

Posted – May 18, 2012

REGULAR MEETING MAY 21, 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 21, 2012 at 7:00 P.M. (Public Hearing Proposed Charter Revisions – 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)

PUBLIC HEARING – ADVERTISED FOR 6:00 PM

1. Public Hearing (Advertised)

Proposed amendments to the Middletown Town Charter.

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.

PRESENTATION

3. Memorandum of Town Administrator, re: Middletown Pension Plan – Experience Study Report July 1, 2006 – June 30, 2011.

4. Resolution of the Council, re: Adopting the recommended assumption changes as a result of the Experience Study, incorporated into July 2012 Actuarial Valuation Report.

CONSENT

5. Approval of Minutes – Special Meeting, April 30, 2012.

6. Approval of Minutes – Regular Meeting, May 7, 2012.

7. Continued from Regular Meeting, May 7, 2012

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 withdraw this item).

8. Continued from Regular Meeting, May 7, 2012

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 withdraw this item).

9. Communication of Finance Director, with enclosures, re: Cancellation of taxes for certain Middletown residents.

10. Resolution of the Council, re: Cancellation of taxes for certain Middletown residents.

11. Memorandum of Town Planner, re: Confirmation of Planning

Board recommendation for AIPC appointments.

12. Petition received from Abigail D. Chapman for perpetual care of burial lot 50 in Section 49 of the Middletown Cemetery.

13. Application of Thomas Santilli dba Green Hill Builders, Narragansett, RI for RENEWAL of a Drain Layers License for the 2012-2013 licensing year.

14. Application of HPK, Inc. dba Tickets, 15 Aquidneck Avenue, for RENEWAL of an Amusement License for the 2012-2013 licensing year.

15. Application of Johnny's Atlantic Beach, Inc. dba Johnny's Atlantic Beach Club, 53 Purgatory Road, for RENEWAL of an Amusement License for the 2012-2013 licensing year.

16. Application for Special Event Permit from Brian Chakulski, Sullivan/Chakulski Wedding to be held at Dunlap Wheeler Park on Sunday, September 2, 2012.

17. Resolution of the Town of East Greenwich, re: Requesting support of S-2928 Entitled, An Act Relating to Taxation – Taxation of Farm, Forest and Open Space Land.

LICENSE & PERMITS

18. Memorandum of Town Solicitor, re: KJ's Pub – expansion of food service to outside area.

19. Continued from Regular Meeting, May 7, 2012

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)

20. Application of James E. Mitchell, Jr. dba Castaway Coastal Catering, LLC, Newport, Rhode Island for a Hawkers License for the 2012-2013 licensing year. (NEW; Permission given from Knights of Columbus and requests Special Events by Invitation only)

PUBLIC HEARING

21. 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, The Zoning Code, Article 4 Definitions, Sections 602B and 725 (Solar Array). (Planning Board recommendation attached)

ORDINANCES

22. Continued from Regular Meeting, May 7, 2012

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.

23. Memorandum of Town Administrator, re: Middletown Code of Ordinance, Chapter 116: Taxicabs.

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

An Ordinance in Amendment to the Town Code of the Town of Middletown, Title XI: Business Regulations, Chapter 116 Taxicabs.

OTHER COMMUNICATIONS

25. Memorandum of Town Administrator, re: Ban on Single Use Plastic Grocery Bags.

26. Continued from Regular Meeting, May 7, 2012

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.

27. Communication of Lisa Wagenbach, Volunteer/Activist, for Surfrider Foundation Rhode Island Chapter, Narragansett, re: Further findings relating to banning the single use plastic bag in Middletown.

28. Communication of Donald & Marlene Davis, 8 Orville Drive, re: Request to reduce speed limit in Chases Estates (Casey Drive, Murphy Circle, Donald Drive and Orville Drive) and post slow children signs.

29. Memorandum of Town Administrator, with enclosure, re: Recommendation for Speed Limit Ordinance for Chase Estates Neighborhood.

COMMUNICATIONS OF TOWN COUNCIL

30. Continued from Regular Meeting, May 7, 2012

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.

31. Continued from Regular Meeting, May 7, 2012

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.

TOWN ADMINISTRATOR COMMUNICATION

32. Memorandum of Town Administrator, with enclosure, re: Third Beach Dinghy/Kayak Rack Rental Rules & Regulations.

33. Memorandum of Town Administrator, with enclosures, re: Tax Agreement between City of Newport and Town of Middletown.

34. Resolution of the Council, re: Approval of Tax Agreement with the City of Newport.

35. Memorandum of Town Administrator, with enclosures, re: Second Beach Equipment Rental Concession.

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

37. Memorandum of Town Administrator, with enclosures, re: Third Beach Equipment Rental Concession.

38. Resolution of the Council, re: Third Beach Equipment Rental Concession.

EXECUTIVE SESSION

39. Pursuant to provisions of RIGL, Sections 42-46-2, 42-46-4 and 42-26-5 (a) (2) Litigation (Old Farm, LLC).

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.