

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, September 17, 2018 at 6:30 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.

6:30 P.M. – PRESENTATION

1. Memorandum of Finance Director, thru Town Administrator, with enclosures, re: Contract Award: 18-003 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 addressed the Council noting that the proposal for Net Metering has been revised, a number of changes have been negotiated.

Mr. Brown reviewed the information entered here:

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Discussion centered around there will be an increased yearly savings for the Town as electricity prices increase, the Town will pay the same price per kilowatt for twenty years unless the contract is terminated, the termination fee, the contract is for 50% electric usage, if the Town terminates the contract and another entity takes its place there will be no termination fee, it is in the best interest for NRG to keep up with technology and maintenance and the solar facility will be in Warwick, Rhode Island.

2. Resolution of the Council, re: Contract Award: 18-003 Public Private Partnership for Renewable Energy Projects.

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

7:00 P.M. – REGULAR MEETING – Began at 7:12 P.M.

PUBLIC FORUM

3. Pursuant to Rule 23 of the Rules of the Council, Citizens may address the town on one (1) subject only, said subject of substantive Town business, neither discussed during the regular meeting nor related to personnel or job performance. Citizens may speak for no longer than five (5) minutes and must submit a public participation form to the Council Clerk prior to the start of the meeting. All items

discussed during this session will not be voted upon.

No one spoke during this session.

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

ACTING AS A BOARD OF LICENSE COMMISSION

4. Applications received from the following named persons, firms or corporations for RENEWAL of Alcoholic Beverage Licenses for the 2018-2019 licensing year. (Requires Advertising for public hearing; see attached list)

On motion of Vice President Rodrigues, duly seconded, to receive said applications and advertise for Public Hearing to be held on October 15, 2018, Regular Meeting of the Council.

Vice President Rodrigues inquired where the Town is at this time with the Newport Beach Club.

Town Solicitor Peter B. Regan, responding to Vice President Rodrigues, noted that the Town has not received diagrams for alcohol service on the beach, currently there are only ceremonies on the beach and no service of alcohol.

The motion was restated and voted on at this time.

On motion of Vice President Rodrigues, duly seconded, it was voted unanimously to receive said applications and advertise for Public Hearing to be held on October 15, 2018, Regular Meeting of the Council.

5. Application of Norman Bird Sanctuary, 583 Third Beach Road, for a Class F Alcoholic Beverage License for use at the same premises for an Event to be held on September 29, 2018.

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

6. Application of Norman Bird Sanctuary, 583 Third Beach Road, for a Class F Alcoholic Beverage License for use at the same premises for an Event to be held on September 30, 2018.

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

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

CONSENT

7. Approval of Minutes, re: Regular Meeting, September 4, 2018.

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

8. Notice of Public Informational Meeting, re: Aquidneck Avenue, Intersection Improvements, Wednesday, September 19, 2018 at 6:00 P.M.- Middletown Town Council Chambers.

On motion of Vice President Rodrigues, duly seconded, it was voted unanimously to receive said Notice of Public Informational Meeting.

Councillor Santos noted that the September 19, 2018 meeting has been cancelled, due to a Holiday and the meeting is now Tuesday, October 2, 2018 at 6:00 P.M.

Item #22 was acted on at this time.

9. Communication of Marilyn Warren, 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.

10. Communication of Carrie W. Miranda, Executive Director, Looking Upwards, re: Appreciation for support.

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

11. Communication of Megan Leonard, Newport County YMCA Director of Adaptive Physical Activity Program, re: Appreciation for support.

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

12. Application of Laurin Enterprises dba Gold's Auto Wrecking Co., 113 Fenner Avenue, for RENEWAL of a Junk Dealer's License (Auto Wrecking) for the 2018-2019 licensing year.

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

13. Applications received from the following named persons, firms or corporations for RENEWAL of Victualling House Licenses, Additional Hours of Operation, for the 2018-2019 licensing year. (Requires Advertising for public hearing; see attached list)

On motion of Vice President Rodrigues, duly seconded, it was voted unanimously to receive said applications and advertise for Public Hearing on October 15, 2018, Regular Meeting of the Council.

14. Application of Starbucks Coffee Company #7599, 85 East Main Road, for Additional Hours of Operation for its Victualling House License for the 2018-2019 licensing year. (NEW; Requires Advertising for public hearing)

On motion of Vice President Rodrigues, duly seconded, it was voted unanimously to receive said application and advertise for Public Hearing on October 15, 2018, Regular Meeting of the Council.

LICENSES AND PERMITS

15. Application for Special Event Permit from the Middletown Prevention Coalition for Middletown Celebrates Family Day to be held on Friday, September 28, 2018 from 5:00 pm to 9:00 pm at Second Beach. (Committee requests permit fee and all detail fees be waived)

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

16. Application for Special Event Permit from Diego's Middletown LLC for an Oktoberfest by the water, event to be held on October 20th and October 21st, 2018 from 12:00 p.m. to 7:00 p.m. in the rear parking lots of 116 & 124 Aquidneck Avenue.

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

Special Event Permit.

Vice President Rodrigues noted he supports this idea, but inquired about the parking for the event and explained that he does not want the people attending the event to park on neighborhood streets.

Margaret Murphy, representing Diego's Middletown, LLC, addressed the Council noting that there are approximately thirty to forty parking spots between Diego's lot and the lot next to Diego's. Ms. Murphy explained that they will encourage people not to park in the neighborhoods and will hire a detail officer for the event.

The motion was restated and voted on at this time.

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

On motion of Vice President Rodrigues, duly seconded, it was voted unanimously to grant said Special Event Permit, subject to hiring a Police Detail for parking/traffic.

17. Application of Carmen Foy, Newport for a Peddler's License for the 2018-2019 licensing year. (NEW: Special Events only)

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

OTHER COMMUNICATION

18. Communication of Marie C. Romanus, Middletown, re: Issues with the Town Zoning Code.

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

Vice President Rodrigues requested clarification, noting Ms. Romanus brings up a good point.

Town Solicitor Peter B. Regan, responding to Vice President Rodrigues, noted that the issue was referring to a project with a conservation subdivision; the Planning Board is reviewing the issue and may place a minimum acreage requirement. Mr. Regan will check with the Planner to verify the issue is on the next Planning Board agenda.

ORDINANCE

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

An Ordinance in amendment to the Town Code of the Town of Middletown, Title VII, Chapter 72 Parking Regulations, Section 72.09 Parking of Boats and Boat Trailers in Residential Districts. (New Section)

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

TOWN COUNCIL

20. Communication of Councillor Turano, re: Town Business Update – format of this section.

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

Councillor Turano noted that he placed this item on the agenda because the Town Business Update section of the docket has been lengthy.

On motion of Councillor Turano, duly seconded, to change to Town Business Update format; the Town Administrator will review a list of outstanding projects (Project list will be provided to the Town Administrator by the Town Council, one week prior to the closing of an agenda), giving a quick update on the status of each project; Town

Business Update section limited to 15 minutes total; if a Town Council member would like more detail on any project or topic, that Council member must submit an agenda item to be placed under the Town Council portion of a future agenda.

Councillor VonVillas inquired if this section could be at the end of the agenda.

Councillor Turano noted that the updates are for the residents.

Councillor VonVillas noted that she believes this section should be at the end, especially if there are people here for specific reasons.

Vice President Rodrigues noted agreement with Councillor VonVillas.

The motion was restated and voted on at this time.

On motion of Councillor Turano, duly seconded, it was voted unanimously to change to Town Business Update format; the Town Administrator will review a list of outstanding projects (Project list will be provided to the Town Administrator by the Town Council, one week prior to the closing of an agenda), giving a quick update on the status of each project; Town Business Update section limited to 15 minutes total; if a Town Council member would like more detail on any project or topic, that Council member must submit an agenda

item to be placed under the Town Council portion of a future agenda.

21. Communication of Councillor Turano, re: Middletown Beach Revenue.

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

Councillor Turano requested Town Administrator Shawn Brown to review the Beach revenues.

Town Administrator Shawn Brown reviewed the following:

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Discussion centered around beach revenues, the Beach Sub-Committee meeting soon, the agenda for the sub-committee meeting having the beach parking lot and campground numbers on it and the need for the beach parking lot to be upgraded.

On motion of Council President Sylvia, duly seconded, it was voted unanimously to reopen the Consent Calendar for discussion on item #8.

BOARDS AND COMMITTEES

22 Appointment of one (1) member to the Aquidneck Island Planning Commission for a term expiring July 2021.

On motion of Vice President Rodrigues, duly seconded, it was voted unanimously to appoint Kathleen Silveira to the Aquidneck Island Planning Commission for a term expiring July 2021.

23. Appointment of one (1) member to the Library Board of Trustees, to complete a term expiring September 2019.

On motion of Vice President Rodrigues, duly seconded, it was voted unanimously to reappoint Ellrony Williams to the Library Board of Trustees to complete a term expiring September 2019.

24. Appointment of one (1) member to the Middletown Prevention Coalition (Media sector), to complete a term expiring April 2021.

On motion of Vice President Rodrigues, duly seconded, it was voted unanimously to appoint Jacob Cathers to the Middletown Prevention Coalition (Media sector), to complete a term expiring April 2021.

On motion of Vice President Rodrigues, duly seconded, it was voted unanimously to adjourn said meeting at 7:49 p.m.

Wendy J.W. Marshall, CMC

Council Clerk

Supporting documentation is available at

<http://clerkshq.com/default.ashx?clientsite=Middletown-ri>