

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, October 2, 2017 at 6:30 P.M.

Council President Robert J. Sylvia, Presiding

Vice President Paul M. Rodrigues, arrives at 6:59 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.

6:30 P.M. EXECUTIVE SESSION

- 1. Executive Session - Pursuant to provisions of RIGL, Sections 42-46-2, 42-46-4 and 42-46-5 (a) (5) Lease (JFK School).**

On motion of Councillor Santos, duly seconded, it was voted unanimously to recess open session and reconvene in executive session at 6:33 p.m.

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

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, 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 7:01 p.m.

Council President Sylvia requested a moment of silence for the victims of the Las Vegas shooting.

Council President Sylvia requested a moment of silence for former Fire Chief Donald Ardito and wished condolences to the family.

Council President Sylvia noted the commendable show of support

from the School Administration, School Department and Girls Middletown High School Soccer Team for Chariho families that loss of a daughter, friend, and Soccer team mate, Maddie Potts. Mr. Sylvia requested a moment of silence for Maddie Potts.

Council President Sylvia recognized the dedication of all first responders, their families and the Middletown Fire Department and Police Department. Mr. Sylvia read the following into the record.

Not sure if you are aware or not but FF. Nate McGillivray, who is an instructor now for the Rescue Swimmer program, while conducting a class in Florida was able to rescue a man who had fallen off a jetty and was being swept out by the current. FF. McGillivray jumped into the water and was able to bring the man on board and safely to shore.

Last week our boat with a crew consisting of FF. Kris Hopkins, John Jordan and Mike Stewart where able to rescue a father and son from East Island after their boat capsized. Our Boat was the only one able to get close enough and our rescue swimmers where the only Firefighters able to get to the island and bring the father and son

aboard our boat, before being transferred to Little Compton Fire.

Last night FF. Kris Hopkins while off duty in Narragansett was able to rescue and stay with a women who was swept off of Hazard Rock and was being brought out by a strong current. FF. Hopkins was able to stay in the water with the woman until coast guard arrived. She was brought to Newport ER and is expected to make a full recovery.

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 #35 at this time.

Vice President Rodrigues requested that item # 4 be heard under the regular portion of the docket.

CONSENT

3. Approval of Minutes, re: Regular Meeting, September 18, 2017.

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

4. Memorandum of Finance Director, thru Town Administrator, with enclosures, re: FY2017 Budget Adjustments as of June 30, 2017.

Councillor Turano inquired if the budget adjustments reflect final FY2017 numbers.

Town Administrator Shawn Brown noted that the budget adjustments allow the town to complete the final audit.

Finance Director Marc Tanguay noted that the budget adjustments are project roll overs from FY2017 to FY2018. The Council will receive a complete packet of all departments showing the FY2017 actuals.

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

5. Resolution of the Council, re: Approving FY2017 General Fund budget adjustments.

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

6. Resolution of the Council, re: Approving FY2017 School Department budget adjustments.

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

7. 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.

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. Communication of Tax Assessor and Deputy 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.

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. Communication of Tax Assessor and Deputy 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.

12. 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.

13. Certificate of Appreciation from the Middletown Tree Commission to the Members of the Middletown Town Council.

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

14. Communication of Denise Panichas, Executive Director, The Samaritans of Rhode Island, re: Appreciation for support.

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

15. Communication of Jennifer Barrera, Program Director, Lucy's Hearth, re: Appreciation for support.

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

16. Public Notice, re: Site Investigation Speedway Store #2822, 864 West Main Road, Middletown.

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

17. Application for Special Event Permit from the Newport County YMCA for the 32nd Annual Pie Run, 5 Mile Road Race to be held on Thursday, November 23, 2017 from 7:00 am to 10:00 am beginning at the Newport County YMCA.

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

18. Application of Paul C. Graf, Middletown, for RENEWAL of a Private Detective License for the 2017-2018 Licensing year.

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

19. Application of Laurin Enterprises dba Gold's Auto Wrecking Co., 113 Fenner Avenue, for RENEWAL of a Junk Dealer's License (Auto Wrecking) for the 2017-2018 licensing year.

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

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

BOARD OF LICENSE COMMISSION

20. Application of First Beach, LLC/Newport Beach Hotel & Suites, 1 Wave Avenue for RENEWAL of a Class BT Alcoholic Beverage License for the 2017-2018 licensing year.

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.

On motion of Vice President Rodrigues, duly seconded, it was voted unanimously to reconvene as a Town Council.

LICENSE

21. Application for Special Event Permit from the Middletown Prevention Coalition for Middletown Celebrates Family Day to be held on Friday, October 6, 2017 from 6:00 pm to 9:00 pm beginning at Second Beach. (Committee requests permit fee and all detail fees be waived)

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

COMMUNICATIONS

22. Email communication of Superintendent of Schools, re: Impact Fees.

Town Administrator Shawn Brown reviewed the email communication below.

Council President Sylvia noted concern with holding residents impact fees and the amount of time it has taken to get information to return the monies.

Discussion centered around that the Town's consultant on Impact Fees will be meeting with the Town Administration next week, a plan for the impact fees will be vetted and the consultant will inform the Town if the impact fees can be used for the suggested projects.

Vice President Rodrigues noted agreement with Council President Sylvia.

On motion of Council President Sylvia, duly seconded, it was voted unanimously to continue this item to the October 16, 2017 Regular Meeting of the Council, at that time the Council will receive the feedback from the Town's Consultant and the issue will be put to a vote.

23. Communication of Maxine Shavers, Committee Chair and James I. Winters, President, Newport County NAACP, re: Request for support by placing an ad in the Anniversary Souvenir Booklet for the Newport County NAACP Branch's 97th Annual Awards Dinner.

On motion of Vice President Rodrigues, duly seconded, it was voted unanimously to receive said communication and approve a full-page ad (cost \$125.) in the Anniversary Souvenir Booklet to be appropriated from the Council President's Discretionary Fund.

24. Communication of Juvenal Defreitas, 6 Nakomis Road, Middletown, re: Request for street light near his home.

On motion of Vice President Rodrigues, duly seconded, it was voted unanimously to receive said email communication and refer to the Public Works Director for review and recommendation.

ORDINANCES

25. (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 107 NE, Lot 11, which is presently designated as R-20 Medium Density Residential shall be changed to GBA, General Business Traffic Sensitive, and as shown on the attached plan. (Portion of 911 West Main Road – St. Lucy’s Church property) (Planning Board recommendation attached)

Public Hearing was declared open.

Attorney Jeremiah Lynch, representing St. Lucy's Church, addressed the Council explaining the request to change the zoning, which is presently designated as R-20 Medium Density Residential shall be changed to GBA, General Business Traffic Sensitive. Mr. Lynch also explained the requirement to change the Town's Comprehensive Community Plan map L-4, of the Land Use element of the Middletown Comprehensive Community Plan to re-designate the property at 825 West Main Road (Plat 107NE, Lot 15C) from medium density residential to general business/mixed to allow for consistency.

Attorney Jeremiah Lynch explained that St. Lucy's Church will retain an easement on the property for the walking paths. The property will be sold to Kenneth Alves to expand the abutting self-storage facility.

Father O'Brien, St. Lucy's Church, testified to the Council that the property has no beneficial use to the church. The funds received from the sale of the property will pay for upgrades to the parish and rectory.

Discussion centered around access to the self-storage building being off West Main Road, proximity to Bailey Brook, to expand the self-storage facility the applicant will be required to seek zoning approval and there will be no development on the east side of Bailey Brook.

Jeffrey Pineault, 15 Circle Drive, addressed the Council noting support for the zoning change.

Public Hearing remains open.

There being no other persons present desiring to be heard, public hearing remains open.

On motion of Vice President Rodrigues, duly seconded, it was voted unanimously to receive said ordinance on its first reading.

26. (Public Hearing Advertised)

Amendments to the Town's Comprehensive Community Plan (First Reading)

Amendments to Town's Comprehensive Community Plan shall amend the future land use plan, map L-4, of the Land Use element of the Middletown Comprehensive Community Plan to re-designate the property at 825 West Main Road (Plat 107NE, Lot 15C) from medium density residential to general business/mixed use and the Middletown Comprehensive Community Plan shall amend the future land use plan, map L-4, of the Land Use element of the Middletown Comprehensive Community Plan to re-designate a portion of the property at 911 West Main Road (Plat 107NE, Lot 11) from medium-density residential to general business/mixed-use. (St. Lucy's Church property) (Planning Board memorandum attached)

Public Hearing was declared open.

Attorney Jeremiah Lynch noted that he incorporated this item with item #25.

Town Planner Ronald Wolanski noted that the Planning Board is reviewing areas of the Town's Comprehensive Community Plan Map, which need to be revised. The project is ongoing.

Public Hearing remains open.

There being no other persons present desiring to be heard, public hearing remains open.

On motion of Vice President Rodrigues, duly seconded, it was voted unanimously to receive said amendment of the Middletown Comprehensive Community Plan on its first reading.

TOWN COUNCIL

27. (Tabled from the September 21, 2017 Regular Meeting)

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

Councillor Turano noted that this item was discussed at the last Council meeting and will be addressed in item #28.

Enter Comm

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

28. Memorandum of Council President Sylvia, re: Town Business Updates.

Council President Sylvia reviewed the memorandum entered below.

Vice President Rodrigues noted his support.

Councillor Turano noted that the item can be amended as needed.

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 add the category “Town Business Update” to the Town Council agendas as the third item of business, items will be filed in accordance to Council rules, the time limit will be fifteen minutes, five minutes per item, no more than three items on each agenda, the Council President will review the submitted items, placing three on the agenda and any other items will be placed on the following agenda.

29. Communication of Councillor Viveiros, re: Combining Departments Update.

Councillor Viveiros reviewed the communication below.

Town Administrator Shawn Brown reviewed the following:

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

On motion of Councillor Viveiros, duly seconded, to instruct Mr. Brown to continue investigating combining departments, the Town Finance Department with School Department Business Office and the Public Works Department with the School Facilities Management Department, if help is needed, look at getting help and issue and RFP for the project.

Councillor VonVillas noted that the Town and School Department do the same types of functions, but not in the same way.

Councillor Turano noted agreement with Councillor Viveiros.

Councillor Lombardi noted that there would be better communication between the Town and the School Finance Departments if they were on in the same room. Mr. Lombardi would like to know the long term savings of combining departments.

Vice President Rodrigues noted the need for an expert opinion on combining departments.

Council President Sylvia noted the need for a professional to review combining the departments.

Theresa Spengler, Vice Chair Middletown School Committee, addressed the Council noting the many successes the School and the Town have had working together. Ms. Spengler explained that there is a difference in reporting data.

The motion above, repeated here, was voted on at this time.

On motion of Councillor Viveiros, duly seconded, it was voted unanimously to instruct Mr. Brown to continue investigating combining departments, the Town Finance Department with School Department Business Office and the Public Works Department with the School Facilities Management Department, if help is needed, look at getting help and issue and RFP for the project.

30. Communication of Councillor Viveiros, re: Work Order Program Update.

Councillor Viveiros reviewed the communication below.

Town Administrator Shawn Brown reviewed the following:

Discussion centered around the investigating of other software programs which are GIS compatible, demonstrations have been set up for software programs in the upcoming weeks and purchasing software which may be obsolete if the Department of Public Works and the School Maintenance Department are combined.

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

31. Communication of Councillor Lombardi, re: Forest Avenue School PTG Party for a Purpose Fundraiser.

Councillor Lombardi reviewed the communication below.

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 donate \$200.00 for the Forest Avenue School PTG Party for a Purpose Fundraiser to be allocated from the Council President's Discretionary Fund.

32. Communication of Councillor Lombardi, re: Middletown High School Community Service Day.

Councillor Lombardi reviewed the communication below.

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

On motion of Vice President Rodrigues, duly seconded, to donate the whole transportation cost to bring students to various locations around town for the Community Service Day to be allocated from the Council Discretionary Fund.

Superintendent Rosemarie Kraeger addressed the Council noting that the students not taking the SAT's will be doing the community service project, cleaning up Town beaches and parks.

The motion above, repeated here, was voted on at this time.

On motion of Vice President Rodrigues, duly seconded, it was voted unanimously, to donate the whole transportation cost to bring students to various locations around town for the Community Service

Day to be allocated from the Council Discretionary Fund.

BOARDS AND COMMITTEES

33. Memorandum of Paul A. Croce, Chairman Middletown Planning Board, re: Recommendation to the Town Council regarding acceptance of the Aquidneck Highland Subdivision roads (aka Julia Court) for town maintenance in accordance with Section 703.5 of the Middletown rule and Regulation Regarding the Subdivision and Development of Land.

Town Administrator Shawn Brown reviewed the memorandum below.

Town Engineer Warren Hall addressed the Council explaining that all the utilities on Julia Court have been completed for each lot in the subdivision. Mr. Hall noted that there will be no digging in the roadway.

Discussion centered around developer Performance Bonds and Maintenance Bonds, the Maintenance Bond will be in effect for one year and could cover erosion, settlement, settlement and edge cracking.

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

34. Resolution of the Council, re: Accepting the Aquidneck Highland Subdivision road and associated public improvements for purposes of town maintenance.

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

Item #35 was acted on after item #2 the Public Forum.

35. Memorandum of Council President Sylvia, re: Nomination/Appointment of Alternate Municipal Court Judge for Conflict Matters.

Council President Sylvia reviewed the memorandum below.

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 appoint Barbara A. Barrow and Alternate Municipal Court Judge for Conflict Matters.

36. Memorandum of Council President Sylvia, re: Establishment of a Committee for the 275th Anniversary of the Town's founding.

Council President Sylvia reviewed the memorandum below.

Council President Sylvia noted that he would like Vice President Rodrigues and Councillor Santos on the committee.

Vice President Rodrigues noted that Council President Sylvia should also be part of the committee.

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 establish a 275th Anniversary Committee to plan and coordinate a 275th Anniversary event to celebrate the founding of Middletown, the committee should be comprised of members of the public, a liaison from the Historical Society, and appoint Council President Sylvia, Vice President Rodrigues and Councillor Santos to

said committee.

37. Email communication of Matt Sullivan, re: Resignation from the Planning Board.

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

On motion of Vice President Rodrigues, duly seconded, it was voted unanimously to adjourn said meeting at 9:06 P.M.

Wendy J.W. Marshall, CMC

Council Clerk

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