

Posted - July 14, 2005

REGULAR MEETING JULY 18, 2005

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, July 18, 2005 at 7:00 P.M. (EXECUTIVE SESSION - 6:00 P.M.) at the Middletown Town Hall, 350 East Main Road, Middletown, Rhode Island.

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.

EXECUTIVE SESSION

Pursuant to the provisions of Section 42-46-2., 42-46-4. and 42-46-5. (a) (1), personnel (Building Inspector, Police Chief, Town Administrator) and (2) collective bargaining (Public Works).

ACTING AS A BOARD OF LICENSE COMMISSION

1. Public Hearing (Advertised)

Application of Newport Checkers Pizza, Inc., dba Scooby's Neighborhood Grill, holder of a Retailer's Class BV Alcoholic Beverage License for premises located at 10 Maple Avenue, to TRANSFER said license to Brewski's, LLC, dba Brewski's for use at the same premises.

2. Communication of Lynn Bricker, 2B Woolsey Road, re: License conditions for S.C.S.JR. Restaurant Corp., Inc., dba Scotty's Big Dawg's Sports Pub, 823 West Main Road.

CONSENT CALENDAR

1. Approval of Minutes - Special Meeting, May 5, 2005

2. Approval of Minutes - Special Meeting, May 9, 2005

3. Approval of Minutes - Special Meeting, May 9, 2005

4. Approval of Minutes - Special Meeting, May 12, 2005

5. Approval of Minutes - Regular Meeting, May 16, 2005

6. Approval of Minutes - Special Meeting, May 18, 2005

7. Approval of Minutes - Special Meeting, May 19, 2005

8. Approval of Minutes - Special Meeting, May 31, 2005

9. Memorandum of Finance Director, with enclosures, re: Financial statements and Tax Collector's report for period ending May 31, 2005.

10. Notice of Public Hearing received from Zoning Board of Review, re: Application of Beachfront, LLC for one year extension of previously granted special use permit and variance for property located on Wave Avenue and identified as Lots 11 & 12, TAP 116NW.

11. Communication of W. Joseph Casey, Senior Environmental Scientist, Freshwater Wetlands Program, RI Dept. of Environmental Management, re: Freshwater wetlands preliminary determination for property of the Town of Middletown located north of Wyatt Road, east northeast of Wyatt Road/Berkeley Avenue intersection and identified as Lot 309, TAP 124.

12. Petition of Cheryl D. and Robert C. Raistrick, Sr., Middletown, for perpetual care of burial lots in the Middletown Cemetery - Lots 198, 199, 200, 201, 202, 203 in Section 52E.

13. Communication of Linda Dutra, Senior Post Prom Committee, re: Appreciation for support.

TOWN COUNCIL

1. Fire Department appointments - Brian J. DeFreitas, Matthew J. Gill, Robert J. McCall

2. Application of Brewski's, LLC, dba Brewski's, 10 Maple Avenue, for Victualling House License for the 2004-2005 licensing year. (NEW).

3. Application of Brewski's, LLC, dba Brewski's, 10 Maple Avenue, for Amusement License for the 2004-2005 licensing year. (NEW).

4. Public Hearing (Advertised)

Applications (2) received from East Side Management, Inc. for Victualling House Licenses (Additional Operating Hours) for the 2004/2005 licensing year for the following sites: 1) 207 East Main Road and 2) 1149 West Main Road. (NEW)

5. Application of Louis and Denise D'Amico, Middletown, for a Hawkers License (Food and Beverage) for use at premises located on Aquidneck Avenue (Drive-in property) and/or West Main Road (Middletown Recreation Complex) for the 2005-2006 licensing year. (NEW)

PAGE 3 JULY 18, 2005

6. Public Hearing (Advertised; Abutters Notified)

Proposed amendment to the Town's Comprehensive Community

Plan (First Reading)

Proposed amendment to the Town's Comprehensive Community Plan, Future Land Use Plan (Figure 7), providing for limited and office business use for certain properties fronting on the east side of West Main Road, Newport city line to approximately Elmwood Avenue.

7. Public Hearing (Continued from Meeting of June 20, 2005)

An Ordinance of the Town of Middletown (Second Reading)

An ordinance in amendment to the Town Code of the Town of Middletown, Chapter 152, the Zoning Code, changing the zoning classification of Lot 307, TAP 113, Aquidneck Avenue, from Traffic Sensitive Public (PA) to Traffic Sensitive Limited Business (LBA).

8. Public Hearing (Continued from Meeting of June 20, 2005)

An Ordinance of the Town of Middletown (Second Reading)

An ordinance in amendment to the Town Code of the Town of Middletown, Chapter 152, the Zoning Code, changing the zoning classification of Lots 9 & 10, TAP 111, West Main Road, from Traffic Sensitive Medium Density Residential (R-10A) to Traffic Sensitive Light Industrial (LIA).

9. Memorandum of Town Solicitor, re: Comprehensive Community Plan Amendment - Omni Development.

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

An ordinance in amendment to the Town Code of the Town of

Middletown, Title 9, General Regulations, Chapter 99, Private Alarm User Ordinance.

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

An ordinance in amendment to the Town Code of the Town of Middletown, Title 3 Administration, Chapter 36 Fee Schedule, Sections (37), (38), (39), (40), (42). (Building Permit Fees)

12. Consideration of traffic safety issues on Chases Lane.

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

An ordinance in amendment to the Town Code of the Town of Middletown, Chapter VII, Traffic Code. (Four Way Stop - Wolcott Ave., O'Donnell Way, Easton Terrace)

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

An ordinance in amendment to the Town Code of the Town of Middletown, Chapter VII, Traffic Code. (Vaucluse/Indian Avenues)

15. Memorandum of Human Resource Manager, with enclosures, re: Proposed amendment to Plan Document for the Town Retirement Plan, administered by John Hancock Life Insurance Company.

PAGE 4 JULY 18, 2005

16. Resolution of the Council, re: Adoption of restated Group Annuity

Contract No. 795 through Amendment No. 25, John Hancock Life Insurance Company.

17. Memorandum of Finance Director, re: Fiscal impact - roof leader and sump pump program.

18. Memorandum of Finance Director, re: Clean Water Funding

19. Resolution of the Council, re: Approving the use of RI Clean Water Finance Agency funding for certain sewer projects.

20. Memorandum of Finance Director, with enclosures, re: Proposal for four wheel drive utility tractor.

21. Resolution of the Council, re: Award of contract for purchase of four wheel drive utility tractor.

22. Memorandum of Finance Director, with enclosures, re: Summary of bids for Dunlap Wheeler Park Landscaping & Tree installation.

23. Resolution of the Council, re: Award of contract for Dunlap Wheeler Park landscaping and tree installation.

24. Resolution of the Council, re: Opposing LNG facilities in Providence and Fall River.

- 25. Communication of Ronald G. Santa, 277 Turner Road, re: Town Council abstentions.**
- 26. Communication of Ronald G. Santa, 277 Turner Road, re: Designation of Town property as Kempenaar Valley.**
- 27. Communication of Christine Cobaugh, Newport, re: Beach erosion.**
- 28. Communication of Megan Larcom, Middletown, re: Request for funding for Safety Town Program for incoming kindergarten students.**
- 29. Appointment of Town Councillor to join the Town Administrator, Council President and Council Vice Chair as the Town's representatives in GMH/Church Community Housing negotiations.**
- 30. Appointment of one (1) member to the Middletown Library Board of Trustees to complete a term expiring in September 2006.**
- 31. Appointment of one (1) member to the Middletown Conservation Commission for a term expiring in July 2008.**

32. Memorandum of Town Planner, re: Planning Board representative on the Open Space and Fields Committee.

33. Memorandum of Councillor Louis P. DiPalma, re: Middletown economic development.

34. Review of Town Council Summer meeting schedule.

PUBLIC FORUM SESSION

Pursuant to Rule 23 of the Rules of the Council, Citizens may address the Town Council 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.

Barbara L. Nash

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 not less than 48 hours before the meeting.