

At a Regular Meeting of the Town Council of the Town of Middletown, RI held at Sachuest Beach, 315 Sachuest Point Road, Middletown, RI on Monday, August 21, 2017 at 5:42 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, arrives at 5:43 P.M.

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)

5:30 PM VOLUNTEER APPRECIATION DINNER

1. At the request of Council President Sylvia and Vice President Rodrigues, re: Welcome Town Volunteers to the Volunteer Appreciation Dinner.

On motion of Vice President Rodrigues, duly seconded, it was voted unanimously to welcome the Town Volunteers to the Volunteer Appreciation Dinner.

Town Council President Sylvia welcomed and thanked all the Board and Committee Volunteers for their service to the Town.

On motion of Vice President Rodrigues, duly seconded, it was voted unanimously to recess this meeting at 5:48 p.m.

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

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.

Kathy Creaney, 299 Oliphant Lane, addressed the Council noting concern with the parking at Sachuest Beach. Ms. Creaney noted a lack of consistency with parking rules at the beach, explaining on two different occasions different rules were followed.

PRESENTATION

- 3. Citation of the Council, re: Middletown High School Islanders Boys Lacrosse Team.**

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

Council President Sylvia and Vice President Rodrigues presented Coach Neal Harrell and the Middletown High School Islanders Boys Lacrosse Team with a Council Citation and Plaque in recognition of their accomplishments.

Vice President Rodrigues requested that items #7 and #12 be heard under the regular portion of the agenda.

CONSENT

4. Approval of Minutes, re: Special Meeting, July 17, 2017.

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

5. Approval of Minutes, re: Special Meeting, July 31, 2017.

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

6. At the request of Council President Sylvia, Resolution of the Council, re: Proclaiming August 12, 2017 at National Middle Child Day in the Town.

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

7. Communication of Accounting Manager, re: Quarterly Tax Collector's Report as of 06/30/2017 – Town of Middletown.

Councillor Turano requested that the Town Administrator review the information provided for this item.

Vice President Rodrigues request the Town Administrator to comment on the motor vehicle collection rate.

Town Administrator Shawn Brown, reviewed the memorandum and report below.

Enter communication and report

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

8. Communication of Tax Assessor and Tax Collector, 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.

9. 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.

10. 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.

11. 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.

12. Amended Facility Use Policy.

Councillor Santos inquired why a certain circumstance in the Town Hall building prohibited her from coming in the building.

Town Administrator Shawn Brown, responding to Councillor Santos, explained that there was an election to certify a union for the Police Department. The state labor board requested the use of the Town Hall which was placed in the form of an order.

Councillor Viveiros requested that the circumstance which prohibited the Town Department Heads and Council members from being in the Town Hall be added to the Facility Use Policy.

Discussion centered around that the circumstance would most likely not occur again, the Town Administrator noted that adding the circumstance to the policy does not fit the intent of the Facility Use Policy and that the Administration will review the request by

Councillor Viveiros and request from the State Labor Board and report back to the Council at the September 5, 2017 Regular Meeting of the Council.

On motion of Councillor Viveiros, duly seconded, it was voted unanimously to continue this item to the September 5, 2017 Regular Meeting of the Council.

13. Amended Cemetery Rules and Regulations.

On motion of Vice President Rodrigues, duly seconded, it was voted unanimously to approve said Amended Cemetery Rules and Regulations.

14. (Continued from July 2, 2017 Regular Meeting, Tabled from the June 5, 2017 and May 15, 2017 Regular Meetings)

Communication of Councillor Viveiros, re: Discuss installation of

Work Order program for the Public Works Department.

(Councillor Viveiros requested this item be continued to the September 18, 2017 Regular Meeting)

On motion of Vice President Rodrigues, duly seconded, it was voted unanimously to continue said matter to the September 18, 2017 Regular Meeting of the Council.

15. (Continued from July 3, 2017 Regular Meeting)

An Ordinance of the Town of Middletown (First Reading)

An Ordinance in amendment to the Town Code of the Town of Middletown, Title VII, Traffic Code, Chapter 74 Parking Schedule II and Schedule III Handicapped Parking.

(Administration requests this item be continued to the September 18, 2017 Regular Meeting of the Council)

On motion of Vice President Rodrigues, duly seconded, it was voted unanimously to continue said matter to the September 18, 2017 Regular Meeting of the Council.

16. Petition to Rezone and Amend the Comprehensive Community Plan, filed by Attorney Lynch on behalf of Saint Lucy's Church Middletown, 909 West Main Road, TAP 107NE, Lot 11. (Planning Board recommendation attached; requires advertising for Public Hearing and Notification to abutters.)

On motion of Vice President Rodrigues, duly seconded, it was voted unanimously to receive said Petition to Rezone, advertise for public hearing and notify abutters for hearing on October 2, 2017 Regular Meeting of the Council.

17. Petition for Abandonment of a Portion of Roy Avenue, filed by Attorney Palumbo on behalf of John Wynne and Basha Wynne, Estate of Betty Foss. (Requires Planning Board recommendation)

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

18. Petition of National Grid for Bailey Avenue Propose New Solely Owned Pole Location. (Recommendation of Roads/Utilities Committee/Public Works Director)

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

19. Petition of National Grid for Vanicek Avenue Propose New Solely Owned Pole Location. (Recommendation of Roads/Utilities Committee/Public Works Director)

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

20. Petition of National Grid for Oliphant Lane Propose New Jointly Owned Pole Location. (Recommendation of Roads/Utilities Committee/Public Works Director)

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

21. Petition of National Grid for Purgatory Road Propose New Solely Owned Pole Location. (Recommendation of Roads/Utilities Committee/Public Works Director)

On motion of Vice President Rodrigues, duly seconded, it was voted unanimously to continue said petition to the September 18, 2017 Regular Meeting of the Council.

22. Communication of J. Clement Cicilline, Committee Chair, NAACP and James “Jimmy” Winters, President Newport County Branch NAACP and Victoria Johnson, Committee Chair, NAACP, re: Appreciation of support.

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

23. Communication of Megan Leonard, Newport County YMCA, Adapted Physical Activity Director, re: Appreciation of support.

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

24. Communication of Carrie Miranda, Executive Director, Looking Upwards and Tracey Pontes, Chair, Golf Tournament Committee, re: Appreciation of support.

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

25. Postcard from MHS Post Prom Committee, re: Appreciation of support.

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

26. 2017-S0915 Joint Resolution, re: Commemorating the 227th Anniversary Celebration of “Hope Day: Birth of Our Nation”.

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

27. 2017-H6266 Joint Resolution, re: Commemorating the 227th Anniversary Celebration of “Hope Day: Birth of Our Nation”.

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

28. Resolution of Town of North Smithfield, re: In Support of the Adoption of Legislation that Provides Reimbursement for Cost of the Municipal Police Training Academy.

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

29. Resolution of the City of Cranston, re: In Support of H6204 An Act Relating to Maintenance of Town Roads and Urging Passage by the General Assembly.

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

30. Resolution of the Town of Barrington, re: In Opposition to H-5593 and S-0285 – An Act Relating to Labor and Labor Relations – Arbitration – Continuance of Contractual Provisions.

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

31. Resolution of the Town of Barrington, re: In Support of the Fiscal Year ending June 30, 2018 State Budget.

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

32. Resolution of the Town of Barrington, re: In Opposition to H-5601A and S-0896A – An Act Relating to Towns and Cities – Optional Retirement For Members of Police and Firefighters.

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

33. Application for Special Event Permit from 4 Bridges Ride for Bike Ride to benefit various local charities to be held on Sunday, September 17, 2017 from North Kingstown to Bristol, going over all 4 bridges, to benefit local charities- Coddington Highway, Lexington Street, Chases Lane, Gate 17 Access Road and Burma Road.

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

34. Application of Kristina Gatta, Portsmouth, RI for RENEWAL of a Tattoo License to be used at Troubled Soul and Company, 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.

LICENSES

35. Application of Zahoovia, LLC dba Crown Chicken, 390 West Main Road, for a Victualling House License for the 2016-2017 licensing year. (NEW)

On motion of Vice President Rodrigues, duly seconded, it was voted unanimously to grant said license contingent upon Building Official, Fire Marshal and Board of Health approvals.

36. Application of The Paper Store, LLC dba The Paper Store, 1313 West Main Road, for a Holiday License for the 2017-2018 licensing year. (NEW)

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

37. Application of PetValu, Inc. dba Pet Valu, 99 East Main Road for a Holiday License for the 2017-2018 licensing year. (NEW)

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

38. Application for Special Event Permit from Aquidneck Island Rally 4 Recovery to educate about addiction and celebrate those who recover to be held on Saturday, September 9, 2017 from 1:00 pm to 4:00 pm at Potsy Field, includes request to waive permit and detail

fees.

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

39. Application of Bike to the Beach Inc., Bike to the Beach for Autism, 100-mile charity cycling event from Boston, MA to Newport, RI, to be held on Town Roadways on September 2, 2017 – 12:00 pm to 4:00 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, waive said permit fees.

40. Application for Special Event Permit from Kerry Seibert for a Neighborhood Block Party to be held Sunday, August 27, 2017 from 3:00 pm to 8:00 pm on Balsam Street, Paul Avenue and Everett Street,

includes request to waive permit fee.

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

TOWN COUNCIL

41. Memorandum of Council President Sylvia and Councillor Santos, re: Establish/Erect a War Memorial.

Council President Sylvia reviewed the memorandum below.

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

Councillor Santos noted that the Town's first memorial was erected on the right hand side of the Town Hall. Ms. Santos reminded all that there is a memorial by Peckham School, a boulder with 22 names of men who lost their lives in World War II.

Vice President Rodrigues noted that this is a great idea and it is long overdue.

Councillor Lombardi noted his support for the project.

On motion of Vice President Rodrigues, duly seconded, it was voted unanimously to charge the Citizens Memorial Committee with the task of reviewing the establishment of a Middletown War Memorial, including costs associated for the project.

TOWN ADMINISTRATOR

42. Memorandum of Town Clerk, thru Town Administrator, with enclosures, re: Council Records Historical Project.

Town Administrator Shawn Brown reviewed the memorandum below.

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

43. Resolution of the Council, re: Award of contract for Council Records Historical Project.

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

44. Memorandum of Finance Director, thru Town Administrator, with enclosures, re: Equipment Purchase: Police Department Vehicle Replacement.

Town Administrator Shawn Brown reviewed the memorandum below.

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

45. Resolution of the Council, re: Equipment Purchase: Police Department Vehicle Replacement.

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

46. Memorandum of Finance Director, thru Town Administrator, with enclosures, re: Equipment Purchase: Fire Department Vehicle Replacement.

Town Administrator Shawn Brown reviewed the memorandum below.

Discussion centered around that the funding for the purchase is from the Rescue Wagon Fund, the purpose of the vehicle being that the equipment used in a fire can be safely placed in the storage container in the bed of the vehicle which prevents exposure to dangerous gases from the equipment, the equipment will be washed and placed back into the vehicle for future use, the vehicle will be taken home by one of the command staff, there will be a transponder in the vehicle, the roll of the command staff during an emergency, maintenance of the fire department vehicles and mutual aid.

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

47. Resolution of the Council, re: Equipment Purchase: Fire Department Vehicle Replacement.

On motion of Vice President Rodrigues, duly seconded, it was voted to pass said resolution; Councillor Viveiros voted NO to said motion.

48. Memorandum of Finance Director, thru Town Administrator, with enclosures, re: Vehicle Purchase: Fire Department Medium Duty Fire Rescue Vehicle.

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

49. Resolution of the Council, re: Vehicle Purchase: Fire Department Medium Duty Fire Rescue Vehicle.

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

50. Memorandum of Finance Director, thru Town Administrator, with enclosures, re: Contract Award: MIDD-017-028 Wave Avenue Pump Station Generator Replacement.

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

51. Resolution of the Council, re: Award of Contract: MIDD-017-028 Wave Avenue Pump Station Generator Replacement.

Public Works Director Tom O'Loughlin addressed the Council noting that the generators only have a short warranty, the generator will be a John Deer. Mr. O'Loughlin noted he has been in contact with the company to see if the warranty can be extended and explaining

outside vendors maintain and service the town generator.

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

52. Memorandum of Finance Director, thru Town Administrator, with enclosures, re: Contract Award: MIDD-018-001 Services – North Easton Pond – BMP Improvements.

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

53. Resolution of the Council, re: Award of Contract: MIDD-018-001 Services – North Easton Pond – BMP Improvements.

Town Engineer Warren Hall addressed the Council explaining that the

project is a water quality best management practice. Mr. Hall explained a study was completed in 2013 by DEM, the project is a bio retention swale which is not designed to hold permanent water. The designs for the project were from the University of New Hampshire.

Discussion centered around the design of the swale, other BMP's in the Town, maintenance of the swale and a grant funds half the cost of the project.

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

54. Memorandum of Finance Director, thru Town Administrator, with enclosures, re: Project Award: Crack Sealing Services.

Town Administrator Shawn Brown reviewed the memorandum below.

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

55. Resolution of the Council, re: Project Award: Crack Sealing Services.

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

BOARDS AND COMMITTEES

56. Communication of the Citizens Memorial Committee John Michael Skaggs, Chair, Linda M. Chaves, and M. Theresa Santos, TC Liaison, re: Permission to place a granite bench on Library Grounds in memory of Dr. Gosch-Barker.

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

On motion of Vice President Rodrigues, duly seconded, it was voted unanimously to confirm the approval to place an engraved granite bench on Library grounds from the family of the late Dr. Gosch-Barker.

57. Appointment of one (1) member to the Aquidneck Island Planning Commission, for a term expiring July 2020.

On motion of Vice President Rodrigues, duly seconded, it was voted unanimously to reappoint Linda Dill Finn to the Aquidneck Island Planning Commission for a term expiring July 2020.

58. Appointment of one (1) member to the Conservation Commission, for a term expiring July 2018.

On motion of Vice President Rodrigues, duly seconded, it was voted unanimously to appoint Howard Robert Hall to the Conservation Commission for a term expiring July 2018.

59. Email communication of Christine Bagley, re: Notification that she will not be continuing on as a Middletown Public Library Trustee after her term is completed.

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

60. Email communication of Rev. Jeffrey C. Lewis, re: Resignation from the Middletown Prevention Coalition.

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

unanimously to receive said communication and resignation with regret.

61. Email communication of Orlando Peace, re: Resignation from the Middletown Prevention Coalition.

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

On motion of Vice President Rodrigues, duly seconded, it was voted unanimously to adjourn said meeting at 9:21 P.M.

Wendy J.W. Marshall, CMC

Council Clerk

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