

POSTED SEPTEMBER 28, 2016

REGULAR MEETING OCTOBER 3, 2016

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 Monday, October 3, 2016 at 5:45 P.M. Executive Session and 7:00 P.M. Regular Meeting at the Middletown Town Hall, 350 East Main Road, Middletown, Rhode Island. The items listed on the Consent portion of the agenda are to be considered routine by the Town Council and will ordinarily be enacted by one motion. There will be no separate discussion of these items unless a member of the Council, or a member of the public so requests and the Town Council President permits, in which event the item will be removed from Consent Agenda consideration and considered in its normal sequence on the agenda. All items on this agenda, with the exception of the Public Forum Session, may be considered, discussed and voted upon.

Pursuant to RIGL §42-46-6(b). Notice – “Nothing contained herein shall prevent a public body, other than a school committee, from adding additional items to the agenda by majority vote of the members. Such additional items shall be for informational purposes

only and may not be voted on except where necessary to address an unexpected occurrence that requires immediate action to protect the public or to refer the matter to an appropriate committee or to another body or official.”

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)

5:45 PM - EXECUTIVE SESSION

1. Executive Session - Pursuant to provisions of RIGL, Sections 42-46-2, 42-46-4 and 42-46-5 (a) (1) Personnel (Town Administrator) and (2) Litigation (Tax Appeal Case).

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.

CONSENT

- 3. Approval of Minutes, re: Regular Meeting, September 19, 2016.**

- 4. Memorandum of Finance Director, thru Town Administrator, with enclosure, re: Municipal Budget Report – Quarter/Fiscal year ending June 30, 2016.**

- 5. Communication of Tax Assessor and Finance Director, with enclosure, re: Cancellation of taxes for certain Middletown residents.**

- 6. Resolution of the Council, re: Cancellation of taxes for certain Middletown residents.**

- 7. Communication of Tax Assessor, with enclosure, re: Cancellation of taxes for certain Middletown residents.**

- 8. Resolution of the Council, re: Cancellation of taxes for certain Middletown residents.**

- 9. Resolution of the Town of Barrington, re: In support of the Goals of the Rhode Island Energy Challenge.**

- 10. Resolution of the Town of Burrillville, re: Opposing the Siting of**

the Clear River Energy Center in Burrillville.

11. Email communication of Burrillville Town Clerk, with enclosure, re: Requesting Town Council to adopt a resolution opposing the Siting of the Clear River Energy Center in Burrillville.

12. Communication of Tempie Thompson, Executive Director, Rhode Island Region American Red Cross, re: Appreciation for support.

13. Press Release, with enclosures, re: Aquidneck Island Planning Commission.

14. Narragansett Electric Company dba National Grid – Aquidneck Island Reliability Project – PUC Docket 4614 documents, on file in the Office of the Town Clerk. (See Attached List)

15. Application for Special Event Permit from Sweet Berry Farm for Fagan/Sellar Wedding to be held on Friday, October 14, 2016 from 5:00 pm to 10:00 pm in the Barn at Sweet Berry Farm.

16. Application for Special Event Permit from Savings Institute Bank and Trust, 31st Annual Pie Run taking place at the Newport YMCA and surrounding Middletown area to be held on Thursday, November 24, 2016 from 7:00 am to 10:00 am.

17. Application for Special Event Permit from TriNEWPORT for a Triathlon to be held at Second Beach on Sunday, September 10, 2017

from 7:00 am to 10:00 am.

LICENSES AND PERMITS

18. Application of Shanji Jin dba Charming Nail & Spa, 957 West Main Road, for a Body Works Establishment License for the 2016-2017 licensing year. (NEW)

19. Application of Hangcheng An dba NAIL SPA, 238 East Main Road, for a Body Works Establishment License for the 2016-2017 licensing year. (NEW)

20. Application of Kim Eun Sun, Richmond Hill, New York, for a Body Works Personnel License for the 2016-2017 licensing year. (NEW)

21. Application of Jordy's Sandwich Shop, LLC dba Jordy's Café, 1397 West Main Road, for a Victualling House License for the 2015-2016 licensing year. (NEW)

ORDINANCES

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

An Ordinance in Amendment to the Town Code of the Town of Middletown, Title VII Traffic Code, Chapter 72 Parking Regulation, Section 72.11 Contractor Parking Permits.

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

An ordinance in amendment to the Town Code of the Town of Middletown, Title XV, Land Use, Chapter 150, Development Impact Fees.

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

An ordinance in Amendment to the Town Code of the Town of Middletown, Title VII Traffic Code, Chapter 72 Parking Regulation, Section 72.12 Through Traffic (Forest Avenue)

OTHER COMMUNICATIONS

25. Communication of Maxine Shavers, Committee Chair and James I. Winters, President, Newport County NAACP, re: Request for support by placing an ad in the Anniversary Souvenir Booklet for the Newport Country NAACP Branch's 96th Annual Awards Dinner.

26. Email communication from Carol Cummings, re: Requesting to speak on the subject of public safety of an established town road verses non-town roads.

TOWN COUNCIL

27. At the request of Council President Sylvia, Resolution of the Council, re: Proclaiming October 2016 as National Disability Employment Awareness Month.

28. Communication Councillor Viveiros, re: Discuss survey regarding taping and placing on website the Planning, Zoning and Conservation Committee meetings.

TOWN ADMINISTRATOR

29. Memorandum of Finance Director, thru Town Administrator, with enclosures, re: Contract Award: MIDD-017-003 North Easton's Pond BMP, Design, Specifications, Permit & Bid Documents.

30. Resolution of the Council, re: Award of Contract for MIDD-017-003 North Easton's Pond BMP, Design, Specifications, Permit & Bid Documents.

BOARDS AND COMMITTEES

31. Appointment of two (2) members to the Library Board of Trustees for terms expiring September 2019.

32. Appointment of one (1) member to the Tax Assessment Review Board for a term expiring October 2019.

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

POSTED – SEPTEMBER 29, 2016

REGULAR MEETING – OCTOBER 3, 2016

5:45 PM - EXECUTIVE SESSION

1. Executive Session - Pursuant to provisions of RIGL, Sections 42-46-2, 42-46-4 and 42-46-5 (a) (5) Land Acquisition.

TOWN ADMINISTRATOR

30a. Two-Mile Corner Project – Scheduling – (Documentation to follow).

Wendy J.W. Marshall, CMC

Town Clerk

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