

**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 1, 2017 at 7:00 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)

Addendum – Posted April 27, 2017

- 1. Memorandum of Councillor Santos, re: Request to reconsider the Polo Center vote.**

Item # 38 from the April 17, 2017, Regular Meeting of the Council.

38. (Continued from March 20, 2017, Regular Meeting)

Public Hearing (Advertised; Abutters notified)

Public Hearing Remains Open

An Ordinance of the Town of Middletown (Second Reading)

An Ordinance in amendment to the Town Code of the Town of

Middletown, Title XV Land Usage, Chapter 152 Zoning Code, seeking to change the zoning classifications of Lots 108 and 109 on TAP 114 from Medium Density Residential Traffic Sensitive (R-20A) to Limited Business Traffic Sensitive (LBA) (TAP 114 Lot 108 property address is 650 Aquidneck Avenue; TAP 114 Lot 109 property is Aquidneck Avenue). (Planning Board recommendation attached)

The motion from April 27, 2017 is as follows:

On motion of Vice President Rodrigues, duly seconded, it was voted to adopt said ordinance on its second reading; Council President Sylvia, Councillor Lombardi, Councillor Santos and Councillor VonVillas voted YES; Vice President Rodrigues and Councillor Turano voted NO to said Motion.

Councillor Santos moved to reconsider the vote on the petition to

rezone lots 108 & 109 on Tax Assessor's Plat 114 from Medium Density Residential Traffic Sensitive to Limited Business Traffic Sensitive, duly seconded, it was voted unanimously to reconsider.

Town Solicitor Peter B. Regan explained that any alteration or amendment to this ordinance would have to take place during a public hearing.

Councillor Santos moved to schedule the reconsideration for public hearing on June 5, 2017, duly seconded, it was voted unanimously.

LICENSES

2. Application of Russell Rider for a ONE DAY BINGO License for a Fundraiser "DAY OF WISHES" to be held at the VFW- Gilbert Burton Hall Post 4487, 52 Underwood Lane on Friday, May 12, 2017. (Request included fee to be waived)

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

Posted – April 26, 2017

PUBLIC FORUM

1. 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

- 2. Approval of Minutes, re: Special Meeting, April 10, 2017.**

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

- 3. Approval of Minutes, re: Regular Meeting, April 17, 2017.**

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

- 4. At the request of Council President Sylvia, Resolution of the**

Council, re: Proclaiming May 2017 as Mental Health Month in the Town.

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

5. Communication of Tax Assessor, 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.

6. 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.

7. 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.

8. 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.

9. Memorandum of Accounting Manager, with enclosure, re:

Quarterly Tax Collector's Report as of 03/31/2017 – Town of Middletown.

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

10. An Ordinance in Amendment to the Town Code of the Town of Middletown, Title XV Land Use, Chapter 154 Wastewater Management District. (To be addressed at the May 15, 2017 Regular Meeting of the Council)

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

11. Communication of Representative Robert Quattrocchi, District 41 – Scituate, Cranston, re: Requesting support for Bill H-5606 “An Act Creating a Special Legislative Commission to Study the Efficiency and Cost of Implementing a Recycling Program for all Multi-Family

Residential Units including Condominium Complexes”.

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

12. Memorandum of T. Ardito, Executive Director, Aquidneck Island Planning Commission, with enclosure, re: AIPC FY17 budget and First Quarter profit & Loss Statement.

On motion of Vice President Rodrigues, duly seconded, it was voted unanimously to receive said memorandum and FY17 budget and First Quarter profit & Loss Statement.

13. EFSB Response Request No. 4, send by Attorney George Watson III, re: The Narragansett Electric Company dba National Grid’s Application to Construct the Aquidneck Island Reliability Project in Portsmouth and Middletown, Rhode Island – Docket No. SB-2016-01.

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

14. Resolution of the Town of Charlestown, re: In Opposition to H5474 and S0481, An Act Relating to Cities and Towns – Subdivision of Land.

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

15. Resolution of the Town of East Greenwich, re: In Opposition to H5474 and S0481, An Act Relating to Cities and Towns – Subdivision of Land.

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

16. Resolution of the Town of Situate, re: In Opposition to H6122 – The Rhode Island Cooperative Water Authority.

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

17. Communication of Richard N. Thieke Chair, Friends of NWR-RI, with enclosure, re: Requesting the Council pass a resolution in support of Localities that Host National Wildlife Refuges.

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

18. Applications received from the following named persons, firms and corporations for RENEWAL of Mechanical 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.

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

19. Application two (2) for Special Event Permits from St. George's School: 1) Reunion Weekend to be held May 20, 2017 beginning at 12:00 Noon until 10:30 pm on campus and 2) Graduation Dinner and Luncheon to be held on Sunday, May 28, 2017 from 5:30 pm to 7:30 pm and Monday, May 29, 2017 from 12:30 pm to 2:30 pm. (Events to be held on St. George's School Property)

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

20. Applications four (4) for Special Event Permits from Sweet Berry Farm: 1) Drew/Shuman Wedding, May 19, 2017 5:00 pm to 10:00 pm, 2) Levesque/Miller Wedding, June 24, 2017, 5:00 pm to 10:00 pm, 3) McManus/Wendowski Wedding, August 5, 2017, 5:00 pm to 10:00 pm and 4) Baren Rehearsal Dinner, September 15, 2017, 6:00 pm to 10:00 pm.

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

LICENSES AND PERMITS

21. Application of Yun Tai, for a Body Works Personnel License for the 2017-2018 licensing year. (NEW).

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

unanimously to grant said license.

22. Application for Special Event Permit from Middletown Education Collaborative (MEC), Annual Duck Race and Family Beach Party Fundraiser to be held at Third Beach on Thursday, July 6, 2017 from 5:00 pm to 8:00 pm, includes a request to waive said fee.

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

Councillor Lombardi recused himself from acting on the following item #23 of business, due to a possible conflict of interest.

23. 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 10, 2017 and Sunday, June 11, 2017. (Attached is 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 fee.

ORDINANCE

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

An Ordinance in Amendment to the Town Code of the Town of Middletown, Title IX, General Regulations, Chapter 92B Plastic Bag Regulations. (Planning Board recommendation attached)

Tara Aboyan, 42 Miller Street, addressed the Council noted that ocean pollution and plastic is effecting the fish which is the world's whole protein source.

Ken Cordeiro, 2 Fagan Court, spoke in opposition to banning plastic

bags, noting no one should dictate what stores can do.

Dave McLaughlin, 23 Johnny Cake Hill Road, addressed the Council, thanking them for considering this ordinance, noting that the plastic bags are harmful to the marine environment.

Simar Ranhawa, Middletown, addressed the Council noting that she does not think plastic is a necessity and that it is our duty to not use single use plastic bags. Ms. Ranhawa explained that if we make this move banning plastic bags, it is working towards a healthier environment.

Jack Carroll, 5 Kent Road, addressed the Council speaking in support of banning the plastic bags, explaining that the bags are dangerous to the environment and a threat to commercial fishing.

Claudia Gorman, 180 Vernon Avenue, addressed the Council thanking them for considering this ordinance explaining we can live without

plastic bags.

Town Solicitor Peter Regan reviewed amendments to the ordinance which the Council discussed at the last regular meeting of the Council.

Discussion centered around that businesses have six months to prepare for this ordinance, the hardship variance will be reviewed case by case and the City of Newport does not have a hardship clause within their ordinance.

On motion of Council President Sylvia, duly seconded, it was voted unanimously to amend the following: - 1) Under 4. Prohibited Acts: (c) cross out for sale and add by sale or otherwise to the end of the sentence.

2) Under 5. Exemptions: (b) add the word and at the end of the sentence, eliminate (c) Bags used by restaurants to take away prepared food, provided that the bags are recyclable within the State's recycling program and change (d) the last paragraph under

Exemptions to (c).

3) Under 6. Enforcement: (a) add the word to in the second line after the word it and on the last line before the words of the date of the letter add the word days

4) Under Effective Date:” after the word ordinance add provided however, that enforcement shall be stayed until November 1, 2017.

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

OTHER COMMUNICATIONS

25. Email communication of Kenneth Bulcao, re: Requesting the Town Council to waive the Facility Use Fees for the Men’s Recreational Softball League.

On motion of Vice President Rodrigues, duly seconded, it was voted unanimously to receive said email communication and waive the Facility Use Fees.

26. Communication of Middletown Athletic Boosters, with enclosures, re: Requesting support by placing an ad in the Senior Athletic Awards Banquet program.

On motion of Councillor Rodrigues, it was voted unanimously to receive said communication and authorize \$100. for a full page ad in the Senior Athletic Awards Banquet program to be appropriated from the Council President's Discretionary fund.

27. Communication of Tracey Pontes, Fundraising Committee, Looking Upwards, re: Requesting support by sponsoring a tee sign for its 21st Annual Golf Tournament fundraiser.

On motion of Vice President Rodrigues, duly seconded, it was voted unanimously to receive said communication and authorize a \$125. donation for sponsorship of a Tee Sign, said donation to be appropriated from the Council President's Discretionary Fund.

28. Communication of Mark Patao, Middletown, with enclosure, re: Stop sign request intersection of Third Beach Road, Wapping Road and Mitchell's Lane.

Mark Patao, 1535 Wapping Road, reviewed the communication below.

Discussion centered around the area having more traffic in the summer than the winter.

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

On motion of Council President Sylvia, duly seconded, it was voted unanimously for the Town Administrator to review the matter and report back to the Town Council.

TOWN COUNCIL

29. Email of Vice President Rodrigues, re: Discussion of LBA Traffic Sensitive Zones.

Vice President Rodrigues noted concern with the LBA Traffic Sensitive Zones in the Town. Mr. Rodrigues suggests the Planning Board review the LBA Traffic Sensitive area in Town and get the residents input.

Discussion centered around the need from public feedback and the process followed for changes to aligning Town Zoning to the Comprehensive Community Plan.

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

Discussion centered around the prioritized list given to the Planning Board from the Council changing zoning to match the Comprehensive Community Plan and residential properties which abut commercial properties.

On motion of Vice President Rodrigues, duly seconded, to have the Planning Board to hold public hearings regarding what should be permitted in an LBA Traffic Sensitive Zone

Discussion centered around the LBA Traffic Sensitive Districts in the Town, Council wants the public to attend the public hearings and the LBA areas are lower Aquidneck Avenue, upper Aquidneck Avenue, Wyatt Square and Valley Road between East and West Main Roads.

Motion was voted upon:

On motion of Vice President Rodrigues, duly seconded, it was voted unanimously to have the Planning Board to hold public hearings regarding what should be permitted in an LBA Traffic Sensitive Zone.

30. Memorandum of Councillor Lombardi, with enclosures, re: Supporting H-5808 Climate Change Coastal Adaptation Fund.

Councillor Lombardi reviewed the memorandum below.

Town Administrator Shawn Brown noted that since 1880 Third Beach has lost 64 feet of beach.

On motion of Vice President Rodrigues, duly seconded, it was voted unanimously to receive said memorandum and request the Town Solicitor to prepare a resolution in support of H-5808 to be acted on at the May 15, 2017 Regular Meeting of the Council.

31. Memorandum of Councillor Turano, re: Discuss alignment of comprehensive plan vs. zoning.

Councillor Turano reviewed the memorandum below.

Town Solicitor Peter B. Regan noted that the Town Council presented the Planning Board with a list of priorities regarding changes to the Zoning Ordinance for consistency with the Town's Comprehensive Community Plan. Mr. Regan explained a request can be made to the Planning Board for an update and priorities can be revised.

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

32. Memorandum of Councillor Turano, re: Discuss buoys that were installed at the storm water outflow pipe at Easton's Beach.

Councillor Turano reviewed the memorandum below.

Discussion centered around that there were new buoys installed at the stormwater diffuser which meet Coast Guard regulations and the buoys will now be shown on the Coast Guard Map which is used by boats marking hazardous areas.

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

BOARDS AND COMMITTEES

33. Appointment of nine (9) members to the Charter Review Committee.

On motion of Vice President Rodrigues, duly seconded, it was voted unanimously to appoint all applicants to the Charter Review Committee - Richard P. Adams,

Barbara A. Barrow, Roby Faria, Linda Finn, Michael William Flynn, Sr.,

Wendy Heaney, Marilyn Hennessey, Paul Mankofsky, Kevin O'Halloran,

Chris Semonelli, Thomas Silveira and Arthur S. Weber, Jr.

On motion of Vice President Rodrigues, duly seconded, it was voted unanimously to adjourn said meeting at 8:25 P.M.

Wendy J.W. Marshall, CMC

Council Clerk

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