

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 16, 2015 at 5:00 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

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)

5:00 PM - 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 (NEARI – Town Hall), (5) Land Acquisition, (5) Land Acquisition, (1) Personnel (IT Director) and (2) Potential Litigation.

Vice President Kempenaar announced that IT Director Matthew Wainwright was notified in writing Pursuant to RIGL 42-46-5 (a) (1).

On motion of Vice President Kempenaar, duly seconded, it was voted unanimously to recess open session and reconvene in executive session at 5:02 pm.

Councillor Rodrigues recused himself from Executive Session at 5:06 pm.

Councillor Rodrigues joined the Executive Session at 5:10 pm.

On motion of Vice President Kempenaar, duly seconded, it was voted unanimously to recess executive session and reconvene in open session at 5:52 pm.

Councillor Rodrigues recused himself from the following motion.

On motion of Vice President Kempenaar, duly seconded, it was voted unanimously to approve the NEARI agreement and authorize the Town Council President to execute said agreement.

On motion of Vice President Kempenaar, duly seconded, it was voted unanimously to compensate the IT Director.

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.

On motion of Council President Sylvia, duly seconded, it was voted unanimously to recess this meeting at 5:53 pm.

On motion of Council President Sylvia, duly seconded, it was voted unanimously to reconvene this meeting at 6:03 pm.

6:00 PM – PRESENTATION

2.

Memorandum of Town Engineer, thru Town Administrator, with enclosure, re: Aquidneck Avenue Corridor projects.

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

Sean Raymond, P.E., Project Manager, Traffic Management and Highway Safety, Rhode Island Department of Transportation, reviewed a presentation of the Roadway Safety Improvements to Aquidneck Avenue. The presentation is on file in the Office of the Town Clerk.

Discussion centered around the plan being suitable for pedestrian traffic, if the plan follows the Town's Master Plan, roundabouts slowing down traffic, sidewalks on Aquidneck Avenue and public meetings being held for residents.

6:30 PM – PRESENTATION

3.

Communication of John P. Shevlin, P.E., Senior Vice President, PARE Corporation, with enclosure, re: Oliphant Lane Safety Evaluation, Middletown, RI, PARE Proposal NO. TP449.14.

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

John Shevlin, P.E. Senior Vice President, PARE Engineering, reviewed the Oliphant Lane Safety Evaluation report, entered above.

Discussion centered around sidewalks, the weight of trucks on Oliphant Lane and implementation to both Forest Avenue and Oliphant Lane.

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.

No one spoke during this session.

On motion of Council President Sylvia, duly seconded, it was voted unanimously to recess this meeting at 6:41 pm.

On motion of Council President Sylvia, duly seconded, it was voted unanimously to reconvene this meeting at 7:00 pm.

PUBLIC HEARINGS

5. Public Hearing

Public Hearing Remains open

Proposed East Main Road Recreation Master Plan.

Public Hearing remains open

Beth Murphy Ward, 675 Mitchell's Lane, addressed the Council noted that the Tibbits/Boulevard parcel would be an economic burden to the Town, if fields were placed on it.

Charles Allott, Executive Director Aquidneck Island Land Trust, noted the importance to keep open space for quality of life.

Phil Rondina, 379 Third Beach Road, addressed the Council noted concern with the cost to build and maintain fields on the Tibbits/Boulevard property.

Molly Dickinson, 192 Peckham Avenue, noted the existing fields are full to capacity; the new fields would be multi-purpose and would benefit many, not just a few people.

Ed Sokol, 148 Fayal Lane, addressed the Council noting concern with truck traffic, during construction of the fields. Mr. Sokol suggested fixing what we have.

Cory Brown, 180 Mitchell's Lane, reviewed the following document, entered

here:

Meredith Chapman, 681 Wapping Road, Portsmouth, RI, addressed the Council noting that she is an abutter to the Golf Course and once built the wildlife has never returned to the area. Ms. Chapman suggests to share field space with Newport and Portsmouth.

Jill Dosouto, 1064 Wapping Road, explained that current the fields are not suitable to upgrade. Ms. Dosouto noted the need to build a new recreation facility.

Bill Gormly, 395 Mitchell's Lane, reviewed the handout, entered here:

Kathleen Davis, 500 Mitchell's Lane, reviewed the handout, entered here:

Tom Welch, 536 Mitchell's Lane, addressed the Council noting money spent on the Recreation Master Plan was helpful to research the Tibbits/Boulevard area. Mr. Welch explained that his faith has been renewed in government and thanked the Council for transparency.

Anson Stookey, 1215 Green End Avenue, explained that the Tibbits/Boulevard property was purchased for recreation fields as stated in the property easements. Mr. Stookey requests the Council not to get cold feet on the project.

Robert King, 200 John Kesson Lane, noted that the Tibbits/Boulevard property is not suitable for fields, due to being close to the Maidford River. Mr. King also noted that the project is not fiscally responsible.

Deborah Mack, 12 Wood Road, addressed the Council noting she is speaking on behalf of the Monarch butterflies. Ms. Mack expressed concern that there would be a loss of Monarch butterflies with the destruction of their habitat.

Celine Rice, 113 Meadow Lane, expressed concern that the current fields are not being maintained and inquired how new fields will be maintained.

Carol Cummings, 738 Indian Avenue, reviewed the handouts, entered here:

Kevin Mathis, 17 Paquin Place, addressed the Council noting concern with the cost of the project to the taxpayers.

Marilyn Hennessey, 408 Mitchell's Lane, noted mistakes allow for learning. Ms. Hennessey urged the Council to allow for full consideration of the project and use funds for education instead of fields.

Andrew Dickinson, 192 Peckham Avenue, noted that he is involved with Island Youth Lacrosse. Mr. Dickinson explained that he is not in favor of an 11 million dollar complex, but is in favor of a 2 million dollar project.

Rob Alexander, 2 Johnson Terrace, addressed the Council noting concern with the elimination of open space.

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

Council President Sylvia thanked all in attendance for their participation on this issue.

Councillor Viveiros noted that sometimes the Town requests non-residents to participate on Town committees, due to their expertise.

Councillor Santos thanked all for coming to the hearing and voicing their opinions. Ms. Santos noted that once land is gone, it's gone forever.

Councillor Rodrigues noted many concerns with this project going forward, such as safety issues, water quality issues, the cost of the project and long term effects. Mr. Rodrigues suggests to looking immediately at evaluating current fields.

Councillor Lombardi explained that his decision is based on what is right for the Town. Mr. Lombardi noted that he is convinced there is a need for fields for the kids.

Council President Sylvia noted there is a need for additional fields for the children, but believes the Recreation Master Plan venue is not right.

On motion of Vice President Kempenaar, duly seconded, it was voted to approve the East Main Road Recreation Master Plan; Council President Sylvia, Vice President Kempenaar, Councillor Lombardi, Councillor Rodrigues, Councillor Santos, Councillor Viveiros and Councillor VonVillas voted NO to said motion; MOTION FAILED TO

PASS.

6. Public Hearing (Advertised; Abutters notified)

Public Hearing remains open.

An Ordinance of the Town of Middletown (Second Reading)

An Ordinance in amendment to the Town Code of the Town of Middletown, Title XV Land Usage, Chapter 152 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 remains open.

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

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

PRESENTATIONS

7. At the request of Councillor Santos, Citation, re: Ms. BB.

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

Councillor Santos noted that Ms. BB saved Mr. Cabral from carbon monoxide poisoning. Ms. Santos presented Ms. BB with a citation and a T-bone steak.

Mr. Cabral, retired Newport Police Officer, explained that he has received calls from all over the nation regarding Ms. BB saving him. Mr. Cabral urges all to have their heating systems checked on a regular basis.

8. Memorandum of Town Administrator and Human Resources Manager, re: 2015 Employees Service Awards Ceremony.

Town Administrator Shawn Brown requested that item #8 be continued to the next regular meeting of the Council to be held on Monday, April 6, 2015.

Council President Sylvia requested that item #20 be heard under the regular portion of the docket.

Councillor Santos requested that item #24 be heard under the regular portion of the docket.

CONSENT

9. Approval of Minutes, re: Regular Meeting, March 2, 2015.

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

10. Resolution of the Town of Portsmouth, re: In support of House Bill 2015 – H5000 - An Act Relating to Taxation – Personal Income Tax.

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

11. Resolution of the Town of Portsmouth, re: In support of House Bill 2015-H5054 - An Act Relating To General Assembly – Joint Committee of the Repealer.

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

12. Resolution of the Town of Portsmouth, re: In support of House Bill 2015-H5101 - A Joint Resolution Creating a Special Legislative Commission To Study Streamlining New Business Startup Processes.

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

13. Resolution of the Town of Portsmouth, re: In support of House Bill 2015-H5107 - A House Resolution Creating a Special Legislative Commission to Study the Categories, Methods, and Monetary Implications of Taxing Various Personal Retirement Income and

Pension Income Paid To Rhode Islanders by Out-Of State Employers.

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

14.

Communication of Tax Assessor, dated February 24, 2015, with enclosure, re: Cancellation of Taxes for certain Middletown residents.

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

15. Resolution of the Council, re: Cancellation of Taxes for certain Middletown residents.

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

16. Communication of Tax Assessor, dated March 10, 2015, with enclosure, re: Cancellation of Taxes for certain Middletown residents.

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

17. Resolution of the Council, re: Cancellation of Taxes for certain Middletown residents.

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

18. Memorandum of Superintendent of Schools, with enclosures, re: Budget Amendments.

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

19. Resolution of the Council, re: School Department accounts in the FY2015 Approved Budget.

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

20. Application for Special Event Permit from Eident Sports Marketing for Newport Marathon Road Race to be held on Sunday, October 11, 2015 from 7:30 am to 1:30 pm.

Council President Sylvia requested item #20 to be moved to the next regular meeting of the Council to be held on April 6, 2015. Mr. Sylvia noted the City of Newport has not granted the permit from the same applicant and the Council should wait to act on this item until the City of Newport acts on their application.

21. Application for Special Event Permit from The Boys & Girls Clubs of Newport County, Inc. for The Newport Antiques Show to be held at St. George's School, 372 Purgatory Road, Middletown, RI on Thursday, July 23, 2015 from 5:00 pm to 9:00 pm, Friday, July 24, 2015 from 10:00 am to 6:00 pm and Saturday, July 26, 2015 from 10:00 am to 4:00 pm.

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

22. Application for Special Event Permit from 4 Bridges Ride for Bike Ride to benefit various local charities to be held on Saturday, May 2, 2015 from Coddington Highway, Lexington Street, Chases Lane, Gate

17 Access Road and Burma Road.

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

23. Applications received from the following named persons, firms and corporations for RENEWAL of Holiday Sales Licenses for the 2015-2016 licensing year. (See Attached List)

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

24. Applications received from the following named persons, firms and corporations for RENEWAL of Sunday Selling Licenses for the 2015-2016 licensing year. (See Attached List)

Councillor Santos noted that she is not related to applicant Michael Santos.

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

LICENSES AND PERMITS

**25. Application of Andrews At Eastgate, LTD dba Golds Wine & Spirits for a Sunday Selling License for the 2015-2016 licensing year.
(NEW)**

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

OTHER COMMUNICATION

26. Communication of Mallory (Mal) David on behalf of the Staff and Board of Directors of Turning Around Ministries, Inc., re: Request for support by placing an ad in the Souvenir Book or making a contribution to TAM.

On motion of Vice President Kempenaar, duly seconded, it was voted unanimously to place a ½ page ad in the TAM Souvenir Booklet (\$65.00) to be appropriated from the President's Discretionary Fund.

TOWN ADMINISTRATOR

27.

Memorandum of Town Planner, thru Town Administrator, re: Comprehensive Plan Implementation – Request for joint meeting of the Town Council and Planning Board.

On motion of Vice President Kempenaar, duly seconded, it was voted unanimously to receive said memorandum and schedule a meeting with the Planning Board on April 20, 2015 to discuss implementation of the Comprehensive Community Plan.

28. Memorandum of Finance Director, thru Town Administrator, with enclosures, re: Contract Award: MIDD-015-007 Buck Road Extension.

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

Town Administrator Shawn Brown reviewed the memorandum above.

Discussion centered around if the roadway (Buck Road Extension) would be one way, width of the roadway, benefit to the Town and when the work will begin.

Town Engineer Warren Hall noted that the Buck Road Extension would be a one way to Forest Avenue, signage will be placed, the roadway will be 18feet wide, the road will provide another way out of Commodore Perry Village and work will begin in approximately one month.

29. Resolution of the Council, re: Contract Award: MIDD-015-007 Buck Road Extension.

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

At the request of the Town Administrator, items #30 and #31 are withdrawn.

30. Memorandum of Finance Director, thru Town Administrator, with enclosures, re: §33A.034 Sole Source Procurement – Paradise Avenue Culvert Replacement.

31. Resolution of the Council, re: Award of Contract - §33A.034 Sole Source Procurement – Paradise Avenue Culvert Replacement.

32. Revaluation Update. (Documentation to follow)

On motion of Vice President Kempenaar, duly seconded, it was voted unanimously to begin said revaluation update.

Tax Assessor George Durgin addressed the Council reviewing the Report on the 2105 Statistical Update, entered here:

Discussion centered around the average value of property, the

economy, increases in Condominium values and when homes/buildings are taxed.

Tax Assessor George Durgin noted that average value goes back to 2011 and buildings are not taxed until they are sold.

BOARDS AND COMMITTEES

33. Memorandum of Town Clerk, re: Resignation of Robert Crump from the Library Board of Trustees.

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

34. Communication of Marci A. McNicol, re: Resignation from the

Middletown Prevention Coalition.

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

Memorandum of MPC Coordinator, thru Town Administrator, re: MPC Sector Seat Recommendations.

On motion of Vice President Kempenaar, duly seconded, it was voted unanimously to receive said memorandum, approve a twelve (12) sector membership composition of the Middletown Prevention Coalition, due to a change in funding source criteria, which increases the membership from nine (9) to twelve (12); Council liaison will have full voting privileges on the board.

On motion of Vice President Kempenaar, duly seconded, it was voted unanimously to adjourn said meeting at 8:51p.m.

Wendy J.W. Marshall, CMC

Council Clerk

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