

**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 16, 2016 at 5:30 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)

Council President Sylvia requested a moment of silence for Sheryl O'Loughlin, wife of Public Works Director Tom O'Loughlin.

5:30 P.M. - BUDGET

1. Review of Proposed FY2016-2017 General Fund, Parks and Recreation Fund, Sewer Fund, Stormwater Utility Fund Budgets, 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 of Proposed FY2016-2017 General Fund, Parks and Recreation Fund, Sewer Fund, Stormwater Utility Fund Budgets, related grants, CIP submissions, Q & A and matters related thereto.

Also present were Town Administrator Shawn Brown, Interim Finance Director Marc Tanguay, Human Resource Director M. Cecelia Dursi, Town Solicitor Peter B. Regan, and Deputy Town Clerk Karin Clancey.

Town Administrator Shawn Brown reviewed the following Proposed Tax Levy Increase:

Town Administrator Shawn Brown reviewed the FY2017 Proposed Budget Annual Civic Appropriations, entered here:

On motion of Council President Sylvia, duly seconded, it was voted unanimously to continue the Annual Civic Appropriation portion of the budget to allow opportunity to make comparisons of contributions given by other cities and towns to civic organizations.

Discussion centered around the Sewer Budget and how residents are taxed, well users and how those residents are taxed, the cost of water meters for well users, consolidation of pump stations, the Town line Eastons Point/Aquidneck Avenue North still has orange burg pipe which will be addressed, PPV Fund not being designed to have a cushion, the General Fund has a savings account attached to it, if a

pay as you go system is feasible for vehicle purchases, proposal to add a \$5.00 fee to the daily parking at the beach, the \$5.00 will be placed in a fund for parking lot and beach facility repairs, the need to be cautious with tax payer money and the vehicle replacement program.

On motion of Council President Sylvia, duly seconded, it was voted unanimously to recess this meeting at 6:32 pm.

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

PRESENTATION

2. At the request of Councillor Rodrigues, Citation of the Council, re: Middletown Unified Basketball Team.

On motion of Vice President Kempenaar, duly seconded, it was voted unanimously to continue this item to June 6, 2016, Regular Meeting of the Council.

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.

Tom Ardito, Executive Director Aquidneck Island Planning Commission, addressed the Council requesting to be included in the Civic Appropriation budget of the Town for the upcoming budget year. Mr. Ardito explained that the AIPC is committed to working with all communities on Aquidneck Island.

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. Public Hearing (Advertised)

Application of Mizu Yama Japanese Restaurant Corporation dba Mizu Steak House, 250 East Main Road, holder of a Class BV Alcoholic Beverage License to TRANSFER said License to Mizu Wei Japanese Restaurant Corporation dba Mizu Wei Japanese Restaurant for use at the same premises.

Public Hearing was declared open

Ms. Chen, 250 East Main Road, representing Mizu Wei Japanese Restaurant addressed the Council requesting them to grant the Alcoholic Beverage License.

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.

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, #8, #10, #11, #13 and #14 be heard under the regular portion of the docket.

CONSENT

5. Approval of Minutes, re: Regular Meeting, April 18, 2016.

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

6. Approval of Minutes, re: Regular Meeting, May 2, 2106.

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

7. Memorandum of Town Administrator, re: Appointment of Finance Director – Marc Tanguay.

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

Council President Sylvia noted Mr. Tanguay's employment history with the Town.

8. Resolution of the Council, re: Confirmation of appointment of Town's Finance Director and annual base salary.

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

Town Clerk Wendy J.W. Marshall swore Marc Tanguay in as Finance Director for the Town of Middletown.

9. Memorandum of Town Planner, re: Planning Board Representatives to Open Space & Fields Committee and Conservation Commission.

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

10. Memorandum of Town Planner, re: Planning Board Officers.

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

11. Resolution of the Smithfield School Department, re: On Gun Free Schools.

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

Councillor VonVillas read the above resolution into the record. Ms. VonVillas noted that this type of resolution has been passed by many school committees and Town and City Councils.

Councillor Lombardi noted that the item is a school safety issue. Mr. Lombardi noted the need for student safety on a daily basis.

Councillor Viveiros noted that shooting happen in gun free zones.

Vote was taken at this time.

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

unanimously to receive said resolution.

12. Resolution of the Town of East Greenwich, re: Supporting H8005 Student Transportation Legislation Revisions.

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

13. Notice of Public Hearing from the Middletown Zoning Board of Review, Petition of Ken Alves (owner) for a Special Use Permit from Section 602 – to allow a modification to the previously granted special use permit to allow overnight boarding not to exceed 20 dogs, on said real estate located at 741 West Main Road, TAP 107NE, Lot 452.

On motion of Vice President Kempenaar, duly seconded, to receive said Notice of Public Hearing.

Discussion centered around if there are special state requirements for boarding of dogs, if the Dog Officer must approve boarding of dogs (the issue does not need approval of the Dog Officer) and why the issue is not before the Town Council (the issue requires a special use permit from the Zoning Board it is not an Amendment to the Zoning Ordinance which would require Council action).

Vote was taken here.

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

14. Communication of Todd A. Bianco, Coordinator, Rhode Island Energy Facility Sitting Board, with enclosures, re: Preliminary Decision and Order – SB2016-01 – Aquidneck Island Reliability Project.

On motion of Vice President Kempenaar, duly seconded, to receive said communication.

Discussion centered around the impact of the project on Mr. Smith's property, the use of big trucks on Town roads during construction, a Motion to Intervene was filed by the Town regarding the project and construction of a 20 foot stone wall around the substation.

Vote was taken here.

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

15. Application of HPK, Inc. dba Tickets, 15 Aquidneck Avenue for RENEWAL of an Amusement License for the 2016-2017 licensing year.

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

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

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

17. Application for Special Event Permit from Pulse Newport, Beach Camp at Second Beach beginning May 10, 2016 through September 30, 2016, Monday through Thursday from 5:30 am to 7:30 am.

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

LICENSES AND PERMITS

18. Application of Mizu Wei Japanese Restaurant Corporation dba Mizu Wei Japanese Restaurant, 250 East Main 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.

Councillor Lombardi recused himself from acting on the following item of business, #19, due to a possible conflict of interest.

19. Application for Special Event Permit from St. George's School – Camp Ramleh, Camp Benefit Sale to be held at St. George's School

**Hockey Rink on Saturday, June 11, 2016 from 9:00 am to 1:00 pm.
(Attached is 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.

20. Application of Marcos Vasconcelos dba My Chourico, Tiverton, for a Peddlers License 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

21. Public Hearing (Advertised)

Proposed Amendment to Middletown Charter.

Public Hearing was declared open

Councillor Rodrigues noted concern with the proposed charter change adding another layer of government and the Council acting on any violations to the charter. Mr. Rodrigues inquired why the item was not put before a charter review committee.

Councillor VonVillas noted that a charter change does not need to be put before a charter review committee.

Council President Sylvia noted that there are no penalties for someone who violates the charter. Mr. Sylvia suggests the question be submitted to the voters.

Councillor Viveiros noted that the Council does have the right to place a charter amendment on the ballot.

Councillor VonVillas noted that the issue is about ethics and she will support the amendment.

Councillor Lombardi noted that the issue is about accountability.

Town Solicitor Peter B. Regan noted that charter violations would not fall under the purview of the Ethics Commission.

On motion of Council President Sylvia, duly seconded, it was voted unanimously to remove the wording in, page 2, (b) (2) “the limit set by state law”.

There being no person present desiring to be heard public hearing

was declared closed.

On motion of Council President Sylvia, duly seconded it was voted unanimously to direct the Town Solicitor to draft language, as amended to add a penalty for violations of the Town Charter “Section 1110 – Complaints by qualified electors of Charter violations” for the November 2016 ballot for Town Council consideration at the next regular meeting, June 6, 2016.

TOWN COUNCIL

22. At the Request of Council President Sylvia, Memorandum of Town Planner, with enclosures, re: DRAFT FFY 2017-2025 Transportation Improvement Program (TIP).

On motion of Vice President Kempenaar, duly seconded, to receive said memorandum.

Town Planner Ronald Wolanski reviewed the memorandum above.

Councillor Santos noted the need for sidewalks on Aquidneck Avenue.

Town Administrator Shawn Brown noted that he and the Town Planner will attend the TIP Public Hearing and will advocate for Town projects.

The vote was taken at this time.

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

23. At the request of Council President Sylvia, Resolution of the Council, re: In opposition to the adoption of the FFY 2017-2025 TIP as currently drafted, and requesting two projects be added to the TIP.

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

24. Communication of Councillor Viveiros, with enclosure, re: Request that Council suspend all development in the Newport Water Supply reservoirs and Newport/Middletown beaches, and perhaps all Watershed Protected Districts.

On motion of Vice President Kempenaar, duly seconded, to receive said communication.

Councillor Viveiros read the following into the record, entered here:

Terri Flynn, 34 Warren Avenue, Secretary of Concerned Island Tax Payers Association, addressed the Council expressing concern that the Town has no one enforcing conditions set by Town Boards on development projects.

A vote was taken at this time.

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

APPOINTMENT TO BOARDS AND COMMITTEES

25. Communication of Danielle Domingoes, re: Resignation from the Middletown Prevention Coalition.

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

26. Appointment of one (1) member to the Roads and Utilities Advisory Committee, for a term expiring January 2017.

On motion of Vice President Kempenaar, duly seconded, it was voted unanimously to appoint Thomas Darby to the Roads and Utilities Advisory Committee for a term expiring January 2017.

Councillor Viveiros urged residents to voluntary for Town Boards and Committees.

On motion of Vice President Kempenaar, duly seconded, it was voted unanimously to adjourn said meeting at 8:30 pm.

Wendy J.W. Marshall, CMC

Council Clerk

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