

PORTSMOUTH TOWN COUNCIL MEETING
FEBRUARY 25, 2019 MINUTES

6:30 PM – Town Council Chambers, Portsmouth Town Hall, 2200 East Main Road

Time: 6:30 PM

MEMBERS PRESENT: Linda L. Ujifusa, J. Mark Ryan, Leonard B. Katzman, Andrew V. Kelly and Daniela T. Abbott

MEMBER ABSENT: Kevin M. Aguiar

ALSO PRESENT: Richard Rainer, Kevin Gavin, Jennifer West

EXECUTIVE SESSION – Motion to go into Executive Session under RIGL 42-46-5(a)(2) made by Mr. Hamilton, seconded by Dr. Ryan. Motion passed 6-0.

1. RIGL 42-46-5(a)(2) – Potential Litigation – One vote taken passed 6-0.

ADJOURN – Motion to seal the minutes and adjourn to open session made by Dr. Ryan, seconded by Mr. Hamilton. Motion passed 6-0.

Time: 6:42 PM

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

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

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 was not present for the Executive Session. As Vice-President, Ms. Ujifusa ran the meeting. Ms. Ujifusa stated that there was a motion approved to authorize the Solicitor, if necessary, to bring suit in Federal Court to challenge the Tolling Authority. Motion passed 6-0.

CONSENT AGENDA

1. Bills – Motion to approve and place on file made by Mr. Hamilton, seconded by Mr. Katzman. 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. Request to continue Public Hearing for new Class BVL Liquor License for KJK LLC d/b/a Thriving Tree Coffee House, 706 Park Ave. from 2/25/19 to 3/11/19 (#1378) – Motion to continue Public Hearing to the 3/11/19 meeting made by Dr. Ryan, seconded by Ms. Ujifusa. Motion passed 7-0.
2. Request to advertise for a Public Hearing (#1412)
Application to transfer a Class D Beverage License from RI Abbey Golf Club Inc. d/b/a RI Abbey Golf Club Inc. to ACC Beverage, Inc., 125 Cory's Lane, Portsmouth, RI – Motion to approve the request to advertise for a Public Hearing on 3/25/19 made by Mr. Hamilton, seconded by Mr. Katzman. 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

TCM 2/11/19 – Motion to approve by Dr. Ryan, seconded by Mr. Katzman. Motion passed 7-0.

TOWN ADMINISTRATOR'S REPORT

1. MEDS program update – Medical Emergency Distribution System (MEDS) Point of Dispensing (POD) Plan training was held at Atria Aquidneck Place late last month. The purpose of the MEDS POD Plan is to prepare for mass dispensing of antibiotics or vaccines that could be triggered by: The Center for Disease Control; RI DOH; or Terrorist action. This training completes our three required Portsmouth Medical Emergency Distribution System (MEDS) Deliverables for 2018-19: Review and approval of our MEDS Point of Dispensing (POD) Plan; and two meetings with Vulnerable Populations (Prudence Island in Sept 2018 and Atria Aquidneck Place in January 2019). State payments to Portsmouth for the three deliverables for this year is \$4350. Portsmouth is the first community in RI to complete all State MEDS requirements for this year. Over the past 3 years Portsmouth has received \$11,300 from the State for completion of required MEDS Deliverables.
2. Next showing of Town Compact – The Portsmouth Compact of 1638 will be on display here in Town Hall from 11am-1pm on Thursday, March 7, 2019 to mark the 381st anniversary of its signing. The event is sponsored by The Town of Portsmouth and The Portsmouth Historical Society and there will be an introduction by Town Historian Jim Garman at 11:30. This is a rare opportunity to view our compact and I invite everyone to attend.
3. Status of FY 20 budget preparation – To date, I've received budget inputs from all Town depts., the School Administration and Civic organizations, and a working draft of the FY 2020 budget has been completed. Tonight, you will receive a report of the state of our Town Facilities. Information from the report has already been added to the list of Town Capital needs. Of course, in a perfect world anticipated revenues would exceed expenditure requests. Unfortunately, that situation rarely (if ever) exists. Over the next few weeks the Finance Director and I will be working with individual department heads and stakeholders in an effort to prioritize funding requests to better balance the budget in accordance with Council direction. My recommended budget will be delivered to the Council on April 2nd.
4. Upcoming Municipal Budgeting meeting – The RI League of Cities and Towns will hold a Municipal Budgeting seminar at the Jamestown Public Library on Saturday, March 2nd from 10am to 12pm. Council and staff have been invited and I plan to attend with our Director and Deputy of Finance.

RESIGNATIONS AND APPOINTMENTS

1. Appointments

a. Board of Canvassers – Nomination by Mr. Aguiar to appoint Nancy Zitka to the Board of Canvassers starting 4/8/19 approved 6-0-1. Mr. Katzman recused from Board of Canvassers appointments.

i. Request the appointment of two bi-partisan alternate members – Nomination by Mr. Aguiar to appoint Mark Kanter to the Board of Canvassers as the Democratic Alternate approved 6-0-1. Keeping one alternate position open for the Republicans. Mr. Katzman recused.

b. Charter Review Committee – Motion to approve Katy Vachon and Nancy Wake to the Charter Review Committee made by Mr. Katzman, seconded by Mr. Kelly. Motion passed 7-0. Motion to appoint Paul Kelly to the Charter Review Committee made by Mr. Katzman, seconded by Mr. Hamilton. Motion passed 6-0-1. Mr. Kelly recused.

c. Juvenile Hearing Board – Motion to reappoint Ralph Craft made by Mr. Hamilton, seconded by Dr. Ryan. Motion passed 7-0.

Motion to move New Business 1 in front of Old Business made by Mr. Hamilton, seconded by Mr. Katzman. Motion passed 7-0.

NB1. Request to move the fence at Callahan Field. – Motion to approve made by Mr. Hamilton, seconded by Ms. Ujifusa. Motion passed 7-0.

OLD BUSINESS (Discussion/Action)

1. Monthly Police update. – No motion made.

2. FY 2017–2019 budget and audit. / L. Fitzmorris & Hague, Sahady & Co. (10)

- a. Request the General Fund Unrestricted Fund Balance for the Town at the end of Fiscal Year 2017–2018.
- b. Request the School Department Fund Balance at the end of Fiscal Year 2017–2018.
- c. Request discussion of the Council directed transfer of \$220,000 from FY 2017–2018 surplus funds to the Police Station Construction Project. – Rescheduled to the 3/11/19 meeting at the request of Mr. Fitzmorris.

3. Facility condition assessment report.

<http://www.portsmouthri.com/DocumentCenter/View/2817/Portsmouth-RI-State-of-Facilities-Complete-Report-012119> – Motion to receive and place on file made by Mr. Hamilton, seconded by Mr. Katzman. Motion passed 7-0.

4. Coggeshall School RFP Recommendation. – Mr. Katzman asked Mr. Rainer if the three groups who applied for the RFP would consider trying to work together. Mr. Rainer said yes. Motion to cancel the solicitation on the recommendation of the Town Administrator made by Mr. Katzman, seconded by Mr. Hamilton. Motion passed 7-0.

5. Request approval of Brown House Office Space Rental Fee Structure. – Motion to accept the policy and fee structure with Ms. Ujifusa's changes to 2.1a and 2.1b made by Mr. Hamilton, seconded by Mr. Katzman. Motion passed 7-0.

- a. Letter from Corey Silvia, Prevention Coalition Coordinator
 - b. Letter in opposition to Brown House rentals. / D. Goetzing
6. Monthly finance report. – Motion to receive and place on file made by Mr. Hamilton, seconded by Mr. Kelly. Motion passed 7-0.
7. Request to reschedule Public Hearing for proposed Zoning Ordinance amendment to Article XIX for a “payment in lieu” option for low and moderate income housing requirements from March 11 to April 8, 2019. – Motion to approve the request to reschedule to April 8, 2019 made by Mr. Hamilton, seconded by Mr. Katzman. Motion passed 7-0.
8. PUBLIC HEARING: To consider the proposed amendments of Chapter 405, Article II & Article III Section F of the Zoning Ordinance related to the measurement of building height in special flood hazard areas
- a. Planning Board Advisory Opinion

Rhonda Gilbert, 155 Seaconnet Blvd – Agrees with the proposed amendments to the Zoning Ordinance but is concerned with story heights. Mr. Aguiar stated that is a separate issue that will have to be addressed in the future, possibly having to go before the Planning Board Advisory.

Neil Hingorany, 104 Dighton Ave – Mr. Hingorany, owner of Narragansett Engineering, fears we’re reducing total habitable volume of a structure. He believes there should be further study on the proposed amendments.

Peter Roberts, 80 Ormerod Ave – Mr. Roberts is against the proposed amendments.

Duncan Ingraham, 55 Sigourney Rd – Mr. Ingraham is for the proposed amendments.

Once asked three times if there were anymore questions by Mr. Aguiar, a motion to close the Public Hearing was made by Mr. Hamilton, seconded by Dr. Ryan. Motion passed 7-0. Motion to adopt Mr. Crosby’s proposed amendments made by Mr. Katzman, seconded by Mr. Kelly. Motion passed 7-0.

NEW BUSINESS (Discussion/Action)

2. Approval of By-Laws for the Portsmouth Dog Park Operating Committee and request name be changed to Portsmouth Dog Park Committee. – Motion to table until the 3/11/19 meeting made by Mr. Kelly, seconded by Mr. Katzman. Motion passed 7-0.
3. Letter from B. Stankelis, DEM Manager, Narragansett Bay Research Reserve requesting the Town consider contracting with a parking lot in Bristol to meet the needs of visitors and residents of Prudence Island. – No action taken.

CORRESPONDENCE

1. Plan to re-introduce Utility Emergency Response Bill to legislature. / Lt. Governor D. McKee
2. Information re: proposed Major Amendment #11 to the FFY 2018-2027 State Transportation Improvement Program (STIP) for the State of Rhode Island. / L. Callahan, Secretary, State

Planning Council's Transportation Advisory Committee

3. Amendment to Barrington's Ordinance on Town Hall Business Hours. / Barrington Council
4. Resolution for the General Assembly to pass enabling legislation for municipal tobacco licensing. / Central Falls City Council
5. Resolution requesting the General Assembly stabilize the level of state educational aid for Fiscal Years 2020 and 2021. / Smithfield School Committee
6. Information re: proposed rate increase. / City of Newport, Utilities Department, Water Division

Motion to receive all correspondence and place on file made by Mr. Katzman, seconded by Dr. Ryan. Motion passed 7-0.

FUTURE MEETINGS

Mar 11 7:00 PM - Town Council Meeting
Mar 25 7:00 PM - Town Council Meeting
Apr 8 7:00 PM - Town Council Meeting

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

Time: 9:13

Jennifer M. West, Town Clerk