

PORTSMOUTH TOWN COUNCIL MEETING

Saturday,
JANUARY 23, 2016

8:00 AM – PORTSMOUTH HIGH SCHOOL LIBRARY, 120 EDUCATION LANE

MEMBERS PRESENT: Keith E. Hamilton, James A. Seveney, Kevin M. Aguiar,
Michael A. Buddemeyer, David M. Gleason, Elizabeth A. Pedro
and Joseph W. Robicheau

ALSO PRESENT: School Committee Members Terri-Denise Cortvriend, Emily Copeland,
Frederick Faerber, III, Andrew V. Kelly, Allen Shers,
Thomas R. Vadney, and John Wojichowski

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

NEW BUSINESS

NB 1 - Joint Town Council/School Committee Budget Discussion

a. Presentation/Discussion – Budget Strategy and Planning

Town Finance Director, James Lathrop and School Department Finance Director, Chris DiIuro gave a presentation on the status of the Town and possible budget needs:

- The Town's infrastructure. The Town Hall not being large enough for staff and the need for more offices. Plans to move Recreation to the Brown House.
- The need for a new phone service.
- Public Safety - The need for a new police station with service bays, a larger fire station or a second one, a Prudence Island police (public safety officer) sub-station, salt sheds for the DPW, and road management.
- Lower Glen Farm, Elmhurst Park, Bristol Ferry and Weaver Cove.
- The Town increasing revenues and the tax collection rates.
- The Town's health costs will be up by \$300,000 and the Schools up \$500,000, the ARC payments will be up \$300,000 combined with schools; OPEB liability is up, and there are outstanding Litigations: \$700,000 - \$1.2 million. There is the need to set aside \$250,000 to help pay for them.
- The Town plans to improve technology by turning on fiber optics with OSHEAN; virtualizing servers; updating telephone systems; and management systems.
- In regards to staffing, the Town needs to change job descriptions by 2016; with training of skills; succession planning; and improving communications. There is the possibility of hiring more seasonal help.

- The School Department's infrastructure.
- Health and safety issues.
- A new RIDE construction application 5% reimbursement to the Town.
- Boiler replacements at PHS and PMS.
- The need for lighting efficiency throughout the schools.
- The need for roof replacements in the future (5-yr. plan).
- The Administration is running out of space and they hope to move to PMS and the need for a storage facility.
- State Aid and Group Home Aid decreased
- Little Compton tuition increased due to more students,
- Pre-K program in Melville adds \$30,000 for "Models" to attend.
- Costs to have a Safety Officer at schools will add \$40,000; a Student Assistance Counsellor (DARE) will add \$19,000; and the busing contract bid is up 14% adding \$250,000.
- Plans are for maintaining and updating computer networks; with a pilot program of 1 to 1 devices at PMS; and a request in the operating budget for leasing, the issue of contact to internet when not at school (possibly at the Brown House).
- DMC, educational consultants, will be evaluating staffing levels at PHS & PMS. The NEA contract expires this year. And safety emergency preparedness needs to be reviewed.

Mr. Seveney asked about the IT broadband deal with OSHEAN and if Portsmouth will get any of the \$30,000 grant for Aquidneck Island. Mr. Lathrop replied Corey Mendes is investigating.

Mr. Wojichowski asked about the turbine and the schools having to purchase electricity. Mr. Lathrop said it will kick in at the end of Direct Energy's contract.

Mr. Lathrop answered Mr. Vadney's question about the Pension Plan 6.57% (using our model) = 61%; (using the state model) = 78%. He replied to Mr. Seveney's question if a rolling average is used, yes, market to market, a 5 year rolling, and he is hoping the market stabilizes.

Mr. Lathrop replied to Mr. Seveney's question that once we file this year we should be at 60% and out of critical status by the State. As to the school department, he believes the schools will come back at 2 to 2.5%.

Mr. DiIuro answered Mr. Seveney, the school will come in for end of year about the same, no surprise surplus.

Mr. Lathrop stated the audit is complete but there are still some issues with the auditor.

Mr. DeIuro responded to Ms. Cortvriend's question about capital and surplus that once the boilers are paid for at PHS and PMS we'll be at \$500,000. After lighting there will be \$200,000 left in the capital fund and \$300,000 in OPEB restricted account.

BREAK: 8:52 a.m.
RETURN: 9:24 a.m.

Senator Pagliarini arrived. President Hamilton announced that Representatives Canario, Edwards and Gallison could not attend but sent their regrets. Representative Reilly arrived later.

NB 2. Discussion/Action - Legislative Priorities for 2016

The following represents a consolidated list of Portsmouth Town Council and School Committee proposed 2016 Legislative Agenda priorities for discussion.

Town Council

The Town Council reviewed the proposed list and voted on which items should remain as priorities.

1. Sakonnet River Bridge: Continue our strong opposition to any toll structure imposed on the Sakonnet River Bridge.

- a. Remove existing toll gantry.

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

2. Oppose a Statewide Tolling Program: Reject any legislation that proposes statewide tolling.

- a. Fight to reject any legislation that proposes to injure commercial transportation in RI.

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

3. Funding to examine Insurance Reimbursement Rates of Ambulance Cost: Rhode Island reimbursement rates are 24-40% lower than other New England communities. Most RI municipality ambulance service is provided by the local fire department. The cost of maintaining these programs outweighs the revenue. Improved revenue from the insurance companies will help in this area, particularly in many struggling fire districts.

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

4. Compassion Center: Impose a tax on compassion centers. The tax could be used to fund:

- a. School Resource Officer Programs.
- b. Reestablish State funding for DARE and drug prevention programs

A motion by Mr. Gleason, seconded by Ms. Pedro, to approve as amended: b. should read:
“Re-establish State funding for DARE and for drug prevention and treatment programs.” All
voted in favor of the motion.

5. Binding Arbitration: Repeal binding arbitration laws.

- a. Repeal Binding Arbitration for public safety collective bargaining agreements.

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

6. School Funding:

- a. Modify the School Surplus law to allow schools to maintain 5% of budget as fund
balance.
- b. Increase State funding levels for RI schools, particularly Special Education.

A motion by Mr. Hamilton, seconded by Mr. Robicheau, to drop the percentage from 5 percent
to 1 ½ percent. The motion carried with Ms. Pedro opposed.

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

7. TAX on Social Security and military Pensions:

- a. Fight for the removal of income tax on Social Security and military pensions
- b. Increase the property tax exemptions for veterans and seniors.

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

8. Support business growth in RI: Fight for an income tax exemption or statewide stabilization
plan to help encourage business growth and relocation in RI.

President Hamilton stated that we need to develop a “better” East Bay Career Vocational Center
perhaps at vacant Raytheon buildings: trades – electrical, welding.

Mr. Robicheau added making Town even more attractive to settle in and a huge plus for the
economy of Town and East Bay.

Superintendent Riley stated that our schools are working on CTE’s. She cautioned these
programs siphon off students (and we lose enrollment). Students no longer get a Portsmouth

diploma and yet school pays a tuition for students. The cost per head for tuition to Rogers: part-time, \$7,000., full-time, \$13,000. We do issue the diploma to half-timers but unless it's "our" school, the head count, costs and funds change. Our goal is to make every student college and career ready.

10:00 a.m. – Representative Reilly arrived.

- a. Support state programs at the local level to improve workforce education and development.

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

- b. State support for small business incubation center in Portsmouth.

Mr. Rainer stated that the Town needs to take advantage of excess property in unused wing of Coggeshall School so people could start businesses there.

A motion by Mr. Robicheau, seconded by Ms. Pedro, to amend the language to read: Request State support for the establishment of a small business incubation center in Portsmouth and approve. The motion carried 6-0 with Ms. Pedro abstained.

- c. Expedite the funding discussion/legislation associated with RhodeWorksRI program.
 - i. Reject any legislation that calls for funding RhodeWorksRI with tolls.

A motion by Mr. Seveney, seconded by Mr. Robicheau, to amend the language to read: Expand and create a more transparent funding discussion/legislation associated with RhodeWorksRI program and approve. All voted in favor of the motion.

9. Authorization for Local Vendor Preference Ordinance: Allow local communities to award bids on small contracts (less than \$500,000) to taxpaying business in their community that bid on the contract and are within 10% of the low bid and willing to match the low bid.

Mr. Lathrop stated that it's State statute, you must accept the low bid, but it has to be a competitive bid.

10:15 a.m. – Mr. Wojichowski left the room.

10:18 a.m. – Mr. Wojichowski returned.

A motion by Mr. Seveney, seconded by Mr. Gleason, to approve. The motion carried 6-1 with Ms. Pedro opposed.

10. Navy Property: Continue to explore options for State cooperation with US Navy initiatives to divest infrastructure and utilities, e.g. Tank Farms, Burma Road, and Stringham Road.

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

11. Roads: Repave East Main Road before the end of 2016.

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

12. Portsmouth Permanent Collection: Provide \$5K for funding of the Portsmouth permanent collection housed at the Portsmouth Library.

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

13. Waste Water Management:

- a. Expand funding for the Rhode Island Infrastructure Bank to ensure there is sufficient funds to finance the CCSLP program.

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

- b. Extend the ban on cesspools in the Rhode Island Cesspool Act of 2007 to include all cesspools statewide. – ALREADY DONE

14. Creation of \$0.01 (one cent) tax per gallon of gas: Similar to the Hotel and Meal Tax. One Cent per gallon be collected by fuel stations and put into a fund for the community it was collected fund. Unlike the Hotel and Meal Tax this money would not go into the general fund, but be available to the community as a reimbursement for road and sidewalk projects. In a similar manner of Local Capital Improvement Program (LoCIP) that other states have.

Mr. Lathrop stated this is for local infrastructure, local capital improvement program which accumulates over time and tapped when a major program is needed.

A motion by Ms. Pedro, seconded by Mr. Seveney, to change the word “Creation” to “Redirect” and approve. All voted in favor of the motion.

15. Low / Moderate Income Housing: Update the Low / Moderate Income Housing Act (R.I.G.L. §45-53) to remove impediments toward compliance by municipalities.

Gary Crosby stated that market rate houses are selling but low/moderate houses aren't, we need the low/moderate housing act formula reviewed for a 30 year deed restriction and the level of rent.

A motion by Mr. Seveney, seconded by Ms. Pedro, to approve as amended, changing the word "Update" to "Review". All voted in favor of the motion.

16. Comprehensive Planning and Land Use Act: Vigorously oppose any so-called "opt-out" amendments to the Comprehensive Planning and Land Use Act (R.I.G.L §45-22.2).

Mr. Crosby, if we opt out, surgically remove parts to our comp plan the state may not approve it and could act against the Town's will. Our Plan must be in sync with State guidelines.

A motion by Ms. Pedro, seconded by Mr. Robicheau, to reject. The motion carried 6-1 with Mr. Seveney opposed.

Mr. Fitzmorris stated that a vote in favor of #16 is a vote in favor of RhodeMapRI and he knows of no other Town that has done so. The Home Rule Section of our State Constitution protects Town's rights to local zoning.

School Committee

Ms. Cortvriend: the School Committee has already discussed and agreed upon their list.

1. No Statewide Teachers Contract: The Portsmouth School Committee does not think that a statewide teacher's contract is in the best interest of the taxpayers, students or employees of Portsmouth. Local communities should be able to negotiate their own contract. Especially those communities that pay for over 50% of the education burden via property taxes. When the state pays for over 50% of the cost of running the Portsmouth school district, then the state is free to go to a statewide contract.
2. No Binding Arbitration: We request that our legislators reject any future bills giving teacher unions the right to binding arbitration for teacher contracts.
3. Support the School Building Infrastructure Bond: We urge your support for a substantial bond issue to be used exclusively for school infrastructure improvements and replacements in the state's public school system. The statewide infrastructure improvement needs exceed \$1.5 billion with most of that needed in Providence. Aside from the need, it would also be a construction stimulus for the RI economy with associated economic multiplier effect.
4. Support an Increase in State Funding for High Cost Special Education Students: The cost of special education for even one intensive needs special education student can wreck a well-managed school budget. In light of this fact, we request the state address this issue by

creating a funding mechanism that kicks in when costs for any individual student exceeds a specified threshold. (But not come out of existing school formula hurting other student recipients.)

5. Study and Change How DCYF Handles Responsibility for Students in Their Care: On a related topic we also encourage our legislators to modify how DCYF handles students under their care. DCYF should accept financial responsibility for children under their care. Portsmouth has recently experienced a situation where a child under the care of DCYF was directed to an out of district placement. The student's father then moved to New Bedford and attempted multiple times to register his child for school in New Bedford. New Bedford would not accept his student. The courts have now ordered Portsmouth to pay for this child's out of district tuition even though the family no longer lived in the district. DCYF should be responsible for the tuition of students in their charge.
6. Group Home Aid: Review the bed costs for group homes. Portsmouth has two group homes and these students come to school with greater needs than the average student population. The current rate does not cover the cost of educating these children.
7. Support Legislation that Limits the Amount of Funding Provided to Charter Schools from District Budgets: While the Portsmouth district has not been significantly impacted, we support our fellow public school committees in their call to limit the funding of charter schools that is taken from district budgets. School districts are responsible for many costs that do not apply to public schools and that funding formula needs to be reworked.

*Ms. Cortvriend corrected the wording in the last line to replace public with charter

8. The same rules should apply to both School Committees and Town Councils:
 - a. School committees should be permitted to amend their agendas in the same fashion as other public bodies in our state. Please change RIGL 42-46-6b by removing reference to the school committees.
 - b. The Portsmouth School Committee believes that Town Council members should be required to participate in the same number of hours of professional development that are required for school committee members. With their important duties and responsibilities our state's Town Councils would benefit from having their members participate in professional development. We encourage you to take up legislation that would make this requirement the same for both branches of town government.

9. Freedom of Information Requests: Individuals should be prohibited from making multiple requests for the same information. Public bodies should be able to refer these individual to the original documents provided within a reasonable period of time. (Administrative staff should not be forced to waste time and tax payer dollars when repetitive requests are made for the exact same information when nothing has changed.)

10. Funding Formula: We urge the legislature to carefully study the recommendations that have recently been brought to the governor by the committee she established to review the funding formula. Per their recommendations we would encourage you to support adding funding for special education and English language learners but to not support merely a reallocation of funds which will further reduce the funding Portsmouth receives from the current formula.

11. Charter Schools: We urge your support of the following two bills regarding charter schools:
 - a. House Bill No. 7051
BY Serpa, Amore, O`Grady, O'Brien, McKiernan
ENTITLED, AN ACT RELATING TO EDUCATION - MAYORAL
ACADEMIES {LC3299/1}

(Provides the creation of a new charter public school or the expansion of an existing charter public school would require approval from the city or town council of each sending school district.) 1/07/2016 Introduced, referred to House H.E.W.

 - b. House Bill No. 7066
BY O`Grady, Amore, Fogarty, Regunberg, O'Brien
ENTITLED, AN ACT RELATING TO EDUCATION - CHARTER
SCHOOLS {LC3420/1}

(Requires the board of education to make certain findings regarding the sending districts before granting approval to a new charter school project.)
01/07/2016 Introduced, referred to House Finance
01/08/2016 Scheduled for hearing and/or consideration.

Senator John Pagliarini reported:

- He has been appointed to the committees on finance, housing and municipal government.
- He is presenting a bill requiring tolling be approved by vote of the community.
- He will be meeting next week with DOT and DOT may be at the 2/8/16 TCM.
- He has co-sponsored a bill exempting military pensions from state income tax.
- He will get a letter requesting a grant from the Commerce Department on a business development center.

- He will review the Town's priorities on Low/moderate housing; bond; DARE; local Tax Stabilization Plan.
- He has received the Tipping Fees letter from Mr. Rainer.

Representative Dan Reilly reported on the following:

- He is waiting for an official plan on tolls.
- Navy property, state needs to come in and allow things to move faster
- Roads, he wants East Main Road put in Transportation Improvement Plan
- Opt-Out
- School items Bill H7066 voted out of Finance and on floor next week
- Charters and funding formula are intertwined
- Working with RIREC re tipping fees and how we move trash in RI and how to fund it

FUTURE MEETINGS

January 25, 2016 – Town Council Meeting

February 8, 2016 – Town Council Meeting

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

ADJOURN

TIME: 11:35 a.m.

Joanne M. Mower, Town Clerk