

PORTSMOUTH TOWN COUNCIL MEETING
NOVEMBER 26, 2018 MINUTES

6:00 PM – Town Council Chambers, Portsmouth Town Hall, 2200 East Main Road

MEMBERS PRESENT: Kevin M. Aguiar, Linda L. Ujifusa, Keith E. Hamilton, Dr. J. Mark Ryan, Leonard B. Katzman, Andrew V. Kelly and Daniela T. Abbott

Time: 6:00 PM

Motion to go into Executive Session made by Mr. Kelly, seconded by Mr. Katzman. Motion passed 6-0. Dr. Ryan not present.

Time: 6:08 PM – Dr. Ryan and Mr. Galvin enter.

EXECUTIVE SESSION

1. RIGL 42-46-5(a)(2) – Potential Litigation – No motions taken.

ADJOURN – Motion to seal the minutes and adjourn made by Ms. Ujifusa, seconded by Dr. Ryan. Motion passed 7-0.

Time: 6:47 PM

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

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 – To update new Councilors and refresh current Councilors of any potential litigation matters. No votes were taken.

CONSENT AGENDA

1. Bills
2. CRMC – Finding & Notice of Violation 18-0165
Velocity NBC, LLC, 91 Old Ocean House Road, Cape Elizabeth, ME 04107 – Failed to establish the required public access at your property located at Plat 23, Lot 19, Terminal Road in nonconformance with CRMC assent 2011-05-120

3. CRMC – Finding & Notice of Violation 18-0169
William & Kathryn Welles, 41 Longshore Road, Portsmouth, RI 02871 – Failed to establish and maintain a CRMC designated buffer zone as stipulated in CRMC Assent 2002-06-055 within 200 feet of a coastal feature from your property located at 41 Longshore Road, Plat 34, Lot 67 without benefit of a CRMC assent or in violation of a Council Order
 4. CRMC – Finding & Notice of Violation 18-0172
Melvin & Ann-Marie Corbett, 11 Mountain Spring, Farmington, CT 06032 – Undertaken Construction of a patio/rip-rap revetment on a coastal feature at your property located at 156 Fischer Circle, Plat 62, Lot 74 without benefit of a CRMC assent or in violation of a Council Order
 5. CRMC – PUBLIC NOTICE:
An Application of Lee Moniz Tracy, 35 Bay Point Road, Swansea, MA 02777, for a State of RI Assent to construct and maintain: Residential boating facility consisting of 4x9’ access, a 4x49’ fixed pier, 3x18’ ramp and 4x37.5’ float to extend to 75’ beyond Mean Low Water (MLW). A variance to the side setback standard is required for both property line setbacks (Ref. 1.3.1(D)11.1)
- Motion to receive and place on file all Consent items made by Mr. Hamilton, seconded by Dr. Ryan. Motion passed 7-0.

SITTING AS THE BOARD OF LICENSE COMMISSIONERS

Directions to view licensing applications: 1) Click on [Viewpoint](#), 2) Click Records and then type in the record number which is listed on the agenda, 3) Click on the highlighted record to view the application

1. PUBLIC HEARING: Transfer of a Class BV Alcoholic Beverage License (fr. 9/24/18)
Application to Transfer a Class BV Alcoholic Beverage License from TNBC Beach Club, LLC d/b/a The Newport Beach Club, 195 Newport Harbor Drive, Portsmouth, RI to TNBC Beach Club, LLC. This is due to a change of stockholders from Northern Waterfront Associates L.P. to Velocity NBC, LLC.
 - a. Application for a Class BV Alcoholic Beverage License (fr. 9/24/18)
TNBC Beach Club, LLC d/b/a The Newport Beach Club, 195 Newport Harbor Drive, Portsmouth. Owner: Velocity NBC, LLC, 195 Newport Harbor Drive, Portsmouth, RI
 - b. Letter from Thomas F. Lee, Chief of Police (fr. 10/22/18)

Danielle Dufault, Esq., Adler, Pollock and Sheehan, the attorney representing TNBC Beach Club, requested a reschedule to the December 10th meeting.

Motion to continue the Public Hearing, including the Victualler license, to the December 10, 2018 Council meeting made by Mr. Hamilton, seconded by Ms. Ujifusa. Motion passed 7-0.

2. Victualler License – Annual, New
 - a. TNBC Beach Club, LLC d/b/a The Newport Beach Club, 195 Newport Harbor Drive (fr. 9/24/18)

b. Milk and Honey Kitchen LLC d/b/a Milk and Honey, 1016 East Main Road (#1371)
Motion to approve Milk and Honey's Victualler license made by Dr. Ryan, seconded by Mr. Hamilton. Motion passed 7-0.

3. Holiday License – Annual, New

O'Reilly Automotive Stores Inc. d/b/a O'Reilly Auto Parts #5352, 3250 East Main Road (#1302) – Motion to approve the Holiday license made by Mr. Hamilton, seconded by Dr. Ryan. Motion passed 7-0.

HEARING - ANNUAL LICENSE RENEWALS

1. Liquor Licenses:

a. Class BV

Salsas Burrito Grill LLC, 108 Chase Rd (#1329)

b. Class D

Rhode Island Abbey Golf Club Inc., 125 Cory's Ln (#1348)

c. Class J

Newport Polo Inc., Glen Farm (Town of Portsmouth Property) (#1338)

Motion to approve all the Liquor Licenses made Mr. Kelly, seconded by Dr. Ryan. Motion passed 7-0.

2. Victualler Licenses:

Rhode Island Abbey Golf Club Inc., 125 Cory's Ln (#1348)

Salsas Burrito Grill LLC, 108 Chase Rd (#1329)

Motion to approve all the Victualler Licenses made Dr. Ryan, seconded by Mr. Kelly. Motion passed 7-0.

3. Holiday Licenses:

Dolgen Rhode Island LLC d/b/a Dollar General, 3228 East Main Rd (#1369)

GE Supply, LLC d/b/a Portsmouth Ace Hardware, 3001 East Main Rd (#1374)

Rhode Island Abbey Golf Club Inc., 125 Cory's Ln (#1348)

Motion to approve all the Holiday Licenses made Mr. Hamilton, seconded by Dr. Ryan. Motion passed 7-0.

ADJOURN – Motion to adjourn as the Board of License Commissioners made by Mr. Hamilton, seconded by Mr. Kelly. Motion passed 7-0.

TAX VOUCHERS

Request approval for Tax Vouchers #20181126-01 to #20181126-02. – Motion to approve made by Mr. Hamilton, seconded by Mr. Kelly. Motion passed 7-0.

TOWN ADMINISTRATOR'S REPORT

1. Defense Highway closure – Defense Highway (Burma Road) from Stringham Road to Green Lane will be closed until Dec. 14th for road repairs. Access to Weaver Cove can be gained from

Green Lane due to the road work occurring in the vicinity of Stringham Road. Road work will also occur south of Green Lane in the vicinity of the Fire Fighter Training Facility, however, one lane will remain open and flagmen will direct traffic.

2. Navy response to Overlook Point Condominium Association – In response to a letter from the Overlook Point Condominium development regarding possible construction of a fence on the Navy property line, the Deputy Assistant Secretary of the Navy for Installations and Facilities issued a letter last month essentially stating the Base Commander has latitude in deciding the ultimate placement of the fence. The letter was addressed at the last Restoration Advisory Board (RAB) meeting, where it was also disclosed there is no current fence plan. I will meet with the CO tomorrow to further discuss the implications of the letter and stay engaged in the issue on behalf of the residents of Overlook Point.
3. LED street lighting update – Throughout the summer and fall we have been working on a Street Light conversion RFP. Since last updating the council we have engaged in a collaborative effort with four other towns in RI. The plan is for Middletown, Jamestown, Smithfield, Lincoln and Portsmouth to issue a joint RFP. The RFP is nearing completion and is currently under review by the legal councils for each town. We hope to start this project next year.
4. Prudence Island potable water update – In my last update I referred to an E. coli contamination of the Prudence water system. I should have said coliform – the system was tested positive for the presence of coliform bacteria. As of today, Prudence is still under a boil water order. The previous three samples tested negative for coliform, but the Dept. of Health has ordered a level 2 assessment of the water system. A level 2 assessment is an evaluation made by a certified independent assessor. This will be the fourth assessment over the last three months. Upon completion of the assessment, three more samples will have to be tested before the order is lifted. The Prudence Island Water District will conference with the Dept. of Health this Friday to review the situation and hopefully agree on a way forward. To date, we have provided residents in need with approx. 1,500 gallons of drinking water.
5. Police Building construction update – There is no change from the report given by our Owner’s Rep last meeting. As Mr. Zawarsky stated, the construction team will meet this week to develop a forecasted “budget to completion” listing likely expenses we need to address. That information will be presented to the Council at the December 10th meeting.

RESIGNATIONS AND APPOINTMENTS

1. Resignations:
 - a. Conservation Commission – D. Abbott
 - b. Economic Development Committee – D. Abbott
 - c. School Committee – T. Cortvriend, A. Kelly
 – Motion to accept Ms. Abbott’s, Ms. Cortvriend’s and Mr. Kelly’s resignations, with thanks for service, made by Mr. Hamilton, seconded by Mr. Katzman. Motion passed 7-0.

2. Appointments:

- a. Design Review Board – Motion to appoint Cynthia Wladyka made by Mr. Hamilton, seconded by Mr. Kelly. Motion passed 7-0.
- b. Bristol Ferry Town Common – Motion to reappoint Maureen Kielbasa, Mary Beth Smith and Ann Vickers made by Mr. Hamilton, seconded by Dr. Ryan. Motion passed 7-0.
- c. Glen Manor House Authority – Motion to reappoint Lynn Galvin made by Dr. Ryan, seconded by Mr. Kelly. Motion passed 7-0.
- d. Harbor Commission – Motion to reappoint Robert Drake made by Mr. Hamilton, seconded by Dr. Ryan. Motion passed 7-0.

OLD BUSINESS

1. Monthly finance report. – Motion to receive and place on file made by Mr. Hamilton, seconded by Dr. Ryan. Motion passed 7-0.
2. Request a 5-year approval of Glen Farm Special Events Fields applications for Beach Dogs Lacrosse, Marshall Huggins, 52 General Sullivan Circle, Portsmouth for youth lacrosse camps, July 22-26, 2019, July 27-31, 2020, July 26-30, 2021, July 25-29, 2022, July 24-28, 2023. – Motion to accept all the rental dates for Beach Dogs Lacrosse camps made by Mr. Hamilton, seconded by Mr. Katzman with discussion. Concerned about tying up dates five years in advance. Ms. Ujifusa amended the motion for one year to give the new Council a chance to review field usage and other pricing, seconded by Mr. Katzman with discussion. Mr. Hamilton doesn't want to lock out an organization that primarily serves the youth of Portsmouth to do a study that we can do anyway and just avoid these weeks for the next four years. He sees that as short-sighted. Mr. Katzman is worried that we make a long-range obligation prior to the Council deciding what their priorities will be with regard to Town properties. Ms. Ujifusa amended the motion to change the approval to two years, seconded by Mr. Katzman. Amended motion passed 7-0.

NEW BUSINESS

1. Discussion/Action – Request Council approve selection of Vision Appraisal for statistical reappraisal services for 12/31/2019 Revaluation. – Motion to approve Vision Appraisal for revaluation and picture update at \$107,580 made by Mr. Hamilton, seconded by Ms. Ujifusa. Motion passed 7-0.
2. Discussion/Action – Request approval of 2019 Transfer Station Sticker Fee. – Motion to set 2019 sticker rate at \$180 with C & D made by Mr. Kelly, seconded by Mr. Katzman. Motion passed 7-0.
3. Discussion/Action – Request Solid Waste and Recycling Committee work with staff to study feasibility of funding Transfer Station through the General Fund and investigate options for an Enterprise Fund program for curbside pickup to meet the waste disposal needs of a greater number of Portsmouth households. – Motion made by Ms. Abbott to task the Solid Waste and Recycling Committee with investigating options for rolling our waste disposal needs back into the tax rolls, seconded by Ms. Ujifusa. Motion passed 7-0. A second motion was made by Ms.

Abbott to task the Solid Waste and Recycling Committee to look into an RFP for an Enterprise Fund program for curbside pickup, seconded by Mr. Katzman. Motion passed 7-0.

4. Discussion/Action – Assignment of Town Council liaisons to Town committees.

Agriculture Committee	Linda Ujifusa
Aquidneck Island Planning Commission	Linda Ujifusa
Bristol Ferry Town Common	Andrew Kelly
Citizens Interested Comprehensive Planning	Keith Hamilton
Conservation Commission	Daniela Abbott
Dog Park Operating Committee	Keith Hamilton
Economic Development Committee	Kevin Aguiar and J. Mark Ryan
Glen Manor House Authority	Linda Ujifusa and Andrew Kelly
Glen Park Working Committee	Daniela Abbott
Harbor Commission	Keith Hamilton
Lower Glen Farm Preservation Committee	Daniela Abbott
Melville Park Committee	Kevin Aguiar
Newport Chamber of Commerce	Len Katzman
Pension Investment Committee (2)	Keith Hamilton and Kevin Aguiar
Portsmouth Senior Center	Linda Ujifusa
School Committee	Linda Ujifusa and Andrew Kelly
Solid Waste/Recycling Study Committee	J. Mark Ryan and Len Katzman
Tank Farm Advisory Committee	Len Katzman
Tree Commission	Kevin Aguiar

Motion to approve all liaisons made by Ms. Ujifusa, seconded by Ms. Abbott. Motion passed 7-0

5. Discussion/Action – Request approval of proposed School Committee selection process. – Motion made by Ms. Ujifusa to advertise two openings for the School Committee, must apply by Dec. 14th by submitting a resume with a cover letter that addresses three things: why do you want to serve on the PSC, why would you make a good PSC member, what would be your major goals as a PSC member; hold a special meeting to select candidates Dec 19th, have the candidates make a two-minute statement, select two candidates and have background checks done prior to swearing in, seconded by Mr. Katzman. Motion passed 6-1, Mr. Hamilton opposed.

6. Discussion/Action – Request Portsmouth Town Council adopt procedures for professional development education. – Motion made by Ms. Ujifusa to have the Town Council receive professional training, the Town Administrator make the arrangements and the Council be required to attend, seconded by Mr. Katzman. Motion passed 6-1, Mr. Hamilton opposed. Mr. Kelly made a motion to engage with our General Assembly delegation to introduce or support legislation similar to 16-2-5.1 Professional Development for Town Councils. Mr. Katzman made a motion to table until more fully drafted, seconded by Dr. Ryan. Motion passed 7-0.

7. Discussion/Action – Request Town Council set date for working group meeting to discuss priorities and Town Council procedures. – Motion to propose a retreat, to discuss priorities for Mr. Rainer and legislative priorities to be presented to State legislators, be the same day as Town Council 101 meeting made by Ms. Ujifusa, seconded by Mr. Katzman. Motion passed 7-0.

8. Discussion/Action – Request Town Council set aside first item on each agenda for a Public comment period. – Motion made by Ms. Ujifusa to take this item off the agenda and discuss at Dec. 8 retreat, seconded by Mr. Katzman. Motion passed 7-0.
9. Discussion/Action – Request advertising for Charter Review Committee. – Motion made by Dr. Ryan to advertise for interested citizens for the Charter Review Committee, seconded by Mr. Kelly. Motion passed 7-0.
10. Discussion/Action – Request resolution to adopt Roberts Rules of Order for conduct of Portsmouth Town Council meetings. – No action taken as this has already been adopted.
11. Discussion – Special Rules of Order of the Portsmouth Town Council. – No action taken as this has already been adopted.
12. Discussion/Action – Request formation of working group tasked to study and make recommendation for possible utilization of readily available technology to live stream Town Council meetings on the appropriate online platforms and establish a modern online video library for the public to view meeting content, preferably cataloged by agenda topic. – Motion made by Ms. Abbott to have Mr. Rainer convene an ad hoc committee to address improvements to our live stream video capabilities for Town Council meetings, seconded by Mr. Katzman. Motion passed 7-0.

CORRESPONDENCE

1. Update on the opening of Spruce Acres Farms. / C. Allott, Executive Director, Aquidneck Land Trust
 2. Notice of Availability of Environmental Assessment for public review for the proposed toll systems at Toll Locations 3, 4 & 6 through 13 on I-95, I-195, I-295, US Route 6, and RI Route 146. / D. Fish, P.E., Rhode Island Department of Transportation
 3. Notice of Request for Bargaining PMEA. / J. Azevedo, Asst. Executive Director, NEARI
 4. Notice of Request for Bargaining Portsmouth Fire Fighters. / H. Tighe, President, Local 1949, IAFF
 5. Notice of Request for Bargaining Fire Dept. Civilian Dispatchers. / H. Tighe, President, Local 1949, IAFF
 6. Letter of support of re: Superior Court decision concerning flavored tobacco control ordinance. / M. Carroll, Barrington Town Council President
- Motion to receive and place on file all correspondence made by Mr. Hamilton, seconded by Dr. Ryan. Motion passed 7-0.

FUTURE MEETINGS

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| Dec 8 | 9:00 AM - Portsmouth High School Library (Saturday) |
| Dec 10 | 7:00 PM - Town Council Meeting |
| Dec 19 | 7:00 PM - Town Council Meeting (Wednesday) Special Meeting |
| Jan 14 | 7:00 PM - Town Council Meeting |
| Jan 28 | 7:00 PM - Town Council Meeting |

Motion by Ms. Ujifusa to cancel the Dec. 26th meeting, seconded by Ms. Abbott. Motion passed 7-0.

ADJOURN – Motion to adjourn made by Mr. Kelly, seconded by Ms. Abbott. Motion passed 7-0.

Time: 9:17

Jennifer M. West, Town Clerk

DRAFT