

POSTED SEPTEMBER 10, 2024
REGULAR MEETING SEPTEMBER 16, 2024

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, September 16, 2024, 5:00 P.M. Executive Session 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: 892 8411 6629 or on the web at <https://us02web.zoom.us/j/89284116629>

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)

5:00 P.M. – EXECUTIVE SESSION

1. Executive Session - Pursuant to provisions of RIGL, Sections 42-46-2, 42-46-4 and 42-46-5 (a), (2) Potential Litigation, (2) Litigation (PUC Docket No. 22-42-NG – Old Mill Lane), (5) Land Acquisition, (2) Collective Bargaining (FOP), and (1) Personnel (Town Administrator) - review, discussion and/or potential action and/or vote in executive session and/or open session.

6:30 P.M. - REGULAR MEETING

PRESENTATION

2. Citation of the Council, re: Middletown Battalion Chief Brian DeFreitas for being designated and awarded as the 2024 EMS Coordinator of the Year.

TOWN UPDATE

3. The Town Administrator will provide an update on the School Building Project.

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.

ACTING AS A BOARD OF LICENSE COMMISSION

5. Application of Newport Pickleball, LLC dba Newport Pickle, 105 Chases Lane, for a Class BV Liquor License, for the same premise for the 2024-2025 licensing year. (NEW) (Requires advertising for a future public hearing and notification to abutters)
6. Applications received from the following named persons, firms or corporations for RENEWAL of Alcoholic Beverage Licenses for the 2024-2025 licensing year. (Council Action – Advertise for public hearing to be held on October 7, 2024) (See attached list)

LICENSES

7. Applications received from the following named persons, firms or corporations for RENEWAL of Victualling House Licenses, Additional Hours of Operation, for the 2024-2025 licensing year. (Requires Advertising for a public hearing to be held on October 7, 2024) (See attached list)
8. Application of Andrew's of Eastgate, Ltd. dba Gold's Wine and Spirits, 48 Valley Road for a Sunday Sales License for the 2024-2025 licensing year. (NEW)
9. Application of Golden Bev, LLC dba West Main Liquors, 1374 West Main Road for a Sunday Sales License for the 2024-2025 licensing year. (NEW)

OTHER COMMUNICATIONS

10. Communication of Rev. Glen S. Leverette, Jr., Pastor, Community Baptist Church, re: Request for support by placing an ad in the Souvenir Booklet for their 50th Anniversary Celebration.
11. Petition of Residents, Neighbors and Friends of Bliss Mine Road, re: Requesting a speed table be incorporated on Bliss Mine Road.

TOWN ADMINISTRATOR

12. Memorandum of Finance Director, thru Town Administrator, re: FY2024 Budget Adjustments as of June 30, 2024.
13. Resolution of the Council, re: FY2024 General Fund budget adjustments prepared as of June 30, 2024.
14. Resolution of the Council, re: FY2024 Parks and Recreation Fund budget adjustments prepared as of June 30, 2024.
15. Resolution of the Council, re: FY2024 Refuse and Recycling budget adjustments prepared as of June 30, 2024.

BOARDS AND COMMITTEES

16. Communication of Abigail Dunn, re: resignation from the Middletown Outreach Sub-Committee.

17. Memorandum of Gregory Huet, Chuck DiTucci and Barbara A. VonVillas, Citizens Memorial Committee, re: Citizens Memorial Policy (revised).

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 September 10, 2024, at Middletown Town Hall, Middletown Public Library and Secretary of State Web Site.

Item #6

Alcoholic Beverage Licenses 2024-2025

Class A

Andrew's At Eastgate, LTD/Gold's Wine & Liquor – 48 Valley Road
Aquidneck Package Store, Inc./Aquidneck Liquors – 15 East Main Road
Brewtus, Inc./Sandy's Liquors- 717 Aquidneck Avenue
Golden Bev, LLC/West Main Road Liquors – 1374 West Main Road

Class B Limited

Baja's Fresh Grill IV, LLC/Baja's Fresh Grill- 330 West Main Road
Cardinal Restaurant Corporation/IHOP Restaurant- 159 West Main Road
D ANG P Corporation/Bangkok City Restaurant – 23 Valley Road
Sprout and Lentil, LLC/Sprout and Lentil- 796 Aquidneck Avenue
WAMM, Inc./Anthony's Seafood & Restaurant– 963 Aquidneck Avenue

Class BM – Brew Pub

D & H, INC./Coddington Brewing Company– 210 Coddington Highway
Newport Vineyards & Winery, LLC/Newport Vineyards & Taproot Cafe- 909 East Main Road

Class B Victualler

86 Meatballs, LLC/Ida's Restaurant- 21A Valley Road
Apple New England, LLC/Applebee's Neighborhood Grill & Bar- 349 West Main Road
AQ, INC./Aquidneck Restaurant & Pizzeria- 27 Aquidneck Avenue
Atlantic Grille, INC./Atlantic Grille- 91 Aquidneck Avenue
Blue Plate Diner, Inc./Blue Plate Diner- 665 West Main Road
Bottega Bocconi, LLC/Bottega Bocconi- 36 Aquidneck Avenue
Ching Tao Chinese Restaurant, Inc. – 268 West Main Road
Diego's Middletown, LLC- 116 Aquidneck Avenue
Foodlove Market Middletown, LLC/Foodlove Market- 1037 Aquidneck Avenue
HPK, Inc./Tickets – 15 Aquidneck Avenue
Island Management, Inc./Flo's Clam Shack – 4 Aquidneck Avenue
Mission, LLC-58 Aquidneck Avenue
Mizu Wei Japanese Restaurant Corporation/Mizu Wei Japanese Restaurant- 250 East Main Road
Napha Thai Cuisine, LLC/Napha Thai Cuisine- 120 West Main Road
Newport Beach House, Inc./Newport Beach House – 3 Aquidneck Avenue
Newport National Golf Club Inc/Newport National Golf Club- 324 Mitchell's Lane
Pepper Dining, Inc./Chili's Grill & Bar – 845 West Main Road
Pimtung, Inc./Siam Square Fine Thai Cuisine – 238 East Main Road
Radish Patch, LLC/Pasta Vino-694 Aquidneck Avenue
S.C.S.JR. Restaurant Corp., Inc./Scotty's Big Dawg's Sports Pub – 823 West Main Road
SK Industries, Inc./Rusty's – 44 Wave Avenue
The Homemade Factory Inc/The Homemade Factory- 747 Aquidneck Avenue
The Pub at Two Mile Corner, Inc./ The Pub at Two Mile Corner- 10 Maple Avenue
Tito's Cantina, Inc./Tito's Cantina – 651 West Main Road
Woody's Tavern, LLC/Woodhooker's Sports Tavern – 238 East Main Road

Class B Tavern

Island Hotel Group, LLC/Residence Inn by Marriott – 325 West Main Road
Main Hotel, LLC/Homewood Suites- 348 West Main Road
Middletown Tenant, LLC/The Helmway- 425 East Main Road
Seaview Hotel, Inc.- 240 Aquidneck Avenue
Sonesta International Hotels Corporation/Sonesta Select Newport Middletown – 9
Commerce Drive
TPG Beverage, LLC/Newport Beach Hotel & Restaurant- 1 Wave Avenue
WM Hotel Group, LLC/Hampton Inn- 317 West Main Road

Class C

Breakwaters Cigar & Whiskey Lounge, LLC- 796 Aquidneck Avenue

Class D

Clambake Club of Newport– 353 Tuckerman Avenue
Gilbert-Burton VFW Post #4487/Captain Kenneth L. Gilbert Post #4487-52 Underwood
Lane
Middletown Columbus Club, Inc. – 7 Valley Road
Middletown Fraternal Order of Police Lodge #21 – 464 Mitchell’s Lane
North End Club of Newport, RI & Prov. Plantations – 26 Brookdale Road
Wanumetonomy Golf & Country Club, Inc. – 152 Brown’s Lane

Class J

Kempenaar Catering, LLC/Kempenaar’s Clambake Club – 323 Valley

Item #7

Victualling House Licenses, Additional Hours of Operation, for the 2024-2025

AQ, Inc./Aquidneck Restaurant & Pizzeria – 27 Aquidneck Avenue
Aquidneck Donuts, Inc./Dunkin’ Donuts – 811 West Main Road
Aquidneck Donuts, Inc./Dunkin’ Donuts – 536 East Main Road
Beebe & Family, Inc./7-Eleven Food Stores – 726 Aquidneck Avenue
Cardinal Restaurant Corp./IHOP Restaurants – 159 West Main Road
Colbea Enterprises, LLC/Seasons Corner Market- 207 East Main Road
Colbea Enterprises, LLC/West Main Shell- 1149 West Main Road
Cumberland Farms Store #1264 –94 Aquidneck Avenue
DDO-New England, LLC/Taco Bell #4086- 641 West Main Road
Joe’s Kwik Mart, LLC/Joe’s Kwik Mart – 876 West Main Road
Kasbac, LLC/McDonald’s Restaurant- 300 East Main Road
Kasbac, LLC/McDonald’s Restaurant- 1425 West Main Road
Leite Donuts, Inc./Ma’s Donuts & More – 78 West Main Road
Shaw’s Supermarkets, Inc. - 71 East Main Road
Starbucks Corporation/Starbucks Coffee #7599- 99 East Main Road
Tecs Donuts, Inc./ Dunkin’ Donuts- 159 East Main Road