

At a Regular Meeting of the Town Council of the Town of Middletown, RI held at the Joseph H. Gaudet School, 1113 Aquidneck Avenue, Turner Road Entrance (Cafeteria), Middletown on Monday, March 2, 2015 at 6:00 P.M.

Council President Robert J. Sylvia, Presiding

Vice President Robert Kempenaar, II

Councillor Henry F. Lombardi, Jr.

Councillor Paul M. Rodrigues

Councillor M. Theresa Santos

Councillor Antone C. Viveiros

Councillor Barbara A. VonVillas, Members Present

6:00 PM - EXECUTIVE SESSION

1. Executive Session - Pursuant to provisions of RIGL, Sections 42-46-2, 42-46-4 and 42-46-5 (a) (5) Land Acquisition, (5) Land Acquisition and (2) Collective Bargaining (NEARI – Town Hall).

On motion of Vice President Kempenaar, duly seconded, it was voted unanimously to recess open session and reconvene in executive session at 6:02 pm.

Councillor Rodrigues recused himself from Executive Session at 6:06 pm.

Councillor Rodrigues joined the Executive Session at 6:56 pm.

On motion of Vice President Kempenaar, duly seconded, it was voted unanimously to recess executive session and reconvene in open session at 7:04 pm.

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

PUBLIC FORUM

2. 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 Kempenaar, duly seconded, it was voted unanimously to act as a Board of License Commission.

BOARD OF LICENSE COMMISSION

3. (Public Hearing Advertised)

Application of Eastbay Ventures, Inc. dba Goode Spirits, holder of a Class A Alcoholic Beverage License to TRANSFER said License to Andrews at Eastgate, Ltd d/b/a Gold's Wine and Spirits, for use at the same premises.

Public Hearing was declared open.

Attorney Richard E. Updegrave, Jr., representing the applicant, was present to answer any questions the Council may have regarding the transfer of license.

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

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

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

Councillor Rodrigues requested that item #5 be heard under the regular portion of the docket.

CONSENT

4. Approval of Minutes, re: Regular Meeting, February 17, 2015.

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

5.

Memorandum of Finance Director, thru Town Administrator, with enclosures, re: FY2015 Budget Adjustments as of February 28, 2015.

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

Councillor Rodrigues asked for clarification of budget adjustment, item #6.

Finance Director Lynne Dible, responding to Councillor Rodrigues, explained that the expense was unforeseen, due to personnel changes within the Police Department.

6. Resolution of the Council, re: FY2015 Budget Adjustments as of February 28, 2015 – General Fund.

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

7. Communication of Rachel Holbert, Director of Education Norman Bird Sanctuary, with enclosure, re: Appreciation for support.

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

8. Resolution of the City of Warwick, re: In support of 2015-H5044 Regarding Taxation of Development Property.

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

9. Application of Donna Marley of Middletown, for a License of Burial, Middletown Cemetery, Section 53, Graves 230 and 231.

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

PERMIT

10. Application for Special Event Permit from Beth Larcom, Middletown Kids PMC Ride, beginning at Second Beach Parking Lot

to surrounding roads on Sunday, May 17, 2015 at 7:30 A.M to 11:30 A.M. (See attached letter requesting permit fee to be waived).

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

OTHER COMMUNICATIONS

11. Email communication of Matthew P. Boliver, Middletown, with enclosure, re: Mooring Policy Suggestion.

On motion of Vice President Kempenaar, duly seconded, it was voted unanimously to receive said email communication and refer this item to the Mooring Committee for review and recommendation.

12.

Report from the Middletown School Committee, re: To Extend the Impact Fee Expenditure/Encumbrance Deadline. (Documentation to follow)

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

Council President Sylvia questioned if the request to extend the Impact Fee Expenditure/Encumbrance deadline meets state statute requirements.

Town Solicitor Peter B. Regan, responding to Council President Sylvia, explained that he has reviewed the document and the document complies with the state statute and Town Ordinances.

On motion of Council President Sylvia, duly seconded, to grant four year extension on the expenditure of funds collected in 2003 as set

forth in the School Committee memorandum

Superintendent Rosemarie Kraeger thanked the Council for extending the impact fee expenditure/encumbrance deadline and reviewed the report above.

School Committee Chair Theresa Spengler thanked the Council for the opportunity to utilize time for a more specific plan.

Motion above was voted at this time.

On motion of Council President Sylvia, duly seconded, it was voted unanimously to grant four year extension to on the expenditure of funds collected in 2003 as set forth in the School Committee memorandum.

TOWN COUNCIL

13.

Memorandum of Council President Sylvia and Councillor Henry F. Lombardi, Jr., re: Donation to Football Team.

On motion of Vice President Kempenaar, duly seconded, it was voted unanimously to receive said memorandum and authorize \$500.00 donation to the Middletown Football Team for purchase of jackets or rings to be appropriated from the Council President's Discretionary fund.

BOARDS AND COMMITTEES

14. Appointment of one (1) member to the Board of Canvassers for a term expiring March 2020.

On motion of Councillor Viveiros, duly seconded, it was voted unanimously to reappoint Carmela M. Murphy to the Board of Canvassers for a term expiring March 2020.

15. Appointment of four (4) members to the Committee for the Arts for terms expiring April 2018.

On motion of Vice President Kempenaar, duly seconded, it was voted unanimously to reappoint Richard Cambra, reappoint Elaine Edelberg, reappoint Diane Kerins and appoint Joan B. Whitty to the Committee for the Arts for terms expiring April 2018.

16. Appointment of three (3) regular members and two (2) auxiliary members to the Juvenile Hearing Board for terms expiring April 2018.

On motion of Councillor Lombardi, duly seconded, it was voted

unanimously to reappoint Carmela A. Geer as a regular member, reappoint Steven P. Rodrigues as Auxiliary member, reappoint John Terlisner as Auxiliary member, appoint Stephanie Laurin as regular member and appoint Alexander Simeone as regular member to the Juvenile Hearing Board for terms expiring April 2018.

17. Appointment to the Park Steward Program for a two year term.

On motion of Councillor Santos, duly seconded, it was voted unanimously to appoint Thomas P. Welch, III as Park Steward for Albro Woods for a term expiring in March 2017.

18. Appointment of one (1) member to the Pension Trust Fund Investment Committee for a term expiring February 2018.

On motion of Councillor Santos, duly seconded, it was voted unanimously to reappoint John W. Bagwill to the Pension Trust Fund Investment Committee for a term expiring February 2018.

19. Appointment of two (2) members to the Planning Board for terms expiring February 2018. (Council has option to interview candidates or appoint)

On motion of Vice President Kempenaar, duly seconded, it was voted unanimously to appoint Paul Croce and appoint Jan Eckhart to the Planning Board for terms expiring February 2018.

20. Appointment of three (3) members to the Roads and Utilities Advisory Committee, two (2) vacancies, resident positions for terms expiring January 2018.

On motion of Councillor Rodrigues, duly seconded, it was voted unanimously to reappoint William DiMarco, resident member, reappoint Michael J. Fenton, resident member terms expiring March 2018 and reappoint John R. Mello, Jr., professional member, to the Roads and Utilities Advisory Committee term expiring January 2018.

Councillor Rodrigues recused himself from acting of the following item of business, due to a possible conflict of interest.

21. Appointment of three (3) members to the Senior Citizen Center Board of Directors for terms expiring January 2018.

On motion of Vice President Kempenaar, duly seconded, it was voted unanimously to reappoint Olga Probert, reappoint Marian C. Rodrigues and appoint Pamela Rooney to the Senior Citizens Center Board of Directors for terms expiring January 2018.

22. Appointment of four (4) members to the Zoning Board of Review- one (1) vacancy, regular member for a term expiring April 2020 and three (3) vacancies, alternate members for terms expiring April 2016. (Council has option to interview candidates or appoint)

On motion of Councillor Santos, duly seconded, it was voted unanimously to appoint Olin D. Gambrell as a regular member to the Zoning Board of Review for a term expiring April 2020.

23. Communication of Charles Vaillancourt, re: Resignation from Zoning Board of Review.

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

Council President Sylvia requested the Town Clerk re-advertise for one full time and three alternate positions to the Zoning Board of Review.

PUBLIC HEARINGS

24. Public Hearing (Advertised)

Public Hearing Remains Open (Second Reading)

Middletown Comprehensive Community Plan – 2014 Revision.

Public Hearing Remains Open.

Town Planner Ronald Wolanski reviewed the memorandum, entered

here:

Council President Sylvia noted that the Comprehensive Community Plan can be amended at anytime.

Town Administrator Shawn Brown explained that once the Comprehensive Community Plan is adopted by the Town and

approved by Statewide Planning, the Town has twelve months to align the zoning ordinances with the Comprehensive Community Plan.

Councillor Rodrigues inquired about the Rural Village within the Comprehensive Community Plan.

Town Planner Ronald Wolanski, responding to Councillor Rodrigues, explained that if the Town does not adopt a revision to zoning, the area will remain the same.

Councillor Rodrigues inquired if a priority list has been developed for zoning changes.

Town Administrator Shawn Brown, responding to Councillor Rodrigues, explained that a process will be identified and submitted to the Council prior to zoning changes.

Councillor Viveiros noted concern with big box shopping centers.

Council President Sylvia noted the Comprehensive Community Plan should be adopted with amendments requested by Statewide Planning. The plan does not take effect until it is approved by Statewide Planning.

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

On motion of Council President Sylvia, duly seconded, it was voted unanimously to amend said Middletown Comprehensive Community Plan – 2014 Revision as outlined in Section A of the memorandum from the Town Planner dated February 10, 2015, and to adopt said Middletown Comprehensive Community Plan, as amended, subject to the condition that the plan shall not become effective for the purposes of guiding state agency actions until it is approved by the State of Rhode Island pursuant to the Rhode Island Comprehensive

Planning and Land Use Regulation Act.

25. Public Hearing (Advertised; Abutters notified)

An Ordinance of the Town of Middletown (First Reading)

An Ordinance in amendment to the Town Code of the Town of Middletown, Title XV Land Usage, Chapter 152 Zoning Code, seeking to change the zoning classifications of Lots 5, 53, 54 & 55 on TAP 115 from Office Business (OB) and Office Business/Traffic Sensitive (OBA) to Office Park and Office Park/Traffic Sensitive (OPA). (Planning Board recommendation attached)

Public Hearing was declared open.

Attorney David Martland, representing the Seaview Inn, LLC, was present to answer any questions the Council may have regarding the rezoning.

Councillor Santos noted concern with lot 57 in the area.

Attorney David Martland, responding to Councillor Santos, noted that lot 57 is not included in the rezoning; the lot is not owned by his clients.

Councillor Rodrigues questioned why the area was being rezoned.

Attorney David Martland, responding to the Councillor Rodrigues, explained that the area must be zoned to match current corporate park and will allow for the hotel to be aesthetically pleasing.

There being no other person present desiring to be heard, public hearing remains open.

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

26. Memorandum of Town Planner, thru Town Administrator, with enclosures, re: East Main Road Recreation Facility – Recommendation of the Recreation Facilities Master Plan Advisory Group.

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

Town Administrator Shawn Brown reviewed the following:

Randy Collins, Project Manager and Steve D’Ambraosia, Landscape Architect were present representing the Beta Group, and presented a power point presentation regarding the Recreation Master Plan.

Discussion centered around contingency funds for the project, testing for ledge, parking spaces at the facility, stormwater management, Spiral Knoll observation deck, if a traffic study of the area had been completed, number of playing fields, maintenance costs, gravel or asphalt roads and emergency access off Mitchell's Lane which would be gated.

27. Public Hearing (Advertised)

Proposed East Main Road Recreation Master Plan.

Public was declared open.

Council President Sylvia noted that no decision will be made this evening on this extremely important item.

George L. Andrade, Jr., 6 Sakonnet Terrace, representing Baseball,

addressed the Council in support of the Recreation facility. Mr. Andrade noted that the Master plan is ideal and was scaled down by the Recreation Facilities Committee. He noted the current fields do not meet the demands of the Little League program.

Erin Dunne, 178 Meadow Lane, noted she is not in favor of a plan of this magnitude. Ms. Dunne suggests a business plan be developed for this recreational complex and to renovate the current fields.

Carol Cummings, 738 Indian Avenue, addressed the Council noting an issue of proposed egress over the Sandpiper Cottage property.

Roby Faria, 9 Cardoza Terrace, noted Tibbits land was purchased by the Land Trust then sold to the Town. Ms. Faria collected over six hundred voter signatures that do not want this facility in their backyard.

Anson Stookey, 1215 Green End Avenue, President of Island Youth

Lacrosse, addressed the Council, noting the shortage of lacrosse fields in the Town. Mr. Stookey explained that the planning committee has a scaled down version of the facility plan and noted that grant funding for the project may be available.

Russ Nelson, 24 South Drive, President of Little League, noted the need for additional baseball fields. Mr. Nelson explained that the area would bring children and parents to one location.

Morris Hirsch, 42 Renfrew Avenue, suggested the Town start on a small scale the recreation facility.

Tom Frank, 41 Swan Drive, President of the Newport Rifle Club, addressed the Council suggesting that DEM should be contacted due to the location of the Maidford River. Mr. Frank noted that it may be practical to refurbish other Town recreation facilities.

Robert King, 200 John Kesson Lane, noted that this project is fiscally

and environmentally irresponsible. Mr. King also noted that the facility is geographically unsound due to traffic on the East Main Road.

Michael Richard, 122 Corey Lane, addressed the Council noting the need for more fields. Mr. Richard explained that current fields are used to maximum capacity.

Jason Evans, 129 Mitchell's Lane, suggests the Council get an independent, unbiased study of the current recreation fields. Mr. Evans offered his services to assist the Town in finding other options.

Jerry Shaver, 149 Riverview Avenue, addressed the Council noted that the issue is about the future of Middletown and getting people with families to move here. Mr. Shaver explained the importance of getting kids off the phone and on the playing fields.

Bill Gormley, 395 Mitchell's Lane, addressed the Council reviewing the handout, entered here:

Kathleen Davis, 500 Mitchell's Lane, addressed the Council reviewing the handout, entered here:

Steve Deleo, 208 Indian Avenue, noted the need for fields and would rather see this facility than a subdivision.

Tom Welch, 536 Mitchell's Lane, addressed the Council reviewing the handout, entered here:

Sara Poirier, 127 Mitchell's Lane, addressed the Council reviewing the handout, entered here:

Mitchell Thurman, 86 Bailey Avenue, noted the need for fields and it

would be ideal to have fields all in the same area. Mr. Thurman explained that the proposed location is not ideal for this type of complex, due to wildlife and agriculture in the area.

Andrew Dickinson, 192 Peckham Avenue, Boys Director of Island Youth Lacrosse, addressed the Council noting the need for fields is real. Mr. Dickinson explained that the Town has six hundred kids that need a place to play sports.

Mary Dennis, 1052 East Main Road, addressed the Council noting she understands the need for fields, but due to traffic concerns does not feel this is the proper location.

Alan Gray, 242 Honeyman Avenue, in charge of Tee Ball noted his support for the recreation complex including the area. Mr. Gray explained that Oliphant School field conditions are not sufficient and there is not adequate parking.

Lisa Wagenbach, 129 Mitchell's Lane, addressed the Council reviewing the handout, entered here:

Marilyn Hennessey, 408 Mitchell's Lane, addressed the Council noting that education is a top priority and fancy fields are not needed.

Ms. Hennessey explained that she does not want funds taken away from education.

Bill Welch, 180 Mitchell's Lane, addressed the Council reviewing the handout, entered here:

Lisa Olynack, 201 Paradise Avenue, addressed the Council, noted that she is passionate about kids and the environment and suggests that the Council do the right thing for everyone.

David McLaughlin, 3 Haskell Avenue, Newport, representing Clean Ocean Access, addressed the Council noting the importance of the Maidford River and looks forward to working with the Town.

Council President Sylvia thanked all for listening and expressing their opinions.

There being no other persons desiring to be heard, public hearing remains open.

On motion of Vice President Kempenaar, duly seconded, it was voted unanimously to adjourn said meeting at 10:21 pm.

Wendy J.W. Marshall, CMC

Council Clerk

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