

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, March 5, 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 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.

5:00 P.M. – Planning Board Interviews

1. Interviews –

Paul A. Croce

Betty Jane Northup-Owen

Howard Robert Hall

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

Applicant interviews began at 5:00 pm. Applicants Paul A. Croce, Betty Jane Northup-Owen and Howard Robert Hall were interviewed.

Human Resource Director Cecilia Dursi asked the following questions:

1. What experience do you have that would qualify you to be the

candidate for the Planning Board?

2. Why do you want to be on the Planning Board?

3. Regular meetings typically take place the 2nd Wednesday of each month, in the evening, and they start at 6 P.M. Special meetings are called on an as needed are you available to attend them?

Vice President Rodrigues asked each applicant the following question:

What are your feelings regarding development around Middletown's watershed areas?

Councillor Santos asked each applicant the following question:

What do you see for Middletown's future?

Councillor VonVillas asked each applicant the following question:

What do you see as a healthy relationship between the Town Council and the Planning Board?

All questions were answered by the applicants.

5:30 P.M. JOINT MEETING WITH PLANNING BOARD

2. Memorandum of Town Planner, with enclosure, re: Lower

Aquidneck Avenue road and streetscape improvements.

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

Acting Town Administrator Ronald Wolanski reviewed the memorandum above.

Jamie Pisano, Engineer and Geoffrey Morrison-Logan, Planner for Vanasse, Hangen & Brustlin (VHB), presented a PowerPoint of lower Aquidneck Avenue streetscape improvements, which is on file in the Office of the Town Clerk.

Discussion centered around the following:

The Town Council requested the Planning Board to host public workshops with businesses and residents of the Town for input on the project.

6:00 P.M. Charter Amendments Discussion

3. Review of Proposed Amendments to the Town Charter.

On motion of Vice President Rodrigues, duly seconded it was voted unanimously to begin said review of the Proposed Amendments to the Town Charter.

Present representing the Charter Review Committee were Christopher Semonelli, Richard Adams, Arthur Weber, Roby Faria, Michael Flynn, Marilyn Hennessey and Thomas Silveira.

Christopher Semonelli read all the proposed changes below into the record:

TOWN OF MIDDLETOWN

CHARTER REVIEW COMMITTEE

PROPOSED AMENDMENTS TO MIDDLETOWN TOWN CHARTER

The Charter Review Committee of the Town of Middletown recommends the following amendments to the Middletown Town Charter. Listed below is each question worded as it might appear on the ballot, followed by the full text of the proposed amendment, with words set as strikethrough to be deleted from the Charter and words underlined to be added to the Charter, followed by a summary description of rationale for the proposed amendment.

Question ___

Amends Article II, The Town Counsel, § 202. Qualifications of members; vacancy occurs if member becomes disqualified

“Shall the Charter be amended to set limits on the number of consecutive terms members of the Town Council may serve?”

Members of the council shall be qualified electors of the Town of Middletown and shall hold no other paid public office or employment in the service of the town. Current service as notary public, justice of the peace, membership in the national guard or naval, air or military reserve or employment by any of the educational institutions maintained by the state, shall not disqualify persons for council membership. No member of the council shall be eligible to accept any other paid local town office during his or her tenure on the council or for a period of one year thereafter. No member of the council shall serve more than three (3) consecutive partial or full terms on the council, without at least a two-year interval before serving any additional term(s). The office of any council member who shall, during his or her term, cease to meet the foregoing qualifications, shall be deemed vacant.

Summary: The proposed amendment seeks to encourage greater political participation by requiring members of the town council who have served three consecutive terms to take a two-year break before serving any additional terms.

Question __

**Amends Article VI, Town Officials; Municipal Court; Probate, § 608.
Judge of the Municipal Court**

“Shall the Charter be amended to reflect the Town Council’s power to

appoint alternate municipal judges in the event of vacancies?”

The town council may appoint a member in good standing of the bar of the State of Rhode Island, with no fewer than 5 years of experience in the active practice of law, to sit as judge of the municipal court for a term of 2 years and subject to re-appointment. Whenever such judge of the municipal court is a party or interested in any proceeding about to be heard in his or her court, or is absent or unable to perform his or her duties, or there is a vacancy in the office of judge, the council shall designate a qualified member of the bar of the State of Rhode Island to act as a municipal judge. The fact of such interest, absence, inability or vacancy shall be recorded in the records of said court.

Summary: The proposed amendment would confirm the Town Council’s power to appoint alternate municipal judges in the event of vacancies, consistent with the Town Council’s power to appoint alternate probate judges in §609 of the Charter.

Question __

Amends Article VII, Town Departments, § 701. Police

“Shall the Charter be amended to modify the qualifications for chief of police to broaden the potential pool of candidates and include requirements consistent with the needs of the Town?”

There shall be a police department, the head of which shall be the chief of police, who shall be a police officer with at least ten five years of experience above the rank of patrolman in any an organized police department or equivalent experience in a state or federal law enforcement agency, have demonstrated experience in the organization, administration, management and direction of police officers and possess such other qualifications as the Town Council may prescribe, consistent with the needs of the Town. The chief of police shall be appointed by the town administrator. In addition to the chief of police, there shall be a deputy chief and such other subordinate officers and patrolmen, all of the aforesaid serving full time, as shall from time to time be determined by the town council. The further organization of the department into divisions or offices or grades shall be made by the town council on recommendation of the town administrator after conferring with the chief of police. The police department shall be responsible for the preservation of the public peace, prevention of crime, apprehension of criminals, protection of the rights of persons and property, regulation of traffic, and the enforcement of the laws of the state and the ordinances of the town and rules and regulations in accordance therewith. The chief of police and other members of the department shall have all the powers and duties as are now and hereafter vested in such police officers by the laws of the state and the town ordinances. The chief of police shall be in direct command of the police force and shall, subject to the approval of the town administrator and town council, make rules and

regulations concerning the conduct of all officers and subordinates.

Summary: The proposed amendment seeks to broaden the potential pool of candidates for chief of police by reducing the years of experience as a police officer above the rank of patrolman from ten to five years, adding a requirement for experience in the administration, management and direction of police officers, and allowing the Town Council to require such other qualifications consistent with the needs of the Town.

Question ___

Amends Article VII, Town Departments, § 706. Finance

“Shall the Charter be amended to allow the duties of the tax collector and the human resources manager to be separated from those of the Finance Director?”

There shall be a department of finance headed by a finance director, who shall have ten years prior financial management experience in the public or private sectors and be appointed by the town administrator. There shall also be a deputy finance director, appointed by the town administrator, who shall assist the finance director and shall exercise the powers and perform the duties of the office of finance director in case of the absence or disability of the finance director. The finance director shall act as town treasurer, town tax collector, and purchasing agent, and human resources

manager, and shall exercise those powers and perform those duties prescribed for these offices now or in the future by this Charter and the Constitution and laws of the state. The finance director shall also have such additional powers and duties as may be assigned to him or her by the town administrator.

Summary: The proposed amendment would provide the Town administration with additional flexibility, by allowing the duties of the tax collector and the human resources manager to be separated from those of the Finance Director.

Question ___

Amends Article VII, Town Departments, § 711. Town engineer

“Shall the Charter be amended to require that the town engineer be a registered engineer?”

There shall be a town engineer appointed by the town administrator. The town engineer shall be a civil engineer, a registered professional engineer, and need not be a resident of the Town of Middletown. He or she may be appointed to serve either full time or part time. He or she shall be available to provide engineering advice and services to the town administrator, the town council, and all other departments, offices and agencies of the town government. He or she shall be responsible for the custody and proper maintenance of all the files and records that pertain to his or her office, including surveys, plans, maps and the like. He or she shall maintain these files and records in

the Town of Middletown. The results of all engineering studies or similar work he or she performs for the town shall become the property of the town. (Added, November 4, 2008.)

Summary: The proposed amendment would require that the town engineer be a registered professional engineer.

Question __

Creates Article VII, Town Departments, § 712. Tax Collector (New Section)

“Shall the Charter be amended to allow the duties of the tax collector to be separated from those of the Finance Director?”

There shall be a tax collector appointed by the town administrator, who shall be responsible for the collection of all taxes and assessments levied by the Town. The tax collector has all the powers, rights and duties prescribed for said office now or in the future by this Charter and the Constitution and laws of the state. The tax collector shall also have such additional powers and duties as may be assigned to him or her by the town administrator or by ordinance.

Summary: The proposed amendment would provide the Town administration with additional flexibility, by allowing the duties of the tax collector to be separated from those of the Finance Director.

Question __

Creates Article VII, Town Departments, § 713. Human Resource Manager (New Section)

“Shall the Charter be amended to allow the duties of the human resources manager to be separated from those of the Finance Director?”

There may be a human resource manager appointed by the town administrator, who shall be responsible for the development and daily administration of the Town’s human resource management system, and to ensure that said system meets the current and projected needs of the Town and is compliant with local, state and federal laws and regulations affecting the Town’s workforce. The human resource manager shall also have such additional powers and duties as may be assigned to him or her by the town administrator or by ordinance.

Summary: The proposed amendment would provide the Town administration with additional flexibility, by allowing the duties of the human resources manager to be separated from those of the Finance Director.

Question __

Amends Article VIII, School Department, § 801. School committee - Established; number and election of members.

“Shall the Charter be amended to increase the number of school committee members from five to seven and set limits on the number of consecutive terms members of the school committee may serve?”

There shall be a school committee consisting of five seven members, each of whom shall be elected from the town at large by the electors of the Town of Middletown, to serve for a term of four years and until a successor is elected and qualified. Three members of the committee shall be elected at the first election after the adoption of this Charter and at said elections every fourth year thereafter and two four members shall be elected at the subsequent biennial election and at said elections every fourth year thereafter. The election of school committee members shall be by nonpartisan election, an election without designation or identification of political affiliation. No member of the school committee shall serve more than two (2) consecutive partial or full terms on the committee, without at least a two-year interval before serving any additional term(s).

Summary: The proposed amendment seeks to encourage greater political participation by increasing the number of school committee members from five to seven, and requiring members of the school committee who have served two consecutive terms to take a two-year break before serving any additional terms.

Question ___

Amends Article VIII, School Department, § 806. Same - Organization, rules and journal of proceedings.

“Shall the Charter be amended to require that the school committee clerk be a member of the school committee?”

The school committee shall elect from its membership a chairman, and a vice-chairman and a clerk, all of both of whom shall serve at the pleasure of the school committee. The school committee shall also appoint a clerk, who need not be a member of the school committee and shall serve at the committee's pleasure. The chairman or the clerk may sign any orders and official papers, and the clerk, under the direction of the school committee, shall keep a journal of the proceedings of the committee. The school committee shall adopt its own rules and order of business.

Summary: Together with Section 814, requiring the school committee clerk to be a member of the school committee will provide greater internal controls, by ensuring that purchase vouchers are signed by two people, rather than one.

Question ___

Amends Article XII, Amendment of Charter; Separability of Provisions of Charter, § 1201. General Provisions

“Shall the Charter be amended to revise the first sentence of this provision so as to more clearly reflect the separate and distinct issues?”

This Charter may be amended at any time, in the manner provided by the State Constitution, and shall be reviewed at least every ten years in the manner provided by the Constitution. Should two or more amendments adopted at the same election have conflicting provisions, the one receiving the largest affirmative vote shall prevail.

The sections of any amendments in addition to this Charter shall be numbered by the town clerk and inserted in their appropriate places or added to the Charter.

Summary: This amendment would clarify the process for amending and reviewing the Charter.

Council President Sylvia noted that the amendments are only being reviewed, explaining the Council will be discussing the amendments further; nothing will be finalized this evening.

The Town Council made inquiries to the Town Solicitor after each proposed amendment. Discussion centered around areas of language clean up in the Charter, the Town Engineer being a registered professional engineer, if the Tax Collector and Human Resource Director positions are creating Department Head positions, and the issue of the lack of candidates running for office.

Kellie Simeone, 18 Pocahontas Drive, addressed the Council noting concern with term limits for School Committee positions, explaining that Middletown has had many uncontested School Committee Elections. Mrs. Simeone questioned the Clerk position for the School Committee, explaining that there are already two people who sign off on purchase orders, which are also reviewed by the School Committee.

Theresa Spengler, 1111 Wapping Road, addressed the Council noting concern that there are not enough candidates for the current School Committee seats, inquiring if no one were to run for open seats what the process would be to fill them. Ms. Spengler explained that if positions were not filled, individuals would be appointed to the positions and that would not be the voter's choice.

Lianna Ferreira Fenton, 53 Berkeley Avenue, presented the Council with the following:

Douglas Arnold, 23 Reardon Drive, addressed the Council noting he is not in favor of term limits, explaining it is not wise to eliminate people with experience.

Council President Sylvia noted that this item will be placed on the next regular meeting agenda with a two hour window for discussion.

On motion of Vice President Rodrigues, duly seconded, it was vote unanimously to recess this meeting at 6:45 P.M.

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

**7:00 P.M. REGULAR MEETING
COLLECTIVE BARGAINING**

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

4. Memorandum of Rosemarie K. Kraeger, Superintendent of Schools, re: Council 94 Contract. (RI Council 94 AFSCME, AFL-CIO, Local #1823). (Fiscal Impact Statement received by Council on February 20, 2018)

John Burns, Senior Staff Representative Council 94, School Committee Chair Kellie Simeone and School Superintendent Rosemarie Kraeger were present.

Council President Sylvia noted the contract is fair for the Town.

On motion of Councillor Santos, duly seconded, it was voted unanimously to receive said memorandum and ratify the 2018-2021 Tentative Agreement with the RI Council 94 AFSCME, AFL-CIO, Local

#1823.

Vice President Rodrigues returned to the dais.

PRESENTATIONS

5. Memorandum of Antone Viveiros, Chairman, Dennis Turano, Vice Chairman and Members Thomas Heaney and Larry Connell of the Tax Exploratory Sub-committee, re: Tax Exploratory Subcommittee proposal.

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

Present from the Tax Exploration Committee were Councillor Turano, Councillor Viveiros and Thomas Heaney.

Councillor Turano and Councillor Viveiros, presented a power point reviewing the Tax Exploratory Subcommittee proposal, which is on file in the Office of the Town Clerk.

Councillor Turano and Councillor Viveiros answered Council questions during the presentation, questions regarding the Special Election to exceed a 2% tax increase and when the tax assessment on a home would change.

Kellie Simeone, 18 Pocahontas Drive, addressed the Council noting concern of the future impact in years to come. Mrs. Simeone explained that all the tax burden will fall on the new taxpayers and requested the Town Council to look at other alternatives.

Valerie Gelb, 94 Shore Drive, addressed the Council in favor of the Tax Exploration Committee proposal. Ms. Gelb explained that some homes at this time have had a higher increase in their taxes depending on the location of the home.

Bill Seiple, 27 White Terrace, addressed the Council noting he applauds the initiative and noted that some areas in Town pay more in taxes than others.

Gary Pavlik, 1140 Green End Avenue, addressed the Council noting opposition to the Tax proposal and agreement with Mrs. Simeone. Mr. Pavlik does not see how the proposal will help new residents.

Michael Lopes, 42 Paquin Place, addressed the Council in favor of the Tax proposal explaining that he is on a fixed income.

Rocco Jweinat, addressed the Council noting he will be purchasing property in the area and inquired if the market crashes do the taxes stay the same?

Councillor Turano, responding to Mr. Jweinat, noted that taxes will stay the same.

Discussion centered around the Town's tax freeze program for seniors, a timetable for a question to be placed on the ballot, input from the residents and Homestead Exemption programs.

On motion of Council President Sylvia, duly seconded, it was voted unanimously to move forward with the Tax Exploratory Subcommittee proposal.

6. Communication of Councillor Lombardi, re: Homestead Exemption.

On motion of Councillor Lombardi, duly seconded it was voted unanimously to withdraw said communication.

7. Memorandum of Finance Director, thru Town Administrator, with enclosure, re: FY2017 Town of Middletown Financial Audit Report.

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

Finance Director Marc Tanguay presented a power point presentation, which is on file in the Office of the Town Clerk.

Discussion centered around impact fee reimbursement and unrestricted fund balances.

PUBLIC FORUM

8. 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.

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

ACTING AS A BOARD OF LICENSE COMMISSION

9. (Advertised for Public Hearing; Abutters Notified)

Application of MAJ, LLC dba Rocco & Mai's Little Italy, 59 Aquidneck Avenue, for a Class BV liquor license to be used at the same premises. (NEW)

Public Hearing was declared open.

There being no person 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.

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

CONSENT

10. Approval of Minutes, re: Regular Meeting, February 20, 2018.

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

11. Memorandum of Robert M. Silva, Chairman, Middletown Economic Development Advisory Committee, with enclosure, re: Proposed amendments – Chapter 39 Economic Development Incentive Program.

On motion of Vice President Rodrigues, duly seconded, it was voted unanimously to receive said memorandum and forward the request to the Town Solicitor for consideration at a later date.

12. Memorandum of Paul A. Croce, Chairman, Planning Board Members, re: Inclusionary Zoning for Affordable Housing recommendation.

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

13. Memorandum of Town Engineer, with enclosure, re: Sachuest Bay Resiliency Project, Connector Road Raising, Installation of Finish Asphalt Course Re-Scheduled to Fall 2018.

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

14. Application of Middletown Senior Citizens Center, 650 Green End Avenue, for RENEWAL of a Bingo License for the 2018-2019 licensing year.

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

LICENSES/PERMITS

15. Application of MAJ, LLC dba Rocco & Mai's Little Italy, 59 Aquidneck Avenue, for a Victualling House license for the 2017-2018 licensing year. (NEW).

On motion of Vice President Rodrigues, duly seconded, it was voted unanimously to grant said license contingent on Building Official, Fire Marshal, Public Works and Board of Health approvals.

16. Application of Zusheng Li dba Ming Moon, 694 Aquidneck Avenue, for a Victualling House license for the 2017-2018 licensing year. (NEW).

On motion of Vice President Rodrigues, duly seconded, it was voted unanimously to grant said license contingent on Building Official, Fire Marshal, Public Works and Board of Health approvals.

17. Application of Diegos Middletown, LLC dba Diegos Barrio Cantina, 116 Aquidneck Avenue, for an Amusement License for the 2018-2019 licensing year. (Live Bands, DJ and Acoustic)

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

18. Communication of Lt. Corey A. Huck, Newport Police Department, Chairman, AINPP, re: Request for waiver of all detail fees for the Aquidneck Island Police Parade.

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

19. Application for Special Event Permit from Lt. Corey A. Huck, on behalf of the Aquidneck Island National Police Parade Committee, for the Aquidneck Island Annual Police Parade beginning on West Main Road Two Mile Corner to the One Mile Corner into Newport (Broadway) to be held on Sunday, May 6, 2018. (Parade Committee respectfully requests all fees to be waived)

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

20. Application of Aquidneck Island Police Parade Committee, Middletown, for RENEWAL of Peddler's License for (Novelties and T-Shirts) for Police Parade Day, Sunday, May 6, 2018, includes a request to waive license fee and be sole vendor for the event. (6 Vendors; Middletown Only)

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

21. Application for Special Event Permit from NAPA Auto Parts, 15 Valley Road, for the NAPA Auto Parts Car Show to be held on Saturday, June 16, 2018, Rain Date Saturday, August 25, 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 the Quahaug Chapter, for the Camp-O-Rama (Family Camping Event) to be held at the Sachuest Beach, beginning September 13, 2018 thru September 16, 2018.

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

ORDINANCES

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

An Ordinance in amendment to the Town Code of the Town of Middletown, Title IX General Regulations, Chapter 94 Streets, Sidewalks and Public Places, Section 94.32 Other Prohibitions and Restrictions.

On motion of Vice President Rodrigues, duly seconded, it was voted unanimously to receive said ordinance on its first 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 XV Land Use, Chapter 150 Development Impact Fees. (Planning Board recommendation received)

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

25. 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 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 Remains 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 adopt said ordinance on its second reading.

26. 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 310 Development Impact Review. (Planning Board recommendation received) – See attached ordinance.

Public Hearing Remains 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 adopt said ordinance on its second reading.

27. 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 707 Setback From Wetlands or Rivers. (Planning Board recommendation received) – See attached ordinance.

Public Hearing was declared open.

Bill Seiple, 27 White Terrace, addressed the Council inquiring why the advertised ordinance was all crossed out.

Acting Town Administrator Ronald Wolanski, responding to Mr. Seiple, explained that the entire section of the ordinance is being

removed, due to State Law which gives RIDEM regulations precedence.

Vice President Rodrigues noted concern with RIDEM having the final authority.

Morris Hirsch, 42 Renfrew Avenue, addressed the Council explaining that the Town has the right to oppose TIDEM in court.

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

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

28. 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 – Article 4, Section 400 Definitions – Building Height - Freeboard. (Planning Board recommendation received) – See attached ordinance.

Public Hearing was declared open.

Morris Hirsch, 42 Renfrew Avenue, addressed the Council noting concern that improvements on his property may be limited.

Acting Town Administrator Ronald Wolanski explained that the zoning change is to be in compliance with the State Law.

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

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

29. 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 604 Conservation Development Dimensional Regulations. (Planning Board recommendation received) – See attached ordinance.

Public Hearing was declared open.

Theresa Spengler, 1111 Wapping Road, addressed the Council noting concern that the Schools were not addressed in item #24 impact fees.

Theresa Spengler, 1111 Wapping Road, addressed the Council noting concern that the lot sizes are being reduced, which would cause overcrowding and contamination of the drinking water.

Acting Town Administrator Ronald Wolanski, responding to Ms. Spengler, explained that the amendment is housekeeping, there is no change of the current requirements. Mr. Wolanski noted the deletion from this table does not remove the requirement, the requirement is still in the zoning code under a separate table.

Morris Hirsch, 42 Renfrew Avenue, addressed the Council inquiring if there will be an issue with his property?

Acting Town Administrator Ronald Wolanski, responding to Mr. Hirsch, explained that the amendment is housekeeping, there is no change of the current requirements. Mr. Wolanski noted the deletion from this table does not remove the requirement, the requirement is still in the zoning code under a separate table.

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

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

TOWN COUNCIL

30. At the request of Council President Sylvia, Resolution of the Council, re: In support of Removal of the “Sunset” Provision

Regarding the Residential Mortgage Foreclosure Mediation 2018 H7385 and S2270.

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

31. Memorandum of Councillor VonVillas, re: Campground Fees and Sachuest Beach Improvements.

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

Councillor VonVillas reviewed here memorandum above.

Ms. VonVillas noted the need to see backup information regarding the campground and including a timeline of projects cost and improvements for the recommended changes to the beach.

Councillor VonVillas made a motion, to increase the campground fee to \$750. this year and refer the issue to the Town Administrator for development of an action plan that includes timelines for accomplishing both the structural improvements at Sachuest Beach as well as gradual and reasonable increases in campground fees.

Joanne Valente, 85 Rockwood Avenue, Cranston, RI, addressed the Council requesting smaller increases to campground fees overtime.

Lorraine Starr, 17 Holden Street, Worcester, MA, addressed the Council requesting the Council to do the same for the campground residents as they do for the taxpayers. Ms. Starr suggested the Council increase the campground fees by 10% and review a solution for the future.

Councillor VonVillas noted the issue is beyond committee discussion, a fair increase this year and a plan going forward is needed.

Kathy Almeida, 498 North Belmont Street, Fall River, MA, addressed the Council explaining that campers have no contract and if the weather is bad money is not refunded. Ms. Almeida requests the Council to support the proposed increase by Councillor VonVillas.

Beverly Russell, 40 Rosewood Drive, Seekonk, MA, addressed the Council noting support of Councillor VonVillas proposal, which is fair and equitable.

Terri Flynn, 34 Warren Avenue, addressed the Council noting support for the proposal by Councillor VonVillas. Ms. Flynn suggested additional fees be added for water, sewer, wifi, etc.

Gary Pavlik, 1140 Green End Avenue, addressed the Council noting he is in favor of an increase and suggested the Council look into

market prices.

Councillor VonVillas repeated the motion she made above, which was not seconded.

32. Memorandum of Council President Sylvia, re: 2nd Beach Campground Annual Site Fees.

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

Steve Cheney, Foxboro, MA, addressed the Council noting that the increase is not affordable and will force seniors out of their summer homes.

Council President Sylvia read the memorandum above into the record.

On motion of Council President Sylvia, duly seconded, that starting this season - 2018 increase the annual fee by \$1,000, in 2019 increase the annual fee by \$1,000, in 2020 increase the annual fee by \$1,000, in 2021 increase the annual feel by \$1,000 and starting in 2022, and every year thereafter, the sitting town council will make an annual review and by a majority vote, may make annual fee adjustments if they deem necessary.

Councillor Lombardi noted that residents are upset that the campers do not want to pay an increase. Mr. Lombardi explained the increase is about the market.

Vice President Rodrigues noted he was elected by the residents and many have told him the campground is a great deal. Mr. Rodrigues explained it is time for an increase.

Councillor Turano noted that the last increase was 2010 and it is time now to increase the campground fees.

Councillor Santos noted that the campground fees should be increased, explaining it is long overdue.

Councillor Viveiros noted support for the increase in campground fees.

The motion was voted on at this time.

On motion of Council President Sylvia, duly seconded, it was voted that starting this season - 2018 increase the annual fee by \$1,000, in 2019 increase the annual fee by \$1,000, in 2020 increase the annual fee by \$1,000, in 2021 increase the annual feel by \$1,000 and starting in 2022, and every year thereafter, the sitting town council will make an annual review and by a majority vote, may make annual fee adjustments if they deem necessary; Councillor VonVillas voted NO

to said motion.

33. Memorandum of Finance Director, thru Town Administrator, with enclosures, re: §33A.034 Sole Source Procurement – Third Beach Road Safety Evaluation.

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

Town Engineer Warren Hall reviewed the memorandum above.

Discussion centered around similar projects in the Town, speed table height and the effectiveness of electronic speed signs.

34. Resolution of the Council, re: §33A.034 Sole Source Procurement – Third Beach Road Safety Evaluation.

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

BOARDS AND COMMITTEES

35. Memorandum of Paul A. Croce, Chairman, Middletown Planning Board, re: Request for authorization and funding for studies of impacts of development on the east side of town.

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

Planning Board Chair Paul Croce reviewed the memorandum above.

Discussion centered around that the focus is only on the east side of Town, the developer of an area should be paying for water and sewer to the area, it would be expensive for residents to put water and sewer on the east side, the issue is public safety because there are no fire hydrants, the fee for the study and a prior public hearing where most of the residents from the east side were opposed to the expansion of water and sewer on the east side.

Vice President Rodrigues noted opposition to water and sewer being brought out to the east side if the taxpayers/residents have to pay for the installation.

Arleen Kaull, 27 Willow Avenue, addressed the Council noted opposition to sewer and water installed on the east side of town because of the cost.

Council President Sylvia and Vice President Rodrigues inquired the funding for such a study.

Acting Town Administrator Ronald Wolanski noted that he will obtain

an estimate for the study.

36. Appointment of two (2) members to the Planning Board, for terms expiring February 2021.

On motion of Vice President Rodrigues, duly seconded, it was voted unanimously to continue this item to the March 19, 2018 Regular Meeting of the Council.

On motion of Vice President Rodrigues, duly seconded, it was voted unanimously to adjourn said meeting at 10:37 P.M.

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

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