

Posted – September 27, 2007

REGULAR MEETING OCTOBER 1, 2007

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, October 1, 2007 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.

EXECUTIVE SESSION

1. Pursuant to the provisions of RIGL, Sections 42-46-2., 42-46-4. and 42-46-5. (a) (1) personnel (Town Administrator, Police Chief).

ACTING AS A BOARD OF LICENSE COMMISSION

1. Public Hearing (Advertised; Abutters notified)

Application of Wiggins Enterprises, Inc., dba The Glass Onion, holder of a Retailer's Class BV Alcoholic Beverage License for premises located at 909 East Main Road, Middletown, to TRANSFER LOCATION of said license to 1258 West Main Road, Middletown.

2. Application of EA & EM, LLC, dba Aquidneck Restaurant and Pizzeria holder of a Retailer's Class BV Alcoholic Beverage License for premises located at 27 Aquidneck Avenue, Middletown, to TRANSFER said license to AQ, Inc., dba Aquidneck Restaurant and Pizzeria, for use at the same premises. (Requires advertising for public hearing)

3. Application of Saigon Cafe, Inc., dba Saigon Cafe, 823 West Main Road, Middletown, holder of a Retailer's Class BL Alcoholic Beverage License, to UPGRADE said license to a Class BV for use at the same premises. (Requires Advertising for Public Hearing)

**4. Applications received from the following named persons, firms or corporations for RENEWAL of Alcoholic Beverage Licenses for the 2007-2008 licensing year. (Requires Advertising for Public Hearing)
(See attached list)**

CONSENT CALENDAR

- 1. Approval of Minutes – Regular Meeting, August 20, 2007.**
- 2. Approval of Minutes – Special Meeting, August 27, 2007.**
- 3. Approval of Minutes – Regular Meeting, September 4, 2007.**
- 4. Communication of Tax Assessor, with enclosures, re: Cancellation of taxes for certain Middletown taxpayers.**
- 5. Resolution of the Council, re: Authorizing cancellation of taxes for certain Middletown taxpayers.**
- 6. Communication of Tax Collector, with enclosures, re: Cancellation of taxes for certain Middletown taxpayers.**
- 7. Resolution of the Council, re: Authorizing cancellation of taxes for certain Middletown taxpayers.**
- 8. Memorandum of Finance Director, with enclosures, re: Proposed Refuse and Recycling Fund Budget. (Requires Advertising for Public Hearing)**
- 9. Notices (2) of Public Hearing received from Zoning Board of Review, re: 1) Application of Newport Holding, LLC (owner) Newport Landings, LLC (applicant) for a special use permit to allow construction of an accessory administration and utility building on**

real estate located at Coddington Highway, Lot 1 (portion), TAP 107SW, and 2) Application of Diane M. Patrella and Daniel P. Titus for a variance to construct a second floor addition and a rear porch with less than required setbacks on real estate located at 383 Paradise Avenue, Lot 7, TAP 121.

10. Communication of the Honorable Donald L. Carcieri, Governor, State of Rhode Island, re: Community Block Grant award.

11. Communication of Megan Daughan, Finance Coordinator, Safety Town Program, re: Appreciation for support of Safety Town program.

12. Application of Rui F. Almeida, dba Doughboy's Kitchen, Fall River, MA, for RENEWAL of Industrial Caterer's License (Mobile Food Service Unit) for the 2007-2008 licensing year.

13. Application of AQ, Inc., dba Aquidneck Restaurant & Pizzeria, 27 Aquidneck Avenue, for Victualling House License – Additional Hours of Operation – for the 2007-2008 licensing year. (NEW) (Requires Advertising for Public Hearing)

14. Application of 7-Eleven, Inc., dba 7-Eleven #26211J, 939 West Main Road, for Victualling House License – Additional Hours of Operations – for the 2007-2008 licensing year. (NEW) (Requires Advertising for Public Hearing)

15. Applications received from the following named persons, firms or corporations for RENEWAL of Victualling House Licenses, Additional Hours of Operation, for the 2007-2008 licensing year. (Requires Advertising for Public Hearing) (See attached list)

TOWN COUNCIL

1. Presentation to the Town by Joseph Matose - Original painting to honor parents.

2. Application of Wiggins Enterprises, Inc., dba Glass Onion, 1258 West Main Road, for Victualling House License for the 2007 – 2008 licensing year. (NEW)

3. Application of KM Gladding Excavating, Jamestown, for a Drain Layer's License for the 2007-2008 licensing year. (NEW)

4. Applications (2) for Special Events Permits received from the following named persons, firms or corporations: 1) The Breakers Marathon, Purgatory Road, Tuckerman Avenue, Sachuest Point Road, Hanging Rocks Road, Indian Avenue, Peckham Avenue, Wapping Road, Mitchell's Lane, Wyatt Road, Turner Road, Green End Avenue, Paradise Avenue and 2) Family Motor Coach Association (FMCA)/Cape Codders Chapter, Second Beach.

5. 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.
(Certain License Fees)**

6. Memorandum of Assistant Town Planner, re: Request for approval for submission of 2008 EPA Brownfields Grants.

7. Memorandum of Assistant Town Planner, re: Request for 2007 DEM Riparian Restoration Grant award and authorize Town match for each.

8. Public Hearing (Advertised, Abutters Notified)

Amendment to the Town's Comprehensive Community Plan (First Reading)

Amendment to Town's Comprehensive Community Plan, Future Land Use Plan, proposing to designate as High Density Residential, TAP 102, Lot 2 – Landings (former Anchorage Navy Housing) and TAP 101, Lot 22 – Coddington Cove Navy Housing.

9. Public Hearing (Advertised, Abutters Notified)

An Ordinance of the Town of Middletown (First Reading)

An ordinance in amendment to the Town Code of the Town of Middletown, Chapter 152, Zoning Code, proposing to change the zoning classification of Lot 2, TAP 102 – Landings (former Anchorage Navy Housing) from classification of Public (P) to Residential

Multi-Family (RM)

10. Memorandum of Chairman, Middletown Planning Board, with enclosure, re: Proposed amendment to the Zoning Code of the Town of Middletown, changing text, Section 310.A. – Development Impact Review, Section 602 – Use Table and Section 603 – Dimensional Requirements. (Requires Advertising for Public Hearing)

11. Memorandum of Councillor Louis P. DiPalma, with enclosures, re: Proposed amendment to Zoning Code of the Town of Middletown relative to Community Residences and Family Day Care Homes. (Requires Advertising for Public Hearing and Planning Board Recommendation)

12. Memorandum of Police Chief, re: Seeking approval to request zoning variance to allow separate entrance and exit at new Police Station.

13. Communication of Alice May Curran, 429 Forest Avenue, re: Request to address the Council concerning access road from Forest Avenue to Buck Road.

14. Memorandum of Finance Director, re: with enclosures, re: Lease Purchase Agreement for refuse totes.

15. Resolution of the Council, re: Approval of lease agreement for

refuse totes.

16. Memorandum of Town Administrator, re: PAYT issues – 1) disabled residents eligible for door-to-door service and 2) courtesy bag with initial delivery of each tote.

17. Memorandum of Finance Director, with enclosures, re: Contract – RI Resource Recovery Corporation.

18. Resolution of the Council, re: Approval of contract with RI Resource Recovery Corporation.

19. Memorandum of Finance Director, with enclosures, re: Surplus property.

20. Resolution of the Council, re: Declaring certain property surplus and authorizing its disposition.

21. Memorandum of Finance Director, re: Borrowing - Clean Water Finance Agency.

22. Resolution of the Council, re: Approving the Financing of Improvements and the Issuance of Wastewater System Revenue Bonds.

23. Memorandum of Town Administrator, with enclosures, re:

Summary of bids for Dunlap Wheeler Park Water Hydrant.

24. Resolution of the Council, re: Award of contract for Dunlap Wheeler Park Water Hydrant.

25. Memorandum of Councillor Louis P. DiPalma, with enclosures, re: Information Technology Advisory Committee –Survey Request.

26. Appointment of one (1) member to the Information Technology Advisory Committee for a term expiring September 2009.

27. Appointment of one (1) member to the Middletown Board of Canvassers to complete a term expiring in March 2008. (Bi-partisan Board)

28. Communication of Lynda M. Bronaugh, Middletown, re: Resignation from Library Board of Trustees.

29. Appointment of one (1) member to the Middletown Public Library Board of Trustees to complete a term expiring in September 2008.

PUBLIC FORUM SESSION

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.

**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.