

PORTSMOUTH TOWN COUNCIL MEETING
JANUARY 11, 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, Elizabeth A. Pedro and Joseph W. Robicheau

MEMBERS ABSENT: Michael A. Buddemeyer

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was followed by a Moment of Silence for our men and women around the world in harm's way.

SITTING AS THE PORTSMOUTH TOWN COUNCIL

SITTING AS THE BOARD OF LICENSE COMMISSIONERS

1. Victualler License – New

Empire Tea and Coffee, 2005 East Main Road, Owner: Derek Savas, PO Box 4340,
Middletown, RI

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

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

ADJOURN

PRESIDENT'S EXECUTIVE SUMMARY

President Hamilton announced that the Town had closed on the Mount Hope Marina property (4.9 acres) that abuts the Bristol Ferry Town Commons in conjunction with the Aquidneck Land Trust.

MINUTES

TCM 12/14/15 and Exec.

A motion by Mr. Seveney, seconded by Mr. Gleason, to approve the minutes of TCM 12/14/15.
All voted in favor of the motion.

Vote on the Executive Session minutes will be held at the 1/25/16 Council meeting.

BILLS

Bill List 12/28/15 – Pre-paid

A motion by Mr. Seveney, seconded by Mr. Gleason, to pay all due and just bills in the amount of \$181,228.11. All voted in favor of the motion.

Bill List 01/11/16

A motion by Mr. Robicheau, seconded by Mr. Seveney, to pay all due and just bills in the amount of \$71,555.20. All voted in favor of the motion.

TAX VOUCHERS

Request Approval for Tax Vouchers #20160111-01 to #20160111-08. / M. Helfand

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

TOWN ADMINISTRATOR'S REPORT

1. Passing of CDR of American Legion Post 14 George Wardwell, USN (ret.) - Mr. Wardwell was also the chairman of the Town's 375th parade.
2. Recycling Update – Electronic waste will no longer be accepted at the Transfer Station. There will be e-waste pickups, free to the citizens, scheduled once every two months at the High School.

2016 Transfer Station Stickers are on sale and the Tax Office will also be open Saturday January 30th and February 6th from 7:30 am to 4:30 pm for the sale of stickers. 2015 stickers will expire January 31st.
3. Intern Program – Two interns from Bryant University, working on their senior projects. One will work to develop measuring and metric system tracking of where we should be putting our resources to best benefit the Town, one will work on developing an SOP for the Recreation Department and inventorying of our assets for best use.
4. Tank Farm Update – Matrix's preliminary report will be provided to the committee on January 20th.
5. Legislative Priorities for 2016- A joint Town Council/School Committee meeting is scheduled for Saturday January 23rd at 8:00 am at the Portsmouth High School Library. The two groups will prepare a list of legislative priorities to go over with the General Assembly Delegation at a future Council meeting.

6. Building Inspector Update – Three candidates will be interviewed on Thursday.
7. Department Updates –
 - The Police have received their range training trailer. They are accepting applications for the Citizens Academy beginning 1/12/16.
 - The Fire Department is inviting the public to view and “like” their new Facebook page.
 - The Public Works Department has installed a new bulletin board for Common Fence Point; tree pickup is almost complete; the fuel management system is almost complete; and a wellness program workshop was held in preparation for the snow season.
 - Mike Asciola has accepted the full time position in the Town Planners office.
 - The TIP request was submitted on Friday.
 - 40 residents have not yet responded to wastewater letters notifying them they must get their systems pumped out and inspected.
 - Richard Talipsky has been brought on as Director of Business Development. – Our thanks to Bill Clark for his over 10 years of service.

APPOINTMENTS AND RESIGNATIONS

1. Appointments:

- a. Tree Commission (Re-Appt.) – J. Fitzgerald, J. Garman

A motion by Ms. Pedro, seconded by Mr. Seveney, to approve the re-appointments of John Fitzgerald and Jim Garman. All voted in favor of the motion.

- b. Tree Warden (Re-Appt.) – J. Fitzgerald

A motion by Mr. Seveney, seconded by Mr. Robicheau, to reappoint John Fitzgerald. All voted in favor of the motion.

- c. Harbor Commission (Re-Appt.) – P. Rossi, T. Grieb, D. Batcheller

A motion by Mr. Seveney, seconded by Mr. Robicheau, to reappoint Patricia Rossi, Tom Grieb, and Denis Batcheller. All voted in favor of the motion.

OLD BUSINESS

OB 1 - PUBLIC HEARING: Discussion/Action – Proposed Amendment to Chapter 364 of the Portsmouth Town Code – Tobacco Products, to Restrict the Use of Tobacco Products on any Beach, Park, Athletic or Recreational Facility Owned by the Town of Portsmouth (10)

A motion by Mr. Seveney, seconded by Ms. Pedro, to close the public hearing as there was no public comment. All voted in favor of the motion.

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

**TOWN OF PORTSMOUTH, RI
ORDINANCE AMENDMENT
ORDINANCE #2016-01-11A**

Chapter 364: TOBACCO PRODUCTS

Be it ORDAINED by the Town Council of the Town of Portsmouth, Rhode Island, that Chapter 364 of the Portsmouth Code of Ordinances is hereby amended as follows:

§ 364-1. Definitions.

The following words and terms shall have the following meanings:

BEACH, PARK, ATHLETIC OR RECREATIONAL FACILITIES OWNED BY THE TOWN OF PORTSMOUTH – Any beach, park, athletic or recreational facility, including, but not limited to, any playing field, ball field, basketball court, tennis court, or playground, which is owned or operated by the Town of Portsmouth, together with any area within 100 feet thereof owned by the Town.

§ 364-2. Use of tobacco products prohibited.

Smoking and other uses of tobacco products are hereby prohibited at any beach, park, athletic or recreational facility owned by the Town of Portsmouth.

§ 364-3. Violations and penalties.

Any person violating this chapter may be ejected from the beach, park, athletic or recreational facilities owned by the Town and/or may be fined not more than \$100, which sum shall be collected for the use of the Town.

**ADOPTED BY TOWN COUNCIL
ACTION ON January 11, 2016**

Keith E. Hamilton, President
Portsmouth Town Council

OB 2 - PUBLIC HEARING: Discussion/Action – Proposed Amendment to Chapter 274 of the Portsmouth Town Code – Peddling and Soliciting, to Allow the Town Clerk's Office to Issue Special Event Peddler's Licenses Without Town Council Approval. (10)

Ms. Pedro asked for clarification on the amendment.

Solicitor Gavin stated that this would authorize the Town Clerk's office to issue any special event peddler's license, annual licenses would remain under the Council's authority.

President Hamilton requested that the Town Clerk's office send a list of an event's peddlers to the Police Department for monitoring.

A motion by Mr. Seveney, seconded by Mr. Robicheau, to close the public hearing. All voted in favor of the motion.

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

**TOWN OF PORTSMOUTH, RI
ORDINANCE AMENDMENT
ORDINANCE # 2016-01-11B**

Chapter 274: Peddling and Soliciting

Be it ORDAINED by the Town Council of the Town of Portsmouth, Rhode Island, that Chapter 274 of the Portsmouth Code of Ordinances is hereby amended by adding the following section:

§ 274- __. Special event peddler's license.

- A. Any special event, as recognized and approved by the Town Council, may utilize any vendor that is duly licensed by this chapter.
- B. A special event peddler's license may be issued to persons, hawkers, peddlers or mobile food vendors, not currently licensed, engaged in the sale of various products at special events, as recognized and approved by the Town Council. Application for said license shall be submitted to the Town Clerk or his or her designee along with a fee of \$50 per event. Application must include the nature of items for sale, the special event title, location and date(s), a copy of the state tax permit, and a copy of the applicable State Health Department license. Said license will be issued administratively by the Town Clerk. Said license shall be displayed conspicuously at all times. All sales under this special event peddler's license will be limited only to the hours of the special event and shall be conducted where the special event is being held. Any person who has had his or her license revoked by the Town Council shall not be eligible for a special event peddler's license by the Town Clerk.

**ADOPTED BY TOWN COUNCIL
ACTION ON January 11, 2016**

Keith E. Hamilton, President
Portsmouth Town Council

OB 3. Discussion/Action – Wind Turbine Contract Amendments. / G. Crosby & S. Brusini (15)

a. Proposed Amendment to Project Agreement and Wind Energy Lease.

Solicitor Gavin stated that further work was needed on the bond's language.

Steven Brusimi, Esq., representing WED, asked to have the language changed from “exceed by 8 meters” to “exceed by 20 meters”.

Hannah Marini, WED, gave an update on discussions with homeowners negatively impacted by the turbine and flicker which included: landscape solutions, turbine solutions, innovative window shade solutions and an invitation to visit the North Kingstown project.

Mr. DePasquale spoke of paying off the Town's bond faster; the FAA approval being received in December; and a request for an 85 meter hub height. He stated that raising the hub height 39 feet to a standard hub height would make the new tower standard in size (no longer a custom tower) allowing for the highest warranty (10 years) and certification. In addition the new height would allow the turbine to produce more energy and make it run more quietly.

Mr. DePasquale asked permission to use the turbine that was going to be placed in Coventry allowing WED to start the project immediately. Coventry's turbine doesn't have to be ready until June. It is hoped to set the crane up the last week of this month; taking down the old tower January 29th and 30th; setting up a temporary fence; removing the foundation and installing a new foundation in February with the parts arriving the 2nd week in February. Dates will need to be worked out with the School. Security will be on site. The two tower sections will be barged over. The new blades will come overland by the end of February.

In response to Mr. Gleason's question, Mr. DePasquale stated that there would be no change in the flicker because of the new tower's height.

Attorney Brusimi stated that the height change will not affect more people than were bothered before.

Ms. Pedro requested a plan showing the radius of what may be hurt should the new tower fall.

Mr. DePasquale stated it will never fall past its actual length and he will check on that.

A motion by Mr. Seveney, seconded by Mr. Gleason, to approve the amendment to project agreement and the wind energy lease. All voted in favor of the motion.

b. Presentation of \$150,000 Performance Bond Required by Previous Council Action.

No action.

OB 4 - Discussion/Action - Meeting Notes from October 21, 2015 – Status of Project Design:
Reconstruction of East Main Rd., Turnpike Ave. to Union St. / L. Pedro & T.
Cunningham, Commonwealth Engineers & Consultants, Inc. (FR: 12/14/15) (10)

Ms. Pedro stated that she wanted an update as we were supposed to have another meeting with RIDOT. She asked if the second roundabout was on hold.

Town Planner Crosby stated that was a mischaracterization of our discussion that all commercial properties in the area are waiting to see what was going to happen with the roundabouts.

Town Administrator Rainer stated that he, Mr. Hamilton and Mr. Crosby met with DOT to find out the status of the project. DOT is looking for a complete re-write of the project and will be coming to the Council to discuss and get input.

Mr. Seveney addressed concerns that the funds allocated for the project by Senator Reed would be lost.

No action.

NEW BUSINESS

NB 1 - Request Permission to Conduct 2016 Race the State Through Portsmouth, August 7, 2016. / H. Pigin, Manuka Sports Event Management (10)

A motion by Mr. Seveney, seconded by Ms. Pedro, to continue to January 25th. All voted in favor of the motion.

NB 2 - Request to Recognize the Efforts of Many Portsmouth Business Owners and Volunteers that Supported the 2016 Island Park Seals Polar Plunge on 1/1/2016. / J. Vit (5)

Mr. Vitkevich presented a slide show of pictures from the Plunge. He announced that \$1700 was raised in support of Matthew Pierce and Mary Tobin.

Administrator Rainer will arrange for the slide show to be placed on the Town's website.

NB 3 - Announcement of Portsmouth Prevention Coalition's Project Purple Week: January 25–29, 2016. / K. Hamilton (5)

Ray Davis of the Prevention Coalition and Jenny Springer of the Herren Project announced that the Project had given a \$1200 donation to the Coalition for tee shirts and other items that will be given out on January 23rd. In addition, Portsmouth will be featured in ads for the 2016 National Substance Abuse Campaign.

President Hamilton announced that a dodge ball tournament is scheduled at the high school gym on January 29th at 6 pm. The Town officials will participate as a team along with teams from police, fire, and high school students.

Mr. Hamilton, Mr. Aguiar, Mr. Gleason, Ms. Pedro, and Mr. Rainer will participate.

a. Request Approval of Project Purple Week Proclamation

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

**TOWN OF PORTSMOUTH, RI
PROCLAMATION**

WHEREAS: Project Purple, an initiative of The Herren Project, a 501(c) 3 Non-profit foundation established by former NBA basketball player, Chris Herren, assists individuals and families struggling with addiction. Project Purple was launched to break the stigma of addiction, bring awareness to the dangers of substance abuse and shed light on effective practices, and

WHEREAS: the Project Purple concept was developed when Chris spoke at a local high school in 2011 in front of students wearing Purple shirts. After sharing his story, a young woman raised her hand and stood up to speak. As snickering and laughter was heard, the student said "Thank you Mr. Herren for validating what we do. We are the sober students of this high school and each year we take a pledge to not use drugs or alcohol." Mr. Herren was surprised by the courage it took to not only stand up and share the symbolism of the purple shirts, but he was inspired to make a difference among adolescents across the United States.

NOW THEREFORE I, Keith E. Hamilton, President of the Portsmouth Town Council, do hereby proclaim the week of January 25th through 29th, 2016 as

PROJECT PURPLE WEEK

in the Town of Portsmouth and I urge all citizens to celebrate and support the special events planned by both the Portsmouth Schools and other community organizations; Portsmouth businesses along with the Portsmouth Fire and Police Departments, displaying Project Purple banners.

Keith E. Hamilton, President,
Portsmouth Town Council

NB 4 - Update/Discussion – Portsmouth Municipal Court. / D. Gleason (10)
The Council addressed concerns about:

- The court fees being waived.
- Whether Portsmouth could join with another community for municipal court.
- Do department heads feel they are getting a value by the Town having a court.
- Should the court be held every other month to save time and costs.
- How can outstanding balances be collected.

No action was taken.

NB 5 - Request Resolution Outlining the Loan Criteria for the RI Infrastructure Bank’s
Community Septic System Loan Program (CSSLP). / G. McGovern (5)

Galen McGovern, Wastewater Manager, requested that loan criteria be passed and that “CSSLP funds can be used to refinance an existing Portsmouth loan” also be added to the resolution.

A motion by Mr. Seveney, seconded by Mr. Gleason, to accept the existing resolution with all elements presented and that residents currently with a Portsmouth loan may apply for a CSSLP loan if available. All voted in favor of the motion.

TOWN OF PORTSMOUTH
RESOLUTION # 2016-01-11

Resolution Outlining the Loan Criteria for the RI Infrastructure Bank’s Community Septic System Loan
Program (CSSLP)

WHEREAS: the Town of Portsmouth will enter into a Loan Agreement with the Rhode Island Infrastructure Bank under the Community Septic System Loan Program (CSSLP), and

WHEREAS: this loan program is administered through RI Housing and the Town may apply specific homeowner loan criteria to the program, and

WHEREAS: said loan criteria has been reviewed and agreed upon by the Town Council of the Town of Portsmouth.

NOW THEREFORE BE IT RESOLVED, that the following criteria shall be applied to the loans administered by RI Housing:

1. The maximum amount of the loan shall be 25,000.
2. The term of the loan shall be a maximum of 10 years.
3. Residential property owners must be current on all financial obligations to the Town of Portsmouth at the time of application.
4. There are no owner occupancy restrictions and seasonal and rental properties are eligible.
5. The loan program excludes commercial and industrial properties; group and cluster systems; and condominiums or apartment buildings with 4 or more units per structure.
6. There are no income restrictions but homeowner debt/income ratio shall not exceed 45 percent.
7. Funds will be loaned out on a first-come, first served basis.
8. There are no current state or Federal tax liens on the property or current bankruptcies or bankruptcies discharged within the previous 24 months.
9. A \$300 loan origination fee will be paid by the borrower at closing.
10. Security for the loan will be a lien on the property held by the Town to be released upon successful repayment of the loan.
11. The loan obligation shall be structured to be repaid at the sale or transfer of the subject property. Payments will be made on a monthly basis and there will be no prepayment penalty.
12. Only licensed and insured septic installers may be used on the project.
13. Qualified septic systems must be subject to the 2007 RI Cesspool Phase-Out Act or determined to be "failed" as defined by the current DEM regulations and/or the Portsmouth Wastewater Management District Ordinance.
14. The homeowner must have a DEM approved septic design with a permit number and all State and local permits procured.
15. A DEM Certificate of Conformance will be required prior to disbursal of borrowed funds which will be paid directly to the system designers and licensed installers.
16. Funds are to be used for septic system repairs or replacement only, including all engineering and installation costs as well as all permitting fees.
17. Applicants must have current property and liability insurance on the property as it will become security for the loan.
18. On a case-by-case basis, loan applications may be approved for systems installed or repaired prior to the inception of this loan program, but in no case prior to January 1, 2014.
19. Prior to the closing, the homeowner must present Rhode Island Housing an executed contract with a licensed and insured septic installer. This contract will fully describe the scope of work required to repair or replace the homeowner's septic system.
20. Portsmouth residents will have the opportunity to refinance an existing Portsmouth Septic Loan under the Community Septic System Loan Program (CSSLP).

WHEREAS: this Resolution is effective upon passage.

**APPROVED BY TOWN COUNCIL
ACTION ON January 11, 2016**

Keith E. Hamilton, President
Portsmouth Town Council

NB 6 - Discussion – FY16 Mid-Year Update. / F. Chan (5)

Deputy Finance Director Chan announced that higher revenues are projected along with higher expenditures, due to over time at Public Safety and Public Works. It is hoped that the Town will end the fiscal year with a \$70,000 surplus.

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

CORRESPONDENCE

1. Invitation to Attend the 31st Annual Dr. Martin Luther King, Jr. Birthday Program, 9:30 AM January 18, 2016 at Thompson Middle School and the Luncheon Program at 12:00 PM at the Best Western, Newport
2. Request Resolution in Support of Legislation on Controlling Blasting. / A. Weinreich, Charlestown Town Clerk
3. Application by the City of Newport, Utilities Department, Water Division to Change Rates with the Rhode Island Public Utilities Commission. / J. Keough, Jr., Keough & Sweeney, Ltd (The Full Report is Available for Viewing at the Town Clerk's Office)
4. Notice by Narragansett Electric Company, d/b/a National Grid, of an Application for the Aquidneck Island Reliability Project that was Filed with the Energy Facility Siting Board (EFSB). / P Lacouture, Robinson & Cole, LLP (The Full Report is Available for Viewing at the Town Clerk's Office)
5. Portsmouth Harbor Commission Letter of Approval to Modify a Portion of the Planned Mooring Field at Hog Island to Accommodate the Hog Island Dock Proposal Application #2015-02-055 Pending before CRMC. / T. Grieb, Chair, Portsmouth Harbor Commission
6. Letter to the RIDOT Expressing Concerns Over the Demolition of the Old Sakonnet River Bridge, the Old Stone Bridge Abutment Project and Other Tiverton Issues. / Rep. John G. Edwards, House Majority Whip, State Representative – District 70, Tiverton / Portsmouth
7. Letter Requesting Support of the Eastern Rhode Island Conservation District (ERICD) and ERICD 2014-2015 Report. / S. Churgin, ERICD

Regarding Correspondence #1, Mr. Seveney will attend the Program and President Hamilton will Make all attempts to be there.

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

FUTURE MEETINGS

January 23, 2016 – Town Council/School Committee Budget Strategy and Planning Meeting (Saturday)
January 25, 2016 – Town Council Meeting
February 8, 2016 – Town Council Meeting

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

ADJOURN

TIME: 9:12 p.m.

Joanne M. Mower, Town Clerk