

Posted – August 30, 2012

REGULAR MEETING SEPTEMBER 4, 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 Tuesday, September 4, 2012 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-6:00 P.M.

1. Pursuant to provisions of RIGL, Sections 42-46-2, 42-46-4 and 42-46-5 (a) (5) Land Acquisition (Wyatt Road), (5) Land Acquisition (Forest Avenue/Buck Road), (2) Litigation -Tax Appeal Case (Indian Avenue), (1) personnel (Town Administrator) and (2) Collective Bargaining (Town Hall and Fire Department).

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.

BOARD OF LICENSE COMMISSION

3. Show Cause Hearing (Licensee Notified)

Show Cause Hearing for HPK, Inc., dba Ticket's holder of a Retailer's Class BV Alcoholic Beverage License for premises located at 15 Aquidneck Avenue, Middletown, relative to alleged violations of Rhode Island General Laws, Town of Middletown Ordinances and Liquor Control Regulations, all concerning the consumption of alcohol after legal closing hour.

4. (Public Hearing Advertised)

Application of Andrews At Eastgate dba Gold's Wood Fire Grille & Caffe holder of a Class BL Alcoholic Beverage License, to upgrade its

current Retailer's Alcoholic Beverage License for premises located at 21 Valley Road, Middletown, Rhode Island from Class BL (Beer and Wine) to Class BV (Full Service).

5. Petition of Olin D. Gambrell, President and Vilma Parsonage, Bar Manager of the All-Vets Club, 985 Aquidneck Avenue, re: Request for expansion of Class D Alcoholic Beverage License to provide outdoor service on September 16, 2012, beginning at 12:00 noon, for the All-Vets Club Memorial Dedication – 2nd Anniversary for all fallen Sisters and Brothers and all Branches of the Military.

CONSENT

6. Approval of Minutes, re: Regular Meeting, August 6, 2012.

7. Resolution of the Town of Tiverton, re: Expressing support of citizen petition opposing tolls on the Sakonnet River Bridge.

8. Resolution of the Town of Portsmouth, re: Expressing support of citizen petition opposing tolls on the Sakonnet River Bridge.

9. Communication of Erin L. Donovan, Executive Director, Ocean State Tall Ships, re: Appreciation for support.

10. Petition of CVDD II, LLC, with enclosure, re: To amend the Middletown Comprehensive Community Plan adopted in 1992, amended July 14, 2008 for Lot 9A Tax Assessor's Plat 111 be reclassified from Light Industrial to High Density Residential. (Requires Planning Board recommendation)

11. Petition of CVDD II, LLC, with enclosure, re: To amend the Zoning Ordinance by changing Lot 9A Tax Assessor's Plat 111 from Light Industrial Traffic Sensitive (LIA) to Residential (R10). (Requires Planning Board recommendation)

12. Resolution of the Middletown School Committee, re: Opposing sequestration as created by the Budget Control Act of 2011 and its negative effect on Impact Aid Program and other federal programs.

13. Memorandum of Finance Director, thru Town Administrator, with enclosure, re: Extinguishing the Town's Authority to Issue Bonds - \$2M for Police Facility.

14. Resolution of the Council, re: Extinguishing the Town's Authority to Issue Bonds - \$2M for Police Facility.

15. Memorandum of Finance Director, thru Town Administrator, with enclosures, re: Municipal Financial Report – Quarter/Fiscal year ending June 30, 2012.

16. Communication of Tax Assessor, with enclosure, re: Cancellation of taxes for certain Middletown taxpayers.

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

18. Application of Marylous News, Inc. dba Marylous Coffee, 207 East Main Road for an Additional Hours of Operation License for the 2011-2012 licensing year. (NEW; Requires Advertising for Public Hearing)

19. Application of Rui F. Almeida dba Doughboy's Kitchen, Fall River for RENEWAL of an Industrial Caterers License for the 2012-2013 licensing year.

20. Request of John Ashley, Jr. dba Castaway Gourmet, LLC, Portsmouth, Rhode Island for additional location added to Hawkers License for the 2012-2013 licensing year. (Permission on file, 499 East Main Road (Grange) - Fridays, Saturdays and Sundays)

21. Applications four (4) from the following named persons, firms or corporations for Special Event Permits. (See Attached List)

LICENSE & PERMITS

22. Application of Sleepy's LLC, 1305 West Main Road for a Holiday Sale's License for the 2012-2013 licensing year. (NEW)

23. Application of J&S Enterprises dba Bossman Burgers, 510 East Main Road for a Mechanical Amusement Device License for the 2012-2013 licensing year. (2 Games and 1 Juke box; NEW)

24. Application of Marylous News, Inc. dba Marylous Coffee, 207 East Main Road for a Victualling House License for the 2011-2012 licensing year. (NEW)

PUBLIC HEARINGS

25. 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, Title XV Land Usage, Chapter 152 Zoning Code, Article 25A Wind Turbines. (Planning Board recommendation attached)

26. 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, Title XV Land Usage, Chapter 152 Zoning Code, Article 6 Application of District Regulations, Section 602 Schedule of District Regulations – Uses and Districts. (Planning Board recommendation

attached)

27. 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, Title XV Land Usage, Chapter 152 Zoning Code, Article 4 Definitions, Sections 602B and 725 (Solar Array). (Planning Board recommendation attached)

ORDINANCES

28. 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, School Zones.**

29. An Ordinance of the Town of Middletown (Second Reading)

An Ordinance in Amendment to the Town Code of the Town of Middletown, Title XI Business Regulations, Chapter 111, Alcoholic Beverages, Section 111.20 Alcoholic Training Certification.

30. 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, Sections (29) Fire and rescue reports and (51) Public Safety Private

Detail Billing Rates.

31. Memorandum of Tax Assessor, thru Town Administrator, re: Change to Middletown Ordinance § 34.01 Definitions.

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

An Ordinance in Amendment to the Town Code of the Town of Middletown, Title III Administration, Chapter 34, Taxes, Section 34.04 Definitions.

OTHER COMMUNICATIONS

33. Communication of Joyce Williams, President, Newport County Branch, NAACP, re: Request support by placing an ad in the NAACP 93rd Anniversary Souvenir Booklet.

COUNCIL COMMUNICATIONS

34. Memorandum of Vice President Long, re: Intersection Oakwood and Wood Roads.

35. Memorandum of Vice President Long, re: Sidewalk repair between Milestone Dental Care at 94 East Main Road and SPEC Eye

Care at 58 East Main Road.

36. Memorandum of Councillor Silveira, re: Sachuest Beach Utility Pole.

TOWN ADMINISTRATOR COMMUNICATIONS

37. Memorandum of Town Administrator, with enclosures, re: Consultant - Cemetery.

38. Resolution of the Council, re: Consultant - Cemetery.

39. Memorandum of Town Administrator, with enclosures, re: Consulting – Kempenaar Valley.

40. Resolution of the Council, re: Consulting – Kempenaar Valley.

41. Memorandum of Town Administrator, with enclosures, re: Rhode Island Department of Transportation – Agreement – Police Details.

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.