

**At a Regular Meeting of the Town Council of the Town of Middletown,
RI held at the Middletown Town Hall on Monday, October 5, 2015 at
6:30 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 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)

There were no reconsiderations.

6:30 PM - EXECUTIVE SESSION

1. Executive Session - Pursuant to provisions of RIGL, Sections 42-46-2, 42-46-4 and 42-46-5 (a) (1) Personnel (Continued from September 21, 2015).

On motion of Vice President Kempenaar, duly seconded, it was voted unanimously to recess open session and reconvene in executive session at 6:32 p.m.

On motion of Vice President Kempenaar, duly seconded, it was voted unanimously to recess executive session and reconvene in open session at 7:10 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.

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.

Lisa Wood, 91 Gossets Turn Drive, President of the Middletown Teachers Union, addressed the Council explaining that the Teachers are disappointed with the Council not approving the Memorandum of Agreement. Ms. Wood noted that the teachers feel they are in the middle of a feud between the Town Council and School Committee.

Vice President Kempenaar recused himself from acting on item #3, due to a possible conflict of interest.

On motion of Councillor Rodrigues, duly seconded, it was voted unanimously to act as a board of license commission.

ACTING AS A BOARD OF LICENSE COMMISSION

3. Application of WM Hotel Group, LLC dba Hampton Inn & Suites, 317 West Main Road, for RENEWAL of a Class BT Liquor license for the 2015-2016 licensing year, to be used at the same premises. (Requires advertising for public hearing)

On motion of Councillor Rodrigues, duly seconded, it was voted unanimously to receive said applications and advertise for public hearing for October 19, 2015, regular meeting of the board.

4. Application of Aquidneck Health, LLC dba Newport Athletic Club, 66 Valley Road, for RENEWAL of a Class BL Liquor license for the 2015-2016 licensing year, to be used at the same premises. (Requires advertising for public hearing)

On motion of Vice Kempenaar, duly seconded, it was voted unanimously to receive said applications and advertise for public hearing for October 19, 2015, regular meeting of the board.

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

Vice President Kempenaar requested that items # 6, 9, 10, 15 and 16 be heard under the regular portion of the docket.

CONSENT

5. Approval of Minutes, re: Regular Meeting, September 21, 2015.

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

6.

Memorandum of Town Administrator, with enclosures, re: Recreation Facilities – Cost Estimates.

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

Councillor Rodrigues noted he is surprised at the cost estimate to

improve the recreation facilities. Mr. Rodrigues inquired if some of the projects could be done in house.

Town Administrator Shawn Brown explained that if the projects were to be done in house, current work would require reprioritizing. Mr. Brown noted that the cost estimate was developed by the Department of Public Works Director and Town Engineer who used historical data for the estimate.

Councillor Santos inquired if volunteers could assist with the renovations.

Tom Welch, 536 Mitchell's Lane, noted that he finds the cost estimate to be high and hopes to see if some of the projects can be done in house.

Discussion centered around available funding for the projects, stormwater issues, working with the School Department to find out

plans for school properties, the possibility that Town properties within the cost estimate may be surplus, and the Recreation Committee reprioritizing the project list.

Tom Welch, 536 Mitchell's Lane, suggested that the Open Space and Fields committee assist with checking the fields on a regular basis and creating a budget.

Tom Nasser, 19 Squantum Drive, representing Middletown Little League, noted that there are dangers on some of the current fields and request help with the field deficiencies.

Council discussion centered around the committee reprioritizing the projects, safety issues being addressed first and having a representative from the School Facility Department included in the committee meetings.

Marilyn Hennessey, 408 Mitchell's Lane, addressed the Council

explaining that she knows a number of people who would volunteer to assist with maintaining the fields. Ms. Hennessey noted that she believes the Council is committed to the projects and believes this will happen.

Bill Gormly, 395 Mitchell's Lane, addressed the Council requesting that the safety issues be addressed at the fields.

7. Communication of Tax Assessor and Finance Director, 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.

8. 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.

9. Communication of Tax Assessor, 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.

Councillor Santos inquired if the tax roll is legal if there is a mathematical error?

Town Solicitor Peter B. Regan noted the tax roll is legal.

Councillor Santos noted concern of the number of tax abatements.

Town Administrator Shawn Brown explained that by law the tax abatement process must be followed. The Town Auditors review the documentation yearly.

10. Resolution of the Council, re: Cancellation of taxes for certain Middletown residents.

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

11. Memorandum of Finance Director, thru Town Administrator, with enclosures, re: FY2015 Budget Adjustments as of June 30, 2015.

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

12. Resolution of the Council, re: General Fund – FY2015 Budget Adjustments as of June 30, 2015.

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

13. Resolution of the Council, re: Parks & Recreation Fund – FY2015 Budget Adjustments as of June 30, 2015.

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

14. Resolution of the Council, re: Sewer Fund – FY2015 Budget Adjustments as of June 30, 2015.

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

15. Memorandum of Superintendent of Schools, with enclosures, re: FY 2014-15 Budget Amendments.

On motion of Vice President Kempenaar, duly seconded, it was voted unanimously to receive said memorandum and continue said item to October 19, 2015, regular meeting of the Council.

16. Resolution of the Council, re: FY2015 School Department budget adjustments.

On motion of Vice President Kempenaar, duly seconded, it was voted unanimously to continue said item to October 19, 2015, regular meeting of the Council.

17. Communication of Mary S. Redgate, Secretary, Middletown Historical Society, re: Appreciation for support.

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

18. Communication of Joseph P. Pratt, Executive Director & CEO, Boys & Girls Clubs of Newport Council, re: Appreciation for support.

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

19. Resolution of the Town of West Greenwich, re: In support of the Quonset Air Museum.

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

20. Resolution of the Town of Charlestown, re: In support of the Quonset Air Museum.

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

21. Resolution of the Town of Westerly, re: In support of the Quonset Air Museum.

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

22. Communication of Evan Smith, President & CEO, Discover Newport, with enclosure, re: Annual Audit Report fiscal year ending March 31, 2015.

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

23. Application of Laurin Enterprises dba Gold's Auto Wrecking Co., 113 Fenner Avenue, for RENEWAL of a Junk Dealer's License for the 2015-2016 licensing year.

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

24. Application for Special Event Permit from TriNewport for a Triathlon to be held at Second Beach on Sunday, September 11, 2016 from 6:00 am to 10:00 am.

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

25. Application for Special Event Permit from Sweet Berry Farm for Zrenauicz rehearsal dinner to be held at Sweet Berry Farm on Saturday, October 10, 2015 from 6:30 pm to 9:30 pm.

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

LICENSES AND PERMITS

26. Application of Papa Gino's, 619 West Main Road, a Mechanical Amusement Devise License for the 2015-2016 licensing year. (NEW;1 Juke Box and 7 Games)

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

PUBLIC HEARING

27. Public Hearing (Advertised; Abutters notified)

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 108 and 109 on TAP 114 from Medium Density Residential Traffic Sensitive (R-20A) to Limited Business Traffic Sensitive (LBA). (Planning Board recommendation attached) (Attached is a request by Attorney Robert M. Silva to continue this matter to November 16, 2015)

On motion of Vice President Kempenaar, duly seconded, it was voted unanimously to continue this matter to November 16, 2015, regular meeting.

28. Communication of Frank Ben Freitas, Middletown, with enclosures, re: Aquidneck Avenue rezoning.

On motion of Vice President Kempenaar, duly seconded, it was voted unanimously to receive said communication, petitions and continue matter to November 16, 2015, regular meeting.

Councillor Rodrigues suggests that when a public hearing is going to be continued that letters be sent to the abutters.

Town Solicitor Peter B. Regan explained that a request for a continuation is not acted on until the night of the Council meeting, so technically the item is not continued until that evening, abutters cannot be notified prior to Council vote.

TOWN COUNCIL

29.

Communication of Councillor Viveiros, re: Discuss amending the Comprehensive Plan to align it with the Town zoning. (Item will be tabled to the October 19, 2015, regular meeting.)

On motion of Vice President Kempenaar, duly seconded, it was voted unanimously to receive said communication and table this item to the October 19, 2015, regular meeting.

Councillor Viveiros explained that he requests the item to be tabled until October 19, 2015.

Council President Sylvia thanked Councillor Viveiros for bringing this matter forward and request the Town Council to consider the following: -

On motion of Council President Sylvia, duly seconded, it was voted unanimously to consider adopting a temporary moratorium on the construction of large shopping centers, as defined in the zoning ordinance, and buildings with a footprint of over 35,000 square feet, in the General Business and General Business Traffic Sensitive Zones, effective until March 2, 2016, unless lifted sooner, direct the Town Solicitor to prepare a proposed moratorium, direct the Town Administrator to schedule a public hearing and provide the required notice to abutters.

OTHER COMMUNICATION

30. Communication of James I. Winter, President, Newport County NAACP, re: Request for support by placing an ad in the Anniversary Souvenir Booklet for the Newport Country NAACP Branch's 95th Annual Awards Dinner.

On motion of Vice President Kempenaar, duly seconded, it was voted unanimously to receive said communication and approve a full-page ad (cost \$125.) in the Anniversary Souvenir Booklet to be appropriated from the Council President's Discretionary Fund.

TOWN ADMINISTRATOR

31. Memorandum of Town Administrator, with enclosure, re: LOI – PPV – Solar.

On motion of Vice President Kempenaar, duly seconded, it was voted unanimously to continue this matter to the October 19, 2015, Regular meeting of the Council.

32. Resolution of the Council, re: LOI – PPV – Solar.

On motion of Vice President Kempenaar, duly seconded, it was voted unanimously to continue this matter to the October 19, 2015, Regular meeting of the Council.

APPOINTMENT TO BOARDS AND COMMITTEES

33. Email communication of Mason Hawes, re: Request to amend the Open Space and Fields Committee bylaws from (9) nine members to (11) eleven members.

Councillor VonVillas questioned the increase in membership.

Council President Sylvia explained that the Open Space and Fields committee requests the increase in membership, due to others wanting to participate on the committee.

On motion of Vice President Kempenaar, duly seconded, it was voted unanimously to amend the Open Space and Fields Committee bylaws, increasing the membership from (9) nine to (11) eleven members.

ADDENDUM TO TOWN COUNCIL AGENDA

POSTED – October 2, 2015

REGULAR MEETING – October 5, 2015

PRESENTATION

Award Presentation of the Council, re: Middletown Finance Department for being selected by the Government Finance Officers Association of the United States and Canada (GFOA) for the

Distinguished Budget Presentation Award for FY2016 budget.

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

Council President Sylvia, Vice President Kempenaar and Councillor Rodrigues presented Finance Director Lynne Dible and Deputy Finance Director Marc Tanguay with the GFOA Distinguished Budget Presentation Award for FY2016 budget.

Council President Sylvia noted the Finance Department is a credit to the Town Administration.

On motion of Council President Sylvia, duly seconded, it was voted unanimously to adjourn said meeting at 8:15 pm.

Wendy J.W. Marshall, CMC

Town Clerk

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