

**PORTSMOUTH TOWN COUNCIL MEETING
JANUARY 13, 2020 MINUTES**

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

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

SCHOOL COMMITTEE: Emily Copeland, Thomas Vadney, Allen Shers, Frederick Faerber, Juan Carlos Payero, Karen McDaid and Catherine Holtman

Time: 6:00 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 everyone for coming to the first meeting of the year and hopes to have a productive year in 2020.

NEW BUSINESS (Discussion/Action)

1. Joint Town Council/School Committee budget presentation. – No votes taken.

OLD BUSINESS (Discussion/Action)

1. Presentation of the School Department’s 5-year Capital Improvement Plan. – No votes taken.

Time: 7:04 PM Break

Time: 7:12 PM Return

CONSENT AGENDA

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. CRMC – PUBLIC NOTICE:

An Application of Peter W. Brennan, 28 Cliff Avenue, Portsmouth, RI 02871, for a State of RI Assent to construct and maintain: residential boating facility consisting of a 4x59’ fixed pier to a ramp and 18’x4’ float, extending 75 feet beyond Mean Low Water (MLW). Facility requests Variances to 650RICR 200-00-01.3.1(D)(11)(k) 25 foot property line setback for both property lines, and 1.3.1(D)(11)(l) 50 foot beyond MLW Standard. Project Location: 28 Cliff Avenue.

3. Peddler License – Mobile Food Establishment (MFE):

- a. Amano LLC d/b/a A Mano Pizza & Gelato, 181 Bellevue Ave #315, Newport (#1660)
- b. Diegos Middletown d/b/a Diegos Barrio Cantina, 116 Aquidneck Ave, Middletown (#1656)
- c. Baby Duck LLC d/b/a HG80, 78 Harrison St, Providence (#1663)
- d. GG’s Pretzels d/b/a GG’s Pretzels, 691 Main St, Warren (#1664)
- e. Pete’s Ice Cream d/b/a Pete’s Ice Cream, 122 Viking Dr, Portsmouth (#1665)

Mr. Kelly requested to pull 3e from the consent agenda and place on New Business. Mr. Kelly made a motion to approve the Consent Agenda as amended, seconded by Ms. Ujifusa. Motion passed 7-0.

Motion to move NB 4 forward made by Ms. Ujifusa, seconded by Dr. Ryan. Motion passed 7-0.

NB4. Request approval to submit a grant application to the Van Buren Charitable Foundation requesting funds to complete site assessments, feasibility study, conceptual design, and public workshops to support development of the design for a Multi-Use Community Recreation Center in Portsmouth. – Motion to approve with the deletion of paragraph two made by Ms. Ujifusa, seconded by Mr. Kelly. Motion passed 7-0.

Time: 7:24 Mr. Katzman leaves.

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. Daily Liquor License, Class F1

Island Park Preservation Society, 21 Beach Street, for a Fundraiser at 706 Park Avenue on February 15, 2020 from 4:00-10:00 pm (#1662) – Motion to approve made by Mr. Hamilton, seconded by Ms. Abbott. Motion passed 6-0. Mr. Katzman absent.

e. Pete’s Ice Cream d/b/a Pete’s Ice Cream, 122 Viking Dr, Portsmouth (#1665) – Motion to approve made by Mr. Hamilton, seconded by Dr. Ryan. Motion passed 5-0-1. Mr. Kelly recused. Mr. Katzman absent.

ADJOURN – Motion to adjourn made by Mr. Hamilton, seconded by Mr. Kelly. Motion passed 6-0. Mr. Katzman absent.

MINUTES

TCM 12/9/19 – Motion to approve made by Dr. Ryan, seconded by Ms. Ujifusa. Motion passed 6-0.

TAX VOUCHERS

Request approval for Tax Vouchers #20200113-01 to #20200113-09. – Motion to approve made by Mr. Hamilton, seconded by Ms. Ujifusa. Motion passed 6-0.

TOWN ADMINISTRATOR’S REPORT

1. Status of the Comprehensive Plan – The Planning Board voted last week to start the required Public Hearing to consider the draft Comprehensive Plan on March 18, 2020. The Public Hearing will be advertised over the three weeks prior to the meeting and will be continued to additional meetings until they finish. The completed draft is posted on the Town website.

2. Senior Center update – I reported at our last Town Council meeting the Sr. Center was recently inspected by the State Fire Marshal’s Office. Since the last meeting, the Deputy State Fire Marshal has met with Director Woodhead and Chief Ford for a walk through the building and we have developed an action plan to address the issues identified in his report. Additionally, all organizations responsible for storage material being kept in the upper floors of the building have been notified and we expect the upper floors to be cleared by the 18th. Our action plan divides the issues into three categories: Violations to be (or already corrected) by DPW; Violations to be corrected by on-call contractors; Violations in need of a variance: Building Sprinklers; Headroom

Clearance at the Front Door; Kitchen plenum and duct system work. Our request for variances will be heard by a Board of Appeal on February 18th.

3. RIIB Municipal Resiliency Program grant status – Rhode Island Infrastructure Bank’s Director of Stormwater and Resiliency reached out to me last week to inform us our applications for Municipal Resiliency Program grants have been reviewed and received favorably by the Infrastructure Bank’s Board of Directors. He anticipates a final decision to be made by the end of this month.

4. Island Park Resiliency meeting – As an update to the Town Councils’ motion adopted last August supporting a “Holistic Approach to Disaster Planning” and “Whole Community” involvement in that approach, Common Fence Point established a neighborhood preparedness committee that operates under the auspices of the CFP Improvement Association. It is well-organized and actively improving resiliency initiatives. In November, the Hummocks and Island Park neighborhoods started the same program and have met twice to organize and identify resiliency initiatives they wish to take on. Leading this initiative are the owners of Tremblay’s Island Park Bar and Grill and Thrive Coffee House. Both the CFP and Island Park groups are coordinating with each other and are supported by the University of RI Coastal Resource Center’s Resiliency Program and our Town’s Emergency Manager. The neighborhood model being used is gaining traction and our EMA Director is working to apply it to our Mobile Home neighborhoods. Another neighborhood has expressed interest in developing a similar preparedness group and we invite others to do the same with support from our EMA Director.

Additionally, regarding our audit status: Last month we requested and received from the State Auditor General an extension to file the audit report with his office. An extension has been granted to February 28th. All financial working papers have since been submitted to the Auditing Firm and the FY19 audit is now progressing smoothly. The extension request was made for four reasons. The first reason is due to turnover in the Town’s Finance Office. There have been four Finance Directors in the last four and a half years. The current Finance Director was hired in the spring of 2018. Our Deputy Director resigned in October 2018. The current Finance Director hired a new deputy finance director and embarked on a program to increase internal controls and documentation. It has taken a considerable amount of time to reconcile the work of the previous Finance Directors and Deputy. Additionally, we found formula errors in our accounting software which have since been rectified by the software vendor. We have completed uploading all requested schedules, however, the Audit Firm will need additional time to complete the audit report. Secondly, there were schedules requested this year that are new and were not required in the past. We worked with the auditing firm and those schedules are now complete. Third, the State will need to approve the Town’s Annual Supplemental Transparency Report (MTP2) once the Audit Report is submitted. And fourth, we did not receive our OPEB GASB 74/75 reports until the last week of December. We project a high six figure surplus and the delay in the final audit report will have no impact on the budget development process for FY21. I will keep the Council informed of any updates as they occur.

RESIGNATIONS AND APPOINTMENTS

1. Resignation:

a. Juvenile Hearing Board – Motion to accept Ralph Craft’s resignation with regret made by Mr. Hamilton, seconded by Dr. Ryan. Motion massed 6-0.

2. Appointments:

- a. Economic Development Committee
- b. Housing Authority
- c. Juvenile Hearing Board

- d. Solid Waste and Recycling Committee
- e. Zoning Board of Review (Re-Appt.)

- Motion to approve Micholas Credle to the Economic Development Committee made by Mr. Hamilton, seconded by Ms. Abbott. Motion passed 6-0.
- Motion to approve Micholas Credle to the Housing Authority and to the Solid Waste and Recycling Committee made by Mr. Hamilton, seconded by Mr. Kelly. Motion passed 6-0.
- Motion to approve Kenneth Jones to the Housing Authority made by Mr. Hamilton, seconded by Dr. Ryan. Motion passed 6-0.
- Motion to re-appoint James Nott to the Zoning Board of Review made by Dr. Ryan, seconded by Mr. Hamilton. Motion passed 6-0.

OLD BUSINESS (Discussion/Action) - CONTINUED

- 2. Monthly finance report. – Motion to receive and place on file made by Mr. Hamilton, seconded by Dr. Ryan. Motion passed 6-0.

NEW BUSINESS (Discussion/Action) - CONTINUED

- 2. Report regarding the Island Park Preservation Society 2020 Polar Dive. – No votes taken.
- 3. PUBLIC HEARING: To consider the proposed amendment to the Portsmouth Code of Ordinances Chapter 15: Emergency Management, Section 3: Declaration of local disaster emergency

Mr. Ray Perry, Emergency Management Director, requests an amendment to Ordinance 15-3-A to update the language to ensure a clear succession of authority in declaring a disaster should the Town Council President be unable to perform emergency declaration duties. FEMA and RIEMA require the Town to have a clear succession.

Mr. Larry Fitzmorris, 50 Kristen Ct - Believes it goes against the Charter. He does not believe that the Town Administrator or the Safety Officials should have any say in declaring an emergency.

Ms. Nancy Grieb, 110 Thayer Dr. - Agrees with Mr. Fitzmorris. There was discussion at a Charter Review Committee meeting and she suggests the Council look at the minutes from the meeting.

Mr. Gavin sees no issue with the Charter.

Mr. Perry stated the succession is only for Emergency Disaster situations.

Motion to close the Public Hearing made by Mr. Hamilton, seconded by Ms. Ujifusa. Motion passed 6-0.

Motion to accept the proposed amendment change made by Ms. Ujifusa, seconded by Ms. Abbott. Motion passed 6-0.

**TOWN OF PORTSMOUTH, RI
ORDINANCE # 2020-01-13**

It is hereby ordained by the Town Council of the Town of Portsmouth, that Chapter 15 Emergency Management, Section 3 Paragraph A, of the Portsmouth Code of Ordinances be amended to update the language to ensure a clear succession of authority exists in declaring a disaster should the Town Council President be unable to perform the emergency declaration duties.

§15-3 Declaration of local disaster emergency is hereby amended to read as follows:

A. A local disaster emergency may be declared only by the Town Council President of the Town of Portsmouth. It shall not be continued or renewed for a period in excess of seven days, except by or with the consent of the Town Council of the Town of Portsmouth. Any order or proclamation declaring, continuing, or terminating a local disaster emergency shall be given prompt and general publicity and shall be filed promptly with the Town Clerk. Should the Town Council President be unable to perform the declaration of disaster duties, those duties will fall in order of precedence to the Town officials described in the Town’s Emergency Operations Plan approved by the Town Council, under the plan’s section titled Duties of the Town’s Chief Executive Officer.

This amendment shall take effect upon passage.

APPROVED BY TOWN COUNCIL
ACTION ON JANUARY 13, 2020.

Jennifer M. West,
Town Clerk

5. Request resolution in support of fully funded E-911 statewide and municipal services. – Motion to approve made by Ms. Ujifusa, seconded by Dr. Ryan. Motion passed 6-0.

TOWN OF PORTSMOUTH, RI
RESOLUTION #2020-01-13

RESOLUTION IN SUPPORT OF FULLY FUNDED E-911

WHEREAS: E-911’s mission is intended to provide 24 hour effective and efficient emergency communication services in the interest of public good; and

WHEREAS: Even with some of the best Fire, Rescue and Ambulance Corps in the State, the response times in rural areas may be 10 to 15 minutes - a response time that is a product of distance and antiquated equipment alone; and

WHEREAS: The revenue source chosen to completely fund the State of RI Enhanced 911 is first remitted to the State of Rhode Island by the phone carriers from surcharges collected from everyone’s individual phone bill; and

WHEREAS: The State of Rhode Island has co-mingled in general revenue fees collected but not dedicated to E-911 services. E-911 services consist of staffing, training, operations, equipment and technology that help with the operation of delivering E-911 services; and

WHEREAS: At present, our E-911 system has no GPS tracking for cell phones for voice and text messaging services, no Emergency Medical Dispatch (a process that puts a trained nurse practitioner or physician’s assistant on the line to provide emergency medical instruction), is not in line with mandated municipal equipment upgrades from surcharges and does not have a full range of services needed to communicate with all Rhode Islanders who may find themselves in highly stressed emergency crises; and

WHEREAS: At present, municipality dispatch centers use equipment that is electronically antiquated and not in keeping with modern efficiencies causing upgrades to be borne by municipal tax payers or by having the Police/Fire dispatch centers search for funds by writing grants.

NOW, THEREFORE, BE IT RESOLVED, that we, the members of the Portsmouth Town Council, support fully funded E-911 statewide and municipal services.

BE IT FURTHER RESOLVED, that we, the members of the Portsmouth Town Council, urge the Governor to convene the E-911 Commission to oversee the resolution of any inadequacies in the E-911 system.

BE IT FURTHER RESOLVED, that the Portsmouth Town Clerk is hereby directed to forward a copy of this Resolution to all State of Rhode Island City and Town Councils respectfully requesting that they too adopt a similar resolution in support of the Town of Portsmouth in their request to update staffing, training, operations, equipment and technology for 911 Emergency Services. This resolution and other resolutions will be sent to the Governor and other State and grassroots agencies requesting their support.

Approved by Town Council Action
January 13, 2020

Kevin Aguiar, President
Portsmouth Town Council

ATTEST: _____
Jennifer M. West, Town Clerk

6. Request change to April Town Council meeting dates. – Motion to approve moving the Council meeting dates in April to April 6, 2020 and April 20, 2020 made by Ms. Ujifusa, seconded by Dr. Ryan. Motion passed 6-0.

CORRESPONDENCE

1. Monthly RIRRC Report. / R. Antaya
2. Resolution in support of fully funded E-911 statewide and municipal services. / Charlestown Town Council
3. Resolution regarding field trip funding law. / North Smithfield Public Schools District School Committee
4. Portsmouth Water and Fire District’s quarterly financial reports for the period ending October 31, 2019. / N. Larsen, Senior Accountant, Portsmouth Water and Fire District
5. Newport and Bristol County Convention and Visitors’ Bureau and Subsidiary, Independent Auditors’ Report for the year ended June 30, 2019. / A. Adkins, VP of Finance and Human Resources
6. Letter of thanks for donation. / Portsmouth Public Education Foundation Board of Directors
7. Letter regarding concerns with contamination of Tank Farm 1. / T. Grieb

Motion to receive and place on file made by Mr. Hamilton, seconded by Mr. Kelly. Motion passed 6-0.

FUTURE MEETINGS

- Jan 27 7:00 PM - Town Council Meeting
- Feb 10 7:00 PM - Town Council Meeting
- Feb 24 7:00 PM - Town Council Meeting

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

Time: 7:59 PM

Jennifer M. West, Town Clerk