

**Posted – September 11, 2012**

**REGULAR MEETING SEPTEMBER 17, 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, September 17, 2012 at 7:00 P.M. ( PRESENTATIONS 6:00 PM; EXECUTIVE SESSION IMMEDIATELY FOLLOWING PRESENTATIONS) 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)**

## **PRESENTATIONS – 6:00 P.M.**

- 1. Memorandum of Middletown Police Chief Anthony M. Pesare, re: Middletown Police Department swearing in and award ceremony.**
- 2. Communication of M. Teresa Paiva Weed, President of the State Senate, re: Citation Governor's Host Committee America's Cup World Series.**

## **EXECUTIVE SESSION – IMMEDIATELY FOLLOWING PRESENTATIONS**

**3. Pursuant to provisions of RIGL, Sections 42-46-2, 42-46-4 and 42-46-5 (a) (1) personnel (Town Administrator) and (5) land acquisition (Wyatt Road).**

## **PUBLIC FORUM SESSION**

**4. 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**

**5. Applications received from the following named persons, firms or corporations for RENEWAL of Alcoholic Beverage Licenses for the 2012-2013 licensing year. (Requires Advertising for Public Hearing)  
(See attached list)**

**6. Application of KJ's Pub, Inc. dba KJ's Pub of a Class BV Alcoholic Beverage License, to change its current name to KJ's Pub, LLC dba KJ's Pub on its Retailer's Alcoholic Beverage License for premises located at 61 Aquidneck Avenue, Middletown, Rhode Island. (Requires Advertising for Public Hearing)**

## **CONSENT**

**7. Email communication from Pawtucket City Clerk, with enclosure, re: Letter sent to Governor Lincoln D. Chafee regarding state surplus funds.**

**8. Continued from Regular Meeting, September 7, 2012.**

**Memorandum of Town Administrator, with enclosures, re: Consulting – Kempenaar Valley. (Administration requests item be continued to October 15, 2012)**

**9. Continued from Regular Meeting, September 7, 2012.**

**Resolution of the Council, re: Consulting – Kempenaar Valley. (Administration requests item be continued to October 15, 2012)**

**10. Communication of Finance Director, with enclosure, re: Cancellation of taxes for certain Middletown taxpayers.**

**11. Resolution of the Council, re: Cancellation of taxes for certain**

**Middletown taxpayers.**

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

- a. Christos Psilos – Section 53, Lots 9 and 10**
- b. Richard I. Davis – Section 53, Lots 11 and 12**
- c. Mildred West – Section 53, Lots 13 and 14**

**13. Communication of Joseph A. Keough, Jr., Esquire, re: Proposed Rate Change – City of Newport – Utilities Department- Water Division. (Application to change rates on file in the Office of the Town Clerk)**

**14. Applications received from the following named persons, firms or corporations for RENEWAL of Victualling House Licenses, Additional Hours of Operation, for the 2012-2013 licensing year. (Requires Advertising for Public Hearing) (See attached list)**

**15. Application of Laurin Enterprises dba Gold's Auto Wrecking Company, 113 Fenner Avenue, for RENEWAL of a Junk Dealer's License for the 2012-2013 licensing year.**

**16. Application of Middletown Columbus Club, Inc., 7 Valley Road, for RENEWAL of a Bingo License for the 2012-2013 licensing year.**

**17. Application of Melissa Morgan and Douglas Jost for a Special**

**Event Permit for Friday, June 7, 2013 (Wedding Ceremony) to be held at Dunlap Wheeler Park beginning at 3:00 pm to 7:00 pm.**

## **LICENSE & PERMITS**

**18. Application for Special Events Permit from Newport County Community Mental Health Center, Annual Bike-A-Thon, to be held on Sunday, September 23, 2012 from 9:00 am to 2:00 pm. (Request to waive fee attached; see attached map for route)**

**19. Application of Newport Vineyards, 909 East Main Road, for a one day AMUSEMENT License for a Comedy Show (6:00 pm until 9:00 pm) – September 29, 2012.**

## **PUBLIC HEARINGS**

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

**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, 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)**

**22. Memorandum of Town Planner, re: Proposed amendments to the Middletown Zoning Ordinance Article 4, and Sections 602.B and 725 regarding ground-mounted solar installation.**

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

**ORDINANCES**

**24. 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 34, Taxes, Section 34.04 Definitions.**

**COUNCIL COMMUNICATIONS**

**25. At the request of Councillor Cambra, Resolution of the Council, re: Opposing Tolls on the Sakonnet River Bridge.**

**TOWN ADMINISTRATOR COMMUNICATIONS**

**26. Memorandum of Lori Verderosa, MSAPTF Coordinator, thru Town Administrator, re: MSAPTF Name Change.**

**27. Memorandum of Finance Director, thru Town Administrator, with enclosures, re: Contract Award: Drug Free Communities Grant Evaluator.**

**28. Resolution of the Council, re: Contract Award: Drug Free Communities Grant Evaluator.**

**29. Memorandum of Finance Director, thru Town Administrator, with enclosures, re: Town Pension Plan Amendment #27 and #28.**

**30. Resolution of the Council, re: Approving Amendment to Town Pension Plan Amendment #27 and #28.**

### **APPOINTMENTS TO BOARDS & COMMITTEES**

**31. Appointment of one (1) member to the Middletown Personnel Review Board for a term expiring June 2015. (Bi-partisan Board)**

**32. Appointment of one (1) member to the Tax Assessment Review Board for a term expiring October 2015. (Bi-partisan Board)**

**33. Email Communication of Rian Wilkinson, Beach Committee Chair, re: Appointment of Beach Committee representative to the Beach Facility Advisory Committee.**

**34. Email Communication of Ralph Thomas, Open Space & Fields Committee, re: Appointment of Beach Committee representative to the Beach Facility Advisory Committee.**

**35. Appointment of four (4) members to the Beach Facility Advisory**

**Committee, terms expire one year from the date of appointments.**

**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.**