

PORTSMOUTH TOWN COUNCIL MEETING
JUNE 13, 2016

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 and for all the people affected by the violence in Orlando.

SITTING AS THE PORTSMOUTH TOWN COUNCIL

SITTING AS THE BOARD OF LICENSE COMMISSIONERS

1. PUBLIC HEARING: Transfer of a Class BV Beverage License:

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

Allison Lane, Esq., of Darrow Everett, representing C.A.C. Property Manager LLC was present to answer any Council questions. She stated that this is a transfer from one Managing company to another.

Fire Chief Cranson reported that all earlier concerns have been rectified.

A motion by Mr. Seveney, seconded by Mr. Robicheau, to approve contingent upon the rest of the filings with the Town Clerk. All voted in favor of the motion.

a. Class BV Beverage License Application:

TNBC Beach Club, LLC, d/b/a The Newport Beach Club, 195 Newport Harbor Drive, Portsmouth, RI. Owners: Northern Waterfront Associates, L.P., 195 Newport Harbor Drive, Portsmouth, RI

** This matter was heard after License #2.

2. PUBLIC HEARING: Transfer of a Class BV Beverage License:

Application to Transfer a Class BV Beverage License from Tiverton Management Corp., d/b/a Tremblay's Ultimate Grill, 514 Park Avenue, Portsmouth, RI to Tremblay's Bar and Grill Inc.

- a. Class BV Beverage License Application:
Tremblay's Bar and Grill, Inc., 514 Park Avenue, Portsmouth, RI. Owners:
Michael MacFarlane, 16 Trenton Lakewood Road, Clarksburg, NJ, 08510 and
Dennis DeMarino, 15 Tall Oaks Court, Farmingdale, NJ, 07187
- b. Objection to the Transfer of a Class BV Liquor License from Tiverton Management Corp., d/b/a Tremblay's Ultimate Grill, to Tremblay's Bar and Grill, Inc., Unless Indebtedness is Paid in Full to Horizon Beverage Co. and Rhode Island Distributing Co. / G. Mancini, Sinapi Law Associates, Ltd.
- c. Objection to the Transfer of a Class BV Liquor License from Tiverton Management Corp., d/b/a Tremblay's Ultimate Grill, to Tremblay's Bar and Grill, Inc., Unless Indebtedness is Paid in Full to McLaughlin & Moran, Inc. / D. Silva

A motion by Mr. Seveney, seconded by Mr. Robicheau, to move this public hearing to the June 27th Council meeting. All voted in favor of the motion.

- **1.
- a. Class BV Beverage License Application:
TNBC Beach Club, LLC, d/b/a The Newport Beach Club, 195 Newport Harbor Drive, Portsmouth, RI. Owners: Northern Waterfront Associates, L.P., 195 Newport Harbor Drive, Portsmouth, RI

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

3. PUBLIC HEARING: Permanent Expansion of Service Area

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

- a. Letter in Support of the Application to Expand Seaconnet Sportsman's Club Class D Liquor License. / T. Gallagher, 146 Sakonnet Drive

Alan Adams, Trustee, representing the Seaconnet Sportsman's Club was present for questions from the Council.

A motion by Mr. Seveney, seconded by Mr. Robicheau, to approve the expansion of the Seaconnet Sportsman's Club. All voted in favor of the motion.

4. Victualler Licenses – New

- a. TNBC Beach Club, LLC, d/b/a The Newport Beach Club, 195 Newport Harbor Drive, Portsmouth, RI

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

- b. Tremblay’s Bar and Grill, Inc., 514 Park Avenue, Portsmouth, RI

A motion by Mr. Seveney, seconded by Mr. Robicheau, to move item 4 b to June 27th meeting. All voted in favor of the motion.

5. Peddler Licenses - Annual

- a. Elwood’s Dog House, 101 Lakeland Road, Cranston, RI. Owner: Frederick Seng

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

- b. Boru Noodles, LLC, d/b/a Boru Noodle Bar, 36 Broadway, Newport, RI

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

- c. Wicked Good Kettle Corn, 705 State Road, Westport, MA. Owner: Richard N. Toas

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

- d. Underground Food Co., LLC, d/b/a Underground Food Company, 3 Squantum Drive, Middletown, RI

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

- e. Lukes Lobster, 75 Exeter Street, Boston, MA

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

f. Locavore, LLC, 468 W. Demello Drive, Tiverton, RI

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

g. Fugo, 42 Georgia Avenue, Providence, RI. Owner: Jason Vargas

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

6. Entertainment License – Request to Reschedule Date

St. Philomena School, 285 Corys Lane, Rescheduled from May 22, 2016 to September 25, 2016 Due to Weather

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

A motion by Mr. Seveney, seconded by Ms. Pedro, to adjourn as the Board of License Commissioners and to close the public hearings. All voted in favor of the motion.

ADJOURN

PRESIDENT'S EXECUTIVE SUMMARY

President Hamilton expressed his thanks to the School Department for a very well run graduation ceremony. He reported that the Council had its annual budget hearing last Wednesday night.

MINUTES

TCM 5-9-16

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

TCM 5-23-16

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

BILLS

A motion by Mr. Seveney, seconded by Mr. Gleason, to pay all just and due bills in the amount of \$378,248.73. All voted in favor of the motion.

TAX VOUCHERS

Request Approval for Tax Vouchers #20160613-01 to #20160613-02. / M. Helfand

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

TOWN ADMINISTRATOR'S REPORT

1. Wind Turbine Update - Most elements are staged at the high school, with the blades to arrive this week or early next. Plan is to begin the assembly process this week and to be operating by the end of the month.
2. Report on Navy Quarterly Meeting – Mr. Rainer attended the meeting. A report on the Aquidneck Island Infrastructure Realignment Project was received. The Navy is preparing a new instruction on the restricted areas in the waters off the Naval Station coast.
3. Report on TIP Public Comment Hearing – attended by Asst. Planner Michael Asceola. He requested the resurfacing project on West Main and East Main roads be completed sooner than scheduled ADA compliant sidewalks installation.
4. Report on Staff MEDS Training – completed and one of the requirements to qualify the Town for a \$1,000 payment from the RI DOH.
5. Report on RIRRC Eco Depot – and Electronic Waste June 18th from 8 to 1 at high school.
6. Police Department Appreciation Day – on May 27th a cook out and shoot out was hosted for Town Council and staff. Thanks given to the dedicated officers who hosted us.

RESIGNATIONS AND APPOINTMENTS

1. Resignations:

- a. Aquidneck Island Planning Commission – G. Gump

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

2. Appointments:

a. Portsmouth Veteran's Honor Roll Committee

A motion by Mr. Seveney, seconded by Ms. Pedro, to appoint Ms. Carbery, Mr. Duggan and Mr. Mott. All voted in favor of the motion.

b. Citizens Interested in the Comprehensive Community Planning Process Committee

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

c. Glen Manor House Authority (Re-Appt.) – J. L. McMahon, B. Dowty

A motion by Mr. Seveney, seconded by Mr. Robicheau, to re-appoint Mr. McMahon and Ms. Dowty. All voted in favor of the motion.

OLD BUSINESS

OB 1 - Discussion/Action – Aquidneck Island Planning Commission Financial Records Review.
/ J. Lathrop & R. Rainer (10)

Finance Director/Deputy Town Administrator Lathrop reported that he and Deputy Chan visited the AIPC. He stated that while there were some issues, it was a positive visit and their operation is not bad for a small organization. He suggested a last year and current year report be generated. He recommends he visit in six months to see if they have followed his recommendations and that the Town release half of the \$36,000 to see how they perform. There are no giant red flags with their review.

Ms. Pedro stated that this was not the motion made by the Council on May 9th, which she read. "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."

President Hamilton stated that upon his receipt of the original letter, he asked Mr. Rainer to take a look into their finances and make recommendations from there.

Mr. Lathrop, a CPA, stated that he did an independent review and while it is not considered an audit, a third party is being involved to do this.

Ms. Sandy Ross, Senior Audit Manager at KLR, stated that state law only mandates audits for non-profits earning more than \$500,000. The Town would have to pay for an audit if required as a contingency for funding.

A motion by Ms. Pedro, seconded by Mr. Gleason, to not fund the AIPC. The motion failed 4-2 with Mr. Hamilton, Mr. Seveney, Mr. Aguiar and Mr. Gleason opposed.

A motion by Mr. Gleason, seconded by Mr. Seveney, to table this to a future date. The motion carried 5-1 with Ms. Pedro opposed.

OB 2 - Final Approval of Proposed FY 2017 Budget (The Full Budget is Available for Review on the Town's Website at portsmouthri.com)

Mr. Lathrop responded to the questions posed last week at the public hearing:

The Glen Manor House on Page 108 has been corrected to the formula of 25% of the CIP and is \$83,333.

The Revenue part on Page 34 has been corrected to:

Residential taxes	42,233,914
Other	4,800,161
Tangible property	163,310
Motor vehicles	1,986,670
 Total	 49,957,055
Plus	50,000 in pro-rated taxes
And	1,200,000 prior year collections
For a Total of	51,207,055

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

- a. Draft of FY 2017 Budget Ordinance

Town Clerk Joanne Mower read the FY 2017 Budget Ordinance.

AN ORDINANCE RELATING TO THE LEVY AND COLLECTION OF TAXES

BE IT ORDAINED: that the Town Council of the Town of Portsmouth, at a regular Town Council meeting, legally assembled, on the 13th day of June, A.D., 2016, hereby levies and orders the collection of:

1. A property tax on the ratable real estate and tangible personal property, said levy to be based on the assessment made as of the Thirty First Day of December, A.D., 2015, as subsequently adjusted for new construction or damaged or destroyed buildings, according to law.
2. An excise tax on all registered motor vehicles and trailers, said levy to be prorated over the calendar year prior to the year in which said excises are levied and billed, said year hereinafter being referred to as the calendar year of proration. As provided by Section 44-34.1-1 of the General Laws of Rhode Island, an additional municipal exemption of \$1,500 is applied to the statutory \$500 exemption, for a total exemption of \$2,000.

Total taxes, prior to any adjustments for subsequent increases or decreases in assessments, shall be a sum not more than \$50,971,096, said tax is for ordinary expenses and charges, for the payment of interest and indebtedness in whole or in part of said Town, for the payment of the Town portion of the State Tax and for other purposes as specified in the Budget and Warrant Items, approved at this meeting as authorized by law. The said property tax shall be apportioned upon 100% of the assessed valuation as determined by the Tax Assessor on the Thirty First Day of December, A.D., 2015, at twelve o'clock midnight, according to law, any subsequent adjustments to the assessed valuation shall be apportioned on a pro rata basis during the calendar year, according to law, and said excise tax shall be apportioned on a pro rata basis during the calendar year of proration according to law. The above amount shall be exclusive of Veterans' exemptions and those for the elderly, as provided by law at the time tax rolls are certified.

The maximum gross property tax levy of \$50,971,096 does not exceed the 4% tax levy cap.

The Tax Assessor shall, upon completion of said assessment, date, certify and sign the same and deliver to and deposit the same, in the Office of the Town Clerk.

The Town Clerk, on receipt of said assessment, shall forthwith:

Make a copy of the same and deliver it to the Finance Director, in his capacity as Treasurer, who shall forthwith issue and affix to said copy a Warrant under his hand directed to the Collector of Taxes of said Town, commanding him to proceed and collect said taxes of the persons and estates liable therefor.

Said taxes shall be due and payable on and between the First Day of July and the First Day of September, A.D., 2016 and all taxes remaining unpaid on said First Day of September, A.D., 2016, shall carry, until collected, a penalty at the rate of twelve percent per annum upon real estate and tangible personal property and a penalty of twelve percent per annum upon registered motor vehicles and trailers.

Said taxes may be paid in four installments, the first installment to be twenty five percent on or before the First Day of September, A.D., 2016, and the remaining installments as follows:

25 percent on the First Day of December, A.D., 2016

25 percent on the First Day of March, A.D., 2017

25 percent on the First Day of June, A.D., 2017

A grace period of seven (7) business days will be extended for each installment period. Each installment of taxes, if paid on or before the last day of each installment period successively and in order, shall be free from any charge for interest.

If the first installment or any succeeding installment of taxes is not paid by the last date of the respective installment period or periods as they occur, then the whole tax or remaining unpaid balance of the tax, as the case may be, shall immediately become due and payable and carry until collected a penalty at the rate of twelve percent per annum.

Provided, however, that the option to pay said taxes in equal quarterly installments shall not apply to any tax levied in an amount not in excess of one hundred dollars \$100.00, in which case the tax shall be payable in a single installment.

Whenever there is a subsequent adjustment to said assessment because of new construction or damaged or destroyed buildings, the resulting additional or decreased taxes shall be administered, due, payable and collectible in accordance with Sections 44-5-13.13 and 44-5-13.14 of the General Laws of Rhode Island, as amended, and any ordinance of the Town of Portsmouth.

BE IT ORDAINED FURTHER: that the Town Council of the Town of Portsmouth at a regular Town Council meeting on the 13th of June, A.D., 2016, hereby orders that the Tax Assessor of this Town shall assess and apportion a property tax on the inhabitants and the ratable real estate and tangible personal property of the Town of Portsmouth as of the Thirty First Day of December, A.D., 2015, at twelve o'clock midnight, according to law, assess and apportion adjustments to property taxes on new construction or removal of damaged or destroyed buildings in the Town of Portsmouth, according to law; and apportion an excise tax on the inhabitants and the registered motor vehicles and trailers of the Town of Portsmouth on a prorata basis for the calendar year of proration, according to law.

ORDAINED: that the Budget, amended, carrying a gross appropriation of \$60,668,949, together with the following order, in the accounting of refunds, State Aid, Federal Aid, or other credits not specifically stated in the foregoing budget, that the Town Treasurer be directed to credit such funds to the Department concerned and such funds are hereby appropriated by the Town Council at a regular meeting on June 13, 2016, for the use of the Departments concerned, provided, however, that such receipts for the School Department Budget be excepted.

ORDAINED: that the Town Treasurer is authorized, on behalf of the Town of Portsmouth, to issue notes in anticipation of the receipt of taxes levied in this fiscal year as authorized by Section 45-12-4 of the Rhode Island General Laws, (1956), as amended, the outstanding principal amount of which at any one time shall not exceed the amount permitted by Section 45-12-4 of the Rhode Island General Laws, (1956), as amended. The Notes shall be signed by the Town Treasurer, in his capacity as Director of Finance, and countersigned by the President of the Town Council. The Notes shall contain such terms, conditions and details and bear such date or dates and mature at such time or times from their date of issuance as the Town Treasurer may determine.

ORDAINED: that the books and accounts of all Departments handling Town funds be audited by the State Bureau of Audits or by an independent Certified Public Accountant for the fiscal year beginning July 1, 2016.

ORDAINED FURTHER: that all moneys collected by the Town Clerk and the Tax Collector be turned over to the Town Treasurer monthly, or at more frequent intervals as accumulations may warrant.

GROSS APPROPRIATION \$ 60,668,949

Less Estimated: School Receipts 4,733,705

Less Estimated: Miscellaneous General Fund Receipts 4,778,189

Leaving to be raised by taxes: 51,157,055

Less Estimated: Prior Years Collection 1,200,000

Plus Estimated: Uncollectable Spread 1,014,041

MAXIMUM TAX LEVY \$ 50,971,096

Keith E. Hamilton
Town Council President

NEW BUSINESS

NB 1 - Discussion/Action – Request Council Include McCorrie Beach on the Town’s Website and to Post Speed Limit Signs on the Beach. / N. Dealy (10)

President Hamilton instructed that due to State Open Meetings Act they can only discuss the two items listed on the agenda which is including McCorrie Beach on the Town’s Website and posting speed limit signs on the beach.

Nick Dealy, 23 William Street, asked that the hours of the beach be listed on the Town’s website and that speed limit signs be posted.

Police Chief Lee does not recommend placing a speed limit sign on the beach. If we did the speed limit would be a continuation of McCorrie Lane which is 25 MPH which is much too fast to drive on the beach. Should there be a problem the charge would be reckless operation. Putting a sign there may have the unintended effect of making people drive faster.

Chief Lee will set up a meeting at the Town Hall with the neighbors. Notice will be placed on the Police Department’s Facebook page and Mr. Rainer will do a press release in the Portsmouth Times.

TIME: 9:00 PM – Break

TIME: 9:08 PM - Return

NB 2 - Discussion/Action – Historic Memorabilia from Glen Farm Stables. / R. Talipsky & R. Rainer (5)

A motion by Ms. Pedro, seconded by Mr. Gleason, to approve loaning the remaining award memorabilia to the Portsmouth Historical Society for safeguarding, preservation and cataloguing as deemed by the Town Administrator. All voted in favor of the motion.

NB 3 - Request Approval of Glen Farm Special Events Fields Application. / T. Dunbar (5)

- a. PHS Girls Soccer Summer League, James Blaess, 15 Roger Williams Court, Portsmouth, RI for the Ocean State Summer Cup, June 28 – August 9, 2016

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

CORRESPONDENCE

1. Invitation to The Keeper of the Dream Awards and Annual Meeting, June 20, 2016 at the Dr. Martin Luther King, Jr. Community Center. / A. Novick, Director of Development
2. Portsmouth Water and Fire District's Quarterly Financial Report Ending April 30, 2016. / W. McGlenn, General Manager and Chief Engineer
3. Request a Letter of Support to the Rhode Island General Assembly Forming a Study Commission to Investigate and Determine: (a) The Most Effective Parent Education Modules Available on Parenting Through and After Divorce; and (b) How Those Modules Could be Implemented and Nurtured here in Rhode Island. / T. Lemire, Providence
4. Approval of Notice of Proposed Property Tax Rate Change for Fiscal Year 2016-2017. / S. Greschner, Chief, Rhode Island Department of Revenue, Division of Municipal Finance
5. Letter of Congratulations as Portsmouth is Recognized as a 2015 Tree City USA Community by the Arbor Day Foundation. / Sheldon Whitehouse, United States Senator

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

FUTURE MEETINGS

- June 20 7:00 PM Town Council Meeting: PUBLIC HEARING – Request for Sound Variance of the Portsmouth Noise Ordinance
- June 27 7:00 PM Town Council Meeting

EXECUTIVE SESSION

1. RIGL 42-46-5(a)(5) – Any discussions or considerations related to the acquisition or lease of real property for public purposes, or of the disposition of publicly held property wherein advanced public information would be detrimental to the interest of the public.
2. RIGL 42-46-5(a)(7) – A matter related to the question of the investment of public funds where the premature disclosure would adversely affect the public interest. Public funds shall include any investment plan or matter related thereto, including, but not limited to, state lottery plans for new promotions.
3. RIGL 42-46-5(a)(2) – Pending Litigation – Cofield v. Town of Portsmouth

A motion by Mr. Seveney, seconded by Mr. Robicheau, to go into Executive Session under RIGL 42-46-5(a)(5) – Any discussions or considerations related to the acquisition or lease of real property for public purposes, or of the disposition of publicly held property wherein advanced public information would be detrimental to the interest of the public, RIGL 42-46-5(a)(7) – A matter related to the question of the investment of public funds where the premature disclosure would adversely affect the public interest. Public funds shall include any investment plan or matter related thereto, including, but not limited to, state lottery plans for new promotions, and RIGL 42-46-5(a)(2) – Pending Litigation – Cofield v. Town of Portsmouth. All voted in favor of the motion.

TIME: 9:12 PM - Break

TIME: 9:40 PM - Return

RETURN TO OPEN SESSION

OPEN SESSION

President Hamilton announced that the Council met in Executive Session on three different items. On the first item one vote was taken. The vote was 6-0. On the second item no vote was taken. On the third item one vote was taken, the vote was 6-0.

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

ADJOURN

Time: 9:41 PM

Joanne M. Mower, Town Clerk