

POSTED FEBURARY 12, 2025
REGULAR MEETING FEBRUARY 18, 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 **Tuesday, February 18, 2025, 5:30 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: 86498667599 or on the web at <https://us02web.zoom.us/j/86498667599>

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)

5:30 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) Potential Litigation, (2) Potential Litigation, (5) Land Acquisition, (2) Collective Bargaining (NEARI/Library), (1) Personnel (Deputy Police Chief) - review, discussion and/or potential action and/or vote in executive session and/or open session.

REGULAR MEETING – 6:30 P.M.

PLANNING BOARD INTERVIEW

2. Planning Board Interview:
 - a. Stephen Huttler

Planning Board Interview Questions:

1. Why do you want to be on the Planning Board?
2. What experience do you have that would qualify you to be a member of the Planning Board?
3. What useful knowledge or perspective from your own personal experience would you bring to the position?
4. What do you think is the most important responsibility of a Planning Board member?
5. What would you like Middletown to look like 5 years from now?
6. What do you believe is Middletown's most important land use issue and how should it be addressed?
7. What ideas or suggestions do you have regarding economic development in Middletown?
8. Regular Planning Board meetings typically take place on the 2nd Wednesday 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. (Continued from January 27, 2025 and February 3, 2025, Regular Meeting of the Council)
Appointment of one (1) member to the Planning Board for a term expiring in February 2028. (The Council may waive the requirement for reappointments to the interviewed; all new applicants shall be interviewed prior to appointment.)

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. (Public Hearing Advertised; abutters notified)
Application of East Main Road Restaurant 88, Inc. dba Mindy's Galley, 72 East Main Road for a Class BV Alcoholic Beverage License for the (2024-2025 Licensing year) for use at the same premises. (New)
6. Applications Seven (7) Alcoholic Beverage Licenses received from the Norman Bird Sanctuary, 583 Third Beach Road, for Class F- Alcoholic Beverage License (Beer and Wine) and Class F-1 Alcoholic Beverage Licenses (Full Liquor) - (19-hour license) for the same premises for the following events and dates listed below:
 - Birds & Breakfast -Saturday, May 17, 2025, 8:00 am to 11:00 am.
(Class F1- Full Liquor)
 - Plein Air Week Reception – Friday, May 30, 2025, 5:30 pm to 7:30 pm.
(Class F-1- Full Liquor)
 - Beach Bash – Wednesday, July 30, 2025, 5:30 pm to 7:30 pm.
(Class F1- Full Liquor)
 - Donor Appreciation – Wednesday, August 13, 2025 , 5:30 pm to 7:30 pm.
(Class F1- Full Liquor)
 - Harvest Fair – Saturday, October 4, 2025, 10:00 am to 5:00 pm.
(Class F1- Full Liquor)
 - Harvest Fair – Sunday, October 5, 2025, 10:00 am to 5:00 pm.
(Class F1- Full Liquor)
 - Annual Meeting - Thursday, November 6, 2025, 5:30 pm to 7:00 pm.
(Class F- Beer and Wine)

CONSENT

7. Approval of Minutes, re: Regular Meeting, January 27, 2025.
8. Approval of Minutes, re: Regular Meeting, February 3, 2025.
9. An Ordinance in Amendment to the Town Code Title IV General Regulations, Chapter 94 Streets and Sidewalks, §94.08 Complete Streets. (New Section) (Council action to forward to the Bicycle & Pedestrian Advisory Committee for review and recommendation then to the Planning Board for review and recommendation.)
10. Memorandum of School Committee Chairman Gregory M. Huet, re: Recommendation of naming the new Building/Schools.
11. Memorandum of School Committee Chairman Gregory M. Huet, re: Project Labor Agreement.
12. Communication of Tax Assessor dated February 10, 2025, re: Cancellation of Taxes for certain Middletown Residents.
13. Resolution of the Council, re: Cancellation of Taxes for certain Middletown Residents.
14. Communication of Tax Assessor and Finance Director dated February 10, 2025, re: Cancellation of Taxes for certain Middletown Residents.
15. Resolution of the Council, re: Cancellation of Taxes for certain Middletown Residents.

LICENSES & PERMITS

16. Application from Middletown Senior Citizens Center, 650 Green End Avenue, for RENEWAL of a Bingo license for the 2025-2026 licensing year – Tuesdays, Thursdays and Fridays. (Fee to be waived)
17. Application of East Main Road Restaurant 88, Inc. dba Mindy's Galley, 72 East Main Road for a Victualling House License for the (2024-2025 Licensing year) for use at the same premises. (New)
18. Application for Special Event Permit from the Newport County YMCA for the 2nd Annual Charlie Holder, Sr., Memorial 5K Road Race Walk/Run to be held on Saturday, May 17, 2025, from 7:45 am to 10:45 am (Start time 8:30 am).
19. Application for Special Event Permit from Newport County YMCA for the Newport County YMCA's 40th Annual Thanksgiving Day Pie Run– 5-mile run; 3-mile walk/run race beginning at Newport County YMCA to be held on Thursday, November 27, 2025, at 8:30 am.

20. Application for Special Event Permit from Gray Matter Marketing for the Amica Newport Marathon, Marathon – throughout Newport and Middletown, starting and ending at Easton’s Beach, Newport, to be held on Sunday, October 12, 2025, from 7:30 am to 1:30 pm. (Set up at 5:00 am, race completed by 3:30 pm, parking at Second Beach)

PUBLIC HEARINGS

21. 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 Land Usage, Chapter 152, Entitled “Zoning Code”, §400 Definitions, Article 16 Accessory Family Dwelling Unit §1600 Purpose, §1601 Requirements, §1602 Procedure, §1603 Change of Occupancy. (Planning Board recommendation is on file)
22. 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 Land Usage, Chapter 152, Entitled “Zoning Code”, Article 14 Motels and Hotels, § 1401 Procedure For Proposed Development, §1402 Development Plan Review, Article 15 Multi-Family Dwelling, §1501 Procedures For Proposed Development, §1502 Development Plan Requirements, Article 18 Shopping Centers, §1801 Procedure For Proposed Development, §1802 Permitted Uses, Article 21 Residential Care And Assisted Living Facilities, §2102 Procedure For Proposed Development, §2103 Development Plan Requirements, Article 22 Senior Independent Living Facilities, §2202 Procedure For Proposed Development, §2203 Development Plan Requirements, Article 23 Mobile Home Parks, §2301 Procedures For Proposed Development, §2302 Development Plan Requirements, Article 24 Transient Trailer Parks, §2402 Procedures For Proposed Development, §2403 Development Plan Requirements, Article 25 Wireless Telecommunications Facilities, §2502 Procedure For Proposed Development, 2503 Development Plan Requirements, §902 Special Use Permits, §719 Mixed Uses Within A Building, Article 17A Community Residents And Family Day Care Homes, §17A01 Requirements, and §17A02 Exemption. (Planning Board recommendation is on file)
23. 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 Land Use, Chapter 152, Entitled “Zoning Code”, § 400 Definitions. (Planning Board recommendation is on file)

ORDINANCE

24. Memorandum of Town Solicitor, re: Draft Amendments to Two-Tier Residential Tax Rate Ordinance.

25. An Ordinance of the Town of Middletown (First Reading)
An Ordinance in amendment to the Town Code, Title III Administration, Chapter 34 Taxes, Section 34.70 Tax Classification System.

TOWN COUNCIL

26. Communication of Vice President Welch, re: Rules of the Council – New proposed Rule – Nomination and Voting Process for Committee Appointments.
27. (Continued from January 6, 2025, Regular Meeting)
Rules of the Council.

TOWN ADMINISTRATOR

28. Memorandum of Town Planner, re: FFY 2026-2035 State Transportation Improvement Program (STIP).
29. Memorandum of Finance Director thru Town Administrator, re; FY2025 Budget Adjustments as of December 31, 2024. (General Fund, Parks and Recreation and Sewer Fund)
30. Resolution of the Council, re: FY2025 Budget Adjustments as of December 31, 2024. (General Fund, Parks and Recreation and Sewer Fund)
31. Memorandum of Finance Director thru Town Administrator, re; FY2025 Budget Adjustments for Middletown Public Schools.
32. Resolution of the Council, re: FY2025 Budget Adjustments for Middletown Public Schools.

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 February 12, 2025 at Middletown Town Hall, Middletown Public Library and Secretary of State Web Site.