

**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, April 3, 2017 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, arrives at 6:15 pm**

**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 P.M. - EXECUTIVE SESSION**

**1. Executive Session - Pursuant to provisions of RIGL, Sections 42-46-2, 42-46-4 and 42-46-5 (a) (2) Collective Bargaining (Middletown Public Library Employees Association/NEARI) and (2) Collective Bargaining (IBPO).**

**On motion of Vice President Rodrigues, duly seconded, it was voted unanimously to recess open session and reconvene in executive session at 6:02 p.m.**

**On motion of Vice President Rodrigues, duly seconded, it was voted unanimously to recess executive session and reconvene in open session at 6:07 p.m.**

**On motion of Vice President Rodrigues, duly seconded, it was voted unanimously to ratify the Middletown Public Library Employees Association/NEARI July 1, 2018 to June 20, 2019 agreement.**

**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 6:10 p.m.**

**On motion of Council President Sylvia, duly seconded, it was voted unanimously to reconvene this meeting at 6:30 p.m.**

**6:30 P.M. – PRESENTATIONS**

**2. Aquidneck Island Land Trust, re: Maidford Conservation Plan. –  
15 Minute Limit**

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

**William Guenther, Senior Scientist, Fuss & O'Neill, presented a PowerPoint presentation which is on file in the Office of the Town Clerk.**

**Discussion centered around that the scope of the project is specific to the Maidford River, the cost of a filtration system verses natural filtration for stream systems are costly.**

**3. Regulate RI and Regulate Middletown. – 15 Minute Limit**

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

**Greg Carroll, 5 Kent Road, addressed the Council introducing Jared Moffit, Director of Regulate Rhode Island. Mr. Carroll noted that he feels marijuana is best to be regulated properly.**

**Jared Moffit, Director of Regulate RI, reviewed a presentation on Why Rhode Island should legalize, regulate, and tax marijuana in 2017, which is on file in the Office of the Town Clerk.**

**Discussion centered around regulations would require that a person must be 21 and over to obtain recreational marijuana, negative effects of THC on people's health, concern with children being around people who use recreational marijuana and increase in traffic accidents in states where marijuana has be legalized.**

## **7:00 P.M. – PRESENTATION/ REGULAR MEETING**

### **4. Budget Presentation Fiscal Year 2017-2018. – 15 Minute Limit (No Documentation)**

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

**On motion of Council President Sylvia, duly seconded, it was voted unanimously to appoint Councillor Santos, Vice President Rodrigues and Councillor VonVillas, as alternates to the Budget Subcommittee.**

**Town Administrator Shawn Brown reviewed a PowerPoint presentation on the FY18 Budget Proposal which is on file in the Office of the Town Clerk.**

**Discussion centered around that the Town side of the budget is at 0%, the School is requesting a 4% increase, which calculates to a 2.26% increase in taxes and the budget presentation will be posted on the Town's website.**

## **PUBLIC FORUM**

**5. 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.**

**On motion of Vice President Rodrigues, duly seconded, it was voted**



**unanimously to act as a Board of License Commission.**

**ACTING AS A BOARD OF LICENSE COMMISSION**

**6. Application of Sail Newport, 60 Fort Adams Drive, Newport, for a Class F-1 Alcoholic Beverage License for use at Hood Sailmakers, 23 Johnnycake Hill Road, Middletown - Event May 13, 2017 (7:00 pm – 12:00 am).**

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

**On motion of Vice President Rodrigues, duly seconded, it was voted unanimously to reconvene as a Town Council.**

**CONSENT**

**7. Approval of Minutes, re: Regular Meeting, March 20, 2017.**

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

**8. Resolution of the Middletown School Committee, re: Hold Harmless.**

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

**9. Resolution of the Town of Charlestown, re: In support of Governor Gina Raimondo's Rhode Island's Promise Program.**

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

**10. Resolution of the Town of Charlestown, re: In support of Inadequacies of the Low and Moderate Income Housing Act As Identified by the Town of Glocester, RI.**

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

**11. Resolution of the Town of Charlestown, re: Relative to the Regulation of Earth Removal, Extraction, Processing and Blasting.**

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

**12. Resolution of the Town of Burrillville, re: Proposed Repeal – Motor Vehicle Tax.**

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

**13. Communication of Cheryl A. Fernstrom, CMC Town Clerk, Town of Jamestown, re: Support for Charlestown Town Council in its opposition to the “Old Saybrook to Kenyon Bypass Rail Alignment”.**

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

**14. Resolution of the Town of Jamestown, re: On Gun Free Schools.**

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

**15. Resolution of the Town of Jamestown, re: In support for House Bill 5515 “An Act Relating to Criminal Procedure – Immigration Detainees”.**

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

**16. Notice of Public Hearing on Proposed Amendment to Zoning Code, re: To rezone Middletown Official Zoning Map seeking to rezone certain properties identified on the map and table attached - 163-600 Paradise Ave, 15-58 Paradise Brook Farm Road, 1-121 Prospect Ave.,1-12 Maidford River Rd.,431 Reservoir Road and 65 Gray Craig)**

**On motion of Vice President Rodrigues, duly seconded, it was voted**

**unanimously to receive said Notice of Public Hearing.**

**17. Email communication from George W. Watson, III, with enclosures, re: National Grid's Response to the First Set of Data requests for EFSB Docket SB 2016-01 – Aquidneck Island Reliability Project. (Documentation/Enclosures are available at the Office of the Town Clerk)**

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

**18. Email communication from George W. Watson, III, with enclosures, re: Objection and Motion to Strike a Portion of Testimony of Steven M. Cabral, Pre-filed Rebuttal Testimony of Daniel McIntyre, Pre-filed Rebuttal Testimony of Susan Moberg and Pre-filed Rebuttal Testimony of Renee L. Codega for EFSB Docket SB 2016-01 – Aquidneck Island Reliability Project. (Documentation/Enclosures are available at the Office of the Town Clerk)**

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

**19. Communication of Executive Director Steven Brown, ACLU, with enclosures, re: Municipal Immigrant Protection Ordinance for RI Cities and Towns.**

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

**20. Communication of Susan S. Erstling, LICSW, PhD., Board Chair and Jennifer Barrera, Program Director, Lucy's Hearth, re: Appreciation for support.**

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

**21. Applications from the following named persons and corporations for RENEWAL of Amusement Licenses for the 2017-2018 licensing year. (See attached list)**

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

**22. Application for Special Event Permit from Sail Newport, Sail Newport's Annual Fundraiser Event – Shipwrecked Into the Blue to be held at Hood Sailmakers Loft, 23 Johnnycake Hill, on Saturday, May 13, 2017 from 7:00 pm until Midnight.**

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

**LICENSE**



**23. Application of Keystone Novelties Distributor, LLC dba Keystone Fireworks, 741 West Main Road for a Holiday License for the 2017-2018 licensing year.**

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

## **PUBLIC HEARING**

**24. 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 – Town’s Zoning Map - TAP 120, Lots 54, 55, 56, 57, 60, 61, 62, 63, 61A, 61B, 61C, 61D, 64, 65A, 66, 201, 202, 203, 206, 214, 215, 216, 217, 218, 219, 220, 221, 222 and 223, TAP 121, Lots 4, 5, 6, 7, 8, 8A, 12, 15, 16, 17A, 19, 20, TAP 126, Lots 12, 13A, 17A, 17B, 18, 19B, 20, 22, 23, 26, 27,**

**28, 29, 30, 31, 32, 33 and 68 and TAP 127, Lots 1, 3A, 3B, 3C, 4, 19 and 20 from Residential 30,000 Sq Ft Lots (R-30) to Residential – 40,000 Sq.Ft. Lots (R-40). The following parcels are partially rezoned TAP 120, Lot 59, TAP 121, Lots 11, 13, 17, 21, TAP 126, Lots 11, 13, 15, 17, 19, 36C and 201.**

**(See Attached Map 163-600 Paradise Ave, 15-58 Paradise Brook Farm Road, 1-121 Prospect Ave.,1-12 Maidford River Rd.,431 Reservoir Road and 65 Gray Craig)**

**Public Hearing was declared open.**

**Town Planner Ronald Wolanski addressed the Council noting that the zoning change would bring the zoning into compliance with the Town's Comprehensive Community Plan. Mr. Wolanski reviewed the following map and spreadsheet, entered here:**

**Discussion centered around what the effects of the zoning change does to the property values, non-conforming lot setbacks, state mandates the Town to develop and adopt a Town Comprehensive**

**Community Plan and that notice of the public hearing was sent to all property owners in the affected areas.**

**Council President Sylvia noted that the public hearing remains open.**

**There being no other persons desiring to be heard, public hearing remains open.**

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

## **ORDINANCES**

**25. Memorandum of Dave McLaughlin, Clean Ocean Access, re: Parking near CRMC Right of Way (Y-07) Kingfisher Avenue.**

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

**26. Communication of Topher Hamblett, Director of Advocacy, Save the Bay, re: CRMC Designated Right of Way, Kingfisher Avenue Y-7.**

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

**27. Communication of Peter Jenkins, Owner, The Saltwater Edge, re: Parking near CRMC Right of Way (Y-07).**

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

**28. Communication of Stephen J. Medeiros, President, RI Saltwater Anglers Association, re: Public Access.**

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

**29. 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 74 Parking Schedules, Schedule I: Parking on Roadways South and East of Aquidneck Avenue, Schedule II: No Parking at any time, Schedule III: Limited Parking and Schedule IV: Handicapped Parking.**

**Sheila McEntee, 819 Indian Avenue, reviewed the following:**

**Discussion centered around that the Kingfisher ROW is 50 foot**

**property with plantings the area is now 20 feet and the length is 700 feet.**

**Peter Jenkins, 1037 Aquidneck Avenue, addressed the Council reviewing the letter he submitted above, along with the letter submitted by Stephen J. Medeiros, President, RI Saltwater Anglers Association.**

**Discussion centered around the number of Middletown members in the Saltwater Anglers Association, resident stickers parking on Indian Avenue and Peckham Avenue, and charging out of town individuals for stickers.**

**George Allen, 444 Black Point, Portsmouth, RI, member of Saltwater Fishing Club and RI Saltwater Anglers Club, addressed the Council noting support for five parking spots on the ROW, along with five spots on Indian Avenue/Peckham Avenue. Mr. Allen requested the Council to give the groups a chance to keep the area free of debris.**

**Discussion centered around keeping the area clean and the support for fisherman.**

**Dave McLaughlin, 25 Johnnycake Hill Road, addressed the Council noting enforcement in the area would change behavior. Mr. McLaughlin noted support to place parking in the ROW and suggested that spaces be available on Peckham Avenue until the ROW is ready.**

**Discussion centered around the parking on the ROW would be ready on April 4, 2017, no parking signs to be placed on Indian Avenue and Peckham Avenue and that signage for no parking does not require signage to state TOW.**

**On motion of Vice President Rodrigues, duly seconded, it was voted to adopt said ordinance on its second reading, Councillor Lombardi voted NO to said motion.**

**30. 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.**

**OTHER COMMUNICATION**

**31. Communication of Timothy D. Brown, V.P. Middletown Athletic Boosters Club, re: Request for Middletown Town Council Support to purchase championship apparel for the Freshmen Football Team.**

**On motion of Vice President Rodrigues, duly seconded, it was voted unanimously to receive said communication and authorize \$280.00**



**donation to the Middletown Athletic Boosters Club for the purchase of State Championship apparel for the Freshman Football team to be appropriated from the Council President's Discretionary Fund.**

**Vice President Rodrigues recused himself from acting on the following item #32 of business, due to a possible conflict of interest.**

## **TOWN COUNCIL**

**32. Communication of Council President Sylvia, re: Senior Housing Project.**

**Council President Sylvia noted that he placed the item on the agenda to start the process. Mr. Sylvia noted the need to engage the seniors, citizens and developers for the project. Council President Sylvia suggests using current Town property explaining he does not want a bond or debt.**

**Councillor Lombardi noted support for a Senior Housing Project.**

**Councillor Turano noted support for a Senior Housing Project and the need to provide further tax relief to seniors.**

**Councillor Viveiros noted support for a Senior Housing Project and suggested using Berkeley Peckham School.**

**Senior Citizens Director Arleen Kaul addressed the Council thanking the Council President for placing the item on the docket and noting that affordable housing and transportation is needed for seniors. Ms. Kaul noted that the Senior Board of Directors have been working on a survey regarding senior needs in the Town.**

**Allen Shers, Portsmouth, RI, addressed the Council noting that his parcel of land on Valley Road would be ideal for low to moderate**

**senior housing along with the Library, Senior Center and Medical Building, which would be a public/private partnership. Mr. Shers explained that he is open for discussion.**

**Councillor VonVillas noted she likes what is being put forward and suggests the discussion be moved to the Town Administrator and Town Planning to review Town properties.**

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

**On motion of Council President Sylvia, duly seconded, it was voted unanimously to charge the Town Administrator, Town Solicitor, Senior Board and Middletown Economic Development Committee to come up with a plan regarding a senior facility and Town owned property.**

**33. Memorandum of Vice President Rodrigues, re: Projects – MHS**

**Freshman Anchor Academy.**

**Vice President Rodrigues, reviewed the memorandum below.**

**Discussion centered around that the request was too late to apply for a Middletown Education Collaborative grant and the community service project.**

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

**On motion of Vice President Rodrigues, duly seconded, it was voted unanimously to authorize \$4000.00 from the Recreation Fund, funding will be issued to a group with a tax ID.**

**34. Communication of Councillor Viveiros, re: Smaller trash bag to**

**our PAYT trash system.**

**Councillor Viveiros noted that Councillor Santos had requested the addition of an 8 gallon bag to the PAYT trash system.**

**Town Administrator Shawn Brown reviewed the memorandum dated August 30, 2016, entered here:**

**Discussion centered around that the cost of the PAYT program is subsidized by the number of bags sold, the program is based on permit fees and bags, the smaller bags are better for seniors and people living alone and the pricing of all size trash bags.**

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

**Town Administrator Shawn Brown noted that he will provide updated data regarding the trash bags during the budget process.**

**On motion of Councillor Viveiros, duly seconded, it was voted unanimously to include an 8 gallon bag in the PAYT system, so we will have an 8 gallon, 15 gallon and 32 gallon bags available in our system.**

**35. Resolution of the Council, re: Requesting the RI General Assembly to adopt and ratify the size, weight and load limits on Forest Avenue.**

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

**36. Resolution of the Council, re: Requesting the RI General Assembly to enact changes to Section 45-2-37 of RIGL, authorizing the Municipal Court of the Town of Middletown to impose a fine of not**

**in excess of one thousand dollars (\$1,000).**

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

**TOWN ADMINISTRATOR**

**37. Memorandum of Understanding between the Rhode Island Coastal Resources Management Council, Town of Middletown and Clean Ocean Access.**

**Dave McLaughlin, Johnnycake Hill Road, addressed the Council noting that this matter has been discussed for several years and he is looking forward to the partnership.**

**Discussion centered around the Y-10 area is off the Esplanade,**

**nothing defers liability this only adds a layer of stewardship and liability is addressed under the RI Public Recreation statute.**

**On motion of Vice President Rodrigues, duly seconded, it was voted unanimously to approve said Memorandum of Understanding and authorize the Town Administrator and Town Solicitor to execute said Memorandum of Understanding.**

## **BOARDS AND COMMITTEES**

**38. Memorandum Rosemarie K. Kraeger Superintendent of Schools, re: Appointment to Facilities Advisory Committee.**

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



**On motion of Vice President Rodrigues, duly seconded, it was voted unanimously to appoint Councillor Lombardi to the Facilities Advisory Committee.**

**On motion of Vice President Rodrigues, duly seconded, it was voted unanimously to adjourn said meeting at 9:50 P.M.**

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

**Council Clerk**

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