

POSTED JANUARY 12, 2022
REGULAR MEETING JANUARY 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 **Tuesday, January 18, 2022 at 6:00 P.M. Executive Session; School Committee - Pre-Budget Consultation – 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: 814 1464 3847 or on the web at <https://us02web.zoom.us/j/81414643847>.

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), (2) Litigation (Opioid Litigation), (5) Land Acquisition and (5) Land Acquisition (WMR) - review, discussion and/or potential action and/or vote in executive session and/or open session.

IMMEDIATELY FOLLOWING EXECUTIVE SESSION - SCHOOL COMMITTEE - PRE-BUDGET CONSULTATION

2. Pursuant to - "**§ 16-2-21 Pre-budget consultation – Annual reports – Appropriation requests – Budgets.** – (a) At least sixty (60) days but not more than ninety (90) days prior to the formal submission of the school budget to the appropriate city or town officials by the school committee, there shall be a joint pre-budget meeting between the school committee and the city or town council(s). At or before this meeting:"

(1) "The highest elected official of the city or town shall submit to the school committee an estimate, prepared in a manner approved by the department of administration, of projected revenues for the next fiscal year. In the case of the property tax, the projections shall include only changes in the property tax base, not property tax rates; "

(2) "The school committee shall submit to the city or town council a statement for the next ensuing fiscal year of anticipated total expenditures, projected enrollments with resultant staff and facility requirements, and any necessary or mandated changes in school programs or operations".

3. Communication of Paul M. Rodrigues, Middletown Town Council, re: Information in accordance with RIGL 16-2-21.
4. Memorandum of Theresa Spengler, School Committee Chair, re: Pre-Budget Consultation FY 2022-23.

PUBLIC FORUM

5. 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

6. (Public Hearing Advertised; Abutters Notified)
Application of Mykono Pizza, LLC dba Mykono Pizza Pub, 59 Aquidneck Avenue, for a Class BV Liquor license for the 2021-2022 licensing year, to be used at the same premises, first floor only. (NEW)

CONSENT

7. Approval of Minutes, re: Regular Meeting, December 6, 2021.
8. Approval of Minutes, re: Regular Meeting, December 20, 2021.
9. Receipt of ARPA submissions. (Council action to forward to the Planning Board for review for compliance with the Middletown Comprehensive Community Plan.)

LICENSE/PERMITS

10. Application of Mykono Pizza, LLC dba Mykono Pizza Pub, 59 Aquidneck Avenue, for a Victualling House License for the 2021-2022 licensing year. (NEW)
11. Application of South Coast Subs of Rhode Island, Inc. dba Jersey Mike's Subs, 7 East Main Road, Unit C, for a Victualling House License for the 2021-2022 licensing year. (NEW)

OTHER COMMUNICATIONS

12. Review of the Town's Bond Issue Plan and Debt Capacity.
13. School Building Committee – Proposals – Conceptual Design Cost Estimates - Fiscal Impact Analysis – Levied Real Property Tax as of 01/07/2022.
14. Communication of Charlie Roberts, Co-Chair, On Behalf of the Middletown Public Schools Building Committee, re: Requesting the Town Council to approve the Conceptual Designs and Cost Estimates, which will allow the committee to further their designs to keep their schedule for Bond Referendum and RIDE Phase II applications.

15. Memorandum of Charlene A. Rose-Cirillo, Chairman, Middletown Beach Commission, re: Address Town Council – January 18, 2022, regarding boat ramp safety and functionality and the pavilion methodology in expanding and improving safety and liability in meeting the needs of lifeguards, beach staff and office staff.
16. At the request of Open Space and Fields Committee, Resolution of the Council, re: For the Celebration of the 52nd Anniversary of Earth Day 2022 Celebration, declaring the week of April 16, 2022 to April 23, 2022 as Aquidneck Island Earth Week (AIEW).

TOWN COUNCIL

17. Memorandum of Councillor VonVillas, re: Proposed Amendment to STR Ordinance.
18. Amendment to the Rules of the Council, re: Procedure Hybrid Meetings.

BOARDS AND COMMITTEES

19. Appointment of one (1) member to the Open Space and Fields Committee, for a term expiring November 2024.

*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 January 12, 2022, at Middletown Town Hall, Middletown Public Library, Middletown Web Site and Secretary of State Web Site.