

Posted – November 28, 2012

REGULAR MEETING DECEMBER 3, 2012

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, December 3, 2012 at 7:00 P.M. (EXECUTIVE SESSION 5:30 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.

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-5:30 P.M.

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

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.

PRESENTATIONS

3. Recognition from the Council, re: Ted Clement, Executive Director, Aquidneck Island Land Trust. (No documentation)

4. Memorandum of Chief Doire, re: Fire Department Promotional Ceremony.

ACTING AS A BOARD OF LICENSE COMMISSION

5. Application of J & S Enterprises, LLC dba Boss Man Burgers, 501 East Main Road for a Retailers Class BL Alcoholic Beverage License for the 2012-2013 licensing year. (NEW: Requires Advertising for Public Hearing and notice to abutters)

CONSENT

6. Approval of Minutes, re: Special Meeting, November 1, 2012.

7. Approval of Minutes, re: Regular Meeting, November 5, 2012.

8. Approval of Minutes, re: Special Meeting, November 17, 2012.

9. Approval of Minutes, re: Regular Meeting, November 19, 2012.

10. Communication of Denise Panichas, Executive Director, The Samaritans of Rhode Island, re: Appreciation for support.

11. Notice of Public Hearing from the Zoning Board of Review, Diane L. L'Heureux (owner), c/o her Attorney David P. Martland, Esquire, for a Variance from Section 603 to allow the creation of a lot with 25.73' of frontage/width where 150' is required, said real estate located at 127 Mitchells Lane and further identified as Lot 1 on Tax Assessor's Plat 123.

12. (Continued from November 5, 2012, Regular Meeting)

Memorandum of Chief Pesare thru Town Administrator, with enclosures, re: Traffic Study of intersection Wolcott Avenue and Reservoir Road. (Attached is a request by the Administration to continue said item to January 7, 2013, Regular Meeting of the Council)

13. Communication of Town Administrator, with enclosures, re: Impact Fees.

14. Communication of Finance Director, with enclosure, re: Cancellation of taxes for certain Middletown taxpayers.

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

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

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

18. Applications five (5) from the following named persons, firms or corporations for Special Event Permits. (See Attached List)

ORDINANCES

19. An Ordinance of the Town of Middletown (First Reading)

An Ordinance in amendment to the Town Code, Title VII, Traffic Code, Stop Sign Intersection. (Wood Road and Oakwood Road)

OTHER COMMUNICATION

20. Memorandum of Senator Louis P. DiPalma, re: Legislative Agenda for 2013.

COMMUNICATION OF TOWN COUNCIL

21. Memorandum of Councillor Rodrigues, re: Discussion of the

billboards and billboard revenue.

22. Memorandum of Councillor Rodrigues, re: Discussion of this Council's position of the proposed tolls on Sakonnet Bridge.

23. Memorandum of Councillor Rodrigues, re: Discussion of the FY 13 budget.

TOWN ADMINISTRATOR COMMUNICATION

24. Communication of Town Administrator, with enclosures, re: Application for joint Middletown/Newport Enterprise Zone Designation.

25. Resolution of the Council, re: Authorizing Town Administrator to submit joint application for Enterprise Zone Designation.

26. Memorandum of Finance Director, thru Town Administrator, with enclosures, re: Addendum to the Tax Agreement between the City of Newport and the Town of Middletown.

27. Resolution of the Council, re: Approving Addendum to the Tax Agreement between the City of Newport and the Town of Middletown.

28. Memorandum of Finance Director, thru Town Administrator, with enclosures, re: Contract Award: Easton's Point Sewer Spot Repair.

29. Resolution of the Council, re: Award of Contract: Easton's Point Sewer Spot Repair.

APPOINTMENTS TO BOARDS & COMMITTEES

30. Memorandum of Council President Semonelli, re: Nomination selection of Assistant Solicitor regarding Conflict Matters.

31. Memorandum of Council President Semonelli, re: Nomination selection of Assistant Solicitor – Conflict Prosecutor.

32. Memorandum of Town Clerk, re: Appointment of Alternate Municipal Court Judge and Alternate Probate Judge.

33. Communication of Councillor Adams, re: Resignation from the Aquidneck Island Planning Commission.

34. Communication of Councillor Adams, re: Resignation as Ex-Officio Member of the Open Space & Fields Committee.

- 35. Communication of Councillor Adams, re: Resignation from the Middletown Planning Board.**
- 36. Email communication of Anne Baptista, re: Resignation from the Open Space and Fields Committee.**
- 37. Memorandum of Ralph Thomas, Recording Secretary, Open Space and Fields Committee, re: Removal of a Member of the Open Space and Fields Committee.**
- 38. Appointment of one (1) member to the Middletown Committee for the Arts for a term expiring April 2015.**
- 39. Appointment of one (1) member to the Open Space and Fields Committee for a term expiring November 2015.**
- 40. Appointment of Town Council representatives to various boards and commissions.**
- 41. Adoption of Rules of the Council.**
- 42. Discussion of December 17, 2012 Regular Meeting of the Council.
(No documentation)**

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

POSTED – NOVEMBER 30, 2012

REGULAR MEETING – DECEMBER 3, 2012

EXECUTIVE SESSION – 5:30 PM

**Pursuant to provisions of RIGL, Sections 42-46-2, 42-46-4 and 42-46-5
(a) (5) Lease (East Main Road - Plat 118, Lot 31).**

Wendy J.W. Marshall, CMC

Town Clerk

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