

Posted – May 3, 2007

REGULAR MEETING MAY 7, 2007

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, May 7, 2007 at 7:00 P.M. (EXECUTIVE SESSION – 6:00 PM.) 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 provision of RIGL Sections 42-46-2., 42-46-4. and 42-46-5. (a) (2) collective bargaining (Fire, Police, Town Hall) and litigation (Newport – Sewer).

ACTING AS A BOARD OF LICENSE COMMISSION

1. Public Hearing (Advertised)

Application of Brinker Rhode Island, Inc., dba Chili's Grill & Bar, holder of a Retailer's Class BV Alcoholic Beverage License for premises located at 845 West Main Road, Middletown, Rhode Island, to TRANSFER said license to Pepper Dining, Inc., dba Chili's Grill & Bar, for use at the same premises.

CONSENT CALENDAR

1. Approval of Minutes – Regular Meeting, April 2, 2007

2. Approval of Minutes – Special Meeting, April 16, 2007

3. Memorandum of Finance Director, with enclosures, re: Financial statements and Tax Collector's monthly report for period ending March 31, 2007.

4. Force Main Project – Meeting Minutes, April 17, 2007

5. Petition of The National Grid Electric Company for setting pole to provide electric service to Lots 205 and 206, Stimpson Street. (Roads/ Utilities advisory recommendation attached.)

6. Communication of Town Clerk, Town of Portsmouth, with enclosures, re: Resolution in support for the coalition of communities improving Rhode Island.

7. Memorandum of Town Clerk, Town of Burrillville, with enclosures, re: Support for House Bill 2007 H-5990 – An Act Relating to State Affairs and Government – State Rural Conservation.

8. Application of Thanh Dao, dba La Chic Nails, 57 East Main Road, Middletown, for RENEWAL of Holiday License for the 2007-2008 licensing year.

9. Applications (2) of Peter M. Kelly, dba Peter Kelly's Ice Cream, Portsmouth, for RENEWAL of Peddler's Licenses for the 2007-2008 licensing year.

10. Application of HPK, Inc., dba Tickets, 15 Aquidneck Avenue, Middletown, for RENEWAL of Mechanical Amusement Device License (1 juke box, 1 pool table, 6 games) for the 2007-2008 licensing year.

11. Application of Ryan P. McCormack, Middletown, for RENEWAL of Private Detective License for the 2007-2008 licensing year.

TOWN COUNCIL

1. Application of Pepper Dining, Inc., dba Chili's Grill & Bar, 845 West

- Main Road, Middletown, for a Victualling House License for the 2006-2007 licensing year. (NEW)**
- 2. Application of Kingston Pizza of Middletown, Inc., 659 West Main Road, Middletown, for a Vicutalling House License for the 2006-2007 licensing year. (NEW)**
- 3. Application of Peter G. Henderson and Benjamin S. Wood (Second Beach Partners, LLC), dba Surf Side Grill, for a Victualling House License (Second Beach Food Concession) for the 2006-2007 licensing year. (NEW)**
- 4. Applications (3) of Peter G. Henderson and Benjamin S. Wood (Second Beach Partners, LLC), dba Surf Side Grill, for Hawker's Licenses (Second Beach) for the 2006-2007 licensing year. (NEW)**
- 5. Application of Splitshot, LLC, dba Middletown Mobil, 356 West Main Road, Middletown, for a Victualling House License for the 2006-2007 licensing year. (NEW)**
- 6. Application of Splitshot, LLC, dba Middletown Mobil, 356 West Main Road, Middletown, for a Holiday License for the 2006-2007 licensing year. (NEW)**
- 7. Presentation by Democracy Matters concerning election reform.**

8. Memorandum of Town Planner, with enclosures, re: FY2007 Small Cities Community Development Block Grant Application (CDBG) – Project priorities.

9. Public Hearing (Advertising)

Town of Middletown application for a Small Cities Community Development Block Grant (CDBG) for certain projects, in an amount not to exceed \$250, 000.

10. 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, Chapter 152, The Zoning Code, Article 12, Signs, and Article 8, Nonconforming Uses.

11. 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, Chapter 152, The Zoning Code, Article 6, Application of District Regulations, Section 602, Schedule of District Regulations – Uses and Districts, and Article 7, Supplementary Regulations, Section 725, Temporary stockpiling of materials associated with road construction and utilities projects.

12. Memorandum of Town Planner, with enclosures, re: 2006 RIDEM Non-point Source & Narragansett Bay Watershed Restoration grants.

13. Resolution of the Council, re: Accepting 2006 RIDEM Gaudet Middle School Stormwater Retrofit grant and authorizing Town matching funds.

14. Resolution of the Council, re: Accepting 2006 RIDEM Easton's Point Stormwater Retrofit grant and authorizing Town matching funds.

15. 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 100, Special Events.

16. Memorandum of Open Space and Fields Committee, with enclosures, re: Recommendation concerning bridle and pedestrian path around Wyatt Road Recreational Complex.

17. Memorandum of Town Engineer, with enclosures, re: Bailey Brook and Maidford River, Biologist Flagging Proposal.

18. Memorandum of Town Engineer, with enclosures, re: Woods Hole Group proposal, Phase Two, Esplanade Drainage.

- 19. Memorandum of Town Engineer, with enclosures, re: Third Beach Boat Ramp, Biologist Report Proposal.**
- 20. Memorandum of Public Works Director, with enclosures, re: RIDEM Consent Agreement.**
- 21. 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 37, Civil Service, Section 37.032, Exam Results, Subsection (B).
- 22. 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 33, Finance, Section 33.19, Revenue and Expenditures, as amended.
- 23. Special Assessments – procedure for the adjustment of inequitable charges.**
- 24. Continued from Meeting of April 16, 2007**
Continued from Meeting of April 2, 2007
Communication of Paul Bennett, Red Devil Fish and Lobster Co., Inc., Middletown, with enclosures, re: Opposition to proposed legislation “An Act relating to Fish and Wildlife - Menhaden Management Area”
- 25. Memorandum of Councillor Louis P. DiPalma, with enclosures, re:**

Y-11 Right of Way.

26. Communication of Cheryl Boergesson, representing MHS Class of 2008, re: Request for support for Junior Prom Post Prom activities.

27. Continued from Meeting of April 2, 2007

Appointment of one (1) member to the Juvenile Hearing Board for a term expiring in April 2010.

PUBLIC FORUM SESSION

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.

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 this meeting.