

**Posted – May 1, 2013**

**REGULAR MEETING MAY 6, 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, May 6, 2013 at 7:00 P.M. (5:30 PM. – EXECUTIVE SESSION; BUDGET IMMEDIATELY FOLLOWING) at the Middletown Town Hall, 350 East Main Road, Middletown, Rhode Island. All items on this agenda, with the exception of the Public Forum Session, may be considered, discussed and voted upon.**

**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 PM - EXECUTIVE SESSION**

**1. Pursuant to provisions of RIGL, Sections 42-46-2, 42-46-4 and 42-46-5 (a) (2) Potential Litigation, (5) Potential Litigation, (5) Lease (Mitchell's Lane - Plat 123, Lot 700), (5) Lease (East Main Road – Plat 118 Lot 31) (5) Lease (JFK School) and (5) Lease (Berkeley Peckham School) .**

## **BUDGET**

**2. Review of FY 2013–2014 Proposed Budgets – Community Services, Beach, Civic Appropriations and matters related thereto.**

## **PUBLIC FORUM SESSION**

**3. 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. All items discussed during this session will not be voted upon.**

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

**4. Application of Wanumetonomy Golf and Country Club, Inc., 152 Brown's Lane, for a EXPANSION of its Class D Alcoholic Beverage License for the 2012-2013 licensing year. (Requires advertising for public hearing and notice of abutters)**

## **CONSENT**

- 5. Approval of Minutes, re: Special Meeting, April 8, 2013.**
- 6. Approval of Minutes, re: Regular Meeting, April 15, 2013.**
- 7. Memorandum of Finance Director, thru Town Administrator, with enclosures, re: FY2103 Municipal Financial Report – Quarter Ending March 31, 2013.**
- 8. Communication of Tax Assessor, with enclosure, re: Cancellation of taxes for certain Middletown taxpayers.**
- 9. Resolution of the Council, re: Cancellation of taxes for certain Middletown taxpayers.**
- 10. Memorandum of Gladys B. Lavine, Chair, Middletown Planning Board, with enclosure, re: Impact Fees Schedule Recommendation.**
- 11. Memorandum of Gladys B. Lavine, Chair, Middletown Planning Board, re: Request for Resolution in support of Senate Bill S0212 regarding low and moderate income housing.**
- 12. Resolution of the Council, re: Supporting Senate Bill S0212 regarding low and moderate income housing.**

**13. Memorandum of Town Administrator, with enclosures, re: Petition – J.H. Dwyer Road – Unacceptable Road Condition.**

**14. Resolutions from Rhode Island Cities and Towns, re: Request support in passage of moving the teacher layoff deadline notice, 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, Request for support straight party vote option and Request for support – authorizing communities to utilize bus monitors at their discretion. (See Attached List)**

**15. Communication of Sandra J. Pattie, President & Chief Executive Officer, BankNewport, re: Proposed reconstruction of the intersections of West Main Road at East Main Road (Two Mile Corner) and West Main Road at Coddington Highway.**

**16. Communication of Thomas Ewens, Middletown, with enclosures, re: Requesting resolution in support of S0337 and H5498 - relating to the Code of Ethics.**

**17. Applications received from the following named persons, firms and corporations for RENEWAL of Mechanical Amusement Device Licenses for the 2013-2014 licensing year. (See Attached List)**

**18. Application of Francis Daniel Sullivan, III, Middletown, for**

**RENEWAL of a Private Detective License for the 2013-2014 licensing year.**

**19. Application of Peckham Brothers Co., Inc., Middletown, for RENEWAL of a Drain Layer's License for the 2013-2014 licensing year.**

**20. Application of LHM Restaurant, Inc. dba Newport Beach Hotel & Suites, 1 Wave Avenue, for RENEWAL of an Amusement License for the 2013-2014 licensing year.**

**21. Application of HPK, Inc. dba Tickets, 15 Aquidneck Avenue, for RENEWAL of an Amusement License for the 2013-2014 licensing year.**

**22. Application of Johnny's Atlantic Beach, Inc. dba Johnny's Atlantic Beach Club, 53 Purgatory Road, for RENEWAL of an Amusement License for the 2013-2014 licensing year.**

**23. Memorandum of Planning Director, re: Planning Board Officers.**

**24. Memorandum of Planning Director, re: Planning Board recommendation for AIPC appointments.**

**25. Memorandum of Planning Director, re: Planning Board recommendation for representative to the Open Space & Fields**

**Committee.**

## **LICENSES & PERMITS**

**26. Application of Advance Stores Company, Inc. dba Advance Auto Parts #7361, 957 West Main Road, for a Holiday License for the 2013-2014 licensing year. (NEW)**

**27. Application of Keystone Novelties Distributor, LLC dba Keystone Fireworks, 741 West Main Road, for a Holiday License for the 2013-2014 licensing year. (NEW)**

**28. Application of Custom House Coffee, LLC dba Custom House Coffee, 796 Aquidneck Avenue, for an Amusement License for the 2013-2014 licensing year. (NEW) (Type of Amusement – Acoustic Guitar, Open Mic, Karaoke, Duo/Trio, Poetry Reading)**

## **ORDINANCE**

**29. An Ordinance of the Town of Middletown (First Reading)**

**An Ordinance Amendment to the Town Code of the Town of Middletown, Title III Administration, Chapter 36 Fee Schedule, Section 55 Recreation Fees.**

## **OTHER COMMUNICATIONS**

**30. Communication of MHS Post Prom Committee, re: Request for support for the MHS Post Prom events.**

**31. Communication of Middletown Athletic Boosters, re: Requesting support by placing an ad in the Senior Athletic Awards Banquet program.**

**32. Communication of Victoria Johnson and Alphonsa Cook, Tournament Coordinators, Newport County NAACP, re: Request for support – NAACP Annual Golf Tournament.**

**33. Communication of Paul LaMond, Chair, Middletown Library Board of Trustees, re: Request for Support to defray cost of signage and dedication ceremony for the naming of the Library conference room “Norman and Gillian Hall”.**

**34. Communication of Joseph McLaughlin, Norman Bird Sanctuary, with enclosures, re: Request installation of a crosswalk at 830 Third Beach Road.**

#### **TOWN ADMINISTRATOR COMMUNICATIONS**

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

**36. Resolution of the Council, re: Award of Contract – Town Hall Bathroom Renovations.**

**37. Memorandum of Town Administrator, with enclosures, re: Intercom System – Upgrades – Aquidneck & Forest Avenue Schools.**

**38. Resolution of the Council, re: Budget Adjustment for Intercom System Upgrades – Aquidneck & Forest Avenue Schools.**

**39. Memorandum of Town Administrator, with enclosures, re: Fire Boat – Replacement.**

**40. Resolution of the Council, re: Purchase of Fire Rescue Boat.**

## **APPOINTMENTS TO BOARDS & COMMITTEES**

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

**42. Communication of Lucy R. Levada, re: Resignation from Middletown Zoning Board of Review.**

**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.**