

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 18, 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)

There were no reconsiderations.

6:00 P.M. - EXECUTIVE SESSION

1. Executive Session - Pursuant to provisions of RIGL, Sections 42-46-2, 42-46-4 and 42-46-5 (a) (2) Collective Bargaining Police and (5) Potential Litigation/Land Acquisition.

On motion of Vice President Rodrigues, duly seconded, it was voted unanimously to recess open session and reconvene in executive session at 6:01 p.m.

On motion of Vice President Rodrigues, duly seconded, it was voted unanimously to recess executive session and reconvene in open session at 6:25 p.m.

On motion of Council President Sylvia, duly seconded, it was voted unanimously to receive the Police Union contract fiscal impact

statement.

On motion of Council President Sylvia, duly seconded, it was voted unanimously to place a stay on the resolution regarding the Terms & Conditions of Employment – Police Officers, adopted May 30, 2018, which is effective on July 1, 2018, at the July 2, 2018 regular meeting the resolution will be rescinded.

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

On motion of Council President Sylvia, duly seconded, it was voted to recess this meeting at 6:28 p.m. until 7:00 p.m.

On motion of Vice President Rodrigues, duly seconded, it was voted unanimously to reconvene this meeting at 7:00 p.m.

Council President Sylvia extended condolences to the family of former Detective William Macioci upon his passing and requested a moment of silence.

7:00 P.M. REGULAR MEETING

PRESENTATIONS

2. At the request of Council President Sylvia, Citation of the Council, re: Middletown Rotary Club.

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

Council President Sylvia read the above citation into the record.

3. At the request of Councillor Lombardi, Citation of the Council, re: Middletown High School Islanders Boys Lacrosse Team.

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

Council President Sylvia noted that the Town Council is proud of the Team and read the above citation into the record.

Councillor Lombardi introduced the coach and team, then presented them with a lacrosse stick signed by the Town Council.

4. Memorandum of John Shea, Executive Director, Aquidneck Island Planning Commission (AIPC), re: Report and Update on AIPC

Activities and Finances.

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

John Shea, Executive Director AIPC, addressed the Council noting he looks forward to the opportunity to work with the Town and plans to schedule quarterly reports to the Town Council.

Alison McNally, Project Program Manager, AIPC, was present to answer any Council questions.

Discussion centered around AIPC staff, AIPC financials and projects, the AIPC vision for the future and working with Clean Ocean Access.

TOWN COUNCIL UPDATES

5. Communication of Councillor Viveiros, re: Combining Department Update.

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

Councillor Viveiros reviewed the communication above and requested an update and progress from the administration.

Town Administrator Shawn Brown read the following memorandum into the record.

Discussion centered around the appointment of a School Business Manager, understanding the funding formula and maintenance of effort, the need for RIDE reporting and need for a plan and timeline to correspond with the upcoming budget.

6. Communication of Councillor Viveiros, re: Septic System Management Programs.

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

Councillor Viveiros noted that he thought the current plan would be brought back with changes to minimize the requirements. Mr. Viveiros suggests the Town to go out for bid for an inspector, which would be paid by the homeowners.

Vice President Rodrigues noted the only portion of the program he approves of is the ability for the residents to get low interest loans to replace their septic systems.

Councillor VonVillas noted that the Town Council updates are not effective and should be reconsidered. Ms. VonVillas noted items for

discussion should be placed on the regular docket.

Councillor Turano explained that when he brought the update section forward, he thought it would be a list with just short explanations of the progress on each item.

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.

Council President and Councillor VonVillas (read citation) and presented Library Board of Trustee Chair Steve Arendt with a Citation and Town Clock for his years of service to the Town.

Board of Trustee Chair Stephen Arendt noted that it has been a pleasure to work with such professionals.

Mary Costello, 2 Winfield Court, addressed the Council noting she received notification from the State Airport Corporation explaining they would be removing a tree from her property. Ms. Costello is

requesting Town assistance to not have her tree removed.

Council President Sylvia noted that the Town has no control over the Airport and Senator DiPalma is actively working to assist Ms. Costello.

Vice President Rodrigues noted concern that the state has control of the Airport without the Town or residents having a say.

Councillor Lombardi noted the need for the Town to stand behind the residents.

Vice President Rodrigues noted that Town Solicitor Peter B. Regan has recused himself from items #17 and #18.

CONSENT

8. Approval of Minutes, re: Special Meeting, May 30, 2018.

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

9. Approval of Minutes, re: Regular Meeting, June 4, 2018.

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

10. Resolution of the Council, re: Authorizing Submission of the Charter Amendments for inclusion on the November 6, 2018 General Election Ballot.

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

11. Communication of Cheryl G. Robinson, President, Turning Around Ministries, re: Appreciation for support.

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

12. Communication of Heather Hole Strout, Assistant Executive Director, Dr. Martin Luther King Jr. Community Center, re: Appreciation for support.

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

13. Communication of Edward T. Broderick, Narragansett Council President, with enclosure, re: The Narragansett Council's 2017 Impact Report.

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

unanimously to receive said communication.

14. Resolution of the City of East Providence, re: Supporting School Construction Referendum in Articles 5 and 9 of the proposed Rhode Island State Budget (FY 2019).

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

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

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

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

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

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

17. (Continued from June 19, 2017, July 19, 2017, September 18, 2017, November 20, 2017, February 20, 2018, and April 16, 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)

On motion of Vice President Rodrigues, duly seconded, it was voted unanimously to continue this matter to after receipt of the new Planning Board review and recommendation is received.

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

18. (Continued from June 19, 2017, July 19, 2017, September 18, 2017, November 20,

2017, February 20, 2018 and April 16, 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)

On motion of Vice President Rodrigues, duly seconded, it was voted unanimously to continue this matter to after receipt of the new Planning Board review and recommendation is received.

19. License of Burial, re: Marianne Menas – Section 55 – Graves 26 & 27.

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

20. Application for Special Event Permit from WPRI-TV Nextar Broadcasting for Beach Break an event to learn about skin safety to be held on Thursday, August 9, 2018 from 11:00 am to 1:00 p.m. at Second Beach.

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

unanimously to grant said Special Event Permit.

LICENSES

21. Application for Special Event Permit from Rally 4 Recovery Planning Committee – by Dick Carpendar - September is National Recovery Month – A celebration for people who recover from mental & substance disorders to be held on Saturday, September 8, 2018 from noon to 4:00 p.m. at Pottsy Field. (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 all fees.

22. Application of Diegos Middletown, LLC dba Middletown Ice Queens, 124 Aquidneck Avenue for an Amusement Device License for the 2018-2019 licensing year. (NEW; 2 Games)

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

TOWN COUNCIL

23. Memorandum of Finance Director, thru Town Administrator, with enclosures, re: Contract Award: 18-009 Public Private Partnership for Renewable Energy Projects.

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

Town Administrator Shawn Brown reviewed the memorandum above.

Julian Dash, representing Clean Economy Development, and Anna Chambers, representing NRG Energy, were present to answer Council questions.

Julian Dash, representing Clean Economy Development, reviewed a presentation of the project, which is on file in the Office of the Town Clerk.

Discussion centered on annual savings being approximately 31%, there are no other communities available to partner with, some other communities/entities that have signed on to the program are South Kingstown, North Kingstown, Narragansett and the University of Rhode Island, the contract is a 20 year contract, council is concerned with the length of the contract with a no opt out clause and the resolution being for a 25 year contract which is 20 years with the ability to negotiate a 5 year extension.

24. Resolution of the Council, re: Contract Award: 18-009 Public Private Partnership for Renewable Energy Projects.

On motion of Vice President Rodrigues, duly seconded, it was voted to pass said resolution; Council President Sylvia, Vice President Rodrigues, Councillor Lombardi, Councillor Santos, Councillor Turano and Councillor Viveiros voted NO; Councillor VonVillas voted YES to said motion; MOTION FAILED TO PASS.

25. Memorandum of Town Administrator, re: RI Foundation Grant Award for Summer Beach Events.

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

Town Administrator Shawn Brown reviewed the memorandum above and noted there is no requirement for the Town match funds.

26. Resolution of the Council, re: Authorizing the Town Administrator to execute any agreement related to the RI Foundation Grant Award.

Vice President Rodrigues requested that the word “any” be stricken from the resolution.

On motion of Vice President Rodrigues, duly seconded, it was voted unanimously to remove the word “any” in the resolution and pass said resolution.

27. Memorandum of Town Administrator, re: Beach Parking Surfer’s

End.

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

Town Administrator Shawn Brown reviewed the memorandum above.

Councillor Lombardi noted that he has no issue with waiting for the traffic study to be complete before the recommendation from the Beach Committee is implemented. Mr. Lombardi noted concern with the way the surfers end parking lot is lined.

Councillor Turano noted the need to be patient and fine tune the project before implementation.

Vice President Rodrigues noted it is the right thing to do delaying parking recommendations, due to safety. Mr. Rodrigues explained that adjustments can be made and the committee will meet with the Beach Manager to review the changes.

On motion of Vice President Rodrigues, duly seconded, it was voted unanimously to delay implementing the Beach Parking recommendation by the Town Council Beach Evaluation subcommittee until the matter is given further consideration by the Council, pending the completion of the traffic flow and analysis and the installation of crosswalks.

28. Memorandum of Town Administrator, re: Improvements for Beach Office Space.

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

Town Administrator Shawn Brown reviewed the memorandum above.

Vice President Rodrigues noted agreement with the Town Administrator and requests security cameras in the trailer.

Councillor Lombardi noted agreement with Vice President Rodrigues.

Council President Sylvia noted agreement and the need for security cameras inside and outside of the trailer.

On motion of Vice President Rodrigues, duly seconded, it was voted unanimously to rent a temporary office trailer to dedicate a secure space for cash handling until operations are relocated to an area in the main building.

29. Memorandum of Town Administrator, with enclosure, re: Information on Host Compliance for Short Term Rental Monitoring.

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

unanimously to receive said memorandum.

Town Administrator Shawn Brown noted that the City of Newport and Town of Portsmouth use the Host Compliance program. Mr. Brown reviewed the following:

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Town Administrator Shawn Brown explained that the rate per bedroom in Middletown needs to be increased.

Discussion centered around increasing the per bedroom fee, the cost associated with using the Host Compliance system, the issue of renting when compliance is not followed causes a quality of life issue to the residents, enforcement of the ordinance, fines to be placed within the ordinance, year round rentals, amending the current ordinance to allow easier enforcement and the Police Department being able to access rental addresses.

BOARDS AND COMMITTEES

30. Email communication of Susan Hester, re: Departure from the Library Board of Trustees.

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

On motion of Vice President Rodrigues, duly seconded, it was voted unanimously to adjourn said meeting at 9:27 p.m.

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

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