

**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 16, 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)**

**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) (5) Lease (JFK School), (2) Collective Bargaining (Police) and (1) Personnel (Town Administrator).**

**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 6:53 p.m.**

**On motion of Vice President Rodrigues, duly seconded, it was voted unanimously to recess this meeting at 6:54 p.m.**

**On motion of Vice President Rodrigues, duly seconded, it was voted unanimously to reconvene this meeting at 7:01 p.m.**

**On motion of Council President Sylvia, duly seconded, it was voted unanimously to act on item #6 at this time.**

## **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.**

## **TOWN BUSINESS UPDATES**

**3. Memorandum of Councillor Turano, re: Red Roads Update – completed roads, active roads, next roads, on budget, on time.**

**Town Engineer Warren Hall reviewed the following, entered here:**

**Discussion centered around that the list of roads are all failed roads, the schedule for the failed roads is on the Town website and the Town Engineer oversees the projects.**

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

**4. Memorandum of Councillor Turano, re: School Renovations (Bond) – Completed projects, active projects, on budget, on time.**

**David Fontes, Director of Facilities and Safety for the Middletown School Department, addressed the Council reviewing the following, entered here:**

**Discussion centered around current School Department projects and the School Department only spends the necessary funds needed for each project.**

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

**5. Memorandum of Councillor Lombardi, re: Update/Drive In Property.**

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

**Town Engineer Warren Hall reviewed the following, entered here:**

**Discussion centered around the need of a field for the Lacrosse Program and a grant application which was applied for to assist with the construction of the fields.**

## **PRESENTATION**

**6. Memorandum of Police Chief Anthony M. Pesare, re: Ceremony for Police Department.**

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

**Chief Anthony Pesare introduced Probationary Police Officers Kevin Ferris and Paul Ciaravino, both were sworn in by the Town Clerk Wendy J.W. Marshall and pinned by a family member.**

**Chief Anthony Pesare presented Patrol Officer Christian Orellana with the Life Saving Award.**

**Item #25 was acted on at this time.**

## **CONSENT**

**7. Approval of Minutes, re: Regular Meeting, October 2, 2017.**

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



**8. Notice of Public Hearing from the Zoning Board of Review – Petition of Linda Phelan (owner) – for a Special Use Permit from Section 602 and Article 16 – to allow a modification of the previously granted Special Use Permit to allow the re-location of the accessory dwelling unit to the second floor of the proposed attached garage; real estate located at 222 Mitchell’s Lane TAP 123, Lot 703.**

**On motion of Vice President Rodrigues, duly seconded, it was voted unanimously to receive said Notice of Public Hearing.**

**9. Communication of Mary Dennis, Vice President, Middletown Historical Society, Inc., re: Appreciation for support.**

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

**10. Email communication of Gordon Lord, New York, re:**

**Compliments to the Town – Sachuest Beach.**

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

**11. Resolution of the Town of Foster, re: In opposition to HB 6023 Relating to Animal Husbandry – Unlawful Confinement of a Covered Animal.**

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

**12. (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. – King Fisher Right of Way. (At the request of the Town Administration, this item will be continued until the review and consent from CRMC and the review and approval of ADA have been received.)**

**On motion of Vice President Rodrigues, duly seconded, it was voted unanimously to continue this item until the review and consent from CRMC and the review and approval of ADA have been received.**

**13. Applications received from the following named persons, firms or corporations for RENEWAL of Victualling House Licenses for the 2017-2018 licensing year. (See attached list)**

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

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

**unanimously to act as a Board of License Commission.**

## **BOARD OF LICENSE COMMISSION**

**14. Application of Blue Plate Diner, Inc., 665 West Main Road, for RENEWAL of a Class BV Alcoholic Beverage License 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 application and advertise for public hearing to be held on November 6, 2017, Regular Meeting of the Council.**

**15. (Public Hearing Advertised)**

**Applications received from the following named persons, firms or corporations for RENEWAL of Alcoholic Beverage Licenses for the 2017-2018 licensing year. (See attached list)**

**Public Hearing was declared open.**

**Town Council discussion centered around the Newport National Golf Club Clubhouse taxes and the Newport Beach House high water mark survey being reviewed by the Town Engineer.**

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

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

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

## **LICENSES**

**16. Application for Special Event Permit from All Saints STEAM Academy for a Craft Fair to be held on December 9, 2017 from 9:00 a.m. to 4:00 p.m. at 915 West Main Road – Behind St. Lucy’s Church. (Applicant requests the permit fee to be waived)**

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

**17. Applications received from the following named persons, firms or corporations for Tobacco Dealer’s Licenses for the 2017-2018 licensing year. (See attached list)**

**Discussion centered around the police will be checking the facilities for compliance to the Town Tobacco Dealer’s ordinance and issue of cigarette butt litter.**

**Enter list**

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

**17a. 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 or October 28, 2017 or October 29, 2017 from 8:00 am to 4:00 pm.**

**Council President Sylvia noted that this application is adding an additional weekend to the Special Event Permit granted on September 5, 2017.**

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

**unanimously to grant said Special Event Permit.**

## **PUBLIC HEARINGS**

### **18. (Public Hearing Advertised)**

**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. (See attached list)**

**Public Hearing was declared open.**

**There being no person present desiring to be heard, public hearing was declared closed.**

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



**unanimously to grant said license renewals.**

## **19. Public Hearing (Advertised)**

### **First Public Hearing**

**Town of Middletown application for FY2017- Small Cities Community Development Block Grant (CDBG) for certain projects.**

**Public Hearing was declared open.**

**Sam Shuford, representing Church Community Housing Corporation, addressed the Council noting that Church Community Housing Corporation assists Middletown with the CDBG grant application each year. Mr. Shuford noted that there is \$5 Million dollars available for low and moderate income families, high priority housing creations and rehabilitation projects, with remaining funding for low priority projects, as presented in the memorandum, from the Town Planner, entered here:**

**Discussion centered around that funding could be used for Senior Housing, including the purchase of land, the future of CDBG funding from the Federal Government, renovation of Berkeley Peckham School for Senior Housing and the need for the Town to apply for the funds.**

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

## **COMMUNICATIONS**

**20. (Continued from October 2, 2017 Regular Meeting)**

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

**Town Solicitor Peter B. Regan, reviewed the email communication below and the State Impact Fee Statue. Mr. Regan noted that he met**

**with the Town's consultant regarding the use of the Impact Fees. Town Solicitor Peter B. Regan explained that the proposed projects do not qualify for the impact fee funding.**

**On motion of Council President Sylvia, duly seconded, it was voted unanimously to direct the Town Administration to prepare a resolution to return collected impact fees acquired during the qualified time period, for the November 6, 2017 Regular Meeting of the Council.**

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

**21. Communication of Dave McLaughlin, Executive Director, Clean Ocean Access, re: Appreciation for 2017/2018 Civic Support.**

**Dave McLaughlin, Executive Director, Clean Ocean Access, 3 Haskell Avenue, Newport, RI addressed the Council regarding the**

**organizations financials and expenses. Mr. McLaughlin explained that Clean Ocean Access is a citizens science based organization. The staffing consists of one full time employee and three part-time employees. The organization is funded by fundraising, grants and community support.**

**Discussion centered around civic support donations are received from Middletown and Newport, a request will be made to Portsmouth next year and water testing on Aquidneck Island.**

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

## **ORDINANCES**

**22. (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 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 remains open**

**Attorney Jeremiah C. Lynch, representing St. Lucy’s Church, addressed the Council noting the amendment would change the zoning on his client’s property to be sold and he is present to address any questions the Council has.**

**There being no other person present desiring to be heard, public hearing was declared closed.**

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

### **23. Public Hearing Advertised)**

**Public Hearing Remains Open.**

### **Amendments to the Town's Comprehensive Community Plan (Second 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 remains open**

**Attorney Jeremiah C. Lynch, representing St. Lucy's Church, addressed the Council noting the amendment to the Town's Comprehensive Community Plan will allow for consistency with the zoning code.**

**There being no other person present desiring to be heard, public hearing was declared closed.**

**On motion of Vice President Rodrigues, duly seconded, it was voted unanimously to adopt said Amendments to the Town's Comprehensive Community Plan on its second reading.**

## **24. 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 72 Parking Regulations, Section 72.12 Through Traffic. – Forest Avenue.**

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

## **BOARDS AND COMMITTEES**

**25. Memorandum of Arleen F. Kaull, Executive Director, Middletown Senior Center, with enclosure, re: Requesting Approval of the Needs Assessment Survey for Residents.**

**Arleen F. Kaull, Executive Director, Middletown Senior Center, addressed the Council reviewing the memorandum and survey, entered here:**



**Discussion centered around the survey being easy to understand and complete, the survey may be placed on the Town website, the survey will only be sent to random over 55 Middletown residents and the timeline of the survey.**

**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 approve the Needs Assessment Survey for Residents, Age 55 and Over, submitted by the Middletown Senior Center Board of Directors.**

**On motion of Vice President Rodrigues, duly seconded, it was voted unanimously to recess open session and reconvene in executive session at 8:43 p.m.**

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

**unanimously to recess executive session and reconvene in open session at 9:24 p.m.**

**On motion of Vice President, 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 9:26 P.M.**

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**Wendy J.W. Marshall, CMC**

**Council Clerk**