

PORTSMOUTH TOWN COUNCIL MEETING
JUNE 25, 2018 MINUTES

7:00 PM – Town Council Chambers, Portsmouth Town Hall, 2200 East Main Road

MEMBERS PRESENT: Keith E. Hamilton, Kevin M. Aguiar, David M. Gleason, Paul F. Kesson, Elizabeth A. Pedro, Linda L. Ujifusa and J. Mark Ryan

Time: 7:00 PM

EMERGENCY EVACUATION PLAN

PLEDGE OF ALLEGIANCE – The Pledge of Allegiance was followed by a Moment of Silence for our men and women serving around the world in harm's way.

SITTING AS THE PORTSMOUTH TOWN COUNCIL

PRESIDENT'S EXECUTIVE SUMMARY

PRESENTATIONS/RECOGNITIONS

1. Proclamation of Appreciation in Recognition of Retirement of Fire Chief Michael Cranson
2. Presentation of the Portsmouth Award -Judi Staven

CONSENT AGENDA

1. Bills – Motion to receive and place on file made by Dr. Ryan, seconded by Mr. Aguiar. Motion passed 6-1. Mr. Kesson in dissent.

SITTING AS THE BOARD OF LICENSE COMMISSIONERS

1. Peddler – Annual:
Macray's Seafood II d/b/a Macray's Seafood, 115 Stafford Rd, Tiverton – Motion to approve made by Dr. Ryan, seconded by Mr. Kesson. Motion passed 7-0.

ADJOURN – Motion to adjourn made by Dr. Ryan, seconded by Mr. Kesson. Motion passed 7-0.

MINUTES

TCM 6/11/18 – Motion to approve the minutes with the following change from “the month” to “each month” under OB1 on page 3 of the minutes, made by Mr. Kesson, seconded by Mr. Gleason. Motion to change “subject to” in NB5 to “if it meets” made by Ms. Ujifusa, seconded by Dr. Ryan. Motion passed 6-1. Mr. Gleason in dissent. Motion passed to approve the 1st motion as amended 7-0.

TOWN ADMINISTRATOR'S REPORT

1. Transfer Station owner update – Vinagro has sold off their solid waste and recycling facility to Waste Connections of Rhode Island. The contract the Town had with Vinagro has been consigned to Waste Connections and there is no modification or amendment of the agreement. The employees, operating procedures, and Solid Waste and Recycling Services Agreement between the Town and Rhode Island Resource Recovery Corporation remain unchanged and Waste Connections has issued the Town an updated Certificate of Insurance, and Performance and Payment Bond.

2. E-Licensing update – The electronic licensing initiative we embarked on two years ago will formally go online for some Town Clerk permits and licenses using the State-sponsored ViewPoint system this Thursday. Using the new system, applicants will be able to apply for a permit and get it approved on any internet connected computer without having to visit Town Hall. Applicants will still be able to submit manually by visiting the Town Clerk. However, we plan to encourage people to use a kiosk that has been installed on the Town Clerk's office counter. Of course, Town Clerk staff will be available to assist and manually process the application, if necessary. Permits and licenses planned to go online in the initial phase include: Business and Trademark Registration; Amusement and Entertainment Licenses and Permits; Sellers and Dealers; Alcoholic Beverages; Private Investigators; Short Term Dwelling Rentals.

3. Weaver Cove boat ramp update – The Weaver Cove boat ramp has reached the end of its planned 25-year service life. Together with the Harbor Commission, we have begun the process of planning for its renovation with DEM and the Nature Conservancy. Long term, we are looking to take advantage of grant money available to DEM for renovation projects like this to be incorporated into our next CIP. In the short term, DPW is working with DEM and CRMC to permit repairs necessary to keep the ramp serviceable for the next two years.

4. Police building update – MILESTONES THIS PERIOD: Exterior masonry work is being pushed for completion next week. Work will accelerate quickly from here on out with the main emphasis over the next two weeks being: Interior masonry; Rough plumbing; Completion of rough mechanical work; Exterior framing; Completion of concrete stairs and stair rails; and completion of rough ground floor HVAC. Roof sheathing is scheduled to start the week of July 9. The project is now about 40% complete and remains within budget and the new building is still on track for substantial completion on time in October.

REMOVALS, RESIGNATIONS AND APPOINTMENTS

1. Removal:
 - a. Economic Development Committee – Motion to approve with regrets made by Mr. Kesson, seconded by Ms. Pedro. Motion passed 7-0.

2. Resignation:
 - a. Economic Development Committee – Motion to accept with regrets made by Dr. Ryan, seconded by Ms. Ujifusa. Motion passed 7-0.

OLD BUSINESS

1. Discussion/Action – Planning Board Opinion on Changing Zoning Designation and Request to Advertise for a Public Hearing to Change Designation. – Motion to schedule a Public Hearing, date certain July 23, made by Mr. Kesson, seconded by Ms. Pedro. Motion passed 7-0.
2. Discussion/Action – Legal Authority for Non-Binding Advisory Local Referendum on Potential Future Amendment to Portsmouth Home Rule Charter. – Motion made by Mr. Gleason, seconded by Ms. Pedro, to have the Town proceed with a non-binding ballot question for the November 18 election for approval/disapproval of an amendment to the Home Rule Charter allowing for non-partisan elections in Portsmouth. Motion failed 3-4. Dr. Ryan, Ms. Ujifusa, Mr. Aguiar and Mr. Hamilton in dissent.
3. Monthly Finance Report. – Motion to receive and place on file made by Dr. Ryan, seconded by Mr. Kesson. Motion passed 7-0.

Motion to move NB2 before OB4 made by Ms. Pedro, seconded by Mr. Gleason. Motion passed 7-0.

NB2. Discussion/Action – Request an Analysis of the Different Levy and Revenue Amounts.
Request to Adopt Unified Levy and Revenue Numbers in the FY 18-19 Budget. – No motions made.

4. Final Approval of Proposed FY 2019 Budget (The Full Budget is Available for Review on the Town’s Website at www.portsmouthri.com)
 - a. Draft of FY 2019 Budget Ordinance read into the record by the Town Clerk.– Final motion to approve the 2018-19 budget for the Town of Portsmouth at \$63,253,183 made by Dr. Ryan, seconded by Mr. Aguiar. Motion passed 5-2. Mr. Kesson and Ms. Pedro in dissent.

NEW BUSINESS

1. Discussion/Action – Request a One Day “Dispensation” to Put Annual Fundraiser Garbage in Dumpster Rather than “Pay” Bags on Aug. 18, 2018. – Motion to deny made by Mr. Aguiar, seconded by Dr. Ryan. Motion passed 6-1. Mr. Gleason in dissent.
2. Discussion/Action – Request an Analysis of the Different Levy and Revenue Amounts.
Request to Adopt Unified Levy and Revenue Numbers in the FY 18-19 Budget. – Moved to be put before OB4, see motion above.
3. Discussion/Action – Portsmouth Water & Fire District Election / Dual Office Holding / Incompatible Public Offices – Mr. Gleason read the following letter – “For The Record: I would like to state that a fair amount of research went into my decision to run for a position on the Portsmouth Water and Fire District. To date, I don’t believe the issue of holding dual office has been raised by the Town Council or School Committee.

Article 5 of the Town Charter lists all of the Town Officials, including Town Clerk, Tax Assessor, Tax Assessment Board of Review, Town Engineer, Building Official, Town Solicitor, and Probate Court Judge.

Article 6 of the Town Charter lists all of the Town's Departments, including Police, Fire, Public Works Department, Public Welfare, Parks and Recreation, and the Finance Department.

Article 7 of the Town Charter lists the School Committee.

Portsmouth Water & Fire District (PWFD) is not listed in the Town Charter as they are not a part of the Town Government. The website of PWFD clearly states that they are "not affiliated legally or administratively with the Town of Portsmouth Government", a point confirmed by their legal representative.

My role as a Town Councilor is to represent all electors of Portsmouth. As a new board member of the PWFD, I represent only those residents and businesses that purchase their water from the PWFD. Only those that are within the district could vote for me. Presumably, many already knew that I am currently on the Town Council, and many, like myself, already accepted that the Town and PWFD, are two separate and unaffiliated entities.

Many must have already felt this way when voting to elect sitting School Committee members on 6/13/12, 12/16/14, and as recent as 6/14/17.

Previously a School Committee member served from 6/8/11 through 6/17/17, on the PWFD board.

This begs the question. "Why now"? Why is this now a problem..., specifically the Agenda question, "Discussion/Action Town Charter, Section 901. Dual Office Holding", Submitted by Town Council President Hamilton.

I currently hold an elected position of the Town Council, the governing body of the Town of Portsmouth. I am a newly elected Tax Assessor for PWFD, which is a quasi-municipal, governmental agency created in 1952, by act of the Rhode Island General Assembly. The definition of a quasi-municipal corporation is a public entity created by law to deliver limited public service. Not unlike the Portsmouth Free Library or the Portsmouth Housing Authority, all provide a service to some of the residents but none are Portsmouth government affiliated departments.

In summary, all four of us accused of dual office holding, clearly only hold one position in local town government and one with a quasi-municipal self-supporting business located in Portsmouth. The PWFD own their own properties, buildings, pipelines, and fire hydrants (which the town rents for a price set by PWFD, an item not negotiated by the Portsmouth Town Council). In fact, many may not know that PWFD is building a new pump station on Union Street and will be going before the Town Zoning and Planning Boards, just like any other business would have to.

Additionally, I would like to mention the Town Canvasser's role in reviewing the nomination papers of PWFD candidates. She provides this service as a courtesy and sends a bill to PWFD upon completion, another indicator, that the PWFD is not a Town body.

In fact my nomination papers were signed by the Town Canvasser as well as the Town Administrator and two Town Councilors all who must have considered this to be a position not affiliated with the Town government.

In my opinion, a clear conflict would be to hold Town Council and School Committee seats at the same time or to be on the Town Council and attempt to be the Town Administrator. If the Solicitor and/or the Town Council President thought that I or the other School Committee members were in violation of Section 901, why didn't at least one of them contact us before this meeting or in the past?"

– Motion that the next charter review committee, if they choose to do so, provide language in Charter Section 901 stating that Portsmouth Town Council and School Committee members cannot serve on the Water and Fire District board made by Mr. Gleason, seconded by Ms. Pedro. Motion failed 3-4. Dr. Ryan, Ms. Ujifusa, Mr. Aguiar and Mr. Hamilton in dissent. Motion that the next charter review committee, if they choose to do so, provide language that would clarify the rolls of Town Council and School Committee Members to hold dual offices in general made by Mr. Gleason, seconded by Dr. Ryan. Motion passed 7-0.

4. Discussion – Hazard Mitigation Plan Update. – No motions made.

5. Discussion – Illicit Discharge Detection and Elimination Inspection. – No motions made.

CORRESPONDENCE

1. Resolution to Oppose Legislative Proposals that Would Mandate Expired Teacher Contracts Must Continue at the Existing Terms and Conditions.

2. Resolution to Support Legislation that will Put the School Bond Issue on the November Ballot for Approval by the Citizens of RI.

3. Letter of Appreciation.

– Motion to receive all correspondence and place on file made by Ms. Pedro, seconded by Mr. Gleason. Motion passed 7-0.

FUTURE MEETINGS

July 9 7:00 PM - Town Council Meeting

July 23 7:00 PM - Town Council Meeting

Aug 14 7:00 PM - Town Council Meeting (Tuesday) – Motion to cancel made by Ms. Ujifusa, seconded by Dr. Ryan. Motion passed 7-0.

ADJOURN – Motion to adjourn made by Ms. Pedro seconded by Dr. Ryan. Motion passed 7-0.

Time: 10:10 PM

Jennifer M. West, Town Clerk