

**Posted – July 9, 2008**

**REGULAR MEETING JULY 14, 2008**

**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, July 14, 2008 at 7:00 P.M. (EXECUTIVE SESSION – 6:30 P.M.) 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**

**Pursuant to provisions of RIGL, Sections 42-46-2., 42-46-4 and 42-46-5 (a) (2) litigation.**

**ACTING AS A BOARD OF LICENSE COMMISSION**

**1. Application of WAMM, Inc. d/b/a Anthony's Seafood, Holder of a Retailer's Class BL Alcoholic Beverage License for premises located at 963 Aquidneck Avenue to expand the area of service of said license to include a 14 x 30 ft. area outside main entrance. (Requires Advertising for Public Hearing)**

## **CONSENT CALENDAR**

**1. Approval of Minutes – Special Meeting, May 20, 2008**

**2. Approval of Minutes – Special Meeting, May 28, 2008**

**3. Approval of Minutes – Special Meeting, May 29, 2008**

**4. Approval of Minutes – Special Meeting, June 2, 2008**

**5. Approval of Minutes – Regular Meeting, June 2, 2008**

**6. Approval of Minutes – Special Meeting, June 12, 2008**

**7. Approval of Minutes – Special Meeting, June 16, 2008**

**8. Approval of Minutes – Regular Meeting, June 16, 2008**

**9. Approval of Minutes – Special Meeting, June 17, 2008**

**10. Approval of Minutes – Special Meeting, June 30, 2008**

**11. Petition of William DiMarco and Barbara E. DiMarco, for perpetual care of burial lots in the Middletown Cemetery – Lots 78 and 79 in section 54.**

**12. Application of Candigit Excavating Corporation, Swansea, MA, for RENEWAL of Drain Layer's License for the 2008-2009 licensing year.**

**13. Communication of Town Administrator, with enclosures, re: Tax Collector's report for period ending May 31, 2008.**

**14. Communication of Town Administrator, with enclosures, re: Tax Collector's report for period ending June 30, 2008.**

**15. Communication of Town Administrator, with enclosures, re: Financial Statements for period ending May 31, 2008.**

**16. Notice of Public Hearing received from Zoning Board of Review, Application of Victor Ruggeri, by his attorney Jeremiah C. Lynch, III, Esquire, for a variance from Sections 603, 701, 1301 (A) and 1301 (D) to construct 2- 40'x90' buildings, with a rear yard setback of 22.7', on real estate located at Vierra Terrace, TAP 113, Lot 105C.**

**17. Communication of Amy M. Rose, Deputy Town Clerk, Town of Charlestown, with enclosures, re: Requesting support of the USS**

**Saratoga Museum project.**

**18. Communication of Charles A. Horbert, Permitting Supervisor, Office of Water Resources, Freshwater Wetlands Program, re: Insignificant Alteration- Permit for property and proposed projected located approximately 1760 feet west of Forest Avenue, within the existing Drainage and Utility easement associated with, and located west of “The Residences at Bay Ridge”, Assessor’s Plat 113, Lot 3.**

**19. Memorandum of Town Administrator, with enclosures, re: Report from the Planning Commission – Recent Advances in Regional Planning.**

**20. Communication of Frederick C. Williamson, Chairman, State Historic Preservation Officer, re: National Register of Historic Places listing (Smith-Garner-Norman Farm Historic District aka Paradise Farm, 583 Third Beach Road).**

**21. Communication of Victoria Johnson, Chair, Golf Tournament, NAACP, re: Expressing appreciation for Town support.**

## **TOWN COUNCIL**

**1. Applications (5) for Special Events Permits received from the following named persons, firms or corporations:**

**a) The Clambake Club of Newport, Loeb's Birthday Party (Private), Fireworks display, Saturday, August 2, 2008 from 9:30 PM until 9:45 PM.**

**b) Newport Historical Society, Newport Antiques Show, St. George's Hockey Rink, Friday, August 8, 2008 from 5:00 PM until 9:00 PM, Saturday, August 9, 2008 from 10:00 AM to 6:00 PM and Sunday, August 10, 2008 from 10:00 AM until 5:00 PM.**

**c) Heather Curran, Birthday Party, Peabody's Beach, Saturday, August 16, 2008 from 5:00 PM until 11:00 PM.**

**d) Tuesday Night Athletic Foundation, One Mile Open Water Swim, Sachuest Point, Second Beach, Saturday, September 13, 2008 from 8:00 AM until 1:00 PM, alternate date Saturday, September 20, 2008 from 8:00 AM until 1:00 PM.**

**e) Amica Insurance/Breakers Marathon, 2008 Breakers Marathon and Marathon Relay, Middletown roads (see attached street list), Saturday, October 18, 2008 from 8:00 AM until 2:00 PM.**

**2. Application of Best Buy Stores #1490, 890 West Main Road, for a Holiday License for the 2008-2009 licensing year. (NEW)**

**3. Public Hearing (Advertised)**

**An Amendment to the Town's Comprehensive Community Plan (Second Reading)**

**Amendment to Town's Comprehensive Community Plan implementing specific provisions of the West Side Master Plan.**

**4. Public Hearing (Advertised)**

**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, Article 6 – Application of District Regulations, Section 602, Schedule of District Regulations – Uses and Districts. (Two-family dwellings) (Planning Board recommendation attached)**

**5. Communication of Town Administrator, with enclosures, re: Requesting Council to authorize approval of Dan Beardsley to represent Town concerning the REAP.**

**6. Resolution of the Council, re: Authorizing Dan Beardsley to represent the Town concerning REAP.**

**7. Communication of Town Administrator, with enclosures, re: Award of contract for 2008 Sewer Manhole Rehabilitation Project.**

**8. Resolution of the Council, re: Award of contract for 2008 Sewer Manhole Rehabilitation Project.**

**9. Communication of Town Administrator, with enclosures, re: Award of contract for 2008 Sidewalk Project.**

**10. Resolution of the Council, re: Award of contract for 2008 Sidewalk**

**Project.**

**11. Communication of Town Administrator, with enclosures, re: Award of contract for 2008 Paving.**

**12. Resolution of the Council, re: Award of contract for 2008 Paving.**

**13. Communication of Town Administrator, with enclosures, re: Award of contract for Public Library Exterior Building Repair.**

**14. Resolution of the Council, re: Award of contract for Public Library Exterior Building Repair.**

**15. Communication of Town Administrator, with enclosures, re: Award of contract for West Main Road Sewer Upgrade.**

**16. Resolution of the Council, re: Award of contract for West Main Road Sewer Upgrade.**

**17. Communication of Town Administrator, with enclosures, re: Award of contract for 2008 Full Revaluation.**

**18. Resolution of the Council, re: Award of contract for 2008 Full Revaluation.**

**19. Communication of Town Administrator, with enclosures, re:**

## **Police Pre-Employment Agreement.**

**20. Resolution of the Council, re: Police Pre-Employment Agreement.**

**21. Town Solicitor report to Council, re: Executive Session request (no documentation).**

**22. Communication of Gerald Kempen by and through his Counsel, Michael T. Brady, Esquire, re: Notice of intent to pursue legal action.**

**23. Communication of Michael T. Brady, Esquire, re: Request for meeting with the Town Council.**

**24. Communication of Antone Viveiros, 110 Indian Hill Road, re: Reconsideration to suppress the separation agreement with Mr. Kempen.**

**25. Communication of Antone Viveiros, 110 Indian Hill Road, re: Request for Council to allow voters to vote on every Charter Amendment proposed by the Charter Review Committee.**

**26. Resolution of the Council, re: Approving submission of the proposed charter amendments to Office of the Secretary of State for inclusion on the November 4, 2008 General Election ballot.**

**27. Resolution of the Council, re: Approving submission of the**

**proposed Open Space bond question to Office of the Secretary of State for inclusion on the November 4, 2008 General Election ballot.**

**28. Communication of Councillor Santos, re: Discuss the needs of residents in the community.**

**29. Communication of Emily Hebel, Intern-Art Room/Classroom, re: Request for support for Safety Town program.**

**30. Communication of Barbara A. VonVillas, re: Resignation from the Personnel Board.**

**31. Town Administrator confirmation of appointment of Interim Fire Chief. (no documentation)**

## **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  
Clerk**

**Town**

**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**

**POSTED – JULY 11, 2008**

**REGULAR MEETING – JULY 14, 2008**

**32. Communication of Town Administrator, with enclosures, re: Award of contract for Accounting Software.**

**33. Resolution of the Council, re: Award of contract for Accounting Software.**