

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, June 19, 2017 at 6:00 P.M.

Council President Robert J. Sylvia, Presiding

Councillor M. Theresa Santos

Councillor Dennis B. Turano

Councillor Antone C. Viveiros

Councillor Barbara A. VonVillas, Members Present

Vice President Paul M. Rodrigues, Absent

Councillor Henry F. Lombardi, Jr.

PLEDGE OF ALLEGIANCE TO THE FLAG

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 (IBPO), (1) personnel (Non-classified Municipal Positions and (5) Lease/MOU (West Main Road).

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

On motion of Councillor Santos, duly seconded, it was voted unanimously to recess executive session and reconvene in open session at 6:30 p.m.

On motion of Councillor Santos, duly seconded, it was voted unanimously to table the personnel (Non-classified Municipal Positions) to the July 3, 2017 Regular Meeting.

On motion of Councillor Santos, 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 Councillor Santos, 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 until 6:20 p.m.

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

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.

PUBLIC FORUM

2. Pursuant to Rule 25 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. The entire Public Forum period shall be no longer than fifteen minutes. All items discussed during this session will not be voted upon.

Ron Heroux, 51 Bay Ridge Drive, addressed the Council, reviewing the following:

Dear Council members. I want to address the issue of your level funding of the school budget.

By taking the 7-0 vote to level fund the school budget for the 2017-18 school year at the end of the last council public budget session, without informing the schools and the public ahead of time, you prevented the schools from presenting you and the Town a public impact statement. You also prevented the public from having the opportunity to respond to these impacts before you voted on the final budget.

Last week (15 June '17) the Middletown schools outlined the impacts level funding of their budget would create. Of special interest to me and others are:

1) The loss of the Dean at the Middle School who provides

Behavioral Intervention Support by responding to students, teachers and parents on critical behavioral issues. This is especially important in the Middle School. Next school year, do we want to have headlines in the local newspaper similar to “BEHAVIORAL CRISES AT LOCAL NEWPORT SCHOOLS”, which appeared recently in the Daily News and Newport This Week?

2) The loss of a College and Career Readiness Student Advisor to juniors and seniors at the High School is also a major impact.

Please listen to the serious concerns expressed by Beth Hayes, Principal of the Gaudet Middle School, and Gail Abromitis, Principal of the High School, when they spoke at last week’s School Committee meeting regarding having to cut the two positions I just mentioned.

We, as taxpayers, do not want to pay unnecessary taxes but we must support our students in meeting their educational needs! I appreciate what you are trying to do to help the seniors who cannot afford a tax increase. Do what you can, but not at the expense of the Middletown students. I am a senior and a taxpayer and do not mind paying for a good educational system for our kids.

Also, I would hope that the Town Council and the School Committee, our two elected bodies, would work closer together in support of our community. Last year's cooperative venture on the school bond issue was great. What happened to the cooperation this year?

If you feel the school committee is not doing an adequate job monitoring the school administration budget and its programs, PLEASE run for school committee during our next election, and analyze and criticize the management of our schools, recommend changes, etc.

I am ready to help the school system meet some of its school requirements next year by helping groups to establish a fund to offset some losses and negative impacts caused by your level funding vote. Perhaps just like the Congressional Democrats and Republicans just did recently to raise money, they held a baseball game. How about the Town Council and its administration vs the School Committee and its school system?

Perhaps a half marathon race could raise some needed funds as well. Better yet give the schools some added funding to avoid some of the cuts and consequential negative impacts the school administration stated last week.

Thank you for your time.

Ronald G. Héroux

Council President Sylvia requested that item #5 be heard under the regular portion of the docket.

CONSENT

3. Approval of Minutes, re: Regular Meeting, June 5, 2017.

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

4. At the request of Council President Sylvia, Resolution of the Council, re: In Opposition to H6172 – An Act Relating to Agriculture and Forestry – Right to Farm.

Enter resolution

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

5. Memorandum of Finance Director, thru Town Administrator, with enclosures, re: FY2017 Municipal Budget Report – quarter ending December 31, 2017 and March 31, 2017.

Councillor Santos inquired when the Council would receive the adjusted budget.

Town Administrator Shawn Brown, responding to Councillor Santos, explained that once the numbers are finalized the information will be provided to the Council.

Councillor Turano suggested that the Town Administrator present financial reports to the Council in the future.

Enter memo

On motion of Council President Sylvia, duly seconded, it was voted unanimously to receive said memorandum and FY2017 Municipal Budget Report.

6. Memorandum of Superintendent of Schools, re: Middletown Prevention Coalition Appointment – Dennis Soares.

Enter memo

On motion of Council President Sylvia, duly seconded, it was voted unanimously to receive said memorandum and confirm appointment of Dennis Soares to the Middletown Prevention Coalition.

7. Communication of Council President Kevin P. McGovern, Exeter, RI, re: 2017-H6172: An Act Relating to Agriculture and Forestry – Right to Farm.

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

8. Application of Shanji Jin dba Charming Nail & Spa, 957 West Main Road, for RENEWAL of a Body Works Establishment License for the 2017-2018 licensing year.

On motion of Council President Sylvia, duly seconded, it was voted unanimously to grant said license.

9. Application of Jing Zhe Qiu, Middletown, for RENEWAL OF a Body Works Personnel License for the 2017-2018 licensing year.

On motion of Council President Sylvia, duly seconded, it was voted unanimously to grant said license.

10. Application of Yun Tai, Middletown for RENEWAL of a Body Works Personnel License for the 2017-2018 licensing year.

On motion of Council President Sylvia, duly seconded, it was voted unanimously to grant said license.

11. Application for Special Event Permit for Hagerty's 4th of July Celebration to be held on July 2, 2017 at Peabody's Beach from 6:00 pm to 12:00 am.

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

12. Application for Special Event Permit from Newport FILM for an Outdoor film screening, "Fish People" & "Arctic Sky", to be held at Second Beach Parking Lot on Thursday, June 22, 2017 from 6:00 pm to 10:30 pm.

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

13. Application for Special Event Permit from Newport FILM for an

Outdoor film screening, “Take Every Wave”, to be held at Newport Beach House, 55 Purgatory Road on Thursday, July 20, 2017 from 6:00 pm to 10:30 pm.

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

14. License of Burial, re: Kathleen Condry – Section 55, Graves 5 & 6.

On motion of Council President Sylvia, duly seconded, it was voted unanimously to grant said license.

15. License of Burial, re: LaNora Hurley – Section 55, Grave 12.

On motion of Council President Sylvia, duly seconded, it was voted unanimously to grant said license.

16. License of Burial, re: Joan Quinn – Section 55, Graves 7 & 8.

On motion of Council President Sylvia, duly seconded, it was voted unanimously to grant said license.

17. License of Burial, re: Sylvin Mottley, Section 55, Graves 14 & 15.

On motion of Council President Sylvia, duly seconded, it was voted unanimously to grant said license.

18. License of Burial, re: Cheryl E. Lazar, Section 55, Grave 25.

On motion of Council President Sylvia, duly seconded, it was voted

unanimously to grant said license.

LEGISLATIVE UPDATE

19. At the request of Council President Sylvia, re: Legislative Update – Senator Louis P. DiPalma, Representative Deborah Ruggeiro, Representative Kenneth Mendonca and Representative Marvin Abney.

On motion of Councillor Santos, duly seconded, it was voted unanimously to begin said legislative agenda discussion with the Town's General Assembly delegation.

Council President Sylvia welcomed Senator Louis P. DiPalma, Representative Deborah Ruggeiro and Representative Kenneth

Mendonca. Mr. Sylvia noted that Representative Marvin Abney was not able to attend.

Senator Louis P. DiPalma updated the Council regarding Aquidneck Avenue resurfacing project including sidewalks on eastside of the road, it will be a two year project which has been on the TIP project list for many years. Senator DiPalma explained TIP is now known as STIP.

Representative Deborah Ruggeiro updated the Council regarding the work being done with RIDOT and the Town for broadband and there is no Federal Impact Aid in the budget. Representative Ruggeiro explained she has been in contact with Senator Reed regarding the military students in the Town, the reduction of the Car Tax is decreasing revenues and she is still working on the RIPTA free bus passes.

Representative Kenneth Mendonca updated the Council regarding the freeze/reduction in school aid and the car tax burden.

Discussion centered around the car tax issue not being sustainable, the poll book request being taken out of the state budget and the grants for fisherman and farmers being taken out of the state budget.

LICENSES

20. Application of Deltra Cortes dba The Nutrition Spot, 796 Aquidneck Avenue, Unit D, for a Victualling House License for the 2016-2017 licensing year. (NEW)

On motion of Councillor Santos, duly seconded, it was voted unanimously to grant said license contingent on Building Official, Fire Marshal, Public Works and Board of Health approvals.

21. Application of Deltra Cortes dba Totally Prepared, 796 Aquidneck Avenue, for a Victualling House License for the 2016-2017 licensing year. (NEW)

On motion of Councillor Santos, duly seconded, it was voted unanimously to grant said license contingent on Building Official, Fire Marshal, Public Works and Board of Health approvals.

22. Application of Phantom Fireworks Eastern Region, LLC, 999 West Main Road for a Holiday License for the 2017-2018 licensing year. (NEW)

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

23. Application of Blackstone Caterers, Inc. dba A Fork In The Road,

224 John Clarke Road, for a Peddler's License for the 2017-2018 licensing year. (NEW)

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

OTHER COMMUNICATION

24. Communication of Lesley Muir, Director of Special Events, Norman Bird Sanctuary, re: Requesting the Council consideration to allow the Norman Bird Sanctuary to pay their event detail fees following each event.

Enter comm

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

unanimously to receive said communication and allow the Norman Bird sanctuary to pay their event detail fees following each event.

ORDINANCES

25. Request by Attorney to continue this matter to the next Regular Council meeting.

Continued from May 15, 2017, Regular Meeting for Planning Board to review new request and provide recommendation – No Planning Board action was taken at the request of the Applicant’s Attorney; therefore no additional advertising for conditions was prepared.

Public Hearing (Advertised; Abutters and Tenants 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, Section 602 Schedule Of District Regulations – Uses and Districts. (Planning

Board recommendation attached)

On motion of Councillor Santos, duly seconded, it was voted unanimously to continue this matter to the next Regular Meeting, July 3, 2017.

26. Request by Attorney to continue this matter to the next Regular Council meeting.

Continued from May 15, 2017, Regular Meeting.

Public Hearing (Advertised; Abutters and Tenants 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, Article 7 Supplementary Regulations, Section 702 Number of Dwelling Units or Principal Building Per Lot. (Planning Board recommendation attached)

On motion of Councillor Santos, duly seconded, it was voted unanimously to continue this matter to the next Regular Meeting, July 3, 2017.

27. Public Hearing (Advertised)

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, Article 7, adding a new Section 726 Collection Boxes. (Planning Board recommendation attached)

Public Hearing Remains open.

On motion of Council President Sylvia, duly seconded, it was voted unanimously to:

- 1. change the word article to section throughout the ordinance**
- 2. change the word chapter to section throughout the ordinance**
- 3. under D 2. (e) add the amount of \$100.00**
- 4. under E 1. (g) 6. add the words one hundred in front of fifty and add the number 1 in front of 50**
- 5. under F 4. Add the amount of \$100.00**
- 6. under I 1. Strike criminal prosecution and replace with the word fines.**

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

Enter Ordinance

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

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

An Ordinance in amendment to the Town Code of the Town of Middletown, Title XI Business Regulations, adding a new Section 118 Tobacco Retailers Licensing. (Summary of Ordinance attached)

Jennifer Baldwin, 64 Beagle Drive, noted that she is available if the Council has any questions regarding the ordinance.

Nathaniel H. Currey, 600 Mitchell's Lane, addressed the Council urging the Council to adopt this ordinance, noting the safety of the youth in the Town.

Helen Sowinski, 24 Gunning Court, addressed the Council noting the social pressures of society. Ms. Sowinski explained that the citizens of Middletown care about the youth and requests the Council to adopt the ordinance.

Hannah Gibbison, Middletown, addressed the Council, explaining that this ordinance is very important to her and requests the Council to pass it.

Jake Cathers, 218 Meadow Lane, addressed the Council, requesting them to consider adopting this ordinance. Mr. Cathers noted he is a father of three and that cigarette companies pray on every generation.

Council President Sylvia noted that passing this ordinance is a no-brainer.

Enter Ordinance

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

TOWN ADMINISTRATOR

29. Memorandum of Finance Director, thru Town Administrator, re: Equipment Purchase: MIDD-017-023- Fire Department (2), Type I Rescues.

Council President Sylvia congratulated Fire Chief Doire on his upcoming retirement and on a job well done.

Town Administrator Shawn Brown reviewed the memorandum below.

Enter memo

Discussion centered around the mileage of the vehicles being replaced are over 60,000, the vehicles will be leased purchased for five years, paying \$105,000 each year for the vehicles, the Rescue Wagon Fund will help with the payments, that the rescue wagons will be equipped with automatize stretchers and the professionalism of the Fire Department Staff.

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

30. Resolution of the Council, re: Approving equipment purchase of MIDD-017-023- Fire Department (2), Type I Rescues and authorizing the Finance Director to execute the contract on behalf of the Town.

Enter resolution

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

BOARDS AND COMMITTEES

31. Appointment of one (1) member to the Zoning Board of Review for a term expiring April 2022 and three (3) alternate members, terms expiring April 2018.

On motion of Councillor Santos, duly seconded, it was voted unanimously to appoint Thomas A. Heaney as a regular member to the Zoning Board of Review for a term expiring April 2022, appoint Eric Kirton as 1st Alternate to the Zoning Board of Review for a term expiring April 2018, appoint Henry A. Pine as 2nd Alternate to the Zoning Board of Review for a term expiring April 2018 and appoint

Mark Huntington Nuytkens as 3rd Alternate to the Zoning Board of Review for a term expiring April 2018.

On motion of Councillor Santos, duly seconded, it was voted unanimously to adjourn said meeting at 7:56 P.M.

Wendy J.W. Marshall, CMC

Council Clerk

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