

PORTSMOUTH TOWN COUNCIL MEETING
(WEDNESDAY)
September 14, 2016

7:00 PM – TOWN COUNCIL CHAMBERS, TOWN HALL, 2200 EAST MAIN ROAD

MEMBERS PRESENT: Keith E. Hamilton, James A. Seveney, Kevin M. Aguiar,
David M. Gleason

Members Absent: Michael A. Buddemeyer, Elizabeth A. Pedro and
Joseph W. Robicheau

PLEDGE OF ALLEGIANCE

A moment of silence for our men and women around the world in harm's way.

PLEDGE OF ALLEGIANCE

SITTING AS THE PORTSMOUTH TOWN COUNCIL

PRESENTATIONS/RECOGNITIONS

1. Proclamation in Recognition of Worldwide Gratitude Day – September 21, 2016

President Hamilton read and presented the proclamation to Jacqueline Emrich of Atria Aquidneck Place. Ms. Emrich explained that the residents of Atria and students at Portsmouth High School have arranged for slips of colored paper to be available throughout Town on which the public can write what they are grateful for. The papers will be collected and made into a great chain for the Gratitude Day ceremony on September 21st at Atria.

SITTING AS THE BOARD OF LICENSE COMMISSIONERS

Mr. Gleason recused himself from voting on the first three items.

1. Entertainment License – Fee Waiver Requested

The Pennfield School, 110 Sandy Point Avenue, for the Cornucopia Fine Arts Sale,
November 4 & 5, 2016

2. Victualler License - Fee Waiver Request

The Pennfield School, 110 Sandy Point Avenue, for the Cornucopia Fine Art Sale,
November 4 & 5, 2016

A motion by Mr. Seveney, seconded by Mr. Aguiar, to approve with fee waivers the Entertainment License and Victualler License. The motion passed 3-0 with Mr. Gleason recused.

3. Class F Daily Liquor License

The Pennfield School, 110 Sandy Point Avenue, for the Cornucopia Fine Art Sale and Preview Party, November 4, 2016 from 6:00PM - 8:00PM

A motion by Mr. Seveney, seconded by Mr. Aguiar, to approve the Class F Daily Liquor License. The motion passed 3-0 with Mr. Gleason recused.

4. Peddler License – Specific Event

Kelly G. Designs for the 2016 Firefly Yoga Festival September 17, 2016. Owner: Kelly Moran, 21 Admiral Kalbfus, Newport, RI

A motion by Mr. Seveney, seconded by Mr. Aguiar, to approve. All voted in favor of the motion.

5. Peddler License – Annual

a. Monkey Mind Belly Breath, PO Box 79153 Waverley, MA 02479. Owner: Joan Woodward 977 Robeson Street, Fall River, MA

A motion by Mr. Gleason, seconded by Mr. Seveney, to approve. All voted in favor of the motion.

b. Friskie Fries, LLC, 751 Hartford Ave., Johnston, RI 02919. Owner: Tom Wright

A motion by Mr. Seveney, seconded by Mr. Gleason, to approve. All voted in favor of the motion.

A motion by Mr. Seveney, seconded by Mr. Gleason, to adjourn as the Board of License Commissioners. All voted in favor of the motion.

ADJOURN

PRESIDENT'S EXECUTIVE SUMMARY

President Hamilton announced that next Thursday evening at the Glen Manor House, the Police Association is holding a "bailout".

MINUTES

TCM 8-22-16 and Exec.

A motion by Mr. Seveney, seconded by Mr. Gleason, to accept as written. All voted in favor of the motion.

BILLS

A motion by Mr. Seveney, seconded by Mr. Gleason, to pay all just and due bills in the amount of \$272,264.81. All voted in favor of the motion.

TAX VOUCHERS

Request Approval for Tax Vouchers #20160914-01 to #20160914-06. / M. Helfand

A motion by Mr. Seveney, seconded by Mr. Gleason, to approve. All voted in favor of the motion.

TOWN ADMINISTRATOR'S REPORT

1. IT Update – the departments are fully transitioned into the OSHEAN internet and have upgraded security.
2. Announcement of GFOA Award - a certificate of achievement in financial reporting was received. Congratulations to Jim Lathrop and his department.
3. Brown House Update – Construction has begun.
4. Dog Park Update – the project is underway and near completion. A \$65,000 grant has been received from the Van Beuren Foundation.
5. Recreation Department Update – 13,000 visitors to the beach this season with \$10,000 in proceeds from the beach and \$25,000 from the summer programs.
6. Announcement of Fire Department Grant – A \$25,000 grant has been received.

RESIGNATIONS AND APPOINTMENTS

1. Resignations:

- a. Economic Development Committee – A. Khorsand

A motion by Mr. Seveney, seconded by Mr. Gleason, to accept with regret the resignation of Ali Khorsand. All voted in favor of the motion.

2. Appointments:

- a. Glen Manor House Authority (Re-Appt.) – F. Wyatt

A motion by Mr. Seveney, seconded by Mr. Gleason, to re-appoint Frank Wyatt. All voted in favor of the motion.

- b. Prudence Island Planning Commission (Re-Appt.) – E. Aldrich, Jr.

A motion by Mr. Seveney, seconded by Mr. Gleason, to re-appoint Hap Aldrich. All voted in favor of the motion.

- c. Planning Commission (Re-Appt.) – L. Harding, M. James

A motion by Mr. Seveney, seconded by Mr. Gleason, to re-appoint Luke Harding and Michael James. All voted in favor of the motion.

- d. Lower Glen Farm Preservation Committee (1 Applicant / 8 Vacancies)

A motion by Mr. Seveney, seconded by Mr. Gleason, to appoint Stephen Walk. All voted in favor of the motion.

- e. Melville Park Committee (1 Applicant / Unlimited Members)

A motion by Mr. Seveney, seconded by Mr. Gleason, to appoint Stephen Luce. All voted in favor of the motion.

OLD BUSINESS

OB 1 - PUBLIC HEARING: Proposed Amendment to Chapter 101 of the Portsmouth Town Code of Ordinances – Animals

- a. Amend Chapter 101 Article 1: General Animal Regulations - §101-12: Restraint of Dogs Required and §101-13: Dogs Running at Large; Violations and Penalties
- b. Add Chapter 101 Article V: Portsmouth Dog Park - §101-33 Dog Park Rules; Violations and Penalties

President Hamilton declared the Public Hearing open.

Mr. Seveney asked why electronic collars were not allowed.

Ms. Sweeney responded that it gives a mixed signal to the dog. Should the dog be attacked, will it “learn” that the signal means be aggressive and fight if the signal is used. She recommends either not bringing the collar to the dog park or not bringing the controller.

President Hamilton asked if the new Animal Control Officer (ACO) had any comments.

Ms. Futoma asked what the Town wishes her presence to be.

Ms. Sweeney stated to keep control at the park. The rules are there as a deterrent and so will the ACO.

Police Chief Lee asked the Town Council to support these rules.

Ms. Miller stated that the committee members will take turns welcoming park visitors and checking for licenses, etc.

Jim Medeiros, Bristol, asked if once the rules are submitted, will there be a physical sign there.

President Hamilton replied yes.

Mr. Medeiros stated that many states don't license dogs. He is concerned that those dogs will be restricted from the park.

A motion by Mr. Seveney, seconded by Mr. Gleason, to close the Public Hearing. All voted in favor of the motion.

A motion by Mr. Seveney, seconded by Mr. Gleason, to approve the ordinance changes as presented. All voted in favor of the motion.

TOWN OF PORTSMOUTH, RI

Ordinance # 2016-09-14

**AN ORDINANCE AMENDING CHAPTER 101 OF THE PORTSMOUTH CODE OF ORDINANCES
ENTITLED "ANIMALS"**

Be it ORDAINED by the Town Council of the Town of Portsmouth:

WHEREAS, the Portsmouth Dog Park Committee was established by the Portsmouth Town Council in June 2013 to explore the potential for an off-leash dog park within the Town, garner community support for the dog park, select a site for the park, produce a design suitable for the designated site, raise adequate funding for the venture, oversee the development and construction of the dog park, and finally to set in place guidelines for its use and ongoing maintenance, all of the above to be accomplished under the auspices of the Town Council and with its approval at each phase; and

WHEREAS, the Dog Park Committee's mission has been to establish an off-leash dog park for the Town of Portsmouth that is accessible to all residents and will promote education, training and safe recreational activities that facilitate responsible dog ownership and well-behaved dogs through the use of volunteers and with the support of the community; and

WHEREAS, in April 2014 a site was selected for the dog park at Melville Park and subsequently cleared and prepared for construction of the park; and

WHEREAS, the Dog Park Committee has prepared and recommended proposed rules for users of the dog park.

NOW, THEREFORE, IT IS HEREBY ORDAINED BY THE TOWN OF PORTSMOUTH:

Section 1. Chapter 101, Article I, sections 101-12 and 101-13 are hereby amended as follows:

Article I: General Animal Regulations

§ 101-12. Restraint of dogs required.

The owner or keeper of any dog shall keep such dog under restraint at all times and shall not permit such dog to run or be at large within the Town of Portsmouth, except when such dog is within the designated enclosed boundary of the Portsmouth Dog Park.

§ 101-13. Dogs running at large; violations and penalties.

No person, being the owner or keeper of a dog or having the charge or custody of a dog, shall allow such dog to run loose off its owner's or keeper's property within the Town of Portsmouth, except when such dog is within the designated enclosed boundary of the Portsmouth Dog Park, unless such dog is properly leashed and said leash is controlled by the owner or keeper of such dog. Any dog found not properly leashed and off its owner's or keeper's property running loose shall be impounded by the Animal Control Officer, and such dog shall be held at the area pound until said owner or keeper is located. Any owner or keeper of a dog that allows such dog to be at large within the Town of Portsmouth shall be punished by a fine not exceeding \$20 for the first offense, not exceeding \$30 for the second offense, and not exceeding \$50 for the third and any subsequent offense within a year.

Section 2. Chapter 101 is hereby amended to add the following:

Article V: Portsmouth Dog Park

§ 101-33. Dog park rules; violations and penalties.

The following rules shall be posted at, and followed by, all dog owners, keepers, guardians and other users of the Portsmouth Dog Park:

1. Only dogs that are currently vaccinated for rabies and licensed in the town in which they reside are allowed to enter the park.
2. No dog under 6 months old, or that has received its first rabies shot within the past 30 days, may enter the park.
3. All dogs must be spayed/neutered and free from disease and internal parasites.
4. All dogs must be removed from the park by their owner, keeper or guardian at the first sign of aggression.
5. All dogs must be leashed while entering and exiting the park.
6. No more than 3 dogs may be brought into the park by any one owner, keeper or guardian at any time.
7. Dogs must be under the control of the owner, keeper or guardian at all times.
8. The use of pinch, choke or electronic collars within the park is prohibited.
9. No dog that has been legally declared vicious is allowed in the park.
10. No food is allowed in the park.
11. The park is open from dawn to dusk and closed during maintenance.

12. All dog bites must be promptly reported to the Portsmouth Police (683-0300) or Animal Control (643-0136).
13. Owners, keepers and guardians of dogs are required to clean up after their dogs and properly dispose of all waste, and to repair any damage caused by their dogs.
14. The use of alcohol and/or tobacco is prohibited.
15. No children under the age of 16 may enter the park unless under adult supervision.
16. The park is for recreational use only and no attendant is on duty. All users of the park do so at their own risk. All owners, keepers and guardians of dogs and other users of the park agree to release and hold the Town of Portsmouth and its various departments, employees, volunteers and agents harmless from any and all liability, claims, and/or damages for personal injury, property damage, or injury to their pet(s).
17. The Portsmouth Police Department and Animal Control reserve the right to ban any owner, keeper, guardian, dog or other user from the park for violation of these rules.
18. Violation of any of these rules is punishable by a fine of \$100 for a first violation, \$200 for a second violation, and \$300 for a third or any subsequent violation.

Section 3. This Ordinance shall take effect upon passage.

ADOPTED BY TOWN COUNCIL

ACTION ON September 14, 2016

Keith E. Hamilton

OB 2 - Discussion/Action – Rhode Island Marine Archaeology Project’s Progress Regarding the Plans for Butts Hill Fort and Request to Enter into Discussions to Create a Formal Relationship with the Town. / D. K. Abbass, RIMAP (15)

Dr. Kathy Abbass, announced that the RIMAP is close to finding the Endeavor Bark which is one of five ships sunk in Newport Harbor. Captain Cook and the Endeavor are lauded throughout the world especially in Australia, New Zealand and all along the Pacific Rim, and many countries have shown extreme interest in the search for the Endeavor.

Dr. Abbass stated that they have applied to Roger Williams University CPC program and plans to apply to the Heritage Harbor Foundation. She is asking for Town Council permission to allow work, such as cutting down trees at Fort Butts. Also, to create a committee to negotiate what type of formal relationship RIMAP will have with the Town. RIMAP will need a long-term lease and/or a deed to the property with RIMAP having control, in order to start fund raising to build the building and develop the property.

President Hamilton suggested starting with Mr. Rainer and Town Planner Crosby to work with Dr. Abbass on the plan.

President Hamilton noted that a town-wide vote would be required to allow a lease of 10 years or more or the transfer of town owned property.

Dr. Abbass stated that RIMAP would need to know what they can do by next Spring.

President Hamilton stated that once the new Council is in place, perhaps in January, a second meeting could be planned.

Dr. Abbass announced that there would be a RIMAP meeting on September 29th at the Hyatt Hotel to announce this year's findings.

Mr. Gleason asked about the separate agreement with RWU.

Dr. Abbass responded that the RWU students and faculty would help the town in the planning and administrative arrangements and assessing the possibilities of a museum or a heritage tour and how realistic it is. She also noted that there is a restriction on the property's deed that it has to have a relationship to something historical.

A motion by Mr. Seveney, seconded by Mr. Gleason, to authorize Mr. Rainer, Mr. Crosby and Mr. Gavin to meet with Dr. Abbass to have conversations to iron out what needs to be ironed out before she comes back to the Town Council. All voted in favor of the motion.

OB 3 - Request Approval of the Revised Bylaws of the Portsmouth Citizens Interested in the Comprehensive Community Planning Process Committee. / J. Staven, Chair (5)

A motion by Mr. Seveney, seconded by Mr. Gleason, to approve. All voted in favor of the motion.

OB 4 - Update – Mt. Hope Park Master Planning Consultant Selection. / G. Crosby (5)

Mr. Crosby provided an update. There were three responses to the RFP. ALT will own the contract. Mr. Crosby will be the voice for the Town. There will be three meetings scheduled for the public. He has not heard back from the State on the Recreation Grant.

NEW BUSINESS

NB 1 - Request Permission to Conduct the Annual 5k “Race for Open Space” Throughout Portsmouth on November 5, 2016. / C. Allot, Executive Director, Aquidneck Land Trust (5)

A motion by Mr. Seveney, seconded by Mr. Gleason, to approve. All voted in favor of the motion.

NB 2 - Request Approval to Award the 2016 Fall Paving Projects Contract./J. Lathrop & F. Chan (5)

A motion by Mr. Seveney, seconded by Mr. Gleason, to approve awarding the fall paving projects contract to PJ Keating for \$182,976. All voted in favor of the motion.

NB 3 - Request Approval to Award the HR Consulting Contract. / J. Lathrop & F. Chan (5)

A motion by Mr. Seveney, seconded by Mr. Gleason, to approve awarding the HR Consulting Contract to Randi Frank Consulting for \$23,150. All voted in favor of the motion.

NB 4 - Request Approval to Award the Senior Center Masonry Repair Contract. / J. Lathrop (5)

A motion by Mr. Seveney, seconded by Mr. Gleason, to approve awarding the Senior Center Masonry Repair Contract to Alpha Omega Construction for \$58,800. All voted in favor of the motion.

CORRESPONDENCE

1. Invitation to Attend U. S. Department of Transportation Mandated Public Liaison Meeting with Representatives of Algonquin Gas Transmission Company, M&N Operating Co., and Other Public Officials to Discuss Responding to Emergencies on Algonquin’s Natural Gas Pipeline. / L. Sweeney, Spectra Energy Partners
2. Portsmouth Water and Fire District’s Quarterly Financial Report Ending July 31, 2016. / N. J. Larsen, Senior Accountant
3. A Letter to Provide Information on the Work that AIPC is Doing to Update and Improve its Finance and Governance Procedures. / T. Ardito, Executive Director, Aquidneck Island Planning Commission

A motion by Mr. Seveney, seconded by Mr. Gleason, to receive all correspondence and place on file. All voted in favor of the motion.

FUTURE MEETINGS

September 26 7:00 PM - Town Council Meeting

October 3 7:00 PM – Town Council Meeting: Public Hearing Bill’s Sales Firewood Sound
Variance Application

October 11 7:00 PM – Town Council Meeting (Tuesday)

EXECUTIVE SESSION

1. RIGL 42-46-5(a)(2) – Litigation: A&R Marine Rate Change Application (R.I. Public Utilities Commission)

A motion by Mr. Seveney, seconded by Mr. Gleason, to go into Executive Session under RIGL 42-46-5(a)(2) – Litigation: A&R Marine Rate Change Application (R.I. Public Utilities Commission). All voted in favor of the motion.

TIME: 7:55 PM - Break

TIME: 8:12 PM – Return to open session

OPEN SESSION

President Hamilton announced that the Town Council met in Executive Session under Litigation, A&R Marine Rate Change Application, and voted to allow the Solicitor and Mr. Tierney to take further action as deemed necessary. The vote was four to zero.

A motion by Mr. Seveney, seconded by Mr. Gleason, to adjourn. All voted in favor of the motion.

ADJOURN

Time: 8:14 PM

Joanne M. Mower, Town Clerk