

PORTSMOUTH TOWN COUNCIL MEETING
FEBRUARY 26, 2018 MINUTES

7:00 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: 7:00 PM

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- There was no Executive Session held.

CONSENT AGENDA

1. Bills – Mr. Gleason asked about the Prudence Island Transfer Station line item. Mr. Woodhead stated that it was an old bill from October. Mr. Gleason asked about the \$18,000 to AIPC. It was from the money previously approved. Mr. Gleason asked about the payment for park benches. Mr. Crosby stated that it was to purchase two new park benches for the Park Avenue Program. Motion to approve made by Dr. Ryan, seconded by Mr. Gleason. Motion passed 6-0-1. Mr. Kesson recused himself as well as recusing himself from future Wind Turbine discussions going forward.
2. Weaver Cove Cleanup Results. - Mr. Gleason made the motion to receive and place on file, seconded by Mr. Kesson. Motion passed 7-0.

SITTING AS THE BOARD OF LICENSE COMMISSIONERS

1. Victualler – Annual New
Salsas Burrito Grill LLC, 108 Chase Road – Motion to approve made by Mr. Kesson, seconded by Dr. Ryan. Motion passed 7-0.
2. Request to Change Public Hearing Date from 3/26/18 to 3/12/18 for Transfer of Liquor License at 506 Park Avenue from R and M 506 LLC to K W Nelson, Inc. – Motion to approve made by Mr. Kesson, seconded by Ms. Pedro. Motion passed 7-0.

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

MINUTES

TCM 1/22/18 (with PDF of Mr. Kesson’s proposed additions, request Council approval) – Motion to combine Mr. Kesson’s proposed additions with the proposed minutes made by Mr. Kesson, seconded by Mr. Gleason. Motion failed 6-1. Dr. Ryan, Ms. Ujifusa, Mr. Aguiar, Mr. Hamilton, Ms. Pedro and Mr. Gleason opposed. Motion to approve minutes as previously presented minutes made by Ms. Ujifusa, seconded by Mr. Kesson. Motion passed 6-1. Ms. Pedro in dissent.

TCM 2/12/18 Exec. – Motion to approve the Executive Session minutes made by Mr. Kesson, seconded by Ms. Ujifusa. Motion passed 7-0.

TOWN ADMINISTRATOR'S REPORT

1. Status of investigation of 2012-13 Warrant – Late last week I completed the investigation into the FY 12-13 Warrant and will prepare a brief for the Council to be delivered at the next Town Council meeting on March 12th.

2. Police Station Construction Update – MILESTONES THIS PERIOD: Foundation Walls are complete; 5 of 8 interior piers are in place. Since my last report, the Geo Tech engineer discovered unsuitable soil on the interior of the foundation. The material had to be removed and crushed rock was laid in its place to remediate the issue. The associated costs were covered under our built-in contingency fund. Structural steel has been prepared and is ready for construction. On-site delivery has been deferred by the Contractor so they can more effectively and efficiently re-sequence certain activities to mitigate delays due to poor weather. As a result, underground plumbing, lower level slab and other related activities will precede structural steel delivery and placement. The deferral is approximately 2 weeks. Overall, the project remains slightly under budget.

3. Natural Hazard Mitigation Plan Update – On Feb. 20, we held our first meeting with VHB's Hazard Mitigation/Resiliency Planner to begin the process of updating our Hazard Mitigation Plan. The purpose of the plan is to identify and prioritize actions to help make Portsmouth more resilient to a variety of natural hazards, such as flooding and hurricanes. When completed, this FEMA-approved and Town-adopted plan will qualify Portsmouth for annual pre-disaster mitigation, and select post-disaster grant funding from the federal government. This 5-year Plan will rely on public input at various stages of the planning process. Coming soon will be an anonymous survey aimed at understanding public perception of natural hazards, realizing personal preparedness, and collecting ideas on how Portsmouth can become more resilient. The public will also have an opportunity to review and provide comments on the draft hazard mitigation plan later in the year.

4. Portsmouth mention in latest Rhode Island Monthly Magazine – Lastly, I'd like to draw people's attention to the latest edition of the Rhode Island Monthly magazine. The magazine featured a local business (Ragged Island Brewing Company) and published several pages of positive news and information about our Town. Take a look if you get the chance.

OLD BUSINESS – Motion to move NB1 ahead of OB1 due to the number of young children here to speak on it made by Ms. Pedro, seconded by Mr. Kesson. Motion passed 7-0.

NB1. PUBLIC HEARING: Proposed Amendment to Chapter 326 of the Portsmouth Town Code – Solid Waste to Add Article VI Plastic Bag Regulations §326-33 to 40.

Dave McLaughlin, Clean Ocean Access, spoke in favor of the Plastic Bag Ordinance. Stated that there is a Hardship Variance in case a business has a problem. Neither Newport nor Middletown has had anyone claim a hardship with regards to plastic bags.

Daniella Abbott, 52 Ladeira Ave, with 20 girls from Girl Scott Troop 730, 17 of whom are Portsmouth residents, stated that the girls have been working on the Wonders of Water badge. They are in support of the ordinance so that the environment will be safe for all, now and in the future.

Grayson DeAscentis, Student Council President at All Saints Academy, spoke on behalf of all the students at the school stating that they are all in support of the Plastic Bag Ordinance.

Evan McHaley, 6th grader at St. Michael's Country Day School presented facts on the effect of plastic bags in the environment. He is also in support of the ordinance.

Joe Cooper, 6 Simmons Terr, Middletown, spoke on behalf of the ban. "I believe Portsmouth shares responsibility for the natural health and visuals of our island home and the water ways around it." Research indicates that only around 7% of plastic bags are actually recycled. A few of the EPA stats Mr. Cooper quoted: 1) there are 500 billion to 1 trillion plastic bags worldwide; 2) the US uses 100 billion bags per annum, 12 million barrels of oil to produce; 3) they remain on beaches, sidewalks, in oceans, forests, parks and landfills for 500 to 1000 years; 4) It takes about 14 plastic bags for the equivalent of the gas required to drive one mile.

Laura Ripa, 39 Benjamin Dr, presented pictures of plastic bags along a few roadsides in Portsmouth. She also brought those bags in tied together in a long line to show the Council. She, too, supports the ban.

Cody Sharp, 223 Lepes Rd is for the ban. She has a PhD in marine biology. She has noticed with in the past 5 years that it is hard not to find plastic debris in marine animals.

Kate Weymouth, Vice President of the Barrington Town Council, stated that Barrington banned plastic bags in 2013 with no complaints from any businesses. In 2016, they amended their ordinance to include thicker plastic bags, again with no complaints from residents or businesses.

Tom Grieb, 110 Thayer Dr, speaking on behalf of his wife Nancy Grieb. She is opposed to the ordinance. She doesn't like the wording. We need to concentrate on education. "On November 13, 2017, this very council passed an ordinance requiring the residents of Portsmouth to purchase tens of thousands of truly single use plastic bags whose only purpose is to keep track of the amount of trash we use. To add insult to injury, these single use plastic bags are sold in rolls of 5, wrapped in a small plastic bag that in itself is not reusable, and whose only purpose is to cover those 5 single plastic bags making a neater package, we have just purchased." "Passing this ordinance tonight only 105 days after that last ordinance is nothing short of hypocrisy!"

Monica DeAngelis, 91 Lilac Ln, a Marine Biologist and President of Clean Ocean Access, stated that this is an opportunity to make a change at the local level that will impact on a global level.

Annabella Barber, 91 Lilac Ln, a student, is for the ban.

Dr. Kristen Murphy, 154 Corys Ln, a Marine Biologist and Oceanographer, stated that education is not enough, we need an ordinance to overcome a short-term challenge for long term gains.

Sam Mueller, a student, is in favor of the ban, he also quoted numbers and facts from the EPA.

Lola Herrera of Newport, a member of the Newport Energy and Environmental Commission and an Oceanographer. She supports the ban. She states that the world is suffering an epidemic and that global conflicts will be because of pollution in the water and where we place our garbage.

Susan Taylor of the Newport City Council is in support of the ban. In March 2017, Newport adopted their Plastic Bag Ordinance to go into effect November 1, 2017. Newport rolled out an education campaign ahead of the ban to help spread the word around the city. At the campaigns, they had businesses donate reusable bags that they could handout to the community. She also recommended a long rollout so that it gives everyone time to comply. She has not received one disgruntled phone call.

Chris Reeves, 154 Corys Ln., a member of the Conservation Commission, is in support of the Plastic Bag Ban. He grew up on the West Coast where recycling is very prevalent and he is an expert on plastic pollution and marine science. He has offered his expertise to help with any questions the Council has now or in the future.

Ted Pietz, 85 Glen Rd, Chair of the Solid Waste Recycling Committee, stated that there is a difference between the PAYT bags and single use plastic bags. The PAYT bags are meant to be a funding mechanism for our Enterprise Fund. The PAYT bags can be swapped out 1 for 1 for regular trash bags, and you're more likely to be careful with them since you've paid for them. It's a mindset. He is for the ban.

Donna Bouressa, 51 Cornell Dr., is in support of the ban and believes that it is going to be a lot easier transition to reusable bags than people think.

Chris Clarendon, of Tiverton, use to farm oysters under the Glen Manor House dock for 15 years and he saw many plastic bags, as well as Styrofoam cups, in the river during that time. He supports the ban.

Dave McLaughlin wanted to address two points that were brought up during the hearing: 1) Why so many exclusions in the ban? The first was to go after the bag that causes the biggest problem. It is the easiest to address. It makes the most impact. It will need to change as we go, there will be amendments. 2) Bragging rights? Clean Ocean Access was created in 2006 by surfers that got together after they found out that the State does not test water samples all year long. They only test it during beach season. Surfers are surfing all year long in those waters and felt something should be done. People could 1) do nothing, 2) join a likeminded group or 3) create their own group and that is what they did. Their goal was to eliminate marine debris, change behavior, promote advocacy, improve water quality both drinking and swimming and protecting public access to the shoreline for everyone to enjoy.

Mr. Aguiar asked that the wording of the ordinance be changed in the Enforcement section. All Violations reference person and it should be changed to Business Establishment and he deferred to Mr. Gavin who agreed to make the changes. Mr. Aguiar also asked about Statewide Legislation moving forward.

Dave McLaughlin said that the Legislation was introduced to members of the General Assembly but did not go forward. Rep. Miller from Cranston was going to reintroduce the bill this Session.

Mr. Kesson stated that the wording is the same as the last time the ordinance was brought forward. He is voting against it because of the narrow focus and believes that the exemptions should have been eliminated and the ordinance strengthened.

Dave McLaughlin appreciates the concern. They were looking for consistency and uniformity across the Island.

Dr. Ryan also mentioned that plastic bags leech out chemicals which have been known to increase leukemia, lymphoma, autism and other developmental abnormalities in children. He believes that it would be irresponsible not to take this step to approve the ban.

Councilwoman Taylor applauds the Town Council's leadership and wants to work together to expand the ordinance island wide in the future.

Chris Reeves also offered his services to expand the ordinance.

Megan McClestone, 15 King Philip St, was in surgery for 6 hours operating on a 5 year old's cat that ate a plastic bag and did not make it. She is in support of the ban.

Mr. Hamilton asked three times if there were any further questions. Three times there was no response. Motion to close the Public Hearing made by Mr. Kesson, seconded by Dr. Ryan. Motion passed 7-0.

Motion to change Person to Business Establishment under section 326-38 made by Ms. Pedro, seconded by Mr. Aguiar. Motion passed 7-0.

Motion to change Town Administrator to Town Council and delete part D under section 326-39 made by Ms. Pedro, seconded by Mr. Gleason. Motion passed 7-0.

Motion to make the effective date September 1, 2018 made by Mr. Aguiar, seconded by Ms. Ujifusa. Motion passed 7-0.

Motion to change the section numbers in section 326-36 paragraph A and C from section 326B-3 to section 326-35 that refers to the definitions of Reusable bags made by Mr. Gleason, seconded by Mr. Kesson. Motion passed 7-0.

Motion to approve the proposed ordinance with the requested changes, to be reviewed on the March 12, 2018 Consent Agenda, with the ordinance going into effect on September 1, 2018 made by Ms. Ujifusa, seconded by Dr. Ryan. Motion passed 6-1. Mr. Kesson in dissent.

Motion to take a five-minute break made by Dr. Ryan, seconded by Ms. Ujifusa. Motion passed 7-0.

Break: 9:00 PM

Return: 9:08 PM

1. Monthly Finance Report. – Mr. Kesson asked if the fact that Finance/HR were currently over budget if that was due to OPEB expenses. Mr. Menke explained that the Town prepays the insurance and that was what the cost was. Mr. Kesson asked what the Prudence Island Transfer Station Sticker Sales were and what the expenditures under the PI Transfer Station were and to have

that broken out. Motion to receive and place on file made by Mr. Kesson, seconded by Mr. Gleason. Motion passed 7-0.

2. Discussion/Action – Request Progress Report on Short-Term Rental Properties.

a. Town Follow-up and Recommendation – Ms. Panaggio, Mr. McColloch, Mr. Fusaro and Mr. Moore all spoke on the issue and concerns of short-term rentals in Portsmouth. Mr. Moore showed on a map the number of areas in Portsmouth that have Airbnb and overly crowded short-term rentals. Houses that are not built for the number of people staying there based on Town Zoning Ordinances. There is also the issue of parking and noise. The Town's recommendation had been not to do anything at this time, however, after hearing everyone speak on the issue Ms. Ujifusa made a motion to have Mr. Rainer create a study group, including Ms. Panaggio, Mr. McColloch, Mr. Fusaro and Mr. Moore, and to return with an update at the March 26, 2018 meeting, seconded by Ms. Pedro. Motion passed 7-0.

3. Discussion/Action – Request for Ordinance Regarding Snow Removal and Ice Mitigation on Town Sidewalks. – Motion to table made by Ms. Ujifusa, seconded by Ms. Pedro. Motion passed 6-1. Mr. Kesson in dissent.

4. Discussion/Action – Annual Audit Findings by Hague, Sahady & Co. to Help Guide the Town Council in Consideration of the 2019 Budget.

a. Memorandum summarizing the changes made to the financial statements on 1/15/18 – Mr. Kesson had no questions for the auditor but would like to set a date to discuss his questions. Ms. Pedro asked the auditor to discuss the debt of \$800,000 from the fund balance. Ms. Sahady stated that out of the debt paid, \$200,000 came from the fund balance and \$600,000 came from a debt issue and came from the cash balance not the fund balance. In the prior year it was paid out of a legal appropriation account for which the account gets closed out every year to the fund balance. At the end of every year the Revenue and Expenses get closed out to a temporary fund balance, to zero out the Revenue and Expenses to receive data for the start of the new year. A motion by Mr. Kesson, seconded by Mr. Aguiar, to come back on March 12 for discussion of the findings and also to have Mr. Kesson give succinct questions to Mr. Rainer and Mr. Menke. Motion passed 7-0.

NEW BUSINESS

2. Request Approval of Glen Farm Special Events Fields Application. / W. Bulk (5)

a. ML8 Events, Jessica Pacitto, 13310 SW 14th Place, Davie, FL 33325 for Future Phenoms College Combine lacrosse training event, July 25-26, 2018

b. John Tomlinson Soccer LLC, John Tomlinson, 1114 Middle Rd, Portsmouth for Soccer Camps, April 16-19, July 9-12 and August 13-16, 2018

Motion to approve both requests made by Mr. Gleason, seconded by Dr. Ryan. Motion passed 7-0.

3. Discussion/Action – Request the Town Council Expedite the Distribution of Funds to the Safety Capital Budget in this Budget Year. – Ms. Ujifusa made a motion to accept the School Department's request for \$225,000.00 for years 2 and 3 to be funded immediately through the impact fund so that the School Department may make immediate security upgrades, seconded by Dr. Ryan. Ms. Ujifusa amended the motion to include the change of the Budget Ordinance if required by the State, seconded by Mr. Kesson. Motion passed 7-0.

4. Request Support of Resolution in Opposition to the Proposed Inclusion of the North Atlantic Region in the 2019-2024 National Outer Continental Shelf Oil and Gas Leasing Program. – Motion to approve made by Ms. Ujifusa, seconded by Dr. Ryan. Motion passed 7-0.
5. Request Support of Resolution to Support the Removal of the “Sunset” Provision Regarding the Residential Mortgage Foreclosure Mediation 2018 H7385 and S2270. – Motion to approve made by Mr. Kesson, seconded by Dr. Ryan. Motion passed 7-0.

FUTURE MEETINGS

Mar 12 7:00 PM – Town Council Meeting
Mar 26 7:00 PM – Town Council Meeting
Mar 31 10:00 AM – Executive Session
Apr 9 7:00 PM – Town Council Meeting

ADJOURN – Motion to adjourn made by Dr. Ryan, seconded by Mr. Aguiar. Motion passed 7-0.

Time: 10:55

Jennifer M. West, Town Clerk