

POSTED DECEMBER 29, 2021
REGULAR MEETING JANUARY 3, 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, January 3, 2022, 6:00 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)

PUBLIC FORUM

1. 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

2. Applications two (2) from the Norman Bird Sanctuary, 583 Third Beach Road, for Class F-1 Alcoholic Beverage Licenses - (One Day Only License) for the same premises on the following dates:

Saturday, January 15, 2022 – 4:00 pm to 5:45 pm

Friday, February 4, 2022 – 5:30 pm to 8:00 pm

CONSENT

3. (Continued from the Regular Meeting, December 20, 2021)
Approval of Minutes, re: Regular Meeting, November 1, 2021.
4. (Continued from the Regular Meeting, December 20, 2021)
Approval of Minutes, re: Special Meeting, November 13, 2021.
5. Approval of Minutes, re: Regular Meeting, November 15, 2021.
6. Communication of Alyson C. Adkins, VP of Finance and Human Resources, Discover Newport, re: Consolidated annual audit report for the years ended June 30, 2021 and 2020.
7. Communication of Theresa M. Spengler, Chair, Middletown School Committee, re: Middletown Public Schools' general operating fund is projecting a deficit.

OTHER COMMUNICATIONS

8. Communication of Charlie Roberts, Co-Chair, On Behalf of the Middletown Public Schools Building Committee, re: Requesting the Town Council to have a joint workshop on January 10, 2022.
9. Communication of Allyson M. Quay, Esquire, representing Terri and Michael Flynn, re: Request to make records public.

ORDINANCES

10. 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.
11. 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 34.30, Real Property Exemptions. (Tax Exemptions for Veterans)
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 34.40, Property Exemption Defined. (Tax Exemptions for Blind Persons)

PUBLIC HEARINGS

13. (Public Hearing Advertised)
Town of Middletown – American Recovery Act – Project Priorities.
14. (Public Hearing Advertised; Abutters Notified)
To discuss potential changes to Green End Avenue/Berkeley Avenue/Paradise Avenue Intersection. (Roundabout, Flashing Light – 4-Way Intersection).

TOWN COUNCIL

15. Communication of Council President Rodrigues, re: Linden Park in reference to affordable housing.
16. Memorandum of Council President Rodrigues, re: Hybrid Meetings.

TOWN ADMINISTRATOR

17. Memorandum of Recycling Coordinator/Operations & Facility Manager, re: DSM Environmental Services, Inc.
18. Resolution of the Council, re: Award of Contract to DSM Environmental Services, Inc. and authorizing the Finance Director to execute the contract.

19. Memorandum of Town Administrator, re: Out of School Program.
20. Communication of Tax Assessor, re: Cancellation of Taxes for certain Middletown residents.
21. Resolution of the Council, re: Cancellation of Taxes for certain Middletown residents.

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 December 29, 2021, at Middletown Town Hall, Middletown Public Library, Middletown Web Site and Secretary of State Web Site.

Item #10

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)

TAX EXEMPTION AT AGE 65

§ 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 \$47,800 ~~\$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 \$140,800 ~~\$128,200~~ of the assessed valuation of such real property for any such person having an annual income of \$25,750 ~~\$24,590~~ or less;
- (3) An amount not to exceed \$109,900 ~~\$99,900~~ of the assessed valuation of such real property for any such person having an annual income of \$25,751 ~~\$24,591~~ or more but less than or equal to \$30,050 ~~\$28,700~~;
- (4) An amount not to exceed \$78,900 ~~\$71,700~~ of the assessed valuation of such real property for any such person having an annual income of \$30,051 ~~\$28,701~~ or more but less than or equal to \$55,030 ~~\$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 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 \$52,600 ~~\$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 ~~\$155,100~~ ~~\$144,000~~ of the assessed valuation of such real property for any such person having an annual income of less than ~~\$25,750~~ ~~\$24,590~~;

(3) An amount not to exceed ~~\$120,900~~ ~~\$109,900~~ of the assessed valuation of such real property for any such person having an annual income of ~~\$25,751~~ ~~\$24,591~~ or more but less than or equal to ~~\$30,050~~ ~~\$28,790~~;

(4) An amount not to exceed ~~\$86,800~~ ~~\$78,900~~ of the assessed valuation of such real property for any such person having an annual income of ~~\$30,051~~ ~~\$28,791~~ or more but less than or equal to ~~\$55,030~~ ~~\$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 New England division figures of September of each calendar year

(C) *Hold harmless provision.* In the year of implementation of any amendment restructuring the number of income tiers set forth in § 34.02 hereof, the tax assessor shall identify all eligible taxpayers that currently receive an exemption under this chapter and who are negatively impacted by such re-structuring. In the event of a decrease in the amount of the exemption which such taxpayer would otherwise have received but for said restructuring, the tax assessor shall place the taxpayer into the closest income tier that does not result in a loss in the amount of the exemption. Provided that they remain eligible for an exemption under the terms of this chapter and barring any increase in income, such taxpayer(s) shall be entitled to remain in said tier.

Item#11

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 34.30 Real Property Exemptions.

NOW THEREFORE BE IT ORDAINED AS FOLLOWS:

(Additions are underlined; deletions are stricken)

TAX EXEMPTIONS FOR VETERANS

§ 34.30 REAL PROPERTY EXEMPTIONS.

(A) Real property owned by any veteran or by the unmarried widow of any veteran shall be exempt from taxation an amount not to exceed \$36,250 ~~\$33,000~~ of valuation.

(B) Real property owned by any totally disabled veteran shall be exempt from taxation an amount not to exceed \$72,490 ~~\$66,000~~ of valuation. Any person who qualifies for this exemption will not be entitled to claim the exemption under § 34.30(A) or § 34.30(C).

(C) Real property of those disabled veterans, in "specially adopted housing," and their unmarried widows, who qualify pursuant to R.I. Gen. Laws § 44-3-4 shall be exempt an amount not to exceed \$145,480 ~~\$132,300~~ of valuation. Any person who qualifies for this exemption will not be entitled to claim the exemption under § 34.30(A) or § 34.30(B).

(D) Real property of every person whose son or daughter was a veteran who lost his or her life as a casualty of any such wars, shall be exempted from taxation an amount not to exceed \$55,820 ~~\$50,800~~ of valuation.

(E) Real property owned by any veteran of military or naval service of the U.S.A. who has been or who shall be classified as, or determined to be a prisoner-of-war by the Veteran's Administration of the United States, shall be exempted from taxation an amount not to exceed \$39,400 ~~\$35,900~~ of valuation.

(F) Unless the context clearly indicates to the contrary, the term "veteran" as used in this section shall mean and include all those persons entitled to veterans' exemptions pursuant to R.I. Gen. Laws §§ 44-3-4 and 44-3-4.2.

Item #12

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 34.40 Property Exemption Defined.

NOW THEREFORE BE IT ORDAINED AS FOLLOWS:

(Additions are underlined; deletions are stricken)

TAX EXEMPTIONS FOR BLIND PERSONS

§ 34.40 PROPERTY EXEMPTION DEFINED.

The property of each person who has permanent impairment of both eyes of the following status: central visual acuity of 20/200 or less in the better eye, with corrective glasses, or central visual acuity of more than 20/200 if there is a field defect in which the peripheral field has contracted to such an extent that the widest diameter of the visual field subtends an angular distance no greater than 20° in the better eye, shall be exempt an amount not to exceed \$48,950 ~~\$44,500~~ of valuation.