

AMENDED

Posted – JANUARY 14, 2015

REGULAR MEETING JANUARY 20, 2015

TOWN COUNCIL OF THE TOWN OF MIDDLETOWN, RHODE ISLAND

The following items of business, having been filed with the Town Clerk under the Rules of the Council, will come before the Council at a regular meeting to be held on Tuesday, January 20, 2015 at 7:00 P.M. (5:30 PM – Executive Session; 6:00 PM - Pre-budget consultation; 6:30 PM - Legislative Agenda) at the Middletown Town Hall, 350 East Main Road, Middletown, Rhode Island. All items on this agenda, with the exception of the Public Forum Session, may be considered, discussed and voted upon.

Any person not a member of the Council, desiring to address the Council concerning a matter on the docket of the Council, not the subject of a Public Hearing, shall submit a written request to the Town Clerk stating the matter upon which he desires to speak. Persons are permitted to address the Council for a period not to exceed five (5) minutes.

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)

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 - NEA Middletown - Certified Teachers, Middletown Association of Auxiliary Personnel/NEARI/NEA – Teacher Assistants RI Council 94, AFSCME, AFL-CIO, Local #1823 and (2) Collective Bargaining NEARI (Town

Hall).

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.

4. Receipt of Revenue Manual.

5. Memorandum of Theresa Spengler, School Committee Chair, with enclosures, re: Pre-Budget Consultation FY 2015-2016. (Documentation to follow)

6:30 PM - LEGISLATIVE AGENDA

6. Town's legislative concerns to be addressed at the 2015 session of the General Assembly – with the Town's General Assembly delegation. (No Documentation)

PRESENTATIONS

7. At the request of Council President Sylvia, re: Citation – MHS Football Team for their Division III Championship Victory.

8. At the request of Councillor Lombardi, re: Citations – John Bergstrom, Ian Bulpett, Camden Cook, Michael Ganno and Max Regine in recognition of attaining rank of Eagle Scout.

PUBLIC FORUM

9. 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.

BOARD OF LICENSE COMMISSION

10. (Advertised; Abutters notified)

Application of Chipotle Mexican Grill of Colorado, LLC dba Chipotle Mexican Grill for a Retailer's Class BV Alcoholic Beverage License for the 2014-2015 licensing year on premises located at 11 East Main Road, Middletown, Rhode Island.

CONSENT

11. Approval of Minutes, re: Regular Meeting, December 15, 2014.

12. Communication of Tax Assessor and Finance Director dated

January 8, 2015, with enclosures, re: Cancellation of Taxes for certain Middletown residents.

13. Resolution of the Council, re: Cancellation of Taxes for certain Middletown residents.

14. Communication of Tax Assessor and Finance Director dated January 12, 2015, with enclosures, re: Cancellation of Taxes for certain Middletown residents.

15. Resolution of the Council, re: Cancellation of Taxes for certain Middletown residents.

16. Communication of Tax Assessor, with enclosures, re: Cancellation of Taxes for certain Middletown residents.

17. Resolution of the Council, re: Cancellation of Taxes for certain Middletown residents.

18. Communication of Finance Director and Accounting Manager, thru Town Administrator, with enclosure, re: Quarterly Tax Collector's Report as of 12/31/2014-Town of Middletown.

19. Memorandum of Finance Director, thru Town Administrator, with enclosures, re: FY 2014 Town of Middletown Financial Audit Report.

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

21. Communication of Newport County Special Olympics Team, re: Appreciation for support.

22. Letter from East Greenwich Town Council, re: Requesting State Planning Council not vote on the adoption of RhodeMap RI.

23. Resolution of the Town of Hopkinton, re: Requesting to postpone the Dec. 11th, 2014 adoption of the “economic development plan” known as RhodeMapRI.

24. Resolution of the Town of Foster, re: To postpone the Dec. 11th, 2014 adoption of the “economic development plan” known as RhodeMapRI.

25. Notice of Public Hearing from the Middletown Zoning Board of Review, re: Petition of Newport Landings, LLC by their attorney Patrick O’N. Hayes, Jr. -for a Special Use Permit from Sections 602, 803 and 1501- 1508 to add 22 additional two bedroom apartments by converting twenty-two 4 bedroom apartments, each with 2 existing kitchens, into forty-four 2 bedroom apartments on said real estate located at Coddington Highway, TAP 102 Lot 2.

26. Notice of Public Hearing from the Middletown Zoning Board of Review, re: Petition of Newport Landings, LLC by their attorney Patrick O’N. Hayes, Jr. -for a Variance from Sections 1504 & 1304 – to convert twenty-two 4 bedroom apartments, each with 2 existing kitchens, into forty-four 2 bedroom apartments on a lot with 1,131,374 s.f., where 2,264,000 s.f. is required; and to allow 97 additional parking spaces on existing streets within the development resulting in a total of 508 spaces where 536 are required on said real estate located at Coddington Highway, TAP 102 Lot 2.

27. Application of Rhode Island Rugby Football Foundation for a Special Event Permit, Event – Beast of East Rugby Tournament. Requesting the use of Sachuest Beach Parking lot on April 18th and April 19th , 2015 for parking. The event is held in Portsmouth, RI and participants will be shuttled from Sachuest Beach to Gardener Seveney Sports Complex.

28. Application of Peter C. Flynn of Middletown, for a License of Burial, Middletown Cemetery, Section 53, Graves 224 and 225.

29. Application of Peggy Stith of Newport, for a License of Burial, Middletown Cemetery, Section 49, Grave 53.

LICENSES

30. Application of Chipotle Mexican Grill of Colorado, LLC dba Chipotle Mexican Grill, 11 East Main Road for a Victualling House License for the 2014-2015 licensing year. (NEW)

31. Application of Michael Kosinski dba Little Creek Landscaping, 414 Mitchell's Lane, for a Drain Layers License for the 2015-2016 licensing year. (NEW)

ORDINANCE

32. An Ordinance of the Town of Middletown (Second Reading)

An Ordinance in amendment to the Town Code of the Town of Middletown, Title III, Administration, Chapter 36, Fee Schedule, (47) Fire Plan Review.

OTHER COMMUNICATIONS

33. Memorandum of Gladys B. Levine, Chair, Middletown Planning Board, with enclosure, re: Middletown Comprehensive Community Plan. (Requires Advertising for Public Hearing)

34. Communication of William H. Nedderman, Jr., President, Middletown Historical Society, re: Request for additional funding for expenses incurred repairing Paradise School.

TOWN ADMINISTRATOR

35. Memorandum of Finance Director, thru Town Administrator, with enclosures, re: Bequest to the Town of Middletown from the Estate of Marie L. Betty.

36. Memorandum of Finance Director, thru Town Administrator, with enclosures, re: Fire/DPW Facility Construction Progress Report as of 12/31/2014.

37. Memorandum of Finance Director, thru Town Administrator, with enclosures, re: Contract Award: MIDD-015-003 Maidford River Watershed Assessment & BMP Design.

38. Resolution of the Council, re: Contract Award: MIDD-015-003 Maidford River Watershed Assessment & BMP Design.

39. Memorandum of Town Administrator, with enclosures, re: Consulting Services-East Side Water Line.

40. Resolution of the Council, re: Award of Contract for Consulting Services-East Side Water Line.

41. Memorandum of Finance Director, thru Town Administrator, with enclosures, re: Town Pension Plan Actuarial Valuation Report for the plan year July 1, 2014 – June 30, 2015.

APPOINTMENT TO BOARDS AND COMMITTEES

42. Memorandum of Council President Sylvia, re: Municipal Court Judge Appointment.

43. Communication of Joseph P. Marnane, re: Resignation from the Middletown Planning Board.

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

This meeting location is accessible to the handicapped. Individuals

requiring interpreter services for the hearing-impaired should notify the Town Clerk's Office at 847-0009 not less than 48 hours before this meeting.

ADDENDUM TO TOWN COUNCIL AGENDA

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OTHER COMMUNICATION

44. Memorandum of Rosemarie K. Kraeger Superintendent of Schools, re: Impact Fees.

Wendy J.W. Marshall, CMC

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