

At a Regular Meeting of the Town Council of the Town of Middletown, RI held at the Middletown Town Hall on Monday, August 17, 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 Barbara A. VonVillas, Members Present

Councillor Antone C. Viveiros, Absent

Police Chief Anthony Pesare was Acting Town Administrator.

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)

Council President Sylvia requested a moment of silence for former Councillor Arak Bozyan and Kathleen Kempenaar Sundin.

Vice President Kempenaar recused himself from acting on the following item #1 of business, due to a possible conflict of interest.

6:00 PM – ZONING BOARD INTERVIEW

1. Interview

6:00 pm Interview – Eric Kirton

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

Human Resource Director Cecilia Dursi asked applicant Eric Kirton the following questions:

- 1. Why do you want to be on the Zoning Board?**
- 2. Are you available for meetings?**
- 3. Quality of Life - How would you approach? What does it mean to you?**
- 4. Have you ever appeared before the Zoning Board?**

Councillor VonVillas asked Mr. Kirton to define and describe the quality of life in Middletown.

Councillor Santos asked Mr. Kirton how long he has resided in the Town and if he ever attended Zoning Board meetings.

Mr. Kirton responded to all questions.

EXECUTIVE SESSION

2. Executive Session - Pursuant to provisions of RIGL, Sections 42-46-2, 42-46-4 and 42-46-5 (a) (5) Lease (Aquidneck School), (2) Collective Bargaining (Council 94) and (1) Personnel (Town Administrator).

Council President Sylvia noted that Collective Bargaining would not be discussed during the Executive Session.

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

unanimously to recess open session and reconvene in executive session at 6:11 p.m.

On motion of Vice President Kempenaar, duly seconded, it was voted unanimously to recess executive session and reconvene in open session at 6:27 p.m.

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 6:30 pm.

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

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.

Carmella Geer, 10 Wood Road, addressed the Council suggesting that parking spaces be reserved for those who have purchased stickers for Town beaches, due to the high number of people using the beaches.

PRESENTATION

4. Town Council Presentation, re: MHS Alumni Association.

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

Council President Sylvia and Councillor Lombardi presented a check to the Middletown High School Alumni Association. John Thompson and Diane McNamara received the donation on behalf of the MHS Alumni Association.

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

Vice President Kempenaar recused himself from acting on item #5 of business, due to a possible conflict of interest.

BOARD OF LICENSE COMMISSION

5. (Public Hearing Advertised; Abutters Notified)

Application of WM Hotel Group, LLC dba Hampton Inn & Suites for a Class BT Alcoholic Beverage License for the 2014-2015 licensing year on premises located at 317 West Main Road, Middletown. (New)

Public Hearing was declared open.

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

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

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

CONSENT

6. Approval of Minutes, re: Regular Meeting, July 6, 2015.

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

7. Approval of Minutes, re: Special Meeting, July 15, 2015.

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

8. Approval of Minutes, re: Special Meeting, July 23, 2015.

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

9. Memorandum of Police Chief, re: Appointment to Middletown Prevention Coalition.

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

10. Communication of William Sequino, Jr., Executive Director, Rhode Island Clean Water Finance Agency, re: Law passed effective in 2016 requiring the deactivation of a cesspool within 12 months of the sale of a property.

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

11. Communication of Jennifer Barrera, Program Director, Lucy's Hearth, re: Appreciation for support.

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

12. Memorandum of Dave McLaughlin, Clean Ocean Access, re: Quarterly Report on Adopted CRMC Public Rights of Way (2015/Q2).

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

13. Resolution of the Town of Exeter, re: In Support of the Quonset Air Museum.

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

14. Petition to rezone property on 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 attached; Requires Advertising for Public Hearing and notification to abutters)

On motion of Vice President Kempenaar, duly seconded, it was voted unanimously to receive said petition, advertise for Public Hearing and Notify Abutters for Regular Meeting to be held on September 21, 2015.

15. Application for Special Event Permit from the Quahaug Chapter, for the Camp-O- Rama (Family Camping Event) to be held at Sachuest

Beach, beginning September 16, 2015 thru September 20, 2015.

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

Vice President Kempenaar recused himself from acting on item #16 of business, due to a possible conflict of interest.

LICENSES

16. Application of WM Hotel Group, LLC dba Hampton Inn & Suites, 317 West Main Road, for a Victualling House License for the 2014-2015 licensing year. (NEW)

On motion of Councillor Rodrigues, duly seconded, it was voted unanimously to grant said license contingent on Building Official,

Fire Marshal, Public Works and Board of Health approvals.

17. Application of Locavore, LLC, Tiverton, for a Hawker's License for the 2015-2016 licensing year. (NEW)

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

18. Application of Rebecca Hanos Madeiro, Portsmouth, for a Hawker's License for the 2015-2016 licensing year. (NEW)

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

PUBLIC HEARING

19.

Memorandum of Town Planner, thru Town Administrator, with enclosures, re: FY2015 CDBG Application – 1st Public Hearing.

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

Town Planner Ronald Wolanski reviewed the memorandum above.

20. Public Hearing (Advertised)

Town of Middletown application for FY 2015- Small Cities Community Development Block Grant (CDBG) for certain projects, in an amount not to exceed \$250,000.

Public Hearing declared Open.

Sam Shuford, Assistant Project Manager, representing Church Community Housing Corporation, addressed the Council noting that Church Community Housing Corporation assists Middletown with the CDBG grant application. Mr. Shuford noted that Church Community Housing will be requesting funds for low to moderate income housing assistance.

Lori N. DiPersio, Executive Director, Women's Resource Center, reviewed the communication, entered here:

Jimmy Winters, representing Community Housing Resource Board/Housing Hot Line, addressed the Council thanking them for their support. Mr. Winters noted that funding has helped with fuel assistance, snow removal and keeping the homeless off the streets.

Councillor Lombardi noted that Mr. Winters has many years of

successful statistics.

Jennifer Barrera, Program Director, Lucy's Hearth, reviewed the communication, entered here:

Susan Schenck, Chief Operating Officer, East Bay Community Action Program, reviewed the communication, entered here:

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

ORDINANCES

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

An

ordinance in Amendment to the Town Code of the Town of Middletown, Title III Administration, Chapter 36, Fee Schedule, Section (46), Ambulance Billing Rates.

Councillor Rodrigues requested the tracking of monies collected from the Ambulance Billing and report back to the Council at the end of the first quarter.

Finance Director Lynne Dible noted that Comstar's estimation of funds may increase revenues by 25%. Ms. Dible explained that revenues will be tracked and reported to Council.

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

22. An Ordinance of the Town of Middletown (First Reading)

An ordinance in Amendment to the Town Code of the Town of Middletown, Title III, Administration Chapter 34 Taxes, Section 34.02, Exemption on Residential Property.

Tax Assessor George Durgin explained that due to the revaluation an adjustment to the Senior Tax Exemption is necessary.

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

23. An Ordinance of the Town of Middletown (First Reading)

An ordinance in Amendment to the Town Code of the Town of Middletown, Title III, Administration Chapter 34 Taxes, Section 34.30, Real Property Exemptions.

Tax Assessor George Durgin explained that due to the revaluation an adjustment to the Veterans is necessary. Mr. Durgin noted that the

issue is basically the same as the Senior Tax Exemption.

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

24. An Ordinance of the Town of Middletown (First Reading)

An ordinance in Amendment to the Town Code of the Town of Middletown, Title III, Administration Chapter 34 Taxes, Section 34.40, Property Exemption Defined.

Tax Assessor George Durgin explained that due to the revaluation an adjustment to Blind individuals is necessary. Mr. Durgin noted that the issue is basically the same as the Senior Tax Exemption.

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

TOWN COUNCIL

25.

Memorandum of Council President Sylvia, re: Status Report by Council Sub-Committee on Recreational Fields.

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

Council President Sylvia read the memorandum above, into the record.

Councillor Rodrigues explained that the committee sent surveys to baseball and lacrosse leagues. The surveys have been reviewed; the biggest issues are the need for practice fields and upgrades to

current fields.

TOWN ADMINISTRATOR

26.

Memorandum of Town Administrator, with enclosure, re: Proposed Amendment to Code of Ordinance, Title XI, Business Regulations.

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

Police Chief Anthony Pesare reviewed the memorandum, above.

Discussion centered around other communities with similar ordinances, licensing the establishments, quality of life issue, state

legislation and having an ordinance prepared for the next regular meeting of the Council.

On motion of Vice President Kempenaar, duly seconded, it was voted unanimously to direct the Town Solicitor to prepare an ordinance relating to Body Work Services.

27. Memorandum of the Finance Director, thru the Town Administrator, re: 2015 RI EMA Emergency Management Preparedness Grant (EMPG) Program.

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

Finance Director Lynne Dible reviewed the memorandum above.

28. Resolution of the Council, re: 2015 RI EMA Emergency Management Preparedness Grant (EMPG) Program.

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

29. Memorandum of Finance Director, thru Town Administrator, with enclosures, re: Town Pension Plan- Experience Study Report July 1, 2009-June 30, 2014.

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

Finance Director Lynne Dible reviewed the memorandum, above.

Discussion centered around that the recommendations will not affect

the budget until FY2017 and that there are eleven active participants and 140 retirees in the John Hancock Pension plan.

30. Resolution of the Council, re: Town Pension Plan- Experience Study July 1, 2009-June 30, 2014.

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

APPOINTMENT TO BOARDS AND COMMITTEES

Vice President Kempenaar recused himself from acting on the following item #31 of business, due to a possible conflict of interest.

31. Appointment of one (1) member to the Zoning Board of Review- one (1) vacancy, alternate member, for a term expiring April 2016.

On motion of Councillor Rodrigues, duly seconded, it was voted unanimously to appoint Erik Kirton, as Third alternate for the Zoning Board of Review, term expiring April 2016.

32. Appointment of one (1) member to the Aquidneck Island Planning Commission for a term expiring July 2018.

On motion of Vice President Kempenaar, duly seconded, it was voted unanimously to reappoint Diana Campagna Skaggs to the Aquidneck Island Planning Commission term expiring July 2018.

33. Appointment of one (1) member to the Conservation Commission for a term expiring July 2018.

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

unanimously to reappoint Peter Tarpgaard to the Conservation Commission term expiring July 2018.

34. Appointment of one (1) member to the Personnel Review Board for a term expiring June 2018. (Bi-Partisan Board)

Vice President Kempenaar nominated Manuel Marques.

Councillor Santos nominated Michael Nasiff.

On motion of Vice President Kempenaar, duly seconded, it was voted unanimously to reappoint Manuel Marques to the Personnel Review Board term expiring June 2018.

35. Email communication of Ralph Thomas, re: Resignation from the Open Space & Fields Committee.

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

36. Email communication of Danielle Domingoes, re: Resignation from the Middletown Prevention Coalition.

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

37. Communication of Meg Barrett, 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.

The following Executive Session was cancelled.

EXECUTIVE SESSION

38. Executive Session - Pursuant to provisions of RIGL, Sections 42-46-2, 42-46-4 and 42-46-5 (a) (2) Collective Bargaining (Council 94).

On motion of Councillor Rodrigues, duly seconded, it was voted unanimously to adjourn at 8:12 pm.

Wendy J.W. Marshall, CMC

Town Clerk

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