

**At a Regular Meeting of the Town Council of the Town of Middletown,  
RI held at the Middletown Town Hall on Monday, March 7, 2016 at 4:00  
P.M.**

**Council President Robert J. Sylvia, Presiding**

**Vice President Robert Kempenaar, II**

**Councillor Henry F. Lombardi, Jr.**

**Councillor Paul M. Rodrigues, Arrives at 4:37 pm**

**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.**

**4:00 PM - EXECUTIVE SESSION**

- 1. Executive Session - Pursuant to provisions of RIGL, Sections 42-46-2, 42-46-4 and 42-46-5 (a) (2) Collective Bargaining NEA MIDDLETOWN (NEAM) and (2) Collective Bargaining (NEARI – Town Hall).**

**ADDENDUM TO TOWN COUNCIL AGENDA**

**POSTED – March 3, 2016**

**REGULAR MEETING – MARCH 7, 2016**

## **EXECUTIVE SESSION**

**Executive Session - Pursuant to provisions of RIGL, Sections 42-46-2, 42-46-4 and 42-46-5 (a) (2) Litigation (Samuel's Realty Co. vs Town of Middletown).**

## **ADDENDUM TO TOWN COUNCIL AGENDA**

**POSTED – March 4, 2016**

**REGULAR MEETING – MARCH 7, 2016**

## **EXECUTIVE SESSION**

**Executive Session - Pursuant to provisions of RIGL, Sections 42-46-2, 42-46-4 and 42-46-5 (a) (2) Litigation (Barrett vs Town of Middletown).**

**On motion of Vice President Kempenaar, duly seconded, it was voted unanimously to recess open session and reconvene in executive session at 4:02 pm.**

**On motion of Vice President Kempenaar, duly seconded, it was voted unanimously to recess executive session and reconvene in open session at 5:05 pm.**

**On motion of Vice President Kempenaar, duly seconded it was voted unanimously to settle in the amount of \$10,000 with the remainder being paid by the Rhode Island Interlocal Risk Management Trust, contingent upon Bankruptcy Court Approval.**

**Councillor Rodrigues recused himself from voting on the following motion.**

**On motion of Vice President Kempenaar, duly seconded, it was voted unanimously to move forward with the collective bargaining negotiations.**

**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.**

**5:00 PM – FACILITY ANALYSIS SCHOOL DEPARTMENT**

**2. Meeting with the School Committee and Administration, re: Discussion of Existing Conditions Facility Analysis of the Middletown**

## **Public Schools.**

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

**Also, present were Town Administrator Shawn Brown, Deputy Town Clerk Karin Clancey and Town Solicitor Peter B. Regan.**

**Present, representing the School Department, were Superintendent Rosemarie Kraeger, Assistant Superintendent Linda Savastano, Business Manager Raquel Pellerin, Facilities Director Peter Anderson, School Committee Chair Theresa Spengler, Vice Chair Kellie DiPalma, and members Liana Ferreira Fenton and Douglas Arnold.**

**Facilities Director Peter Anderson introduced David DeQuattro, Managing Principal and Peter Hess, Project Manager, both Representing Robinson, Green & Beretta. Peter Hess presented a PowerPoint presentation of the Middletown Public Schools Stage I &**

**II RIDE Submittal, which is on file in the Office of the Town Clerk.**

**Town Administrator Shawn Brown explained that if the Council is supportive of the Plan he would require authorization to submit a letter on behalf of the Town of RIDE.**

**Discussion centered around dollar amount of reimbursement from RIDE to the Town, if a bond is approved and the facilities are upgraded; requesting voter approval for a \$10 million dollar bond, that alternative energy sources have not been incorporated in the facilities plan, there will be no increase in the tax rate if the bond is approved, due to debt rolling off; if 10 Million dollars would be enough for all proposed improvements to the facilities, the housing aid will offset debt service payment is not built into the bottom line, some of the school facility upgrades will be completed by the school facility staff and some will be completed by contractors and roof systems at the School facilities.**

**On motion of Vice President Kempenaar, duly seconded, it was voted unanimously to authorize the Town Administrator to write a letter to**

**RIDE regarding its support of the School Department's Stage II Facilities Application, and to indicate the Town's intent to consider authorizing a Ten Million General Obligation Referendum in November 2016 at its next Regular Meeting, March 21, 2016, which would be used to fund the projects presented this evening.**

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

**On motion of Vice President Kempenaar, duly seconded it was voted unanimously to reconvene said meeting at 6:30 pm.**

## **PLANNING BOARD INTERVIEW**

### **3. Interviews –**

**6:30 pm - Matthew Sullivan**

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

**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?**

**Matthew Sullivan responded to all the questions above.**

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

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

## **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.**

**April Huntoon, 64 Peckham Lane, MHS Senior, addressed the Council**

**noting that the MHS teachers are what has made her successful, explaining that the teachers give 200% day in and day out.**

**Morgan Rice, 113 Meadow Lane, MHS Senior, addressed the Council noting that the students are suffering, due to a lack of a teacher contract. Ms. Rice noted support for the MHS teachers.**

**Bill O'Neil, 298 Prospect Avenue, addressed the Council noting concern with traffic safety at the intersection of Aquidneck Avenue and Prospect Avenue. Mr. O'Neil explained that there have been several accidents in the area.**

**Dennis Turano, 195 Tuckerman Avenue, addressed the Council expressing concern with the traffic design in front of the Atlantic Beach Club area. The traffic backs up, and if the slip lane is eliminated, the traffic will be worse.**

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

**unanimously to act as a board of license commission.**

## **BOARD OF LICENSE COMMISSION**

**5. Application of NNGC Corp. dba Newport National Golf Club, 324 Mitchell's Lane, holder of a Class BV Alcoholic Beverage License to TRANSFER said License to Newport National Golf Club, Inc. dba Newport National Golf Club for use at the same premises. (Requires Advertising for Public Hearing)**

**On motion of Vice President Kempenaar, duly seconded, it was voted unanimously to receive said application and advertise for public hearing for March 21, 2016, 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 #7, #9, #11 and #13 be heard under the regular portion of the docket.**

## **CONSENT**

**6. Approval of Minutes, re: Regular Meeting, February 16, 2016.**

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

**7. Communication of Tax Assessor and Interim Finance Director with enclosures, 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 noted that the explanation for the abatements received by the Tax Assessor was very informative.**

**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 and Interim Finance Director with enclosures, 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 noted that the explanation for the abatements received by the Tax Assessor was very informative.**

**10. 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.**

**11. Communication of Tax Assessor with enclosures, 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 noted that the explanation for the abatements received by the Tax Assessor was very informative.**

**12. 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.**

**13. Memorandum of Interim Finance Director, thru Town Administrator, with enclosure, re: FY2016 Municipal Budget Report – Quarter ending December 31, 2015.**

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

**Councillor Rodrigues inquired why there was a significant increase within a line item of the Sewer Budget.**

**Town Administrator Shawn Brown noted that he will look into the inquiry and report back.**

**Councillor Rodrigues inquired if the Stormwater Utility Fund is still moving forward?**

**Town Administrator Shawn Brown explained that the Stormwater Utility Fund is preceding forward, but there is a delay with the EPA.**

**Councillor Santos inquired about the line item Other Expenses and who used the line item.**

**Town Administrator Shawn Brown noted that he will look into the inquiry and report back.**

**14. Motion to Intervene filed by Attorney Lynch on behalf of Kevin Smith, re: The Narragansett Electric Company dba National Grid Aquidneck Island Reliability Project in Portsmouth and Middletown, Rhode Island.**

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

**15. Applications received from the following named persons, firms and corporations for RENEWAL of Holiday Sales Licenses for the 2016-2017 licensing year. (See Attached List)**

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

**unanimously to grant said license renewals.**

**16. Applications received from the following named persons, firms and corporations for RENEWAL of Sunday Selling Licenses for the 2016-2017 licensing year. (See Attached List)**

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

**17. 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 15, 2016 thru September 18, 2016.**

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

## LICENSES

**18. Communication of Sergeant Corey A. Huck, Newport Police Department, Chairman, AINPP, re: Requesting “in-kind” services for police details, highway department personnel, and the use of Town owned properties.**

**On motion of Vice President Kempenaar, duly seconded, it was voted unanimously to receive said communication and grant in-kind services.**

**19. Application for Special Event Permit from Lieutenant Richard Gamache, on behalf of the National Aquidneck Island Police Parade Committee, for the Aquidneck Island Annual Police Parade beginning on West Main Road Two Mile Corner to the One Mile Corner into Newport (Broadway) to be held on Sunday, May 1, 2016 at 9:30 am (Parade Committee respectfully requests permit fee to be waived)**

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

**20. Application of the Aquidneck Island Police Parade Committee, Middletown, for RENEWAL of Peddler's License for (Novelties and T-Shirts) for Police Parade Day, Sunday, May 1, 2016, includes a request to waive license fee and be sole vendor for the event. (6 Vendors; Middletown Only)**

**On motion of Vice President Kempenaar, duly seconded, it was voted unanimously to grant said license renewals, waive said fees and approve request for sole vendor.**

**21. Application of Newport Beach House, Inc. dba Newport Beach House, 53-55 Purgatory Road, for an Amusement License for the 2016-2017 licensing year. (NEW)**

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

**unanimously to grant said license**

**22. Application of Robert Gobin, for a Tattoo License to be used at 999 West Main Road, for the 2016-2017 licensing year. (NEW)**

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

## **PUBLIC HEARING**

**23. (Public Hearing Advertised; Abutters notified)**

**An Ordinance of the Town of Middletown (First Reading)**

**An ordinance in Amendment to the Town Code of the Town of Middletown, Title XV, Land Use, Chapter 152 Zoning Code, Section 605 Maximum Building Footprint. (Planning Board recommendation attached)**

**Public Hearing was declared open.**

**There being no persons present desiring to be heard, public hearing remains open.**

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

## **OTHER COMMUNICATION**

**24. At the request of Kathy Silveira, representing Easton's Point Association, with enclosure, re: Resolution from Easton's Point Association Board of Directors in opposition to proposed construction of any walk-overs and man-made dunes.**

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

## **TOWN COUNCIL**

**25. At the request of Council President Sylvia, Resolution of the Council, with enclosure, re: In support of Senate Bill 2562 and House Bill 7742, Relating to Health and Safety – State Building Code Fee Computation.**

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

**26. (Continued from February 16, 2016 Regular Meeting of the Council)**

**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 begin said discussion.**

**Councillor Rodrigues suggested that monies be added to the CIP for road repair instead of going out to bond and paying interest on a bond.**

**Town Administrator Shawn Brown noted that there will be no tax increase if the Road Bond is approved. Currently, there is an issue with eight miles of failed roads and the Town cannot afford not to have a Road Prevention Program. Mr. Brown recommends the Town pursue a Road Bond.**

**Councillor Santos inquired how Valley Road was constructed.**

**Public Works Director Tom O'Loughlin explained that there are few utilities on Valley Road. Mr. O'Loughlin noted that technology paving techniques are just as good or better today, the key is not having utilities in the road.**

**Discussion centered around interest saved by not using a bond for roads, it will take approximately two years to fix the failed roads with bond monies, residents deserving a decent roads and if any CIP monies will be available if a bond is approved for the School facilities.**

**Councillor Viveiros noted concern that the Town will over extend ourselves and place the burden on the taxpayer.**

**Councillor Lombardi explained that he can see both sides, but maintenance needs to be done or the Town may be in the same position as the state with their roads.**

**Councillor VonVillas noted she believes in planning and being proactive. Ms. VonVillas explained that if road maintenance is deferred, it will cost more later to repair.**

**Council President Sylvia noted the importance of having a plan in place to address the roads.**

**27. Memorandum of Vice President Kempenaar, re: California Tax System.**

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

**Dennis Turano, 195 Tuckerman Avenue, addressed the Council requesting Council support to form a sub-committee to review the current tax system. Mr. Turano explained that the current tax system**

**is broken, not transparent, not predictable and not fair.**

**On motion of Councillor Lombardi, duly seconded, it was voted unanimously to form a Tax Exploration Sub-Committee made up of one Councillor and three members of the public, Councillor Lombardi Amended said motion to appoint Councillor Viveiros and three members of the public to look at the current tax system and advertise for members of the committee, duly seconded, it was voted unanimously.**

## **APPOINTMENT TO BOARDS AND COMMITTEES**

**28. Appointment of one (1) member to the Middletown Planning Board for term expiring February 2019.**

**On motion of Vice President Kempenaar, duly seconded, it was voted unanimously to reappoint Matthew Sullivan to the Middletown Planning Board for a term expiring February 2019.**

**On motion of Vice President Kempenaar, duly seconded, it was voted unanimously to adjourn said meeting at 8:31 pm.**

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

**Town Clerk**

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