

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, January 16, 2018 at 5:00 P.M.

Council President Robert J. Sylvia, Presiding

Vice President Paul M. Rodrigues

Councillor Henry F. Lombardi, Jr.

Councillor M. Theresa Santos

Councillor Antone C. Viveiros

Councillor Barbara A. VonVillas, Members Present

Councillor Dennis B. Turano, Absent

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

5:00 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), (5) Land Acquisition (West Main Road), (2) Potential Litigation, (2) Litigation (SAMS FOOD MART, LLC, ABDUL KAHN, SAUDABBAD CONVENIENCE, INC., MOHAMMAD SIDDIQUI v. TOWN OF MIDDLETOWN; NC-2017-0443), (5) Lease (JFK School) and (5) Lease (Berkeley-Peckham School).

On motion of Vice President Rodrigues, duly seconded, it was voted unanimously to recess open session and reconvene in executive session at 5:03 p.m.

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

unanimously to recess executive session and reconvene in open session at 5:48 p.m.

On motion of Vice President Rodrigues, duly seconded, it was voted unanimously to authorize the Town Administrator to execute JFK School lease agreement.

On motion of Vice President Rodrigues, duly seconded, it was voted unanimously to authorize the Council President to execute closing documents for the West Main Road, Navy Property.

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 Council President Sylvia, duly seconded, it was voted unanimously to recess this meeting at 5:50 p.m.

On motion of Vice President Rodrigues, duly seconded, it was voted unanimously to reconvene this meeting at 6:00 p.m.

Present, representing the School Department, were Superintendent Rosemarie Kraeger, Assistant Superintendent Linda Savastano, Business Manager Raquel Pellerin, Facilities Director Dave Fontes, School Committee Chair Kellie DiPalma Simone, Vice Chair Theresa Spengler and members Douglas Arnold, Liana Ferreira Fenton and

William O'Connell.

6:00 P.M. - SCHOOL COMMITTEE - PRE-BUDGET CONSULTATION

2. Pursuant to - “§ 16-2-21 Pre-budget consultation – Annual reports – Appropriation requests – Budgets. – (a) At least sixty (60) days but not more than ninety (90) days prior to the formal submission of the school budget to the appropriate city or town officials by the school committee, there shall be a joint pre-budget meeting between the school committee and the city or town council(s). At or before this meeting:”

(1) “The highest elected official of the city or town shall submit to the school committee an estimate, prepared in a manner approved by the department of administration, of projected revenues for the next fiscal year. In the case of the property tax, the projections shall include only changes in the property tax base, not property tax rates; “

(2) “The school committee shall submit to the city or town council a statement for the next ensuing fiscal year of anticipated total expenditures, projected enrollments with resultant staff and facility requirements, and any necessary or mandated changes in school programs or operations”.

3. Communication of Robert J. Sylvia, President, Middletown Town Council, with enclosure, re: Information in accordance with RIGL 16-2-21.

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

unanimously to receive said communication.

4. Memorandum of Kellie DiPalma Simeone, School Committee Chair, with enclosures, re: Pre-Budget Consultation FY 2018-2019. (Documentation to follow)

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

School Committee Chair Kellie DiPalma Simeone addressed the Council noting that this year the School Department will experience similar financial challenges and the School Committee and Administration will do their best to find ways to support the budget other than the taxpayers.

Town Administrator Shawn Brown and Superintendent of Schools Rosemarie Kraeger presented a powerpoint presentation, which is on file in the Office of the Town Clerk.

Council President Sylvia thanked the Town Administration and School Administration for all efforts in the budgeting process. Mr. Sylvia explained that the town wants to provide the best possible education to our children.

Discussion centered around the reserve fund, fund balances,

completion of audit and state school facility report.

On motion of Vice President Rodrigues, duly seconded, it was voted unanimously to recess this meeting at 6:50 p.m.

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

On motion of Council President Sylvia, duly seconded, it was voted unanimously to act on item #26 at this time.

PUBLIC FORUM

5. Pursuant to Rule 23 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. All items discussed during this session will not be voted upon.

Roby Faria, 9 Cardoza Terrace, addressed the Council noting concern that the west side of the Town has a threat of over development and water issues including contamination.

TOWN BUSINESS UPDATES

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

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

Councillor Viveiros requested an update on combining departments in the Town.

Town Administrator Shawn Brown reviewed the memorandum, entered here:

Enter memo

Discussion centered around that combining departments is not a straight forward process, union issues are complicated, Mr. Brown will be drafting a plan to combine departments for the Council to review and Councillor Viveiros wanting the item on a fast track.

On motion of Councillor Viveiros, duly seconded, to instruct Mr. Brown to put the issue on a fast track.

Council President Sylvia noted that the issue is a priority, but there is a need to be cautious.

Councillor Viveiros noted that he is not setting a date to complete the request.

Town Administrator Shawn Brown noted he will formulate a plan and bring to the Town Council to see if they would like to continue with combining departments.

Motion above was voted on at this time.

On motion of Councillor Viveiros, duly seconded, it was voted unanimously to instruct Mr. Brown to put this issue on a fast track.

7. Communication of Councillor Turano, re: Update on the Newport Beach House conversation.

On motion of Vice President Rodrigues, duly seconded, it was voted unanimously to continue this item to the February 5, 2017, Regular Meeting of the Council.

8. Communication of Councillor Turano, re: Update on the 10M Bond projects.

On motion of Vice President Rodrigues, duly seconded, it was voted unanimously to continue this item to the February 5, 2017, Regular Meeting of the Council.

Vice President Rodrigues requested that item #13 be heard under the regular portion of the agenda.

CONSENT

9. Approval of Minutes, re: Regular Meeting, December 4, 2017.

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

10. Communication of Rev. Raymond J. Finch, M.M. Superior General, Fathers and Brothers Maryknoll, re: Appreciation for offering.

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

11. Communication of James Winters, President and Fern W. Lima, Chairperson Booklet Committee, re: Appreciation for support.

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

12. Communication of Melanie Jewett Army, AICP, Assistant Chief of Planning, RIDOT, with enclosure, re: Toll Locations 3, 4 & 6 through

13 – I-95, I-195, and I-295, US Route 6, and RI Route 146, Rhode Island, NEPA Project Notification.

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

13. Communication of Jeff Douglas, re: Animals on Town Beaches.

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

Councillor Santos noted that she attended a Beach Committee meeting where this issue was discussed.

Town Solicitor Peter B. Regan recommended the town follow the same policies as the state beaches, which are the standards the ADA has put in place. Mr. Regan will provide a policy for approval by the Town Council.

14. Communication of George O. Steere, Jr., President, Gloucester Town Council, re: Objecting to the Energy Facility Siting Boards ruling, October 17, 2017.

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

15. Resolution of the Town of Exeter, re: In support of Amending Act Relating to Taxation.

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

16. Notice from the Zoning Board of Review, Petition of DOJO, LLC (owners) Newport Hotel Group (Applicant) by their attorney David P. Martland, Esquire, for a Variance from section 603 to allow a hotel structure 43' – 2" in height to accommodate an elevator penthouse where 40' height is allowed, real estate located at 38 Purgatory Road, Plat 116NW, Lot 13.

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

17. Notice from the Zoning Board of Review, Petition of DOJO, LLC (owners) Newport Hotel Group (Applicant) by their attorney David P. Martland, Esquire, for a Special Use Permit from Section 602 & Article 14 to allow a 13 unit hotel in a Limited Business (LBA) zone, real estate located at 38 Purgatory Road, Plat 116NW, Lot 13.

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

18. License of Burial, re: Mary L. Nelson, Section 55, Graves 19 and

20.

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

19. License of Burial, re: Elizabeth Walker, Section 47, Graves 125, 126 & 127.

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

20. License of Burial, re: Ellen Anagnostos, Section 55, Graves 21, 22, 23 & 24.

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

LICENSES AND PERMITS

21. Application for Special Event Permit from TRIMOM Productions,

LLC for the Sachuest Point Running Festival, Marathon, Half Marathon to be begin at Second Beach and run roads throughout Middletown on Sunday, March 25, 2018.

Vice President Rodrigues noted the discussion at the last meeting regarding the road painting, tape on the roads and debris left behind.

Town Administrator Shawn Brown explained that Councillor Turano's concerns were the mess left behind after a road race, suggesting the licensee pay a deposit for two DPW crew members, the monies would be forfeited if cleanup is not completed by the event applicant, the Department of Public Works should inspect to make sure cleaning is complete; painting should be prohibited, signs are the easiest to clean up.

Council President Sylvia noted the need for the event organizers to be aware of issues and the restriction.

On motion of Vice President Rodrigues, duly seconded, it was voted unanimously to require event organizers pay a deposit for two Department of Public Works employees for one day's work to clean up the trash after a road race event, there will be no paint or tape on the roads. If the company cleans the route themselves, it will be at their expense; otherwise the town will clean the route, the Public Works Department will inspect the roadways for debris. This

requirement takes effect for all races starting January 1, 2018.

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

22. Application for Special Event Permit from TRIMOM Productions, LLC for TriNEWPORT, Triathlon to be begin at Second Beach and run roads throughout Middletown on Sunday, Sunday, September 9, 2018.

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

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

On motion of Vice President Rodrigues, duly seconded, it was voted unanimously to continue this matter until ruling from the court.

PUBLIC HEARING

24. Public Hearing Advertised; Abutters Notified.

Petition to abandon a portion of Roy Avenue which is approximately 124' in length. (Planning Board Recommendation has been received; See Attached Legal Description)

On motion of Vice President Rodrigues, duly seconded, it was voted unanimously to continue said public hearing to the February 20, 2018, Regular Meeting of the Council, at the request of the petitioner's attorney.

OTHER COMMUNICATION

25. Email communication of Sean R. Smith, representing The Tim Tebow Foundation, re: Requesting the Council to waive police detail fee for their community event.

On motion of Vice President Rodrigues, duly seconded, it was voted unanimously to waive all detail fees for the Night to Shine community event.

Item #26 was acted on after item #4.

TOWN COUNCIL

26. Memorandum of Council President Sylvia, re: School Department 2019 Capital Improvement Budget Request.

Council President Sylvia read the memorandum entered here:

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

Superintendent Rosemarie Kraeger addressed the Council apologizing for the confusion regarding the 10 million dollar bond, which does take care of all top priority needs of the school department.

Discussion centered around the Jacobs report identifying facility needs, state reimbursement for qualifying repairs made to school buildings and the proposal by the Governor regarding school bond monies.

27. Communication of Councillor Turano, re: Discussion of Senior Citizens in Middletown.

On motion of Vice President Rodrigues, duly seconded, it was voted unanimously to continue this item to the February 5, 2017, Regular Meeting of the Council.

28. Memorandum of Town Administrator, re: Ban on Overnight Parking on Town Property.

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

Town Administrator Shawn Brown reviewed the memorandum above.

Discussion centered around Town areas where vehicles were parked

overnight with people sleeping in their vehicles, being considerate during snow parking bans for residents who do not have driveways giving ability to park overnight and the Town Administrator working with the Town Solicitor on a reasonable list of Town properties to ban overnight parking.

On motion of Vice President, duly seconded, it was voted unanimously direct the Town Solicitor to prepare an ordinance banning overnight parking at certain Town properties.

BOARDS AND COMMITTEES

29. Memorandum of MPC Coordinator, thru Town Administrator, re: Project Purple Week.

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

30. Resolution of the Council, re: Proclaiming the week of January 22, 2018 to February 2, 2018 as “Project Purple Week” in the Town.

Nat Baldwin, Middletown Senior and Carolyn Craft, Middletown Senior, read the resolution below into the record.

Enter resolution

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

31. At the request of Council President Sylvia, re: Report of Beach Sub-committee. (No Documentation)

Council President Sylvia thanked the Beach Sub-committee for all their hard work.

On motion of Vice President Rodrigues, duly seconded, it was voted unanimously to receive said report from the Beach Sub-committee.

Vice President Rodrigues reviewed the report, entered here:

Enter his report

Vice President Rodrigues recommends that the sub-committee and complaint mechanism in remain place.

Council President Sylvia requests this item be placed on the February 5, 2018 agenda.

32. Communication of Robert M. Silva, Chairman, Middletown Economic Development Committee, with enclosures, re: Tax Increment Financing (TIF).

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

Town Administrator Shawn Brown reviewed the memorandum above.

Council President Sylvia noted this would create good economic development.

Vice President Rodrigues inquired how the tax freeze would work.

Town Administrator Shawn Brown explained the difference between the new value and old value of the area being improved is set aside for the project being funded (project is specific to the area being improved), the monies are placed in a reserve project fund. Mr. Brown noted there must be a timeline for the project and revenues must be earmarked for accountability of the monies.

Discussion centered around once the project is complete the tax monies will be returned to the general fund, projects must be approved by the Town Council, Tax Increment Financing is has been used in other areas of the state and the plan allows new tax revenue to improve areas that need redevelopment.

On motion of Council President Sylvia, duly seconded, it was voted unanimously to endorse the TIF concept as a potential economic

development tool for the town to pursue in Atlantic Beach and elsewhere, upon Council approval step by step.

33. (Continued from December 4, 2017, Regular Meeting)

Memorandum of Council President Sylvia, re: Appointment of Assistant Town Solicitor.

On motion of Vice President Rodrigues, duly seconded, it was voted unanimously to receive said memorandum and appoint Mark T. Boivin as Assistant Town Solicitor.

Town Clerk Wendy J.W. Marshall swore in Mark T. Boivin as Assistant Town Solicitor.

34. Appointment of one (1) member to the Middletown Prevention Coalition, Other Organization Involved in Reducing Substance Abuse Sector, to complete a term expiring April 2018.

On motion of Vice President Rodrigues, duly seconded, it was voted unanimously to appoint Kathryn Manning to the Middletown Prevention Coalition, Other Organization Involved in Reducing Substance Abuse Sector, to complete a term expiring April 2018.

35. Appointment of Tree Warden for the 2018 calendar year.

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

unanimously to reappoint Alan Kirby as Tree Warden for the 2018 calendar year.

36. Communication of Alexa Furtado, re: Resignation from the Middletown Prevention Coalition – media sector.

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

Council President Sylvia acknowledged and thanked the Department of Public Works and Contractors for the great job done during the snowstorm.

On motion of Vice President Rodrigues, duly seconded, it was voted unanimously to adjourn said meeting at 9:54 P.M.

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

**Supporting documentation is available at
<http://clerkshq.com/default.ashx?clientsite=Middletown-ri>**