

POSTED JULY 2, 2025
REGULAR MEETING JULY 7, 2025

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, July 7, 2025, 5:00 P.M. Executive Session; 6:00 P.M. Zoning Board Interviews and 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: 865 5716 4332 or on the web at <https://us02web.zoom.us/j/86557164332>

If you choose 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 – 5:00 P.M.

1. Executive Session - Pursuant to provisions of RIGL, Sections 42-46-2, 42-46-4 and 42-46-5 (a), (2) Collective Bargaining (NEA/Teachers), (2) Collective Bargaining (FOP), (5) Land Acquisition and (2) Litigation (Opioid Litigation), discussion and/or potential action and/or vote in executive session and/or open session.

ZONING BOARD INTERVIEWS – 6:00 P.M.

2. Zoning Board Interviews:
 - a. Georgina Macdonald
 - b. Alicia Reyes
 - c. Rebecca Rogers
 - d. Christopher Rowe

Zoning Board Interview Questions:

- Why do you want to be on the Zoning Board?
- What experience do you have that would qualify you to be a member of the Zoning Board?
- What useful knowledge or perspective from your own personal experience would you bring to the position?
- What do you think is the most important responsibility of a Zoning Board member?
- What would you like Middletown to look like 5 years from now?
- What do you believe is Middletown's most important land use issue and how should it be addressed?
- What ideas or suggestions do you have regarding economic development in Middletown?
- Regular Zoning Board meetings typically take place the 4th Tuesday of each month, starting at 6 P.M., and Special meetings are called on an as needed basis. Are you available to attend them?

3. Appointment of six (6) members to the Zoning Board of Review 1 vacancy, regular member, term expiring April 2030, 1 vacancy, regular member, to complete a term expiring April 2026, 1 vacancy, regular member, to complete a term expiring April 2028, 1 vacancy, first alternate, term expiring April 2026, 1 vacancy, second alternate, term expiring April 2026, and 1 vacancy, third alternate, term expiring April 2026.

REGULAR MEETING – 6:30 P.M.

TOWN UPDATES

4. The Town Administrator will provide an update on:
 - a. Town Projects
 - b. School Building Project
 - c. Library Building Project

SCHOOL CONSTRUCTION

5. Communications five (5) of Justin Bernard, Senior Project Manager, Project Management Services, Colliers Project Leaders, re: New Middletown Middle-High School.
 - a. Recommendation to Award (RTA-01A2) – Trailers.
 - b. Recommendation to Award (RTA-07B) – Roofing.
 - c. Recommendation to Award (RTA-08C) – Interior Glazing.
 - d. Recommendation to Award (RTA-011B) – Gym Equipment & Bleachers.
 - e. Recommendation to Award (ATP-003) – Electrical, Exterior Storefront & Curtainwall, Concrete and Sitework.
6. Resolution of the Council, re: Approving the recommendation for Gilbane Building Company to award the subcontracts for Trailers, Roofing, Interior Glazing, Gym Equipment & Bleachers and Electrical Exterior Storefront & Curtainwall, Concrete and Sitework and all expenses recorded in the School Department's Capital Projects Fund and the Town Administrator is authorized to notify Gilbane Building Company to award the subcontracts.
7. Communications two (2) of Justin Bernard, Senior Project Manager, Project Management Services, Colliers Project Leaders, re: Renovations of the Existing Middletown High School (ES Complex).
 - a. Recommendation to Award (RTA-019) – Acoustical Ceilings.
 - b. Recommendation to Award (RTA-021) – Low Voltage.
8. Resolution of the Council, re: Approving the recommendation for Bentley Companies to award the subcontract for Acoustical Ceilings and Low Voltage, and the Town Administrator is authorized to notify Bentley Companies LLC to award the subcontracts.
9. Memorandum of Town Administrator, re: Request to Modify Change Order Approval Authority for the School Construction Project.

PUBLIC FORUM

10. 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.

ACTING AS A BOARD OF LICENSE COMMISSION

11. (Advertised for Public Hearing; abutters notified)
Application of Foodlove Market Middletown, LLC dba Foodlove Market, 1037 Aquidneck Avenue to TRANSFER Class BV Liquor License to JT Commons, Inc. dba JT Commons (2024-2025 Licensing year) for use at the same premises, including outdoor patio service.

CONSENT

12. Approval of Minutes, re: Special Meeting, May 28, 2025.
13. Approval of Minutes, re: Regular Meeting, June 2, 2025.
14. Approval of Minutes, re: Special Meeting, June 9, 2025.
15. Approval of Minutes, re: Regular Meeting, June 16, 2025.
16. Memorandum of Finance Director, thru Town Administrator, re: Police Department Surplus Vehicles – 2011 Ford Crown Victoria.
17. Resolution of the Council, re: Police Department Surplus Vehicles – 2011 Ford Crown Victoria.
18. Transfer of Burial Lots from Brian L. Bulk and Kevin R. Bulk, Co-Executors of the Estate of Ronald W. Bulk to Brian L. Bulk, re: Section 16, Graves 383, 384, 385, 386, 407, 408, 409 and 410.

LICENSES & PERMITS

19. Application of JT Commons, Inc. dba JT Commons, 1037 Aquidneck Avenue, for a Victualling House License for the 2024-2025 licensing year. (NEW)
20. Application of Frosty Freez 1956, Inc. dba Frosty Freez, 496 East Main Road, for a Victualling House License for the 2024-2025 licensing year. (NEW)

21. Applications four (4) for Special Event Permits, including mobile catering bar outside from Sweet Berry Farm, 915 Mitchell's Lane for use at the same premises:
- a. Tuesday, July 15, 2025, for Live Music with mobile catering bar outside 6:00 pm.
 - b. Tuesday, July 29, 2025, for Live Music with mobile catering bar outside 6:00 pm.
 - c. Tuesday, August 12, 2025, for Live Music with mobile catering bar outside 6:00 pm.
 - d. Tuesday, August 26, 2025, for Live Music with mobile catering bar outside 6:00 pm.
22. Application for Special Event Permit from Rhode Races & Events, Inc., Warren, Rhode Island for Newport Rhode Races, Marathon Road Race, Various roads in Middletown, Saturday, April 18, 2026, from 5:00 am to 2:00 pm beginning at the Second Beach parking lot.
23. Application for Special Event Permit from the Town of Middletown for the 2nd Beach Monday Night Music Series, Live Music, Fire Pits and Food Trucks at 2nd Beach on Monday, August 4, 2025, Monday, August 11, 2025, Monday, August 18, 2025, Monday, August 25, 2025 with fireworks from 6:00 pm to 9:00 pm. (Town event- Request to waive all fees)
24. Application for Special Event Permit from Middletown Outreach Department for Popsicles in the Park, Crafts, Snacks and activities for kids and families on Thursdays 10:00 am to 11:00 am Starting on July 17, 2025 through August 14, 2025 at Howland Park. (Town event- Request to waive all fees)

OTHER COMMUNICATIONS

25. Communication of Cheryl G. Robinson, President of Turning Around Ministries, Inc., re: Request for support by placing an ad in the Souvenir Book or making a contribution to TAM.
26. Memorandum of George P. van Duinwyk, Middletown, re: Excessive traffic use of the road known as Boulevard, running between Green End Avenue and Miantonomi Avenue, Middletown, RI.

PUBLIC HEARINGS

27. Public Hearing Advertised.
An Ordinance of the Town of Middletown (Second Reading)
Public Hearing Remains Open
An Ordinance in Amendment to the Town Code Title XV, Chapter 152, Entitled "Zoning Code", Article 12, Section 1202 entitle "Definitions and Section 1209 entitled "Exempt Signs, Window signs – non-illuminated". (Planning Board recommendation is on file)
28. Public Hearing Advertised.
Public Hearing Remains Open
An Ordinance of the Town of Middletown (Second Reading)
An Ordinance in Amendment to the Town Code Title XV, Chapter 152, Entitled "Zoning Code", Article 7 Supplemental Regulations, Section 729 Temporary Storage Units.
(Planning Board recommendation is on file)

TOWN COUNCIL

29. Memorandum of Council President, re: Little Creek Lane.

TOWN ADMINISTRATOR

30. Memorandum of Town Administrator, re: Recommendation to Award Contracts to Crossman Engineering – Sanitary Sewer System Evaluation Survey, Wastewater Facilities Plan Update, and Operations & Maintenance Manual Update.
31. Resolution of the Council, re: Award of Contract to Crossman Engineering for the Sanitary Sewer System Evaluation Survey, funding from the Sewer Fund and authorizing the Finance Director to execute the contract on behalf of the Town.
32. Resolution of the Council, re: Award of Contract to Crossman Engineering for the Wastewater Facilities Plan Update, funding from the Sewer Fund and authorizing the Finance Director to execute the contract on behalf of the Town.
33. Resolution of the Council, re: Award of Contract to Crossman Engineering for the Operations & Maintenance Manual, funding from the Sewer Fund and authorizing the Finance Director to execute the contract on behalf of the Town.
34. Memorandum of Town Administrator, re: Proposal for Engineering Services for Pickleball Facility.
35. Resolution of the Council, re: Award of Contract to Crossman Engineering for Engineering Services for 4-Pickleball Courts, funding from the General Fund and authorizing the Finance Director to execute the contract.
36. Memorandum of Finance Director, re: Architectural Service Library Renovation at 110 Enterprise Center.
37. Resolution of the Council, re: To approve recommendation for Oudens Ello Architecture, funding from the Bond Proceeds and all expenses will be recorded in the Town's Capital Projects Fund, the Town's General Fund's fund balance will fund all invoices prior to bond issuance and Town Administrator is authorized to execute agreements on behalf of the Town.

Wendy J.W. Marshall, MMC
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 2, 2025 at Middletown Town Hall, Middletown Public Library and Secretary of State Web Site.

ORDINANCE OF THE
TOWN OF MIDDLETOWN, RHODE ISLAND

AN ORDINANCE AMENDING THE TOWN CODE OF THE
TOWN OF MIDDLETOWN

TITLE XV: LAND USE
Chapter 152 – Zoning Code
Article 12 - Signs

NOW THEREFORE, BE IT ORDAINED AS FOLLOWS:

FIRST: That Town Code Title XV, Land Use, Chapter 152, Zoning Code, Article 12, Section 1202 entitled "Definitions" and Section 1209 entitled "Exempt Signs, Window signs - non-illuminated" are hereby amended as follows (language to be deleted is stricken out within brackets; language to be added is underlined):

§ 1202 DEFINITIONS

WINDOW SIGN. [~~Any sign visible from the exterior of a building which is painted on, affixed to, or suspended immediately in front of or behind or on a window.~~] Any sign visible from the exterior of a building and exposed to public view that is posted, painted on, affixed to, leaning against, suspended in front of, or placed within two feet behind a window.

§ 1209 EXEMPT SIGNS

Window Signs - Non-illuminated

~~[Maximum size is 15% of window area in which displayed.]~~

Window signs shall be permitted for any nonresidential use in a residential district, and for all commercial and industrial districts, subject to the following limitations:

1. The aggregate area of all such signs shall not exceed 25 percent of the window area on which such signs are displayed; provided however, that for windows that exceed 12 feet in height, only the first 12 feet of vertical height shall be included in the calculation of the window area. Window panels separated by muntins and mullions shall be considered one continuous window area. If a window spans more than one side of a building, each side shall be considered its own distinct window area for the purpose of calculating sign coverage.
2. Window signs shall not be assessed against the sign area permitted for other sign types.

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

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

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

**TITLE XV LAND USAGE
Chapter 152 Zoning Code**

NOW THEREFORE, BE IT ORDAINED AS FOLLOWS:

FIRST: That Town Code Title XV, Land Usage, Chapter 152, entitled "Zoning Code", Article 7, entitled "Supplementary Regulations" is amended by adding a new Section 729 entitled "Temporary Storage Units" thereto, as set forth below:

TITLE XV LAND USAGE

Chapter 152 Zoning Ordinance

Article 7 Supplementary Regulations

§ 729 Temporary Storage Units

- A. Definition. "Temporary Storage Unit" means any container used for the storage of personal property that is typically rented to owners or occupants of real property, but may be owned by such, for their temporary use and which customarily is delivered and removed by truck. Containers and/or trailers used for the purpose of storing construction equipment on an active construction site shall be exempt from this section.
- B. Permit. No person shall place a Temporary Storage Unit on private property within a residential zoning district, or in connection with a residential use within any zoning district, without first obtaining a permit from the Building Official.
- C. Size & Number. There shall be no more than one (1) Temporary Storage Unit allowed per dwelling unit. Temporary Storage Units shall not be permitted on vacant lots. The maximum size of a Temporary Storage Unit shall not be larger than eight (8') feet wide, twenty (20') feet long and eight (8') feet high.
- D. Duration. No Temporary Storage Unit shall remain on a property in excess of one hundred twenty (120) consecutive days or in excess of one hundred eighty (180) days in any calendar year. Provided, however, that the Building Official shall have the authority to grant a one-time extension of up to sixty (60) days.
- E. Location. Temporary Storage Units shall be located, where practical, within driveways and not in required parking spaces, fire lanes, loading zones, public rights-of-way or applicable setbacks. Discretion on location of containers shall be given to the Building Official.

- F. Use. No hazardous materials of any kind, including flammable materials, shall be stored in any Temporary Storage Unit.
- G. Other. All other temporary and mobile storage facilities for residential use are prohibited in all zoning districts, except as allowed in this section.

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