

PORTSMOUTH TOWN COUNCIL MEETING
OCTOBER 9, 2018 MINUTES

7:00 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

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

CONSENT AGENDA

1. Bills – Motion to receive and place on file made by Dr. Ryan, seconded by Ms. Pedro. Motion passed 6-1. Mr. Kesson in dissent.
2. CRMC – Finding & Notice of Violation 18-0136
Hazel & Ned Zebian, 2755 Boston Road, Wilbraham, MA 01095 – Undertaken unauthorized resurfacing of a concrete patio within 200 feet of a coastal feature at your property located at 57 Atlantic Ave. without benefit of a CRMC assent or in violation of a Council Order
3. CRMC – Finding & Notice of Violation 18-0137
Peter Raposa, 51 Peggy Lane, Portsmouth, RI 02871 – Undertaken pouring of concrete patio within 200 feet of a coastal feature from your property located at 61 Atlantic Ave., Plat 29 Lot 74 without benefit of a CRMC assent or in violation of a Council Order
4. CRMC – Finding & Notice of Violation 18-0138
Newport and Narragansett Bay Railroad Company, 25 Compass Circle, North Kingstown, RI 02852 – Undertaken vegetative alterations caused by the spraying of herbicides within 200 feet of a coastal feature along the railroad tracks in Portsmouth, RI without benefit of a CRMC assent or in violation of a Council Order
5. CRMC – Cease and Desist Order Number 18-0141
Daniel P. Woods, et al, c/o 906 Anthony Road, Portsmouth, RI 02871 – Undertaken clearing of vegetation within 200 feet of a coastal feature at Plat 37, Lots 1 and 10, Rear

George Street, Barrington without benefit of a CRMC assent or in violation of a Council Order

6. CRMC – Public Notice

The application of Daniel Torre & Max Davidson, 243 Colonel John Gardner Road, Narragansett, RI for a State of RI Assent to create and maintain: a three acre oyster farm in the Sakonnet River using floating gear (2 foot by 3 foot floating bags)

Motion to receive and place items 2-6 on file made by Dr. Ryan, seconded by Mr. Kesson. Motion passed 7-0.

SITTING AS THE BOARD OF LICENSE COMMISSIONERS

1. Entertainment License – Fee Waiver Requested

The Pennfield School, 110 Sandy Point Avenue, for the Cornucopia Fine Arts Sale, November 3, 2018

2. Victualler License - Fee Waiver Requested

The Pennfield School, 110 Sandy Point Avenue, for the Cornucopia Fine Arts Sale, November 3, 2018

Motion to approve both licenses and waive the fees made by Mr. Kesson, seconded by Ms. Pedro. Motion passed 7-0.

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

MINUTES

TCM 9/13/18 – Motion to approve made by Mr. Gleason, seconded by Mr. Kesson. Motion passed 4-0-3. Mr. Aguiar, Dr. Ryan, and Ms. Pedro abstained.

TCM 9/15/18 – Motion to approve made by Mr. Gleason, seconded by Mr. Kesson. Motion passed 6-0-1. Ms. Pedro abstained.

TCM 9/24/18 – Motion to approve made by Mr. Kesson, seconded by Dr. Ryan. Motion passed 7-0.

TAX VOUCHERS

Request approval for Tax Vouchers #20181009-01 to #20181009-05. – Motion to approve made by Mr. Kesson, seconded by Ms. Pedro. Motion passed 7-0.

TOWN ADMINISTRATOR’S REPORT

1. Coggeshall School – For some time now, we have been working on future plans for the Coggeshall School Building. Last week we issued a Pre-Solicitation Notice. The intent is to get input on details that may be incorporated into a final Request for Proposals. The Pre-solicitation ends on Nov 1 and we hope to have a final solicitation on the street shortly thereafter. In the

notice, we are seeking information to ensure that a subsequent solicitation is consistent with the needs and capabilities of prospective bidders while adhering to certain objectives for the use of the property, such as: Provide a funding source for Town operations; Maintenance of compatibility with the abutting sports field; Continued Town ownership of the property; Stabilization and improvement of the property; Fire and Building Code upgrades appropriate for expected use.

2. State Traffic Commission news – Last week the State Traffic Commission (STC) approved our request for the installation of a traffic signal on East Main Road at the intersection of Linden Lane (Gardner Seveney Complex). Additionally, the STC approved a trial period for a road diet on East Main Road to be conducted before the resurfacing project in 2019. The road diet will be tried on the northern end of East Main from Stub Toe Lane to Turnpike. As part of that project, the state also agreed to install a pedestrian activated flashing crossing beacon light at East Main Road and Quaker Hill Lane (Atria complex) because of several past pedestrian accidents there. They are putting the request for the Linden Lane traffic light into the queue of approved projects and estimate it will be 2023 or 2024 before the light is installed.

3. Bulletproof Vest Partnership 2018 Award – The Bureau of Justice Assistance (BJA) has awarded us \$2535.00 to be used for the purchase of Bulletproof Vests. This is an annual program the Police regularly apply for.

Additionally, the Annual Fire Department Open House will be held this Saturday, October 13th, from 10 AM to 4 PM.

RESIGNATIONS AND APPOINTMENTS

1. Appointments

a. Planning Board (Re-Appt.) – Motion to re-appoint Ryan Tibbetts made by Mr. Kesson, seconded by Dr. Ryan. Motion passed 7-0.

b. Zoning Board of Review (1 Vacancy, 2nd Alternate) – Motion to postpone until the November 13th meeting made by Ms. Ujifusa, seconded by Mr. Gleason. Motion passed 7-0.

i. Letter of recommendation

OLD BUSINESS

Motion to move OB2 in front of OB1 made by Ms. Pedro, seconded by Dr. Ryan. Motion passed 7-0.

2. Discussion – Monthly police construction report. – No action taken.

Ms. Pedro recused herself from the Public Hearing.

Time: 7:47 PM Ms. Pedro leaves the room.

1. PUBLIC HEARING: To consider the proposed amendments of Chapter 405, Articles II & V

of the Zoning Ordinance to define the term “farm brewery” and allow the use throughout all zoning districts through the special use permit process

a. Planning Board Advisory Opinion

The following spoke in favor of the ordinance change:

Girard Galvin, Esq. spoke on behalf of his clients Donovan Gray Distribution; Matthew and Katie Gray and Patrick and Liz Donovan

Kaitlyn Summers, 90 Bristol Ferry Rd
Eric Chappell Esq., 171 Chase Rd, Attorney for the Van Hofs
Lisa McDermott, 20 Cypress St
Chris Massed, 200 Schoolhouse Ln
Joanna Detz, 203 Brownell Ln
Juan Carlos Payero, 52 Lee Ave
Daniella Abbott, 52 Ladeira Ave
Chuck Allot, 11 Whitwell Ave, Newport
Steve DeCastro, 991 Middle Rd
Stephen Manual Anderson, 240-242 Hedly St
Dave McLaughlin, 3 Haskell Ave, Newport
Theodore Pietz, and on behalf of his wife Hillary, 85 Glen Rd

The following spoke against the ordinance change:

Larry Fitzmorris, 50 Kristen Ct
Peter Roberts, 80 Ormerod Ave
Nancy Howard, 16 Dianne Ave
Jeannie Smith, 39 Morgan St

Ray Berberick, 25 Robin Rd, asked to table the issue until after the election.

Discussion occurred among the Council. Mr. Hamilton asked three times if anyone else wished to speak at the Public Hearing. Hearing none, a motion to close the Public Hearing was made by Mr. Kesson, seconded by Dr. Ryan. Motion passed 6-0-1. Ms. Pedro recused.

Motion to approve the proposed amendments of Chapter 405, Articles II & V of the Zoning Ordinance to define the term “farm brewery” and allow the use throughout all zoning districts through the special use permit process made by Ms. Ujifusa, seconded by Dr. Ryan. Motion passed 4-2-1. Mr. Kesson and Mr. Gleason in dissent. Ms. Pedro recused.

To hear all of the public comments, please view the video at www.portsmouthri.com.

Motion to take a five-minute break made by Ms. Ujifusa, seconded by Dr. Ryan. Motion passed 6-0-1. Ms. Pedro recused.

Break: 9:49 PM – Ms. Pedro reenters.

Return: 9:56 PM

NEW BUSINESS

1. Request permission to use the Town Hall on Sunday, November 11, 2018 at 8:00 am for a Veterans Day ceremony. – Motion to approve made by Dr. Ryan, seconded by Mr. Kesson. Motion passed 7-0.
2. Request permission to conduct the annual fundraiser “Race for Open Space” in Portsmouth on November 3, 2018. – Motion to approve made by Dr. Ryan, seconded by Mr. Kesson. Motion passed 7-0.
3. Discussion/Action – Update from Aquidneck Land Trust re: Spruce Acres and Little Creek Preserve. – No action taken.
4. Discussion/Action – AIPC Year End Report and update. – No action taken.

CORRESPONDENCE

1. Letter of thanks for supporting the neighborhood’s opposition to the relocation of the Navy’s fence.
2. Portsmouth Water and Fire District’s Annual Financial Statements Year Ended April 30, 2018 and 2017.
3. Cox Communication’s Economic Impact Study.
Motion to receive and place on file all correspondence made by Dr. Ryan, seconded by Mr. Kesson. Motion passed 7-0.

FUTURE MEETINGS

Oct 22 7:00 PM - Town Council Meeting
Nov 13 6:00 PM - Town Council Meeting (Tuesday)
Nov 26 7:00 PM - Town Council Meeting

Mr. Hamilton noted that the November 13th meeting will begin at 6:00 PM with the Salute to Veterans.

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

Time: 10:15 PM

Jennifer M. West, Town Clerk