

**Posted – April 10, 2013**

**REGULAR MEETING APRIL 15, 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, April 15, 2013 at 7:00 P.M. (5:30 PM. – BUDGET) 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)**

## **5:30 P.M. – BUDGET**

**1. Review of FY 2013–2014 Proposed Budgets – Public Works, Wastewater, Refuse & Recycling, General Government 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.**

**3.**

### **ACTING AS A BOARD OF LICENSE COMMISSION**

**4. Application of Main Hotel, LLC dba Homewood Suites, 348 West Main Road, for a Retailers Class BT Alcoholic Beverage License for the 2012-2013 licensing year. (Requires advertising for public hearing and notice of abutters; NEW)**

### **CONSENT**

**5. Approval of Minutes, re: Regular Meeting, April 1, 2013.**

**6. Communication of Dennis DeMarinis, Jr., Director of Development & Communication, James L. Maher Center, re: Appreciation for support.**

**7. Notices of Public Hearings from the Zoning Board of Review – two**

**(2) Petitions of Daniel G. Kamin, BJ's of Middletown, LLC (owner) – BJ's Wholesale Club, Inc. (applicant), one (1) petition for a Special Use Permit from Section 602(B) – to allow the construction of a propane dispensing facility in a (GBA) General Business/Traffic Sensitive zoning district consisting of two 1,000 gallon above ground LPG tanks and related appurtenances and one (1) petition for a Variance from Section 1304 to allow 345 off – street parking spaces where 355 parking spaces are required, both petitions for real estate located at 173 East Main Road, TAP 107SE, Lot 107.**

**8. Notices of Public Hearings from the Zoning Board of Review – two (2) Petitions of Linda Phelan (owner), one (1) petition for a Special Use Permit from Section 1106 – to allow the construction of a single family dwelling in Zone 1 of the Watershed Protection District and one (1) petition for a Variance from Article 4 & Section 603 – to allow the construction of a single family dwelling with developable land area of 38,902 sq. ft. where 40,000 sq. ft. is required, both petitions for real estate located on Mitchell's Lane, TAP 123, Lot 13.**

**9. (Continued from Regular Meeting, April 1, 2013)**

**Memorandum of Finance Director, thru Town Administrator, with enclosures, re: Contract Award: Town Hall Bathroom Renovations.**

**(Attached is a request by the Administration to withdraw)**

**10. (Continued from Regular Meeting, April 1, 2013)**

**Resolution of the Council, re: Award of Contract: Town Hall**

**Bathroom Renovations. (Attached is a request by the Administration to withdraw)**

**11. Communication of Finance Director, thru Town Administrator, with enclosures, re: Sewer Maintenance Abatement – 29 Phillips Avenue.**

**12. Resolution of the Council, re: Sewer Maintenance Abatement – 29 Phillips Avenue.**

**13. Memorandum of Accounting Manager, thru Finance Director, re: Quarterly Tax Collector's Report as of 03/31/2013 – Town of Middletown.**

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

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

**16. Resolutions from Rhode Island Cities and Towns, re: Request support in opposition to the OWTS Bills, Request support in opposition to Dry Lands Bill, Request support in opposition to Municipal Notice Registry Bill, and Request support Contract Continuation – Binding Arbitration – to oppose and reject any and all mandatory binding arbitration legislation being considered for**

**teacher and other school employee contracts. (See Attached List)**

**17. 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)**

**18. Application of Peter Kelly's Ice Cream, Portsmouth, for RENEWAL of a Peddler's License for the 2013-2014 licensing year.**

**19. Application of Island Management, Inc. dba Flo's Clam Shack, 4 Aquidneck Avenue, for RENEWAL of an Amusement License for the 2013-2014 licensing year.**

**20. Application of SK Industries, Inc. dba Rusty's, 44 Wave Avenue, for RENEWAL of an Amusement License for the 2013-2014 licensing year.**

**21. Applications received from the following named persons, firms and corporations for Special Event Permits. (See Attached List)**

**22. Email communication of Gary D. Paquette, Chairman, Middletown Conservation Commission, re: Conservation Commission Liaison to the Tree Commission.**

**LICENSES & PERMITS**

**23. Application of AW Food Mart, Inc. dba Kennedy's Grill, Food Mart, 390 West Main Road, for a Vitualling House License for the 2012-2013 licensing year. (NEW)**

**24. Application for Special Event Permit from Water Brothers, Ryan Roberts Surf Classic, Surfing Event, Second Beach on one of the following dates (depending on surf conditions) May 4th , 5th , 11th , or 12th , 2013, includes a request to waive permit fee.**

### **OTHER COMMUNICATIONS**

**25. Memorandum of Robert M. Silva, Chairman, Middletown Economic Development Advisory Committee, re: Resolution in support of Enterprise Zone Legislation.**

**26. Resolution of the Council, re: Support of 2013 H5892 and S0741 – Enterprise Zone Legislation.**

### **TOWN ADMINISTRATOR COMMUNICATIONS**

**27. Memorandum of Town Administrator, with enclosures, re: Two-Mile Corner Intersection Improvement Project.**

**28. Memorandum of Finance Director thru Town Administrator, with**

**enclosures, re:**

**Contract Award: Site Work – Precast Concrete Restrooms at the Berkeley Peckham School.**

**29. Resolution of the Council, re: Award of Contract for Site Work – Precast Concrete Restrooms at the Berkeley Peckham School.**

**30. Memorandum of Finance Director thru Town Administrator, with enclosures, re: Judgment Bond Anticipation Notes (BANs) – Esplande Drainage Improvements – redesign change order.**

**31. Resolution of the Council, re: Authorizing the Town of Middletown to Finance the payment of costs in connection with that Certain Consent Decree in the Matter of Environment Rhode Island, Burton Hoffman, Henry Rosemond, Jr., David Wixted and Henry T. Wrobel v. The Town of Middletown, C.A. 08-3235 by Issuance of not more than \$3,000,000 Bonds and Notes therefor.**

## **APPOINTMENTS TO BOARDS & COMMITTEES**

**32. Appointment of one (1) member to the Middletown Committee for the Arts for term expiring April 2016.**

**33. Appointment of one (1) member to the Beach Commission to complete a term expiring January 2014.**

**34. Appointment of one (1) member to the Conservation Commission to complete a term expiring July 2013.**

**35. Appointment of one (1) member to the Middletown Prevention Coalition to complete a term expiring April 2015 (Parent Slot).**

**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.**

**ADDENDUM TO TOWN COUNCIL AGENDA**

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## **COUNCIL RESOLUTIONS**

**35. At the request of Councillor Long, Resolution of the Council, re: Supporting Senate Bill 209 - This act would change the composition of the Rhode Island Turnpike and Bridge Authority.**

**36. At the request of Councillor Long, Resolution of the Council, re: Supporting Senate Bill 242 - This act would provide various amendments restricting tolls on bridges and would establish a bridge maintenance fund to provide for said bridge maintenance.**

**Wendy J.W. Marshall, CMC**

**Town Clerk**

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