

**At a Regular Meeting of the Town Council of the Town of Middletown,  
RI held at the Middletown Town Hall on Monday, June 1, 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**

**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)**

**Present Acting as the Town Administrator was Town Planner Ronald Wolanski.**

**Present representing the Planning Board were Chair Charlene A. Rose-Cirillo and members John Ciummo, Paul A. Croce, Jan Eckhart, Betty Jane Northrup-Owen and Matthew Sullivan.**

**Also, present was Assistant Planner Alison Ring.**

**6:00 P. M. - JOINT MEETING WITH PLANNING BOARD**

**1.**

**Memorandum of Comprehensive Plan Implementation priorities – Zoning.**

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

**Town Planner Ronald Wolanski noted that at a prior meeting the Town Council requested the Planning Board to prepare a prioritized list regarding the Comprehensive Community Plan Implementation. Mr. Wolanski explained that the state has identified a few amendments within the map and clarification of the housing element, which the Planning Board will address and present to the Council.**

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

**Discussion centered around map changes to be consistent with the zoning map, rural village (trees and shrubs), financial impact on residents and notification of a public hearing for zoning changes.**

**Planning Board Chair Charlene A. Rose-Cirillo addressed the Council reviewing each item in the above memorandum.**

**Discussion centered around map changes are first priority, bulk zoning, height limits (size of building to size of lot), potential effects to future development, property values, effect on farms/farmers, a revision by the state to the Right to Farm Act, agriculture has changed and the need for reasonable ancillary activities, design standards, traffic issues where mixed use development is allowed and development of affordable housing in the area.**

**Council President Sylvia requests the Planning Board to meet with the Council to continue the Comprehensive Plan Implementation discussion at the next Regular Meeting, June 15, 2015 at 6:00 pm.**

**On motion of Council President Sylvia, duly seconded, it was voted unanimously to recess this meeting at 7:05 pm.**

**On motion of Council President Sylvia, duly seconded, it was voted unanimously to reconvene this meeting at 7:16 pm.**

**Town Administrator Shawn Brown arrived at 7:00 pm.**

**7:00 P.M. – PRESENTATION**

**2.**

**Memorandum of Chief of Police, re: Honor Ceremony.**

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

**Police Chief Anthony Pesare introduced Chief John Desmarais, President and Chief Jack Coyle (ret) Executive Director of the New England Association of Chiefs of Police.**

**Chief John Desmarais presented the Middletown Police Department with the Community Policing Award, noting the award is in recognition of outstanding best practices for Police Departments. Chief Desmaris recognized the hard work and efforts under the leadership of Cornel Anthony Pesare.**

**Town Council President Sylvia presented Patrol Officer Brett McKinnon the RI Municipal Police Academy Leadership Award.**

**Town Council President Sylvia presented Retired Major Terry W. Hazel with a plaque in recognition of his retirement.**

**Chief Anthony Pesare announced the promotions of Lieutenant Ferenc Karoly to the rank of Major (Deputy Police Chief), Sergeant Timothy E. Beck to the rank of Lieutenant, Patrol Officer David R. Hurst to the rank of Sergeant and Patrol Officer Andrew J. Barth to the rank of Sergeant, all were sworn in by Town Clerk Wendy J.W.**

**Marshall and pinned by family members.**

**Chief Anthony Pesare introduced Probationary Police Officers Michael Foody, Christian Orellana, George Ponte and Adam Iskra, all sworn in by the Town Clerk Wendy J.W. Marshall and pinned by family members.**

**On motion of Council President Sylvia, duly seconded, it was voted unanimously to recess this meeting at 7:40 pm.**

**On motion of Council President Sylvia, duly seconded, it was voted unanimously to reconvene this meeting at 7:52 pm.**

**3. National Grid Update, re: Aquidneck Island Project. (No Documentation)**

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

**Present representing National Grid were Jacques R. Alfonso, Manager, Community & Customer Management RI, Ayo Osimboni, PE, PMP, MBA, Lead Project Manager, Project Management & Complex Construction, Daniel McIntyre, P.E. Principal Engineer, Civil/Structural Engineer, Shannon Baxevanis, Stakeholder Relations, Project Management & Complex Construction and Christopher J. Novak, Senior Counsel, Legal Department.**

**Also present was Peter V. Lacouture, partner, Robinson & Cole LLP.**

**Ayo Osimboni, PE, PMP, MBA, Lead Project Manager, Project Management & Complex Construction, representing National Grid, presented a power point presentation, OnIsland: Aquidneck Island Reliability Project Overview, which is on file in the Office of the Town Clerk.**

**Discussion centered around the time table for the project, construction in 2017, abutters of the project, area of the project is ecologically sensitive, height of the structure being 45 feet, transmission wires, impact on the neighbors including noise, the design of the facility being environmentally safe, the facility being close to Bailey Brook and DEM authority.**

**Council noted concern of the facility impact on the neighbors.**

**Kevin Smith, 519 Jepson Lane, addressed the Council, noting he is a direct abutter of the project and is opposed to this project for several reasons including health issues, environmental water quality, noise and the possibility of devaluing his property. Mr. Smith requests National Grid to expand the current facility and not build a new one.**

**Discussion centered around National Grid expanding the current location, current location not being adequate, the need to keep energy flowing and existing station built in 1950's/1960's.**

**Council President Sylvia noted that discussion has sent a message that the Council does not support the project; there is a need to look deeper and for other alternatives to the project.**

## **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.**

**Dennis Turano, 182 Tuckerman Avenue, addressed the Council noting the good job by the Council holding the line at 2% for the budget. Mr. Turano requests the Council to support a business budget for the Town.**

## **CONSENT**

**5. Approval of Minutes, re: Regular Meeting, May 18, 2015.**

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

**6. Resolution of the Exeter-West Greenwich Regional School District, re: In support of 2015 –H5861 & 2015-S0743 – Gun Free Schools.**

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

**7. Resolution of the Town of Exeter, re: In Opposition to S-0510 and H-5777 proposing legalization of marijuana in Rhode Island.**

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

**8. Resolution of the Town of Hopkinton, re: In Opposition to S-0510 and H-5777 proposing legalization of marijuana in Rhode Island.**

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

**9. Petition to rezone property at West Main Road, designated as Lots 14, 23 and 23B on TAP 111 from R-20 Medium Density Residential to R-10 (High Density Residential. (Planning Board Recommendation)**

**On motion of Vice President Kempenaar, duly seconded, it was voted unanimously to receive said petition and forward to the Planning Board for recommendation.**

**10.**

**Memorandum of Town Planner, re: Planning Board recommendation for appointment to Open Space & Fields Committee and Conservation Commission.**

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

**11. Memorandum of Town Planner, re: 2015 Planning Board Officers.**

**On motion of Vice President Kempenaar, duly seconded, it was voted**

**unanimously to receive said memorandum.**

**12. Application of NNGC Corp. dba Newport National Golf Club, 324 Mitchell's Lane, for RENEWAL of a Holiday License for the 2015-2016 licensing year.**

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

**13. Application for Special Event Permit from NAPA Auto Parts, NAPA Car Show to be held at 15 Valley Road on Saturday, June 20, 2015 from 9:00 am to 3:00 pm.**

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

**14. Application for Special Event Permit received from Shelley Dungan, Community Yoga at Third Beach opposite end from Boat Launch, every Tuesday and Thursday evenings at 6:00 pm, Wednesday and Saturday mornings at 7:00 am from June 16, 2015 to September 10, 2015.**

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

**15. Application for Special Event Permit from Pulse Newport, Beach Camp at Second Beach beginning May 2014 through October 25, 2014, Monday through Thursday from 5:30 am to 7:30 am.**

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

**16. Application for Special Event Permit from Nicole Toppa, Toppa Tough Fit Camp, Pottsy Field, West Main Road, June 8th through**

**August 26th , 2015, Mondays and Wednesdays 9:00 am, 4:00 pm and 5:00 pm.**

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

**17. Applications four (4) for Special Events Permits from the following named persons for events to be held at Sweet Berry Farm, 915 Mitchell's Lane: 1) Wald/Gailligan Wedding on Saturday, June 6, 2015 (5:00 pm to 10:00 pm), 2) Martin/Holmes Wedding on Saturday, June 20, 2015 (5:00 pm to 10:00 pm), 3) Casey/Spalding Wedding on Friday, June 26, 2015 (5:00 pm to 10:00 pm) and 4) Reyes/Santa Cruz Wedding on Saturday, June 27, 2015 (5:00 pm to 10:00 pm).**

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

**PUBLIC HEARING**

## **18. Public Hearing (Advertised)**

**Smoking Ban at Town Playgrounds, Recreational Areas, Parks & Beaches.**

**Public hearing was declared open.**

**Council President Sylvia reviewed the**

**following –**

**Ken Cordeiro, 2 Fagan Court, addressed the Council noting that he does not smoke, but is against banning things because it takes away rights and freedom.**

**Alexis Simard, 135 Goldenrod Drive, addressed the Council noting that smoking is not a healthy choice and her choice is not to smoke. Ms. Simard asks to respect her choice to breathe clean air.**

**Jeff Lewis, 262 Kane Avenue, noted support for the Smoking Ban at Town Playgrounds, Recreational Areas, Parks & Beaches. Mr. Lewis explained that he does not appreciate the liberty to pollute beaches and that enforcement will be by the community.**

**Kellie DiPalma Simone, 18 Pocahontas Drive, addressed the Council in support for the Smoking Ban at Town Playgrounds, Recreational Areas, Parks & Beaches, stating the effects of second hand smoke and the hazardous effects to wildlife. Mrs. Simone urges the Council to support the issue.**

**Meg Barrett, 19 Osage Drive, noted support for the Smoking Ban at Town Playgrounds, Recreational Areas, Parks & Beaches citing smoking statistics. Ms. Barrett explained that other states have smoking bans on beaches.**

**Karina Holyoak Wood, American Lung Association, spoke in support of the Smoking Ban at Town Playgrounds, Recreational Areas, Parks & Beaches. Ms. Wood reviewed the following letter presented to the Council, entered here.**

**Rian Wilkinson, 41 Prospect Avenue, Chair of the Middletown Beach Commission, noted support for a Smoking Ban at Town Playgrounds, Recreational Areas, Parks & Beaches. Mr. Wilkinson explained that gradually people will realize the rules.**

**Dave McLaughlin, Executive Director, Clean Ocean Access, addressed the Council noting support for a Smoking Ban at Town Playgrounds, Recreational Areas, Parks & Beaches. Mr. McLaughlin reviewed the following communication, entered here:**

**Mason Hawes, Chair Open Space and Fields Committee, spoke in support of a Smoking Ban at Town Playgrounds, Recreational Areas, Parks & Beaches noting the issue is a no brainer.**

**Councillor Viveiros reviewed the following –**

**Councillor Viveiros noted that he does not believe the Town should have a Smoking Ban at the beaches.**

**Councillor Lombardi noted that he respects Councillor Viveiros' opinion, but disagrees. Mr. Lombardi explained that we should lead the way, this is a good move.**

**Councillor Rodrigues noted agreement with Councillor Lombardi, explaining that we all should be able to breathe clean air. Mr. Rodrigues explained that people will police themselves.**

**Vice President Kempenaar noted that all Marriott and Hilton Hotels are smoke free. Mr. Kempenaar commends Council President Sylvia**

**for bringing this issue forward.**

**Councillor Viveiros noted that he does believe there should be no smoking on playgrounds, schools and enclosed areas.**

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

**On motion of Council President Sylvia, duly seconded, it was voted to have the Town Solicitor prepare an ordinance for a Smoking Ban at Town Playgrounds, Recreational Areas, Parks & Beaches, including e-cigarettes, for a first reading at our next Regular Meeting of the Council, held on June 15, 2015; Councillor Viveiros voted NO to said motion.**

**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 Traffic Code. (Buck Road Extension)**

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

**OTHER COMMUNICATIONS**

**20.**

**Communication of David G. Bazarsky, Middletown, re: Request for No Parking sign.**

**On motion of Vice President Kempenaar, duly seconded, it was voted unanimously to receive said communication and forward request to the Middletown Police Department for review and recommendation.**

**21. Communication of Robert M. Silva, Esquire, with enclosures, re: Resolution supporting request of Middletown Plaza, LLC regarding a public hearing for a BV Liquor License.**

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

**22. Resolution of the Council, re: An Act Relating to Alcoholic Beverages – Retail Sales.**

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

**23. Communication of Hunter Armstrong, Sponsorship Intern: Middletown Safety Town 2015, re: Request for support of the Safety Town Program.**

**On motion of Vice President Kempenaar, duly seconded, it was voted unanimously to receive said communication and authorize \$200.00 to the Safety Town Program to be appropriated from the Council Presidents Discretionary Fund.**

**24. Communication of Robert Dyl, President RID2 Challenger, re: Challenger Little League Funds request.**

**On motion of Vice President Kempenaar, duly seconded, it was voted unanimously to receive said communication and authorize \$200.00 to the Challenger Little League to be appropriated from the Council Presidents Discretionary Fund.**

## **TOWN COUNCIL**

**25. At the request of Council President Sylvia,**

**Resolution of the Council, re: Supporting a Referendum Relating to the Code of Ethics.**

**Tom Ewens, 274 Tuckerman Avenue, thanked the Council for supporting the resolution, noting the importance of the integrity of the RI General Assembly.**

**Council President Sylvia noted that this resolution has been passed by previous Councils.**

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

**26. At the request of Council President Sylvia, re: Approval of Summer schedule - June 15, 2015, July 6, 2015 and August 17, 2015. (No Documentation)**

**Councillor Viveiros suggested having the August meeting on the 10th, noting that it is a long stretch between the July 6th meeting and the August 17th meeting.**

**On motion of Vice President Kempenaar, duly seconded, it was voted to approve the 2015 Summer schedule; Councillor Viveiros voted NO to said motion.**

## **EXECUTIVE SESSION**

**27. Executive Session - Pursuant to provisions of RIGL, Sections 42-46-2, 42-46-4 and 42-46-5 (a) (5) Land Acquisition.**

**On motion of Councilor VonVillas, duly seconded, it was voted unanimously to recess open session and reconvene in executive session at 9:37 pm.**

**On motion of Councilor VonVillas, duly seconded, it was voted unanimously to recess executive session and reconvene in open session at 9:57 pm.**

**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 unanimously to adjourn said meeting at 10:00 pm.**

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

**Council Clerk**

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