

ALL SUPPORTING DOCUMENTATION TO AGENDA ITEMS ARE ON CLERKBASE THROUGH THE TOWN OF MIDDLETOWN WEBSITE <https://clerkshq.com/Middletown-ri>

POSTED – December 8, 2020
SPECIAL MEETING – DECEMBER 14, 2020

ALL ITEMS NOT COMPLETED AT THIS MEETING WILL BE CONTINUED TO A SPECIAL MEETING ON DECEMBER 17, 2020.

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 special meeting to be held on **Monday, December 14, 2020; Executive Session 6:00 P.M.; Presentation Immediately following Executive Session; Special Meeting at 7:00 P.M.** - Said meeting will be conducted by telephone conference call/ webinar, in accordance with Executive Order 20-46 issued by Governor Raimondo on April 15, 2020, extended to December 8, 2020, which modifies certain provisions of the Open Meetings Act (“OMA”) and the Access to Public Records Act (“APRA”) as part of the State’s emergency response to COVID-19. Members of the public may access and listen to the meeting in real-time by calling 1-877-853-5257 (Toll Free) or 1-888-475-4499 (Toll Free) and entering Meeting ID: 847 8853 6930; or on the web at <https://us02web.zoom.us/j/84788536930>.

The items listed on the Consent portion of the agenda are to be considered routine by the Town Council and will ordinarily be enacted by one motion. There will be no separate discussion of these items unless a member of the Council, requests and the Town Council President permits, in which event the item will be removed from Consent Agenda consideration and considered in its normal sequence on the agenda. All items on this agenda, may be considered, discussed and voted upon in executive session and/or open session.

Pursuant to RIGL §42-46-6(b). Notice – “Nothing contained herein shall prevent a public body, other than a school committee, from adding additional items to the agenda by majority vote of the members. Such additional items shall be for informational purposes only and may not be voted on except where necessary to address an unexpected occurrence that requires immediate action to protect the public or to refer the matter to an appropriate committee or to another body or official.”

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 three (3) minutes. Citizens that wish to speak must submit a written request either dropped off at Town Hall or emailed to wmarshall@middletownri.com or kclancey@middletownri.com . Request must include your information, item number you wish to address and how you will be identified/named on zoom. The request must be filed at least 30 minutes prior to the meeting (6:30 p.m.). If a request is not filed, you will not be able to address the matter.

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)

6:00 P.M.- EXECUTIVE SESSION

1. Executive Session - Pursuant to provisions of RIGL, Sections 42-46-2, 42-46-4 and 42-46-5 (a), (1) Collective Bargaining (Town Hall – NEARI), (1) Personnel (Public Works Director), (2) Potential Litigation, (2) Potential Litigation and (5) Lease review, discussion and/or potential action and/or vote in executive session and/or open session.

PRESENTATION

2. Memorandum Paul A. Croce, Chariman, Planning Board, re: Analysis of Full-Build Traffic & Environmental Impacts.

CONSENT

3. Approval of Minutes, re: Regular Meeting, September 21, 2020.
4. Approval of Minutes, re: Regular Meeting, October 5, 2020.
5. Approval of Minutes, re: Special Meeting, October 27, 2020.
6. Approval of Minutes, re: Special Meeting, November 16, 2020.
7. Communication of Marty Sinnot, President & CEO, Child & Family and Betsy Akin, Vice President, Development, re: Appreciation for support.
8. Communication of Kathy Giblin Stark, Star Kids Scholarship Program, re: Appreciation for support.
9. Communication of James M. Lehane, III, MPH, President and CEO, Newport Mental Health, re: Appreciation for Support.
10. Communication of Meghan Grady, Executive Director, re: Appreciation for Support.

11. Communication of Carrie W. Miranda, Executive Director, Looking Upwards, re: Appreciation for support.
12. Communication of Carrie W. Miranda, Executive Director Looking Upwards, re: 2020 Middletown Civic Appropriation Status and Year-End Report.
13. Communication of Kelly A. Lee, Executive Director, re; Appreciation for support.
14. Communication of Dave McLaughlin, Executive Director, Clean Ocean Access, re: Appreciation for support.
15. Communication of Joseph Pratt, Executive Director and CEO, Boys & Girls Clubs of Newport County, re: Appreciation for Support.
16. Communication of Toni Lemoine, Florida, re: Appreciation/ gratitude for representatives of Middletown Police and Middletown Fire Departments.
17. Resolution of the Town of Portsmouth, re: Urging the General Assembly to fully fund the state education funding formula at the FY 2021 projected levels and to support total state aid to local governments at the same aggregate levels as in FY 2020.
18. Resolution of the City of Cranston, re: Urging Rhode Island Governor Gina M. Raimondo to Release \$150 Million Dollars from the "CARES ACT" to Our Small Business Community.
19. Resolution of the City of Cranston, re: Urging Rhode Island Governor Gina M. Raimondo to Place a Moratorium on Evictions.
20. Memorandum of Attorney Patrick O'N. Hayes, Jr. on behalf of Landings Capital and Development, LLC, re: Zoning Change Petition for 438 East Main Road for development of housing units including low income housing. (Requires advertising for public hearing and notification to abutters – Planning Board Recommendation received)
21. Email Communication of Karen Day, Chair, Citizens Memorial Committee, Approval of Memorial Proposal Application of Korin Munsterman Lee.
22. Application of Marc Milici dba Troubled Soul & Company, LLC, 999 West Main Road, for RENEWAL of a Tattoo License for the 2020-2021 licensing year.
23. License of Burial, re: Alexandra Georgiou – Section 56, Graves 6 & 7.
24. Transfer of Burial Lot, re: Restcom Peabody, Jr. to Stephanie Sahagian – Section 47E, Lot 58.
25. Transfer of Burial Lots, re: Restcom Peabody, Jr., to Merah Bousquet and Roger Bousquet – Section 47E, Lots 59 and 60.

26. Transfer of Burial Lots, re: Restcom Peabody, Jr. to Polly Folly and Edward Folly – Section 47E, Lots 61 and 62.
27. Transfer of Burial Lots, re: Mersina Christopher to George Menas and Irene Menas – Section 52W, Lots 30 and 31.
28. Adoption of the Rules of the Council. (Per Council President's request, this is for Council to review, item will be acted on January 19, 2021)

TOWN BUSINESS UPDATES

29. Memorandum of Town Administrator, re: Town Business Updates through November 30, 2020.

LICENSES

30. Application of Plant City X, LLC dba Plant City X, 619 West Main Road, for a Victualling House License for the 2020-2021 licensing year. (NEW)
31. Application for Special Event from Derek Savas & On Your Left Racing for Newport Triathlon, Swim, Bike and Run Event to be held on Sunday, September 12, 2021 at 7:00 am to 12:00 pm beginning at Second Beach.

OTHER COMMUNICATIONS

32. Memorandum of Robert M. Silva, Chairman, Middletown Economic Development Advisory Committee, re: Proposed amendment – Short-Term Rentals – Chapter 98.
33. Email communication of Nicholas Coogan, Chair, Open Space and Fields Committee, re: Requesting the Town Council to declare the week of April 17, 2021 as Earth Week.
34. Resolution of the Council, re: Declaring April 17, 2021 to April 24, 2021 Aquidneck Island Earth Week.
35. Email communication of Nicholas Coogan, Open Space and Fields Committee, re: Draft Open Space and Fields Worksheet.
36. Communication of Tom Nasser, Gregory Huet and Brian Geer, Trustees of the Knights of Columbus, re: Request for one-time Civic Appropriation.

ORDINANCES

37. An Ordinance of the Town of Middletown (Second Reading)
An Ordinance in Amendment to the Town Code Title VII Traffic Code (Three Way Stop Intersection – Mitchell's Lane, Third Beach Road and Wapping Road). (See Attached Ordinance)

38. An Ordinance of the Town of Middletown (Second Reading)
An Ordinance in Amendment to the Town Code Title VII Traffic Code,
Chapter 72 Parking Regulations. (Prohibiting through Commercial Vehicles
on Turner Road). (See Attached Ordinance)

TOWN COUNCIL

39. Memorandum of Council President Sylvia and Vice President Rodrigues, re:
Short-term Rental Ordinance and Property Tax Adjustments.
40. Email communication of Vice President Rodrigues and Council President
Sylvia, re: Discussion of upcoming beach season.
41. Memorandum of Councillor VonVillas, re: High School Unification.

TOWN ADMINISTRATOR

42. Email communication of Chief Kewer, re: MPD Rules & Regulations Tattoo.
43. Middletown Police Department – Draft Tattoo and Body Modification Policy.
44. Memorandum of Town Administrator, re: RIAC General Aviation Strategic
Business Plan Feedback.
45. Memorandum of Town Planner, re: Cost Estimate-Purgatory Rd. Sidewalk
Design & Construction.
46. Resolution of the Council, re: Purgatory Rd. Sidewalk Design &
Construction.
47. Executive Order 2020-17 Extension of State of Emergency in Middletown
through and including January 19, 2021.

BOARDS AND COMMITTEES

48. Appointment of one (1) member to the Open Space and Fields Committee,
two (2) vacancies terms expiring November 2023 and two (2) vacancies
terms expiring November 2021.
49. Appointment of one (1) member to the Conservation Commission, two (2)
vacancies terms expiring July 2023.
50. Communication of Jamie M. Lehane, Jr., MPH, President and CEO, re:
Resignation from the Middletown Prevention Coalition.
51. Council President Appointments of Town Council representatives to various
boards and commissions.

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 at 847-0009 not less than 48 hours before the meeting.

Posted on December 8, 2020 at Middletown Town Hall, Middletown Public Library, Middletown Web Site and Secretary of State Web Site.

#37

TOWN OF MIDDLETOWN, RHODE ISLAND
ORDINANCE
OF THE
TOWN OF MIDDLETOWN

AN ORDINANCE IN AMENDMENT TO THE TOWN CODE OF THE TOWN OF
MIDDLETOWN, TITLE VII, TRAFFIC CODE

BE IT ORDAINED BY THE TOWN OF MIDDLETOWN AS FOLLOWS:

- FIRST: MITCHELL'S LANE, THIRD BEACH ROAD AND WAPPING ROAD
is hereby designated as a THREE WAY STOP INTERSECTION.
- SECOND: Traffic control signage traveling south on MICHELL'S LANE shall
be installed.
- THIRD: Traffic control signage traveling north on THIRD BEACH ROAD
shall be installed.
- FOURTH: Traffic control signage traveling west on WAPPING ROAD shall be
installed.
- FIFTH: A STOP LINE shall be painted on the road at each Stop Sign,
indicating the point at which a vehicle is to stop.
- SIXTH: The Public Works Director is hereby directed to install the proper
signage.
- SEVENTH: This ordinance shall take effect upon its adoption and all
ordinances or parts of ordnances inconsistent herewith are hereby
repealed.

#38

**ORDINANCE OF THE
TOWN OF MIDDLETOWN**

AN ORDINANCE AMENDING THE TOWN CODE

OF THE TOWN OF MIDDLETOWN

AN ORDINANCE IN AMENDMENT TO TITLE VII TRAFFIC CODE, CHAPTER 72 OF THE TOWN CODE OF THE TOWN OF MIDDLETOWN ENTITLED "PARKING REGULATIONS"

NOW THEREFORE BE IT ORDAINED AS FOLLOWS:

(Additions are underlined; deletions are stricken)

72.12 THROUGH TRAFFIC.

(A) Commercial vehicles prohibited on certain streets.

(1) The operation of through commercial vehicles on Forest Avenue is prohibited.

(2) The operation of through commercial vehicles on Turner Road is prohibited.

(B) For purposes of this section, a **COMMERCIAL VEHICLE** is defined as a motor vehicle or combination of vehicles used to transport passengers or property if the motor vehicle:

(1) Has a gross combination weight rating of 26,001 or more pounds, or a towed unit with a gross vehicle rating of more than 10,000 or more pounds, or has a gross vehicle weight rating of 26,001 or more pounds; or

(2) Is designed to transport 16 or more passengers including the driver; or

(3) Is transporting hazardous materials and is required to be placarded in accordance with 49 C.F.R. Part 172, Subpart F, as it may be revised from time to time.

(C) Nothing contained in this section shall affect the use of such streets or highways by:

(1) Any fire truck, town public works department truck, police vehicle, ambulance, school bus, bus serving the area or other motor truck using such streets or highways in any emergency or engaged in delivering goods, wares, merchandising or materials to or from any residence, building or lot within the town bordering on such streets or highways; or

(2) Any farm vehicle as defined in R.I. Gen. Laws § 31-1-8, which is registered with farm vehicle plates pursuant to R.I. Gen. Laws § 31-3-31.

(D) In all instances where motor vehicle traffic is restricted or prohibited under this section, the Town Administrator is directed to cause signs to be erected on such streets or highways giving notice of such, in accordance with the Manual on Uniform Traffic Control Devices.

(E) Any driver who operated a commercial vehicle in contravention of this section shall be subject to a fine not less than \$25 for a first violation, \$50 for a

second violation, and not less than \$125, but no more than \$500 for each subsequent violation thereof.

SECOND: Chapter 72, Parking Regulations, All Sections and Subsections not indicated within this ordinance remain unchanged.

THIRD: This ordinance shall take effect upon its adoption and all ordinances or parts of ordinances inconsistent herewith are hereby repealed.