

**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, November 7, 2016 at 7:00 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)

There were no reconsiderations.

Council President Sylvia requested a moment of silence for Retired Fire Lieutenant William S. Baily, Jr. and condolences to his family.

PRESENTATIONS

1. Lawrence Cook, representing Rolling Thunder, Inc., RI Chapter 1, re: Presenting the Town with the POW/MIA chair to be displayed in Town Hall.

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

Lawrence Cook, representing Rolling Thunder, Inc., RI Chapter 1, presented a POW/MIA chair to the Town Council, which will be

displayed in the Town Hall. Mr. Cook noted that Rolling Thunder does charity work yearly reaching out to veterans. Other chairs are placed throughout the state to create awareness of the POW/MIA issue.

Council President Sylvia noted that Rolling Thunder is a non-profit organization that performs charity work though out the country.

2. Citation of the Council, re: Coach James Williams.

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

Council President Sylvia, Vice President Kempenaar, Councillor Lombardi, Councillor Rodrigues and Councilllor VonVillas presented Mr. Williams with a Town Citation.

Council President Sylvia noted the following:

PUBLIC FORUM

3. 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.

Maggie Bulmer, 3 Wood Road, Middletown, addressed the Council noting concern with the gas and oil pipelines of the Dakota Access Pipeline.

Vice President Kempenaar requested that items #5 and #6 be heard

under the regular portion of the docket.

CONSENT

4. Approval of Minutes, re: Regular Meeting, October 17, 2016.

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

5. Memorandum of Finance Director thru Town Administrator, with enclosures, re: FY2016 Budget Adjustments as of June 30, 2016.

Councillor Viveiros inquired what projects were funded from the fund balance and what percentage of the fund balance is the General Fund?

Town Administrator Shawn Brown, responding to Councillor Viveiros, noted that the funding was from the Recreation Fund, a portion of which the Council restricted for the Kempenaar Valley Trail. The General Fund balance will be provided by email from the Finance Director.

On motion of Vice President Kempenaar, duly seconded, it was voted unanimously to receive said FY2016 Budget Adjustments as of June 30, 2016.

6. Resolution of the Council, re: FY2016 Budget Adjustments as of June 30, 2016 – General Fund.

There was no Council discussion for the matter.

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

unanimously to pass said resolution.

7. Resolution of the Council, re: FY2016 Budget Adjustments as of June 30, 2016 – Parks and Recreation Fund.

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

8. Communication of Accounting Manager, with enclosure, re: Quarterly Tax Collector's Report as of 9/30/2016 – Town of Middletown.

On motion of Vice President Kempenaar, duly seconded, it was voted unanimously to receive said communication and Quarterly Tax Collector's Report as of 9/30/2016.

9. Communication of Henry (Harry) Anderson, Jr. Director Emeritus and Jim Hogg, Admiral, US Navy (Ret.), Seamen's Church Institute, re: Appreciation for support.

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

10. Communication of M. Theresa Santos, Treasurer, Middletown Historical Society, re: Appreciation for support.

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

11. Communication of Chris Patsos, Challenger Baseball Aquidneck Avenue, re: Appreciation for support.

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

12. Communication of Rev. Kris von Maluski, Pastor of St. Mary's Parish, Newport, re: Request for support to repair and restore the Church organ.

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

13. Narragansett Electric Company dba National Grid – Aquidneck Island Reliability Project – PUC Docket 4614 documents, on file in the Office of the Town Clerk. (See Attached List)

On motion of Vice President Kempenaar, duly seconded, it was voted unanimously to receive said list of Narragansett Electric Company dba National Grid – Aquidneck Island Reliability Project – PUC Docket 4614 documents.

14. Application of AW Food Mart, Inc. dba Kennedy's Grill, Food Mart, 390 West Main Road for RENEWAL of a Victualling House License for the 2016-2017 licensing year.

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

15. Application of Mizu Wei Japanese Restaurant Corporation dba Mizu Wei Japanese Restaurant, 250 East Main Road for RENEWAL of a Victualling House License for the 2016-2017 licensing year.

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

16. Application for Special Event Permit from TRIMOM Productions,

LLC for the Sachuest Point Half Marathon to be held at Second Beach on Sunday, April 9, 2017 beginning at 6:00 am until 10:30 am.

Councillor Lombardi noted that it is difficult to collect Police, Fire or DPW detail money for certain special events in Town. Mr. Lombardi suggests a policy be put in place where the event holder pays the detail fees prior to the event.

Discussion centered around that the Town is drafting a policy for detail fees to be paid prior to an event and the Town does not want to strap small non-profit organizations.

On motion of Vice President Kempenaar, duly seconded, it was voted unanimously to grant said Special Event Permit, contingent upon receiving payment for any detail fees associated with the event in advance.

PERMIT

17. Application for Special Event Permit from All Saints STEAM Academy, All Saints Academy Craft Fair to be held at All Saints Academy, 915 West Main Road, on Saturday, November 12, 2016 from 9:00 am to 4:00 pm. (Attached is a request to waive permit fee)

On motion of Vice President Kempenaar, duly seconded, it was voted unanimously to grant said Special Event Permit, contingent upon receiving payment for any detail fees associated with the event in advance and waive said fee.

ORDINANCE

18. 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 72 Parking Regulation, Section 72.12 Through Traffic (Forest Avenue).

On motion of Vice President Kempenaar, duly seconded, it was voted unanimously to receive said ordinance on its first reading and schedule the second reading for December 5, 2016 Regular Meeting of the Council.

Council President Sylvia recognized Vice President Kempenaar as being a true asset to the Council.

Vice President Kempenaar thanked the Town Council and Administration for their support and guidance during his tenure on the Council.

Council President Sylvia wished all candidates for Town Council the best of luck.

Councillor Rodrigues noted that it is a pleasure to serve on the Council and wished all candidates the best of luck.

On motion of Vice President Kempenaar, duly seconded, it was voted unanimously to adjourn said meeting at 7:32 p.m.

Wendy J.W. Marshall, CMC

Council Clerk

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