

PORTSMOUTH TOWN COUNCIL MEETING
DECEMBER 10, 2018 MINUTES

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

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

MEMBERS ABSENT: Andrew V. Kelly

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 – Mr. Aguiar thanked those who attended the Glen Manor Open House on Sunday, December 9, 2018. Saturday, December 8, 2018 there was a Town Council Workshop. Town Administrator's goals and Legislative Priorities were discussed and more discussion will take place later in this meeting.

CONSENT AGENDA

1. Bills – Motion to receive and place on file made by Mr. Hamilton, seconded by Ms. Abbott. Motion passed 6-0.

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)

Attorney James Hall, Adler Pollack and Sheehan, spoke on behalf of TNBC Beach Club, LLC. He explained to the new Council that they had requested a continuance from September 24th due to an incident that was being investigated by the Portsmouth Police Department and they did not

want to continue until the investigation was completed. A misdemeanor charge was filed by the prosecutor. Mr. Hall stressed that Velocity is an investor in the company only and that a restaurant management company works in conjunction with The Newport Beach Club and has for years. Mr. Katzman commented that this was an individual matter and was being dealt with in court and not something to hold up the license. Ms. Ujifusa was concerned with standard of suitability. Mr. Gavin said that it would meet the standard. Ms. Ujifusa also had concerns with regards to Chief Lee's letter that not all of the application was filled in. Ms. Ujifusa was concerned that the written document doesn't give assurances that the situation would not occur again. Dr. Ryan also had the same concerns. Mr. Hall stated that Velocity is an LLC and Mr. Katzman explained that an LLC does not necessarily have all the officers that a corporation has and that what was filled out is what is on the LLC paperwork. Mr. Tinsman does have an interest in Velocity but does not have any association with the day to day management of it or the Newport Beach Club. Mr. Hamilton and Ms. Abbott wanted assurances that this situation would not happen again. Mr. Hamilton stated that if it did happen again that there would be swift action taken. Mr. Hall gave assurances that this would not happen again. Mr. Aguiar asked three times if anyone had any other questions. Hearing none, a motion to close the Public Hearing was made by Mr. Hamilton, seconded by Mr. Katzman. Motion passed 6-0.

Motion to approve the transfer of 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 made by Mr. Katzman, seconded by Mr. Hamilton. Motion passed 6-0.

Motion to approve the Class BV Alcoholic Beverage license made by Mr. Hamilton, seconded by Mr. Katzman. Motion passed 6-0.

2. Victualler License – Annual

- a. TNBC Beach Club, LLC d/b/a The Newport Beach Club, 195 Newport Harbor Drive
- b. New England Homemade Donuts LLC, 2340 West Main Rd (#1336)

Motion to approve both Victualler Licenses made by Mr. Hamilton, seconded by Dr. Ryan
Motion passed 6-0.

3. Peddler License – Annual

Palagi Brothers Ice Cream LLC, 28 Delta Dr, Pawtucket, 1 Vehicle (#1180) – Motion to approve Peddler License made by Mr. Hamilton, seconded by Dr. Ryan. Motion passed 6-0.

4. Request to Advertise for a Public Hearing

Application for a Class BVL Beverage License by KJK LLC d/b/a Thriving Tree Coffee House, 706 Park Avenue (#1378) – Motion to approve the request to advertise for a Public Hearing on January 28, 2019 made by Mr. Hamilton, seconded by Ms. Abbott. Motion passed 6-0.

ADJOURN – Motion to adjourn as the Board of License Commissioners made by Mr. Hamilton, seconded by Dr. Ryan. Motion passed 6-0.

MINUTES

TCM 11/13/18 & Exec.

TCM 11/19/18 – Motion to approve all minutes made by Mr. Hamilton, seconded by Dr. Ryan. Motion passed 6-0.

TAX VOUCHERS

Request approval for Tax Vouchers #20181210-01. – Motion to approve made by Mr. Hamilton, seconded by Dr. Ryan. Motion passed 6-0.

TOWN ADMINISTRATOR’S REPORT

1. Short Term Rental Ordinance update – The ordinance regarding Short Term Rentals was passed last April. Enforcement of the ordinance is to begin January 1st. We will issue a press release this week reacquainting the public with this issue. Additionally, we intend to release an RFP for a short-term rental compliance firm to help the Town keep track of short term rental properties and ensure compliance with our ordinance. A major metric to be used in the selection of a potential bidder will be the firm’s ability to fund their cost through anticipated revenue to be collected by compliant renters.
2. Comprehensive Plan update – The Planning Board has held a workshop for each of the 12 Elements of the Portsmouth Community Comprehensive Plan. Review of existing draft materials prepared by the Town is essentially complete. Our contractor, Weston and Sampson, is now updating each CCP element and believes they will have a finished draft complete for the Planning Board by the end of the month. Upon review of the draft, the Planning Board will schedule public hearings and forward a final draft to Statewide Planning for their review – after which the Comp Plan will be turned over to the Town Council for your review and public hearings. The Planning Board plans to have a Public Workshop on the completed draft on the last Wednesday in January. After the Town Council public hearings are complete, the CCP will be sent to Statewide Planning for final State approval.
3. Hazard Mitigation Plan update – RIEMA has now reviewed the Hazard Mitigation Plan and has sent it to FEMA for their review. Next steps: FEMA will issue an “Approval Pending Adoption” (APA) for the plan; The plan will have to then be formally adopted by the Town (by resolution) after a public hearing; and, after that, we will send the signed resolution and final plan to RIEMA to keep on file.
4. Emergency Operations Center update – Since succeeding John King as our Emergency Management Director, Ray Perry has been reviewing and working to update: the EOC Standard Operating Procedures; Our equipment inventories; The Incident action plan; Our EMA Grant writing process; Emergency action administrative procedures; and the EMA Training program. In looking ahead, Ray will be working with appropriate agencies and staff to: Update the EOC activation triggers and procedures; Update and clarify the activation and use of Warming Shelters; Review Town’s storm event preparation procedures; Prepare an Emergency Management brief for senior and elected officials; and Prepare an EM presentation for the public, to be held next Spring.
5. Brown House update – Interest is growing with respect to utilization of office space in the Brown House. The Rec Director is working with appropriate staff to develop a proposal for Council review regarding use and pricing recommendations. We are working to put this on the agenda for your review in January.
6. Phelps House update – When we issued the RFP for the Glen Stables and Phelps house we accepted a concessionaire for the operation of the Stables and held for review a proposal for the

operation of the Phelps House. That proposal is now with the Town Solicitor and we will bring that proposal forward to the Town Council for your review and approval in January.

7. Coggeshall School update – As you know, we have been working on a plan for the Coggeshall School Building since the termination of the AICA lease. Working with the Recreation Director, the Facilities Manager, and the Director of Public Works, our Director of Business Development, Rich Talipsky, developed and the Town issued a Pre-Solicitation Notice that provides information on the property and a set of objectives that the Town hopes to achieve in improving and repurposing the property. The objectives include: Improvement of the physical condition; providing adequate staffing for protection of the facility and the safety of users; and the desire to establish and maintain a long-term relationship with any partner who contributes to the development and use of the property. With limited Town capital improvement funding, we are looking for innovative ways to gain grant funding and, perhaps, use public-private partnerships to defray the Town's cost of needed work on the building. The RFP is now with the Solicitor and unless otherwise directed we plan to release it later next month.

8. LED Street Light Project update – I reported at the last meeting we have been working on a Street Light conversion RFP together with four other communities (Middletown, Jamestown, Smithfield, and Lincoln). Since that update, the Town of Johnston has reached an agreement with National Grid regarding street lights on state roads. Essentially, Johnston is no longer responsible to pay for the electricity or maintenance of state lights on state roads. Considering this ruling, we have paused the RFP process until all five towns have had a chance to review the ruling with our respective solicitors and apply any new conditions as necessary to the future RFP

RESIGNATIONS AND APPOINTMENTS

1. Resignation:

a. Aquidneck Island Planning Commission – Motion to accept Mr. Katzman's resignation made by Ms. Abbott, seconded by Dr. Ryan. Motion passed 5-0-1. Mr. Katzman abstained.

2. Appointments:

a. Bristol Ferry Town Common Committee – Motion to appoint Mr. Lawrence Walsh made by Mr. Hamilton, seconded by Mr. Katzman. Motion passed 6-0.

b. Tax Assessment Board of Review (Re-Appt) – Motion to reappoint Mr. Hugh Atkins made by Mr. Katzman, seconded by Dr. Ryan. Motion passed 6-0.

OLD BUSINESS

1. Discussion/Action – Motion to approve Town Administrator's priorities reviewed at the December 8, 2018, Town Council Retreat. – Motion to amend the Town Administrator's priorities to add his Matrix and to list his top five goals and priorities to 1) Prepare the annual budget and tax calculation, 2) Update the Capital Improvement Program, 3) Negotiate the CBA with Fire and PMEA, 4) Complete the Comprehensive Community Plan and 5) Complete the Police Station made by Ms. Abbott, seconded Mr. Katzman. Motion passed 6-0. Motion to approve Town Administrator's priorities reviewed at the December 8, 2018, Town Council Retreat, as amended, made by Mr. Katzman, seconded by Dr. Ryan. Motion passed 6-0.

2. Discussion/Action – Motion to approve State legislative priorities reviewed at the December 8, 2018, Town Council Retreat. – Motion to approve Legislative Priorities 1,2,3,4,7, and 8 made by Mr. Katzman, seconded by Ms. Ujifusa. Motion passed 6-0.

1. Improve Safety on State Roads...
2. Fix the broken legislative process...
3. Amend the general laws to clarify the tax appeal procedures...
4. Seek infrastructure funding that can help local businesses...
7. Support improvement to State roads and encourage implementation of “Complete and Green Street” principles...
8. Support initiatives that improve alternative transportation on Aquidneck Island...

Motion to approve items 5a, 5b and 6 made by Ms. Ujifusa, seconded by Mr. Katzman. Mr. Hamilton made a motion to amend the motion to vote on each item separately, seconded by Dr. Ryan. Motion to amend passed 6-0. The original motion 5a passed 6-0; 5b passed 5-1, Mr. Hamilton in dissent; 6 passed 5-1, Mr. Hamilton in dissent.

- 5a. Do not cut Medicaid funding...
- 5b. Support single payer improved “Medicare for all” health insurance...
6. Help close RI budget deficits by reversing past failed “trickle down” tax cuts to the wealthy...

Motion to approve 9 made by Ms. Abbott, seconded by Dr. Ryan. Motion passed 6-0.

9. Support initiatives that encourage and fund food composting efforts...

Motion to approve 10 made by Ms. Abbott, seconded by Mr. Katzman. Motion passed 6-0.

10. Increase efforts and funding to support projects that address the impacts of sea level rise...

Motion to approve 11 made by Ms. Abbott, seconded by Mr. Katzman. Motion passed 6-0.

11. Work on economic development programs to help integrate Portsmouth into Aquidneck Island tourism programs...

Motion to approve 12 made by Ms. Abbott, seconded by Ms. Ujifusa. Motion passed 6-0.

12. Work with DEM to understand results of the State’s SCORP survey and how recreational deficiencies should be addressed in Portsmouth...

Motion to approve 13 made by Mr. Katzman, seconded by Mr. Hamilton. Motion passed 6-0.

13. No matter what one’s opinion may be on the advisability of legal recreational cannabis, it is foreseeable that it will be legal in Rhode Island at some point as our neighboring states adopt such laws...

Motion to approve 14 made by Mr. Katzman, seconded by Mr. Hamilton. Motion passed 6-0.

14. School Aid Formula...

3. Discussion/Action – Monthly Police update and request approval for use of surplus budget funds. – Motion to approve \$203,986 from anticipated surplus from the previous fiscal year made by Mr. Katzman, seconded by Ms. Ujifusa. Motion passed 6-0.

NEW BUSINESS

Request Approval of Glen Farm Special Events Fields Application.

Rhode Island Lacrosse, Marshall Huggins, 52 General Sullivan Circle, Portsmouth for Youth Lacrosse Games, July 6-7, 2019. – Motion to approve made by Mr. Hamilton, seconded by Mr. Katzman. Motion passed 6-0.

2. Discussion/Action – Review milestone dates of 2019 Budget Calendar, determine the date of the Joint Town Council/School Committee meeting and request approval of the proposed timeline. – Motion to approve the calendar and set the Joint meeting for January 7, 2019 made by Mr. Katzman, seconded by Dr. Ryan. Motion passed 6-0.

CORRESPONDENCE

1. Portsmouth Water and Fire District’s Quarterly Financial Report for the period ending Oct. 31, 2018. / N. J. Larsen, Senior Accountant
2. Letter of thanks to the Glen Park Committee and the Town of Portsmouth for helping to make the Heart & Sole Walk a successful event. / S. Ryan, Potter League for Animals
3. Monthly RIRRC Report. / R. Antaya

Motion to receive and place on file all correspondence made by Mr. Katzman, seconded by Dr. Ryan. Motion passed 6-0.

FUTURE MEETINGS

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| Dec 19 | 7:00 PM - Town Council Meeting - Special Meeting (Wednesday) |
| Jan 7 | 7:00 PM - Joint Town Council/School Committee Legislative Meeting and Joint Budget Priorities Presentation |
| Jan 14 | 7:00 PM - Town Council Meeting |
| Jan 28 | 7:00 PM - Town Council Meeting |

ADJOURN – Motion to adjourn made by Mr. Katzman, seconded by Ms. Abbott. Motion passed 6-0.

Time: 9:02

Jennifer M. West, Town Clerk