

PORTSMOUTH TOWN COUNCIL MEETING

October 24, 2016

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

MEMBERS PRESENT: James A. Seveney, Kevin M. Aguiar, David M. Gleason,
Elizabeth A. Pedro and Joseph W. Robicheau

Members absent: Keith E. Hamilton and Michael A. Buddemeyer

PLEDGE OF ALLEGIANCE

A moment of silence for our military in harms way.

SITTING AS THE PORTSMOUTH TOWN COUNCIL

SITTING AS THE BUILDING CODE BOARD OF APPEALS

1. Request a Variance for Relief from Sections 3103.0 and 3103.2 of the RI Building Code to Construct the DPW Salt Shed. / B. Woodhead (10)

Deputy Director of Public Works Brian Woodhead stated that approval is needed from the Council because the structure will be greater than 400 square feet and will remain in place for over a year, a requirement of 3103-0. The Salt Shed plans are for a 60 by 60 square foot structure to remain in place for over a year. Concrete blocks will be engineered instead of a frost wall which is a requirement of 3103.2.

Mr. Rainer explained this ordinance is in place to protect structures from falling down on people. This is a concrete structure with an aluminum tent pole structure on top, housing salt. So there's really no danger.

A motion by Mr. Robicheau, seconded by Mr. Gleason, to approve the request. Mr. Gavin added, "The standard for a variance under the building code by the local board of appeals strict enforcement of the code provisions, in question, would result in a manifest injustice and that granting of the variance would not object to the general objectives to the Building Code." All voted in favor of the motion.

A motion by Ms. Pedro, seconded by Mr. Gleason, to adjourn as the Building Code Board of Appeals. All voted in favor of the motion.

ADJOURN

SITTING AS THE BOARD OF LICENSE COMMISSIONERS
HEARING - ANNUAL LICENSE RENEWALS:

Town Clerk Joanne Mower read the names of applicants by license class for Council action.

1. Liquor Licenses:

a. Class A

Allen's Wine & Spirits, Inc., 3001 East Main Road

Ferreira's Package Store, Inc., 1965 East Main Road

Pozdnyakova, Inc., d/b/a Portsmouth Liquors, 1557 West Main Road

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

b. Class BH

Roger Williams University, 144 Anthony Road

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

c. Class BT

Roger Williams University, 144 Anthony Road

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

d. Class BV

Anna D Café, LLC, 954 East Main Road

Fieldstones, LLC, 980 East Main Road

Smith Harbor House, LLC, d/b/a 15 Point Road, 15 Point Road

Graziano's 501 Café, LLC, 501 Park Avenue

Green Valley Country Club, Inc., 371 Union Street

Those Crazy Kids, LLC, d/b/a The Gulf Stream Bar & Grille, 1 Lagoon Road

Oceanside Enterprises, LLC, d/b/a Portsmouth Publick House, 600 Clock Tower

Rocco's Little Italy, LLC, 880 East Main Road

Jonathan Martin's, Inc., d/b/a Jonathans Scampi, 657 Park Avenue

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

e. Class D

Alvero E. Vieira Memorial Post Home, Inc. VFW Post #5390, 822 Anthony Road
Montaup Country Club, 500 Anthony Road
Portsmouth Portuguese American Citizens Club, 35 Power Street
Seaconnet Sportsman's Club, 145 Sakonnet Drive

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

f. Class J

Newport Polo, Inc., Glen Farm (Town of Portsmouth Property)

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

2. Sunday Sales Licenses:

Allen's Wine & Spirits, Inc., 3001 East Main Road
Ferreira's Package Store, Inc., 1965 East Main Road
Pozdnyakova, Inc., d/b/a Portsmouth Liquors, 1557 West Main Road

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

3. Victualler Licenses:

Alvero E. Vieira Memorial Post Home, Inc., VFW Post #5390, 822 Anthony Rd
Anna D Café, LLC, 954 East Main Road
Chris & Sofia Stefanopoulos d/b/a Chris's Diner, 1824 East Main Road
Cindy's Country Café, Inc., 1324 West Main Road
Clements Marketplace, Inc., 2575 East Main Road
Cumberland Farms, Inc., d/b/a Cumberland Farms #1218, 1812 East Main Road
Cumberland Farms, Inc., d/b/a Cumberland Farms # 1237, 3166 East Main Road
JFBF Realty Partners, LLC, d/b/a Dunkin Donuts, 1550 West Main Road
Portsmouth Donuts, d/b/a Dunkin Donuts, 3001 East Main Road
Aquidneck Coffee Partners, LLC, d/b/a Empire Tea & Coffee, 2005 East Main Rd
Fieldstones, LLC, 980 East Main Road
Smith Harbor House, LLC, d/b/a 15 Point Road, 15 Point Road
Komes Rozes, d/b/a Flo's Drive In, 324 Park Avenue

Victualler Licenses: - Continued

Graziano's 501 Café, LLC, 501 Park Avenue
The Green Grocer, Inc., 934 East Main Road
Green Valley Country Club, Inc., 371 Union Street
 Those Crazy Kids, LLC, d/b/a The Gulf Stream Bar & Grille, 1 Lagoon Road
 Nadder Hajjar Corp., d/b/a Little Corner Store & Deli, 903 Anthony Road
 44 Enterprises, LLC, d/b/a Martino's Pizzeria, 3001 East Main Road
 Drake Petroleum Co., Inc. d/b/a Melville Xtra Mart, 1568 West Main Rd
 - with Extended Hours
Montaup Country Club, 500 Anthony Road
New China Garden, Inc., 3288 East Main Road
New China Gourmet, LLC, 3001 East Main Road
The North End Pizzeria, Inc., 3030 East Main Road
Portsmouth Portuguese American Citizens Club, 35 Power Street
 Oceanside Enterprises, LLC, d/b/a Portsmouth Publick House, 600 Clock Tower
 Lori Cubellis, d/b/a Prudence Variety, 0837 Narragansett Ave., Prudence Island
Reidy's Restaurant, LLC, 3351 East Main Road
Rocco's Little Italy, Inc., 880 East Main Road
Roger Williams University, 144 Anthony Road
 Jonathan Martin's, Inc., d/b/a Jonathans Scampi, 657 Park Avenue
Schultzzy's Snack Shack, Inc., 346 Park Avenue
Seaconnet Sportsman's Club, 145 Sakonnet Drive
 JDDS Enterprises, Inc. d/b/a Subway, 8 Russo Road
 RySav, Inc. d/b/a Subway, 2005 East Main Road

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

4. Amusement Games:

Games

1 Portsmouth Portuguese American Citizens Club, 35 Power Street

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

5. Peddler Licenses:

- Boru Noodles, LLC, d/b/a Boru Noodle Bar, 36 Broadway, Newport, RI – 1 Vehicle
- Castaway Gourmet, LLC, 60 Selina Lane – 1 Vehicle
- FlatWaves, LLC, 1130 Aquidneck Ave, Middletown, RI – 1 Vehicle
- Greg Doyle's Canteen Ltd., d/b/a Greg's Canteen Ltd, 120 Broadcommon Road, Bristol, RI – 1 Vehicle
- Rhode Island Kona, LLC, d/b/a Kona Ice, 4 Cider Lane, Greenville, RI – 1 Vehicle
- Palagi's 2000, Inc., d/b/a Palagi's Ice Cream, 55 Bacon Street, Pawtucket, RI – 1 Vehicle
- Pete's Ice Cream, LLC, 122 Viking Drive – 2 Vehicles
- 2nd Time Around Sports Plus, 328 Atwood Avenue, Cranston, RI

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

6. Holiday Licenses:

- Byron & Gina Rymer, d/b/a All Island Landscape, 2829 East Main Road
- Margaret H. Stevenson, d/b/a The Anchorage, 0241 Governor Paine Road, Prudence Island
- Dolgen RI, LLC, d/b/a Dollar General, 3228 East Main Road
- MAD Marc, Inc., d/b/a Domina's Agway, 1348 East Main Road
- Eagle's Nest Antique Center, d/b/a Eagle's Nest Antiques, 3101 East Main Road
- Green Valley Country Club, Inc., 371 Union Street
- Greenleaf Compassionate Care Center, Inc., 1637 West Main Road
- Greenvale Vineyards, Ltd., 582 Wapping Road
- Island Garden Shop, Inc., 54 Bristol Ferry Road
- Drake Petroleum Co., Inc., d/b/a Melville Xtra Mart, 1568 West Main Road
- The Portsmouth Shop, Inc., 2511 East Main Road
- Lori Cubellis, d/b/a Prudence Variety, 0837 Narragansett Ave., Prudence Island
- Maxi Drug South, Inc., d/b/a Rite Aid #10232, 3034 East Main Road
- Maxi Drug South, Inc., d/b/a Rite Aid #10233, 2456 East Main Road
- Stonebridge Holdings, LLC, d/b/a Stone Bridge Marina, 17 Point Road

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

7. Gunsmith/Gun Dealers:

William G. Lapointe, d/b/a Cottrell, Lapointe, William & Philip, 192 Narragansett Blvd.
Pocasset Arms, LLC, 2968 East Main Road

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

8. Private Detectives:

Chenega Security Services, d/b/a Charles N. Morin, 142 Viking Drive

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

A motion by Ms. Pedro, seconded by Mr. Robicheau, to continue the hearing to Monday November 14, 2016. All voted in favor of the motion.

PRESIDENT'S EXECUTIVE SUMMARY

Vice President Seveney announced that on the thirteenth of October the Town Council had an executive session upstairs in the conference Room to meet with our mediator related to the pending lawsuit with RI Nurseries. Our mediator was Retired Rhode Island Supreme Court Justice Frank Williams. After much discussion, and certainly his insights and strong advice, the Town Council voted unanimously to settle the case with RI Nurseries for \$800,000.

MINUTES

TCM 10/03/16

A motion by Mr. Robicheau, seconded by Ms. Pedro, to approve. All voted in favor of the motion.

TCM 10/11/16

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

TCM 10/13/16 and Exec.

A motion by Mr. Robicheau, seconded by Mr. Gleason, to approve both the minutes and Executive minutes. All voted in favor of the motion.

BILLS

A motion by Mr. Robicheau, seconded by Mr. Gleason, to pay all just and due bills in the amount of \$121,749.87. All voted in favor of the motion.

TAX VOUCHERS

Request Approval for Tax Vouchers #20161024-01 to #20161024-11. / M. Helfand

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

TOWN ADMINISTRATOR'S REPORT

1. Follow Up on Source Water Protection Initiative for Newport's Source Reservoirs – meeting held in Middletown, finding potable water is good but the quality of the water supply has not improved and algae growth was found. The cost impact to towns was not part of study.
2. Report on Lt. Governor's 39 Cups of Coffee Small Business Tour – meeting at Reidy's with the owners Mr. and Mrs. Collins, the Lt. Governor, School Superintendent, Council President, and Town Administrator addressing a businessman's issues such as taxes, utility costs and school issues.
3. Report on Heavy Rescue Project Initiative – meeting at the Middletown Public Safety building, with RI Emergency Management Agency (RIEMA), where an emergency rescue vehicle will be stored. A squad with workers from Newport, Middletown and Portsmouth will be trained with \$40,000 being provided by the RIEMA once the three towns sign a memorandum of understanding (MOU) with the State.
4. Finance Audit Update – The town's side of the audit is near completion and the auditors are now at the schools. The auditing contract expires this year and we will be issuing a new RFP this year.
5. Cyber Defense Staff Training Update – cyber security training will be held this Wednesday at town hall.
6. Report on Public Safety Open House Held 23 October – the public was very pleased with the open house. Approximately 30 children were fingerprinted for their parents' records.

7. Prudence Island Paving Update – paving on Prudence Island was completed last Thursday. They will be doing the finish work this week. Drainage, driveway transitions, loam on sides of road, etc.

Ms. Pedro reported that the Puptail Party will be held on October 30th at Greenvale Vineyards as a fundraiser for the Dog Park and the Council has been invited to attend and judge the dogs.

OLD BUSINESS

OB 1 - Update – Recreation Department 11-Month Report and Summary. / T. Dunbar (10)

Mr. Dunbar provided an update on the success of the Recreation Department this past year.

Ms. Pedro requested that next time Mr. Dunbar also provide a spread sheet showing the programs costs.

OB 2 - Discussion/Action - Brown House Renovations: Door Color Selection. / J. Lathrop (5)

A motion by Mr. Robicheau, seconded by Ms. Pedro, to approve Garrison Red as the color choice for the door. The motion carried 4-1 with Mr. Gleason opposed.

NEW BUSINESS

NB 1 - Update – Melville Ponds Campground 2016 Season Report. / J. May (10)

Justin May, Manager of the Campground presented his 2016 Season Report. He noted that he had a 20% growth and the reservations this year doubled last year's. He will be adding additional rental units to the park. The first phase of the remodel of the park will be infrastructure upgrades of the utilities. Phase two will be to add sites by 2018.

Vice President Seveney suggested finding ways to interweave the camping community and their needs with local businesses. Mr. May stated that other camping areas have had very successful local vendor fairs.

Mr. Seveney suggested that hosting a Portsmouth Business Association meeting at the campground might facilitate the idea.

Mr. Gleason asked about their contribution to the Dog Park.

Mr. May stated that he plans to run a water line to the sites going toward the dog park and he will be coordinating to get water to the dog park. He will also be donating signage and part of the lawn service, trash and mutt mitts.

Mr. Seveney noted that there is a plan to put a bike path through the Melville park.

Mr. May stated that this will be exciting for the campers who bring their bikes and ride to Newport.

NB 2 - Notice of Public Hearing – State Planning Council has Under Consideration the Repeal of Five State Guide Plan (SGP) Elements, November 2, 2016 at 5:30 PM, Department of Administration, One Capitol Hill, Providence. / P. Agrawal, AICP Secretary (5)

Mr. Rainer stated State Planning Council is going through some of the portions of the elements that exist, that we have to address in our Comprehensive Plan, and are cleaning up their books. The one that was thought to be of most interest to us was item 112: resource management and reuse of surplus Navy lands. This was when it was thought that the Navy would give excess land to the state. This is no longer the case and no longer exists.

No action.

CORRESPONDENCE

1. Solarize Aquidneck Final Report. / T. Ardito, Executive Director, Aquidneck Island Planning Commission

A motion by Mr. Robicheau, seconded by Ms. Pedro, to receive and place on file. All voted in favor of the motion.

FUTURE MEETINGS

November 3 7:00 PM – Matrix Tank Farm Study Presentation – Brief Council

November 14 6:00 PM – Town Council Meeting

November 28 7:00 PM – Town Council Meeting

A motion by Ms. Pedro, seconded by Mr. Robicheau, to adjourn. All voted in favor of the motion.

ADJOURN

Time: 8:03: PM

Joanne M. Mower, Town Clerk