

PORTSMOUTH TOWN COUNCIL MEETING
AUGUST ~~23~~ 27, 2018 MINUTES

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

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

OTHERS PRESENT: Richard Rainer, Lisa Higgins, Jennifer West, Lisa Puglia, Lisa Mills, Matthew Helfand, Kevin Gavin Esq. and Michael Ursillo Esq.

Time: 6:00 PM

Motion to go into Executive Session made by Dr. Ryan, seconded by Mr. Kesson. Motion passed 6-0. Ms. Pedro not present at time of vote.

Time: 6:03 PM Ms. Pedro enters.

EXECUTIVE SESSION

1. RIGL 42-46-5(a)(1) Personnel: Discussions of the job performance, character, or physical or mental health of a person provided that such person affected shall have been notified in advance in writing and advised that they may require that the discussion be held at an open meeting. – One vote taken and passed 7-0.
2. RIGL 42-46-5 (a)(2) Litigation: Updates. – One vote taken and passed 5-2.
3. RIGL 42-46-5 (a)(5) Discussions or considerations related to the acquisition or lease of real property for public purposes wherein advanced public information would be detrimental to the public interest. – One vote taken and passed 7-0.

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

Time: 6:49 PM

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

Time: 7:00 PM

EMERGENCY EVACUATION PLAN

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 thanked the Portsmouth Police and Fire Departments with their quick response to the car accident with five children that had taken place on Middle Road.

There were 3 votes taken during the earlier Executive Session.

CONSENT AGENDA

1. Bills – Motion to receive and place on file made by Dr. Ryan, seconded by Mr. Gleason. Motion passed 6-1. Mr. Kesson in dissent.
2. CRMC & RIDEM – JOINT PUBLIC NOTICE:
The Application of New England Boatworks, 1 Lagoon Road, Portsmouth, RI, for a State of Rhode Island Assent and a State of Rhode Island Dredge Permit and a State of Rhode Island Water Quality Certification. The project will include: an expansion of the work approved under Assent 2016-10-098. The current proposal is an additional 500 LF of bulkhead within the existing marina basin and installation of 4 new 115’ long floating docks and an additional 23,500 CY of dredging with on-site beneficial reuse of the material. – Motion to receive and place on file made by Mr. Kesson, seconded by Dr. Ryan. Motion passed 7-0.

SITTING AS THE BOARD OF LICENSE COMMISSIONERS

Directions to view licensing applications on Viewpoint: 1) Go to Town Clerk at the <https://www.portsmouthri.com/154/Town-Clerk>, 2) Click Licenses and Permits on the left-hand side, 3) Click the Search button, 4) Click Records and then type in the record number which is listed on the agenda, 5) Click on the highlighted record to view the application

1. Victualler License – Annual:
Patriot West, LLC d/b/a Patriot Petroleum, 2340 West Main Road (#1038)
2. Holiday License – Annual:
Patriot West, LLC d/b/a Patriot Petroleum, 2340 West Main Road (#1038)
– Motion to approve both the Victualler and the Holiday Licenses for Patriot West, LLC d/b/a Patriot Petroleum made by Mr. Kesson, seconded by Mr. Gleason. Motion passed. 7-0.
3. Peddler License – Annual:
Candace Sherman d/b/a C. L. Sherman & Co., P.O. Box 3633, Newport (#1050) – Motion to approve made by Mr. Kesson, seconded by Dr. Ryan. Motion passed 7-0.
4. Peddler License – Specific Event: Firefly Yoga & Wellness Festival at Glen Park on 9/15/18
 - a. Nicole Waybright, 72 Branch Pike, Smithfield, RI (#1147)
 - b. Meredith Ewenson d/b/a Be Well Essential Lifestyle, 25 Congdon Ave, Newport (#1165)– Motion to approve both Peddler Licenses made by Mr. Kesson, seconded by Dr. Ryan. Motion passed 7-0.
5. Request to advertise for a Public Hearing:
Application to transfer a Class BV Beverage License from TNBC Beach Club, LLC d/b/a The Newport Beach Club, 195 Newport Harbor Drive, Portsmouth, RI to TNBC Beach Club, LLC. This is due to a change of stockholders from Northern Waterfront Associates L.P. to Velocity NBC, LLC. – Motion to approve the request to advertise for a Public Hearing on Sept. 24 made

by Ms. Pedro, seconded by Mr. Kesson. Motion passed 7-0.

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

MINUTES

TCM 7/23/18 – Motion to approve made by Ms. Pedro, seconded by Dr. Ryan. Motion passed 7-0.

TCM 8/8/18 – Motion to approve made by Mr. Gleason, seconded by Ms. Pedro. Motion passed 4-0-3. Mr. Aguiar, Ms. Ujifusa and Dr. Ryan abstained.

TAX VOUCHERS

Request approval for Tax Vouchers #20180827-01 to #20180827-18. – Motion to approve made by Ms. Pedro, seconded by Dr. Ryan. Motion passed 6-0-1. Mr. Kesson recused himself due to a conflict of interest.

TOWN ADMINISTRATOR'S REPORT

1. Update on John King, EMA Director – Unfortunately, Mr. John King, our Emergency Management Agency Director, has taken ill and is in hospice at St. Anne's Hospital in Fall River. The staff of the Portsmouth EOC have been informed and we are currently working a succession plan. I am sure I echo everyone's sentiment when I say he and his family are in our thoughts and prayers.
2. Glen Farm Capital Improvements update – Councilman Gleason asked for an update regarding Capital Improvements at the Glen Farm. So far, we have Installed: New underground drainage with gutters; New septic system; New Fascia and soffits; New sump pumps in the Polo Barn and 1907 Bldg.; Removed 10 dumpsters of refuse; Initiated roof repairs; Installed 2 new cupolas; Placed a new sign at East Main and Linden Lane; Demolished and removed two decayed wooden shed buildings. Our CIP for this fiscal year includes: new fire escape for the 1907 building; new furnace in the 1907 building; And, painting, repair of the east gable wall and repairs to the trusses and roof on the indoor riding ring. Additionally, the tenant has: Repaired or replaced 18 windows in the polo barn; Painted all exterior doors; Repaired and upgraded the Polo barn, Main Barn and the Bull barn animal stalls; Re-graded swales for better water flow and built bridges crossing them; Re-painted, replaced carpet and installed new appliances in the program barn apartment; Installed new gates at the outdoor ring; Upgraded the Polo tack room; Remediated the outdoor paddocks; And, repaired and improved the viewing room in the indoor riding ring.
3. Report on status of Phelps House – The Phelps House was included in the list of properties when we issued the RFP for the Glen Farm Stables. The ultimate concessionaire did not take on the Phelps House, but we did receive a proposal for the Phelps House as a stand-alone contract. The bidder proposes restoration and rehabilitation of the Phelps House in the historically appropriate Federal Revival style to be used for short stay rental. Our Director of Business Development has been working with the bidder and appropriate staff to prepare a proposal to the Town Council for consideration at a later date this fall.
4. Results of annual RI Snow Plow Rodeo – The annual RI Public Works Rodeo was held on August 15 at Johnston High School. DPW sent two teams and it is my pleasure to announce that Neal Belliveau

and Joel Kosegarten came in 1st place from our department. With this 1st place finish the Rhode Island Public Works Association has awarded them a scholarship to attend the American Public Works Association (APWA) Western Snow & Ice Conference and the National Snow Rodeo in Colorado from September 26 thru 28th. The RI Public Works Association scholarship will pay for their travel, hotel, and meals for this event.

5. Staff attendance at Annual Open Government Summit – On Friday, July 31st, Staff attended the annual required Open Government Summit held at Roger Williams University. Online training is available for those who could not attend, and the Town Clerk is tracking completion dates and forwarding completion certificates to the Attorney General’s office.
6. Status of Jacobs Infrastructure Study – We have signed the contract with Jacobs Engineering for the Facility Condition Assessment. Jacobs is working with our Facilities Manager and the Director of DPW to finalize the assessment schedule. We anticipate the assessments to begin Tuesday September 11th with a report for the Town to be completed by early October.
7. Quality in Construction Award from the National Asphalt Pavement Association (NAPA) – The Town of Portsmouth was presented with the Quality in Construction Award from the National Asphalt Pavement Association (NAPA) for the Prudence Island Narragansett Ave Paving project. This award recognizes excellence in asphalt pavement for 2017. I congratulate DPW, VHB Engineering and our contractor, P. J. Keating for the work they did in completing this complicated project professionally and earning this recognition.
8. Prudence Island power issues – There is an ongoing power issue on Prudence Island resulting in under voltage problems. We have been working with National Grid through our liaison, Mr. Jacques Afonso, to remedy the situation. National Grid is aware of the problem which is being reviewed by their engineering, design and operations departments. In the mean-time, National Grid is reviewing the settings of a capacitor bank that maintains the voltage at the end of the feeder for Prudence Island. A longer-term solution is to install a voltage regulator. There is no timeline for this installation, but it is targeted for installation later this year. Mr. Afonso will be present at the annual meeting on Prudence to update the residents and address their questions and concerns.
9. Storm Response meeting w/ National Grid – In preparation for the upcoming hurricane season our Town Planner and public safety officials met with National Grid last week to review and update Storm Response measures and emergency points of contact.
10. Update on Shoreline Access Ad-Hoc Working Group – At our last Council meeting you tasked me to assemble an ad-hoc working group to study shoreline access and the issues residents face regarding rights of ways to the shore. We issued a press release and accepted members to the group up to August 17th. Our next step is to establish a kick-off meeting date where we intend to have representatives from CRMC and/or DEM to discuss rules, ordinances, and municipal responsibilities associated with granting access to the shoreline. From there we will establish an agenda for a way forward.
11. Report on National Night Out – National Night Out was held Tuesday, August 7th at Sandy Point Beach. I’d like to thank our Recreation Coordinator, the beach staff, and Portsmouth Police for all their hard work towards making the night a success. We’ve received many compliments from residents who appreciated the movie, pizza and games for the kids and thanked the town for holding this annual event.

12. NAVSTA Newport solar project public meeting – This coming Wednesday, there is a Public Meeting scheduled to discuss the Newport Naval Station Solar Project at Tank Farms 4 and 5. The meeting will be held at the Courtyard Marriott in Middletown and will start at 6:30 PM. Residents who about this project have been informed.

13. Visit by Lord Mayor of Portsmouth, England – The Right Worshipful the Lord Mayor of Portsmouth, England, Councilor Lee Mason will arrive in Portsmouth Rhode Island for a 3 day official visit on Thursday, August 30. He will be met by a small group from the Portsmouth Historical Society who have arranged his itinerary over the next few days. His first stop will be a tour of the State House arranged by State Senator Jim Seveney and then he will pay a brief visit to Portsmouth’s Boys Town. On Friday he will tour the Old Colony House and other historic sites. On Friday evening he will be hosted at an evening reception at the Portsmouth Historical Society, where he will meet with local town and state political leaders. On Saturday he will take a tour of Portsmouth Historic and other local sites led by Town Historian, Jim Garman, and then attend the USA-England Polo Match at the Newport International Polo Center. Prior to his departure on Sunday, he will host a “Cola and Cake with the Lord Mayor” reception that is open to the public at Glen Park, in Portsmouth from 11AM to 1 PM. From Portsmouth, he will visit Portsmouth, New Hampshire then Portsmouth, Virginia, thereby connecting with all three Atlantic Portsmouths who are members of the Portsmouth Atlantic Compact, a loose organization created during our Town’s 375th Anniversary in 2013 to foster cultural and economic ties among these four communities.

RESIGNATIONS AND APPOINTMENTS

1. Appointments:

- a. Agriculture Advisory Committee (Re-Apppt)
- b. Glen Manor House Authority (Re-Apppt) – Motion to re-appoint Sanne Kure-Jensen and John Brady made by Ms. Pedro, seconded by Dr. Ryan. Motion passed 7-0.

OLD BUSINESS

1. PUBLIC HEARING (cont. fr. 7/23/18): Proposed amendment to the “Zoning Map, Portsmouth, Rhode Island”, Article III Section B.1 of the Zoning Ordinance. The proposed amendment, subject to the approval of a dimensional variance from the Zoning Board of Review for minimum lot frontage, as well as subdivision approval from the Planning Board, rezones approximately 2.4 acres of parcels currently known as 2951 East Main Rd (31-32) and 2967 East Main Rd (31-32A), from the C-1 Commercial District to the R-20 Residential District. The remaining 3.9 acres of lots 2951 East Main Rd (31-32) and 2967 East Main Rd (31-32A), adjacent to East Main Rd will remain as currently designated in the C-1 Commercial District. – *Continuance requested to September 10, 2018 Town Council meeting. Zoning Board approval still pending. – Motion to approve the continuance of the Public Hearing made by Dr. Ryan, seconded by Mr. Aguiar. Motion passed 7-0.

Motion to move OB3 before OB2 made by Mr. Gleason, seconded by Mr. Kesson. Motion passed 7-0.

3. Monthly finance report. – Motion to receive and place on file made by Dr. Ryan, seconded by Mr. Kesson. Motion passed 7-0.

2. Discussion – Monthly police construction report. – Mr. Zawatsky gave an update on the police construction. There has been a delay and the Police Station is now currently scheduled to open in January 2019. No votes taken.

4. Discussion – Breakdown of Special Revenue Funds as requested by the Town Council. – No votes taken. Ms. Pedro asked where did we leave off with regards to the cemetery funds? Mr. Rainer will look into it.
5. Request approval to award the 2018-2019 Paving Projects Contract. – Motion to award the Paving Projects Contract to PJ Keating in the amount of \$541,945.05 for fall paving made by Mr. Aguiar, seconded by Dr. Ryan. Motion passed 7-0.
6. Discussion/Action – Request acceptance of Wentworth Terrace as a public road and release of Road Bond. – Motion to approve made by Mr. Kesson, seconded by Ms. Ujifusa. Motion passed 7-0.
7. Discussion/Action – Request acceptance of Cornelius Drive Extension as a public road and release of Road Bond. – Motion to approve minus 5% to be released August 27, 2019 made by Mr. Kesson, seconded by Mr. Gleason. Motion passed 7-0.

NEW BUSINESS

1. Discussion/Action – Request permission to restore a portion of the stonewall behind the old bull barn at Glen Farm for an Eagle Scout project. – Motion to approve made by Ms. Pedro, seconded by Dr. Ryan. Motion passed 7-0.
2. Request for advisory opinion from the Planning Board for Zoning Ordinance Amendment and to schedule and advertise for a Public Hearing. – Motion to approve the request for the advisory opinion from the Planning Board and for a Public Hearing, October 9, 2018 made by Dr. Ryan, seconded by Mr. Gleason. Motion passed 6-0-1. Ms. Pedro recused herself.
3. Request approval of Fire Chief Candidate. – Motion to approve made by Dr. Ryan, seconded by Mr. Aguiar. Motion passed 7-0.
4. Request approval to purchase a 2018 Ford F550 Life-Line Ambulance for the Fire Department. – Motion to approve the purchase of a new rescue vehicle in the amount of \$253,861 and authorization to reallocate \$14,990 from the \$20,000 currently allocated in this year’s capital budget for ongoing Glen Farm Cupula repairs made by Mr. Kesson, seconded by Ms. Ujifusa. Motion passed 7-0.
5. PUBLIC HEARING: 2018 Hazard Mitigation Plan update – Comment on and hear testimony from the public regarding content of the draft Hazard Mitigation Plan. Vote to approve forwarding the draft plan to FEMA for federal and state approval.
<http://www.portsmouthri.com/DocumentCenter/View/2463/Portsmouth-HMP-Draft-07262018>
 - Mr. Crosby and Ms. Carissa Mills, a contractor who has helped to successfully write grants for money from FEMA and RIEMA, spoke on behalf of the 2018 Hazard Mitigation Plan.
 - Mr. Crosby received an email question from Ted Peitz asking if snow fencing along East Main Road could be added to the plan. Mr. Crosby replied that he was not sure if it would be taken into consideration as it is a State road. Mr. Crosby will add Mr. Peitz comments to the appendix in the plan.

- Mr. Crosby also received an email with comments from Sara Churgin of AIPC and the Eastern RI Conservation District. Most of her comments were with regards to best management practices for educating people, but would not really be geared to this plan.
- Ms. Ujifusa's email comments were mostly editorial and were incorporated into the report. The other questions were more suited for a one on one discussion stated Ms. Mills.
- Mr. Kesson noticed that a lot of information was not filled in and a lot of data was missing in the tables. Ms. Mills said that it is a working document and will be filled in along the way. Mr. Kesson also asked about the costs associated with the actions. Ms. Mills said that these are estimates to go by so that if in the future there is money available you could pick out a portion of the plan that would fit into the amount that was available. These costs are only guidelines. No money is allotted to any portion of the plan currently.
- Mr. Aguiar noticed that under the Nor'easter section that they do not have several storms that have happened more recently. They will be happy to beef up that section regarding the storms.
- Mr. Peter Roberts, 61 Ormerod Ave, wanted to mention the storms and power going out. It's the trees coming down on the lines and trees do not get trimmed. You drive down the road and see no leaves on the trees. The trees are dead, then a storm blows down the trees and takes the power out. That's the main reason for power outages, not the storms.

After Mr. Hamilton asked 3 times if anyone had any further questions, the motion to close the Public Hearing was made by Ms. Pedro, seconded by Mr. Gleason. Motion passed 7-0. Motion to approve forwarding the 2018 Hazard Mitigation draft plan to FEMA and the state for approval made by Mr. Gleason, seconded by Dr. Ryan. Motion passed 7-0.

CORRESPONDENCE

1. Letter of congratulations for achieving our WorkSmart21 goals for the period of April 1, 2018 through June 30, 2018. / B. Murray, Director of Health, Safety and Risk Management, Rhode Island Interlocal Risk Management Trust
2. Certificate of Special Recognition for joining the State E-Permitting online portal. / Gina Raimondo, Governor
3. Update from Aquidneck Land Trust re: Spruce Acres and Little Creek Preserve. / C. Allott
4. Preliminarily selected to receive a \$22,000 grant from the Rhode Island Community Development Block Grant Program in support of Prudence Island Cistern (\$20,000) and Administration (\$2,000). / M. Tondra, Office of Housing and Community Development
5. Letter of congratulations on being named one of 12 Rhode Island communities to receive 2018 Tree City USA Recognition from the Arbor Day Foundation. / Jack Reed, U.S. Senator
6. Invitation to attend a special dedication to Grace Kinnunen for her dedication to Glen Park on Sept. 20, 2018 at 2:00 pm at Glen Park. / Glen Park Working Committee

7. AIPC Year End Report and update. / J. Shea, Executive Director, AIPC

- Motion to move items 3 and 7 to the September 10, 2018 agenda made by Mr. Kesson, seconded by Mr. Aguiar. Motion passed 7-0.

- Motion to receive and place on file correspondence items 1,2,4,5 and 6 made by Dr. Ryan, seconded by Mr. Aguiar. Motion passed 7-0.

FUTURE MEETINGS

Sept 10 7:00 PM - Town Council Meeting

Sept 15 12:00 PM - Town Council Meeting - Prudence Island (Saturday)

Sept 24 7:00 PM - Town Council Meeting

ADJOURN

Time: 8:57 PM

Jennifer M. West, Town Clerk