

PORTSMOUTH TOWN COUNCIL MEETING  
MAY 9, 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

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

SITTING AS THE PORTSMOUTH TOWN COUNCIL

PRESENTATIONS/RECOGNITIONS

1. Presentation and Introduction of "Portsmouth's Top Dog" Contest Winners.

Town Clerk Joanne Mower announced the Contest Winners for 2016: Top Dog #1 Ellie (owners Lori and Mike Rinkel) and Top Dog #3 Kodi (owner Celeste Diamantini) and presented each with their respective dog tag, a framed photo, and dog biscuits hand-made by this year's judges, the residents of Atria/Aquidneck Place. Top Dog #2 Maggie (owner Gail Hynson) sent her regrets for not being able to attend.

2. Proclamation of Appreciation and Thanks to the City of Portsmouth UK to be Hand  
Delivered by School Committee Member Andrew V. Kelly, Gary & Janice Gump and Rich  
Talipsky

President Hamilton read and then presented the proclamation to Portsmouth's Economic Development Director Richard Talipsky and wished the group a successful journey to Portsmouth, United Kingdom.

CONSENT AGENDA

1. NOTICE OF PUBLIC HEARINGS:

The Rhode Island State Planning Council will Conduct Two Public Hearings on May 26, 2016 at 2:00 PM and 6:30 PM at the Department of Administration. These Hearings will be to Accept Comments on the FFY 2017-2025 Draft State Transportation Improvement Program (STIP) and Amendment #7 to the FFY 2013-2016 STIP.

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

SITTING AS THE BOARD OF LICENSE COMMISSIONERS

1. Request to Advertise for a Public Hearing:

Request for a Permanent Expansion of the Service Area for the Seaconnet Sportsman's Club, 145 Sakonnet Drive, Portsmouth, RI.

2. Request to Advertise for a Public Hearing:

Application to Transfer a Class BV Beverage License from C.A.C. Property Manager, LLC, d/b/a The Newport Beach Club, 195 Newport Harbor Drive, Portsmouth, RI to TNBC Beach Club, LLC.

A motion by Mr. Robicheau, seconded by Mr. Gleason, to hear both on June 13, 2016. All voted in favor of the motion.

3. Entertainment License:

St. Philomena School, 285 Corys Lane, for the Spring Fair on May 22, 2016

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

4. Gunsmith/Gun Dealer License:

Pocasset Arms, LLC, 2968 East Main Road, Portsmouth, RI. Owner: Jeffrey A. Goyette

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

5. Daily Liquor License:

Newport Rotary Club for a Fundraiser for High School Scholarships at the Polo Fields, May 28, 2016 from 4:00 PM to 8:00 PM

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

6. Pedder License – Annual:

My Chourico, 4474 Post Road, East Greenwich, RI. Owner: Marcos Vasconcelos

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

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

### ADJOURN

PRESIDENT'S EXECUTIVE SUMMARY - None

### MINUTES

TCM 4/27/16

Mr. Robicheau requested the following be added to the minutes on page 5, NB 1: "Mr. Hamilton and Ms. Pedro agreed that the final plan must be approved by the Town Council."

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

Mr. Robicheau will bring the following subject back for discussion at the next Council meeting. (NB 1 - Request the Town of Portsmouth Make Application for a Special Use Permit to Give all the Abutters Notice of the Plans for the Newly Acquired Mt. Hope Park. / K. Alves & L. Butler, 24 Bayview Avenue, Portsmouth)

### BILLS

A motion by Mr. Seveney, seconded by Mr. Gleason, to pay all just and due bills in the amount of \$56,788.21. All voted in favor of the motion.

TAX VOUCHERS - none

### TOWN ADMINISTRATOR'S REPORT

1. Comprehensive Community Plan Update – The schedule for the release of draft elements has been amended and moved to the right (extended) by one month and posted on the Town's website. Economic Development Element workshop will be held on the 29<sup>th</sup> of June. Divisions, goals, policies and actions sections have been published and distributed and remaining sections will be published by May 24.
2. Cyber and Physical Security Update – Mr. Rainer attended two seminars with staff on cyber and physical security. One presented by the RI Land Trust and one by the State Police.
3. Arbor Day – On April 29<sup>th</sup>, Melville School celebrated Arbor Day by planting a tree in honor of Military families. The tree was donated by National Grid and preparations were done by the Town Public Works Department.

4. Rhode Island Veteran's Affairs – Mr. Rainer met with the state's first Director of Veteran Affairs, Mr. Kasim Yarn, to discuss VA's Outreach to RI vets, various town veterans' organizations, and our plans to update the Town's honor roll.

5. Bryant University Update – Five teams from the MBA program's Operation Management class, surveyed:

- a) the impact of a shift change to the Police Dept. costs and quality of life of the Officers and possible safety issues.
- b) measuring student performance and the impact the school system has on the community.
- c) Recreation Department - developing a field facilities scheduling program and potential fee schedules taking into effect town desires, non-profit use and other types of use.
- d) Two teams assigned to the Public Works Department to review costs and possible technological improvements for snow removal, sanding routes and scheduling of various maintenance issues.

The teams have completed their work and reports will be forth coming. The winner will be invited to present their final presentation to the Council.

6. Wind Turbine Update – WED has wired \$1,382,500 to the Town to be used to pay off our previous turbine debt. Additionally, they will arrange to contribute \$67,500 to a playground project.

## RESIGNATIONS AND APPOINTMENTS

1. Resignations:

- a. Aquidneck Island Planning Commission – A. Macedonio

A motion by Mr. Seveney, seconded by Mr. Robicheau, to accept the resignation of Anne Macedonio with regret.

Mr. Robicheau stated that he did not know why, but the entirety of the resignation was not included in the backup material and so he will read it into the record.

President Hamilton stated that one reason it was not included is it is not of a factual basis. We have not been able to investigate it as of yet. Mr. Rainer and Mr. Lathrop are in the process of investigating it. He did not want to smear the entire organization until it is determined founded or unfounded.

Mr. Robicheau read Ms. Macedonio's entire resignation for the record.

Dear Mr. Hamilton,

I want to thank you and the Town Council for appointing me to the AIPC board.

With that said, on April 15, 2016 I decided to resign from that organization - for a host of reasons - relating to their financial accounting. Below is an email that I sent to the finance committee and other acting board members, only to receive fierce resistance, excuses, and inappropriate alternatives. All actions that only furthered my concerns for an audit.

With that said, I would be more than happy to elaborate further, on a one on one basis, with anyone that might have questions.

For now, it is my strong recommendation as both a CPA and taxpayer that further funding of this organization be placed on hold - until such time that an independent audit is conducted for the past five years, with active management and board members not having the ability to control the audit or select the auditors in any way.

Sincerely,  
C. Anne Macedonio MBA, CPA

Mr. Robicheau stated that there is an attachment to this which is labeled confidential so the other things she has to say, he is uncomfortable reading without her permission and he doesn't have that yet.

Ms. Pedro stated that the letter in the packet was altered and she doesn't appreciate her Town Council packet having information in it that is not true. This is not true information. This is not the letter that was submitted as a resignation letter. This letter has been altered. To say that we cannot even talk about this is absurd. This is her problem. She never wants to see this again where something is being withheld from her, even if it was to go into Executive Session which it has no reason to be in Executive Session. She doesn't want information withheld from her because this information effects how she is going to make her future decisions here. So she doesn't need her information filtered and she doesn't like having to check all the information in her packet to see if it's true or not. And she isn't talking about whether the information in this email is true or not she's talking about the email itself and that's what we should be discussing here is this letter of resignation. This is not the letter of resignation that was submitted and that's her concern. She wants to see the actual letter of resignation that was submitted. And she doesn't know what the legalities are of having a letter in her packet that someone actually didn't write. This person didn't write this letter that's in her packet.

Mr. Gleason stated that he concurred with Ms. Pedro. He asked President Hamilton, regarding the second paragraph where she is stating that she would be happy to elaborate further on a one to one basis, if he is alluding to Mr. Lathrop or Mr. Rainer making contact with her or making contact with the AIPC for verification of the content and if it is in progress.

In response to Mr. Gleason's question of who Mr. Rainer and Mr. Lathrop would be contacting during the investigation, President Hamilton stated both the AIPC and Ms. Macedonio, and yes it is in progress.

Ms. Pedro stated further, that sentence she forgot to mention, that Mr. Gleason mentioned "with that said I would be willing to elaborate further on a one to one basis with anyone that might have questions". She had plenty of questions. So to just not have that ability to contact this person who is saying that they will talk with anyone that might have questions, but she was not given that option because she got an altered letter in her packet.

The motion carried 5-1 with Ms. Pedro opposed.

Ms. Pedro stated she voted against this because she can't accept this resignation, that this person didn't write this letter.

## 2. Appointments:

- a. Portsmouth Citizens Interested in the Comprehensive Community Planning Process – P. Kesson

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

## OLD BUSINESS

OB 1 - Update on the First Maintenance Inspections (FMI) in Island Park and Portsmouth Park. / G. McGovern (10)

Ms. McGovern offered to provide an update to the Town Council every six months. Basically the first area of Island Park was completed. A few residents went right to replacing systems instead of having them inspected because they knew they had a problem. 25 cesspools in the first area and about half were failing. The program is doing what it was intended to do - get the failing systems out of the ground.

- Area two in Island Park has 74 out of 120 completed. We have quite a few cesspools approximately 30 and about 33 alternative systems.
- A mailing for the third area just went out.

- Over 525 inspections completed “town-wide” and reported in the data base.
- So far there have been 14 failing systems replaced or going to be replaced shortly.
- After two letters and a notice to get an inspection, or if system has failed and they need to apply to DEM to replace it, are not responded to, a summons is issued for Municipal Court. So far only one person has been fined, some have been dismissed.
- CSSLIP 1% money approved and ready to go.
- A web base GIS, Tax Assessor data online, flood maps and wastewater ordinance Workshop is scheduled here on May 25<sup>th</sup> at 10 am.

Mr. Seveney asked Ms. McGovern to map out the number of inspections completed and compare it to the DEM requirements and time we have left to meet those requirements.

OB 2 - Discussion/Action - Approval of FY 2017 Provisional Budget. / R. Rainer (10)

- a. Summary of Approved Changes and Recommended Changes to the FY 2017 Budget.  
/ J. Lathrop

To: Rich Rainer, Town Administrator

From: Jim Lathrop, Finance Director

Subject: FY 2017 Budget Update

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This is to summarize changes approved by the Town Council, make recommended changes based on updated information, and provide requested detail to contingency account.

**Changes approved by Town Council**

Increase appropriation to Library	\$ 7,500
Restore funding of AIPC	\$18,000
Decrease Town Council Contingency	<u>(\$ 2,500)</u>
<b>Net Changes approved by Town Council</b>	<b>\$23,000</b>

**Recommended Changes**

Increase Property Insurance	\$ 22,674
Increase Workers Comp Insurance	\$ 9,959
Increase Debt Service	\$236,000
Increase Transfer to Wind Turbine	<u>\$ 2,631</u>
<b>Net Recommended Changes</b>	<b><u>\$271,264</u></b>

**Total Changes** **\$294,264**

**Adjustments**

Formula Error	\$ 12,913
Fund Balance	(\$207,177)
Contingency	<u>(\$100,000)</u>

**Total Adjustments** **\$294,264**

*New Amounts to Fund Balance: \$86,545 & Contingency \$300,000*

Recommended Changes are the result of:

- Receipt of actual premiums for Property and Workers Comp Insurance
- Required Principle Payment on existing debt
- Actual payment from WED compared to November payoff

<b>Contingency Account:</b> Budgeted Amount:	\$300,000
Hope Bridge Park: Sea Wall	\$100,000
Bristol's ferry landing	\$ 50,000
10% Contingency on Construction Projects	
Elmhurst Park: \$27,000	
Brown House: \$35,000	
Salt Shed: \$10,000	
Paving: <u>\$75,000</u>	\$147,000
Miscellaneous	<u>\$ 3,000</u>
<b>Total Contingency</b>	<b>\$300,000</b>

Tom Grieb asked the Council not to fund the AIPC. Mr. Grieb said that the AIPC used a “canned” action for promoting Solarize Aquidneck and gave no input or assistance. As far as the Melville bikeway, it took a public workshop to stop them from putting the desires of Bike Newport ahead of the citizens of Portsmouth.

A motion by Mr. Robicheau, seconded by Ms. Pedro, to vote to restore the \$18,000 to the AIPC contingent upon the successful acceptance of an independent audit of the AIPC's books and to withhold FY 2016's funding until said audit is complete and accepted by this Council. All voted in favor of the motion.

Ms. Pedro asked about the increase of the debt service. Mr. Lathrop responded the Town is refinancing old school debt.

Mr. Fitzmorris inquired about:

- The money we received from WED (Mr. Lathrop said we can't pay off bond until November)
- the \$2500 that was to be transferred to the Prevention Coalition from the Council Contingency Fund. (Mr. Lathrop said that the Prevention Coalition isn't paying for the SRO this year so their budget is \$5,000 ahead of last year)
- How many new hires are in budget. (Mr. Lathrop said one part-time hire for DPW)

A motion by Mr. Seveney, seconded by Ms. Pedro, to increase the Prevention Coalition by \$2,500 for a total of \$22,500 and drop the fund balance from \$86,545 to \$84,045. All voted in favor of the motion.

Judi Staven inquired about:

- Are Mt. Hope Park Seawalls and Bristol Ferry Landing on the DEM Recreational Grants (Mr. Talipsky and Mr. Crosby will prepare an update on grants for TCM 5-23-16)
- Hog Island – can we make \$5,000 for trash hauling contingent on them recycling (Mr. Rainer will contact Mr. Hess)
- Do we get receipts that they actually take the trash to the State
- Other Income: Planning – Longevity; DPW – Streetlights; Fire’s large increase; Miscellaneous Licenses and Fees; Dock repairs at Bristol for Ferry; and Transparency Issues

A motion by Mr. Robicheau, seconded by Mr. Seveney, to provisionally approve the Budget with the changes discussed. All voted in favor of the motion.

NEW BUSINESS

NB 1 - Public Service Recognition Week and Announcement of Portsmouth Municipal Employee of the Year. / R. Rainer (5)

President Hamilton presented Tax Collector/Tax Assessor Matthew Helfand with the Portsmouth Municipal Employee of the Year award.

President Hamilton also read the names of the Town employees who had more than twenty years of service with the Town:

Rosemary Buckley	William Bohensky	Denise Davis	Brendan Martin
Norman Moore	Michael O’Brien	James Sousa	Debbi Pappas
Darryl Sieben	Jeanne Warren	Kevin Silvia	William Ethier
Alberto Bucci	Christine Preuit	Michael Cranson	Anthony Cambrola

NB 2 - Discussion/Action – Budget Public Hearing. / R. Rainer (5)

Mr. Rainer proposed the Public Hearing for the Budget be held on June 8<sup>th</sup> at 7 pm at the Portsmouth Middle School.

President Hamilton confirmed that the final adoption and reading of the tax levy ordinance would be on June 13<sup>th</sup>.

The Council was in concurrence with having the Budget Public Hearing on June 8<sup>th</sup>.

NB 3 - Discussion/Action – Disbanding of the New Revenue Working Group. / R. Rainer (5)

A motion by Mr. Robicheau, seconded by Mr. Seveney, to dissolve the New Revenue Working Group and incorporate its goals and functions within the revitalized Portsmouth Economic Development Committee.

In response to Ms. Pedro's question, Mr. Talipsky stated that the NRWG members do not automatically become members of the EDC, they would need to apply.

President Hamilton requested a letter of thank you be sent to the members of the disbanded NRWG along with a note letting them know there are many committees looking for members and the PEDC would welcome them as members should they wish to apply.

All voted in favor of the motion.

#### CORRESPONDENCE

1. Request to Advertise in a Program Booklet for the Annual East Bay RSVP/FGP Recognition Luncheon. / D. O'Connell, RSVP/FGP Program Manager
2. Smithfield School Committee Resolution on Gun Free Schools. / K. Boscir, Clerk
3. Town of East Greenwich Resolution Opposing S 2263 and H 8080 Relating to Elections School Closings. / L. Botello, Town Clerk East Greenwich

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

#### FUTURE MEETINGS

May 23 7:00 PM – Town Council Meeting  
June 8 7:00 PM – Budget Public Hearing at Portsmouth Middle School  
June 13 7:00 PM – Town Council Meeting

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

#### ADJOURN

Time: 8:20 PM

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Joanne M. Mower, Town Clerk