

PORTSMOUTH TOWN COUNCIL MEETING  
JANUARY 8, 2018 MINUTES

6:00 PM – Town Council Chambers, Portsmouth Town Hall, 2200 East Main Road

Time: 6:05 PM

MEMBERS PRESENT: Keith E. Hamilton, David M. Gleason, Paul F. Kesson, Elizabeth A. Pedro, Linda L. Ujifusa, J. Mark Ryan

SCHOOL COMMITTEE: Terri Cortvriend, Emily Copeland, Frederick Faerber III, Andrew Kelly, Allen Shers, Thomas Vadney, John Wojichowski

LEGISLATORS: Senator James Seveney, Representative John Edwards,  
Representative Kenneth Mendonca

**PLEDGE OF ALLEGIANCE** – The Pledge of Allegiance was followed by a Moment of Silence for our men and women serving around the world in harm’s way.

**SITTING AS THE PORTSMOUTH TOWN COUNCIL** – Mr. Hamilton thanked the Police, Fire, and DPW for their work during the snow storm. He also gave a shout out to the Fire and Police departments for their quick response to stopping the Mobile Home Fire. He also made the request that if anyone who is able to contribute either money to any of the Go Fund me sites or make donations of clothing for the families affected by the fire it would be greatly appreciated.

**NEW BUSINESS**

1. Discussion/Action - Legislative Priorities for 2018 – Both the Town Council and the School Committee put forth their Legislative requests for the 2018 Legislative Session.

Town Council Legislative Priorities for 2018 – Mr. Hamilton stated that these are the Town Council Legislative Priorities. There’s not a lot of meat behind these. Mr. Hamilton was given a list by the different Councilors and then he consolidated them down. As they go through the list, the Councilor who put these forth want to expand on them we will do so or if anyone else wants to make comment they may feel free to do so as well.

- 1) Develop Statewide policy for the safety and wellbeing of students during the school day.
- 2) Reject any expansion of eminent domain.
- 3) Reject any attempts to expand the reach of binding arbitration and never-ending contracts.
- 4) Provide additional funding for municipal Police Departments to help combat DUI and to improve safety on State roads.
- 5) Repair the budget and legislative process.
- 6) Work on mitigating the effects of climate change on coastal communities.

- 7) Protect RI Citizen's health and welfare:
  - a. Do not cut Medicaid funding
  - b. Support Single Payer
- 8) Limit Corporate Welfare
- 9) Review marijuana legislation to provide sensible additions to help with substance abuse funding and controls.
- 10) Provide support for the transfer of Navy Properties
- 11) Provide additional funding for local libraries and historical societies.
- 12) Ensure the planned school building infrastructure funding is provided for all communities. Do not penalize districts who have been funding improvements all along.
- 13) Repeal Rhode Works tolling plan.

School Committee's Legislative Priorities for 2018 – Ms. Cortvriend stated that the School Committee tried to consolidate their priorities down. They shortened them down to the Top 3 priorities.

1. We ask you to support all initiatives to prevent drug abuse in our community. You can do this by:

a. Support for our Prevention Coalitions

The State of Rhode Island is facing a public health crisis related to widespread substance abuse - ranking 3<sup>rd</sup> in the nation for severity, and 5<sup>th</sup> for opioids abuse. Our municipal prevention coalitions have been severely underfunded, receiving virtually no state funds at all for support of local, grassroots programs to fight our continuing problem with youth and young adult substance abuse. Nearly all funding for substance abuse prevention efforts comes from Federal grants, many of which require commitment of matching state funds. RI has been non-compliant for several years in committing those required matching State funds, causing growing risk of loss of these critical Federal grants.

b. Vote for the Uniformed Controlled Substances Act

We urge you to support funding of drug awareness programs for minors placed with the department of behavioral healthcare, developmental disabilities and hospitals. The Senate approved The Uniformed Controlled Substances Act in the last legislative session, but it was not voted on by the House.

c. Oppose Legalization of recreational marijuana.

Our Chief of Police believes the State Legislature may be considering retail sale of recreational marijuana this year, and Chief Lee feels strongly Portsmouth would be negatively impacted if retail sale is legalized. Portsmouth has made positive progress in our children's reported marijuana use over the past year. First, these reductions could be lost if recreational use of marijuana were to be legalized. Second, Chief Lee points out the potential negative affect on road safety due to more impaired drivers and no recognized standard test for driving while under the influence of marijuana.

2. We ask you to oppose all legislation that would impede local governments' ability to negotiate and form contracts with their bargaining units. You can do this by:

a. Opposing contract continuation

The Portsmouth School Committee opposes the 2017 legislation S 285 and H 5593 that would have mandated: “*All contractual provisions contained in a collective bargaining agreement, entered into pursuant to the provisions of this chapter, shall continue until such time as a successor agreement has been reached between the parties.*” The legislation would apply to teachers and municipal employees. These bills would legislate a statewide requirement to solve one district’s problem, would severely limit a municipality and School Committees’ ability to bargain and would undermine local control.

b. Opposing Statewide Teachers Contract

c. Opposing Binding Arbitration

3. We ask you to work to improve safety on State Roads and in School Busses. You can do this by:

d. Approve a “Road Diet” on East Main Road

Portsmouth school buses have recently been involved in two accidents—neither of which were the fault of our drivers; this has raised concerns about the safety of East and West Main Road. It is no secret that East Main Road is too narrow. We urge you to raise these concerns with DOT. We are in support of continuing the “Road Diet” for East Main Road from the Middletown town line North to Cozy Corner (Bank Newport, Clements, CVS intersection).

e. Continue to uphold the requirement for bus monitors for elementary students.

f. Support legislation that would require seat belts on all new school buses.

Ongoing Concerns from past years

Funding issues

Protect state sources of school funding:

1) Support an Increase in State Funding for High Cost Special Education Students;

2) Housing Aid Reimbursements

3) 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 oppose a reallocation of funds which would further reduce the funding Portsmouth receives from the current formula.

4) Support Legislation that Limits the Amount of Funding Provided to Charter Schools from District Budgets

Support School Building Infrastructure Funding

1) We urge your support for a substantial bond issue for school infrastructure improvements and replacements in the state's public school system as recommended by the Jacobs report.

2) We encourage our legislators to support continued funding for the Governors School Building Authority.

This will allow school districts such as Portsmouth to continue receive reimbursement for

improvements and modernization efforts above and beyond minimum health and safety concerns.

Support separate funding for Safety and Security Improvements

Senator Seveney has submitted a bill for a Uniformed Controlled Substance Act. He also has submitted a bill for an Act Relating to Criminal Offenses – Weapons, which includes “bump stock” legislation.

Representative Mendonca has submitted a bill for an Act Relating to Commercial Law- General Regulatory Provisions -. Consumer Empowerment and Identity Theft which would include having the Credit Bureaus not charge to freeze and thaw credit blocks.

Representative Edwards is working on a bill with regards to controlling surveillance.

Time: 6:52 Kevin M. Aguiar arrives

## 2. Joint Town Council/School Committee Budget Discussion

FY19 Budget Drivers – Mr. Rainer stated that the Town does not project any major changes over last year’s budget. Mr. Hamilton asked that they try to keep it close to 2%, though he’d prefer 0% but understands we are getting less and less help from the State.

### 1. Revenue

- a. Prudence Island Transfer Station
- b. Car Tax Reduction

### 2. Expenditures

- a. Salaries and Benefits
- b. Debit Service
- c. Other

### 3. Capital

- a. Town
- b. School

### 4. Technology

Time: 7:34 PM Break

Time: 7:42 PM Return

**PRESIDENT’S EXECUTIVE SUMMARY** – None

## **CONSENT AGENDA**

1. Bills – Motion to approve and place on file made by Dr. Ryan, seconded by Mr. Gleason. Motion passed 6-0-1. Mr. Kesson recused himself.

## **SITTING AS THE BOARD OF LICENSE COMMISSIONERS**

### 1. PUBLIC HEARING: Liquor License Application

Class BV Liquor License: Yulin Zhang d/b/a Wild Ginger Asian Cuisine, 2984 East Main Road

No one spoke at the Public Hearing. Motion to close the Public Hearing made by Mr. Kesson, seconded by Dr. Ryan. Motion passed 7-0. Motion to approve the request for the liquor license, contingent upon Mr. Crosby providing measurement that the building is more than 200 feet from the school, made by Mr. Kesson, seconded by Dr. Ryan. Motion passed 7-0.

### 2. PUBLIC HEARING: Permanent Expansion of Service Area

Request for a Permanent Expansion of the Service Area for Tremblay's Bar & Grill, Inc. d/b/a Tremblay's Bar & Grill, 514 Park Avenue, Michael MacFarlane, President, to allow year-round outdoor seating on the sidewalk, approximately 40' in length under the awning, projecting out 8' from the building, comprising an approximately 320 sq. ft. area on the south side of the building.

Mr. Vitkevich, 119 Hummocks Ave., spoke in favor of the expansion during the Public Hearing. No others spoke. Motion to close the Public Hearing made by Mr. Kesson, seconded by Ms. Pedro. Motion passed 7-0.

Ms. Pedro asked about the location of Tremblay's dumpster. Mr. Kesson asked if there would be a border to delineate the space. Mr. MacFarlane said that there would be a clear and defined boundary. Motion to approve the permanent expansion of service area for Tremblay's Bar & Grill, Inc. made by Mr. Kesson, seconded by Dr. Ryan. Motion passed 7-0.

### 3. Victualler – Annual New

Raksmeyleakena Dul and Sothy Khiev d/b/a New England Homemade Donuts, 3302 East Main Rd – Motion to approve Victualler license made by Dr. Ryan, seconded by Mr. Aguiar. Motion passed 7-0.

### 4. Peddler – Annual Renewal

Z Truck, LLC d/b/a Z food truck, 56 Kingswood Rd, Bristol – 1 Vehicle – Motion to approve the Peddler license made by Mr. Kesson, seconded by Dr. Ryan. Motion passed 7-0.

### 5. Entertainment License

Rhode Island Rugby Football Foundation, Beast of the East Collegiate Rugby Tournament, Gardner Seveney Sports Complex, April 14 & 15, 2018 – Motion to approve made by Dr. Ryan, seconded by Mr. Aguiar. Motion passed 7-0.

**ADJOURN** – Motion to adjourn as the Board of License Commissioners made by Ms. Pedro, seconded by Mr. Kesson. Motion passed 7-0.

## **MINUTES**

TCM 12/11/17 – Motion to approve the minutes made by Mr. Kesson, seconded by Mr. Aguiar. Motion passed 7-0.

## **TOWN ADMINISTRATOR'S REPORT**

1. Police Building construction update – MILESTONES THIS PERIOD: All temporary utilities are now connected; All new building footings are in place; New exterior walls are being formed and placed. We are still on budget with actual cash flow, on track with projections for this stage of the project. Due to weather, the project is about 8 to 10 days behind schedule. However, the contractor will re-sequence some scheduled events to make up the schedule. Structural steel is still scheduled for delivery the week of February 26th. Over the next 3 weeks, work will focus on forming and placing building walls, the subgrade interior, and interior footings and drainage.

2. PAYT update – Preparations to implement PAYT are in full swing. Waste Zero has contacted 17 potential retailers in Portsmouth, Prudence, and Bristol. By Jan. 18th all stores signed on to the program should have their bags. Once retailers are established we will publish a list sticker holders can refer to when deciding where to purchase their bags. There have been several articles in our local newspapers. Additionally, we will start handing out flyers at the Transfer Station reminding and informing users how the program works and to start using the PAYT bags come February 1st. The Waste Coordinator is also holding two public information workshops this month. The first will be this Wed. at 10:30 at the Senior Center. The second will be next Wed. Jan 17th, here in the Chamber at 6:30 pm. The Solid Waste and Recycling Coordinator and our rep from Waste Zero have been on the Portsmouth This Week program and will make a second appearance this month. A public interest spot will also be produced this week to begin airing next week on CH 18. Our website will be updated this week and press releases will be prepared for each week until the program is fully implemented.

3. Report on Statewide Community Overdose Engagement – To continue addressing the challenges of the opioid overdose crisis in RI, the Governor, Director of the Rhode Island Department of Health (RIDOH), and Director of the Rhode Island Department of Behavioral Healthcare, Developmental Disabilities, and Hospitals (BHDDH) sponsored Rhode Island's first Community Overdose Engagement (CODE) Summit on December 12th. The event brought together a variety of stakeholders from the Government, EMS, Law Enforcement, overdose prevention and pharmacy communities to better address the overdose crisis in our state. Our Fire Chief, Mike Cranson and Prevention Coalition Coordinator, Ray Davis attended for Portsmouth. It was announced at the event that Grant funding up to \$5,000 will be available to municipalities that formally develop an overdose response plan. Letter-of-intent has been submitted for the grant which will be awarded through the RI Medical Assistance Team's Medical Reserve Corps. To qualify, the plan must be completed by May 25, and will be coordinated by Ray Davis.

4. Status of FY 17 Audit – Hague, Sahady & Co have completed the Portsmouth single audit report for the FY ending June 30, 2017. The audit will be presented to the School and Town Finance Depts. tomorrow morning, after which we will send the audit report to the Council and post it on our Web Site. The auditing firm will present the audit to the Town Council at our next Council meeting on Monday, Jan 22nd.

## **RESIGNATIONS AND APPOINTMENTS**

1. Resignation

a. Aquidneck Island Planning Commission – P. Driscoll – Motion to accept with regret made by Mr. Kesson, seconded by Dr. Ryan. Motion passed 7-0.

**OLD BUSINESS**

1. Newport County Chamber of Commerce Regional Economic Development Division Update- Officially kicking off the Regional Economic Development Division as of January 8, 2018. The goals are Strategy Development; Business Retention, Expansion, and Attraction; Communication with the 6 Communities and other Stakeholders; and Collaboration with the Communities and Business. No motions made.

**NEW BUSINESS - CONTINUED**

3. Discussion/Action – Request Approval for Proposed Land Transfer to Common Fence Point Community Center. – Motion to approve the Proposed Land Transfer to the Common Fence Point Improvement Association with the stipulation that the Association incur any expense and to have the President sign the agreement made by Mr. Kesson, seconded by Ms. Ujifusa. Motion passed 7-0.

4. Monthly Finance Report for November – Motion to receive and place on file made by Mr. Kesson, seconded by Ms. Ujifusa. Motion passed 7-0.

**CORRESPONDENCE**

1. Letter to Governor Raimondo re: The Energy Facility Siting Boards Ruling of October 17, 2017. / Town Council of Glocester, RI

2. Letter re: The Status of Mt. Hope Park. / C. Allott, Executive Director, Aquidneck Land Trust

Motion to receive and place correspondence on file made by Mr. Aguiar, seconded by Mr. Kesson. Motion passed 7-0.

**FUTURE MEETINGS**

Jan 22 7:00 PM – Town Council Meeting

Feb 12 7:00 PM – Town Council Meeting

Feb 26 7:00 PM – Town Council Meeting

Mr. Hamilton mentioned that Project Purple week will be January 22-26, 2018. Friday, January 26 will be the Dodge Ball game.

**ADJOURN** – Motion to adjourn made by Mr. Kesson, seconded by Ms. Pedro. Motion passed 7-0

Time: 8:30

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Jennifer M. West, Town Clerk