

**Posted – November 16, 2011**

**REGULAR MEETING NOVEMBER 21, 2011**

**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, November 21, 2011 at 7:00 P.M.(EXECUTIVE SESSION – 6:30 PM) 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**

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

**(2) Litigation (Barrett vs. Town of Middletown).**

## **PUBLIC FORUM SESSION**

**1. 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.**

## **PRESENTATION**

**2. Communication of Tina Dolen, Executive Director, Aquidneck Island Planning Commission, re: Seeking a letter of Council support (on conceptual basis only) for a proposed program to serve the energy needs of Newport and Bristol Counties.**

## **CONSENT**

**3. Approval of Minutes, re: Regular Meeting, November 7, 2011.**

**4. Resolutions and Email Communications from Rhode Island Cities and Towns, re: Requesting support for proposed Statewide Pension Reform, Opposing House Bill 5554 Sub A and Senate Bill 0533 (Zoning Ordinances), Repealing of Tax on Tours and Support of Middletown resolution. (See attached list)**

**5. (Continued from Regular Meeting, October 3, 2011)**

**(Continued from Regular Meeting, September 6, 2011)**

**(Continued from Regular Meeting, July 18, 2011)**

**Memorandum of Town Administrator, with enclosures, re: RIDEM Draft Agreement for Third Beach Boat Ramp Funding. (At the September 6, 2011 Regular Meeting of the Council, this item was continued to November 21, 2011 Regular Meeting of the Council. On November 7, 2011 the Council voted unanimously to remove the authority for the Town Administrator to execute the agreement with RIDEM for federal funds to be used to replace the Third Beach Boat Ramp.) (Attached is the communication from Town Administrator to RIDEM)**

**6. Petition received from William F. Dickerson and Kathleen M. Dickerson for perpetual care of burial lot 42 in Section 49 of the Middletown Cemetery.**

**7. Petition received from John S. Mellekas and Martha T. Mellekas for perpetual care of burial lots 43, 44 and 45 in Section 49 of the Middletown Cemetery.**

**8. Communication of G. Eben Milne, Esquire, Martinous Law Associates, Ltd, representing Angel L. Betancourt, re: Notice of Injury Pursuant to RIGL §45-15-9.**

**9. Communication of Finance Director, dated November 14, 2011, thru Town Administrator, with enclosures, re: Cancellations of Taxes for certain Middletown residents.**

**10. Resolution of the Council, re: Cancellation of Taxes for certain Middletown residents.**

**11. Communication of Finance Director, dated November 16, 2011, thru Town Administrator, with enclosures, re: Cancellations of Taxes for certain Middletown residents.**

**12. Resolution of the Council, re: Cancellation of Taxes for certain Middletown residents.**

**13. Memorandum of Town Administrator, with enclosures, re: Surplus Vehicles & Equipment.**

**14. Resolution of the Council, re: Surplus Vehicles & Equipment.**

**15. Application of Adbul Khan dba Sams Food Mart, 356 West Main Road, for renewal of a Victualling House License for the 2011-2012 licensing year.**

**16. Application of Leaky, Inc. dba Subway, 58 Aquidneck Avenue, for renewal of a Victualling House License for the 2011-2012 licensing year.**

**17. Application for Special Event Permit from Embrace Home Loans, 110 Enterprise Center for a Christmas Party to be held on Saturday,**

**December 3, 2011 from 11:00 am until 3:00 pm.**

## **LICENSES AND PERMITS**

**18. Application of Pauline Miller, 661 West Main Road, Unit #3, for a Fortunetellers License for the 2011-2012 licensing year. (NEW)**

**19. Application of MOPO, Inc. dba French Confection, 72 East Main Road, for a Victualling House License for the 2010-2011 licensing year. (NEW)**

**20. Application of MOPO, Inc. dba French Confection, 72 East Main Road, for (RENEWAL) of a Victualling House License for the 2011-2012 licensing year.**

## **PUBLIC HEARINGS**

**21. (Public Hearing Advertised)**

**Public Hearing Remains Open.**

**An Ordinance of the Town of Middletown (Second Reading)**

**An Ordinance in amendment to the Town Code of the Town of Middletown, Chapter 152, Zoning Code, changing text, Article 6 – Application of District Regulations, Section 603-District Dimensional regulations, Section 605 Maximum Building Footprint and Article 13**

**Off-Street Parking and Loading, Section 1304 Minimum and Maximum Off-Street Parking. (Planning Board recommendation attached)**

**TOWN COUNCIL**

**22. Discussion of Small Wind Turbines. (No Documentation)**

**COMMUNICATIONS TOWN ADMINISTRATOR**

**23. Memorandum of Town Administrator, with enclosures, re: RI Energy Aggregation Program (REAP) Electricity Supply Agreement renewal.**

**24. Resolution of the Council, re: Approving entering into an Electricity Service Agreement with Direct Energy.**

**25. Memorandum of Town Administrator, re: Holiday Donation – Request for Matching Funds.**

**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.**