

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, February 20, 2018 at 5:30 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.

5:30 P.M. EXECUTIVE SESSION

1. Executive Session - Pursuant to provisions of RIGL, Sections 42-46-2, 42-46-4 and 42-46-5 (a) (2) Collective Bargaining (Police), (2) Potential Litigation and (5) Land Acquisition. – **Amended – Pursuant to provisions of RIGL, Sections 42-46-2, 42-46-4 and 42-46-5 (a) (2) Collective Bargaining (RI Council 94 AFSCME, AFL-CIO, Local #1823).

On motion of Vice President Rodrigues, duly seconded, it was voted unanimously to recess open session and reconvene in executive session at 5:33 p.m.

Vice President Rodrigues, recused himself from acting on the

Collective Bargaining (RI Council 94 AFSCME, AFL-CIO, Local #1823 and left the session at 5:36 p.m.

Vice President Rodrigues left the session at 5:37 p.m.

Vice President Rodrigues joined the session at 5:41 p.m.

On motion of Vice President Rodrigues, duly seconded, it was voted unanimously to recess executive session and reconvene in open session at 6:46 p.m.

Vice President Rodrigues, recused himself from the following motion, entered here:

On motion of Council President Sylvia, duly seconded, it was voted unanimously to receive the RI Council 94 AFSCME, AFL-CIO, Local #1823 fiscal impact statement.

On motion of Council President Sylvia, duly seconded, it was voted unanimously to authorize the Town Administrator and Town Solicitor to submit a letter of intent for the land acquisition.

On motion of Council President Sylvia, 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 6:49 p.m.

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

Council President Sylvia requested a moment of silence for the victims and their families of the Florida School shooting on February 14, 2018.

PUBLIC FORUM

2. 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.

No one spoke during this session.

TOWN BUSINESS UPDATES

3. 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 regarding combining Town Departments.

Town Administrator Shawn Brown reviewed the memorandum, entered here:

4. Communication of Vice President Rodrigues and Councillor Turano, re: Update on the Storm Water Filter Systems.

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

Vice President Rodrigues requested an update on the Storm Water Filter Systems, noting an issue at Green End Avenue and Berkeley Avenue.

Public Works Director Tom O'Loughlin reviewed the following information entered here:

Discussion centered around the Storm Water Filter Systems designs and if they are working effectively, how often the systems are cleaned and that there has been testing for pollutants in the areas where the

Storm Water Filters are located.

Vice President Rodrigues requested that items #8, #10 and #12 be heard under the regular portion of the docket.

CONSENT

5. Approval of Minutes, re: Special Meeting, January 30, 2018.

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

6. Approval of Minutes, Regular Meeting, February 5, 2018.

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

7. Communication of the Tax Assessor, dated February 9, 2018, 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.

Councillor Santos requested that the total abatement amount be added to the tax abatement resolutions.

On motion of Councillor Santos, duly seconded, it was voted unanimously that in the future each resolution include the total amount of the abatement.

9. Communication of the Tax Assessor, dated February 12, 2018, 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 Finance Director, with enclosures, re: Collector Abatements - 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: Collector Abatements - Cancellation of Taxes for Certain Middletown residents.

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

Councillor Santos inquired how soon the Tax Assessor's Office notifies delinquent taxpayers. Ms. Santos suggested that phone calls be made notifying the taxpayer of their delinquency.

Town Administrator Shawn Brown reviewed the memorandum from item #11.

Mr. Brown noted that notices are sent on a quarterly basis to taxpayers that have not paid.

Tax Assessor George Durgin noted once a taxpayer is delinquent two quarters, notices are sent out.

13. Memorandum of Finance Director, thru Town Administrator, with enclosures, re: FY2018 Budget Adjustments as of January 31, 2018.

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

unanimously to receive said memorandum.

14. Resolution of the Council, re: FY2018 Budget Adjustments as of January 31, 2018 – School Department.

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

15. Resolution of the Council, re: FY2018 Budget Adjustments as of January 31, 2018 – General Fund.

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

16. Resolution of the Council, re: FY2018 Budget Adjustments as of January 31, 2018 – Parks and Recreation Fund.

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

17. Resolution of the Council, re: FY2018 Budget Adjustments as of January 31, 2018 – Refuse and Recycling Fund.

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

18. Resolution of the Council, re: FY2018 Budget Adjustments as of

January 31, 2018 – Sewer Fund.

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

19. Petition of National Grid for Green End Avenue Propose Joint Owned Pole Locations (Approved by the Public Works Director)

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

20. Communication of Yoni Sunshine, Development Director, Boy Scouts of America, Narragansett Council, re: Appreciation for support.

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

21. Notice of Public Hearing from State Planning Council – Quadrennial Federal Certification Review to be held on February 22, 2018 at 5:30 P.M. at the Department of Administration, William E. Powers Building, Conference Room A, 2nd Floor, One Capitol Hill, Providence, RI.

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

22. (Continued from January 16, 2018)

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)- Attorney Joseph Palumbo has requested that this item be continued to April 16, 2018.

On motion of Vice President Rodrigues, duly seconded, it was voted unanimously to continue said matter to the April 16, 2018, Regular Meeting.

23. (Continued from June 19, 2017, July 19, 2017, September 18, 2017 and November 20, 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 received) –Attorney Michael W. Miller requests this item be continued to April 16, 2018.

On motion of Vice President Rodrigues, duly seconded, it was voted unanimously to continue said matter to the April 16, 2018, Regular Meeting.

24. (Continued from May 15, 2017, June 19, 2017, July 19, 2017, September 18, 2017 and November 20, 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 received) –Attorney Michael W. Miller requests this item be continued to April 16, 2018.

On motion of Vice President Rodrigues, duly seconded, it was voted unanimously to continue said matter to the April 16, 2018, Regular Meeting.

LICENSES/PERMITS

25. Application for Special Event Permit from Beth Larcom, Middletown Kids PMC Ride, at Second Beach Parking Lot on Sunday, May 20, 2018 at 5:00 A.M to 12:00 P.M. (See attached letter requesting

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 Facility use fee, Special Event Permit fee and any detail fees.

26. Application of India Scott, Fall River, MA, for a Tattoo License for use at Trouble Soul and Company, 999 West Main Road, for the 2018-2019 licensing year. (NEW)

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

ORDINANCES

27. An Ordinance of the Town of Middletown (First Reading)

An Ordinance in Amendment to the Town Code, Title III, Administration, Chapter 36 Fee Schedule, Section D Parks and Recreation, 2 Campground Fees. (See attached Ordinance)

Steven Cheney, 13 Kersey Road, Foxboro, MA, addressed the council on behalf of campground residents, noting the residents are grateful that the campground remains open. Mr. Cheney explained that the campground residents agree that rates should be increased, but are requesting the Town Council to be fair to both residents and campers, presenting a spreadsheet of other campgrounds in Rhode

Island showing fees.

Andrea Barrette, 201 Keach Dam Road, Chepachet, RI, addressed the Council noting concern of the rate increase for the campground and requests a compromise. Ms. Barrette also requested a payment plan schedule.

Loiraine D. Starr, Spring Summer Sachuest Campground Resident, Worcester, MA, addressed the Council requesting the campground rate increase to be fair and just.

Joanne Valente, 85 Rockwood Avenue, Cranston, RI, addressed the Council speaking on behalf of her daughter, noting that camping is an affordable vacation for families. Ms. Valente noted she feels the campers are being forced out and targeted.

Councillor VonVillas noted concern with the increase to the campground rates. Ms. VonVillas feels the campers are paying for the improvements at second beach, explaining the increase is excessive and requests the Council to reconsider and bring a more gradual increase. Councillor VonVillas noted she does not support this current increase.

Councillor Viveiros noted he agrees to an increase to campground rates, but would like to spread it out over a long period of time.

On motion of Vice President Rodrigues, duly seconded, it was voted to receive said ordinance on its first reading; Council President Sylvia, Vice President Rodrigues, Councillor Lombardi voted YES; Councillor Santos, Councillor Viveiros and Councillor VonVillas voted NO to SAID MOTION; MOTION FAILED TO PASS.

28. Public Hearing (Advertised)

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 – Section 317 Appeals. (Planning Board Recommendation received) – See attached ordinance.

Public Hearing Remains Open.

Town Solicitor Peter B. Regan, noted that he has made an amendment to the ordinance, which was suggested by Mr. Hall at the last public hearing.

On motion of Vice President Rodrigues, duly seconded, it was voted unanimously to remove the line “The Zoning Board of Review shall decide the matter within a reasonable time.” and replace with “All decisions and records of the Zoning Board of Review respecting appeals shall be consistent with the requirements set forth in R.I. Gen. Laws §45-24-61.”

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, as amended.

29. Public Hearing (Advertised)

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 – Article 3, Section 322 Decisions and Records of the Zoning Board of Review. (Planning Board Recommendation received) – See attached ordinance.

Public Hearing Remains Open.

There being no persons 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.

30. Public Hearing (Advertised)

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 Usage, Chapter 152 – Section 307 Development Plan Review For Uses Permitted by Right and Section 308 Development Plan Review for Uses Requiring A variance or Special Use Permit. (Planning Board Recommendation received) – See attached ordinance.

Public Hearing was declared open.

There being no person 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.

31. Public Hearing (Advertised)

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 Usage, Chapter 152 – Section 310 Development Impact Review. (Planning Board Recommendation received) – See attached ordinance.

Public Hearing was declared open.

There being no person 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.

TOWN COUNCIL

32. Resolution of the Council, re: 2018 Legislative Agenda.

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

33. Communication of Councillor Santos, re: Request for Tax Assessor addenda's for the past three years.

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

Councillor Santos noted concern that heirs to properties lose property exemptions once the owner passes. Ms. Santos explained that taxes are paid in the arrears. Mrs. Santos explained she believes that if the person was alive during that tax year, the exemption should remain for the heirs until the end of the tax year.

Town Solicitor Peter B. Regan noted that the ordinance can be amended.

Vice President Rodrigues noted that he has been in the situation with

his mother's property and there needs to be clarification of the ordinance.

Town Solicitor Peter B. Regan noted that the ordinance works the same if the property is sold.

Councillor Lombardi noted the need to address this ordinance and requests the Town Solicitor to review the ordinance and bring the information back to the Council for consideration.

34. Memorandum of Finance Director, thru Town Administrator, with enclosures, re: §33A.034 Sole Source Procurement – Paradise Avenue Safety Evaluation.

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

35. Resolution of the Council, re: §33A.034 Sole Source Procurement – Paradise Avenue Safety Evaluation.

Vice President Rodrigues inquired if the study includes electronic speed signs?

Town Administrator Shawn Brown, responding to Vice President Rodrigues explained that the study is the same as it was for Forest Avenue and Chases Estates. Mr. Brown explained the electronic

speed signs are effective in controlling speed on the roads.

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

36. Memorandum of Finance Director, thru Town Administrator, with enclosures, re: §33A.034 Sole Source Procurement – Green End Avenue Safety Evaluation.

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

37. Resolution of the Council, re: §33A.034 Sole Source Procurement – Green End Avenue Safety Evaluation.

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

BOARDS AND COMMITTEES

38. Memorandum of Karen Day, Chairperson Middletown Tree Commission, re: Tree City status from the National Arbor Day Organization (through Rhode Island Department of Environmental Management).

Council President Sylvia noted that the Council will present a

Proclamation to the Tree Commission at the April 16, 2018, Regular Meeting of the Council.

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 support the Tree Commission to receive Tree City status from the National Arbor Day Organization, request the Town Clerk to prepare an Arbor Day Proclamation and the Town Council will present the Proclamation to a member of the Tree Commission at the April 16, 2018 Regular Meeting of the Council.

39. Appointment of one (1) member to the 275th Anniversary Committee.

On motion of Vice President Rodrigues, duly seconded, it was voted unanimously to appoint Mary Dennis Kelly to the 275th Anniversary Committee.

40. Appointment of one (1) member to the Open Space and Fields Committee for a term expiring November 2020.

On motion of Vice President Rodrigues, duly seconded, it was voted unanimously to appoint Stephen Paul Luce to the Open Space and Fields Committee, for a term expiring November 2020.

41. Appointment of one (1) member to the Roads and Utilities Advisory Committee for a term expiring January 2021.

On motion of Vice President Rodrigues, duly seconded, it was voted unanimously to reappoint Julian F. Peckham, III to the Roads and Utilities Advisory Committee, for a term expiring January 2021.

On motion of Vice President Rodrigues, duly seconded, it was voted unanimously to adjourn said meeting at 8:27 P.M.

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

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