

**Posted – May 3, 2012**

**REGULAR MEETING MAY 7, 2012**

**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, 2012 at 7:00 P.M. (Budget – 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)**

## **BUDGET**

**1. Review of FY 2012–2013 Proposed Budgets – Planning, Building, Civic Support, Senior Center, Substance Abuse, Library and matters related thereto**

## **PUBLIC FORUM SESSION**

**2. 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**

**3. Memorandum of Town Administrator, re: Employee Recognition Program – Pins of Service First Quarter 2012.**

**4. Memorandum of Town Administrator, re: WebGIS Activated.**

## **BOARD OF LICENSE COMMISSION**

**5. Petition of Olin D. Gambrell, President and Beverly J. Travis, Secretary of the All-Vets Club, 985 Aquidneck Avenue, re: Request for expansion of Class D Alcoholic Beverage License to provide outdoor service on June 9, 2012, beginning at 2:00 p.m. for the All-Vets Club yearly Steak Fry and Lobster fundraiser for Breast Cancer Awareness.**

## **CONSENT**

**6. Approval of Minutes – Special Meeting, April 9, 2012.**

**7. Approval of Minutes – Regular Meeting, April 16, 2012.**

**8. Continued from Regular Meeting, April 16, 2012**

**Continued from Regular Meeting, April 2, 2012**

**Continued from Regular Meeting, March 19, 2012**

**Continued from Regular Meeting, March 5, 2012**

**Memorandum of Town Administrator, with enclosures, re: Second Beach Equipment Rental Concession. (Administration requests to continue this item to the next regular meeting of the Council).**

**9. Continued from Regular Meeting, April 16, 2012**

**Continued from Regular Meeting, April 2, 2012**

**Continued from Regular Meeting, March 19, 2012**

**Continued from Regular Meeting, March 5, 2012**

**Resolution of the Council, re: Second Beach Equipment Rental Concession.**

**(Administration requests to continue this item to the next regular meeting of the Council).**

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

**An Ordinance in Amendment to the Town Code of the Town of Middletown, Title IX General Regulations, Chapter 91 Fire Protection, Section 91.12 Bonfire, Rubbish Fires Regulated.**

**(Administration requests to continue this item to the next**

**regular meeting of the Council).**

**11. Continued from Regular Meeting, April 2, 2012**

**Continued from Regular Meeting, March 19, 2012**

**Communication of Lisa Wagenbach, Volunteer/Activist, for Surfrider Foundation Rhode Island Chapter, Narragansett, re: Request Middletown to Ban single use plastic bags. (Administration requests to continue this item to the next regular meeting of the Council).**

**12. Memorandum of Town Administrator, with enclosure, re: Donated Equipment/Materials – JFK building.**

**13. Memorandum of Accounting Manager, re: Quarterly Financial Report as of 3/31/2012 – Town of Middletown.**

**14. Communication of Tax Assessor, with enclosure, re: Cancellation of Taxes for certain Middletown residents.**

**15. Resolution of the Council, re: Cancellation of Taxes for certain Middletown residents.**

**16. Memorandum of Town Administrator, with enclosure, re: Independent Construction Cost Estimates.**

**17. Memorandum of Town Administrator, with enclosure, re: Hiring Lawrence Associates for Fire Station Design and Site Plans.**

**18. Communication of Barbara S. Schiaroli, Assistant Executive Director, James L. Maher Center, re: Appreciation for Civic Support appropriation.**

**19. Communication of Alexandra K. Callam, Hinckley Allen Snyder, LLP, re: Environment Rhode Island, et als. v. Town of Middletown.**

**20. Resolutions and Email Communications from Rhode Island Cities and Towns, re: Requesting support in opposition to H7617 and H7620 reject any and all binding arbitration legislation currently being considered for teacher and other school employee contracts, support for H7272 moving the teacher layoff notice deadline from March 1 to June 1, support in opposition to H7250 and S 2532 mandating expired teacher contracts must continue at the existing terms and conditions, support for a Referendum relating to the Code of Ethics, support for H7561 to provide for use of post office boxes for the purposes of acknowledgement of registration or change of address and**

**verification of residence in those cases where the prospective voter does not receive home mail delivery, support for the legislative package submitted by Governor Chafee to assist cities and towns, support in opposition to 2012-H7867 which could result in the need to impose additional taxes, support of S2310 which would amend the general powers and duties of school committees, support in opposition to Governor Chafee's proposed 2% increase in the meals and beverage tax, support in opposition to Governor Chafee's proposed expansion of the lodging tax base, support of H7144, H7579, S2036, S2038 relating to OPEB trusts and support for 2012-S2371 and 2012-H7746 which would require that all foreclosure deeds be recorded within thirty days of foreclosure and would increase penalties for violation of this requirement.**

**21. Application of SK Industries, Inc. dba Rusty's, 44 Wave Avenue, for RENEWAL of an Amusement License for the 2012-2013 licensing year.**

**22. Applications seven (7) from the following named persons, firms or corporations for Special Event Permits. (See Attached List)**

**23. Applications received from the following named persons, firms and corporations for RENEWAL of Mechanical Amusement Licenses for the 2012-2013 licensing year. (See Attached List)**

**24. Communication of Karen Roarke, 26 Renfrew Avenue, with**

**enclosure, re: Discussion of Motion Picture Production Tax Credit Incentive program.**

## **LICENSE & PERMITS**

### **25. Continued from Regular Meeting, April 16, 2012**

**Application of KJ's Pub, LLC dba KJ's Pub, 59-61 Aquidneck Avenue, for expansion of Victualling House License to include the outside patio (24 seats) for the 2011-2012 licensing year. (NEW)**

**26. Application of Aquidneck Island All Vet's Club, 985 Aquidneck Avenue, for a one day, June 9, 2012 - Amusement License – DJ.**

**27. Application for Special Event Permit from FBI National Academy Association , FBINAA New England Chapter 5K Fun run – 5K road race, taking place at Second Beach – Sachuest Point Road, Third Beach Road and Hanging Rocks Road on Tuesday, June 26, 2012 beginning at 8:00 am until 12:00 noon. (Request to waive fee attached)**

**28. Application for Special Event Permit from FLICKERS/Rhode Island International Film Festival, “Half pint” filming (a non-profit short film project at Boyd's Grist Mill Park, permission given by Middletown Historical Society attached, filming will be three or four days between May 15th and June 25, 2012. (Request to waive fee attached)**

**29. Application of Francis Daniel Sullivan, III for a Private Detective License for the 2012-2013 licensing year. (NEW)**

## **PUBLIC HEARINGS**

### **30. 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 11 Watershed Protection District, Sections 1103, 1105 and 1107. (Planning Board recommendation attached)**

### **31. 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 4 Definitions, Sections 602B and 725 (Solar Array). (Planning Board recommendation attached)**

### **32. Public Hearing (Advertised)**

**Town of Middletown application for Small Cities Community Development Block Grant (CDBG-R) program for a certain project, in**

**an amount not to exceed \$120,000.**

## **ORDINANCES**

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

**An Ordinance in Amendment to the Town Code Title IX General Regulations, Chapter 93 Harbor Rules and Regulations, Section 93.60.1 Dinghy/kayak Rack Rental.**

### **34. 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 33 Beach Fees.**

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

**An Ordinance in Amendment to the Town Code Title IX General Regulations, Chapter 94 Streets, Sidewalks and Public Places, Section 94.36 Overnight dry camping.**

### **36. 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 34 Campground Fees.**

## **OTHER COMMUNICATION**

**37. Communication of Middletown Athletic Boosters, re: Requesting support by placing an ad in the Senior Athletic Awards Banquet program.**

## **COMMUNICATIONS OF TOWN COUNCIL**

**38. Continued from Regular Meeting, April 16, 2012**

**At the request of Council President Weber, Resolution of the Council, re:                   Opposing passage of Article 24 within House Bill 7323 – changing the term                   “hotel” to include houses, condominiums or other dwelling units, which are                   rented out for a total of fifteen (15) days or more per year.**

**39. Continued from Regular Meeting, April 16, 2012**

**At the request of Council President Weber, Resolution of the Council, re:                   Supporting Governor Chafee’s Legislative Package.**

**40. Continued from Regular Meeting, April 16, 2012**

**At the request of Council President Weber, Resolution of the Council, re:                   Opposing H7617, H7618, H7619 and H7620**

**“Acts Relating to Labor and Labor Relations” and H7250 and S2532 mandating expired teacher contracts must continue at the existing terms and conditions.**

**41. Continued from Regular Meeting April 16, 2012**

**At the request of Councillor Silveira, Resolution of the Council, re: Opposing Governor Chafee’s proposed 2% increase in the meals and beverage tax.**

**COMMUNICATION OF TOWN ADMINISTRATOR**

**42. Memorandum of Town Administrator, with enclosure, re: Recommendation of Open Space & Field Committee for Purgatory Chasm Pathway.**

**APPOINTMENTS TO BOARDS & COMMITTEES**

**43. Communication of Joan Westgate, re: Resignation from the**

## **Substance Abuse Prevention Task Force.**

### **EXECUTIVE SESSION**

**44. Pursuant to provisions of RIGL, Sections 42-46-2, 42-46-4 and 42-26-5 (a) (5) lease (East Main Road – Plat 118, Lot 31).**

**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.**