

PORTSMOUTH TOWN COUNCIL MEETING
MAY 28, 2019 (Tuesday) MINUTES

7:00 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 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 – There was no Executive Session held prior to the meeting. Mr. Aguiar reminded residents that the Official Portsmouth Police Headquarters Grand Opening/Open House is being held May 31, 2019 from 9:00 am to 12:00 pm and that the public is welcome.

CONSENT AGENDA – Motion to receive and place on file made by Mr. Hamilton, seconded by Dr. Ryan. Motion passed 6-0.

1. Bills
2. CRMC – Finding & Notice of Violation 19-0057
Tina Grilli, 105 Heidi Drive, Portsmouth, RI 02871 – Failed to establish/maintain the buffer zone required by CRMC Assent A 1998-02-056 at your property located at plat 56, lot 35, 105 Heidi Drive, Portsmouth, RI
3. Peddler Licenses – Annual:
 - a. Mad House Grill, 462 Linden Street Fall River, Mass. (#1458)
 - b. Brittany Rosenberg d/b/a Sweet B's Donuts, 102 Connell Highway, Newport (#1460)
 - c. Chelsea's Creamery LLC d/b/a Chelsea's Creamery, 654 Metacom Ave, Warren (#1461)
 - d. Wally's Hot Dog Cart, LLC, 252 Oliphant Ln, Middletown, 1 vehicle w/ trailer (#1463)
 - e. Loren Hope Designs, LLC, 86 William St, Newport (#1464)

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 F
Island Park Preservation Society, 21 Beach Street, for the Annual Picnic and Fireworks at 706 Park Avenue on July 6, 2019 from 4:00-9:00 pm (#1437)
2. Daily Liquor License, Class F
Island Park Preservation Society, 21 Beach Street, for live country/folk music event at 709

Park Avenue on August 11, 2019 from 4:00-8:00 pm (#1449)

Motion to approve both Daily Liquor Licenses for Island Park Preservation Society for July 6, 2019 and August 11, 2019, made by Mr. Hamilton, seconded by Mr. Katzman. Motion passed 6-0.

3. Entertainment License – Fee Waiver Requested:

Portsmouth Portuguese American Citizens Club (PPACC), 35 Power Street, for the St. Anthony Feast, July 18-21, 2019 (#1453)

4. Victualler License – Fee Waiver Requested:

Portsmouth Portuguese American Citizens Club (PPACC), 35 Power Street, for the St. Anthony Feast, July 18-21, 2019 (#1454)

Motion to approve both the Entertainment and Victualler Licenses, with fee waiver, for the Portsmouth Portuguese American Citizens Club made by Mr. Hamilton, seconded by Dr. Ryan. Motion passed 5-0-1. Mr. Aguiar recused.

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

MINUTES

TCM 5/13/19 & Exec. – Motion to approve the minutes for 5/13/19 and to move the Exec. 5/13/19 to the June 10th meeting, made by Ms. Ujifusa, seconded by Dr. Ryan. Motion passed 6-0.

TOWN ADMINISTRATOR'S REPORT

1. Status of waste oil collection at Transfer Station – The old waste oil collection tank has been removed and the foundation pad has been replaced by DPW. The new collection tank is installed and pictured on the monitors. RIRRC has approved the disposal of the contaminated soil and we expect DEM to clear the notice of violation shortly thereafter. In the meantime, we have resumed collection of waste oil at the Transfer Station.

2. Status of new emergency rescue vehicle – I'm happy to report the new Emergency Rescue Vehicle has been received and entered into service. You can see it pictured on the screens. All serviceable equipment was removed from the retired rescue vehicle and I'd like to again thank the Portsmouth Volunteer Fire Organization for their generous contribution which made this procurement possible.

3. Announcement of Canvassing grant – I'm also happy to announce the Secretary of State has announced a \$2041 award to the Portsmouth Canvassing Authority to be used to acquire equipment, systems or technology for the improvement of election administration and/or security. The award comes from \$100,000 awarded to RI by Congress under the Help America Vote Act.

4. Report on parking activity at Seveney Sports Complex – Illegal parking along Linden Lane at the Seveney Sports Complex continues to be an issue we are trying to address. We have contacted the heads of the sports leagues and requested they talk to their staffs, coaches and parents about the problem and request everyone use the areas designated for parking. Unfortunately, the problem persists, and it presents quite a safety issue. We have therefore: Posted additional no-parking signs along Linden Lane exiting to East Main Road; Increased Police patrols during heavy traffic hours; Installed speed bumps; And started issuing parking tickets. Our hope is word will spread and people will begin to put safety first.

5. Announcement of RI Trust Award for Police Accreditation Program – On a happier note, the RI Trust is again recognizing our Police Department's status as an accredited agency. As an accredited agency, the Trust is maintaining our Town's current Police Practices deductible of \$2,500 per occurrence. This is significant as non-accredited police departments are seeing their Police Practices

deductibles increase significantly. Additionally, for the seventh consecutive year, the Trust is contributing \$1,000 on behalf of the Police Department as evidence of their commitment to the In-State Accreditation Program.

6. Sakonnet River Bridge Toll: Notice of rescission of Revised Record of Decision (ROD) – With regard to the status of the Recession of the Supplemental Record of Decision concerning the possibility of future bridge tolls on the Sakonnet River Bridge, I can finally report the Federal Highway Administration has officially rescinded the Record of Decision. The notice titled Rescission of Revised Record of Decision was published on May 21 in the Federal Register. This now puts an end to any discussion of future tolling on the Sakonnet River bridge.

7. Police construction report – Since the last report, contractor is in final stages of preparing for the grand opening on May 31st. Since the last report, we have received CO 16. There will be one final CO which is under review by our Architect and Owner’s representative. We are currently reconciling remaining balances and clearing outstanding punch list items - and a final report will be prepared for presentation to the Council in June. Again, the dedication ceremony will be held at 9:00AM on Friday, May 31st.

RESIGNATIONS AND APPOINTMENTS

1. Appointments:

a. Dog Park Committee – Motion to approve Joshua Leard to the Dog Park Committee made by Mr. Hamilton, seconded by Ms. Abbott. Motion passed 6-0.

b. Parks & Recreation – Motion to approve Francis “Sam” Obert III, Scott Moody, Katherine Gagliano, Paula Shalec, Jenny Williams, Maureen Kielbasa, and David Fiorillo made by Ms. Abbott, seconded by Mr. Katzman. Motion passed 5-1. Mr. Hamilton in dissent.

c. West Side Development Advisory Committee – Motion to approve Allen Shers and Tom Vadney made by Dr. Ryan, seconded by Ms. Ujifusa. Motion passed 3-2-1. Mr. Aguiar and Mr. Hamilton in dissent. Mr. Katzman recused.

OLD BUSINESS (Discussion/Action)

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

NEW BUSINESS (Discussion/Action)

1. PUBLIC HEARING: Sound Variance Application for events taking place at Thriving Tree Coffee House, 706 Park Avenue, on the back lawn

RELIEF REQUESTED: Island Park Preservation Society requests a variance to the sound limits set forth in the Codification of Ordinances Chapter 257: NOISE, for three events to take place at Thriving Tree Coffee House, 706 Park Ave, on the back lawn.

- a. The first event will be held June 29, 2019 from 1:00-7:00 p.m. to allow for a car show with live amplified music. (#1448 in Viewpoint)
- b. The second event will be held July 6, 2019 from 4:00-10:00 p.m. to allow for amplified acoustic music and fireworks at the annual picnic. (#1443 in Viewpoint)
- c. The third event will be held Aug. 11, 2019 from 4:00-8:00 p.m. to allow for live amplified country/folk music. (#1434 in Viewpoint)

Mike MacFarlane spoke on behalf of the Island Park Preservation Society, requesting approval for the noise variance for three events to take place at Thriving Tree Coffee House at 706 Park Ave. He believes these events are a good thing in the community.

Mr. Aguiar asked what amplified music consisted of? Mr. MacFarlane explained that it is limited acoustics, that there will only be a guitar and a keyboard player and that it will only be amplified so that they can be heard by the audience.

Chief Lee stated that he, Chief Ford and Mr. MacFarlane had a Public Safety meeting this morning. There were no noise complaints filed with the Police for last year's events. The Police are looking to use the same plan as last year; there will be a Police detail. During the fireworks display on July 6, 2019, there will be a Police detail, the harbor master boat will be out and there will be a Firefighter on the barge with the fireworks. There will not be a Police detail on the event held June 29, 2019.

John Vitkevich, 119 Hummock Ave. believes that the events are beneficial to Island Park and the Community.

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

Motion to approve all three sound variance requests for June 29, July 6, and August 11, 2019 made by Mr. Katzman, seconded by Ms. Abbott. Motion passed 6-0.

2. Approval of the Solid Waste and Recycling Services contract between Rhode Island Resource Recovery Corp. and the Town of Portsmouth. – Motion to approve made by Mr. Hamilton, seconded by Mr. Katzman. Motion passed 6-0.

3. Phelps House Concessionaire Agreement. – Motion to approve the agreement with Stefanie Boyer and David Records made by Mr. Hamilton, seconded by Mr. Katzman. Motion passed 6-0.

4. Name That “Phelps” House. – Motion to name the house the Daniel Arthur Howell House made by Mr. Hamilton, seconded by Mr. Katzman. Motion passed 6-0.

5. Permission to place a modular recreational rink on the Gardner Seveney fields. – Motion to move to June 10, 2019 made by Mr. Hamilton, seconded by Mr. Katzman. Motion passed 6-0.

6. Resolution to increase administrative fees for concealed carry weapons permits. – Motion to approve the request to increase to \$200 in administrative fees and to approve the resolution made by Ms. Ujifusa, seconded by Dr. Ryan. Motion passed 6-0.

**TOWN OF PORTSMOUTH, RI
RESOLUTION # 2019-05-28**

**A RESOLUTION AUTHORIZING THE PORTSMOUTH POLICE DEPARTMENT TO
CHARGE FOR PROCESSING APPLICATIONS FOR CONCEALED CARRY WEAPONS PERMITS**

WHEREAS, pursuant to Rhode Island General Law, Sections 11-47-11 and 11-47-12, the Portsmouth Police Department has the authority to issue a license or permit to carry a concealed pistol or revolver to any person 21 years of age or over who must have a bonafide residence or place of business within the Town of Portsmouth, and if it appears that the applicant has good reason to fear an injury to his or her person or property or has any other proper reason for carrying a pistol or revolver, and that he or she is a suitable person to be so licensed; and

WHEREAS, an applicant for a pistol permit must submit a written application with a recent photograph, two types of positive identification, and a full set of fingerprints on the FBI fingerprint applicant card. The Portsmouth Police Department then checks the applicant's background with state, local and federal law enforcement databases. The Portsmouth Police Department may also check court records and other sources for pending criminal cases, restraining orders and/or discrepancies in the applicant's background, including prior history of mental illness. This check includes speaking with references, neighbors, employers and may include a personal interview to clarify information provided on the application; and

WHEREAS, proceeds from the fees collected will go to the town general fund and assist in balancing the manpower and technical requirements for processing these applications and conducting these background checks. Pursuant to Rhode Island General Law, Section 11-47-12, the fee of forty dollars (\$40.00) shall be a one-time fee charged upon issuance of the Conceal Carry Weapons permit and shall be separate from the administrative fees for the processing and background checks; and

NOW THEREFORE, BE IT RESOLVED, that the Portsmouth Town Council pursuant to Rhode Island General Law, Sections 11-47-11 and 11-47-12 hereby approves the charging of a fee in the amount of \$200.00 for the processing and background checks required by the police department to examine applications for a permit to carry a concealed weapon. That the Portsmouth Town Council pursuant to Rhode Island General Law, Section 11-47-11 hereby approves the charging of a renewal fee in the amount of \$50.00 for the processing by the police department of applications for the renewal of a permit to carry a concealed weapon which occur every 4 years.

PASSED AND ADOPTED this 28th day of May 2019.

7. Pawtucket School Committee's resolution in support of Financial Literacy. – Motion to table the discussion made by Mr. Hamilton, seconded by Dr. Ryan. Motion passed 6-0.

CORRESPONDENCE

1. Resolution Regarding S 410 and H 5671 on Plastic Bag Bans to Amend the Language to Exclude the Uniformity Clause. / Warren Town Council
2. Resolution to support Stabilization of State Educational Aid. / Warren Town Council
3. Resolution declaring the Town of Foster a "Second Amendment Sanctuary Town." / Foster Town Council

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

FUTURE MEETINGS

- Jun 10 7:00 PM - Town Council Meeting
Jun 12 7:00 PM - Public Budget Hearing: Town Council Chambers (Wednesday)
Jun 24 7:00 PM - Town Council Meeting & Adoption of FY 2019-20 Budget
Jul 8 7:00 PM - Town Council Meeting

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

Time: 7:54 PM

Jennifer M. West, Town Clerk