

* AMENDED – APRIL 13, 2022
POSTED APRIL 13, 2022
REGULAR MEETING APRIL 18, 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, April 18, 2022 at 6:00 P.M. 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, 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: 898 8474 8300 or on the web at <https://us02web.zoom.us/j/89884748300>

If you chose to join the meeting by zoom or telephone, Council Rules allow for the Public to speak only during the Public Forum and Public Hearings. 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), *(2) Collective Bargaining, (2) Potential Litigation, *(2) Collective Bargaining (FOP), *(2) Collective Bargaining (TEAMSTERS), *(2) Collective Bargaining (NEARI) and *(2) Collective Bargaining *(NEAM – TEACHERS ASSOCIATION) - review, discussion and/or potential action and/or vote in executive session and/or open session.

PUBLIC FORUM

2. 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.

BOARD OF LICENSE COMMISSION

3. (Public Hearing Advertised; Abutters notified)
Application of FLATWAVES, LLC d/b/a The Food Shack, 499 East Main Road, for a Class BV Alcoholic Beverage License, for the 2021-2022 licensing year for use at the same premises. (NEW)

CONSENT

4. Communication of Nellie M. Gorbea, Secretary of State, re: Grant award.
5. Communication of George W. Watson, III, Robinson & Cole, re: SB-2021-04 Supplemental Application, The Narragansett Electric Company dba National Grid, Aquidneck Island Gas Reliability Project, Old Mill Lane, Portsmouth, RI.
6. Application of FEDEX Office/FedEx Office #3795, 7 East Main Road for RENEWAL of Holiday Sales Licenses, for the 2022-2023 licensing year.
7. Applications from the following named persons, firms and corporations for RENEWAL of Amusement Licenses, for the 2022-2023 licensing year:

Amusement License 2022-2023

Expires: April 12, 2023

Diegos Middletown, LLC d/b/a Diego's Barro Cantina- 116 Aquidneck Ave
First Beach, LLC d/b/a Newport Beach Hotel & Suites- 1 Wave Avenue

Kempenaar Catering, LLC d/b/a Kempenaar's Clambake Club- 323 Valley Rd
Newport Beach House, Inc. d/b/a Newport Beach House-
3 Aquidneck Avenue
Newport Vineyards and Winery, LLC d/b/a Newport Vineyards- 909 East Main Road
Seaview Inn, LLC/ The Atlantic Resort- 240 Aquidneck Avenue

LICENSE/PERMITS

8. Application of FLATWAVES, LLC d/b/a The Food Shack, 499 East Main Road, for a Victualling House License for the 2021-2022 licensing year. (NEW)
9. Applications eleven (11) Special Event Permits from Sweet Berry Farm, 915 Mitchell's Lane, 1) Ferreira Wedding, Wedding Anniversary Party, Saturday, June 11, 2022, 5:00 pm–10:00 pm – The Barn 2) Pombo/Hamel Wedding, Saturday, June 18, 2022, 5:00pm-10pm – The Barn 3) Fontaine/Piacentini Wedding, Saturday, July 16, 2022, 5:00pm-10pm – The Barn 4) Delvecchio/Bufbery Wedding, Friday, July 22, 2022, 5:00pm-10pm – The Barn 5) McGuirt/Carbone Wedding, Saturday, August 13, 2022, 5:00pm-10pm – The Barn 6) Mather/Cyr Wedding, Saturday, August 20, 2022, 4:30 pm-9:30pm – The Orchard Field 7) Dombrowski/Edwards Wedding, Saturday, August 27, 2022, 5:00pm-10pm – The Barn 8) Casey/Valenti Rehearsal Dinner, Thursday, September 1, 2022, 5:00pm-10pm – The Barn 9) Leonardo/Bridges Wedding, Friday, September 16, 2022, 5:00pm-10pm – The Barn 10) Connor/Elby Wedding, Saturday, October 15, 2022, 5:00pm-10pm – The Barn 11) Condry/Campbell Wedding, Saturday, October 22, 2022, 5:00pm-10pm – The Barn.
10. Application of Mykono Pizza Pub, LLC dba Mykono Pizza Pub, 59 Aquidneck Avenue, for RENEWAL of an Amusement License for the 2022-2023 licensing year. – Current conditions: Acoustic music only, no amplification, doors and windows closed and ceasing at 10:00 p.m. Licensee is requesting the Council to review conditions.

OTHER COMMUNICATION

11. Communication of the Auditor General, re: Requesting additional information for the School Department regarding the approval of the deficit reduction plan.

TOWN COUNCIL

12. Memorandum of Vice President Welch and Councillor Flynn, re: Short-Term Rental Status.
13. Memorandum of Councillor Flynn, re: West Main/Coddington Property – Information Sign.

TOWN ADMINISTRATOR

14. Memorandum of Town Administrator, re: Affordable Housing Committee Update.
15. Memorandum of Finance Director, thru Town Administrator, re: Beach Equipment Rental and Mobile Food Concession Bids.

16. Resolution of the Council, re: Second Beach Equipment Rental, awarded to Island Elements, Inc.
17. Resolution of the Council, re: Third Beach Equipment Rental, awarded to Island Elements, Inc.
18. Resolution of the Council, re: Second Beach Mobile Food Concession, awarded to Longade, LLC.
19. Memorandum of Finance Director, thru Town Administrator, re: Portable Toilets.
20. Resolution of the Council, re: Award of Portable Toilet contract to Hallman's Septic.
21. Communication of Accounting Manager, re: Quarterly Tax Collector's Report as of 03/31/2022 – Town of Middletown.

BOARDS AND COMMITTEES

22. Appointment of two (2) members to the Juvenile Hearing Board for terms expiring April 2025.
23. Appointment of two (2) members to the Middletown Outreach Subcommittee, terms to be determined.
24. Appointment of two (2) members to the Middletown Prevention Coalition, healthcare sector term, expiring April 2023 and youth sector, expiring April 2024.
25. Appointment of four (4) members to the Zoning Board of Review, one (1) vacancy, Regular Member, term expiring April 2027, one (1) vacancy, First Alternate, term expiring April 2023, one (1) vacancy, Second Alternate, term expiring April 2023 and one (1) vacancy, Third Alternate, term expiring April 2023. (Council action; Council Rule #33 – New applications to be interviewed)
26. Email communication of Joseph A. Cirillo, re: Resignation from the Roads and Utilities Advisory Committee.

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 April 13, 2022, at Middletown Town Hall, Middletown Public Library, Middletown Web Site and Secretary of State Web Site.