

**At a Regular Meeting of the Town Council of the Town of Middletown,
RI held at the Middletown Town Hall on Monday, March 21, 2016 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)

There were no reconsiderations.

6:00 P.M. - PRESENTATION

- 1. Memorandum of Middletown Police Chief Anthony M. Pesare, re: Middletown Police award and swearing in ceremony.**

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

Police Chief Anthony Pesare presented Civilian Awards to Kevin Clare and Tom Nasser, representing Newport Chrysler Dodge Jeep Ram, for their assistance to the Town during hazardous weather events.

Police Chief Anthony Pesare announced the promotion of Officer

Geoffrey Dellefratte to the rank of Detective, Probationary Police Officers John Patterson and Justin Cordeiro, all sworn in by the Town Clerk and pinned by family members.

Police Chief Anthony Pesare recognized Commander Stephen Hauser from RI Department of Corrections, Matt Betts, representing K9 Instincts and the newest member of the Police Department K-9 Luca, escorted by Officer David Guerriero. Luca was sworn in by Police Chief Pesare and Officer David Guerriero attached Luca's badge.

On motion of Vice President Kempenaar, duly seconded, it was voted unanimously to recess this meeting at 6:20 pm.

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

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.

Claudia Gorman, 180 Vernon Avenue, addressed the Council noting concern of a power plant being built in Burriville, explaining the power plant will impact the residents quality of life.

Items #18 and #19 were addressed at this time.

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

BOARD OF LICENSE COMMISSION

3. (Public Hearing Advertised)

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.

Public Hearing was declared open.

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

Councillor Rodrigues inquired where the alcohol will be distributed on the property, noting concern that a club house is not stationary.

Robin Hyson, General Manager, responding to Councillor Rodrigues explained that the trailer is a temporary facility and the owners of the property intend to build a permanent structure.

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

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

Vice President Kempenaar requested that item #8 be heard under the regular portion of the docket.

CONSENT

4. Approval of Minutes, re: Regular Meeting, March 7, 2016.

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

5. Memorandum of Town Administrator, re: Request for Traffic Controls at Boulevard and Miantonomi Avenue.

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

6. Memorandum of Town Administrator, re: Budget Transfers – Town Clerk.

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

unanimously to receive said memorandum.

7. Resolution of the Council, re: Budget Transfer- General Fund.

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

8. 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 Tax Assessor George Durgin has gone above and beyond with supporting information regarding tax abatements. Ms. Santos inquired if the appraisal process is

complete.

Town Administrator Shawn Brown noted that the mass appraisal has been completed by Vision Appraisal.

9. 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.

10. Notice of Public Hearing from the Zoning Board of Review, Petition of Chaves Realty, Co (owner) East Island Reserve, LLC (applicant) by their attorney Jeremiah C. Lynch, III – for a Variance from Sections 602 & 903 – to seek a use variance to convert the current dwelling into an innkeeper’s residence and construct a pool and fitness center to service the adjacent hotel on Plat 118, Lot 20. Said real estate located at 969 East Main Road, TAP 118 Lot 21.

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

11. Notice of Public Hearing from the Zoning Board of Review, Petition of Marc Fanticola (Jiffy Lube) applicant Notarriani Realty, Inc. (owner) for a Special Use Permit from Section 602 – to modify the existing Special Use Permit to include the following services and repairs: signature service oil change, air conditioning, air filtration, battery maintenance and replacement, brakes, cooling system, drivetrain, engine, fuel system cleaning, tires, transmissions, windshield and suspension. Said real estate located at 717 West Main Road, TAP 121 Lot 107NE.

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

12. Notice of Intervention, with enclosure, 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 notice.

13. Resolution of the Town of Foster, re: In support of the Formation of a Coalition Among Rhode Island's Regional School Districts.

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

14. Application for Special Event Permit from The Boys & Girls Clubs of Newport County, Inc. for The Newport Antique Show to be held at St. George's School, 372 Purgatory Road, Middletown, RI on Thursday, July 21, 2016 from 5:00 pm to 9:00 pm, Friday, July 22, 2016 from 10:00 am to 6:00 pm, Saturday, July 23, 2016 from 10:00 am to 6:00 pm and Sunday, July 24, 2016 from 10:00 am to 4:00 pm.

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 Newport Hospital for Newport Hospital 5K Road Race/Walk and Kids Fun Run starting and finishing at the YMCA on Sunday, September 18, 2016 at 8:30 am.

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

LICENSE

16. Application of Newport National Golf Club, Inc. dba Newport National Golf Club, 324 Mitchell's Lane 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 upon Building Official, Fire Marshal, Public Works and Board of Health approvals.

PUBLIC HEARING

17. (Public Hearing Advertised; Abutters notified)

(Public Hearing Remains Open)

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 Use, Chapter 152 Zoning Code, Section 605 Maximum Building Footprint. (Planning Board recommendation attached)

Public Hearing Remains open.

Tom Gorman, 180 Vernon Avenue, expressed concern that the ordinance may not be strict enough.

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

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

On motion of Council President Sylvia, duly seconded, it was voted unanimously to reconsider the motion to adopt said ordinance on its second reading.

On motion of Council President Sylvia, duly seconded, it was voted

unanimously to reconsider the motion to close the public hearing.

On motion of Council President Sylvia, duly seconded, it was voted unanimously to open said public hearing.

Council President Sylvia reviewed the following memorandum, entered here:

Mike Budziszek, 107 Corporate Place, addressed the Council noting agreement with capping new buildings to the 35,000 square feet and suggests existing buildings not become bigger than they already are.

Discussion centered around allowing a limit on new construction, not handcuffing existing buildings, the intent of the ordinance is to limit existing buildings, there are sixteen buildings in town with which are 35,000 square feet and this ordinance setting the future for the town without losing revenue.

On motion of Council President Sylvia, duly seconded, it was voted unanimously to leave said public hearing open and continue this matter to the next regular meeting to be held on April 4, 2016.

Items# 18 and #19 were acted upon after item #2.

TOWN ADMINISTRATOR

18. Memorandum of Interim Finance Director thru Town Administrator, with enclosures, re: General Obligation Bonds – Authorization to issue up to \$10M- Health, Safety and Fire-Code Related Repairs, Alterations, Renovations, Improvements and Equipping of School Facilities in the Town.

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

Superintendent Rosemarie Kraeger addressed the Council explaining the bond is a wonderful opportunity for the School Department facilities. Ms. Kraeger noted that once the work is complete on the facilities, the Town may receive between 30% and 39% reimbursement from the state.

Discussion centered around that there will be no impact on the tax rate if bond is passed; if the Town was to use the Pay-As-You go the Town would never catch up on projects; the current bond rating for the Town is AA1; impact aid funding for facility projects can only be used for certain projects, for example additional classrooms; and discussion of whether the schools require more than 10 million dollars to complete all projects.

Council President Sylvia noted support for the bond, explaining this is a great step and long overdue.

Councillor Viveiros expressed concern that the state may change its mind and the Town will not receive reimbursements for the project.

School Facility Manager Peter Anderson distributed a Draft Planning Document handout to the Council, entered here:

19. Resolution of the Council, re: Memorializing the General Assembly to Enact Legislation Authorizing the Town of Middletown to Finance Health, Safety and Fire-Code Related Repairs, Alterations, Renovations, Improvements and Equipping of School Facilities in the Town.

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

Item #3 was addressed at this time.

20. Memorandum of Town Administrator, with enclosures, re: Crossman Engineering for Onsite Wastewater Management Plan.

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

Town Administrator Shawn Brown reviewed the memorandum, above.

Discussion centered around if the Town adopts a plan, regulations regarding private wastewater systems; once the plan and ordinance are approved, residents will be eligible to apply for low interest loans to repair and upgrade septic systems in the Town.

On motion of Vice President Kempenaar, duly seconded, it was voted unanimously to authorize the Town Administrator to execute a change order with Crossman Engineering in the amount of \$13,260 to assist the administration with development of an On-site Wastewater

Management Plan and ordinance.

On motion of Vice President Kempenaar, duly seconded, it was voted unanimously to adjourn said meeting at 8:23 pm.

Wendy J.W. Marshall, CMC

Town Clerk

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