

**Posted – September 2, 2009**

**REGULAR MEETING SEPTEMBER 8, 2009**

**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, September 8, 2009 at 7:00 P.M (EXECUTIVE SESSION – 6:00 P.M. - PRESENTATIONS – 6:30 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 provisions of RIGL, Sections 42-46-2., 42-46-4. and 42-46-5. (a) (1) personnel (Town Administrator) and (5) lease (JFK School).**

## **PRESENTATIONS**

- 1. Resolution of the Council, re: Commendation Captain Poirier.**
- 2. Resolution of the Council, re: Commendation for Bernie Fagan, Peter Lund and Matt Druckman.**
- 3. Resolution of the Council, re: Middletown Little League Boys 10-11 Year Old Major All-Stars.**

## **ACTING AS A BOARD OF LICENSE COMMISSION**

- 1. Applications received from the following named persons, firms or corporations for RENEWAL of Alcoholic Beverage Licenses for the 2009-2010 licensing year. (Requires Advertising for Public Hearing) (See attached list)**

## **CONSENT CALENDAR**

- 1. Approval of Minutes – Special Meeting, August 3, 2009.**

**2. Approval of Minutes – Regular Meeting, August 3, 2009.**

**3. Resolution of Council, re: Proclaiming September 17th – 23rd as Constitution Week in the Town.**

**4. Resolution of the Council, re: Proclaiming September as “Ovarian Cancer Awareness Month”.**

**5. Memorandum of Town Administrator, with enclosure, re: National Register of Historic Places – Indian Avenue Historic District.**

**6. Memoranda, communications and/or resolutions from the following communities seeking support or opposition for the following:**

**A. Town of Burrillville**

**1. Support for legislation criminalizing prostitution.**

**2. Senate Bill 2009-S1012 – An Act Relating to Towns and Cities – General Powers.**

**3. Senate Bill 2009-S0713 – an Act Relating to Labor and Labor Relations – Certified School Teach Arbitration.**

**B. Town of East Greenwich**

**1. Support relative to Binding Arbitration for Teachers.**

## **C. Town of Glocester**

- 1. Support in opposing Rate Hikes proposed by Blue Cross & United Health.**
- 2. Support in opposing any and all efforts of the United States Congress which would place Rhode Island Communities in jeopardy of unapproved land use.**

## **D. Town of Portsmouth**

- 1. Support of US Supreme Court Opinion in Carcieri v. Salazar.**
  - 2. Support in opposing the reinstatement of a toll on the Mt. Hope Bridge.**
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- 7. Communication of J. Clement Cicilline, M.S., President & CEO Newport County Community Mental Health Center, re: Appreciation for Council appropriation.**
  - 8. Memorandum of Town Administrator, with enclosures, re: Community Development Block Grant.**
  - 9. Memorandum of Town Administrator, with enclosure, re: Appreciation from Martin Luther King, Jr. Center.**
  - 10. Memorandum of Town Administrator, with enclosures, re: Police Station Progress Report #12.**

- 11. Memorandum of Acting Tax Assessor, with enclosures, re: Cancellation of taxes for certain Middletown taxpayers.**
  
- 12. Resolution of the Council, re: Cancellation of taxes for certain Middletown taxpayers.**
  
- 13. Memorandum of Tax Collector, with enclosures, re: Cancellation of taxes for certain Middletown taxpayers.**
  
- 14. Resolution of the Council, re: Cancellation of taxes for certain Middletown taxpayers.**
  
- 15. Applications four (4) for Special Events Permits received from the following named persons, firms or corporations: 1) Eastern Surfing Association, Surfers Healing Day Camp, Second Beach – Surfers End, Saturday, September 19, 2009 from 12:00 pm until 4:00 pm. 2) BankNewport, Employee Celebration, BankNewport Operations Center, 12 Turner Road, Wednesday, September 23, 2009 from 5:00 pm until 7:30 pm 3) Newport Community Mental Health Center, Bike-A-Thon beginning in Newport (Rogers High School) thru Middletown and Portsmouth, Sunday, September 20, 2009 4) Eident Sports Marketing, Amica Marathon, Sunday, October 18, 2009 from 8:00 am until 2:00 pm (see attached route).**
  
- 16. Applications received from the following named persons, firms or**

**corporations for RENEWAL of Victualling House Licenses, Additional Hours of Operation, for the 2009-2010 licensing year. (Requires Advertising for Public Hearing) (See attached list)**

**17. Petitions received from the following named persons for perpetual care of burial lots in the Middletown cemetery:**

**a. William Audette – Section 54, Lot 99**

**b. Richard Cambra – Section 54, Lots 26 & 27**

**c. Estate of Charles Dubell – Section 54, Lot 102**

**d. Patricia Lebeau – Section 54, Lots 54, 55, 56, 57, 58, 59, 60 & 61**

**e. William R. Wicks – Section 54, Lots 95, 96, 97 & 98**

**18. Memorandum of Town Administrator, with enclosures, re: Middletown Social Host Ordinance.**

**19. Memorandum of Town Administrator, re: Book of Condolences for Kennedy Family at Middletown Town Hall.**

**20. Minutes, re: Pension Investment Advisory Committee.**

**TOWN COUNCIL**

- 1. Application of US Nutrition, LLC dba The Daily Shake for a Victualling House License for the 2008-2009 licensing year. (NEW)**
- 2. Application of Rania Convenience, Inc. dba Town Mart for a Victualling House License for the 2008-2009 licensing year. (NEW)**
- 3. Application of Rania Convenience, Inc. dba Town Mart for a Holiday License for the 2009-2010 licensing year. (NEW)**
- 4. Application of Rocklobster, Inc. for a Hawkers License for the 2009-2010 licensing year. (484 East Main Road (Property next to Frosty Freeze) (NEW)**
- 5. Memorandum of Town Administrator, with enclosures, re: Healing Co-Operative Request for Civic Appropriation Grant.**
- 6. Memorandum of Arthur S. Weber, Jr., Chairman, Middletown Planning Board, re: Proposed amendments to the Town Code (Section 101) and Zoning Ordinance (Sections 600 & 703) relating to regulations of tents. (Requires Advertising for Public Hearing)**
- 7. 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, Section 38 Construction Permit Fees.**

**8. An Ordinance of the Town of Middletown (Second Reading)**

**An Ordinance in amendment to the Town Code of the Town of Middletown, Chapter 115, Peddlers, Vendors, Solicitors, Junk Stores, Section 115.33 Permit Procedure.**

**9. 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. (Four Way Stop Intersection of High Street and O'Neil Boulevard)**

**10. Memorandum of Town Administrator, re: Opposition to Binding Arbitration for Teacher Contracts.**

**11. Resolution of the Council, re: Opposition to Binding Arbitration for Teacher Contracts.**

**12. Memorandum of Town Administrator, with enclosures, re: Award of contract – Jean Street Sidewalks, Head Start Drain Line, Senior Center & Town Hall Seal Coat.**

**13. Resolution of the Council, re: Award of contract – Jean Street Sidewalks, Head Start Drain Line, Senior Center & Town Hall Seal Coat.**

**14. Memorandum of Town Administrator, with enclosures, re: Award of contract – Vault Storage System.**

**15. Resolution of the Council, re: Award of contract – Vault Storage System.**

**16. Memorandum of Town Administrator, with enclosures, re: Listing of State Mandates from the RI Department of Revenue/RI Department of Education.**

**17. Memorandum of Town Administrator, with enclosure, re: Improvements to Valley Road and Green End Avenue.**

**18. Memorandum of Councillor Santos, re: West Main Road sidewalks.**

**19. Memorandum of Town Administrator, with enclosures, re: Resolution to Appoint Representatives to EBEC.**

**20. Resolution of the Council, re: Appointing Representatives to the EBEC.**

**21. Communication of Nan Heroux, re: Resignation from the Middletown Substance Abuse Prevention Task Force.**

**22. E-mail communication of Michael Allen, re: Resignation from the Middletown Substance Abuse Prevention Task Force.**

**23. Appointment of two (2) members to the Library Board of Trustees for a term expiring September 2012.**

**24. Appointment of two (2) members to the Information Technology Committee for a term expiring September 2012.**

## **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.**

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

**Town**

**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.**