

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, April 16, 2018 at 6:00 P.M.

Council President Robert J. Sylvia, Presiding

Vice President Paul M. Rodrigues

Councillor Henry F. Lombardi, Jr.

Councillor M. Theresa Santos

Councillor Dennis B. Turano, arrives at 6:03 p.m.

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)

6:00 P.M. – Zoning Board Interview

1. Zoning Board Interview:

The following named person has submitted his name for consideration:

Thomas Silveira

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

Council President Sylvia asked 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. What would you like to see Middletown look like in the future?**
- 6. What is your feeling regarding protecting the water shed areas in the Town?**
- 7. How long have you been a resident of the Town?**

Mr. Silveira answered all questions.

BUDGET

- 2. Review of FY2018–2019 Proposed Budget – Library and matters related thereto. (No Documentation)**

On motion of Vice President Rodrigues, duly seconded, it was voted unanimously to begin said budget review.

Library Board of Trustees Chair Stephen Arendt and Librarian Theresa Coish reviewed a PowerPoint presentation of the budget, which is on file in the Office of the Town Clerk.

Town Solicitor Peter B. Regan arrives at 6:28 p.m.

Vice President Rodrigues left the dais at 6:35 p.m.

Vice President Rodrigues returned to the dais at 6:45 p.m.

Library Board of Trustees Chair Stephen Arendt thanked the Council.

The Town Council thanked Mr. Arendt and Librarian Theresa Coish for a good job on the budget and presentation.

On motion of Council President Sylvia, duly seconded, it was voted unanimously to recess this meeting at 6:59 p.m.

On motion of Vice President Rodrigues, duly seconded, it was voted unanimously to reconvene this meeting at 7:03 p.m.

7:00 P.M. REGULAR MEETING

PRESENTATIONS

3. At the request of Council President Sylvia and Councillor Lombardi, Citation of the Council, re: Middletown Youth Wrestling – Rudy Everin.

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

4. At the request of Council President Sylvia and Councillor Lombardi, Citation of the Council, re: Middletown Youth Wrestling – Fisher Everin.

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

5. At the request of Council President Sylvia and Councillor Lombardi, Citation of the Council, re: Middletown Youth Wrestling – Matthew Dimen.

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

Council President Sylvia and Councillor Lombardi presented the citations to the Middletown Youth Wrestlers and their Coaches.

Item #14 was addressed at this time.

6. At the request of Council President Sylvia, re: Proclamation in Honor of Arbor Day.

On motion of Vice President Rodrigues, duly seconded, it was voted unanimously to pass said resolution and begin ceremony presenting proclamation to the Tree Commission.

Council President Sylvia presented Karen Day, Chair of the Tree Commission, and Committee Member Charles J. DiTucci with the Proclamation above.

7. At the request of Council President Sylvia, Resolution of the Council, re: Proclamation – Proclaiming April 2018 – The Month of

the Military Child in the Town.

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

8. Memorandum of Council President Sylvia, re: Student Verification.

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

Council President Sylvia read the memorandum above into the record.

Superintendent of Schools Rosemarie Kraeger and School Committee Vice Chair Theresa Spengler presented the Council with Middletown Public Schools Residency Policy entered below.

Superintendent of Schools Rosemarie Kraeger and School Committee Vice Chair Theresa Spengler explained the investigation process, noting that the School Department does not take residency lightly, every lead is investigated.

9. Memorandum of Council President Sylvia, re: Senior Housing.

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

Council President Sylvia read the memorandum above into the record.

Council President Sylvia explained that an action plan is need.

Town Administrator Shawn Brown explained that the Town Council needs to decide if they want to go out to bid or give up Town property for Senior Housing.

On motion of Councillor Viveiros, duly seconded, it was voted unanimously to create a committee to see if Berkeley Peckham School is feasible for Senior Housing and to look into funding for Senior Housing.

On motion of Council President Sylvia, duly seconded, to appoint Councillor Santos, Councillor Turano, Councillor Viveiros, the Senior Citizens Director, and the Senior Citizens Director shall submit one or two names from the Senior Citizens Board for the committee.

Councillor Santos requested that Peckham School be looked at by the consultants which are evaluating Town properties.

Senior Citizens Director Arleen Kaul addressed the Council explaining that the Senior Citizens survey is ready to be sent out. Ms. Kaul also thanked the Council for establishing the committee, the

senior housing issue is important; explaining she is asked on a daily basis about senior housing.

A vote was taken at this time on the above motion restated here:

On motion of Council President Sylvia, duly seconded, it was voted unanimously to appoint Councillor Santos, Councillor Turano, Councillor Viveiros, the Senior Citizens Director, and the Senior Citizens Director shall submit one or two names from the Senior Citizens Board for the committee.

OTHER COMMUNICATION

10. Email communication of Alan Dutch Kerr, 1217 Green End Avenue, re: School Safety.

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

Alan Dutch Kerr, 1217 Green End Avenue, addressed the Council explaining he has two children in the Middletown Schools, one at Middletown High School and one at Aquidneck School. Mr. Kerr noted that his issue is safety for the students, he does not see a lot of Police presence when dropping his children off at school and would like more police presence at the schools.

Council President Sylvia noted the following:

Councillor Lombardi noted support for the SRO program, explaining that if the School requested additional SROs, he would support that as well.

Vice President Rodrigues noted he too worries about his son and explained the SRO program is good. Mr. Rodrigues noted that he has toured Portsmouth School facilities and would like Middletown to view them for ideas for additional safety.

Item #11 was addressed at this time.

TOWN BUSINESS UPDATES

11. Communication of Councillor Turano, re: COA Update/ Woodsy Owl.

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

Councillor Turano introduced Woodsy Owl and Dave McLaughlin from Clean Ocean Access, who addressed the Council reviewing different areas in Town where Woodsy has been present during cleanups. Mr. McLaughlin present a handout to the Council entered

here:

Council President Sylvia and Vice President Rodrigues thanked Mr. McLaughlin, Woodsy Owl and Councillor Turano for their fantastic efforts in cleaning up Middletown.

Item #6 was addressed at this time.

12. Communication of Councillor Turano, re: Middletown Tax Exploration Committee – Town Administrator discovery.

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

Councillor Turano noted that the Tax Exploration Committee is looking for a fair and equitable way to tax residents.

Town Administrator Shawn Brown reviewed the following:

Town Administrator Shawn Brown inquired if June is an acceptable timeline for RIPEC to start the project?

Discussion centered around that the tax issue would require voter approval, Councillors Turano and Viveiros would like the tax question on the November ballot, information that would be provided by RIPEC, the need for information showing risks of implementation of

this tax system to the Town, the issue would need enabling legislation from the RI General Assembly and the Town Solicitor is unable to provide legislation without full details of the tax proposal.

13. Communication of Councillor Turano, re: Update on the 10M Bond projects.

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

School Facilities Director Dave Fontes reviewed the Bond Update entered here:

Discussion centered around the entrance at Gaudet School being addressed sooner rather than later.

PUBLIC FORUM

14. 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.

Council President Sylvia noted the following, entered here:

Vice President Rodrigues requested that item # 31 be heard under the regular portion of the docket.

CONSENT

15. Approval of Minutes, re: Regular Meeting, April 2, 2018.

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

16. Communication of the Tax Assessor and Finance Director, with enclosures, re: Cancellation of Taxes for Certain Middletown Residents.

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

17. Resolution of the Council, re: Cancellation of Taxes for Certain Middletown Residents.

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

18. Resolution of the Town of Barrington, re: In Opposition to The Governor's FY2019 Budget Request Article 1- Quasi-Public Reserve Transfers (Sections 15-16) and Article 10 - Quasi-Public Reserve Transfers (Section 5-9)

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

19. Resolution of the Exeter-West Greenwich Regional School District, re: Support School Construction General Obligation Referendum.

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

20. Resolution of the Pawtucket School Committee, re: Gun-Free Schools.

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

21. Resolution of the Pawtucket School Committee, re: Support School Construction General Obligation Referendum.

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

unanimously to receive said resolution.

22. Resolution of the North Smithfield School Committee, re: Contract Continuation.

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

23. Resolution of the North Smithfield School Committee, re: Binding Arbitration.

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

24. Resolution of the North Smithfield School Committee, re: Supporting School Construction General Obligation Referendum.

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

25. Resolution of the North Smithfield School Committee, re: Amend Article XII.

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

26. Resolution of the Town of Charlestown, re: In Opposition to S-2413 An Act Relating to Zoning Ordinances.

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

27. Resolution of the Town of Charlestown, re: In Support of H-7769 and S-2751 – An Act Relating to the Subdivision of Land.

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

28. Application of West Marine Products, Inc. dba West Marine, 379 West Main Road, for RENEWAL of a Holiday Sales License for the 2018-2019 licensing year.

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

29. Application of Cumberland Farms, Inc. #1264, 94 Aquidneck Avenue, for RENEWAL of a Holiday Sales License for the 2018-2019 licensing year.

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

30. Application of Island Management, Inc. dba Flo's Clam Shack, 4

Aquidneck Avenue, for RENEWAL of an Amusement License for the 2018-2019 licensing year.

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

31. Application of A & M Acquisitions, LLC dba A & M Tactical, 10 Coddington Highway, for RENEWAL of a Firearms Dealers License for the 2018-2019 licensing year.

On motion of Vice President Rodrigues, duly seconded, to grant said license renewal.

Councillor Turano questioned the procedures in place for gun sales at A & M Tactical.

Matthew Carvalho, 447 Broadway, Newport, addressed the Council explaining the procedures to purchase firearms, federal background checks, state background checks and an eight day wait before you can purchase. Mr. Carvalho noted he follows the law when selling firearms.

The motion was voted on at this time.

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

32. Applications of the following named persons, firms and corporations for RENEWAL of Hawkers Licenses for the 2018-2019 licensing year. (See Attached List)

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

33. Applications of the following named persons, firms and corporations for RENEWAL of Peddlers Licenses for the 2018-2019 licensing year. (See Attached List)

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

34. Applications of the following named persons, firms and corporations for RENEWAL of Mechanical Amusement Device Licenses for the 2018-2019 licensing year. (See Attached List)

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

35. Application for Special Event Permit from Newport Vineyards, 909 East Main Road, Volvo Ocean Race Reception, Local food & beverage event “Farmers Market” style (Volvo Corporate Private Event) to be held on Friday, May 18, 2018 6:30 p.m. to 10:30 p.m. at Newport

Vineyards. (The date has been amended to Saturday, May 19, 2018)

On motion of Vice President Rodrigues, duly seconded, it was voted unanimously to grant said Special Event permit, with date amended to Saturday, May 19, 2018.

36. Applications five (5) for Special Event Permits from Sweet Berry Farm: 1) Blan/Phinney Wedding, Saturday, May 19, 2018 5:00 pm to 10:00 pm, 2) Magruder/Shields Rehearsal Dinner, Thursday, July 19, 2018, 5:00 pm to 10:00 pm, 3) Steel/Bazarsky Wedding, Sunday, July 29, 2018, 4:00 pm to 9:30 pm, 4) Chapman/Hundley Rehearsal Dinner, Friday, August 31, 2018, 5:00 pm to 10:00 pm and 5) Kao/Kiernan Rehearsal Dinner, Friday, September 14, 2018, 5:00 pm to 10:00 pm.

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

Town Solicitor Peter B. Regan recused himself from acting on the following item #37 of business, due to a possible conflict of interest.

37. (Continued from June 19, 2017, July 19, 2017, September 18, 2017, November 20, 2017 and February 20, 2018 Regular Meetings.)

(Continued from May 15, 2017, Regular Meeting for Planning Board to review new request and provide recommendation – No Planning Board action was taken at the request of the Applicant's Attorney;

therefore no additional advertising for conditions was prepared.)

Public Hearing (Advertised; Abutters and Tenants notified) Public Hearing Remains Open.

An Ordinance of the Town of Middletown (Second Reading)

An Ordinance in amendment to the Town Code of the Town of Middletown, Title XV

Land Usage, Chapter 152 Zoning Code, Section 602 Schedule Of District Regulations – Uses and Districts. (Planning Board recommendation received) At the request of Attorney – Continue this item to June 18, 2018, Regular Meeting of the Council.

On motion of Vice President Rodrigues, duly seconded, it was voted unanimously to continue said matter to the June 18, 2018, Regular Meeting of the Council.

Town Solicitor Peter B. Regan recused himself from acting on the following item #38 of business, due to a possible conflict of interest.

38. (Continued from June 19, 2017, July 19, 2017, September 18, 2017, November 20, 2017 and February 20, 2018 Regular Meetings.)

Public Hearing (Advertised; Abutters and Tenants notified) Public Hearing Remains Open.

An Ordinance of the Town of Middletown (Second Reading)

An Ordinance in amendment to the Town Code of the Town of Middletown, Title XV

Land Usage, Chapter 152 Zoning Code, Article 7 Supplementary Regulations, Section

702 Number of Dwelling Units or Principal Building Per Lot. (Planning Board recommendation received) At the request of Attorney – Continue this item to June 18, 2018, Regular Meeting of the Council.

On motion of Vice President Rodrigues, duly seconded, it was voted unanimously to continue said matter to the June 18, 2018, Regular Meeting of the Council.

LICENSES

39. Application of Mancini's Wood Oven Pizza & Trattoria, LLC dba Mancini's Wood Oven Pizzeria, 1397 West Main Road, for a Victualling House License for the 2017-2018 licensing year. (NEW)

On motion of Vice President Rodrigues, duly seconded, it was voted unanimously to grant said license contingent on Building Official, Fire Marshal, Public Works and Board of Health approvals.

40. Application of Diego's Middletown, LLC dba Middletown Ice Queens, 124 Aquidneck Avenue, for a Victualling House License for the 2017-2018 licensing year. (NEW)

On motion of Vice President Rodrigues, duly seconded, it was voted unanimously to grant said license contingent on Building Official,

Fire Marshal, Public Works and Board of Health approvals.

41. Application of Pub At Two Mile Corner, 10 Maple Avenue, for a Mechanical Amusement Device License for the 2018-2019 licensing year. (NEW; 1 Juke Box, 1 Pool Table and Two Games)

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

42. Application for Special Event Permit from the Norman Bird Sanctuary, Birds & Breakfast at 583 Third Beach Road, on Sunday, May 20, 2018 from 8:30 am to 11:00 am, includes a request to waive permit fees.

On motion of Vice President Rodrigues, duly seconded, it was voted unanimously to grant said Special Event permit and waive permit fee.

43. Application for Special Event Permit from the Norman Bird Sanctuary, 12th Annual 5K in honor of David Leys, Jr., begins and ends at 583 Third Beach Road, on Saturday, June 16, 2018 from 8:30 am, includes a request to waive permit fees.

On motion of Vice President Rodrigues, duly seconded, it was voted unanimously to grant said Special Event permit and waive permit fee.

44. Application for Special Event Permit from the Norman Bird Sanctuary, Beach Bash Third Beach property (Next to Peabody's

Beach), on Thursday, August 2, 2018/Rain date – Thursday, August 9, 2018 from 6:00 pm to 9:00 pm, includes a request to waive permit fees.

On motion of Vice President Rodrigues, duly seconded, it was voted unanimously to grant said Special Event permit and waive permit fee.

45. Application for Special Event Permit from the Norman Bird Sanctuary, 44th Annual Harvest Fair at 583 Third Beach Road, on Saturday, September 29, 2018 and Sunday, September 30, 2018 from 10:00 am to 5:00 pm, includes a request to waive permit fees.

On motion of Vice President Rodrigues, duly seconded, it was voted unanimously to grant said Special Event permit and waive permit fee.

PUBLIC HEARING

46. (Continued from January 16, 2018 and February 20, 2018)

Public Hearing Advertised; Abutters Notified.

Petition to abandon a portion of Roy Avenue which is approximately 124' in length. (Planning Board Recommendation has been received; See Attached Legal Description)

On motion of Vice President Rodrigues, duly seconded, it was voted unanimously to continue this matter to the May 7, 2018, Regular Meeting of the Council.

ORDINANCES

47. 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 II and Schedule III Handicapped Parking. (See attached ordinance)

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

48. 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 Regulations, 72.35 Definitions. (See attached ordinance)

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

49. Public Hearing (Advertised; Abutters Notified)

Public Hearing Remains Open.

An Ordinance of the Town of Middletown (Second Reading)

An Ordinance in amendment to the Town Code of the Town of Middletown, Title XV Land Usage, Chapter 152 – Section 603 District Dimensional Regulations. (Planning Board recommendation received)

– See attached ordinance.

Public hearing remains open.

Darcy Roland, 689 Aquidneck Avenue, addressed the Council in support of the ordinance. Ms. Roland noted she likes the consistency and the setbacks buffer noise.

Vice President Rodrigues noted concern with the setbacks in the upper Aquidneck Avenue area.

Town Solicitor Peter B. Regan explained that just the residents go to a 25 foot setback, which is consistent with R-10 districts.

Councillor Santos left the dais at 9:14 p.m.

Council President Sylvia noted he has mixed feeling, he agrees with the height not the frontage portion of the ordinance.

Councillor Santos returned to the dais at 9:20 p.m.

On motion of Vice President Rodrigues, duly seconded, it was voted unanimously to change to the height as shown in the ordinance and no changes to setbacks.

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

unanimously to remove the OB Business District section from the proposed ordinance.

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

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

TOWN COUNCIL

50. Communication of Councillor Viveiros, re: Septic System Inspection ordinance.

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

Councillor Viveiros noted concern with septic systems in town and protecting the drinking water. Mr. Viveiros explained that the On-site Wastewater Plan is essential and would allow residents to get low interest loans to replace their septic systems.

Councillor Turano noted support.

Councillor Lombardi noted low interest loans would benefit the

residents.

Vice President Rodrigues noted that we all want clean drinking water, explaining at a prior meeting residents from the east side were not in favor of the plan, people police themselves. Mr. Rodrigues explained that the inspection fees are costly.

Steven Cabral, representing Crossman Engineering, addressed the Council noting that he had assisted the Town with the On-Site Waste Water Plan and Ordinance. Mr. Cabral explained that DEM has rules and regulations for inspecting systems and the proposed ordinance and plan does not propose additional regulations to homeowners. There are benefits to the Plan, residents would qualify for low interests loans and it would minimize the burden of extending the Town sewer lines. Mr. Cabral noted there are 1465 septic systems in Middletown. Septic inspections are done at different levels, the initial inspection is more costly.

Discussion centered around if there is a septic system problem in the Town, the ordinance is more for education/best practice, the documents can be recrafted as a more educational tool and the On-Site Wastewater Plan must be approved by DEM.

Attorney Melissa DeSautel, addressed the Council noting that there must be an inspection in place for the Plan to qualify with DEM. Ms. DeSautel noted that fines are statutory, there is no minimum.

51. Communication of Councillor Turano, re: Discuss Senior Citizens programs.

Discussion centered around Seniors being able to apply for state funding to update their homes, finding a way to keep seniors in their homes, the Tax Assessor notifying residents of available exemptions, a discussion of senior exemptions at the June 4, 2018 Regular Meeting and placing a notice of available exemptions in the Senior Center newsletter.

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

52. (Tabled from the March 15, 2018, Regular Meeting)

At the request of Council President Sylvia, Resolution of the Council, re: Petitioning the General Assembly to amend RIGL 44-18-18.1 to authorize the Town by ordinance to access an additional one percent meal and beverage tax dedicated to support schools, school safety and capital improvements.

Town Solicitor Peter B. Regan noted that any enabling legislation requested voter approval. Mr. Regan explained that the Town Council could amend or revoke Town Ordinance 30.03.

Councillor Viveiros noted concern that residents would be paying an

additional 1% to eat out at local restaurants.

Council President noted the additional monies will be used to enhance school safety.

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

53. Memorandum of Finance Director, thru Town Administrator, with enclosures, re: Contract Award: MIDD-018-012 Cemetery Services.

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

54. Resolution of the Council, re: Award of Contract MIDD-018-012 Cemetery Services.

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

55. Memorandum of Finance Director, thru Town Administrator, with enclosures, re: Contract Award: MIDD-018-011 – Services – KINGFISHER Road Improvements.

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

Town Administrator Shawn Brown reviewed the memorandum above.

Discussion centered around that there will be four regular parking spaces and one ADA compliant space, people will have access to Pebbly Beach, signage for people to pass at their own risk, and Town Engineer Warren Hall reviewed the specs of the project including the improvements on the right of way.

56. Resolution of the Council, re: Award of Contract MIDD-018-011 – Services - KINGFISHER Road Improvements.

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

57. Memorandum of Finance Director, thru Town Administrator, with enclosures, re: Contract Award: MIDD-018-010 – Services – Water Level Loggers.

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

Town Administrator Shawn Brown reviewed the memorandum above.

Discussion centered around that water level loggers are instruments that record water levels, the instruments will assist in identifying

areas that create overflow, the instruments can be moved from place to place (reusable) and are helpful to gather data in flood zones.

58. Resolution of the Council, re: Award of Contract MIDD-018-010- Services – Water Level Loggers.

On motion of Vice President Rodrigues, duly seconded, it was voted to pass said resolution, all Councillor voted NO to said motion; MOTION FAILED TO PASS.

59. Memorandum of Finance Director, thru Town Administrator, with enclosures, re: Contract Award: MIDD-018-006 – Town Line Sewer Improvements – Phase II.

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

60. Resolution of the Council, re: Award of Contract MIDD-018-006 – Town Line Sewer Improvements – Phase II.

Councillor Santos inquired if the sewer rate would increase?

Town Administrator Shawn Brown, responding to Councillor Santos, noted the sewer rate would not increase, the project is part of the CIP.

Discussion centered around the areas for sewer line improvements, some areas are the Town is unable use the camera because of clay and Orangeburg pipes, the Council noted that any road construction be supervised to ensure the roads are returned to the proper condition.

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

61. Memorandum of Finance Director, thru Town Administrator, with enclosures, re: Contract Award: MIDD-018-009 – Services – Painting: Second Beach, Wyatt Road, War Memorial.

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

Town Administrator Shawn Brown reviewed the memorandum above.

62. Resolution of the Council, re: Award of Contract MIDD-018-009 – Services – Painting: Second Beach, Wyatt Road, War Memorial.

Councilor Turano questioned if the second beach parking lot will be repaved?

Town Administrator Shawn Brown, responding to Councillor Turano, explained that he has not found a paving product, which will work for

the parking lot.

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

63. Memorandum of Town Engineer, with enclosure, re: Proposal, dated February 26, 2018, for Submerged Aquatic Vegetation Survey (SAV) survey @ Third Beach Mooring Field, Natural Resource Services, Inc.

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

Town Administrator Shawn Brown reviewed the memorandum above.

Town Administrator Shawn Brown noted if the moorings are to be expanded, the DEM will require more pump out storage than the current Town boat can hold for pumping out boats.

64. Resolution of the Council, re: Award of Contract for Submerged Aquatic Vegetation Survey (SAV) survey @ Third Beach Mooring Field.

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

BOARDS AND COMMITTEES

65. Appointment of one (1) member to the 275th Anniversary Committee.

On motion of Vice President Rodrigues, duly seconded, it was voted unanimously to appoint Carmela Geer to the 275th Anniversary Committee.

66. Appointment of one (1) member to the Juvenile Hearing Board - (1) vacancy, regular member, terms expiring April 2021 and two (2) vacancies, auxiliary members, terms expiring April 2021.

On motion of Vice President Rodrigues, duly seconded, it was voted unanimously to reappoint Alexander Simeone to the Juvenile Hearing Board, as a regular member, term expiring April 2020.

EXECUTIVE SESSION

67. Executive Session - Pursuant to provisions of RIGL, Sections 42-46-2, 42-46-4 and 42-46-5 (a) (2) Collective Bargaining (Police), (5) Land Acquisition, (2) Potential Litigation and Litigation (Town of Middletown v. Horan Building Company, Inc., Tuckerman Avenue, LLC, Coastal Living Magazine, Time Inc.; NC-2017-0254).

On motion of Vice President Rodrigues, duly seconded, it was voted unanimously to recess open session and reconvene in executive session at 11:14 p.m.

On motion of Vice President Rodrigues, duly seconded, it was voted unanimously to recess executive session and reconvene in open session at 12:06 p.m.

On motion of Vice President Rodrigues, duly seconded, it was voted unanimously to pass said Resolution of Middletown, Rhode Island (“Community”) Authorizing, Approving and Directing The Employment of Certain Law Firms to Represent The Community In Potential Litigation Against Contributors of Opioid Addiction Crisis and authorize the Town Administrator to execute agreement.

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

On motion of Vice President Rodrigues, duly seconded, it was voted unanimously to adjourn said meeting at 12:08 p.m.

Wendy J.W. Marshall, CMC

Council Clerk

**Supporting documentation is available at
<http://clerkshq.com/default.ashx?clientsite=Middletown-ri>**