

Posted – March 31, 2010

REGULAR MEETING APRIL 5, 2010

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, April 5, 2010 at 7:00 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.

CONSENT CALENDAR

- 1. Approval of Minutes – Regular Meeting, March 15, 2010.**
- 2. Approval of Minutes – Special Meeting, March 22, 2010.**
- 3. Memorandum of Tax Collector, with enclosures, re: Cancellation of taxes for certain Middletown taxpayers.**

4. Resolution of the Council, re: Cancellation of taxes for certain Middletown taxpayers.

5. Memorandum of Town Administrator, re: Status of Projects for Green End Avenue & Valley Road and West Main Road 1R RIDOT.

6. Resolutions from Rhode Island Cities and Towns, re: Requesting support for legislation, Return America's Cup Challenge to Newport and Redeveloping Surplus Navy Properties. (See Attached List with enclosures)

7. Communication of John G. Edwards, State Representative – District 70, re: Thanking Council for support of 2010-H7449 and update of Sakonnet River Bridge fines.

8. Communication of Terrence E. Mercer, Associate Administrator, Division of Public Utilities and Carriers, Motor Carriers Section, with enclosure, re: Notice of Public Hearing.

9. Communication of Kevin C. Long, Acting Chief Engineering Management Branch Mitigation Directorate, Federal Emergency Management Agency, re: Revalidated Letters of Map Change for Town of Middletown.

10. Communication of Robert Rocchio, P.E., Secretary, State Traffic

Commission, re: Denial of installation for a traffic signal at the intersection of West Main Road and Beacon Street.

11. Applications received from the following named persons, firms and corporations for RENEWAL of Holiday Licenses for the 2010-2011 licensing year. (See Attached List)

12. Applications received from the following named persons, firms and corporations for RENEWAL of Amusement Licenses for the 2010-2011 licensing year. (See Attached List)

13. Applications received from the following named persons, firms and corporations for RENEWAL of Hawkers and Peddlers Licenses for the 2010-2011 licensing year. (See Attached List)

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

a. Richard Francis, Jr. and Melissa Francis – Section 54, Lot 103

b. James S. Rozes – Section 54, Lot 104

TOWN COUNCIL

1. Memorandum of Police Chief, re: Honor Ceremony - Recognition of Police Department Retirees and Promotions.

2. Memorandum of Town Administrator, re: Employee Recognition Program – Pins of Service.

3. Application of the Aquidneck Island Police Parade Committee, Middletown, for RENEWAL of Peddler’s License for (Novelties and T-Shirts) for Police Parade Day, May 2, 2010 includes a request to waive license fee. (6 Vendors; Middletown Only)

4. Communication of Corey A. Huck, Chairman, Aquidneck Island Police Parade Committee, re: Requesting “in-kind” services for police details, highway department personnel, and Town owned properties and to utilize Linden School as a staging area for the Aquidneck Island National Police Parade to be held on Sunday, May 2, 2010.

5. Application for Special Event Permit from the Aquidneck Island National Police Parade Committee for the Aquidneck Island National Police Parade beginning at 317 West Main Road proceeding into Newport (Broadway) to be held on Sunday, May 2, 2010 beginning at 10:00 a.m. (Parade Committee respectfully requests permit fee to be waived)

6. Application for Special Event Permit from the Middletown FOP Lodge #21 and Aquidneck Island National Police Parade Committee for the Aquidneck Island Five-0 5K at Sachuest Beach to be held on

**Saturday, May 1, 2010 beginning at 8:00 a.m. until 12:00 p.m.
(Attached is a request to waive permit fee)**

7. Application for Special Event Permit from All Saints Academy, 915 West Main Road for the ASA Spring Fair and Car Show to be held on Sunday, June 6, 2010 from 10:00 a.m. until 4:00 p.m. (Attached is a request to waive permit fee)

8. Application for Special Event Permit from Family Motor Coach Association/Cape Codders Chapter for the Motor Home (RV) Rally - Memorial Day Weekend – Annual Second Beach Rally to be held at Sachuest Beach arriving on Thursday, May 27, 2010 and May 28, 2010 with all coaches departing Monday, May 31, 2010.

9. Application for Special Event Permit from the Boys & Girls Clubs of Newport and Newport Historical Society for the Newport Antiques Show to be held at St. George's School, Purgatory Road, beginning Friday, August 13, 2010 (6:00 p.m. to 9:00 p.m.), Saturday, August 14, 2010 (10:00 a.m. to 6:00 p.m.) and Sunday, August 15, 2010 (10:00 a.m. to 5:00 p.m.).

**10. Application of New England Grill Company, 750 Aquidneck Avenue, for a HOLIDAY LICENSE for the 2010-2011 licensing year.
(NEW)**

11. Application of Becky Hanos dba Just Dogs, Portsmouth, RI, for a

HAWKER'S LICENSE for the 2010-2011 licensing year. (NEW)

12. Application of Alex Arteaga dba Palagi's Ice Cream, Pawtucket, RI, for a PEDDLER'S LICENSE for the 2010-2011 licensing year. (NEW)

13. Application of LHM Restaurant, Inc. dba Newport Beach Hotel & Suites, 1 Wave Avenue for an AMUSEMENT LICENSE (Acoustical Guitar – Fridays & Saturdays, DJ/Band for Weddings) for the 2010-2011 licensing year. (NEW)

14. Public Hearing (Advertised)

Public Hearing Remains Open

An Ordinance of the Town of Middletown (Second Reading)

An Ordinance in amendment to the Town Code of the Town of Middletown, Chapter 152 Zoning Code, Article 10 – Flood Hazard Areas.

15. 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. (Speed Limit on Fenner Avenue)

16. Memorandum of Vice Chairman Cambra, re: Open Space and Field Committee update.

17. Memorandum of Town Administrator, re: Support for Legislative Amendments for Judicial Fairness (2010 – H7278, H7777, H7277,

H7280 and S2349).

18. Resolution of the Council, re: Support for Legislative Amendments for Judicial Fairness (2010 – H7278, H7777, H7277, H7280 and S2349).

19. Memorandum of Town Administrator, re: Opposition to Legislation for Mandatory Binding Arbitration (2010 – H7581).

20. Resolution of the Council, re: Opposition to Legislation for Mandatory Binding Arbitration (2010 – H7581).

21. Memorandum of Town Administrator, re: Opposition to Legislation for Mandatory Contract Continuation for Teachers (2010 – S2603).

22. Resolution of the Council, re: Opposition to Legislation for Mandatory Contract Continuation for Teachers (2010 – S2603).

23. Memorandum of Town Administrator, re: Legislation Relating to Elections and Access to Public Records (2010 –S2457, H7578, H7672, S2328, H7520, H7673, H7894, H7518 and S2471.

24. Resolution of the Council, re: Support for Legislation Relating to Elections (2010 -S2457, H7578, H7672, S2328, H7520, H7673 and H7894).

25. Resolution of the Council, re: Opposition to Legislation Relating to Public Records (2010-S2471) and Legislation Relating to Elections (2010 – H7518).

26. Memorandum of Town Administrator, with enclosures, re: Award of Contract – Middletown Public Library Cleaning Services.

27. Resolution of the Council, re: Award of contract for Middletown Public Library Cleaning Services.

28. Memorandum of Town Administrator, with enclosures, re: Award of Contract – Portable Toilets.

29. Resolution of the Council, re: Award of contract for Portable Toilets.

30. Memorandum of Town Administrator, with enclosures, re: Award of Contract – Hanging Rocks Road Drainage Improvements.

31. Resolution of the Council, re: Award of contract for Hanging Rocks Road Drainage Improvements.

32. Appointment of one (1) member to the Juvenile Hearing Board for a term expiring April 2013.

33. Appointment of three (3) members to the Zoning Board of Review; one regular member for a term expiring April 2015, one first alternate for a term expiring April 2011 and one second alternate for a term expiring April 2011.

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.

EXECUTIVE SESSION

Pursuant to provisions of RIGL, Sections 42-46-2.,42-46-4., and 42-46-5. (a) (5) lease (Joel Peckham School) and (2) litigation (Tax Appeal Case).

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 not less than 48 hours before this meeting.