

Posted – February 27, 2013

REGULAR MEETING MARCH 4, 2013

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, March 4, 2013 at 7:00 P.M. (5:30 PM. – EXECUTIVE SESSION; 6:00 PM – PRESENTATION IMPACT FEES) 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-5:30 P.M.

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

6:00 P.M. – IMPACT FEES PRESENTATION

2. Memorandum of Town Planner, thru Town Administrator, with enclosure, re: MIDD-012-022- Impact Fee Update Study – Final Report - Presentation by Carson Bise representing TischlerBise Fiscal, Economic & Planning Consultants – Impact Fees.

3. Memorandum of Finance Director, thru Town Administrator, re: Capital Improvement Impact Fund account balance.

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.

ACTING AS A BOARD OF LICENSE COMMISSION

5. (Public Hearing Advertised; abutters notified)

Application of NNGC, Corporation dba Newport National Golf Club, 324 Mitchell's Lane, for a Retailers Class BV Alcoholic Beverage License for the 2012-2013 licensing year. (NEW)

CONSENT

6. Approval of Minutes, re: Regular Meeting, February 19, 2013.

7. Communication of William F. Horan, re: The Middletown association with East Bay Energy Consortium (EBEC).

8. Memorandum of Finance Director thru Town Administrator, with enclosure, re: Collector's Abatements – Military Uncollectible Accounts.

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

10. Memorandum of Finance Director thru Town Administrator, with enclosure, re: Collector's Abatements.

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

12. Resolutions and Email Communications from Rhode Island Cities and Towns, re: Request support Contract Continuation – in opposition to any and all legislative proposal that would mandate expired teacher contracts must continue at the existing terms and conditions, Binding Arbitration – to oppose and reject any and all mandatory binding arbitration legislation being considered for teacher and other school employee contracts, Layoff Notification Date and Gun Safety at the State and Federal level.

13. Applications received from the following named persons, firms and corporations for RENEWAL of Holiday Sales Licenses for the 2013-2014 licensing year. (See Attached List)

14. Applications received from the following named persons, firms and corporations for RENEWAL of Sunday Selling Licenses for the 2013-2014 licensing year. (See Attached List)

15. Applications two (2) from the following named persons, firms or corporations for Special Event Permits. (See Attached List)

LICENSES & PERMITS

16. Application of NNCC, Corp., dba Newport National Golf Club, 324 Mitchell's Lane, for a Victualling House License for the 2012-2013 Licensing year. (NEW)

17. Application of Beach Liquors, LLC dba Beach Wine & Liquors, 43 Aquidneck Avenue, for a Sunday Selling License for the 2013-2104 Licensing year. (NEW)

18. Application for Special Event Permit from Middletown Pan Massachusetts Challenge Kids, A kid's bike ride fundraiser to support the Jimmy Fund, a cancer research foundation, Third Beach Road and Hanging Rocks Road, on Sunday, May 19, 2013 from 8:00 am until 1:00 pm, includes a request to waive permit fee.

19. Application of the Aquidneck Island Police Parade Committee, Middletown, for RENEWAL of Peddler's License for (Novelties and

T-Shirts) for Police Parade Day, May 5, 2013, includes a request to waive license fee and be sole vendor for the event. (6 Vendors; Middletown Only)

20. Communication of Sergeant Richard Gamache Trustee, National Police Parade, re: Requesting “in-kind” services for police details, highway department personnel, and the use of Town owned properties.

21. Application for Special Event Permit from Sergeant Corey Huck, on behalf of the National Aquidneck Island Police Parade for the Aquidneck Island Annual Police Parade beginning on West Main Road at Coddington Highway proceeding into Newport (Broadway) to be held on Sunday, May 5, 2013 at 9:00 am (Parade Committee respectfully requests permit fee to be waived)

22. Application for Special Event Permit from Walter Mey, David Leys, Jr. 5K Fundraiser, 5K Family Fun Run/Walk, Sachuest Beach, Sachuest Road, on Saturday, April 6, 2013 from 12:00 pm. until 2:00 pm, includes a request to waive permit fee.

ORDINANCES

23. 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, Chapter 75, Traffic Schedules.

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 34.50, Exemption of Certain Non-Profit Organizations.

TOWN COUNCIL COMMUNICATIONS

25. (Continued from Regular Meeting, February 19, 2013)

(Continued from Regular Meeting, February 4, 2013)

Email communication from Burrillville Town Clerk, with enclosures, re: Resolution in support of deleting the option of straight party voting by means of a single mark in non-primary elections.

26. (Continued from Regular Meeting, February 19, 2013)

Email communication of Harry L. Staley, Chairman, RI Taxpayers, West Warwick, Rhode Island, with enclosure, re: Requesting Council to pass resolution to eliminate present voting machine Master Lever in all future elections.

27. (Continued from Regular Meeting, February 19, 2013)

Memorandum of Councillor Adams, re: Elimination of Straight Party Voting in Rhode Island.

28. (Continued from Regular Meeting, February 19, 2013)

Resolution of the Council, re: In support of 2013- S0044 and 2013 – H5072 to delete the option of single party voting by means of single mark in non-primary elections.

29. Resolution of the Council, re: Endorsing Middletown Library 2013 Legislative agenda.

APPOINTMENTS TO BOARDS & COMMITTEES

30. (Continued from Regular Meeting, January 22, 2013)

Appointment of one (1) member to the Middletown Board of Canvassers for a term expiring March 2018. (Bi-partisan Board – See State Law Attached)

31. (Continued from Regular Meeting, February 19, 2013)

Appointment of four (4) members to the Planning Board; three (3) for terms expiring February 2016 and one (1) to complete a term expiring February 2014.

32. Appointment of one (1) member to the Arts Committee for a term expiring April 2015.

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.