

**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, December 5, 2016 at 6:00 P.M.**

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

**Vice President Paul M. Rodrigues**

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

**Councillor M. Theresa Santos**

**Councillor Dennis B. Turano**

**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 PM - EXECUTIVE SESSION**

**1. Executive Session - Pursuant to provisions of RIGL, Sections 42-46-2, 42-46-4 and 42-46-5 (a) (5) Lease (West Main Road) and (2) Collective Bargaining (Town Hall - NEARI).**

**On motion of Vice President Rodrigues, duly seconded, it was voted unanimously to recess open session and reconvene in executive session at 6:01 p.m.**

**On motion of Vice President Rodrigues, duly seconded, it was voted unanimously to recess executive session and reconvene in open session at 6:49 p.m.**

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

**On motion of Vice President Rodrigues, duly seconded, it was voted unanimously to extend the contract for one year, this is the final extension and increase the rent by 4%.**

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

**Council President Sylvia requested a moment of silence for the 75th Anniversary of Pearl Harbor.**

## **PRESENTATION**

**2. Citation of the Council, re: MHS Freshman Football Division II State Champions.**

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

**Council President Sylvia, Vice President Rodrigues, Councillor Lombardi and Councillor Turano presented the MHS Freshman Football Division II State Champions and Coach Yates with a Citation and signed football.**

## **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.**

**No one spoke during this session.**

**Vice President Rodrigues requested that items # 7, #14 and #16 be heard under the regular portion of the docket.**

## **CONSENT**

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

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

**5. Approval of Minutes, re: Special Meeting, November 13, 2016.**

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

**6. Approval of Minutes, re: Regular Meeting, November 21, 2016.**

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

**7. At the request of Council President Sylvia, Resolution of the Council, re: Proclaiming December 5th – 9th, 2016 as Civil Air Patrol Week in the Town.**

**Council President Sylvia read the following citation into the record.**

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

**Santa Claus arrived and presented the Council and Administration with candy canes.**

**8. Communication of Accounting Manager, with enclosure, re: Quarterly Tax Collector's Report as of 09/30/2016 – Town of Middletown.**



**On motion of Vice President Rodrigues, duly seconded, it was voted unanimously to withdraw said Quarterly Tax Collector's Report, the report was acted on at the November 7, 2016 Regular Meeting of the Council.**

**9. Resolution of the Council, re: Requesting RI General Assembly to ratify Charter Change approved by voters on November 8, 2016.**

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

**10. Memorandum of Finance Director, thru Town Administrator, with enclosure, re: General Obligation Bonds – Authorization to issue up to \$5M bonds and/or notes-Design, Construction, Repair, Rehabilitation and Improvement of Streets and Sidewalks.**

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

**11. Resolution of the Council, re: Authorizing Resolution prepared by Town's Bond Counsel, which authorizes the issuance of up to \$5M bonds and/or notes-Design, Construction, Repair, Rehabilitation and Improvement of Streets and Sidewalks.**

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

**12. Memorandum of Finance Director, thru Town Administrator, with enclosure, re: Authorization to issue up to \$10M bonds and/or notes-Health, Safety and Fire-Code Related Repairs, Alterations, Renovations, Improvements and Equipping of School Facilities in the Town and all attendant expenses.**

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

**13. Resolution of the Council, re: Authorizing Resolution prepared by Town's Bond Counsel, which authorizes the issuance of up to \$10M bonds and/or notes-Health, Safety and Fire-Code Related Repairs, Alterations, Renovations, Improvements and Equipping of School Facilities in the Town and all attendant expenses.**

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

**14. Communication of Tax Assessor, with enclosures, re: Cancellation of Taxes for certain Middletown Taxpayers.**

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

**Councillor Santos noted that she has communicated with the Tax Assessor regarding vehicles registered to military personnel in the Town.**

**15. Resolution of the Council, re: Cancellation of Taxes for certain Middletown Taxpayers.**

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

**16. Memorandum of Town Engineer, thru Town Administrator, with enclosure, re: Signage at Ashurst Avenue, Kent Road, Tuckerman Avenue & Purgatory Road.**

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

**Town Engineer Warren Hall and Public Works Director Tom O'Loughlin were present to answer Council questions regarding docket item #16.**

**Discussion centered around if Ashurst Avenue is a public or private road, if a portion of Ashurst Avenue is known as Ashurst Place, a portion of Ashurst Avenue is maintained by the Town, if beach parking in the area is an issue and uniform signage being placed in the area.**

**17. Memorandum of MPC Coordinator, thru Town Administrator, re: Department of Health Grant Submission to CDC and Tobacco Control Mini Grant.**

**On motion of Vice President Rodrigues, duly seconded, it was voted unanimously to receive said memorandum, authorize the Middletown Prevention Coalition to partner with the RI Department of Health**

**(DOH) in the grant submission and authorize submission of the Tobacco Free Youth Mini grant to the RI DOH in the amount of \$1500.00.**

**18. Memorandum of Senator Louis P. DiPalma, District 12, re: Legislative Agenda for 2017.**

**On motion of Vice President Rodrigues, duly seconded, it was voted unanimously to receive said memorandum and schedule a workshop on January 17, 2017.**

**19. Memorandum of Town Administrator, re: Middletown 2017 Legislative Agenda.**

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

**20. Memorandum of Town Administrator, with enclosure, re: Onsite Wastewater Management Ordinance – Request Council to schedule a workshop on January 17, 2017.**

**On motion of Vice President Rodrigues, duly seconded, it was voted unanimously to receive said memorandum and schedule a workshop on January 17, 2016.**

**21. Notice of Open Government Summit 101 – Community College of Rhode Island to be held on January 9, 2017 from 9:00 AM to 12:00 PM.**

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

**22. Notice of Public Hearing from the Zoning Board of Review, Petition of East Island Reserve, LLC (owner) by their attorney Jeremiah C. Lynch, III – for a Special Use Permit from Section 1212 D**

**(1) (a) – to allow a 9' X 8.75' post sign with 15.41 sq. ft. of sign area where 6 sq. ft. is allowed and 9' in height where 6' is allowed on said real estate located at 969 & 985 East Main Road, TAP 118, Lots 20 & 21.**

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

**23. Communication of Courtenay Needham, Community Manager, Relay for Life, American Cancer Society, re: Appreciation for support.**

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

**24. Communication of James Winters, President Newport County NAACP Branch and Fern W. Lima, Chairperson, Booklet Committee, re: Appreciation for support and contribution in the 96th Annual**



**NAACP Annual Awards Dinner.**

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

**25. 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 Vice President 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.**

**26. Communication of Robert M. Silva, Esquire, on behalf of Samuel's Realty Company, Inc., Petition to rezone property on Aquidneck Avenue, designated as Lots 108 and 109 on Tax Assessor's Plat 114. (Requires Planning Board Recommendation)**

**On motion of Vice President Rodrigues, duly seconded, it was voted unanimously to receive said communication and forward petition to the Planning Board for recommendation.**

**27. 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. (Planning Board recommendation attached; Requires Advertising and notification to abutters)**

**On motion of Vice President Rodrigues, duly seconded, it was voted unanimously to advertise and notify abutters for a Public Hearing to be held at the January 17, 2017 Regular Meeting of the Council.**

**28. Application of Jordy's Sandwich Shop, LLC dba Jordy's Café, 1397 West Main Road, for RENEWAL of a Victualling House License for the 2016-2017 licensing year.**

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

**29. Application of Marc Milici, Troubled Soul & Company, LLC, 999 West Main Road, for RENEWAL of a Tattoo License for the 2016-2017 licensing year.**

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

## **LICENSE**

**30. Application of Jing Zhe Qiu, Middletown, for a Body Works Personnel License for the 2016-2017 licensing year. (NEW)**

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

## **OTHER COMMUNICATION**

**31. Communication of Carol Cummings, re: Introduction of ordinance restricting parking on Indian and Peckham Avenues pertinent to the CRMC Y – 7.**

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

**Carol Cummings, 738 Indian Avenue, addressed the Council noting concern with parking on Indian Avenue and Peckham Avenue; she suggests the Council have no parking or parking permits in these areas. Ms. Cummings urged the Council to have a lawyer perform a**

**title search for the King Fisher commonage.**

**George Perry, 214 Peckham Avenue, addressed the Council, noted that the King Fisher area is his favorite fishing hole. The area access is deplorable, the road was washed away and there is trash in the area. Mr. Perry suggests a resident sticker for parking in the area.**

**Discussion centered around trash in the area, installation of the snow fence at the top of the bluff, stormwater erosion in the area, and the 1991 map approved by CRMC is being used to make improvements to the area.**

## **ORDINANCES/POLICIES**

### **32. 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)**

**Discussion centered around farm equipment traveling on the roadway, speed tables placed on the roadway, striping the speed tables, notifying area companies of the ordinance and signage in the area.**

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

**33. Miscellaneous Billing Policy, re: Authorizing the Finance Department to secure payment of all private police, fire and public works service details in advance of such services.**

**On motion of Vice President Rodrigues, duly seconded, it was voted unanimously to adopt said policy.**

### **34. An Ordinance of the Town of Middletown (First Reading)**

**An ordinance in Amendment to the Town Code of the Town of Middletown, Title III, Administration, Chapter 100 Special Events, Section 100.04.**

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

### **35. An Ordinance of the Town of Middletown (First Reading)**

**An ordinance in Amendment to the Town Code of the Town of Middletown, Title III, Administration, Chapter 36 Fee Schedule, Section 50, Public Works Hourly Billing Rates, Section 51, Public Safety Private Detail Billing Rates and adding a new Section 55 Late Fees.**

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

**Councillor Turano recused himself from acting on the following item of business, #36, due to a possible conflict of interest.**

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

**An ordinance in Amendment to the Town Code of the Town of Middletown, Title IX, General Regulations, Chapter 98 Short-Term Residential Leases, Section 98.01 Legislative Findings and Intent, 98.02 Definitions, Section 98.04 Registration And Inspection Required, Section 98.05 Registration Form, Section 98.09 Occupancy Limits, Section 98.10 Owner's Obligations, Section 98.11 Tenant's Obligations, and adding a new Section 98.12 Local Representative.**

**Discussion centered around the Building Official and Zoning Officer administering the ordinance regulations, the age of 6 in section 98.09 be age of 12, increasing the fines in this section, and in section 98.08 the fine of \$100 is unreasonable, the use of the state building code for definitions within the ordinance and if the fines can be mandatory and not reduced.**



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

## **TOWN COUNCIL**

**37. Communication Councillor Viveiros, with enclosures, re: Discuss survey and proposal regarding taping and placing on website the Planning, Zoning and Conservation Committee meetings. (Survey Attached)**

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

**Councillor Viveiros addressed the Council reviewing the survey results regarding taping meetings of the Planning Board, Zoning**

## **Board of Review and Conservation Commission.**

**On motion of Councillor Viveiros, duly seconded, to tape Planning, Conservation and Zoning meetings and place on the Town website.**

**Councillor VonVillas noted that she will not support taping meetings of the Planning Board, Zoning Board of Review and Conservation Commission.**

**Councillor Turano noted support for taping the Planning Board, Zoning Board of Review and Conservation Commission for transparency.**

**Councillor Rodrigues noted he would like to just start with taping Planning Board and Zoning Board meetings.**

**Councillor Lombardi noted agreement with Councillor Rodrigues.**

**Councillor Viveiros explained that the Conservation Commission is set by state statute and believes the commission should have their meetings taped.**

**Council President Sylvia noted support for taping the Planning Board, Zoning Board of Review and Conservation Commission, explaining it shows transparency and good government.**

**Discussion centered around if the Boards would be required to tape all meetings or just regular Meetings.**

**On motion of Councillor Viveiros, duly seconded, it was voted unanimously to amend the above motion to tape regularly scheduled meetings.**

**On motion of Councillor Viveiros, duly seconded, it was voted, as amended to tape Planning, Conservation and Zoning Regularly scheduled meetings and place on the Town website; Councillor VonVillas voted NO to said motion.**

**38. Memorandum of Town Administrator, thru Athletic Field Sub-committee (TC Lombardi, Rodrigues & Viveiros), re: General Purpose Athletic Fields – Drive in Property.**

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

**Vice President Rodrigues reviewed the memorandum above.**

**Discussion centered around the Drive In property being reviewed for wetland areas and going out to bid for the project.**

**On motion of Council President Sylvia, duly seconded, it was voted unanimously to authorize the Town Administrator to fulfill the request leveling off the Drive In area for Athletic Fields.**

**39. Memorandum of Vice President Rodrigues, Councillor Lombardi and Councillor Viveiros, re: Repairs needed at Middletown Little League Fields.**

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

**Vice President Rodrigues reviewed the memorandum above.**

**Tom Nasser, 19 Squantum Drive, Middletown Little League President, addressed the Council requesting support for repairs on Town fields.**

**Discussion centered around the types of repairs needed at the fields and the involvement of the Little League Board of Directors.**

## **TOWN ADMINISTRATOR**

**40. (Continued from September 6, 2016, September 19, 2016 and October 17, 2016 Regular Meetings)**

**Memorandum of Town Administrator, with enclosures, re: Kent Road Parking.**

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

**Town Administrator Shawn Brown reviewed the memorandum above.**

**Fire Chief Ronald Doire addressed the Council noting he had met with the Kent Road area residents and demonstrated to the residents the space needed for Fire apparatus access.**

**Discussion center around Kent Road being 18 foot across, if a parking two wheels on the grass and two wheels on the pavement policy can be implemented in the area, the use of National Fire Prevention Standards used to provide a recommendation for parking in the Kent Road area and public safety in the area.**

**41. Memorandum of Fire Chief, thru Town Administrator, re: Kent Road Fire Safety.**

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

**Town Administrator Shawn Brown reviewed the memorandum above.**

**42. Resolution of the Council, re: Authorizing the installation of a fire hydrant – Kent Road area.**

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

**43. Communication of Town Clerk and Accounts Payable Clerk, re: Request Town Council to match employee donations for adopting a family.**

**On motion of Vice President Rodrigues, duly seconded, it was voted unanimously to receive said communication and approve a matching donation, up to \$500 for the Town Hall Employee Christmas Giving fund to be appropriated from the Council President's Discretionary Fund.**



## **BOARDS AND COMMITTEES**

**44. Memorandum of Council President Sylvia, re: Nomination/Appointment of Alternate Judges for Conflict Matters.**

**On motion of Vice President Rodrigues, duly seconded, it was voted unanimously to receive said memorandum and appoint Barbara A. Barrow as alternate Probate Court Judge and Michael W. Miller as alternate Municipal Court Judge.**

**45. Appointment of Town Council representatives to various boards and commissions.**

**On motion of Vice President Rodrigues, duly seconded, it was voted unanimously to appoint Councillor Lombardi, as liaison to the Aquidneck Island Planning Commission (AIPC).**

**On motion of Vice President Rodrigues, duly seconded, it was voted unanimously to appoint Council President Sylvia, Vice President Rodrigues and Councillor VonVillas as members to the Audit Committee.**

**On motion of Vice President Rodrigues, duly seconded, it was voted unanimously to appoint Councillor Santos and Councillor Turano as liaisons to the Beach Commission.**

**On motion of Vice President Rodrigues, duly seconded, it was voted unanimously to appoint Vice President Rodrigues as liaison to the Chamber of Commerce.**

**On motion of Vice President Rodrigues, duly seconded, it was voted unanimously to appoint Councillor Santos as a member to the Citizens Memorial Committee.**

**On motion of Vice President Rodrigues, duly seconded, it was voted unanimously to appoint Councillor Turano and Councillor VonVillas as members to the Economic Development Advisory Committee.**

**On motion of Vice President Rodrigues, duly seconded, it was voted unanimously to appoint Councillor VonVillas as liaison to the Library Board of Trustees.**

**On motion of Vice President Rodrigues, duly seconded, it was voted unanimously to appoint Councillor Lombardi as a member to the Middletown Prevention Coalition.**

**On motion of Vice President Rodrigues, duly seconded, it was voted unanimously to appoint Vice President Rodrigues as liaison to the Newport and Bristol County Convention and Visitors Bureau.**

**On motion of Vice President Rodrigues, duly seconded, it was voted unanimously to appoint Councillor Viveiros as a member to the Open Space and Fields Committee.**

**On motion of Vice President Rodrigues, duly seconded, it was voted unanimously to appoint Councillor VonVillas as a member to the Pension Trust Fund Investment Committee.**

**On motion of Vice President Rodrigues, duly seconded, it was voted unanimously to appoint Councillor Rodrigues as liaison to the Roads/Utilities Advisory Committee.**

**On motion of Vice President Rodrigues, duly seconded, it was voted unanimously to appoint Councillor Turano and Councillor Viveiros as liaison to the School Committee.**

**On motion of Vice President Rodrigues, duly seconded, it was voted unanimously to appoint Vice President Rodrigues, Councillor Santos**

**and Councillor Viveiros to the Special Assessment Review Sub-Committee.**

**On motion of Vice President Rodrigues, duly seconded, it was voted unanimously to appoint Councillor Lombardi, Councillor Turano and Councillor Viveiros to the Budget Sub-Committee.**

**46. Appointment of two (2) vacancies for the Newport and Bristol County Convention and Visitor's Bureau, terms expiring September 2019.**

**On motion of Vice President Rodrigues, duly seconded, it was voted unanimously to appoint Kristine Cox and T.R. McGrath to the Newport and Bristol County Convention and Visitor's Bureau, terms expiring September 2019.**

**47. Adoption of Rules of the Council.**

**On motion of Vice President Rodrigues, duly seconded, it was voted unanimously to adopt the Rules of the Council.**

**48. At the request of Council President Sylvia, Discussion of Holiday Council Schedule. (No Documentation)**

**On motion of Vice President Rodrigues, duly seconded, it was voted unanimously to cancel the December 19, 2016 and January 3, 2017, Regular Meetings of the Council.**

**49. Approval of FY2018 Budget Meeting Schedule.**

**On motion of Vice President Rodrigues, duly seconded, it was voted unanimously to approve said FY2018 Budget Meeting Schedule.**

**50. Communication of Joseph P. Pratt, Boys & Girls Clubs of Newport County, re: Resignation from the Middletown Prevention Coalition.**

**On motion of Vice President Rodrigues, duly seconded, it was voted unanimously to receive said resignation with regret.**

**On motion of Vice President Rodrigues, duly seconded, it was voted unanimously to adjourn said meeting at 9:27 PM.**

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

**Council Clerk**

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