

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, October 17, 2016 at 6:30 P.M.

Council President Robert J. Sylvia, Presiding

Councillor Henry F. Lombardi, Jr.

Councillor Paul M. Rodrigues

Councillor M. Theresa Santos

Councillor Antone C. Viveiros

Councillor Barbara A. VonVillas, Members Present

Vice President Robert Kempenaar, II, Absent

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.

6:30 PM - EXECUTIVE SESSION

- 1. Executive Session - Pursuant to provisions of RIGL, Sections 42-46-2, 42-46-4 and 42-46-5 (a) (5) Land Acquisition.**

On motion of Councillor Rodrigues, duly seconded, it was voted unanimously to recess open session and reconvene in executive session at 6:33 p.m.

On motion of Councillor Rodrigues, duly seconded, it was voted unanimously to recess executive session and reconvene in open session at 6:48 p.m.

On motion of Councillor Rodrigues, 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 6:50 p.m.

On motion of Councillor Rodrigues, duly seconded, it was voted unanimously to reconvene this meeting at 7:00 p.m.

PRESENTATIONS

2. Citation of the Council, re: Superintendent Rosemarie K. Kraeger.

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

unanimously to begin said presentation.

Town Council President Sylvia presented Superintendent Rosemarie Kraeger with the above citation.

Also, present with Ms. Kraeger were School Committee Chair Theresa Spengler, Vice Chair Kellie DiPalma Simeone, members Douglas Arnold, Liana Ferreira Fenton and Assistant Superintendent Linda Savastano.

School Committee Chair Theresa Spengler noted the School Committee is proud of Ms. Kraeger and of her accomplishments and successes over the past 30 years.

Superintendent Rosemarie Kraeger thanked the Council and noted her accomplishments were due to team work over the years.

3. Resolution of the Council, re: Commendation for M. Christie

Smith, CAWA, Executive Director of the Potter League for Animals.

On motion of Councillor Rodrigues, duly seconded, it was voted unanimously to begin said presentation and pass said resolution.

Town Council President and Councilor Santos presented the above resolution and a gift from the Council to Ms. Smith.

Christie Smith, CAWA, Executive Director of the Potter League for Animals noted that she has been working in Middletown for 35 years with a wonderful staff. Ms. Smith thanked the Town Council and Town Administration for support over the years.

4. Communication of Councillor Viveiros, re: PowerPoint Presentation – Update from Tax Exploration Sub-Committee.

On motion of Councillor Rodrigues, duly seconded, it was voted unanimously to begin said presentation.

Councillor Viveiros presented a power point presentation from the Tax Exploration Sub-Committee, which is on file in the Office of the Town Clerk.

Dennis Turano, Member of the Tax Exploration Sub-Committee, thanked the Council for forming the committee. Mr. Turano noted that he has been approached by many residents regarding Town taxes.

APPOINTMENT OF TOWN OFFICIAL

5. Memorandum of Town Administrator, re: Appointment of Deputy Finance Director – Paul Rendine.

On motion of Councillor Rodrigues, duly seconded, it was voted unanimously to receive said memorandum.

Town Administrator Shawn Brown introduced Paul Rendine to the Council and public. Mr. Brown noted that Mr. Rendine has worked for the Town during the last ten months and makes a great addition to the Town staff.

Paul Rendine thanked the Town for the opportunity to join the staff.

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

On motion of Councillor Rodrigues, duly seconded, it was voted unanimously to pass said resolution.

PUBLIC FORUM

7. 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.

Dennis Turano, 195 Tuckerman Avenue, addressed the Council inquiring what the Town surplus monies would be used for.

On motion of Councillor Rodrigues, duly seconded, it was voted unanimously to act as a Board of License Commission.

ACTING AS A BOARD OF LICENSE COMMISSION

8. (Public Hearing Advertised)

Applications received from the following named persons, firms or corporations for RENEWAL of Alcoholic Beverage Licenses for the 2016-2017 licensing year. (See attached list)

Public Hearing was declared open.

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

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

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

unanimously to reconvene as a Town Council.

Councillor Rodrigues requested that items #10 and #11 be heard under the regular portion of the docket.

CONSENT

9. Approval of Minutes, re: Regular Meeting, October 3, 2016.

On motion of Councillor Rodrigues, duly seconded, it was voted unanimously to approve said minutes.

10. At the request of Council President Sylvia, Resolution of the Council, re: In opposition to the siting of the Clear River Energy Center in Burrillville, RI.

Council President Sylvia read the following resolution into the record.

On motion of Councillor Rodrigues, duly seconded, it was voted unanimously to pass said resolution.

11. Communication of Tax Assessor and Finance Director, with enclosure, re: Cancellation of taxes for certain Middletown residents.

On motion of Councillor Rodrigues, duly seconded, it was voted unanimously to receive said communication.

Councillor Santos questioned if the Assessors staff uses obituaries in the newspapers to confirm that a tax payer has passed away.

Town Solicitor Peter B. Regan, responding to Councillor Santos, explained that there is a more extensive research than just reading an obituary. The office may use that to start their investigation and will use probate records and death records to confirm.

12. Resolution of the Council, re: Cancellation of taxes for certain Middletown residents.

On motion of Councillor Rodrigues, duly seconded, it was voted unanimously to pass said resolution.

13. (Continued from September 6, 2016, September 19, 2016 Regular Meetings)

Memorandum of Town Administrator, re: Petition to Change Parking Ban on Kent Road.

(At the request of the Administration this item will be continued to December 5, 2016)

On motion of Councillor Rodrigues, duly seconded, it was voted unanimously to continue said item to the December 5, 2016, Regular Meeting of the Council.

14. Email communication of Town Planner, with enclosures, re: Agricultural Business overlay meeting – Middletown Farm overlay district draft and PowerPoint presentation Middletown Farm business.

On motion of Councillor Rodrigues, duly seconded, it was voted unanimously to receive said email communication.

15. Petition of National Grid Electric Company and Verizon for Ellery Avenue Proposed New JO pole location. (Recommendation of Roads/Utilities Committee/Public Works Director)

On motion of Councillor Rodrigues, duly seconded, it was voted unanimously to approve said petition.

16. Memorandum of Michael W. Miller, Esquire, representing, Horan Building Company, Inc., with enclosures, re: Request to amend Sections 602 and 702 of the Middletown Zoning Code. (Requires Planning Board recommendation)

On motion of Councillor Rodrigues, duly seconded, it was voted unanimously to receive said memorandum and forward said request to the Planning Board for recommendation.

17. Communication of Alyson C. Adkins, Director of Finance and Human Resources, Discover Newport, with enclosure, re: Annual Audit Report fiscal year ending March 31, 2016.

On motion of Councillor Rodrigues, duly seconded, it was voted unanimously to receive said communication and Annual Audit

Report.

18. Communication of Tiffany Bumgardner-Scheffler, Narragansett Council Boy Scouts of America, re: Appreciation for support.

On motion of Councillor Rodrigues, duly seconded, it was voted unanimously to receive said communication.

19. Narragansett Electric Company dba National Grid – Aquidneck Island Reliability Project – PUC Docket 4614 documents, on file in the Office of the Town Clerk. (See Attached List)

On motion of Councillor Rodrigues, duly seconded, it was voted unanimously to receive said list of Narragansett Electric Company dba National Grid – Aquidneck Island Reliability Project – PUC Docket 4614 documents.

20. Application of Laurin Enterprises dba Gold's Auto Wrecking Co., 113 Fenner Avenue, for RENEWAL of a Junk Dealer's License for the 2016-2017 licensing year.

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

21. Applications received from the following named persons, firms or corporations for RENEWAL of Victualling House 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.

LICENSES AND PERMITS

22. Application of Caitlin Knowles dba Caitlin Knowles Massage Therapy, 190 East Main Road, for a Body Works Establishment License for the 2016-2017 licensing year. (NEW)

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

23. Application of Mattress Firm, Inc. dba Mattress Firm, 1305 West Main Road for a Holiday Sales License for the 2016-2017 licensing year. (NEW)

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

PUBLIC HEARING

24. (Public Hearing Advertised)

Applications received from the following named persons, firms or corporations for RENEWAL of Victualling House Licenses, Additional Hours of Operation, for the 2016-2017 licensing year. (See attached list)

Public Hearing was declared open.

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

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

ORDINANCE

25. An Ordinance of the Town of Middletown (Second Reading)

An Ordinance in Amendment to the Town Code of the Town of Middletown, Title VII Traffic Code, Chapter 72 Parking Regulation, Section 72.12 Through Traffic (Forest Avenue).

Ray Alexander, 6 Coggeshall Circle, addressed the Council requesting to add Oliphant Lane to the ordinance.

Councillor Rodrigues noted concern that the ordinance does not address farm equipment (Agricultural use) on Forest Avenue.

Discussion centered around passing this ordinance and amending the ordinance to allow farm equipment on Forest Avenue and truck traffic on Oliphant Lane.

On motion of Councillor Rodrigues, duly seconded, it was voted unanimously to adopt said ordinance on its second reading.

OTHER

26. Grant of Easement, re: Town of Middletown to Narragansett Electric Company – Sachuest Point Road.

On motion of Councillor Rodrigues, duly seconded, it was voted unanimously to grant said easement and authorize the Town Council President to execute on behalf of the Town.

On motion of Councillor Rodrigues, duly seconded, it was voted unanimously to adjourn said meeting at 7:55 p.m.

Wendy J.W. Marshall, CMC

Council Clerk

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