

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, September 5, 2017 at 6:00 P.M.

Council President Robert J. Sylvia, Presiding

Vice President Paul M. Rodrigues, arrives at 6:15 p.m.

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)

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 (Police Contract) and (1) Personnel (Town Administrator) – Addendum – August 31, 2017 – (a) (5) Land Acquisition (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 Vice President Rodrigues, duly seconded, it was voted unanimously to recess executive session and reconvene in open session at 6:55 p.m.

On motion of Vice President Rodrigues, duly seconded, it was voted unanimously to recess this meeting at 6:56 p.m.

On motion of Vice President Rodrigues, duly seconded, it was voted unanimously to reconvene this meeting at 7:03 p.m.

Council President Sylvia requested a moment of silence for the lives lost from Hurricane Harvey.

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.

No one spoke during this session.

On motion of Council President Sylvia, duly seconded, it was voted unanimously to move items #28 and #35 to the beginning of the agenda.

Item #28 was heard at this time.

Item #35 was heard at this time.

PRESENTATION

3. Memorandum of Council President Sylvia, re: Natural Gas and Electrical Cost Saving Project.

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

Town Administrator Shawn Brown explained the Town can obtain better pricing on electricity and natural gas by going to market and soliciting bids.

Bryan Yagoobian, President, Best Practice Energy (BPE), presented a Power Point presentation which is on file in the Office of the Town Clerk.

Discussion centered around how BPE is paid, potential savings for the Town, BPE is a reputable company, and the Town potentially could have saved \$90,000 in 2016.

On motion of Council President Sylvia, duly seconded, it was voted unanimously to engage Best Practice Energy (BPE).

Vice President Rodrigues, requested that items #7 and #9 be heard under the regular portion of the agenda.

CONSENT

4. Approval of Minutes, re: Regular Meeting, August 21, 2017.

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

5. Memorandum 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 memorandum.

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. Memorandum of Tax Assessor, with enclosures, re: Cancellation of Taxes for Certain Middletown residents.

Councillor Santos inquired about the abatements and the procedures.

Town Administrator Shawn Brown, responding to Councillor Santos, explained that the abatements may be from Military who have not yet filed the proper paperwork.

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

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 Tax Assessor, with enclosures, re: Cancellation

of Taxes for Certain Middletown residents.

Councillor Santos inquired why a taxpayer had received an incorrect tax bill.

Town Administrator Shawn Brown, responding to Councillor Santos, explained that the error occurred due to an upgrade in the tax computer software and the error was being corrected by the abatement tonight.

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

10. 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.

11. Memorandum of Finance Director, with enclosures, re: Surplus property – School Department – 2002 Ford E250 Van.

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

12. Resolution of the Council, re: Authorizing the Finance Director to dispose of Surplus property – School Department – 2002 Ford E250 Van.

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

Vice President Rodrigues recused himself from acting on the following item #13 of business, due to a possible conflict of interest.

13. Notice of Public Hearing, re: Proposed changes to the Town of Middletown Official Zoning Map (Addressed Impacted 1561–1683 West Main Road and 19-30 Arruda Terrace).

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

14. Notice of Public Hearing, re: Middletown Planning Board to be held on Thursday, September 21, 2017 at Middletown Town Hall – For potential future zoning ordinance amendments regard allowed uses and dimensional regulations for properties located in the Limited (LB) zoning districts.

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

15. Decision And Order, re: The Narragansett Electric Company dba National Grid (Aquidneck Island Reliability Project) – Docket No. SB-2016-01.

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

16. Communication of James M. Lehan III, President & CEO, Newport County Community Mental Health, re: Appreciation for support.

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

17. Communication of Susan Roberts, Executive Director, Rhode Island Chapter American Red Cross, re: Appreciation for support.

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

18. Communication of Carrie W. Miranda, Executive Director, Looking Upwards, re: Appreciation for support.

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

19. Communication of Nicole Alexander-Scott, MD, MPH Director of Health, Rhode Island Department of Health, re: Appreciation for enacting one of the strongest municipal tobacco retail ordinance in the state.

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

unanimously to receive said communication.

20. Resolution of the Town of North Smithfield, re: In support of H6204 An Act Relating to Maintenance of Town Roads (Restoration of Roadways Utility Lines).

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

21. Resolution of the Town of North Smithfield, re: In Opposition to H5475 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.

22. Application for Special Event Permit from Water Brothers Pro for a Surf Event to be held at Second Beach – One Day Event - on October 14, 2017 or October 15, 2017 or October 21, 2017 or October 22, 2017 from 8:00 am to 4:00 pm.

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

LICENSES

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

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

23. Application of Anthony Leite, Newport, for a Hawkers License for the 2017-2018 licensing year. (NEW) – Requesting to sell vintage items from local estates on Middletown Historical Society Property – southwest side of intersection of Green End Avenue and Valley Road. (Attached is permission to use the property from the Middletown Historical Society)

Councillor Lombardi noted opposition to the granting of this license, explaining that the area would be viewed as a flea market.

Council President Sylvia noted that he would not support this request.

On motion of Council President Sylvia, duly seconded, it was voted to grant said license, all Councillors voted NO to said motion; MOTION FAILED TO PASS.

24. Application of James Nguyen dba La Chic Nails, 57 East Main

**Road, for a Holiday Sales License for the 2017-2018 licensing year.
(NEW)**

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

OTHER COMMUNICATIONS

25. Communication of Timothy D. Brown, V.P., Middletown Athletic Boosters Club, re: Request for support to purchase state championship apparel for the MHS Boys Lacrosse Team.

On motion of Vice President Rodrigues, duly seconded, it was voted unanimously to receive said communication, authorize \$290.00 to help offset the cost of the state championship apparel for the MHS Boys Lacrosse Team to be appropriated from the President's Discretionary fund.

26. Communication of Karen M. Weber, Middletown, re: Requesting refund for a portion of an impact fee paid on November 26, 2008.

Karen Weber, 45 Wyatt Road, reviewed her communication above, explaining she feels they are entitled to a refund of their impact fee paid in November of 2008.

Town Solicitor Peter Regan noted the Town needs to review the state statute and investigate if the monies can be properly refunded. Mr. Regan will report back to the Council at its next Regular Meeting, September 18, 2017.

Town Administrator Shawn Brown noted the Superintendent will be meeting with the School Committee to discuss the matter.

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

unanimously to receive said communication.

ORDINANCE

Vice President Rodrigues recused himself from acting on the following item #27 of business, due to a possible conflict of interest.

27. (Public Hearing Advertised; Abutters notified)

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 111 Lots 11, 12, 13, 15, 16, 17, 18, 19, 20, 21, 22, 23A, 24, 25, 32, 33, 34 and 35 from R-20A (Traffic Sensitive Medium Density Residential) to R-10A (Traffic Sensitive High Density Residential) and TAP 111 Lots 20A, 26, 27, 28, 29, 30, 31 and 63 from R-20 (Medium Residential Density) to R-10 (High Density Residential)

– 1561-1683 West Main Road and 19-30 Arruda Terrace.

Public Hearing was declared open

Christopher Boyette, 1683 West Main Road, inquired if there will be an impact on taxes for the properties in the area effected.

Town Solicitor Peter Regan explained there will be no impact on the taxes or assessment of the properties. The change is to conform the zoning to the current development.

Town Planner Ronald Wolanski explained it is the last of the zoning amendments to align with the Comprehensive Community Plan for the Town. The change is a benefit to property owners.

There being no other persons present desiring to be heard, public

hearing remains open.

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

TOWN COUNCIL

Item #28 was acted on after the Public Forum.

28. Memorandum of Council President Sylvia, re: A local Woman Needs a Bone Marrow Transplant.

Council President Sylvia reviewed the memorandum below.

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

29. Communication of Councillor Turano, re: Requesting the Town Administrator to present the final yearend financial statements for 2017, review 2017 actual compared to 2017 budget, see the 2017 beginning and ending balances of all town funds and see journal entries of dollars in an out of town funds in 2017.

Councillor Turano reviewed the communication above and requested Town Administrator Shawn Brown to give an overall high level summary of the FY17 Budget.

Town Administrator Shawn Brown reviewed the memorandum in item #31- Preliminary Budgetary Analysis as of June 30, 2017, entered in item #31. Mr. Brown noted the report is not final, the finance office is in the process of closing out FY17 and should be complete by October 2017 for the audit to start.

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

30. Communication of Councillor Turano, re: Requesting the Town Administrator to provide a final copy of the 2018 budget and review the current/beginning balance of all town funds.

Councillor Turano inquired if the fund balance would not be finalized until the audit is complete.

Town Administrator Shawn Brown, responding to Councillor Turano, reviewed the memorandum re: Projected Town Fund Balances as of June 30, 2017 in item #32 below.

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

31. Memorandum of Town Administrator, with enclosures, re: Preliminary Budgetary Analysis as of June 30, 2017.

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

32. Memorandum of Town Administrator, with enclosure, re: Projected Town Fund Balances as of June 30, 2017.

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

33. Communication of Councillor Lombardi, re: Evaluation of Beach Operations and Procedures.

Councillor Lombardi reviewed his communication entered below.

Council President Sylvia thanked Councillor Lombardi for the suggestion, explaining he would like to appoint three town council members to complete a study of beach operations with full authority to speak with all staff related to beach operations and report back with any recommendations to the Council at the first regular meeting of the Council in February 2018. Council President Sylvia recommended Vice President Rodrigues, Councillor Lombardi and Councillor Santos be named to the committee.

Vice President Rodrigues noted he looks forward to working with the committee and making improvements to beach operations

Councillor Lombardi noted his agreement with Vice President Rodrigues.

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 to create a Beach Evaluation committee comprised of three Town Council members, Vice President Rodrigues, Councillor Santos and Councillor Lombardi giving them authority to speak to all staff related to beach operations, to complete a study and evaluation of the entire beach operation including all policies and procedures and to report back to the Town Council at the February 5, 2018 Regular Meeting of the Council with any recommendations.

Vice President Rodrigues recused himself from acting on the following item #34 of business, due to a possible conflict of interest.

34. Communication of Councillor Viveiros, re: Combining Departments.

Councillor Viveiros reviewed the communication below. Mr. Viveiros explained he would like the Town Administrator to explore if there are any benefits to combining like departments between the Town and School department.

Councillor Lombardi noted the concept makes sense and could make things better.

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

On motion of Councillor Viveiros, duly seconded, it was voted unanimously to have the Town Administrator take a look and see if it is beneficial to the town as a whole to combine departments, as well as engage the Superintendent and if needed have a meeting with the School Committee and Town Council.

Vice President Rodrigues recused himself from acting on the

following item #35 of business, due to a possible conflict of interest.

Item #35 was acted on after item #28

35. Communication of Councillor Viveiros, re: Discuss installation of a work order program for the Public Works, Fire and Police Departments. (At the August 21, 2017 Regular Meeting of the Council, there was a Memorandum from Councillor Viveiros, re: Discussion of installation of a work order program for Public Works Department on the agenda, which was continued to September 18, 2017)

Councillor Viveiros reviewed the memorandum below. Mr. Viveiros explained he spoke with David Rodrigues from the School Department regarding the software system the school uses for work orders.

David Rodrigues, School Facilities Department Foreman, explained the software program School Dude, which is used by the School

Department.

Discussion centered around that the system is great for preventive maintenance, the system prioritizes work, the systems allows tracking of equipment repair costs and that there is no mechanic on staff at the School Department for vehicles.

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

Town Administrator Shawn Brown explained that the Town currently uses Zendesk to handle work order needs.

On motion of Councillor Viveiros, duly seconded, it was voted unanimously to ask Mr. Brown to check the program the School Department is using, with Matt Wainwright, IT Director, and see if the system is adaptable to the Town.

TOWN ADMINISTRATOR

36. (Continued from Regular Meeting of August 21, 2017)

Amended Facility Use Policy.

On motion of Vice President Rodrigues, duly seconded, it was voted unanimously to approve said Amended Facility Use Policy.

37. Memorandum of Finance Director, thru Town Administrator, with enclosures, re: Contract Award: MIDD-0018-004 Impact Fee Update Study.

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

38. Resolution of the Council, re: Award of Contract for Impact Fee Update Study.

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

BOARDS AND COMMITTEES

39. Communication of Susan Schenck, Chief Operating Officer, East Bay Community Action Program, re: Resignation from the Middletown Prevention Coalition as the representative for the “youth servicing organization” sector.

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

40. Appointment of one (1) member to the Conservation Commission, term expiring July 2020.

On motion of Vice President Rodrigues, duly seconded, it was voted unanimously to reappoint David Michael Huntoon to the Conservation Commission for a term expiring July 2020.

41. Appointments to the Middletown Prevention Coalition, one (1) member, Faith sector, to complete a term expiring April 2018, one (1) member, Other Organization involved in Reducing Substance Abuse sector, to complete a term expiring April 2018, and one (1) member, Youth Servicing Organization sector, to complete a term expiring April 2018.

On motion of Vice President Rodrigues, duly seconded, it was voted unanimously to appoint Rev. Laurie Percival Pauley to the Faith sector, to complete a term expiring April 2018, appoint Susan Schenck to Other Organization involved in Reducing Substance

Abuse sector, to complete a term expiring April 2018 and appoint Kristen Petrarca to the Youth Service Organization sector, to complete a term expiring April 2018.

On motion of Councillor Santos, duly seconded, it was voted unanimously to recess open session and reconvene in executive session at 9:07 p.m.

On motion of Vice President Rodrigues, duly seconded, it was voted unanimously to recess executive session and reconvene in open session at 10:22 p.m.

On motion of Vice President Rodrigues, duly seconded, it was voted unanimously to authorize the Town Administrator and Town Solicitor to execute the amended Offer to Purchase Former Navy Lodge.

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 10:24 P.M.

Wendy J.W. Marshall, CMC

Council Clerk

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