

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, May 7, 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

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)

Town Council President Sylvia requested a moment of silence for the loss of Canvassing Board member and former Planning Board member Audrey Rearick.

6:00 P.M. – Charter Public Hearing

1. Public Hearing (Advertised)

Proposed amendments to the Middletown Town Charter.

TOWN OF MIDDLETOWN

CHARTER REVIEW COMMITTEE

PROPOSED AMENDMENTS TO MIDDLETOWN TOWN CHARTER

The Charter Review Committee of the Town of Middletown recommends the following amendments to the Middletown Town Charter. Listed below is each question worded as it might appear on the ballot, followed by the full text of the proposed amendment, with words set as strikethrough to be deleted from the Charter and words

underlined to be added to the Charter, followed by a summary description of rationale for the proposed amendment.

Question ___

Amends Article II, The Town Counsel, § 202. Qualifications of members; vacancy occurs if member becomes disqualified

“Shall the Charter be amended to set limits on the number of consecutive terms members of the Town Council may serve?”

Members of the council shall be qualified electors of the Town of Middletown and shall hold no other paid public office or employment in the service of the town. Current service as notary public, justice of the peace, membership in the national guard or naval, air or military reserve or employment by any of the educational institutions maintained by the state, shall not disqualify persons for council membership. No member of the council shall be eligible to accept any other paid local town office during his or her tenure on the council or for a period of one year thereafter. No member of the council shall serve more than three (3) consecutive partial or full terms on the council, without at least a two-year interval before serving any additional term(s). The office of any council member who shall, during his or her term, cease to meet the foregoing qualifications, shall be deemed vacant.

Summary: The proposed amendment seeks to encourage greater

political participation by requiring members of the town council who have served three consecutive terms to take a two-year break before serving any additional terms.

Question ___

**Amends Article VI, Town Officials; Municipal Court; Probate, § 608.
Judge of the Municipal Court**

“Shall the Charter be amended to reflect the Town Council’s power to appoint alternate municipal judges in the event of vacancies?”

The town council may appoint a member in good standing of the bar of the State of Rhode Island, with no fewer than 5 years of experience in the active practice of law, to sit as judge of the municipal court for a term of 2 years and subject to re-appointment. Whenever such judge of the municipal court is a party or interested in any proceeding about to be heard in his or her court, or is absent or unable to perform his or her duties, or there is a vacancy in the office of judge, the council shall designate a qualified member of the bar of the State of Rhode Island to act as a municipal judge. The fact of such interest, absence, inability or vacancy shall be recorded in the records of said court.

Summary: The proposed amendment would confirm the Town Council’s power to appoint alternate municipal judges in the event of vacancies, consistent with the Town Council’s power to appoint

alternate probate judges in §609 of the Charter.

Question ___

Amends Article VII, Town Departments, § 701. Police

“Shall the Charter be amended to modify the qualifications for chief of police to broaden the potential pool of candidates and include requirements consistent with the needs of the Town?”

There shall be a police department, the head of which shall be the chief of police, who shall be a police officer with at least ten five years of experience above the rank of patrolman in any an organized police department or equivalent experience in a state or federal law enforcement agency, have demonstrated experience in the organization, administration, management and direction of police officers and possess such other qualifications as the Town Council may prescribe, consistent with the needs of the Town. The chief of police shall be appointed by the town administrator. In addition to the chief of police, there shall be a deputy chief and such other subordinate officers and patrolmen, all of the aforesaid serving full time, as shall from time to time be determined by the town council. The further organization of the department into divisions or offices or grades shall be made by the town council on recommendation of the town administrator after conferring with the chief of police. The police department shall be responsible for the preservation of the public peace, prevention of crime, apprehension of criminals, protection of

the rights of persons and property, regulation of traffic, and the enforcement of the laws of the state and the ordinances of the town and rules and regulations in accordance therewith. The chief of police and other members of the department shall have all the powers and duties as are now and hereafter vested in such police officers by the laws of the state and the town ordinances. The chief of police shall be in direct command of the police force and shall, subject to the approval of the town administrator and town council, make rules and regulations concerning the conduct of all officers and subordinates.

Summary: The proposed amendment seeks to broaden the potential pool of candidates for chief of police by reducing the years of experience as a police officer above the rank of patrolman from ten to five years, adding a requirement for experience in the administration, management and direction of police officers, and allowing the Town Council to require such other qualifications consistent with the needs of the Town.

Question ___

Amends Article VII, Town Departments, § 706. Finance

“Shall the Charter be amended to allow the duties of the tax collector and the human resources manager to be separated from those of the Finance Director?”

There shall be a department of finance headed by a finance director,

who shall have ten years prior financial management experience in the public or private sectors and be appointed by the town administrator. There shall also be a deputy finance director, appointed by the town administrator, who shall assist the finance director and shall exercise the powers and perform the duties of the office of finance director in case of the absence or disability of the finance director. The finance director shall act as town treasurer, town tax collector, and purchasing agent, and human resources manager, and shall exercise those powers and perform those duties prescribed for these offices now or in the future by this Charter and the Constitution and laws of the state. The finance director shall also have such additional powers and duties as may be assigned to him or her by the town administrator.

Summary: The proposed amendment would provide the Town administration with additional flexibility, by allowing the duties of the tax collector and the human resources manager to be separated from those of the Finance Director.

Question ___

Amends Article VII, Town Departments, § 711. Town engineer

“Shall the Charter be amended to require that the town engineer be a registered engineer?”

There shall be a town engineer appointed by the town administrator.

The town engineer shall be a civil engineer, a registered professional engineer, and need not be a resident of the Town of Middletown. He or she may be appointed to serve either full time or part time. He or she shall be available to provide engineering advice and services to the town administrator, the town council, and all other departments, offices and agencies of the town government. He or she shall be responsible for the custody and proper maintenance of all the files and records that pertain to his or her office, including surveys, plans, maps and the like. He or she shall maintain these files and records in the Town of Middletown. The results of all engineering studies or similar work he or she performs for the town shall become the property of the town. (Added, November 4, 2008.)

Summary: The proposed amendment would require that the town engineer be a registered professional engineer.

Question ___

Creates Article VII, Town Departments, § 712. Tax Collector (New Section)

“Shall the Charter be amended to allow the duties of the tax collector to be separated from those of the Finance Director?”

There shall be a tax collector appointed by the town administrator, who shall be responsible for the collection of all taxes and assessments levied by the Town. The tax collector has all the powers,

rights and duties prescribed for said office now or in the future by this Charter and the Constitution and laws of the state. The tax collector shall also have such additional powers and duties as may be assigned to him or her by the town administrator or by ordinance.

Summary: The proposed amendment would provide the Town administration with additional flexibility, by allowing the duties of the tax collector to be separated from those of the Finance Director.

Question ___

Creates Article VII, Town Departments, § 713. Human Resource Manager (New Section)

“Shall the Charter be amended to allow the duties of the human resources manager to be separated from those of the Finance Director?”

There may be a human resource manager appointed by the town administrator, who shall be responsible for the development and daily administration of the Town’s human resource management system, and to ensure that said system meets the current and projected needs of the Town and is compliant with local, state and federal laws and regulations affecting the Town’s workforce. The human resource manager shall also have such additional powers and duties as may be assigned to him or her by the town administrator or by ordinance.

Summary: The proposed amendment would provide the Town administration with additional flexibility, by allowing the duties of the human resources manager to be separated from those of the Finance Director.

Question __

Amends Article VIII, School Department, § 801. School committee - Established; number and election of members.

“Shall the Charter be amended to increase the number of school committee members from five to seven and set limits on the number of consecutive terms members of the school committee may serve?”

There shall be a school committee consisting of five seven members, each of whom shall be elected from the town at large by the electors of the Town of Middletown, to serve for a term of four years and until a successor is elected and qualified. Three members of the committee shall be elected at the first election after the adoption of this Charter and at said elections every fourth year thereafter and two four members shall be elected at the subsequent biennial election

and at said elections every fourth year thereafter. The election of school committee members shall be by nonpartisan election, an election without designation or identification of political affiliation. No member of the school committee shall serve more than two (2) consecutive partial or full terms on the committee, without at least a two-year interval before serving any additional term(s).

Summary: The proposed amendment seeks to encourage greater political participation by increasing the number of school committee members from five to seven, and requiring members of the school committee who have served two consecutive terms to take a two-year break before serving any additional terms.

Question ___

Amends Article VIII, School Department, § 806. Same - Organization, rules and journal of proceedings.

“Shall the Charter be amended to require that the school committee clerk be a member of the school committee?”

The school committee shall elect from its membership a chairman, and a vice-chairman and a clerk, all of both of whom shall serve at the pleasure of the school committee. The school committee shall also appoint a clerk, who need not be a member of the school committee and shall serve at the committee's pleasure. The chairman or the clerk may sign any orders and official papers, and the clerk, under the

direction of the school committee, shall keep a journal of the proceedings of the committee. The school committee shall adopt its own rules and order of business.

Summary: Together with Section 814, requiring the school committee clerk to be a member of the school committee will provide greater internal controls, by ensuring that purchase vouchers are signed by two people, rather than one.

Question ___

Amends Article XII, Amendment of Charter; Separability of Provisions of Charter, § 1201. General Provisions

“Shall the Charter be amended to revise the first sentence of this provision so as to more clearly reflect the separate and distinct issues?”

This Charter may be amended at any time, in the manner provided by the State Constitution, and shall be reviewed at least every ten years in the manner provided by the Constitution. Should two or more amendments adopted at the same election have conflicting provisions, the one receiving the largest affirmative vote shall prevail.

The sections of any amendments in addition to this Charter shall be numbered by the town clerk and inserted in their appropriate places or added to the Charter.

Summary: This amendment would clarify the process for amending and reviewing the Charter.

Public Hearing was declared open.

Town Administrator Shawn Brown reviewed the process followed by the Charter Review Committee used to present the amendments above to the Town Council.

Council President Sylvia thanked the Charter Review Committee members and Town Council Liaisons for all their efforts. Mr. Sylvia noted that the proposed amendments will be voted on by the Town Council at the May 21, 2018, Regular meeting.

Theresa Spengler, 1111 Wapping Road, addressed the Council noting concern with the proposed amendments to Article VII, Section 801, explaining that there are not enough people running to fill seven seats on the board. In the past 16 years, there have only been enough candidates for the open seats. If not enough people run, the Town Council fills the vacancies, which is not the voters' choice. Ms. Spengler also noted concern with term limits, explaining that it is a learning curve the first two terms; she is concerned with limiting terms. Theresa Spengler noted that in Article VIII, Section 806 that has a proposed amendment for a clerk, which she does not see a need for a clerk.

Councillor Viveiros suggested the following as charter amendments.

2018 Charter Amendments Proposals

1-A Line Item Veto for the Council: The line-item veto is a power granted to the council to selectively veto certain parts of a bill or budget without vetoing the entire bill/budget.

2-Zero based budgeting: Is a budgeting method that involves starting with \$0 and adding only enough money in the budget to cover expected costs, instead of basing it on what happened the previous year, zero-based' is all the rage today.

3-No Transferring of funds: between accounts over \$100,000 without council approval, except in emergencies. In case of an emergency, the council shall be briefed as soon as possible.

4-All change orders: over \$100,000 except for emergencies shall be approved by the town Council before implemented. In case of an emergency, the council shall be briefed as soon as possible.

5-Barcode all beach stickers: residents, nonresidents and day passes, at time of purchase. All vehicles entering the beach with stickers shall be scanned.

6-List all projects approved by the council in priority order. Any project not completed in two year, shall need to be reauthorized.

7-No spending money other than what was approved in the budget, except for emergencies and approved by the council.

Chris Semonelli, 542 Wolcott Avenue, addressed the Council noting the committee discussion regarding term limits was based on the

feeling that people have been saying, “what is the point of running, I won’t get on the committee anyway”. Mr. Semonelli explained the committee’s thought was it may help people feel better about running for office.

Councillor Santos noted the expense of running for office, especially if you do not have a fund raiser and paying for the campaign out of pocket.

Councillor Lombardi suggested that the Town Council have final say in hiring department heads, after the applicant is interviewed by the Town Administrator and Human Resources Director. After the interviews, the Council will receive the top three candidates.

Council President Sylvia requested that all suggested Charter amendments be sent to the Town Solicitor to review to make sure the suggestion it is a legitimate Charter change for the May 21, 2018 Regular Meeting.

Town Solicitor Peter B. Regan explained that some suggested Charter changes may only require action taken by the Town Council and may not be a Charter change.

Councillor Santos suggested the following as a Charter amendment.

Appointment of department heads:

Have the Town Administrator do the interviews, pick three candidates, submit the three top names to the Town Council to again interview and along with the names of those that were not chosen.

Town Solicitor Peter B. Regan noted that Councillor Santos request is a Charter change.

Councillor Viveiros noted that term limits are addressed, if someone runs for office they may not get elected.

Vice President Rodrigues noted agreement with Councillor Viveiros. Mr. Rodrigues explained that it is the people's choice on who gets elected, it is about the performance candidate. As for adding seats to the School Committee, he is in agreement with Ms. Spengler, there are not a lot of people running for office, and there is no rival anymore since non-partisan elections; people vote for the person. Vice President Rodrigues suggested that a few areas in the charter be changed section 601 change shall to may, along with some other sections changing shall to may, Deputy Police section, Deputy Finance section and Town Engineer section. Mr. Rodrigues also noted that section 302, the Town Administrator should be living in the Town, rooted in the Town within six months of coming here.

Councillor Turano noted that anything can be changed in the charter and should leave the decision to the people.

Councillor Lombardi suggested that the Department Heads all live in the Town.

Town Solicitor Peter B. Regan noted that State Law addresses his suggestion.

Theresa Spengler, 1111 Wapping Road, addressed the Council noting that the School Committee speaks to parents and community members encouraging them to take part in the elections. Ms. Spengler also noted the Clerk suggestion is not that same as a full time employee and would be a high risk to the School District Strategic Plan. As for the Council choosing the department head and reviewing all applications, including the ones which did not receive an interview, it is micro-managing. Theresa Spengler suggested the Town Council have a sub-committee for the interview process. Ms. Spengler requested that when the charter changes are decided upon, that the information sent to voters be clear, so they know what they are voting on.

Councillor VonVillas noted agreement that the hiring request is micro-managing and could be politically influenced.

Town Administrator Shawn Brown explained that the staff prepares a voter guide, which is sent to all voters and is placed on the Town website.

Vice President Rodrigues request an explanation in detail/layman terms for the voters.

Councilor Santos requests that senior citizens be aware that absentee ballots can be sent to their homes.

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

Council President Sylvia noted that the Town Council will vote on each proposed charter amendment at the May 21, 2018, Regular Meeting.

On motion of Vice President Rodrigues, duly seconded, it was voted unanimously to recess this meeting at 5:52 p.m.

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

Council President Sylvia noted that item #2 will be addressed and then the Public Forum prior to item #3.

7:00 P.M. REGULAR MEETING

PRESENTATIONS

2. At the request of Council President Sylvia, - Resolution of the Council, re: Proclaiming May As Mental Health Month.

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

Council President Sylvia read the above Proclamation into the record.

The Public Forum was addressed at this time.

3. Communication of the Tax Exploratory Subcommittee, re: Final Proposal.

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

Councillor Viveiros addressed the Council noting that the current tax method is not transparent. The Tax Exploration committee established a proposal which is transparent, fair, set to the CPI with a cap of 2%, the rate can be less, but not more than 2%. This will allow for residents to fix their homes.

Councillor Turano addressed the Council explaining that documents have been sent to the state for legislation to be prepared and hopefully will hear back in a few weeks regarding legislative hearings.

This method may be the first in Rhode Island, but is used in other areas of the United States. There will be educational session set up for the public regarding the new tax method.

Vice President Rodrigues noted that he hopes the public realizes there are more pros than cons to the proposed tax method.

Council President Sylvia thanked the committee and noted the proposed tax method will enable taxpayers to forecast and budget the future.

The Consent Calendar was addressed at this time.

The Public Forum was addressed after item #2.

PUBLIC FORUM

4. 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 that earlier this afternoon the Board of

Directors at the Clambake Club have pledged \$40,000 to repair the memorial at the Middletown Police Department. Mr. Sylvia publicly thanked the Clambake Club for their generosity. Council President Sylvia also publicly thanked Senator Cicilline for assisting the Town prior to receipt of the funding of this project.

Town Administrator Shawn Brown noted that he is not aware at this time if there will be restrictions with the donation.

Frank Campagna, 2 Wood Terrace, Middletown, addressed the Council noting receipt of the funding will help bridge the span between Town Government and the Police Department. At a prior meeting, there was a lot of tension over a misunderstanding and lack of communication. Mr. Campagna hopes that the Town Council and Police Department can resolve their issues.

Stacey Patterson, 3 Concord Drive, Middletown, addressed the Council noting concern with crosswalks, sidewalks at Gaudet School and Aquidneck School, explaining the lack of is a safety concern.

Town Engineer Warren Hall noted that DOT has the areas under design and the issues are being addressed at this time. The projects should being in the spring of 2019.

Marilyn Hennessey, 408 Mitchell's Lane, Middletown, addressed the Council noting that we are a community that solves problems. Ms.

Hennessey explained that the ball fields are stunning and having fields built at the Drive In property will solve other problems. Marilyn Hennessey thanked the Council.

Item #3 was addressed at this time.

Vice President Rodrigues requested that items # 10, #11 and #14 be heard under the regular agenda.

CONSENT

5. Approval of Minutes, re: Regular Meeting, April 16, 2018.

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

6. Communication of Tax Assessor and Finance Director, with enclosures, re: Collector Abatements - Cancellation of taxes for certain Middletown Residents.

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

7. Resolution of the Council, re: Collector Abatements - Cancellation of taxes for certain Middletown Residents.

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

8. Memorandum of Town Planner, re: 2018 Planning Board Officers & Committee Appointments.

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

9. Memorandum of Finance Director, thru Town Administrator, re: JFK Lease: Newport Children's Theatre terminating lease.

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

10. Memorandum of Paul A. Croce, Chairman, Middletown Planning Board, with enclosures, re: Proposed Zoning Ordinance Amendments – Farm Accessory Businesses. (Requires advertising for public hearing)

On motion of Vice President Rodrigues, duly seconded, it was voted unanimously to receive said memorandum and advertise for public hearing.

Councillor Santos inquired if the item will be placed on the regular

agenda for consideration.

Town Clerk Wendy J.W. Marshall, responding to Councillor Santos, explained that the item will be advertised for public hearing and placed on the regular agenda for the public hearing. There will be two readings of the ordinance on the regular agenda.

11. Memorandum of Paul A. Croce, Chairman, Middletown Planning Board, with enclosures, re: Proposed Zoning Ordinance Amendments – Gravel Processing & Bulk Storage. (Requires advertising for public hearing)

On motion of Vice President Rodrigues, duly seconded, it was voted unanimously to receive said memorandum and advertise for public hearing.

12. Resolution of the Town of Charlestown, re: In Support of the removal of the “Sunset” Provision Regarding the Residential Mortgage Foreclosure Mediation.

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

13. Resolution of the Town of Jamestown, re: In Opposition to the Proposed Inclusion of the North Atlantic Region in the 2019-2024 National Outer Continental Shelf Oil and Gas Leasing Program.

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

14. Resolution of the Town of Portsmouth, re: Urging Rhode Island Attorney General Peter Kilmartin to distribute Google Funds to the Portsmouth School Committee.

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

Vice President Rodrigues read the above resolution into the record. Mr. Rodrigues noted support and requested that Middletown place a similar resolution on the next agenda.

Discussion centered around if there are restrictions on the money, submission of the request makes sense and using the monies for one time uses.

15. Communication of Dave McLaughlin, Executive Director, Clean Ocean Access, re: Follow-up 2017/2018 Civic Support (\$2,000).

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

16. Clean Ocean Access Quarterly Report.

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

17. Communications two (2) of Dave McLaughlin, Executive Director, Clean Ocean Access, with enclosures, re: Appreciation for support and 2017 Annual Report.

On motion of Vice President Rodrigues, duly seconded, it was voted unanimously to receive said communications and 2017 Annual Report.

18. Application of AV Tech, Inc. dba Flint Audio & Video, 77 East 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.

19. Application of Phantom Fireworks Eastern Region, LLC. dba Phantom Fireworks, 999 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.

20. Application of SK Industries, Inc. dba Rusty's, 44 Wave Avenue

(First Floor), 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.

21. Application of SK Industries, Inc. dba Rusty's, 44 Wave Avenue (First Floor), for RENEWAL of a Mechanical Amusement License for the 2018-2019 licensing year. (One Juke Box, One Pool Table and Two Games)

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

22. Application of Shaws Supermakets, Inc. #1442 dba Shaw's, 71 East Main Road, for RENEWAL of a Mechanical Amusement License for the 2018-2019 licensing year. (One Game)

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

23. Application for Special Event Permits from St. George's School for Graduation Dinner to be held on Sunday, May 27, 2018 from 5:30 pm to 7:30 pm and Luncheon to be held on Monday, May 28, 2018 from 12:30 pm to 2:30 pm. (Event to be held on St. George's School Property)

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

24. License of Burial, re: Emily Alice Ferris - Section 54, Graves 93 & 94.

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

LICENSES

**25. Application of Jaeda Chabot dba Enhanced Beauty Brows, 62 Wave Avenue, for a Tattoo License for the 2018-2019 license year.
(NEW)**

John Bagwill, 587 Tuckerman Avenue, addressed the Council reading the following into the record.

Enter his communication

Town Solicitor Peter B. Regan noted that this is not a license for a Tattoo Parlor, it is a license as an accessory use to the salon, which

can be limited to the eyebrow procedures and signage may be limited as well.

Jaeda Chabot, 10 Ayrault Street, Newport, addressed the Council noting that a tattoo gun is not used for the procedure, it is semi-permanent using organic ink. Ms. Chabot explained that she would like to market herself and is not objecting to restrictions on the license and signage.

On motion of Vice President Rodrigues, duly seconded, it was voted unanimously to grant said license, limiting to the eyebrow procedure and signage not using the word “Tattooing”.

26. Application of Benelly, LLC dba Pedego Electric Bikes RI, 62 Wave Avenue, for a Holiday Sales License for the 2018-2019 licensing year. (NEW)

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

27. Application of Pepperonis of Woonsocket, LLC dba Piezonis, 876 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 subject to Building Official, Fire

Marshal and Board of Health approvals.

28. Application of Togero, Inc. dba Pizza Hollywood, 796 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 subject to Building Official, Fire Marshal and Board of Health approvals.

Councillor Lombardi recused himself from acting on the following item #29 of business, due to a possible conflict of interest.

29. Application for Special Event Permit from St. George's School – Camp Ramleh, Camp Benefit Sale to be held at St. George's School Hockey Rink on Saturday, June 9, 2018 8:00 am to 4:00 pm. (Attached is a request to waive permit fee)

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

30. Application for Special Event Permit from Aquidneck Island Land Trust for Fiesta Verde – Fundraiser for the Aquidneck Island Land Trust to be held at 115 Howland Avenue – Arnow Farm on Saturday, July 21, 2018 6:00 pm to 11:00 pm. (Attached is a request to waive

permit fee)

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

31. Application for Special Event Permit from Water Brothers Pro for a Surf Event to be held at Second Beach – One Day Event – to be held between Saturday, May 12, 2018 and Friday, May 25, 2018, dependent on surf conditions, from 7:00 am to 4:00 pm. (Applicant requests all fees to be waived)

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

OTHER COMMUNICATIONS

32. Communication of Tracey Pontes, Fundraising Committee, Looking Upwards, re: Requesting support by sponsoring a tee sign for its 22nd Annual Golf Tournament fundraiser.

On motion of Vice President Rodrigues, duly seconded, it was voted unanimously to receive said communication and sponsor a tee sign in the amount of \$125.00, to be appropriated from the President's

Discretionary Fund.

33. Communication of Tim Brown, Gaudet Boys Basketball Coach re: Request for Funds to Support Gaudet Middle School Basketball Summer League Program 2018.

On motion of Vice President Rodrigues, duly seconded, it was voted unanimously to receive said communication and appropriate \$535.00 for the Middletown Middle School Boys' Basketball Team to participate in the Narragansett Summer Basketball League this year.

PUBLIC HEARINGS

34. Public Hearing (Advertised)

Town of Middletown application for FY2017- Small Cities Community Development Block Grant (CDBG) for certain projects, in an amount not to exceed \$231,695.

Public Hearing was declared open.

Town Planner Ronald Wolanski reviewed the memorandum entered here:

Christian Belden, representing Church Community Housing, Newport, RI, addressed the Council noting that there have been several changes to the program, the Town is limited to three public facility

requests and two public service activities requests. Mr. Belden reviewed the requests for funding entered here:

Christian Belden noted that if the Town does not use all three public facility requests, they can opt to transfer to another City or Town if the entity requesting benefits both communities.

Discussion centered around EBCAP requesting funding from Newport which is not making it on the application because Newport has already received three public facility requests, funding for the CDBG is Federal funding, Housing Development request is for 12 Bloom Court upgrades, Church Community Housing sells the building to the person, but the land which the building is on is leased from Church Community with a 99 year lease.

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

35. Resolution of the Council, re: FY2017-Small Cities Community Development Block Grant – Project priorities.

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

On motion of Council President Sylvia, duly seconded, it was voted unanimously to assign a Public Facility slot to the City of Newport for

East Bay Community Action, Broadway, Newport.

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

Public Hearing was declared open.

Attorney Joseph Hook, representing the applicants, addressed the Council reviewing the Petition for Abandonment entered here:

Councillor Santos inquired if the applicants maintain the area.

Town Solicitor Peter B. Regan noted that the area is a paper street.

Attorney Joseph Hook noted that the applicants have been maintaining the area.

Vice President Rodrigues noted that area was to connect JH Dwyer Drive, but the area became a cul-de-sac. Mr. Rodrigues noted his support for the abandonment request.

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 abandon a portion of Roy Avenue, approximately 124' in length, all costs associated for the abandonment are to be paid by the applicant, direct the Town Solicitor to prepare the order of the Town Council, which will be advertised pursuant to RIGL 24-6-1, notify abutters pursuant to RIGL 24-6-1 and direct the Public Works Director to place a sign at each end of the area "Not a public highway".

ORDINANCES

37. An Ordinance of the Town of Middletown (Second 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.

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

38. An Ordinance of the Town of Middletown (Second 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.

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

TOWN COUNCIL

39. Communication of Councillor Turano, re: Clean Seas Pledge.

Dave McLaughlin, Clean Ocean Access, addressed the Council requesting their support for the Clean Seas Pledge. Mr. McLaughlin noted that 43 countries have taken the pledge, which is a behavior change. Dave McLaughlin requests the Council to pass the resolution and lead by example.

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

40. Resolution of the Council, re: Clean Seas Pledge.

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

41. Memorandum of Paul A. Croce, Chairman Middletown Planning Board, re: Request for Funding of Development Impact Studies.

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

Paul A. Croce, Chairman Middletown Planning Board, addressed the

Council noting that at a prior meeting the Council had requested the Planning Board to get an estimate for funding of development impact studies for the entire Town. Mr. Croce reviewed the above memorandum.

Discussion centered around the developable land on the east side of town, water issue concerns on the east side of town, new developments being requested to the cistern initiative issue be raised, only large developments are required to show traffic impact studies, the proposal is not currently budgeted, the need to establish a budget to complete the entire project, if there are monies from the West Main Road study that can be used for this study, development of the west side can assist with resident taxes and the Town Administrator will review funding to allow for the entire project

On motion of Council President Sylvia, duly seconded, to authorize the Town Planner to go out for an RFQ (Applicants will pitch the proposal), to process a budget for the project.

42. Memorandum of Finance Director, thru Town Administrator, with enclosures, re: Project Award: Second Beach Water Service Line.

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 the CRMC Assent for the project, where the showers will be placed, that a change order should not be required if shower positions are amended, the showers will be installed by May 25, 2018, test areas for paving of the second beach parking lot and relooking at the beach entrances.

43. Resolution of the Council, re: Project Award: Second Beach Water Service Line.

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

44. Memorandum of Town Administrator, with enclosure, re: Consulting Agreement with RIPEC – Tax Reform.

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

Discussion centered around that the project will not begin until June and the need for the project.

On motion of Vice President Rodrigues, duly seconded, it was voted unanimously to approve the Consulting Agreement with the Rhode Island Public Expenditure Council (RIPEC) in the amount of \$19,500 and authorize the Town Administrator to execute the agreement.

45. Memorandum of Human Resources Manager, re: Controlled Substance Alcohol Testing Policy-Highlights.

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

46. Town of Middletown Controlled Substance and Alcohol Testing Policy.

On motion of Vice President Rodrigues, duly seconded, it was voted unanimously to adopt the Middletown Controlled Substance and Alcohol Testing Policy, as amended.

BOARDS AND COMMITTEES

47. Communication of Council President Sylvia, re: Establish a Police Memorial Committee.

On motion of Council President Sylvia, duly seconded, it was voted unanimously to withdraw this item.

48. Memorandum of Council President Sylvia, re: Alternate Councillor to the Open Space and Fields Committee.

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

unanimously to receive said memorandum.

On motion of Vice President Rodrigues, duly seconded, it was voted unanimously to appoint Councillor Lombardi as liaison to the Open Space and Fields Committee.

Vice President Rodrigues recused himself from acting on the following item #29 of business, due to a possible conflict of interest.

49. Appointment of one (1) Regular member to the Zoning Board of Review for a term expiring April 2023 and three (3) Alternate members to the Zoning Board of Review for terms expiring April 2019.

On motion of Councillor Santos, duly seconded, it was voted unanimously to appoint Eric Kirton as Regular member, term expiring April 2023, appoint Mark H. Nuytkens, as first alternate, Melissa Rodrigues as second alternate and Thomas Silveira as third alternate for terms expiring April 2019.

50. Communication of Kristine Cox, re: Resignation from the Discover Newport Board.

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

51. Memorandum of Council President Sylvia, re: Appointment to the

Newport County Convention and Visitors' Bureau/Discover Newport Board.

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

On motion of Council President Sylvia, duly seconded, it was voted unanimously to appoint Robert "Rocky" Kempenaar, II to the Newport County Convention and Visitors' Bureau/Discover Newport Board.

EXECUTIVE SESSION

52. Executive Session - Pursuant to provisions of RIGL, Sections 42-46-2, 42-46-4 and 42-46-5 (a) (2) Collective Bargaining (Police), (5) Lease (JFK School).

On motion of Vice President Rodrigues, duly seconded, it was voted unanimously to recess open session and reconvene in executive session at 9:15 p.m.

On motion of Vice President Rodrigues, duly seconded, it was voted unanimously to recess executive session and reconvene in open session at 10:43 p.m.

On motion of Vice President Rodrigues, duly seconded, it was voted unanimously to approve two (2) separate leases with Newport Community School; the first year there will be a 4% increase; second

year will have no increase.

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 10:45 p.m.

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

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