

Posted – February 3, 2011

REGULAR MEETING FEBRUARY 7, 2011

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, February 7, 2011 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.

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)

EXECUTIVE SESSION

Pursuant to provisions of RIGL, Sections 42-46-2., 42-46-4., and 42-46-5. (a)

(5) lease – (JFK School) and (2) Collective Bargaining (Police, Fire, Public Works and Town Hall Unions).

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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.

PRESENTATIONS

1. Memorandum of the Citizens Memorial Committee, re: Presentation of Hall of Fame Plaque.

CONSENT

2. Approval of Minutes, re: Regular Meeting, January 18, 2011.

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

a. William S. Bailey, Jr. and Isabelle M. Bailey – Section 47 West, Lots 27, 28, 29, 30, 31 & 32

b. Joanne Benner - Section 54, Lots 4 & 5

c. Gerald C. Browe – Section 54, Lots 6 & 7

d. Barbara Dunn – Section 54, Lot 38

e. Patrice McKinley – Section 52 West, Lots 28 & 29

f. Barbara Risso – Section 54, Lot 34

g. James H. Stearns, Jr. – Section 50 East, Lots 108 & 109

4. Resolution of the Town of Jamestown, re: In Support of Extended Producer Responsibility.

5. Resolution of the Town of South Kingstown, re: In Support of the efforts to bring the America's Cup Challenge back to Newport.

6. Communication of Christopher Gray, Chairman, LNG Working Group, re: Requesting support for the latest initiative to prevent a liquefied natural gas terminal from permanently disfiguring Narragansett Bay and damaging the regional economy.

7. Communication of Steven P. Rodrigues, President, Middletown Fire Fighters Association, Local 1933, re: Notification of the unions desire to start collective bargaining for fiscal year 2011-2012.

8. Memorandum of Town Administrator, with enclosures, re: Financial Statements for period ending December 31, 2010.

9. Communication of Sewer Assessor, re: Cancellation of Taxes for certain Middletown Taxpayers.

10. Resolution of the Council, re: Cancellation of Taxes for certain

Middletown Taxpayers.

11. Communication of Tax Assessor, re: Cancellation of Taxes for certain Middletown Taxpayers.

12. Resolution of the Council, re: Cancellation of Taxes for certain Middletown Taxpayers.

13. Proposed Budget Meeting Schedule.

LICENSES

14. Applications from the following named persons, firms or corporations for a Special Event Permit. (See attached list)

15. Applications from the following named persons firms or corporations for a Special Event Permit. (See attached list including requests for permit fees to be waived)

ORDINANCES

16. Communication of Joseph R. Palumbo, Jr., Esquire, re: Request to withdraw Petition of CVD II, LLC for rezoning Assessors Plat 111, Lots 8, 9, 9A, 10.

17. Continued from Regular Meeting, October 18, 2010

Continued from Regular Meeting, August 16, 2010

Public Hearing (Advertised; Abutters Notified)

An Ordinance of the Town of Middletown (First Reading)

An Ordinance in amendment to the Town Code of the Town of Middletown,

Chapter 152, Zoning Code, reclassification of Lots 8, 9, 9A and 10, TAP 111 from Light Industry (LI) to new zoning district General Business A (GBA). (Planning Board recommendation attached)

18. Memorandum of Town Administrator, re: Amendments to Social Host Ordinance.

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

An Ordinance in amendment to the Town Code of the Town of Middletown, Title XIII, Chapter 130 General Offenses, Section 130.01 Possession, Consumption by Minors Prohibited and Section 130.99 Penalty.

TOWN COUNCIL COMMUNICATIONS

20. Memorandum of Councillor VonVillas, with enclosures, re: U.S.

Navy Wind Turbines.

21. Memorandum of Town Administrator, re: Regionalization – New England School Development Council – Educational Benefits and Cost Savings Report.

22. Memorandum of Councillor VonVillas, re: NESDEC Educational Study – Phase I.

23. Memorandum of Vice President Long, re: Boards and Committees.

TOWN ADMINISTRATOR COMMUNICATIONS

24. Memorandum of Town Administrator, with enclosures, re: Award of contract – Fire Department Rescue Vehicles.

25. Resolution of the Council, re: Award of contract – Fire Department Rescue Vehicles.

26. Memorandum of Town Administrator, re: Authorization to Submit Department of Behavioral Health, Development Disabilities & Hospitals' Block Grant.

27. Resolution of the Council, re: Requesting local legislation for pension reform.

OTHER COMMUNICATIONS

28. Communication of The St. Patrick's Day Parade Committee, re: Request for support by placing an ad in the Parade Bulletin or donating to the parade committee.

APPOINTMENTS TO BOARDS AND COMMITTEES

29. Appointment of three (3) members to the Roads and Utilities Advisory Committee for terms expiring January 2014.

30. Appointment of three (3) Council members to the Joint Workgroup.

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.