

**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, September 18, 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

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) (1) Personnel (Town Administrator), (2) Collective Bargaining (Police Contract) and (5) Land Acquisition.**

On motion of Vice President Rodrigues, duly seconded, it was voted unanimously to recess open session and reconvene in executive session at 6:03 p.m.

On motion of Vice President Rodrigues, duly seconded, it was voted unanimously to recess executive session and reconvene in open session at 6:56 p.m.

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 recess this meeting at 6:57 p.m.

On motion of Vice President Rodrigues, duly seconded, it was voted unanimously to reconvene this meeting at 7:08 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.

No one spoke during this session.

On motion of Council President Sylvia, duly seconded, it was voted unanimously to act on item #25 at this time.

On motion of Vice President Rodrigues, duly seconded, it was voted unanimously to act as a Board of License Commission.

BOARD OF LICENSE COMMISSION

3. Applications received from the following named persons, firms or corporations for RENEWAL of Alcoholic Beverage Licenses for the 2017-2018 licensing year. (Requires Advertising for public hearing; see attached list)

Vice President Rodrigues inquired if the Newport National Golf Course has a permanent structure to serve alcohol?

Town Clerk Wendy Marshall, responding to Vice President Rodrigues, explained that there is a mobile structure with an attached deck. Ms. Marshall noted that she will verify the structure and report at the October 16, 2017 Regular Meeting.

On motion of Vice President Rodrigues, duly seconded, it was voted unanimously to receive said applications and advertise for public hearing for October 16, 2017 Regular Meeting of the Board.

4. Application of Norman Bird Sanctuary, 583 Third Beach Road, for a Class F Alcoholic Beverage License for use at the same premises for an Event to be held on September 30, 2017.

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

5. Application of Norman Bird Sanctuary, 583 Third Beach Road, for a Class F Alcoholic Beverage License for use at the same premises for an Event to be held on October 1, 2017.

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

6. Application of Norman Bird Sanctuary, 583 Third Beach Road, for a Class F Alcoholic Beverage License for use at the same premises for an Event to be held on October 5, 2017.

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, September 5, 2017.

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

8. Memorandum of Finance Director, thru Town Administrator, with enclosure, re: Surplus Vehicle-Fire Department – 2003 Ford Crown Victoria.

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

unanimously to receive said memorandum.

9. Resolution of the Council, re: Surplus Vehicle-Fire Department – 2003 Ford Crown Victoria.

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

10. Communication of Betsy Akin, Vice President of Fund Development, Child & Family, re: Appreciation for support.

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

11. Communication of Natasha Harrison, Executive Director, Norman Bird Sanctuary, re: Appreciation for support.

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

12. Communication of Marilyn Warren, Executive Director, Dr. Martin Luther King Jr., Community Center and Heather Stout, re: Appreciation for support.

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

13. Communication of Randy Butler, President, Butler Basketball Club, re: Appreciation for support.

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

14. Resolution of the Town of Hopkinton, 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.

15. Resolution of the Town of Hopkinton, re: In Support of H6204 An Act Relating to Maintenance of Town Roads and Urging Passage by the General Assembly (Restoration of Roadways Utility Lines).

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

16. (Continued from July 2, 2017 Regular Meeting, Tabled from the

June 5, 2017 and May 15, 2017 Regular Meetings and Continued from August 21, 2017 Regular Meeting)

Communication of Councillor Viveiros, re: Discuss installation of Work Order program for the Public Works Department. - (This item was acted on through another Communication at the September 5, 2017 Regular Meeting)

On motion of Vice President Rodrigues, duly seconded, it was voted unanimously to withdraw this item, due to the item being acted on through another Communication at the September 5, 2017 Regular Meeting.

17. (Continued from July 3, 2017 and September 18, 2017 Regular Meetings)

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.- At the request of the Town Administrator this item will be continued to the October 16, 2017

Regular Meeting.

On motion of Vice President Rodrigues, duly seconded, it was voted unanimously to continue this matter to the October 16, 2017 Regular Meeting of the Council.

18. (Continued from June 19, 2017 and July 19, 2017 Regular Meetings.)

(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) – At the request of Attorney Michael W. Miller, this matter is continued to the November 20, 2017 Regular Meeting of the Council.

On motion of Vice President Rodrigues, duly seconded, it was voted unanimously to continue this matter to the November 20, 2017 Regular Meeting of the Council.

19. (Continued from May 15, 2017, June 19, 2017 and July 19, 2017 Regular Meetings.)

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) – At the request of Attorney Michael W. Miller, this matter is continued to the November 20, 2017 Regular Meeting of the Council.

On motion of Vice President Rodrigues, duly seconded, it was voted unanimously to continue this matter to the November 20, 2017 Regular Meeting of the Council.

20. (Continued from the August 21, 2017 Regular Meeting)

Petition of National Grid for Purgatory Road Propose New Solely Owned Pole Location. (Recommendation of Roads/Utilities Committee/Public Works Director) – At the request of the Public Works Director this item will be withdrawn until the Public Works Director, National Grid and St. George’s School meet regarding this petition.

On motion of Vice President Rodrigues, duly seconded, it was voted unanimously to allow this item to be withdrawn until the Public Works Director, National Grid and St. George’s School meet regarding this petition.

21. Applications received from the following named persons, firms or corporations for RENEWAL of Victualling House Licenses, Additional Hours of Operation, for the 2017-2018 licensing year. (Requires Advertising for public hearing)

On motion of Vice President Rodrigues, duly seconded, it was voted unanimously to receive said applications and advertise for public hearing for October 16, 2017, Regular Meeting of the Council.

22. Application for Special Event from Sweet Berry Farm, 915 Mitchell's Lane, for the Gallagher/Medeiros Wedding on Saturday, September 30, 2017 from 6:30 pm to 9:30 pm.

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

LICENSE

23. Application of Kevin Christian, Middletown, for a Tattoo License for use a Troubled Soul, 999 West Main Road, for licensing year 2017-2018. (NEW)

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

Vice President Rodrigues recused himself from acting on the following item #24 of business, due to a possible conflict of interest.

ORDINANCE

24. (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 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 Remains Open

Councillor Viveiros inquired what criteria was used for recommending the zoning change.

Town Planner Ronald Wolanski explained that the zoning change is to

ensure consistency with the Future Land Use Plan of the Town.

Discussion centered around there is no subdivision potential for the area being rezoned, if a property owner requests any changes they are required to go before the zoning board, the rezoning is better for the property owners and no traffic study was completed for this zoning change.

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

On motion of Councillor Santos, duly seconded, it was voted to adopt said ordinance on its second reading; Councillor Santos and Councillor Viveiros voted NO to said motion.

Item #25 was acted on after the Public Forum.

TOWN COUNCIL

25. Memorandum of Council President, re: Sponsor a Local Event in Memory of Ryan Roberts

Council President Sylvia reviewed the memorandum below.

Sid Abbruzzi, representing Waterbrothers, addressed the Council thanking them for support of the Water Brother Pro surfing event. Mr. Abbruzzi explained that this is a benefit in memory of Ryan Roberts, who was an active surfer during his life.

On motion of Vice President Rodrigues, duly seconded, it was voted unanimously to receive said memorandum and donate \$500.00 to The 2nd Annual Water Brother Pro 2017 in memory of Ryan Roberts to be appropriated from the President's Discretionary fund.

26. Communication of Councillor Turano, re: Discuss adding a section to the Town Council docket called “Old Business”.

Councillor Turano explained that he would like a section in the docket regarding Old Business, giving an update of approved projects.

Councilor Viveiros noted support.

Council President Sylvia noted agreement, but explained that items should be identified prior by filing a docket item and the time for the entire discussion should be limited.

Councilor Lombardi noted agreement.

Town Solicitor Peter B. Regan explained the Open Meeting Requirements, the agenda must be specific.

Councillor VonVillas noted support for limiting time for the discussion.

On motion of Council President Sylvia, duly seconded, it was voted unanimously to table this item, until the next Regular Meeting, for him to meet with Councillor Turano to set parameters for the number of items and a time limit.

27. Communication of Councillor Turano, re: Discuss current Town of Middletown computer system/infrastructure.

Councillor Turano explained that he has met with the IT Director and Town Administrator regarding the Town IT infrastructure and he believes there is room for improvement.

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

IT Director Matthew Wainwright presented the Council with the handout, entered here:

Mr. Wainwright reviewed the handout and noted that not many systems interface with each other and all the communities in the state have separate data bases.

Discussion centered around that communities should pool their resources for software needs and getting legislators to assist with collaborating for software needs between the communities.

TOWN ADMINISTRATOR

28. Memorandum of Finance Director, thru Town Administrator, with enclosures, re: Vehicle Purchase: Sewer Vehicle Replacement.

Town Administrator Shawn Brown reviewed the memorandum below.

Discussion centered around that the truck is replacing at 2004 vehicle with 150,000 miles on it and the crane is failing, the current vehicle is used daily, the 2004 vehicle will be used in other areas of the Town, the crane will be removed, the vehicle cannot be used as a plow vehicle because the funding for the vehicle was from the Sewer Fund and the warranty of the vehicle, including the crane.

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

29. Resolution of the Council, re: Vehicle Purchase: Sewer Vehicle

Replacement.

Enter resolution

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

30. Memorandum of Town Administrator, with enclosures, re: Modification No. 4 – Wastewater Treatment Facility.

Town Administrator Shawn Brown reviewed the memorandum below.

Town Administrator Shawn Brown presented the Council with a handout, entered here:

Discussion centered around the need to process wastewater during heavy rains, the design modification is for wet weather, Newport is working on the modification project at this time, there is no insurance that the criteria will be met, the Town is responsible to get the wastewater to the Newport facility, the project will not affect the sewer user rate and the funding is from the Capital Improvement Program.

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

On motion of Council President Sylvia, duly seconded, it was voted unanimously to authorize the Town Administrator and Town Solicitor to execute Modification No. 4 to the Agreement for the Treatment of Middletown's Wastewater between the City of Newport and the Town of Middletown (Enclosure 1).

31. Memorandum of Town Administrator, with enclosures, re: OpenGov Software Subscription.

Town Administrator Shawn Brown reviewed the memorandum below.

Discussion centered around that the funding for the software subscription was not budgeted for, funding would be from the Stormwater Utility Fund, the Finance Team has had a demonstration of the software, the software would also be utilized by the School Department, future funding of the software, the subscription will be for one year at this time and the contract will be reviewed by the Town Solicitor prior to execution.

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 to authorize the Town Administrator to execute the agreement with OpenGov to expand the current software subscription; Vice President Rodrigues voted NO to said motion.

32. Memorandum of Town Administrator, re: Impact Fees – Karen Weber.

Town Solicitor Peter B. Regan reviewed the memorandum below.

Town Solicitor Peter B. Regan requested the Council to continue this matter to the next regular meeting of the Council because the School Committee will be addressing this issue at their meeting on September 21, 2017.

Karen Weber, 45 Wyatt Road, addressed the Council expressing concern that this item was at the end of the meeting. Ms. Weber also noted concern that the impact fee date keeps getting extended.

Discussion centered around that the Impact fees are gaining interest

and if refunded will be refunded with interest, there are 52 taxpayers which have paid impact fees and the Finance Director has been tasked with locating the taxpayers who have paid impact fees.

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 table items #33 through #37, to re-advertise all appointments, all current applicants applications will remain active, no need to reapply.

BOARDS AND COMMITTEES

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

34. Appointment of one (1) member to the Conservation Commission for a term expiring July 2020.

35. Appointment of one (1) member to the Library Board of Trustees for a term expiring September 2020.

36. Appointment of one (1) member to the Pension Trust Fund Committee to complete a term expiring February 2020.

37. Appointment of one (1) member to the Tax Assessment Review Board, Bi-partisan Board, for a term expiring October 2020.

On motion of Vice President Rodrigues, duly seconded, it was voted unanimously to adjourn said meeting at 9:45 P.M.

Wendy J.W. Marshall, CMC

Council Clerk

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