

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 Tuesday, February 21, 2017 at 5:30 P.M.

Council President Robert J. Sylvia, Presiding

Vice President Paul M. Rodrigues

Councillor Henry F. Lombardi, Jr.

Councillor M. Theresa Santos

Councillor Antone C. Viveiros

Councillor Barbara A. VonVillas, Members Present

Councillor Dennis B. Turano, 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)

PRESENTATIONS

1. Memorandum of Council President Sylvia, re: Ethics Educational Seminar presented by Attorney Jason Grammit, Educational Coordinator from the Rhode Island State Ethics Commission.

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

Jason Gramitt, Esquire, Education Coordinator/Staff Attorney, Rhode Island Ethics Commission, reviewed the handout, entered here:

On motion of Vice President Rodrigues, duly seconded, it was voted unanimously to recess this meeting at 6:00 p.m.

On motion of Council President Sylvia, duly seconded, it was voted unanimously to reconvene this meeting at 6:04 p.m.

2. Norman Birenbaum, Principal Policy and Economic Analyst, re: Medical Marijuana Enforcement. (Presentation to be provided)

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

Norman Birenbaum, Principal Policy and Economic Analyst, Rhode Island Department of Business Regulation, addressed the Council presenting an overview of Title 161 – Department of Business Regulation, Chapter 30 – Commercial Licensing, Subchapter 35 – Marijuana. The complete handout of Chapter 30 – Commercial Licensing, Subchapter 35 – Marijuana is on file in the Office of the Town Clerk.

Discussion centered around Town Zoning relating to cultivators, compassion centers and the RI Department of Business Regulations inspecting facilities.

3. Assistant Attorney General Joee M. Lindbeck, re: Powerpoint presentation regarding Marijuana. (Presentation to be provided)

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

Assistant Attorney General Joee M. Linbeck, presented a powerpoint presentation regarding Marijuana, which is on file in the Office of the Town Clerk.

Discussion centered around growers using electricity vs. solar power, growers using generators and Council opposition to legalization for Marijuana.

On motion of Vice President Rodrigues, duly seconded, it was voted unanimously to recess this meeting at 7:15 p.m.

On motion of Vice President Rodrigues, duly seconded, it was voted unanimously to reconvene this meeting at 7:25 p.m.

Council President Sylvia requested a moment of silence for James Peckham, Retiree from the Fire Department, with condolences to his family.

4. Memorandum of Chief of Police, re: Honor Ceremony.

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

Chief Anthony Pesare introduced the new Animal Control Officer Erin Patel and the new Records Clerk Tanya Rocchio.

Chief Anthony Pesare introduced Probationary Police Officer Gregory Gosselin, who was sworn in by the Town Clerk Wendy J.W. Marshall and pinned by a family member.

Chief Anthony Pesare presented a Unit Citation pin to Lieutenant Joanne Alboum, Sergeant Andrew Barth, Patrol Officer Brett McKinnon, Patrol Officer Brendan Behan and Patrol Officer Michael Foody.

Chief Anthony Pesare presented Patrol Officer Brendan Behan with the Life Saving Award.

5. Memorandum of Fire Chief, re: Fire Department Awards Ceremony.

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

Lt. Robert McCall announced the following awards presented by Fire Chief Ronald Doire.

Unit Citation pins to Captain Adam Westman, Firefighter Brian DeFreitas, Firefighter Robert Hargis, Firefighter John Jordan, Firefighter Benjamin Godek and Dispatcher Harry Ray Clancey.

Fire Chief Ronald Dorie presented a Medal of Merit to Firefighter Thomas Welch and Firefighter John Jordan.

Council President Sylvia noted his condolences to the Arroyo Family.

Mr. Sylvia explained that that he is proud of the heroic efforts of the first responders from the Middletown Police and Fire Departments.

6. Stormwater Utility Development Project. (Presentation to be provided)

On motion of Vice President Rodrigues, duly seconded, it was voted unanimously to continue this matter to the March 20, 2017, Regular Meeting of the Council.

7. Memorandum of Town Engineer, re: Sachuest Point Resiliency Grant Project: Second Beach Dune Restoration and Walkover Paths. (Presentation to be provided)

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

Town Engineer Warren Hall reviewed the memorandum, above.

Discussion centered around the Beach Commission support for the project, average elevation of the current dunes being 20 feet, the mats are removed and stored away after the beach season, path #4 is ADA compliant, there are other beaches in the United States which use these mats, there are actually three paths big enough for wheelchair use and the mats are cooler and safer than the current boardwalks.

On motion of Vice President Rodrigues, duly seconded, it was voted unanimously to authorize the Town Administrator to proceed with the Sachuest Point Resiliency Grant Project as presented.

PUBLIC FORUM

8. 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.

CONSENT

9. Approval of Minutes, re: Regular Meeting, February 6, 2017.

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

10. Memorandum of Finance Director, with enclosure, re: Town Pension Plan Actuarial Valuation Report for the plan year July 1, 2016 – June 30, 2017.

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

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

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

12. Resolution of the Council, re: Cancellations of Taxes for certain Middletown residents. (Motor Vehicles)

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

13. Resolution of the Council, re: Cancellation of Taxes for certain Middletown residents. (Tangible Property)

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

14. Communication of Tax Assessor, with enclosure, re: Cancellation of Taxes for certain Middletown residents.

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

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

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

16. Draft of Collection Box Ordinance. (Requires Planning Board Recommendation)

On motion of Vice President Rodrigues, duly seconded, it was voted unanimously to refer said draft ordinance to the Planning Board for review and recommendation.

17. Draft of Plastic Bag Ban Ordinance. (Requires Planning Board Recommendation)

On motion of Vice President Rodrigues, duly seconded, it was voted unanimously to refer said draft ordinance to the Planning Board for review and recommendation.

18. Communication of Evangeline Junge, Jamestown, re: Study of Plastics – Plastic Bag Ban.

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

19. Communication of Greg Gerritt, Administrator, Environmental Council of Rhode Island, re: Plastic Carryout bags.

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

20. Communication of Town of Jamestown, re: To Burrillville Town Council – endorsing Exeter Resolution in Opposition of the Siting of the Clear River Energy Center Power Plant in Burrillville.

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

21. Resolution of the Town of Westerly, re: Opposing the Federal Railroad Administration's Proposal for an Alternative route for the Northeast Corridor.

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

22. Email communication of Peter V. Lacouture, Robinson & Cole, LLP, re: SB-2016-01 Aquidneck Island Reliability Project – EFSB hearings.

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

23. Application of Middletown Senior Center, Middletown, for RENEWAL of a Bingo License for the 2017-2018 licensing year.

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

24. Application of Robert Gobin, for RENEWAL of a Tattoo License to be used at 999 West Main Road, for the 2017-2018 licensing year.

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

25. Application for Special Event Permit from Charlotte O'Halloran for Chicks That Rip, Child Development Camp to be held July 10th – 14th , 2017 from 12:30 pm to 3:30 pm at Second Beach and July 17th –

21st, 2017 from 12:30 pm to 3:30 pm at Second Beach.

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

LICENSES AND PERMITS

26. Communication of Lt. Corey A. Huck, Newport Police Department, Chairman, AINPP, re: Requesting “in-kind” services for police details, highway department personnel, and the use of Town owned properties.

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

27. Application for Special Event Permit from Lieutenant Richard

Gamache, on behalf of the Aquidneck Island National Police Parade Committee, for the Aquidneck Island Annual Police Parade beginning on West Main Road Two Mile Corner to the One Mile Corner into Newport (Broadway) to be held on Sunday, May 7, 2017 at 9:30 am (Parade Committee respectfully requests all fees be waived)

On motion of Vice President Rodrigues, duly seconded, it was voted unanimously to grant said Special Event Permit and waive said permit fee.

Vice President Rodrigues noted that the current Special Event Ordinance does not allow detail fees to be waived.

Council President Sylvia noted that the Council will be reviewing the current ordinance at a later date.

28. Application of the Aquidneck Island Police Parade Committee, Middletown, for RENEWAL of Peddler's License for (Novelties and

T-Shirts) for Police Parade Day, Sunday, May 7, 2017, includes a request to waive license fee and be sole vendor for the event. (6 Vendors; Middletown Only)

On motion of Vice President Rodrigues, duly seconded, it was voted unanimously to grant said license renewal, waive fee and allow the committee to be the sole vendor.

29. Application for Special Event Permit from Middletown Prevention Coalition, for 8th Annual Middletown Family Day, to be held at the Newport County YMCA on Sunday, March 5, 2017 from 11:00 am – 4:00 pm. (Attached is a request for fees to be waived)

On motion of Vice President Rodrigues, duly seconded, it was voted unanimously to grant said Special Event Permit and waive said permit fee.

30. Application for Special Event Permit from Middletown Pan

Massachusetts Challenge Kids, A kid's bike ride fundraiser to support the Jimmy Fund, a cancer research foundation, Start and Finish at Second Beach Parking Lot on Sunday, May 21, 2017 from 5:00 am until 1:00 pm, includes a request to waive permit fee.

On motion of Vice President Rodrigues, duly seconded, it was voted unanimously to grant said Special Event Permit and waive said permit fee.

TOWN ADMINISTRATOR

31. Memorandum of Town Administrator, with enclosure, re: Agreement with Competitive Energy Services (CES).

On motion of Vice President Rodrigues, duly seconded, it was voted unanimously to continue this matter to the March 20, 2017, Regular Meeting of the Council.

32. Resolution of the Council, re: Approving and Authorizing Town Administrator to execute Master Consulting Agreement with Competitive Energy Services, LLC.

On motion of Vice President Rodrigues, duly seconded, it was voted unanimously to continue this matter to the March 20, 2017, Regular Meeting of the Council.

33. Memorandum of Town Administrator, with enclosures, re: Grant application NOAA 2017 Coastal Resilience Grants.

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

Town Engineer Warren Hall reviewed the memorandum above.

Dave McLaughlin, Executive Director Clean Ocean Access, addressed the Council noting that he has been working with the Aquidneck Island Planning Commission. Mr. McLaughlin explained that the project will work to stabilize the area and help protect Dunlap Wheeler Park and the Town Pump Station.

On motion of Vice President Rodrigues, duly seconded, it was voted unanimously to authorize the Town Administrator to proceed with the NOAA 2017 Coastal Resilience Grants application.

34. Memorandum of Finance Director, thru Town Administrator, with enclosures, re: Contract Award: MIDD-017-005 MAIDFORD RIVER STORMWATER BMPS.

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

**35. Resolution of the Council, re: Award of contract – MIDD-017-005
MAIDFORD RIVER STORMWATER BMPS.**

**Town Engineer Warren Hall noted that the project is the end of the
Maidford River Watershed Assessment project. The project will
include four (4) out of the five (5) projects.**

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

BOARDS AND COMMITTEES

**36. Appointment of three (3) members to the Senior Citizens Board of
Directors for terms expiring January 2020.**

On motion of Vice President Rodrigues, duly seconded, it was voted unanimously to reappoint Karen Douglas Johnson, Joyce Quinn and Elizabeth A. Yashura to the Senior Citizens Board of Directors for terms expiring January 2020.

37. Appointment of two (2) members to the Tree Commission for terms expiring January 2020.

On motion of Vice President Rodrigues, duly seconded, it was voted unanimously to reappoint Karen Day and Charles J. DiTucci to the Tree Commission for terms expiring January 2020.

EXECUTIVE SESSION

38. Executive Session - Pursuant to provisions of RIGL, Sections 42-46-2, 42-46-4 and 42-46-5 (a) (5) Land Acquisition (East Main Road), (5) Lease/MOU (West Main Road) and (2) Collective Bargaining (IBPO) – Addendum - (2) Potential Litigation.

On motion of Vice President Rodrigues, duly seconded, it was voted unanimously to recess open session and reconvene in executive session at 8:53 p.m.

On motion of Vice President Rodrigues, duly seconded, it was voted unanimously to recess executive session and reconvene in open session at 9:10 p.m.

On motion of Vice President Rodrigues, duly seconded, it was voted unanimously to approve a one year extension of the Memorandum of Understanding (MOU) with the Friends of the Library and authorize the Town Administrator to execute.

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 Vice President Rodrigues, duly seconded, it was voted unanimously to adjourn said meeting at 9:12 P.M.

Wendy J.W. Marshall, CMC

Council Clerk

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