

POSTED FEBRUARY 2, 2022
REGULAR MEETING FEBRUARY 7, 2022

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, February 7, 2022 at 5:30 P.M. Executive Session; Presentation Immediately following Executive Session; 6:30 P.M. Regular Meeting** at the **Middletown Town Hall, 350 East Main Road, Middletown, Rhode Island**. Said meeting will be conducted in person, by telephone conference call/ webinar, in accordance with Executive Order 22-01 issued by Governor McKee on January 6, 2022, 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: 831 5011 6458 or on the web at <https://us02web.zoom.us/j/83150116458>.

If calling in by telephone pressing *9 raises your hand and pressing *6 will unmute.

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)

EXECUTIVE SESSION

1. Executive Session - Pursuant to provisions of RIGL, Sections 42-46-2, 42-46-4 and 42-46-5 (a), (5) Land Acquisition, (5) Land Acquisition, (5) Lease (JFK School), (1) Collective Bargaining (Police) and (1) Collective Bargaining (NEARI) - review, discussion and/or potential action and/or vote in executive session and/or open session.

PRESENTATION

2. Citation of the Council, re: Middletown J.H. Gaudet Middle School Boys Soccer Team.
3. Memorandum of Council President Rodrigues, re: Boys Soccer Team Jackets.

PUBLIC FORUM

4. 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

5. Approval of Minutes, re: Regular Meeting, January 3, 2022.
6. Approval of Minutes, re: Special Meeting, January 10, 2022.
7. Application of the Middletown Senior Citizens Center, 650 Green End Avenue, for RENEWAL of a Bingo License for the 2022-2023 licensing year. (Request for fee to be waived)
8. Memorandum of Finance Director, re: School Department – Surplus Property.
9. Resolution of the Council, re: School Department – Surplus Property.

10. Memorandum of Finance Director, re: Financial Report – Six Months Ended December 31, 2021.
11. Communication of Accounting Manager, re: Quarterly Tax Collector's Report as of 12/31/2021 – Town of Middletown.
12. Communication of Tax Assessor and Finance Director, re: Cancellation of Taxes for certain Middletown residents.
13. Resolution of the Council, re: Cancellation of Taxes for certain Middletown residents.

LICENSE/PERMITS

14. Application for Special Event Permit from Gray Matter Marketing for the Aquidneck 10k, 10k Road Race around Sachuest Beach & surrounding area to be held on Sunday, March 20, 2022 from 7:00 am to 12:30 pm (Start time – 10:00 am), Event Location Sachuest Beach, Indian Avenue, Third Beach Road, Sachuest Road, Hanging Rock Road and Green End Avenue.
15. Application for Special Event Permit from East Bay Community Action Program for Molar Express, Dental visits for children 2-21 free care for uninsured to be held on Friday, February 25, 2022 from 7:00 am to 6:00 pm at Linden Park. (Applicant requesting all fees to be waived)
16. Application for Special Event Permit from Pulse Gym & Studios for Pulse Beach Boot Camps (Fitness training with weights & cardio performed in a Boot Camp Style) to be held at Second Beach (Surfer's End) on Tuesdays and Thursdays, May 12, 2022 to September 1, 2022 at 5:30 am to 7:30 am and Saturdays, July 2, 2022 to August 27, 2022 at 6:45 am to 7:45 am.
17. Application of Nicholas Petsonias dba Mykono Pub for an Amusement License for the 2021-2022 Licensing year. (New - Small band, Acoustic Guitar and Karaoke)

PUBLIC HEARINGS

18. Memorandum of Town Planner, thru Town Administrator, re: Purgatory Road Sidewalk 30% design plans.
19. Public Hearing (Advertised and Abutters Notified).
Proposed Purgatory Road Sidewalk.
20. Public Hearing (Advertised).
Town of Middletown PY2020 & 2021 CDBG Application – Small Cities Community Development Block Grant for certain projects. Statewide approx. \$13 million available to undertake a range of activities including:
 - a) Improved housing opportunities for low and moderate-income families and individuals.
 - b) Provision of employment opportunities for low and moderate-income individuals.
 - c) Provision of community facilities and services principally benefiting low and moderate-income families and individuals.

OTHER COMMUNICATIONS

21. Communication of St. Patrick's Day Parade Committee, re: Request for support by placing an ad in the Parade Bulletin or donating to the parade committee.
22. Communication of Paul A. Croce, Chairman, Middletown Planning Board, re: Recommended amendments to Town Code Chapter 94-Streets, Sidewalks and Public Places.
23. Communication of Jim Gibson, representing Middletown Youth Soccer Clubs, re: Requesting the Town Council to partner with a local nonprofit consortium to enhance the Youth Soccer Clubs – Proposal to install a modular Urban Soccer Park at the Potsy Field location.
24. Communication of Charlie Roberts, Co-Chair, Middletown Public Schools Building Committee, re: Presenting the \$60 million Option F Conceptual Design and Cost Estimate.

TOWN COUNCIL

25. Memorandum of Agreement between the Town of Middletown and the Middletown School Department, re: Grant of funds from the Town to expand the "Beyond the Bell" program.
26. Memorandum of Councillor Flynn, re: School Building Repairs/Municipal Outreach Department - Room Fee/Tax.

TOWN ADMINISTRATOR

27. Memorandum of Town Planner, thru Town Administrator, re: CDBG-CV grant award – Senior Center HVAC.
28. Resolution of the Council, re: CDBG-CV grant award – Senior Center HVAC – Authorizing the Town Administrator to accept the grant on behalf of the Town and to provide any additional information to or documents required by Office of Housing and Community Development, to make any assurances required in connection with this program, to execute an agreement with the State of Rhode Island and to otherwise act as the representative of the Town of Middletown in all matters relating to this grant.
29. Memorandum of Town Planner, thru Town Administrator, re: FY21 ARPA Travel, Tourism and Outdoor Recreation grant – 2nd Beach Building.
30. Resolution of the Council, re: Authorizing the Town Administrator to prepare and submit grant application under the American Rescue Plan Act's Competitive Tourism Grant program requesting \$92,000, with an anticipated Town match of \$23,000.

31. Memorandum of Town Administrator, re: Comprehensive Plan – Proposed amendments for Housing Element section.
32. Memorandum of Finance Director, thru Town Administrator, re: FY2021 Budget Adjustments as of June 30, 2021.
33. Resolution of the Council, re: FY2021 Budget Adjustments as of June 30, 2021 - General Fund Budget Adjustments.
34. Resolution of the Council, re: FY2021 Budget Adjustments as of June 30, 2021- School Department Budget Adjustments.
35. Memorandum of Finance Director, thru Town Administrator, re: FY2022 Budget Adjustments as of December 31, 2021.
36. Resolution of the Council, re: FY2022 Budget Adjustments as of December 31, 2021 – School Department.

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 February 2, 2022, at Middletown Town Hall, Middletown Public Library, Middletown Web Site and Secretary of State Web Site.