

**PORTSMOUTH TOWN COUNCIL MEETING  
FEBRUARY 22, 2016**

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

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

MEMBERS ABSENT: Joseph W. Robicheau

**PLEDGE OF ALLEGIANCE**

A moment of silence for the 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 Annual:

My Kitchen Table, 1065 East Main Road, Portsmouth, RI. Owner: Kelle O'Connor, 1084 Green End Avenue, Middletown, RI

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

2. Entertainment License:

Portsmouth Youth Soccer Association, Carlos Williams, President, 28 Prudence View Dr., Portsmouth, RI for the Portsmouth Invitational Youth Soccer Tournament, Gardner Seveney Sports Complex, June 17-18, 2016

3. Peddler License - Specific Event:

Portsmouth Youth Soccer Association, Carlos Williams, President, 28 Prudence View Dr., Portsmouth, RI for the Portsmouth Invitational Youth Soccer Tournament, Gardner Seveney Sports Complex, June 17-18, 2016

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

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

**ADJOURN**

## **PRESIDENT'S EXECUTIVE SUMMARY**

The Council had a discussion on the purchase of a piece of property that is still in negotiation. The location of which will be announced should the purchase take place.

Police Chief Lee updated the Town Council on a bomb threat this afternoon at the High School. He stated that this was a pre-recorded phone message to the school and a low level threat.

## **MINUTES**

TCM 2/10/16 and Exec.

Ms. Pedro requested additional wording be added to the report that President Hamilton gave after adjourning from Executive Session. The following language has been amended: "to go forward with the process and negotiations".

A motion by Mr. Gleason, seconded by Mr. Seveney, to approve as amended the Minutes of TCM 2/10/16 and Exec. The motion carried 5-0 with Mr. Buddemeyer abstaining due to his absence that evening.

## **BILLS**

A motion by Mr. Seveney, seconded by Mr. Buddemeyer, to pay all just and due bills in the amount of \$93,673.21. All voted in favor of the motion.

**TAX VOUCHERS** - none

## **TOWN ADMINISTRATOR'S REPORT**

1. Prudence Island Road Paving Project Update – Base mapping has been completed and 3-D mapping is nearing completion. The National Research Reserve has asked the Town that 550 feet along Roberta Avenue be added to the paving project with no cost or delay to the Town. VHB has submitted an amendment to the cost, \$10,900, to the Reserve for that work.

2. Newport County Chamber of Commerce meeting was attended by Mr. Rainer on the Regional Economic Development Initiative. The goal is to create a new county-wide economic development organization. He has invited the Chamber to present their plan once it has been developed further.

## **RESIGNATIONS AND APPOINTMENTS**

Appointments:

- a. Agriculture Committee (Re-Appt.) - Judith Carvalho

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

**OLD BUSINESS**

OB 1 - Presentation of the Town Clerk Management and Staffing Study Conducted by DI Jacobs Consulting Company. / R. Rainer

Town Administrator Rainer gave a review of the audit that recommended the following actions for the Town Clerk's office and Canvassing office:

<b><u>Report</u></b>	<b><u>Administrator's View</u></b>
<b>ESSENTIAL</b>	
Establish a combined Town Clerk/Canvassing Department	Under advisement
Increase full-time administrative support staff *Re-establishment of Deputy Clerk- Elimination of temporary hires *Part-time Canvassing clerk elevated to full-time under new CBA *Impending CBA simplifies Clerk levels	In progress*
Enhance Mission of the Town Clerk function *Clerk and Administrator to share responsibility for agenda preps *Admin function is assigned to a clerk position in the Town Clerk's Department	Different approach*
<b>IMPORTANT</b>	
Establish the Town Clerk as an appointed position	Concur
Establish a Town-wide Strategic Planning Process	Concur
Develop and Implement a Town-wide employee training program	Under development
<b>USEFUL</b>	
Review and Enhance the Town's Compensation System	Ongoing
Establish a Town-wide Technology Master Plan	Concur and in progress
Establish a Town-wide Customer Satisfaction Program	Concur

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

OB 2 - Request Approval of a Resolution Memorializing the General Assembly to Enact Legislation Authorizing the Town of Portsmouth to Finance the Design, Construction, Furnishing and Equipping of a New Police Station by the Issuance of Not More than \$10,000,000. General Obligation Bonds and/or Notes Therefor. / K. Gavin

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

**TOWN OF PORTSMOUTH, RI  
RESOLUTION # 2016-02-22**

A RESOLUTION MEMORIALIZING THE GENERAL ASSEMBLY TO ENACT LEGISLATION AUTHORIZING THE TOWN OF PORTSMOUTH TO FINANCE THE DESIGN, CONSTRUCTION, FURNISHING AND EQUIPPING OF A NEW POLICE STATION BY THE ISSUANCE OF NOT MORE THAN \$10,000,000. GENERAL OBLIGATION BONDS AND/OR NOTES THEREFOR

WHEREAS: the Town Council of the Town of Portsmouth endorses and supports the Design, Construction, Furnishing and Equipping of a New Police Station (the "Project"), and

WHEREAS: in order to undertake and complete the Project, there would be a need to issue bonds and notes in an amount not to exceed \$10,000,000., and

NOW THEREFORE BE IT RESOLVED: that the Town of Portsmouth hereby memorializes the General Assembly to enact legislation authorizing the Town, with the approval of the electors, to issue general obligation bonds and/or notes in an amount not to exceed ten million dollars (\$10,000,000.) for the above purposes, and

BE IT FURTHER RESOLVED: the question of the approval of this act shall be submitted to the electors of the Town of Portsmouth at the general election to be held on November 8, 2016, and be submitted in substantially the form set forth in the legislation, and

BE IT FURTHER RESOLVED: that the Town, working with Bond Counsel for the Town of Portsmouth, ensure that the appropriate legislation is submitted in a timely manner to the Rhode Island General Assembly to ensure that all requirements are met, and to ensure consideration of this question by the electors, and

BE IT FURTHER RESOLVED: that this resolution is an affirmative action of the Town Council of the Town of Portsmouth toward the issuance of bonds or notes in accordance with the purposes of the laws of the State. This resolution constitutes the Town's declaration of official intent, pursuant to Treasury Regulation Section 1.150 (2), to reimburse the Town for certain capital expenditures for the Project paid on or after the date which is sixty (60) days prior to the date of this resolution but prior to the issuance of the bonds or notes. Such amounts to be reimbursed shall not exceed \$10,000,000. and shall be reimbursed not later than eighteen (18) months after the later of (a) the date on which the expenditure is paid, or (b) the date the Project is placed in service or abandoned, but in no event later than three (3) years after the date the expenditure is paid, and

BE IT FURTHER RESOLVED: this Resolution shall take effect upon its passage.

Adopted: February 22, 2016

\_\_\_\_\_  
Keith E. Hamilton, President,  
Portsmouth Town Council

**NEW BUSINESS**

NB 1 - Request to Approve School Department 5 Year Capital Plan Included in the Necessity of School Construction Stage II Application for Housing Aid Reimbursement and Authorize the School Department to Submit the Application to RIDE. / A. Riley & C. DiIuro

Superintendent of Schools Riley asked the Council to have an official vote of support for the plan that will be submitted for reimbursement to RIDE.

Finance Officer DiIuro presented the plan to the Council.

A motion by Mr. Seveney, seconded by Mr. Aguiar, to approve the School District's Five Year Capital Plan, include it in the Stage II Application and authorize submission of the Stage II Application to the SBA. All voted in favor of the motion.

President Hamilton requested Ms. Riley and Mr. DiIuro remain at the meeting for the discussion on recreation and fees.

NB 2 - Discussion/Action – Proposed Charter Amendment to Make the Office of the Town Clerk an Appointed Position. /R. Rainer

Administrator Rainer suggested that the change would allow for more stability and efficiency in the office. He stated that if approved by the voters by referendum this would go into effect after the election of 2018.

A motion by Ms. Pedro, seconded by Mr. Seveney, to place this charter amendment on the ballot.

A motion to amend by Mr. Gleason, seconded by Ms. Pedro, that the second line's language be amended to read "Appointed by the Town Administrator with approval of the Town Council". All voted in favor of the motion to amend.

All voted in favor of the main motion as amended.

501. Town Clerk. There shall be a Town Clerk who shall be appointed by the Town Administrator with approval of the Town Council. The Town Clerk shall serve as department head for the office of the Town Clerk. The duties and prerogatives of the Town Clerk shall be those defined by statute, together with such additional duties as may be assigned by the Town Administrator.

NB 3 - Discussion/Action – Recreation Department Items and Updates. / T. Dunbar

a. Recreation Department Spring/Summer 2016 Catalog.

Ms. Pedro suggested more adult activities be added.

b. Creating New Policy for Teams and Organizations Using Town Fields and Property.

Recreation Director Tim Dunbar recommended the following as a way to offset the significant amount of money the Town spends every year for maintenance on the Town's fields and property:

“Any team, league, or organization that regularly utilizes town owned fields or property shall be required to pay the following in order to diminish the cost of the upkeep of said fields on the Town and taxpayer. Each league shall pay an annual fee of \$300, plus \$3 per child enrolled in said organization or league.”

The consensus of the public present this evening was in opposition to this recommendation.

TIME: 9:16 PM – Break

TIME: 9:22 PM – Return

c. Request Assistance in Working with the School Department Regarding Morning Walks for Our Residents at the High School Gym.

Mr. Dunbar requested confirmation from the School's Athletic Director that the gym will be available for walking three days per week from 6 to 7 a.m. Chase Little will supervise this.

A motion by Mr. Gleason, seconded by Mr. Seveney, to accept Recreation Department Spring/Summer 2016 Catalog. All voted in favor of the motion.

A motion by Mr. Gleason, seconded by Mr. Seveney, to table discussion and action on “item b Creating New Policy for Teams and Organizations Using Town Fields and Property”. All voted in favor of the motion.

NB 4 - Request Council Reschedule the April 25, 2016 Town Council Meeting in Order for the Canvassing Authority to Use the Town Council Chambers as a Polling Site for the April 26, 2016 Presidential Preference Primary Election. / J. Schulz

A motion by Mr. Seveney, seconded by Mr. Buddemeyer, to move the regularly scheduled Town Council meeting of April 25<sup>th</sup> to April 27<sup>th</sup>. All voted in favor of the motion.

NB 5 - Request Town Council Approval of Proposal to Consolidate the Zoning Ordinance and Subdivision Rules and Regulations into the Codification of Ordinances. / J. Mower

Mr. Aguiar requested that the structure of the Zoning Ordinance remain the same in regard to the present articles and numbering.

A motion by Mr. Seveney, seconded by Ms. Pedro, to approve the proposal to consolidate the Zoning Ordinance and Subdivision Rules and Regulations into the Codification of Ordinances with the stipulation that the titles and numbering system remain the same. All voted in favor of the motion.

NB 6 - Request to Approve Re-Statement of the Town's Pension Plan. / J. Lathrop

Mr. Rainer stated that this is just a formality where we had to consolidate all the previously approved changes and report it to the IRS.

A motion by Mr. Seveney, seconded by Ms. Pedro, to approve the re-statement and have Mr. Lathrop forward it to the IRS. All voted in favor of the motion.

### **CORRESPONDENCE**

1. Thank You Card for Supporting Project Purple Week and for Participating in the Dodgeball Tournament. / Patriots Committed Students.
2. Portsmouth Water and Fire District's Quarterly Financial Reports for FY-15 and FY-16 Through October 31, 2015. / W. McGlenn, General Manager and Chief Engineer, Portsmouth Water and Fire District

Mr. Seveney requested the Town Administrator ask Mr. McGlenn why all the documents are dated the same date.

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

### **FUTURE MEETINGS**

- March 14      7:00 PM – Town Council Meeting – PUBLIC HEARING: Proposed Amendments to Chapter 257 of the Portsmouth Town Code – Noise Ordinance
- March 28      7:00 PM – Town Council Meeting

### **EXECUTIVE SESSION**

Ms. Pedro stated that she believes that items two and three should not be in Executive Session and she will vote no.

Solicitor Gavin stated that they are legal proceedings that we should talk about in Executive Session.

1. RIGL 42-46-5(a)(2) – Litigation: Sakonnet River Bridge
2. RIGL 42-46-5(a)(2) – Litigation: A&R Marine Rate Change Application (R.I. Public Utilities Commission)
3. RIGL 42-46-5(a)(2) – Litigation: Aquidneck Island Reliability Project Assessment

A motion by Mr. Seveney, seconded by Mr. Buddemeyer, to go into Executive Session under RIGL 42-46-5(a)(2) – Litigation: Sakonnet River Bridge. All voted in favor of the motion.

A motion by Mr. Seveney, seconded by Mr. Buddemeyer, to go into Executive Session under RIGL 42-46-5(a)(2) – Litigation: A&R Marine Rate Change Application (R.I. Public Utilities Commission) and RIGL 42-46-5(a)(2) – Litigation: Aquidneck Island Reliability Project Assessment. The motion carried 5-1 with Ms. Pedro opposed.

TIME: 9:45 p.m. - Break

TIME: 10:39 p.m.

**RETURN TO OPEN SESSION**

**OPEN SESSION**

President Hamilton announced that the Council met in Executive Session and covered three items. We talked about the recent decision of the Federal Appeals Court on the Sakonnet River Bridge and no vote was taken. We discussed the rate changes and our intervention process and one vote was taken and it passed 6-0 to have fruitful discussions and oppose some of the rate changes. We talked about litigation in terms of the Aquidneck Island Reliability Project and we voted to become an intervener. The motion carried 5-1.

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

**ADJOURN**

TIME: 10:44 p.m.

---

Joanne M. Mower, Town Clerk