

**At a Regular Meeting of the Town Council of the Town of Middletown,  
RI held at the Middletown Town Hall on Monday, April 20, 2015 at 5:30  
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 Barbara A. VonVillas, Members Present**

**Councillor Antone C. Viveiros, Absent**

**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)**

## **5:30 P.M. – BUDGET**

- 1. Review of FY 2015–2016 Proposed Budget – Library and matters related thereto.**

**On motion of Vice President Kempenaar, duly seconded, it was voted unanimously to receive and begin presentation of said Proposed Library Budget for Fiscal Year 2015-2016.**

**Present, representing the Library, were Librarian Theresa Coish, Library Board of Chair Stephen E. Arendt and member Susan Ester.**

**Vice Chair Stephen E. Arendt and Librarian Theresa Coish presented a power point outlining the proposed FY 2015-2016 budget, which is on file in the Office of the Town Clerk.**

## **6:00 P.M. MEETING WITH PLANNING BOARD**

**2.**

**Memorandum of Town Planner, thru Town Administrator, with enclosure, re: Joint meeting with the Planning Board regarding Comprehensive Plan implementation priorities – Zoning.**

**On motion of Vice President Kempenaar, duly seconded, it was voted unanimously to receive said memorandum and begin meeting with the Planning Board.**

**Present were Town Planner Ronald Wolanski, Assistant Planner Alison Ring, Planning Board members John Ciummo, Paul Croce, Jan Eckhart, Betty Jane Northup-Owen, Charlene A. Rose-Cirillo, Matthew Sullivan and Arthur S. Weber, Jr.**

**Town Planner Ronald Wolanski reviewed the memorandum above.**

**Discussion centered around prioritizing zoning changes regarding Comprehensive Plan Implementation, there may be a need to hire a consultant and special Solicitor to assist in the process, Zoning Map change is a top priority, the Historic Building inventory list in the Comprehensive Plan and affordable housing for seniors.**

**Council President Sylvia requested the Planning Board to provide a prioritizing list for the Council to be provided by June 1, 2015.**

**Councillor Rodrigues noted the four areas which he sees as a priority are Bulk Zoning, Promote Low Impact/Smart Growth Development, Inclusionary Zoning for Affordable Housing and Rural Village District.**

**On motion of Vice President Kempenaar, duly seconded, it was voted unanimously to recess this meeting at 6:35 p.m.**

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

## **PUBIC 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.**

**Dennis Turano, 195 Tuckerman Avenue, addressed the Council, thanking them for a great job regarding the site visit of the recreation fields. Mr. Turano presented the Council with a handout explaining a flat tax for assessing property. Mr. Turano offered to participate in a**

**public forum to explain the flat tax program.**

## **PRESENTATIONS**

**4. At the request of Council President Sylvia, Citation of Council, re: Middletown High School Islanders CyberPatriot Team VII.**

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

**Council President Sylvia and Councillor Santos presented a Citation to IT Director Matthew Wainwright and two of the CyberPatriot Team members Matthew Silvia, Team Captain and Jimmy Adams. Team members Aidan Costa, Daniel Huet and Noah Houghton were unable to attend the presentation.**

**5. At the request of Councillor Lombardi, Citation of Council, re: Beth Larcom.**

**6. At the request of Councillor Lombardi, Citation of Council, re: Karen Johnson.**

**On motion of Vice President Kempenaar, duly seconded, it was voted unanimously to begin said presentations for items #5 and #6.**

**Council Lombardi presented Beth Larcom and Karen Johnson with the Citations.**

**7. At the request of Councillor Lombardi, Citation of the Council, re: Nat Baldwin.**

**8. At the request of Councillor Lombardi, Citation of the Council, re:**

**Erron Esquerre.**

**9. At the request of Councillor Lombardi, Citation of the Council, re: Jake Lapham.**

**10. At the request of Councillor Lombardi, Citation of the Council, re: Matthew Carlone.**

**11. At the request of Councillor Lombardi, Citation of the Council, re: Vasaga Tilo.**

**12. At the request of Councillor Lombardi, Citation of the Council, re: Evan Luther.**

**13. At the request of Councillor Lombardi, Citation of the Council, re: Thomas Seward.**

**On motion of Council President Sylvia, duly seconded, it was voted unanimously to begin said presentations for items #7 thru #13.**

**Councillor Lombardi recognized Coach Rick Francis. Mr. Lombardi presented Nat Baldwin, Matthew Carlone, Vasaga Tilo, and Evan Luther with citations. Wrestlers Erron Esquerre, Jake Lapham and Thomas Seward were unable to attend the presentation; citations were presented to Coach Rick Francis on their behalf.**

**Vice President Kempenaar and Councillor Lombardi left the dias.**

**CONSENT**

**14. Approval of Minutes, re: Regular Meeting, April 6, 2015.**

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

**15. Notice of Public Hearing from the Zoning Board of Review, re: Petition of Mello Realty, Inc. (owner) New Cingular Wireless PCS, LLC by AT & T Mobility Corp. (applicant) c/o their attorney Edward D. Pare, Jr., Esquire and Co-Counsel Robert M. Silva, Esquire – for a Special Use Permit from Sections 602, 902(A) Article 25 Sections 2501(C) & 2502(A) and to the extent required, all rights reserved and other required relief, pursuant to RIGL, Title 45, Ch. 45024 as well as the Federal Telecommunications Act of 1996. To allow the construction of a Wireless Communication Services Facility consisting of a 125' monopole tower with an enclosed equipment shelter on said real estate at Coddington Highway, TAP 103, Lot 103.**

**On motion of Councillor Rodrigues, duly seconded, it was voted unanimously to receive said Notice of Public Hearing from the Middletown Zoning Board of Review.**

**16. Notice of Public Hearing from the Zoning Board of Review, re: Petition of Mello Realty, Inc. (owner) New Cingular Wireless PCS, LLC by AT & T Mobility Corp. (applicant) c/o their attorney Edward D. Pare, Jr., Esquire and Co-Counsel Robert M. Silva, Esquire – for a Variance from Sections 2504(B), 2504(G) & 2504(I)(1) and to the extent required, all rights reserved and other required relief, pursuant to RIGL, Title 45, Ch. 45024 as well as the Federal Telecommunications Act of 1996. To allow the construction of a Wireless Communication Services Facility consisting of a 125' monopole tower with a rear yard setback of 93' and a side yard setback of 105' where 157' is required and closer than the required 10' from the compound fencing. Also to allow the equipment shelter with a height of 10.5' where 8' is allowed; on said real estate at Coddington Highway, TAP 103, Lot 103.**

**On motion of Councillor Rodrigues, duly seconded, it was voted unanimously to receive said Notice of Public Hearing from the Middletown Zoning Board of Review.**

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

**17. Notice of Public Hearing from the Zoning Board of Review, re: Petition of Kempenaar Real Estate, Inc. – for a Special Use Permit from Section 602 to allow a 3,270 sq.ft. addition to the existing hotel with restaurant facility by demolishing the existing 2,815 sq. ft. entrance/lobby and replacing it with a new 6,085 sq. ft. addition; on said real estate located at 351 West Main Road TAP 108 lots 19300 & 19301.**

**On motion of Councillor Rodrigues, duly seconded, it was voted unanimously to receive said Notice of Public Hearing from the Middletown Zoning Board of Review.**

**18. Resolution of the Town of Bristol, re: Requesting support in opposition to House Bill 5847 “Relating to Waters and Navigation – Harbors and Harbor Lines” and any companion Senate version which may be introduced.**

**On motion of Councillor Rodrigues, duly seconded, it was voted**

**unanimously to receive said resolution.**

**19. Application of Peter Kelly's Ice Cream dba Pete's Ice Cream for RENEWAL of a Peddler's License for the 2015-2016 licensing year.**

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

**20. Application of Alex Arteaga dba Palagis Ice Cream for RENEWAL of a Peddler's License for the 2015-2106 licensing year.**

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

**21. Application of Custom House Coffee, LLC dba Custom House Coffee for RENEWAL of an Amusement License for the 2015-2016**

**licensing year.**

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

**22. Application of HPK, Inc dba Tickets for RENEWAL of an Amusement License for the 2015-2016 licensing year.**

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

**23. Application of SK Industries, Inc. dba Rusty's for RENEWAL of an Amusement License for the 2015-2016 licensing year.**

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

**24. Application of Sweet Berry Farm, Inc. for RENEWAL of an Amusement License of the 2015-2016 licensing year.**

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

**25. Application of Island Carpet & Floors for RENEWAL of a Holiday License for the 2015-2016 licensing year.**

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

**26. Application of The Newport Hobby House, Ltd. dba Newport Hobby House for RENEWAL of a Holiday License for the 2015-2016 licensing year.**

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

**27. Application for Special Event Permit from Charlotte O'Halloran for Chicks That Rip Lacrosse & Surf Camp to be held June 22nd – 26th from 8:30 am to 3:30 pm at Second Beach.**

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

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

**28. Application of St. George's School for Reunion Weekend to be held May 10, 2015 beginning at 12:00 Noon until 10:30 pm on campus.**

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

**Vice President Kempenaar and Councillor Lombardi returned to the dias.**

## **LICENSES AND PERMITS**

**29. Application for Special Event Permit from the Norman Bird Sanctuary, 33rd Annual Birds & Breakfast at 583 Third Beach Road, on Sunday, May 17, 2015 from 8:00 am to 11:00 am, includes a request to waive said fee.**

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

**30. Application for Special Event Permit from the Norman Bird Sanctuary, 9th Annual 5K in honor of David Leys, Jr., begins and ends at 583 Third Beach Road, on Saturday, June 20, 2015 from 8:30 am, includes a request to waive said fee.**

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

**31. Application for Special Event Permit from the Norman Bird Sanctuary, 10th Annual Bird Ball, Gala Fundraiser at 583 Third Beach Road, on Saturday, August 15, 2015 beginning at 7:00 pm, includes a request to waive said fee.**

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

**32. Application for Special Event Permit from the Norman Bird Sanctuary, 40th Harvest Fair at 583 Third Beach Road, on Saturday, October 3, 2015 and Sunday, October 4, 2015 from 10:00 am to 5:00 pm, includes a request to waive said fee.**

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

**33. Application for Special Event Permit from Middletown Education Collaborative Third Beach Duck Race to be held at Third Beach on Thursday, July 9, 2015 from 5:00 pm to 7:00 pm, includes a request to waive said fee.**

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

**OTHER COMMUNICATION**

**34. Communication of Stephen J. Elmasian, Armenian National Committee of Rhode Island, with enclosure, re: Request for moment of silence in remembrance of the 1.5 million Armenians who perished in the Genocide of 1915.**

**On motion of Vice President Kempenaar, duly seconded, it was voted unanimously to receive said communication and have a moment of silence in remembrance of the 1.5 million Armenians who perished in the Genocide of 1915.**

**There was a moment of silence.**

**TOWN COUNCIL**

**35.**

**Resolution of the Council, re: Requiring proof good standing when applying for Zoning Petitions, Planning Petitions or License applications.**

**On motion of Vice President Kempenaar, duly seconded**

**Carol Cummings, 738 Indian Avenue, thanked the Council for considering this resolution. Ms. Cummings announced the Sandpiper, LLC is now in good standing.**

**At vote was taken at this time:**

**it was voted unanimously to pass said resolution.**

**36. At the request of Council President Sylvia, Vice President**

**Kempenaar and Councillor Lombardi, Resolution of the Council, re: Opposing implementation of the second-home taxes in the Governor's Budget.**

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

**37. At the request of Council President Sylvia, Vice President Kempenaar and Councillor Rodrigues, Resolution of the Council, re: Opposing H-5044, H-5713 and S-559.**

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

**38. At the request of Council President Sylvia, Vice President Kempenaar, and Councillor Lombardi, re: Resolution of the Council, re: Opposing Senate Bill S1050 and House Bill H5777.**

**On motion of Vice President Kempenaar, duly seconded**

**Carol Formica, 21 Mast Court, addressed the Council in support of this resolution, noting that marijuana has negative health effects on children. Ms. Formica explained that the use of marijuana in the schools has increased.**

**Meg Barrett, 19 Osage Drive, Chair of the MPC and a Mental Health nurse, thanked the Council for the resolution. Ms. Barrett noted support and reviewed statistics regarding marijuana use and urged the Council to pass the resolution.**

**Alexa Simard, 135 Goldenrod Drive, Chair of the PUSH committee, a Middletown High School Junior, noted that she does not support legalizing marijuana; it is a safety concern and would not be easily regulated.**

**Councillor Lombardi thanked the Prevention Coalition for the work they do in the community. Mr. Lombardi explained the effects of marijuana on youth are no different than the effects of alcohol.**

**At vote was taken at this time:**

**it was voted unanimously to pass said resolution.**

## **APPOINTMENT TO BOARDS AND COMMITTEES**

**39. Communication of John Ciummo, re: Resignation from the Aquidneck Island Planning Commission.**

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

**with regret.**

**40. Appointment of one (1) member to the Library Board of Trustees to complete a term expiring September 2017.**

**On motion of Vice President Kempenaar, duly seconded, it was voted unanimously to appoint Christine Bagley to the Library Board of Trustees, to complete a term expiring September 2017.**

**41. Appointment of one (1) member to the Roads and Utilities Advisory Committee, professional position, for a term expiring January 2018.**

**On motion of Vice President Kempenaar, duly seconded, it was voted unanimously to reappoint Julian F. Peckham, III to the Roads and Utilities Advisory Committee, professional position, for a term expiring January 2018.**

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

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

**On motion of Councillor Rodrigues, duly seconded, it was voted to appoint Chris Sousa, as regular member, to complete a term expiring April 2016, appoint Henry A. Pine, as first alternate, term expiring April 2016 and appoint John M. Peixinho, as second alternate, term expiring April 2016; Councillor Santos voted NO to said motion.**

**EXECUTIVE SESSION**

**43. Executive Session - Pursuant to provisions of RIGL, Sections 42-46-2, 42-46-4 and 42-46-5 (a) (2) Collective Bargaining (Middletown Public Library Employees Association/NEARI,(2) Litigation (State Pension Lawsuit), (2) Potential Litigation., (5) Land Acquisition, (5) Land Acquisition and (5) Land Acquisition.**

**On motion of Vice President Kempenaar, duly seconded, it was voted unanimously to recess open session and reconvene in executive session at 7:47 pm.**

**On motion of Councillor Rodrigues, duly seconded, it was voted unanimously to recess executive session and reconvene in open session at 8:50 pm.**

**On motion of Councillor Rodrigues, duly seconded, it was voted unanimously to ratify the Library contract.**

**On motion of Councillor Rodrigues, duly seconded, it was voted to authorize the Council President to execute the easement; Councillor Santos voted NO to said motion.**

**On motion of Councillor Rodrigues, duly seconded, it was voted to join with the Land Trust to acquire conservation easement rights; All Councillors voted NO to said motion; MOTION FAILED TO PASS.**

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

**On motion of Councillor Rodrigues, duly seconded, it was voted unanimously to adjourn said meeting at 8:55 pm.**

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

**Council Clerk**

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