

PORTSMOUTH TOWN COUNCIL MEETING
JANUARY 25, 2021
MINUTES

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

MEMBERS PRESENT: Kevin M. Aguiar in Town Council Chambers

MEMBERS PRESENT BY ZOOM: Linda L. Ujifusa, Daniela T. Abbott, Michael Buddemeyer, Keith E. Hamilton and J. Mark Ryan

SCHOOL COMMITTEE MEMBER PRESENT: Emily A. Copeland in Town Council Chambers

SCHOOL COMMITTEE MEMBERS PRESENT BY ZOOM: Frederick W. Faerber II, Thomas R. Vadney, Allen J. Shers, Isabelle Kelly, Karen McDaid and Juan Carlos Payero

STATE LEGISLATURE PRESENT BY ZOOM: Senator James A. Seveney, Representative Susan R. Donovan, Representative Terri-Denise Cortvriend and Representative Michelle E. McGaw

Time: 7:00 PM

PLEDGE OF ALLEGIANCE

SITTING AS THE PORTSMOUTH TOWN COUNCIL

1. Roll Call

PRESIDENT’S EXECUTIVE SUMMARY

NEW BUSINESS (Discussion/Action)

1. Joint Town Council/School Committee Legislative Priorities for 2021 – No votes taken.

Representative Donovan, Senator Seveney, Representative Cortvriend and Representative McGaw do not have any objections to any of the items that have been presented to them.

Town Council Recommendations

Recommended by Vice President Linda Ujifusa & Councilor J. Mark Ryan:

1) Support legislation making Portsmouth more resilient

Climate change is an existential threat. We urge legislators to support legislation to establish a permanent fund to help Rhode Island adapt to the impacts of climate change. Cities and towns throughout the state need help dealing with problems like sea level rise, coastal erosion, increased storm intensity and flooding and storm surge. The Ocean State Climate Adaptation and Resilience Fund (or “OSCAR”) would be funded through a new five-cents-per-barrel fee on petroleum imported into the state by ship. OSCAR would provide direct grants to cities and towns to adapt infrastructure on public lands and enhance natural systems and habitats to improve resilience. See, e.g., here.

2) Support funding RI Municipal Infrastructure grants

The General Assembly passed a bill (H-7102 / S-2239) creating the framework for a RI Municipal Infrastructure Grant Program, but without funding in the FY19 State Budget to implement it. The program is modeled after the very successful MassWorks Program in Massachusetts that has stimulated significant private investment in the revitalization of urban and town centers across the Commonwealth. Portsmouth needs this kind of help funding our infrastructure needs and we urge our legislators to advocate for annual funding, as recommended by GrowSmart RI and RIIB.

3) Help shift the tax burden off Portsmouth homeowners by reversing past failed “trickle down” tax cuts

In 2006, the RI General Assembly passed legislation to cut taxes for the wealthiest Rhode Islanders, and basically helped only the wealthiest Rhode Islanders. See <http://www.rifuture.org/ris-tax-cuts-for-the-rich-were-2nd-biggest-of-decade/> While it was argued that these cuts would improve the RI economy in some “trickle down” fashion, there is no evidence of that nor is there evidence of “millionaire flight.” <https://www.washingtonpost.com/business/2020/12/23/tax-cuts-rich-trickle-down/> and <https://itep.org/no-need-for-the-mythbusters-the-millionaire-tax-flight-myth-is-busted-again/> All that has happened is that the tax burden has shifted to the middle class. See <https://upriseri.com/2018-10-17-who-pays/> and <https://itep.sfo2.digitaloceanspaces.com/whopays-ITEP-2018.pdf>

We urge our legislators to work to reverse the 2006 tax cut legislation and raise taxes on the wealthiest Rhode Islanders so they can begin to pay their fair share.

- 4) Protect our citizens’ health and welfare
- a) Audit the private insurance companies running RI’s Medicaid program

Medicaid covers approximately 1 in 4 Rhode Islanders, including 1 in 5 adults, 3 in 8 children, 3 in 5 nursing home residents, 3 in 5 individuals with disabilities, and 1 in 5 Medicare beneficiaries.

<http://files.kff.org/attachment/fact-sheet-medicaid-state-RI>. 91% of all RI Medicaid recipients are in a “managed care program,” meaning private insurance companies are paid about \$1.7 billion/year to “manage” their care. Despite overcharging RI \$50 million in 2015, and despite the state Auditor General for the past several years citing inadequate state MCO oversight, RI continues not to audit or properly monitor MCOs. Connecticut did an audit in 2009 and found their MCOs were overcharging them \$50 million/year, tossed MCOs out in 2012, and restarted its state-run Medicaid fee-for-service program - saving hundreds of millions of dollars, achieving the lowest Medicaid cost increases in the country, and improving access to care. Please support MCO audit and Medicaid de-privatization bills. See research here.

- b) Support single payer improved “Medicare for all” health insurance
Rhode Island’s economy would be significantly improved as current burdens on employers and employees are reduced and government entities (such as the Town of Portsmouth) are relieved of Other Post Employment Benefit (OPEB) debts mainly due to health insurance costs. Every industrialized nation in the world, except the United States, offers guaranteed universal health insurance under a “single payer” type system and enjoys better health outcomes for about one-half the cost. Even the most conservative analyses have found that Medicare for All would cost less than the current inefficient multi-payer health insurance system. See, e.g., <https://www.cbo.gov/publication/56811>. For more information, see: <https://pnhp.org/>

- 5) Amend the general laws to clarify the tax appeal procedures - Legislation should be re-introduced to clarify that real estate property taxpayers are not entitled to appeal the valuation of their property each year, but may only challenge the value in the year of the last update or revaluation, as indicated in the 2001 amendments to RI General Laws § 44-5-15 and § 44-5-26. In Spring 2018, the Rhode Island Supreme Court issued a 3-2 ruling that opened the door to plaintiffs contesting their values more frequently than every three years. The decision could open the door to numerous costly appeals and must be clarified.

Recommended by Councilor Keith Hamilton:

- 1) Recreational Marijuana – It is no secret that RI will be heading down the path of legalizing recreational marijuana to attempt to close budget holes. Portsmouth currently has one of the three medical marijuana facilities in RI and they are sure to change to full service once recreational is approved. Portsmouth and other host communities need help in anticipated expenses from policing activities related to legalization of recreational marijuana. Each hosting community should receive a tax associated from each sale to help offset future expenses. The Massachusetts Statute provides 3% payments to communities plus the ability to apply a local sales tax not to exceed 3%. The Portsmouth Town Council would like to request these fees be the minimum included into any bill. We would also like to limit the number of facilities by population and suggest that a maximum of one (1) facility per 50,000 residents per host communities.
- 2) Paiva-Weed Tax Cap – The past year was a difficult year for all of our citizens. The Portsmouth Town Council struggled with keeping taxes as low as we could while still providing high performing schools and services. The general complaint from citizen was the Town should not have raised taxes at all but we

raised them and kept in compliance with the 4% limit as prescribed by the Paiva-Weed Tax Cap Law. The Portsmouth Water & Fire District, however, installed a tax increase that was over 9% this year. The Portsmouth Town Council would like to request that the RIGL §44-5-2 be amended to include all entities that have the power to levy property tax, including Water & Fire Districts.

- 3) Special March Election – The State and not the Towns should pay for the costs of the special March election given the delay was caused by the GA’s failure to act earlier.

Staff Recommendations

Recommended by Town Planner Gary Crosby:

- 1) Promote State takeover of Defense Highway / Stringham Road from the Navy.
- 2) Update the Low / Moderate Income Housing Act (R.I.G.L. §45-53) to remove impediments toward compliance by municipalities and those wanting to develop LMI housing.

Recommended by Fire Chief Paul Ford:

- 1) Funding assistance for COVID-19 vaccine distribution.
- 2) Advocacy for additional federal funding for “Assistance to Firefighter Grant (AFG)” and “Staffing for Adequate Fire and Emergency Response (SAFER)” grant.

Recommended by HR Director Lisa Puglia:

- 1) Pay equity/minimum wage to remain competitive with Massachusetts
- 2) Expand plastic ban from bags to other consumer products

Recommended by Business Development Director Rich Talipsky:

- 1) High Speed Internet improvement and accessibility
- 2) Advocacy for State Office on Electronic Connectivity, eCommerce and Cybersecurity

Portsmouth School Committee

The Portsmouth School Committee respectfully asks our legislators to support the following issues during the 2021 Legislative Session.

- 1) **FUNDINGS:** State Education Aid Funding Formula and High-Cost Special Education.

We urge the legislature reject any change to the funding formula that merely results in a redistribution of aid from one district to another district. Portsmouth has lost approximately 50% of its state aid over the past 10 years due to the implementation of this current funding formula. Any future changes to the formula should only result in increases to every district’s aid, or at a minimum, hold the districts harmless from further loss.

Additionally, as the cost of educating students with disabilities is continuing increase even for the most well managed school budget, we encourage you to support an increase in the high-cost special education categorical fund included in the funding formula aid.

- 2) **FIELD TRIPS:** Amend RIGL § 16-38-6 (a), with the following sentence (in bold).

Last year, the State legislature was on the verge of passing a bill to deal clarify the funding of field trips. As the pandemic ends these types of activities will be even more important to help students forget connections with their classmates and school and contribute positively to their overall social-emotional well-being. Therefore, we ask you to support amending RIGL § 16-38-6 (a), with the following sentence (in bold):

“No public school official or public school employee shall, for any purpose, solicit or exact from any pupil in any public school any contribution or gift of money or any article of value or any pledge to contribute and money or article of value.” This prohibition does not apply to school sponsored field trips in which parents can be asked for funding as long as the District provides funding to any student whose family cannot afford the cost of the trip.

The reason for this need change is as follows: On April 10th, former Commission of Education, Ken Wagner, ruled that in accordance with R.I Gen. Laws 16-38-6(a) there are in short three permissible ways to fund school trips:

- 1) “Districts may budget funds for trips, so long as the trip is part of the instructional program an all students have the same ability to attend:
- 2) Fundraising for trips is permissible to supplement district budgeted funds, so long as individual students do not have mandated fundraising targets that must be met as a requirement for participation; and
- 3) Individuals may be charged fees for a trip, but only for trips that are not organized by district using district resources including district funded staff time. “

While in accordance with the current law, this ruling will have the unintended consequence of severely reducing, if not eliminating the types and number of extra-curricular opportunities that can be offered students. In essence, this means that once in a life-time opportunities for students will be eliminated from public schools in Rhode Island as districts cannot afford the costs of fully funding these enrichment activities. The Portsmouth School Committee passed a resolution supporting this change (see attached).

- 3) **SPECIAL EDUCATION.**

A. Examine and Change the statutory requirements for LEAs to contribute special education per pupil amounts to DCYF for students placed in residential settings and the overall formula used to identify LEA per pupil spending amounts for students with IEPs placed in residential settings.

At various times, the DCYF places youth in residential settings. When this occurs, LEAs of residence contribute to the educational costs of the residential placement. For students with disabilities, this can often result paying more than current cost to educate the student. For students who are not eligible for special education the cost that an LEA contributes is the same as that of a student with a disability. We request that the State address the current statute for this area in its entirety, including the formula for determining per pupil expenditures in this area.

B. Examine the Effectiveness of Statewide Transportation for Students who Attend School Outside of Their Residence LEA

Statewide transportation was legislatively enacted to provide fiscal efficiencies for student transportation outside of LEA’s. The system, while purportedly offering efficiencies has failed year over year to accomplish this, particularly as it relates to cost. It is

not cost effective and it is not efficient. We request that the State address this issue by studying the effectiveness of statewide transportation to identify cost effective solutions for LEAs as it relates to transportation.

4) **ROAD SAFETY.**

Together with the Town Council, the School Committee has raised several times concerns with legislators about the safety conditions on East and West Main Roads. Every school bus is wider than a single lane currently on East Main Road. As both of these roads are under the state's jurisdiction, the Town of Portsmouth and the State need them to become a priority for action at the state level. We are also undertaking a transportation study to see how we might alter busing to improve safety and efficiency.

5) **SUPPORT THE LEGISLATIVE EFFORT TO PAUSE THE EXPANSION OR CREATION OF NEW CHARTER SCHOOLS**

The School Committee urges Portsmouth legislators to support the passage of Senate Bill 13 and the House equivalent which provides for a pause on the creation or expansion of any new charter school until after the 2023-2024 school year.

2. **Joint Town Council/School Committee Budget Presentation.** – No votes taken.

CONSENT AGENDA – Motion to receive and place on file made by Mr. Hamilton, seconded by Dr. Ryan. Motion passed 7-0.

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. **Bills**

2. **Peddler License – Mobile Food Establishment (MFE):**

- a. Amano LLC d/b/a A Mano Pizza & Gelato, 181 Bellevue Ave #315, Newport (#1887)
- b. 1899 LLC d/b/a La Costa Lobster and Tacos, 186 Bellevue Avenue, Newport (#1888)
- c. Galley Wagon LLC d/b/a Village Greek, 21 Marcy Street, Cranston (#1890)

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. **Victualler License – Annual, New: (fr. 1/11/21)**

Saint Karas, Inc. d/b/a Steve's Pizza, 2460 East Main Road (#1882) – Motion to approve made by 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 Dr. Ryan. Motion passed 7-0

MINUTES

1/11/2021 & Exec – Motion to approve the 1/11/2021 minutes as amended made by Mr. Hamilton, seconded by Ms. Ujifusa. Motion passed 7-0. Motion to approve the 1/11/2021 Executive Session minutes made by Mr. Hamilton, seconded by Ms. Ujifusa. Motion passed 7-0.

TAX VOUCHERS – Motion to approve made by Dr. Ryan, seconded by Ms. Ujifusa. Motion passed 6-0. Mr. Hamilton recused.

Request approval for Tax Vouchers #20210125-01 to #20210125-09. / M. Helfand

TOWN ADMINISTRATOR'S REPORT

1. **COVID Update**

- I hope everyone is doing well and staying safe.

- We are seeing an increase in local COVID-19 rates – so I’d like to reiterate the call to please keep social groups small and stay vigilant in your efforts to reduce the transmission of the virus.
- With respect to COVID-19 guidelines, the state has extended current guidelines through mid-February. As a reminder:
 - Wear a mask when outside of your home, even in the outdoors.
 - Consider masking when walking down the sidewalk or jogging and biking.
 - Keep your social interactions limited to members of your own household.
 - Self-isolate whenever possible. Work from home if you can and shop locally online whenever possible.
- The state has opened up a new testing site on Aquidneck Island at the Knights of Columbus hall in Middletown. Everyone is encouraged to log on to the DOH test site portal and schedule a test. Appointments are free and results are returned usually within 24 to 48 hours.
- Due to vaccine availability, the RI DOH has revised their initial plan. RI is currently only receiving about 14,000 doses per week, so RI DOH has adopted a step-by-step approach in deciding who gets immunized. Information regarding planning for vaccinations in Rhode Island can be found on the RI DOH website or by clicking the links in our COVID update page on the Town website.

2. Sand Point Dock

- The refurbishment of the Sand Point Dock at Prudence Island which was authorized by the Council in the current CIP has been completed. The dock has been completely renovated, the bulkhead has been repaired, the roadway section leading to the dock has been repaved and a gang way installed, which can be raised and lowered.

3. Senior Center Update

- There has been an increase in public discussion regarding the Portsmouth Senior Center. I have been very careful to keep the Council aware of work I am doing to ensure the center, as an organization, remains viable after the building they are currently housed in is no longer authorized for that use next summer.
- Nothing about what steps have to be taken should be a surprise. The simple fact of the matter is the Portsmouth Senior Center is a private non-profit organization housed in a town provided building which is subsidized through annual civic support payments authorized by the Town Council.
- Regardless, I believe, as a Town, we should do what needs to be done to support the Portsmouth Senior Center and endeavor to take steps necessary to ensure the members of the organization have a safe and adequate center to congregate in.
- As previously discussed, the approach to this issue consists of two important steps:
 - Securing a permanent replacement for the Anne Hutchinson building where the Sr. Center is currently housed.
 - Securing an intermediate home while plans are made and executed to secure a permanent home.
- With regard to securing a permanent home: We have been discussing a partnership with Church Community Housing. In principle, CCH will build a new center for the Town in exchange for a long term lease of the property. This will ultimately be subject to Town Council and Voter approval, but the plan as envisioned would be no cost to the Town. I

will keep the Council informed as this plan matures. In the meantime, I will be reaching out to important stakeholders with ties and interest in the Senior Center in the coming weeks to form a working group to help ensure we address all the concerns associated with the continued viability of the Portsmouth Senior Center.

- In the interim, there is no suitable location in Portsmouth which can house the Portsmouth Senior Center – particularly under the current agreement they have with the Town, which is \$1.00 / year. As I briefed the Council previously, I am discussing a proposed agreement with the Middletown Town Administrator. He has received approval to work with me to develop a plan to incorporate our seniors into the Middletown Senior Center until we can build a new center in Portsmouth. I will present that proposal as soon as it is ready for your review.
 - The bottom line is this: I understand there is uncertainty regarding the future of the Senior Center and that is worrisome for our seniors who reside in Portsmouth. I believe it is important to address these concerns and do what can be done to support our residents, which will at the same time helps the Senior Center organization. Unless otherwise directed, I will continue these efforts.
4. Municipal COVID-19 Response Fund Program
- We have been notified the Municipal COVID-19 Response Fund Program of the RI Dept. of Revenue has made funds available to RI Cities and Towns. Portsmouth has been targeted for reimbursement of a little over \$800,000.
 - An advance installment of \$174,000 has been released and the remainder of funds are expected to be released late this month.
 - These funds are meant to cover expenses associated with Public Safety payroll expenses, PPE and social distancing expenses, and telework expenses.
 - January 29 is the target date of the Division of Municipal Finance to publish final amounts municipalities are entitled to.
5. Facilities Maintenance RFP
- The facilities maintenance contract we have with Aramark, in partnership with the School Department, is expiring at the end of the fiscal year. We have prepared an RFP to solicit bids from interested vendors and will release the RFP tomorrow.
6. East Main Road Assessment Update
- The Road Safety Assessment team met to discuss the EMR assessment earlier this month.
 - We asked for clarification on some of the recommended measures and suggestions for improvements and will brief the Council at your next meeting.

RESIGNATIONS AND APPOINTMENTS

1. Resignations:

- a. Zoning Board of Review – Motion to accept Kathleen Pavlakis’ resignation with regret made by Mr. Hamilton, seconded by Dr. Ryan. Motion passed 7-0
- b. Prudence Island Planning Commission – Motion to accept Cathy Homan’s resignation with regret made by Mr. Hamilton, seconded by Dr. Ryan. Motion passed 7-0

2. Appointments:

a. Prudence Island Planning Commission – Motion to appoint Linda O’Brien effective immediately and to appoint Laurie Greaney effective 2/12/2021 made by Dr. Ryan, seconded by Mr. Hamilton. Motion passed 7-0.

b. Harbor Commission – Motion to reappoint Abby Brown made by Mr. Hamilton, seconded by Dr. Ryan. Motion passed 7-0.

c. & d. Planning Board – Motion to reappoint both Guy Bissonnette and Edward Lopes Jr. made by Dr. Ryan, seconded by Mr. Hamilton. Motion passed 7-0.

e. Tree Warden – Motion to reappoint John Fitzgerald made by Mr. Hamilton, seconded by Dr. Ryan. Motion passed 7-0.

f. West Side Development – Motion to reappoint John Vitkevich made by Dr. Ryan, seconded by Mr. Hamilton. Motion passed 7-0.

OLD BUSINESS (Discussion/Action)

1. Melville Park Committee Grant Application Amended Request – Motion to approve made by Mr. Hamilton, seconded by Dr. Ryan. Motion passed 7-0.

NEW BUSINESS Continued (Discussion/Action)

1. Request to Limit Beach Stickers Per Household. – Motion to approve 2 passes per household made by Mr. Hamilton, seconded by Dr. Ryan. Motion passed 7-0.

2. Request approval to amend resolution #2020-02-10A – Exemption from Taxation of the Real Estate of Certain Income Eligible Senior Citizens. – Motion to approve made by Mr. Hamilton, seconded by Ms. Ujifusa. Motion passed 7-0.

**TOWN OF PORTSMOUTH, RI
RESOLUTION # 2021-01-25**

**Exemption from Taxation of the Real Estate of
Certain Income Eligible Senior Citizens**

IF YOUR INCOME IS:
(DEC. 2020)

YOUR EXEMPTION IS:
2021 TAX ROLL

<u>CPI-U</u>	0 - \$10,263	85% of Assessed Value
(1.4%)	\$10,264 - \$12,791	75% of Assessed Value
	\$12,792 - \$15,318	65% of Assessed Value
	\$15,319 - \$17,848	55% of Assessed Value
	\$17,849 - \$20,375	45% of Assessed Value
	\$20,376 - \$22,908	35% of Assessed Value
	\$22,909 - \$25,433	25% of Assessed Value
	\$25,434 - \$27,966	15% of Assessed Value
	\$27,967 - \$30,289	10% of Assessed Value

APPROVED BY TOWN COUNCIL ACTION ON January 25, 2021

Kevin M. Aguiar, President
Portsmouth Town Council

ATTEST: _____
Jennifer M. West, Town Clerk

FUTURE MEETINGS

Feb 08 7:00 PM – Town Council Meeting
Feb 22 7:00 PM – Town Council Meeting
Mar 08 7:00 PM – Town Council Meeting
Mar 22 7:00 PM – Town Council Meeting

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

Time: 8:57

Jennifer M. West, Town Clerk

DRAFT