

PORTSMOUTH TOWN COUNCIL MEETING  
OCTOBER 28, 2019 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, Andrew V. Kelly and Daniela T. Abbott

Time: 7:01 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 – In August, the Town Council scheduled a public hearing to update the Harbor Management Plan. It was inadvertently left off the agenda. Per the Open Meetings Act, we can have a motion to hold the public hearing and to continue to 11/12/19 for voting. Motion to have the Public Hearing for the Harbor Management Plan as New Business 1 made by Mr. Hamilton, seconded by Mr. Katzman. Motion passed 7-0.

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 – Motion to approve as presented made by Mr. Hamilton, seconded by Dr. Ryan. 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. Daily Liquor License, Class F1  
Island Park Preservation Society, 21 Beach Street, for a Fundraiser at 706 Park Avenue on December 7, 2019 from 12:00-10:00 pm (#1629)  
Motion to approve made by Mr. Katzman, 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

TCM 10/15/19 – Motion to approve made by Ms. Ujifusa, seconded by Dr. Ryan. Motion passed 7-0.

TAX VOUCHERS

Request approval for Tax Voucher #20191028-01. – Motion to approve as presented made by Dr. Ryan, seconded by Mr. Katzman. Motion passed 7-0.

TOWN ADMINISTRATOR’S REPORT

1. 36th Annual Beirut Memorial Observance Ceremony – The 36th annual Beirut Memorial Service was held last Wednesday morning at the Portsmouth Historical Society to honor the “Rhode Island

Nine” and 232 other U.S. service men and women who were killed during a terrorist bombing in 1983 while on a peacekeeping mission in Beirut during the Lebanese Civil War. Oct. 23, 1983 was the bloodiest day for Rhode Island men and women in uniform since the Civil War. The nine Marines from Rhode Island who perished included two brothers-in-law: Cpl. Stephen E. Spencer, of Portsmouth; and Lance Cpl. James F. Silvia, 20, of Middletown, and PFC Thomas Julian, a 1979 graduate of Portsmouth High School. Family members of the deceased placed carnations that represented each Marine in a wreath that was later laid at a memorial outside the building, while “Taps” was played by a member of Navy Band Northeast.

2. Town Hall visit by Lt. Governor Dan McKee – Later that same day, Lt. Governor McKee visited Town Hall where he received a brief of the interactive Honor Roll by Carolyn Evans-Carbery. Afterwards, the Lt. Governor meet with staff to discuss initiatives he is working on, including an upcoming Entrepreneurship Challenge, and hear about issues and initiatives in Portsmouth.

3. Fire Department Swearing In and Promotion Ceremony – On Tuesday, last week, the Fire Department held a swearing in and promotion ceremony. We swore-in our “New” Firefighter/Dispatchers. They have been a part of the Department for several years, however, moving forward with their reclassification, they will become more knowledgeable in the firefighting and EMS aspects of the Fire Service, and therefore become greater assets for the Department and our Community. Capt. Howard Tighe was also sworn-in as the new Assistant Fire Chief. His knowledge, abilities and dedication have been invaluable to the Town for many years. I wish him well in his new position and I know the Chief is looking forward to Howie’s assistance in continuing improvements in safety, education, professionalism and service.

4. Municipality Initiative II - Building and Planning Processes Lean Initiative – This year’s Town Budget has \$2,000 set aside for a Business Process Engineering effort called “Lean” that is geared toward examining the Town Building and Planning Processes. We recently started the process, which is really a continuation of a similar process we went through with Town Clerk Permits and Licenses a few years ago. It will allow us to examine the current processes we use to manage and control Town developments, determine what works well, but also identify inefficiencies and create ways to make the processes better. The program itself is valued at \$6,000, and the Town’s \$2,000 is matched by \$4,000 from CommerceRI. A professional facilitator who has done a similar process in at least four other RI municipalities will run the program.

5. Survey Update – The Parks and Recreation Community Needs Survey will remain open for 2 ½ more weeks. To date, 772 people have completed the online version. We are still anticipating a presentation of the survey results by the consultant at the December Council meeting.

6. Homeland Security Grant to Fire Department – Last week we were notified the Portsmouth Fire Department was awarded a Homeland Security grant which will allow us to send two of our Firefighter Dispatchers to Communications Unit Leader Training. This training is designed to familiarize these professionals with the roles and responsibilities of a Communications Leader under the National Incident Management Incident Command System. No matching funds are required from Portsmouth.

Three additional items: Portsmouth was also awarded \$500 from the RI Interlocal Trust last week for again achieving safety goals for the period July through September. Safety goals during this period focused on Accident investigation, Lockout and Tagout procedures, and Confined Space best practice procedures.

The Summary of Findings report from the Municipal Resilience Program Community Resilience Building Workshop were released to the Town today. The report will be made available for public comment.

And lastly, Town Hall will be open for Trick or Treating on Thursday until 6:30 pm.

## RESIGNATIONS AND APPOINTMENTS

### 1. Resignation:

a. Glen Park Working Committee – Motion to accept Rosemary Davidson’s resignation with regret made by Mr. Hamilton, seconded by Dr. Ryan. Motion passed 7-0.

### 2. Appointments:

a. Harbor Commission (Re-Appt.) – Motion to re-appoint Thomas Grieb made by Dr. Ryan, seconded by Mr. Hamilton. Motion passed 7-0.

b. Juvenile Hearing Board (Re-Appt.) – Motion to re-appoint Jennifer Joslyn made by Dr. Ryan, seconded by Mr. Katzman. Motion passed 7-0.

## OLD BUSINESS (Discussion/Action)

1. Monthly finance report. – Motion to receive and place on file made by Mr. Hamilton, seconded by Dr. Ryan. Motion passed 7-0.

## NEW BUSINESS (Discussion/Action)

1. PUBLIC HEARING: To consider the proposed Harbor Management Plan and proposed Harbormaster Ordinance that will replace Chapter 215 of the Portsmouth Code of Ordinances in its entirety. – No action taken.

Gary Crosby, Town Planner, explained that the old Harbor Master Plan (HMP) was created in 1993. There are a number of new requirements that the State mandates, so we had to rewrite our HMP. The purpose of the plan is to (1) establish a set of goals, objectives and policies for the management of Portsmouth’s harbors and coastal waters; and (2) to provide a basis for revision and updating the Portsmouth Harbormaster Ordinance, the legal enforcement mechanism of our harbor management strategies.

Created consistent with CRMC guidelines, the HMP follows a well-established planning process by:

- identifying the coastal and harbor resources of the Town;
- identifying the existing and potential issues associated with those resources;
- establishing goals, objectives and policies for the public and private use of those resources;
- setting forth an implementation approach for achieving those goals, objectives, and policies.

### 1.2- PLAN OBJECTIVES

1. To provide a comprehensive evaluation of the activities occurring within the coastal waters of the Town of Portsmouth;

2. To provide a guideline for the management of existing and future activities on and in the coastal waters of the Town;

3. To provide recommendations concerning the shore-side compatibility with the activities occurring on the waters and vice a versa;

4. To establish appropriate ordinances and/or regulations, consistent with applicable local, state and federal regulatory requirements, that implement portions of the plan;

5. To serve as a frame of reference for local and state decision-makers concerning waterfront development and coastal water programs or projects; and

6. To ensure that the primary responsibility for management and control of the coastal waters of the Town be delegated to the Town.

### 1.3 – PLAN AUTHORITY

Title 46 of the Rhode Island General Laws confers upon the Portsmouth Town Council certain powers to regulate public waters in its jurisdiction. RIGL § 46-4-6.13 (see Appendix 9) gives the Town Council of Portsmouth the authority to regulate the size, type, location, and use of all anchorages and moorings within the public waters of the Town’s jurisdiction. It also allows the Town to impose penalties for the violation of ordinances promulgated to carry out these regulations.

The Town of Portsmouth hereby assumes management authority for the purposes of this plan consistent with the powers, duties and authority granted under RIGL § 46-4-6.13 over the following waters:

#### a. Harbor Waters

The waters of the three harbors – Potters Cove, Blue Bill Cove and Coggeshall Cove. See Map 1 for the general location of these harbors and Appendix 8 for a table giving lat./long. for the boundaries of these harbors.

#### b. Coastal Waters

All waters bordering the town from shore to a distance of five hundred (500) feet seaward not included in the designation “Harbor Waters.”

In addition to the above delegation of powers, Title 46 allows for the creation of the Coastal Resources Management Commission (CRMC) for the purpose of ensuring coordination and consistency of planning and regulation between State and Federal agencies and the local municipalities. CRMC’s Coastal Resources Management Program (the “Red Book”) defines municipal harbor management regulations to include all rules and/or regulations that apply to the use of the tidal waters within the jurisdiction of the Town. CRMC requires municipalities preparing to implement harbor management plans and/or programs relating to activities in tidal waters to apply for a determination of consistency with the Coastal Resources Management Program to assure conformance between such plans and/or programs and the Coastal Rhode Island Coastal Resources Management Program Resources Management Program, the Guidelines for the Development of Municipal Harbor Management Plans and the General Laws of the State of Rhode Island. Finally, all municipalities must apply to the Rhode Island Department of Environmental Management (RIDEM) for a water quality certification (WQC) for those elements of a Harbor Management Plan (HMP) which will likely affect water quality in the municipal harbor (Rule 13.A.3.b.6 RI Water Quality Regulations). The main focus of DEM’s review is: delineation of marina and mooring field boundaries, measures to address sewage from vessels, measures to minimize the discharge of pollutants and resource/habitat/shellfish harvesting impacts.

### 1.4 – PLAN REQUIREMENTS

All municipal harbor management plans must:

1. Contain a detailed analysis of the current uses of the municipal harbor and water areas (the Resource Inventory);
2. Include a comprehensive analysis of the major issues affecting a municipality and the means to address them (Issue Identification);
3. Develop a comprehensive management scheme for implementing the goals and policies of the harbor management plan (the Ordinance and Implementation Element); and
4. Include the parameters or physical boundaries of the local harbor water.

Mr. Crosby stated that CRMC has given preliminary approval and is waiting for a letter from them which he should be receiving any day. There are a few technical changes that can be fixed after the

Town adopts the plan and it is sent to CRMC. We have received the necessary water quality certificate from DEM after we got over one of the biggest stumbling blocks which was grey water discharge in the mooring fields.

DEM has identified Blue Bill Cove as an area of concern where the Town has proposed mooring fields in SA waters that have the potential for grey water discharge impacts, so-called “destination mooring fields.” Proposed mooring fields in Blue Bill Cove are designated as BBC-1 and BBC-2. All other mooring fields proposed in SA waters by the Town (see Section 2.3.3), so called “parking lot” mooring fields, were found acceptable by DEM as it was concluded there was low potential for grey water discharge. DEM also concluded riparian moorings in all the Town’s waters would fall into the “parking lot” category as overnight activity occurs at the residence rather than on the moored vessel out front. In order to maintain Water Quality Certification for this HMP and to ensure there are no adverse effects on water quality in certain designated SA waters under Portsmouth’s jurisdiction, the Town will establish and enforce a no grey water discharge from boats whose owners hold mooring permits for mooring fields BBC-1 and BBC-2 in Blue Bill Cove. As a result, mooring fields BBC-1 and BBC-2, although expected to result in overnight use, can be established in SA waters.

#### Blue Bill Cove (BBC)

WQ-BBC-1: Establish new mooring field boundaries, BBC1 & BBC2. See detailed mooring maps in Section 2.3.3.

WQ-BBC-2: Immediately notify by direct mail all existing non-riparian mooring holders in mooring fields BBC-1 and BBC-2 that in order to renew their mooring permits, their vessel will have to be refitted to capture all grey water discharge and the vessel must be inspected by the Portsmouth Harbormaster or his/her designee to certify such modification has been made.

WQ-BBC-3: Modify the mooring permit application for mooring fields BBC-1 and BBC-2 to include a contractual statement that grey water discharge is prohibited within these mooring fields and for a valid permit to be issued all vessels will have to be refitted to capture all grey water discharge and the vessel must be inspected by the Portsmouth Harbormaster or his/her designee to certify such modification has been made.

WQ-BBC-4: Recommend the Harbormaster Ordinance be amended to include provisions for Boat standards violations, including fines and/or other legal proceedings.

Mr. Katzman commented on page 26-27 regarding issue number (2) existing public access points throughout the Town are slowly being encroached upon and taken over by adjacent private property owners and the fact that it is not addressed in the recommended actions.

Mr. Crosby said that the Harbor Commission already does this. They go around yearly to look at the public access points and report back to CRMC. CRMC is in charge of encroachment notifications.

John Vitkevich, 119 Hummock Ave. – Was not aware of a second mooring field in Blue Bill Cove. Mr. Crosby showed him on the map the location of that mooring field.

Ms. Ujifusa asked if the 1998 FEMA flood map which was listed in the report was the most current map and if it was used for the plan.

Mr. Crosby stated that the 2013 FEMA flood map was used and he was going to correct the error. The 2013 FEMA flood map may be accessed on line by the public. Most use it primarily for insurance purposes.

There were no further public comments.

Motion to continue the Public Hearing to November 12, 2019 made by Mr. Hamilton, seconded by Mr. Katzman. Motion passed 7-0.

- ~~1~~ 2. Introduction to Green and Complete Streets. – No votes taken.
- ~~2~~ 3. State Transportation Improvement Program (TIP), AIPC-submitted proposals. – No votes taken.
- ~~3~~ 4. National Grid and Winter Operation at Old Mill Lane. – No votes taken.
- ~~4~~ 5. Request to implement a Carry In/Carry Out policy for all Town properties, except Sandy Point Beach during the beach season. – Motion to approve made by Ms. Abbott, seconded by Mr. Katzman. Motion passed 7-0.
- ~~5~~ 6. Decide on design concept for Sandy Point Beach bath house. – Motion to approve the concept of outdoor showers made by Ms. Abbott, seconded by Mr. Katzman. Motion passed 7-0.
- ~~6~~ 7. Request to dissolve the Glen Park Working Committee and have the Parks and Recreation Committee assume all the Glen Park working responsibilities. – Motion to approve made by Mr. Hamilton, seconded by Dr. Ryan. Motion passed 7-0.
- ~~7~~ 8. Discuss proposed legislative priorities and prioritize the top three. – No votes taken.

#### CORRESPONDENCE

1. Letter acknowledging Police Dept. promotion recommendations.
2. Portsmouth Water and Fire District's Annual Financial Statements Year Ended April 30, 2019 and 2018.

Motion to receive correspondence and place on file made by Ms. Ujifusa, seconded by Mr. Kelly. Motion passed 7-0.

#### FUTURE MEETINGS

- Nov 12 6:00 PM - Town Council Meeting (Tuesday)  
Nov 25 7:00 PM - Town Council Meeting  
Dec 9 7:00 PM - Town Council Meeting

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

Time: 9:16 PM

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Jennifer M. West, Town Clerk