

PORTSMOUTH TOWN COUNCIL MEETING
FEBRUARY 12, 2018 MINUTES

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

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

Time: 6:00 PM

EXECUTIVE SESSION – Motion to go into Executive Session made by Mr. Kesson, seconded by Dr. Ryan. Motion passed 6-0. Mr. Aguiar not present for vote.

Mr. Aguiar arrived at 6:01 PM

1. RIGL §42-46-5 (a)(2) Sessions pertaining to collective bargaining: DPW
2. RIGL §42-46-5 (a)(2) Sessions pertaining to collective bargaining: Police
3. RIGL §42-46-5 (a)(3) and RIGL §42-46-5 (a)(2) Discussion regarding the matter of security including, but not limited to, the deployment of security personnel or devices as well as potential litigation.
4. RIGL §42-46-5 (a)(2) Litigation: Updates

ADJOURN – Motion to Adjourn and seal the minutes made by Mr. Kesson, seconded by Dr. Ryan. Motion passed 7-0.

Time: 6:48 PM

Time: 7:00 PM

7:00 PM – Town Council Chambers, Portsmouth Town Hall, 2200 East Main Road

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

PRESIDENT'S EXECUTIVE SUMMARY – Mr. Hamilton stated that there was an Executive Session prior to the Council Meeting and that there were no votes or action taken.

CONSENT AGENDA

1. Bills – Motion to approve made by Dr. Ryan, seconded by Mr. Gleason. Motion passed 6-1. Mr. Kesson in dissent.

SITTING AS THE BOARD OF LICENSE COMMISSIONERS

1. Request to Advertise for a Public Hearing:

Application to Transfer a Class BV Beverage License from R and M 506 LLC d/b/a The Beachcomber to KW Nelson, Inc., 506 Park Avenue – Motion to approve request to Advertise for a Public Hearing on March 26, 2018, made by Mr. Kesson, seconded by Ms. Pedro. Motion passed 7-0.

2. Holiday Licenses - Annual:

a) Walgreen Eastern Co. d/b/a Rite Aid #10232, 3034 East Main Road
b) Walgreen Eastern Co. d/b/a Rite Aid #10233, 2456 East Main Road – Motion to approve the Annual Holiday Licenses for both store 10232 and 10233 made by Ms. Pedro, seconded by Mr. Aguiar. Motion passed 6-0-1. Mr. Kesson recused himself.

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

MINUTES

TCM 1/22/18 & Exec. – Mr. Kesson wishes to alter items on the 1/22/18 minutes. Motion to table the 1/22/18 minutes made by Mr. Kesson, seconded by Mr. Gleason. Motion passed 7-0. Motion to approve the 1/22/18 Executive Minutes made by Mr. Kesson, seconded by Ms. Pedro. Motion passed 7-0.

TOWN ADMINISTRATOR'S REPORT

1. Report on Critical Incident Training for Town Hall Staff – On Jan. 23, Portsmouth Police Lt. Mark Mooney conducted a training presentation for Town Hall employees on how to respond to an active workplace threat situation. We covered the FEMA recommended training program of Run, Hide, Fight and how to respond to a workplace violence situation. I extend my appreciation to Lt. Mooney who has given presentations to many local businesses, churches and schools on preparing for active threat situations.

2. Report on RI League of Cities and Towns – The RI League of Cities and Towns held their annual convention on Jan 24. Most Department Heads attended. Designed as a showcase event for local government officials, this year's event featured 18 workshops and seminars and included participation of over 100 companies, government agencies and non-profits. A link to the seminar presentations and handouts used is available on the League's web-site.

3. Facility Condition Assessment Initiative – The way Portsmouth plans for repair and upgrade of Town buildings is like most other communities. Information is gathered in the town's Capital Improvement Program budget, Department budgets and a few other spots, but there's limited hard data to back up our true needs. As you are aware, the State recently had consultants Jacobs Engineering and Architecture perform an independent review of every school building in Rhode Island. I've since teamed up with the Town Administrator in Middletown to explore a way to professionally assess all our towns' buildings, not just the schools. This is a first for RI and we

hope teaming together can help reduce the overall cost of such an assessment – an assessment that will provide us with a road map to guide us in making the best decisions about where to spend and what to spend on. At this stage we are preparing a database of Town buildings and facilities that will be used to form the basis of a cost estimate for this initiative. No decisions have been made and it will be up to the council to determine if we should proceed after you've had a chance to evaluate the proposal once it is developed.

4. Report on Fire Department Awards Ceremony – The Fire Department held their first annual Awards Ceremony at the Glen Manor House on Jan. 31. The Fire Prevention Education Award went to Lieutenant Andrew N. Jones for his public education outreach in our schools, local businesses and apartment complexes. The Emergency Medical Service Education Award went to Firefighter Dylan J. Miniati for his efforts in making medication guides for the department to use in training and operational environments. In addition, Years of Service Pins were handed out to firefighters who have achieved 5, 10, and 20 years of service. The Fire Chief and I would like to extend our appreciation to Katie and Don Wilkinson for their help in setting up this ceremony.

5. StormReady Rhode Island Ceremony – Over the last year and a half, the Rhode Island Emergency Management Agency, in collaboration with the National Weather Service, led an effort across Rhode Island to become a StormReady State. To be recognized as StormReady by the NWS, all cities and towns across the state completed a six-point plan to manage severe weather. Those six points include: Establish a 24-hour warning point and emergency operations center; Have more than one way to receive severe weather warnings and forecasts and to alert the public; Create a system that monitors weather conditions locally; Promote the importance of public readiness through community seminars; and, Develop a formal hazardous weather plan, which includes training severe weather spotters and holding emergency exercises. Portsmouth participated in this initiative and, thanks to the efforts of our Fire, Police, Public Works and our Emergency Management Agency, joined representatives from across the state at a ceremony in the State House Rotunda on Feb. 2 to celebrate the announcement that Rhode Island is the first state in the country to have all municipalities recognized as StormReady by the National Weather Service (NWS).

6. Next showing of Portsmouth Compact – The next showing of the Portsmouth Compact will be held here in the Council chamber on March 7 between 11:00 am and 1:00 pm. I'd like to recognize and thank the Town Clerk and Portsmouth Historical Society for coordinating this event. For those who may be unaware, the Compact is a document signed on March 7, 1638. It was the first document in American history that severed both political and religious ties with England and established the settlement of Portsmouth.

7. Announcement of School Vacation Camp – Ms. Wendy Bulk, our new Recreation Director, is coordinating a school vacation camp during the April 16-20 recess. The camp is open to children aged 5-13 and will be held at the Brown House and Seveney Sports Complex. Space is limited and she will coordinate the announcement to parents through our School Department.

8. Update on status of Weaver Cove Boat Ramp – Last week we met with representatives from RI DEM to discuss the Weaver Cove Boat Ramp. DEM initiated the meeting to inform us there is Federal money available for repairs, upgrades or even replacement of the ramp. They are

looking for Portsmouth's input and will work with our Harbor Management Commission and Planning Officer over the next 2-3 years to determine the best course of action to upgrade the facility. I'll keep the Council informed as this initiative moves forward.

9. Police Building Construction Update – MILESTONES THIS PERIOD: Foundation walls are nearly complete; Easement and Agreements with National Grid for Electric and Gas Service is complete. A Critical Path Schedule update submitted by the contractor confirms Substantial Completion of the new building in September 2018 with Demolition of the existing building to follow. The Contractor acknowledges they have lost 3-4 weeks due to winter conditions and an average frost depth of more than two feet. In response they have re-sequenced some planned activities and plan on increased manpower to recover lost time. We are still on budget with actual cash flow slightly lower than projections for this stage of the project. Total Construction Billings to date are \$1,005,245. The Town is withholding 5% retainage (\$50,262.25) per the Contract Documents and Certified Payroll Affidavits are current. Structural Steel is scheduled for Delivery the week of February 26, 2018 with erection slated immediately upon receipt. Over the next two weeks work will focus on completion of the foundation walls in preparation for the arrival of structural steel.

RESIGNATIONS AND APPOINTMENTS

1. Appointments:

- a. Aquidneck Island Planning Commission – Motion to approve the appointment of Mr. Katzman to the Aquidneck Island Planning Commission made by Ms. Ujifusa, seconded by Dr. Ryan. Motion passed 4-3. Mr. Kesson, Ms. Pedro and Mr. Gleason in dissent.
- b. Bristol Ferry Town Common Committee – Motion to Re-appoint Ms. Brown made by Ms. Pedro, seconded by Dr. Ryan. Motion passed 7-0.
- c. Glen Manor House Authority – Motion to Re-appoint Ms. Menezes made by Mr. Kesson, seconded by Ms. Pedro. Motion passed 7-0.
- d. Melville Park Committee – Motion to Re-appoint Mr. White made by Mr. Kesson, seconded by Dr. Ryan. Motion passed 7-0.
- e. Prudence Island Planning Commission – Motion to Re-appoint Ms. Homan and Ms. Snell made by Mr. Kesson, seconded by Dr. Ryan. Motion passed 7-0.
- f. Solid Waste/Recycling Committee – Motion to approve the appointment of Mr. Slabicky made by Mr. Gleason, seconded by Ms. Ujifusa. Motion passed 7-0.
- g. Tax Assessment Board of Review – Motion to approve the appointment of Mr. Rattay (Republican) as an alternate made by Ms. Pedro, seconded by Dr. Ryan. Motion passed 7-0.
- h. Tree Warden – Motion to Re-appoint Mr. Fitzgerald made by Dr. Ryan, seconded by Mr. Kesson. Motion passed 7-0.

OLD BUSINESS

1. Discussion/Action – Update on the Success of Rail Explorers, Seeking Support for Sign Placement on West Main Rd at the Corner of Stringham Rd, and Possible Collaboration for Future Activities. – Ms. Mary Joy Lu and Mr. Jay Primiano updated the town on the 1st year of the Rail Explorers in Portsmouth. They employed 30 people last summer, 10 of which are full-time now. They have relocated their world headquarters to New England Boatworks located at

Melville. Ms. and Mr. Laurienzo of 148 Thayer Drive, complained of the noise that the bikes make on the tracks. Ms. Lu stated that they are already making modifications to the steel wheels and the bodies of the bikes and there would be fewer runs heading in her direction. She apologized for the noise. She also stated that if anyone has any complaints to please contact her. Mr. Vargas, 259 Sprague St, asked if there would be modification for the disabled. Ms. Lu mentioned that they are looking into hand cranks for those who can't peddle. – No motions made.

2. Discussion/Action – Request Approval for Prudence Island Mill Creek Culvert Engineering Services. – Mr. Gleason asked if there would be any issues having not put this out to bid. Mr. Woodhead explained that it was a continuation from the project that had already been approved from the Capital Improvement Project. Motion to award the contract to Vanasse Hagen Brustlin, Inc. (VHB) was made by Mr. Kesson, seconded by Ms. Pedro. Motion passed 7-0.

NEW BUSINESS

1. Discussion/Action – Proposal for a New Sign at the Turnpike Avenue Entrance to the High School. – The Student Council spoke on behalf of a new sign at the High School at Turnpike Ave. They presented the type of sign that they are hoping to purchase. The Council suggested that the Students be in touch with Mr. Crosby with regards to Zoning Ordinances and what would be needed if they wish to go forward. No motions made.

2. Discussion/Action – Request for Ordinance Regarding Snow Removal and Ice Mitigation on Town Sidewalks. – Mr. Peitz unable to attend. Ms. Ujifusa made a motion to table the discussion until Mr. Peitz is available, seconded by Mr. Gleason. Motion passed 7-0. Mr. Kesson tasked Mr. Woodhead to see what Middletown uses for clearing West Main and East Main Rds.

3. Discussion/Action – Resolution to the Noise and Flicker Problems to the Nearby Residents Caused by the Wind Turbine – Mr. Souza of Lowell Ln, complained that the Noise and Flicker problems are worse than the old Turbine. Mr. Olszewski of Education Ln, Ms. Hall of Carver St, Mr. Vegas of Sprague St, Ms. Wilkey of East Main Rd, and Mr. Roberts of Ormerod Rd, all expressed their concerns as well with regards to the maintenance of the Turbine.

Mr. Rainer stated that the only person that the Town had complaints from was Mr. Souza.

Mr. Kesson also expressed his complaints regarding the noise and flicker problems the turbine.

Ms. Pedro mentioned the loud noise one foggy night when she was walking up Water Street. Ms. Pedro wanted to know if the wind turbine could be shut down at peak times for a certain amount of time.

Mr. Aguiar asked if Mr. DiPasquale has the ability to program the turbine to only spin at a certain wind speed.

Mr. DiPasquale of Green Development was asked to address all the complaints and update the Town Council at the March 12, 2018 meeting as to the steps being taken to mitigate the issues presented.

A motion to continue the discussion to the March 12, 2018 Town Council Meeting was made by Mr. Kesson, seconded by Ms. Pedro. Motion passed 7-0.

Motion by Mr. Kesson, seconded by Ms. Pedro, to move NB8 to after NB3. Motion passed 7-0.

NB8. Request Approval of a Sublease Agreement to Allow the Sale of Excess Wind Energy to the Rhode Island Convention Center Authority. – Motion by Mr. Kesson, seconded by Mr. Gleason to have the Sublease Agreement signed by Mr. Rainer. Motion passed 7-0.

4. Request Approval of Glen Farm Special Events Fields Applications.

a. Beach Dogs Lacrosse, Marshall Huggins, 52 General Sullivan Circle, Portsmouth for Youth Lacrosse Games, July 14-15, 2018

b. Beach Dogs Lacrosse, Marshall Huggins, 52 General Sullivan Circle, Portsmouth for Youth Lacrosse Camp, to reschedule from July 23-27, 2018 to July 16-20, 2018

– Motion to approve both Glen Farm Special Event Field Applications made by Mr. Gleason, seconded by Ms. Ujifusa. Motion passed 7-0.

5. Request Approval to Use the Sandy Point Beach Parking Lot During the Beast of the East Rugby Tournament. – Motion to approve made by Mr. Kesson, seconded by Ms. Pedro. Motion passed 7-0.

6. Request Approval to Amend Resolution #2017-02-13 – Exemption from Taxation of the Real Estate of Certain Income Eligible Senior Citizens. – Motion to approve Resolution made by Mr. Kesson, seconded by Ms. Pedro. Motion passed 7-0.

7. Discussion/Action – Resolution Concerning the RI Uniformed Controlled Substances Act (2018). – Motion to approve the Resolution made by Ms. Ujifusa, seconded by Mr. Aguiar. Motion passed 7-0.

CORRESPONDENCE

1. Letter re: Agritourism – Motion to receive and place on file made by Dr. Ryan, seconded by Mr. Kesson. Motion passed 7-0.

FUTURE MEETINGS

Feb 26 7:00 PM – Town Council Meeting

Mar 12 7:00 PM – Town Council Meeting

Mar 26 7:00 PM – Town Council Meeting

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

Time: 9:51

Jennifer M. West, Town Clerk