

POSTED JULY 28, 2021
REGULAR MEETING AUGUST 2, 2021

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, August 2, 2021; 6:00 P.M. Executive Session; Immediately following Executive Session - Swearing in Ceremony - Fire Chief; 7:00 P.M. Regular Meeting** at the **Middletown Town Hall, 350 East Main Road, Middletown, Rhode Island**. 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, or a member of the public so 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, with the exception of the Public Forum Session, 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 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)

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 (Teamsters) and (1) Collective Bargaining (MMEA/NEARI, Local 869- Town Hall) - review, discussion and/or potential action and/or vote in executive session and/or open session.

IMMEDIATELY FOLLOWING EXECUTIVE SESSION – SWEARING IN CEREMONY - FIRE CHIEF

2. Swearing in Ceremony -- Fire Chief James Peplau.

7:00 P.M. – REGULAR MEETING

PUBLIC FORUM

3. Pursuant to Rule 25 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. All items discussed during this session will not be voted upon.

CONSENT

4. Approval of Minutes, re: Regular Meeting, June 21, 2021.
5. Application of Joe's Kwik Marts, LLC dba Joe's Kwik Marts, 864 West Main Road, for Additional Hours of Operation License for the 2020-2021 licensing year. (NEW; Requires Advertising for a Future Public Hearing)

LICENSES AND PERMITS

6. Application of Jozon Enterprises, Inc. dba Domino's Pizza, 19 West Main Road for a Victualling House License for the 2020-2021 licensing year. (NEW)
7. Application of Joe's Kwik Marts, LLC dba Joe's Kwik Marts, 864 West Main Road, for a Victualling House License for the 2020-2021 licensing year. (NEW)
8. Application of Joe's Kwik Marts, LLC dba Joe's Kwik Marts, 864 West Main Road, for a Holiday Sales License for the 2021-2022 licensing year. (NEW)
9. Application for Special Event Permit from Bike to the Beach, Inc. for Bike to the Beach – New England to be held on Saturday, September 18, 2021 beginning at 12:00 pm to 4:00 pm – A Route through Middletown (Old Mill Lane, Indian Avenue, Hanging Rock Road, Paradise Avenue, Tuckerman Avenue, Purgatory Road, Crescent Road and Aquidneck Avenue).

10. Application for Special Event Permit from Colin Greenman for “A day for Jhamal” – Fundraiser – Basketball and Recreational Games to be held at Patsy Field on Sunday, August 8, 2021 from 2 pm to 7pm. (Applicant requests all fees to be waived)
11. Application for Special Event Permit from Middletown Prevention Coalition for the Middletown Family Day – National Prevention Movement to Celebrate Family engagement to be held at Second Beach on Saturday, October 2, 2021 4 pm to 9 pm setup at 10:00 am. – rain date Sunday, October 3, 2021. (Applicant requests all fees to be waived)

ORDINANCE

12. 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 34 Taxes, Section 34.02, Exemption on Residential Property.
13. An Ordinance of the Town of Middletown (First Reading)
An Ordinance in amendment to the Town Code of the Town of Middletown, Title III, Administration, Chapter 36 Fee Schedule, (F) Police, (4) Public Safety Private Detail Billing Rates: Police Department.

OTHER COMMUNICATIONS

14. Memorandum of Paul A. Croce, Chairman, Middletown Planning Board, re: Recommendation to the Town Council regarding acceptance of Lewis Drive, Lewis Drive Subdivision, Tax Assessor’s Plat 125, Lots 947, 948, 949, 950 for town maintenance in accordance with Section 703.5 of the Middletown Rule and Regulation Regarding the Subdivision and Development of Land.
15. Resolution of the Council, re: Accepting Lewis Drive and associated public improvements for purposes of town maintenance.
16. Email communication of Symon Cousens, Island Elements, Island Surf & Sports, Elemental Surf & Skate, re: Third Beach concession agreement.

TOWN COUNCIL

17. Memorandum of Councillor Flynn, re: Remote Public Participation.

TOWN ADMINISTRATOR

18. (Continued from Regular Meeting, July 19, 2021)
Memorandum of Town Planner, thru Town Administrator, re: Full-build impact study prioritized recommendations costs & traffic action items.

19. Communication of Terrence Gray, Acting Director, RI Department of Environmental Management, re: 2021 DEM Recreation Trail Grant Application: Valley Trail Expansion – Award - \$80,000.
20. Memorandum of Town Planner, thru Town Administrator, re: 2020 RIDEM Trails Grant – Valley Park trails expansion.
21. Resolution of the Council, re: 2020 RIDEM Trails Grant – Valley Park trails expansion; authorizing the Town Administrator to accept the grant and execute the grant agreement and allocate town matching funds in the amount of \$107,139.
22. Resolution of the Council, re: 2020 RIDEM Trails Grant – Valley Park trails expansion; authorizing the Town Administrator to accept the grant and execute the grant agreement and allocate town matching funds in the amount of \$ 20,000.
23. Memorandum of Town Administrator, re: Chases Lane – Commercial Traffic.
24. Communication of Barbara E. Fenlon, CPA, Accounting Manager, re: Quarterly Tax Collector’s Report as of 06/30/2021 – Town of Middletown.
25. Memorandum of Finance Director, re: Financial Report – Twelve Months Ended June 30, 2021.

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 this meeting.

Posted on July 28, 2021 at Middletown Town Hall, Middletown Public Library, Middletown Web Site and Secretary of State Web Site.



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

An ordinance in amendment to the Town Code of the Town of Middletown, Title III, Administration, Chapter 34 Taxes, Section 34.02, Exemption on Residential Property.

NOW THEREFORE BE IT ORDAINED AS FOLLOWS:

(Additions are underlined; deletions are stricken)

§ 34.02 EXEMPTION ON RESIDENTIAL PROPERTY.

(A) The Town Council grants to every person who is a citizen and resident of the town of the age of 65 or more years and residing in the town in a dwelling house owned by him/her, which is a constituent part of his/her real property, on proper claim being made therefor, a tax exemption on the following basis:

(1) An amount not to exceed ~~\$37,906~~43,400 of the assessed valuation of such real property for any such person, regardless of the amount of such person's income;

(2) An amount not to exceed ~~\$111,925~~128,200 of the assessed valuation of such real property for any such person having an annual income of ~~\$22,460~~24,590 or less;

(3) An amount not to exceed ~~\$87,250~~99,900 of the assessed valuation of such real property for any such person having an annual income of ~~\$22,461~~24,591 or more but less than or equal to ~~\$24,948~~ \$26,210~~28,700~~;

(4) An amount not to exceed ~~\$62,578~~71,700 of the assessed valuation of such real property for any such person having an annual income of ~~\$26,211~~28,701 or more but less than or equal to ~~\$35,640~~ \$52,000~~52,560~~; and

(5) Income levels shall increase yearly based upon the Consumer Price Index, which shall be calculated utilizing the average of: U.S. city average; Northeast Region; and the ~~Boston-Cambridge-Newton, Mass.-N.H. Core Based Statistical Area~~New England division figures for September of each calendar year.

(B) The Town Council grants to every person who is a citizen and resident of the town of the age of 70 or more years and residing in the town in a dwelling house owned by him/her, which is a constituent part of his/her real property, on proper claim being made therefor, a tax exemption on the following basis:

(1) An amount not to exceed ~~\$41,697~~47,800 of the assessed valuation of such real property for any such person, regardless of the amount of such person's income;

(2) An amount not to exceed ~~\$123,118~~141,000 of the assessed valuation of such real property for any such person having an annual income of less than ~~\$22,460~~24,590;

(3) An amount not to exceed ~~\$95,976~~109,900 of the assessed valuation of such real property for any such person having an annual income of ~~\$22,461~~24,591 or more but less than or equal to ~~\$24,948~~ \$26,210~~28,700~~;

(4) An amount not to exceed ~~\$68,837~~78,900 of the assessed valuation of such real property for any such person having an annual income of ~~\$26,211~~28,701 or more but less than or equal to ~~\$35,640~~ \$52,000~~52,560~~; and

(5) Income levels shall increase yearly based upon the Consumer Price Index, which shall be calculated utilizing the average of: U.S. city average; Northeast Region; and ~~the Boston-Cambridge-Newton, Mass.-N.H. Core Based Statistical Area~~the New England division figures of September of each calendar year

Wendy J.W. Marshall, CMC
Town Clerk

Item #13

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

**AN ORDINANCE AMENDING THE TOWN CODE OF THE
TOWN OF MIDDLETOWN**

An ordinance in amendment to the Town Code of the Town of Middletown Title III, Administration, Chapter 36 Fee Schedule, (F) Police, (4) Public Safety Private Detail Billing Rates: Police Department is hereby amended as follows:

NOW THEREFORE BE IT ORDAINED AS FOLLOWS:

(Additions are underlined; deletions are stricken)

FIRST: (4) Public Safety Private Detail Billing Rates: Police Department.

(a) The regular hourly rate for Police Officer, Community Service Officer (CSO) or Non-Permanent Officer (NPO) will be the Top Step Patrol Rate x one and one-half per hour rounded to the nearest dollar, four hour minimum; officers working for more than eight consecutive hours at a private detail shall be paid at a rate of one and one-half times the regular hourly rate; officers working private details on Thanksgiving Day, Christmas Eve, Christmas Day, New Year's Eve and New Year's Day shall be compensated at double the regular hourly rate. ~~Details for Middletown School Department functions shall be discounted \$5 per hour.~~

(b) Police Cruiser: \$25 per hour, four hour minimum except for RIDOT details which will be \$20 per hour, four hour minimum.

(c) Administrative Fee: 10% of total amount billed.

SECOND: Chapter 36 All other Sections remains unchanged.

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