

Councillor Rodrigues returned to the session at 10:33 pm.

Councillor Rodrigues left the session at 11:07 pm.

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

On motion of Vice President Kempenaar, duly seconded, it was voted unanimously to approve recommendation of Town Administrator for Non-Classified Municipal Personnel.

On motion of Vice President Kempenaar, duly seconded, it was voted unanimously to approve recommendation of Town Administrator for Exceptional Service of Non-Classified Municipal Personnel.

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

unanimously to seal the executive session minutes pursuant to Section 42-46-7. RIGL.

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

Wendy J.W. Marshall, CMC

Council Clerk

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