

**At a Regular Meeting of the Town Council of the Town of Middletown,
RI held at the Middletown Town Hall on Monday, February 16, 2016 at
5:00 P.M.**

Council President Robert J. Sylvia, Presiding

Vice President Robert Kempenaar, II

Councillor Henry F. Lombardi, Jr.

Councillor M. Theresa Santos

Councillor Barbara A. VonVillas, Members Present

Councillor Paul M. Rodrigues, Absent

Councillor Antone C. Viveiros

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.

5:00 PM – PRESENTATION RIDOT

1. Presentation by Rhode Island Department of Transportation – Lower Aquidneck Avenue and Newport Avenue intersection.

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

Also present were Public Works Director Tom O’Loughlin, Town Engineer Warren Hall, Sean Raymond representing DOT and Jamie Pisano representing VHB.

Town Administrator Shawn Brown reviewed the memorandum and options for each intersection, entered

here:

Enter memo and one sheet from presentation

Aquidneck/Valley Road:

Art Weber, representing the Planning Board, addressed the Council noting that the Town's Master Plan includes improvements for Aquidneck Avenue and Valley Road and recommends the Council approve staff recommendations for the area.

Town Engineer Warren Hall noted the roundabout is a good idea.

Councillor Lombardi noted support for the roundabout. Mr. Lombardi explained that a roundabout is traffic calming.

Councillor Santos noted concern with people speeding in the Aquidneck Avenue/Valley Road area. Ms. Santos suggests only upgrading traffic signals and signage in the area.

Richard Adams, 240 Island Drive, addressed the Council noted support for the roundabout.

Council President Sylvia noted support for the roundabout, explaining it will keep the traffic moving safely.

On motion of Vice President Kempenaar, duly seconded it was voted to modify the intersection by constructing a roundabout; Councillor Santos voted NO to said motion.

Aquidneck/Crest:

Art Weber, representing the Planning Board, addressed the Council noting support for a one-way off Purgatory Road.

Councillor Santos inquired how the area in front of the liquor store will be addressed.

Public Works Director Tom O'Loughlin, responding to Councillor Santos, explained that the issue has been addressed, the liquor store will have full access around the building.

Council President Sylvia noted support for the one-way from Purgatory Road.

On motion of Vice President Kempenaar, duly seconded it was voted unanimously to modify the intersection by 'T-ing it off and making Crest a one-way from Purgatory Road.

Aquidneck & Purgatory:

Art Weber, representing the Planning Board, addressed the Council noting the need to allow for pedestrians to cross the street.

Richard Adams, 240 Island Drive, addressed the Council noting that a roundabout or modifying the intersection by 'T-ing off Purgatory and eliminating the slip lane would help the pedestrian traffic.

Council President Sylvia noted the Aquidneck/Purgatory intersection is a tough intersection.

Anne Burns, 171 Tuckerman Avenue, addressed the Council noting that there may be no stopping if a roundabout is placed at the Aquidneck/Purgatory area. Ms. Burns noted support for 'T-ing off Purgatory Road.

Vice President Kempenaar noted that without the slip lane traffic may back up in the area.

Councillor Lombardi noted that the roundabout will not assist with pedestrian safety.

Councillor VonVillas noted grave concern if a roundabout is placed at Aquidneck and Purgatory.

Councillor Santos explained that it is the pedestrians are responsible to use crosswalks and suggests crosswalks be more visible and larger.

Sean Raymond, representing DOT, noted that roundabouts force vehicles to slow down and yield to pedestrians.

On motion of Vice President Kempenaar, duly seconded it was voted unanimously to modify the intersection by 'T-ing off Purgatory and eliminating the slip lane.

On motion of Council President Sylvia, duly seconded, it was voted unanimously to recess this meeting at 5:35 pm.

On motion of Council President Sylvia, duly seconded, it was voted unanimously to reconvene this meeting at 6:00 pm.

6:00 PM – PLANNING BOARD INTERVIEWS

2. Interviews –

6:00 pm - Matthew Sullivan

6:15 pm - William Nash, Jr.

6:30 pm - Elizabeth Drayton

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

Mr. Sullivan was not interviewed, he will be rescheduled to another date.

Candidate William Nash, Jr. was interviewed first.

Human Resource Director Cecilia Dursi asked the following

questions:

- 1. What experience do you have that would qualify you to be the candidate for the Planning Board?**
- 2. Why do you want to be on the Planning Board?**
- 3. Regular meetings typically take place the 2nd Wednesday of each month, in the evening, and they start at 6 P.M. Special meetings are called on an as needed are you available to attend them?**

On motion of Councillor VonVillas, duly seconded, it was voted unanimously to recess this meeting at 6:05 pm.

On motion of Council President Sylvia, duly seconded, it was voted unanimously to reconvene this meeting at 6:21 pm.

Candidate Elizabeth Drayton was interviewed.

Human Resource Director Cecilia Dursi asked the following questions:

- 1. What experience do you have that would qualify you to be the candidate for the Planning Board?**
- 2. Why do you want to be on the Planning Board?**
- 3. Regular meetings typically take place the 2nd Wednesday of each month, in the evening, and they start at 6 P.M. Special meetings are called on an as needed are you available to attend them?**

Executive Session was addressed at this time.

EXECUTIVE SESSION

26. Executive Session - Pursuant to provisions of RIGL, Sections 42-46-2, 42-46-4 and 42-46-5 (a) (5) Lease (Joel Peckham/Berkeley Peckham School).

On motion of Vice President Kempenaar, duly seconded, it was voted unanimously to recess open session and reconvene in executive session at 6:30 pm.

Vice President Kempenaar recused himself from acting on the following item #26 of business, due to a possible conflict of interest.

On motion of Councillor Lombardi, duly seconded, it was voted unanimously to recess executive session and reconvene in open session 6:40 pm.

On motion of Councillor Lombardi, duly seconded, it was voted unanimously to authorize the Town Administrator to negotiate an

agreement and authorize the Town Administrator to execute the agreement once reviewed by the Town Solicitor.

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 recess this meeting at 6:45 pm.

On motion of Vice President Kempenaar, 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.

No one spoke during this session.

On motion of Vice President Kempenaar, duly seconded, it was voted unanimously to act as a board of license commission.

BOARD OF LICENSE COMMISSION

4. (Advertised for Public Hearing)

Application of Johnny's Atlantic Beach, Inc. dba Atlantic Beach Club, 53-55 Purgatory Road, holder of a Class BV Alcoholic Beverage

License to TRANSFER said License to Newport Beach House, Inc. dba Newport Beach House for use at the same premises.

Public Hearing was declared open

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

On motion of Vice President Kempenaar, duly seconded it was voted unanimously to grant said license, following the same conditions, as the prior holder.

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

Vice President Kempenaar requested that items #7 and #12 be heard

under the regular portion of the docket.

CONSENT

5. Approval of Minutes, re: Regular Meeting, February 1, 2016.

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

6.

Memorandum of Town Administrator, re: Inquiry about Installing Sidewalks on Purgatory Road.

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

7. Memorandum of Interim Finance Director thru Town Administrator, with enclosures, re: Town Pension Plan Actuarial Valuation Report for the plan year July 1, 2015 – June 30, 2016.

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

Council Santos inquired if a Town Employee in the John Hancock Plan passes away, will their spouse still receive medical coverage.

Town Administrator Shawn Brown, responding to Councillor Santos, noted that he will review the collective bargaining agreements and supply an answer at a later date.

8. Memorandum of Interim Finance Director thru Town

Administrator, with enclosures, re: Town OPEB Actuarial Valuation Report – June 30, 2015.

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

9. Communication of Todd Anthony Bianco, Coordinator, RI Energy Facility Siting Board, re: Docket No. SB-2016-01 Aquidneck Island Reliability Project.

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

10. Notice of Hearing, re: Docket No. SB-2016-01 Aquidneck Island Reliability Project.

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

11. Communication of Peter V. Lacouture, Robinson & Cole, with enclosures, re: The Narragansett Electric Company dba National Grid – Aquidneck Island Reliability Project.

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

Councillor Santos inquired what the project entails.

Town Administrator Shawn Brown, responding to Councillor Santos, explained that tall trees are being removed. Mr. Brown noted that the trees to be removed were due to a Homeland Security issue.

12. Communication of Patti Goldstein, Senior Vice President, Marketing & Communication, Rhode Island Airport Corporation, re: Notification of the obstruction removal work.(Oliphant Lane and East Main Road)

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

13. Resolution of the Town of Exeter, re: In opposition to Governor Gina Raimondo's Proposed Truck Toll Gantries to be place throughout the State of Rhode Island.

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

14. Resolution of the Town of Richmond, re: In opposition to Tolling Gantries.

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

15. Resolution of the Town of Glocester, re: In Opposition to the Governor Proposed Truck Toll Gantries.

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

16. Resolution of the Town of Hopkinton, re: In Opposition to Truck Toll Gantries Proposed throughout the State of Rhode Island.

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

17. Communication of Charlene Rose-Cirillo, Chair, Middletown Planning Board, re: Proposed amendments to the Middletown Zoning Map. (Requires advertising for Public Hearing and Notification to abutters)

On motion of Vice President Kempenaar, duly seconded, it was voted unanimously to receive said communication, notify abutters and Advertise for Public Hearing on April 18, 2016.

LICENSES

18. Application of Newport Beach House, Inc. dba Newport Beach House, 53-55 Purgatory Road, for a Victualling House License for the 2015-2016 licensing year. (NEW)

On motion of Vice President Kempenaar, duly seconded, it was voted unanimously to grant said license contingent on Building Official,

Fire Marshal, Public Works and Board of Health approvals.

19. Application of Milk and Honey dba Aquidneck Meat and Provisions, 800 Aquidneck Avenue, for a Victualling House License for the 2015-2016 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.

20. Application for Special Event Permit from Middletown Pan Massachusetts Challenge Kids, A kid's bike ride fundraiser to support the Jimmy Fund, a cancer research foundation, Start and Finish at Second Beach Parking Lot on Sunday, May 22, 2016 from 5:00 am until 1:00 pm, includes a request to waive permit fee.

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

TOWN COUNCIL

20a. At the request of Council President Sylvia, re: Discussion of increasing the CIP for road repair in lieu of going out to bond. (No Documentation)

On motion of Vice President Kempenaar, duly seconded, it was voted unanimously to continue this matter to the March 7, 2016 Regular Meeting of the Council.

APPOINTMENT TO BOARDS AND COMMITTEES

21. Appointment of four (4) members to the Middletown Economic Development Advisory Committee for terms expiring January 2021.

On motion of Vice President Kempenaar, duly seconded, it was voted unanimously to reappoint Joseph A. Cirillo, reappoint Tom Kowalczyk, reappoint David Lepore and reappoint Robert M. Silva to the Middletown Economic Development Advisory Committee for terms expiring January 2021.

22. Appointment of one (1) member to the Pension Trust Fund Committee for a term expiring February 2019.

On motion of Vice President Kempenaar, duly seconded, it was voted unanimously to reappoint Peter S. Damon to the Pension Trust Fund Committee for a term expiring February 2019.

23. Appointment of three (3) members to the Middletown Planning Board for terms expiring February 2019.

On motion of Vice President Kempenaar, duly seconded, it was voted unanimously to appoint Elizabeth B. Drayton and appoint William J. Nash, Jr. to the Middletown Planning Board for terms expiring February 2019.

24. Appointment of three (3) members to the Middletown Senior Citizens Center Board of Directors for terms expiring January 2019.

On motion of Vice President Kempenaar, duly seconded, it was voted unanimously to reappoint Joan M. Gilleran, reappoint John W. Lewis, III and reappoint Alice M. Whitney to the Middletown Senior Citizens Board of Directors for terms expiring January 2019.

25. Appointment of one (1) member to the Middletown Tree Commission for a term expiring January 2019.

On motion of Vice President Kempenaar, duly seconded, it was voted unanimously to reappoint William J. DiMarco to the Middletown Tree

Commission for a term expiring January 2019.

EXECUTIVE SESSION (Addressed after the Interviews)

26. Executive Session - Pursuant to provisions of RIGL, Sections 42-46-2, 42-46-4 and 42-46-5 (a) (5) Lease (Joel Peckham/Berkeley Peckham School).

On motion of Vice President Kempenaar, duly seconded, it was voted unanimously to adjourn said meeting at 7:11 pm.

Wendy J.W. Marshall, CMC

Town Clerk

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