

**At a Regular Meeting of the Town Council of the Town of Middletown,
RI held at the Middletown Town Hall, 350 East Main Road,
Middletown, RI on Monday, May 2, 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)

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

Present also were Town Administrator Shawn Brown, Interim Finance Director Marc Tanguay, Deputy Town Clerk Karin Clancey and Town Solicitor Peter B. Regan.

6:00 P.M. - BUDGET

1. Review with School Committee of Proposed FY2016-2017 School Budget, related grants, CIP submissions, Q & A and matters related thereto.

On motion of Vice President Kempenaar, duly seconded, it was voted unanimously to begin said Review with School Committee of

Proposed FY2016-2017 School Budget, related grants, CIP submissions.

Superintendent Rosemarie Kraeger addressed the Council presenting a Powerpoint, entitled “Middletown Public Schools – Ensuring Success for Every Student”, which is on file in the Office of the Town Clerk.

Discussion centered around student enrollment, class room furniture, Middletown students enrolled in Charter Schools, homeless students, state funding formula, layoff notices to the teachers and promoting the School Bond.

Council President Sylvia noted support for the proposed School Budget.

On motion of Council President Sylvia, duly seconded, it was voted unanimously to recess this meeting at 6:55 pm.

On motion of Vice President Kempeaar, duly seconded, it was voted unanimously to reconvene this meeting at 7:05 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.

Terri Flynn, 34 Warren Avenue, addressed the Council for supporting residents on Jepson Lane, regarding the Narragansett Electric Substation project.

Dennis Turano, 195 Tuckerman Avenue, addressed the Council inquiring if the recent tax revaluation placed a tax burden on the Easton's Point and Indian Avenue area residents.

Vice President Kempenaar requested that items #7 and #8 be heard under the regular portion of the docket.

Councillor Lombardi recused himself from acting on items #7 and #8.

CONSENT

3. Approval of Minutes, re: Special Meeting, April 11, 2016.

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

unanimously to approve said minutes.

4. Resolution of the Town of East Greenwich, re: Opposing S2263 and H8080 Relating to Elections School Closings.

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

5. At the Request of Council President Sylvia, Resolution of the Council, re: Women's Lung Health Week.

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

6. Communication of Lesley Muir, Director of Special Events, Norman Bird Sanctuary, re: Appreciation for waiving the Special

Event Permit fees for the 2016 events.

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

7. Application of St. George's School for Alumni Weekend, Lunch and Dinner, to be held Saturday, May 7, 2016 beginning at 12:30 pm until 10:30 pm on campus.

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

8. Application for Special Event Permit from St. George's School, Prize Day – Graduation Dinner and Luncheon to be held on Sunday, May 29, 2016 from 5:30 pm to 7:30 pm and Monday, May 30, 2016 from 12:30 pm to 2:30 pm.

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

9. Application of Kimberly Hollen, Portsmouth, RI for RENEWAL of a Tattoo License to be used at Trouble Soul and Company, 999 West Main Road for the 2016-2017 licensing year.

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

PUBLIC HEARINGS

10. Public Hearing (Advertised)

Town of Middletown application for FY2016- Small Cities Community Development Block Grant (CDBG) for certain projects, in an amount not to exceed \$306,500.

Public Hearing was declared open.

Town Planner Ronald Wolanski, addressed the Council reviewing the memorandum, entered here:

Sam Shuford, representing Church Community Housing Corporation, addressed the Council noting that Church Community Housing Corporation assists Middletown with the CDBG grant application.

Susan Schenck, Chief Operating Officer, East Bay Community Action Program, addressed the Council requesting to be included in the Block Grant application.

Jennifer Barrera, Program Director, Lucy's Hearth, thanked the Council for their support and noted she is available if the Council has

any questions regarding the Lucy's Hearth CDBG request.

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

11. Resolution of the Council, re: FY2016-Small Cities Community Development Block Grant – Project priorities.

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

12. Continued from the April 18, 2016 Regular Meeting

(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, Amending the Town's Zoning Map, as follows:

- 1. TAP 111, Lots 12, 13, 15, 16, 17, 18, 19, 20, 21, 22, 23A, 24, 25, 32, 33, 34, 35 to Traffic Sensitive High Density Residential (R-10A), TAP 111 Lots 26, 27, 28, 29, 30, 31 to High Density Residential (R-10), shown in Attachment 1.**
- 2. TAP 123, Lot 700 to Open Space (OS), shown in Attachment 2.**
- 3. TAP 113, Lots 6A, 7, 8, 9, 10, 11, 12 to Medium Density Residential (R-20), shown in Attachment 3.**
- 4. TAP 107SW, Lot 142 to Traffic Sensitive General Business (GBA), shown in Attachment 4.**
- 5. TAP 120, Lots 201, 202, 203, 206, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 54, 55, 56, 57, 59, 60, 61, 61A, 61B, 61C, 61D, 62, 63, 64, 65A, 66 to Low Density Residential (R-40); TAP 121, Lots 11, 12, 15, 16, 17, 17A, 19, 20, 21, 4, 5, 6, 7, 8, 8A to Low Density Residential (R-40); TAP 126, Lots 11, 12, 13, 13A, 15, 17, 17A, 17B, 18, 19, 19B, 20, 201, 22, 23, 26, 27, 28, 29, 30, 31, 32, 33, 36C, 68 to Low Density Residential (R-40); TAP 127, Lots 1, 19, 20, 3A, 3C, 4 shown in attachment 5.**

(Planning Board recommendation attached)

Council President Sylvia noted that there were some errors in the advertising of the zoning amendments and the amendments will be re-advertised.

Town Planner Ronald Wolanski explained that there were misidentified parcels and other parcels were not included in the advertisement. The amendments will be done separately and will include more clarifying information for the public.

On motion of Council President Sylvia, duly seconded it was voted unanimously to re-advertise the zoning amendments.

LICENSE

13. Application for Special Event Permit received from Newport

County Community Mental Health Center, Inc., NCCMHC'S Eighth Annual "Tour de Newport" Bike-A-Thon, to be held Sunday, September 25, 2016 at 9:00 am. (See attached 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 fee.

OTHER COMMUNICATION

14. Memorandum of Sara Poirier, with enclosure, re: Proposed changes to Tibbetts Farm Easement.

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

Sara Poirier, 127 Mitchell's Lane, addressed the Council on behalf of Save Middletown's Open Spaces, reviewing the memorandum above.

Town Solicitor Peter B. Regan noted that the Town paid for and negotiated the rights on the property and to give up rights is breaching duties.

Sara Poirier, 127 Mitchell's Lane, noted that some of the information in the easement seems inappropriate and does not follow the Town's Comprehensive Community Plan.

TOWN COUNCIL

15. At the request of Council President Sylvia, Resolution of the Council, re: In opposition to S2263 and H8080 "Relating to Elections – School Closing".

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

16. At the request of Council President Sylvia, Resolution of the Council, re: In support of S2686 “Relating to Taxation – Sales and Use Taxes – Liability and Computation” – (Local Meals and Beverage Tax)

On motion of Vice President Kempenaar, duly seconded, to pass said resolution.

Town Administrator Shawn Brown explained the change to the law is adding meal beverage tax to convenient stores.

Vote was taken here:

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

17. At the request of Council President Sylvia, Resolution of the Council, re: Requesting RI General Assembly to Amend RIGL and authorize the Town of Middletown by ordinance to asses an additional one percent meal and beverage tax with those funds dedicated to support wastewater, stormwater and drinking water infrastructure improvements and maintenance.

On motion of Vice President Kempenaar, duly seconded, to pass said resolution.

Council President Sylvia explained that resolution will correspond with the City of Newport's resolution.

Town Administrator Shawn Brown explained that the Town has been

meeting with the City of Newport regarding wastewater and how to fund the wastewater plant projects. Mr. Brown noted the intention is to diversify the revenue stream.

Discussion centered around the change to the ordinance must have voter approval, the request is for an additional 1%, the cost of the wastewater plant and RIDEM standards on drinking water.

Dennis Turano, 195 Tuckerman Avenue, noted support for revenue and not placing the burden on the tax payer.

Discussion centered around the state mandating what the Town does regarding wastewater, unfunded mandates, consent agreement signed by the state to maintain their systems, closing of Middletown beaches due to water quality and enabling legislation specific to the Town must get voter approval.

Vote was taken here:

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

18. At the request of Council President Sylvia, Resolution of the Council, re: In support of legislation allowing property tax exemption for Lucy's Hearth.

On motion of Vice President Kempenaar, duly seconded, to pass said resolution.

Councillor Rodrigues inquired if this resolution would set a precedence for the Town.

Town Solicitor Peter B. Regan explained that this action does not set a precedence, the property was already exempt when owned by Child

and Family Services. A charter exemption is required at the state level.

Vote was taken here:

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

19. At the request of Council President Sylvia, re: Discussion of Zoning Board interviews. (No documentation)

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

On motion of Vice President Kempenaar, duly seconded, it was voted unanimously to retain applications received from the first advertising

for the Zoning Board on file and request the Town Clerk to re-advertise for additional applicants.

20. Communication of Councillor Viveiros, re: To Discuss the Reorganizing of the Middletown Government.

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

Councillor Viveiros reviewed the communication above.

Dennis Turano, 195 Tuckerman Avenue, addressed the Council in support of Councillor Viveiros' request noting it is good to get outside opinion.

TOWN ADMINISTRATOR

21. Memorandum of Town Clerk, thru Town Administrator, with enclosures, re: Contract Award: Land Evidence Archival Services.

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

Town Administrator Shawn Brown reviewed the memorandum, above.

22. Resolution of the Council, re: Contract Award: Land Evidence Archival Services.

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

23. Memorandum of Town Planner, thru Town Administrator, re: 2016 RIDEM Recreation Development Grant.

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

Town Administrator Shawn Brown reviewed the memorandum, above.

24. Resolution of the Council, re: 2016 RIDEM Recreation Development Grant.

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

EXECUTIVE SESSION

25. Executive Session - Pursuant to provisions of RIGL, Sections 42-46-2, 42-46-4 and 42-46-5 (a) (5) Lease/MOU (Second Beach), (5) Land Acquisition (Drive-In), (5) Land Acquisition (West Main Road), (5) Land Acquisition (West Main Road) and (5) Land Acquisition (Burma Road).

On motion of Vice President Kempenaar, duly seconded, it was voted unanimously to recess open session and reconvene in executive session at 8:20 pm.

On motion of Councillor Lombardi, duly seconded, it was voted unanimously to recess executive session and reconvene in open session 9:08 pm.

On motion of Councillor Lombardi, duly seconded, it was voted unanimously to extend Lease/MOU (Second Beach) to May 20, 2016.

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 Vice President Kempenaar, duly seconded, it was voted unanimously to adjourn said meeting at 9:15 pm.

Wendy J.W. Marshall, CMC

Town Clerk

Published by ClerkBase

©2016 by Clerkbase. No Claim to Original Government Works.