

PORTSMOUTH TOWN COUNCIL MEETING  
OCTOBER 15, 2019 (Tuesday) MINUTES

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

MEMBERS PRESENT: Kevin M. Aguiar, Linda L. Ujifusa, J. Mark Ryan, Keith E. Hamilton, Leonard B. Katzman, Andrew V. Kelly and Daniela T. Abbott

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 – Following the last Council meeting, Senator Seveney, and several others, scheduled a meeting with DOT. They agreed to do a safety audit of East Main Rd. On 10/3, an informal meeting was held with representatives of Newport and Portsmouth to discuss the potential for regionalization. Tentative follow up meeting scheduled for Nov. 6 with full Councils and School Committees.

CONSENT AGENDA

Directions to view licensing applications: 1) Click on [Viewpoint](#), 2) Click Records and then type in the record number which is listed on the agenda, 3) Click on the highlighted record to view the application

1. Bills

2. CRMC – PUBLIC NOTICE:

An Application of Michael & Martha Faulkner, 26 Federal Circle, Leominster, MA 01453, for a State of RI Assent to construct and maintain: residential boating facility consisting of a set of stairs to a 4x120’ fixed pier with a 14’x16’ boat lift on the north side, extending to 60’ beyond Mean Low Water. Facility requires a variance to the length standard 650-RICR-20-00-1.3.1(D)(11)(1). Project Location: 5 Narragansett Blvd.

Motion to approve the Consent Agenda as presented made by Mr. Katzman, seconded by Dr. Ryan. Motion passed 7-0.

SITTING AS THE BOARD OF LICENSE COMMISSIONERS

Directions to view licensing applications: 1) Click on [Viewpoint](#), 2) Click Records and then type in the record number which is listed on the agenda, 3) Click on the highlighted record to view the application

1. PUBLIC HEARING: Permanent Expansion of Service Area (#1570)

a. Request approval for the permanent expansion of the service area for CJ’s Pub, 568 Park Avenue, Allen Mason, President, to allow food and alcohol service in a fenced outdoor area to include a maximum 25’ x 30’ patio, comprising approximately 750 sq. ft. area located on the West side of the building, and a 328 sq. ft. L-shaped wood deck located on the street side of the building and the area directly below the deck.

b. Request to extend the closing hours until 2:00 AM on Fri-Sat and holiday eves.

1. Mr. Mason spoke on his behalf regarding the petition he put forth. Mr. Hamilton notes that he drove by on October 15<sup>th</sup> and saw junk in the area and asked if it was Mr. Mason's. Mr. Mason stated that it is not part of the bar, it's a separate business, and he is in the process of cleaning the area. Mr. Hamilton asked if the area surrounded by the chain-link fence is where Mr. Mason plans on the outdoor expansion being and would he be willing to put up a solid fence and other measures for noise reduction. Mr. Hamilton also stated that he is not ok with extending the hours until 2:00 AM for every Fri-Sat and all holiday eves. He would be ok with Thanksgiving and New Year's Eves.
2. Police Chief Peters is opposed to the expansion and the extended hours. The Police have been down to CJ's Pub several times. On one instance, a stolen gun was found on the premises. He is concerned with the noise and the type of people it may bring in.
3. Jean Duval, 38 Blue Bill Way
4. Marjorie Perry, 16 Cedar Ave.
5. Karen Duval, 38 Blue Bill Way
6. Deborah Jesdale, 556 Park Ave.
7. Donna Woishek, 576 Park Ave.
8. Debra Schoen Cruz, 576 Park Ave.
9. Jan Majer, 39 Blue Bill Way

All had concerns regarding the outside seating and the extended hours, due to noise, junk on the property, disruption of the quality of life, harassment, public urination, concern for the children of the neighborhood whose bus stop is on the corner of Park Ave. and Blue Bill Way, and cars parking where they shouldn't and blocking access to Blue Bill Way, which would hinder emergency vehicles from passing.

Mr. Aguiar asked Mr. Gavin if Mr. Mason would have a right to come back after a period of time if the Council denied the request. Mr. Gavin said that the Council could deny the request without prejudice and Mr. Mason could bring it back at another time.

Mr. Mason is working on cleaning up the property and is willing to do what is necessary with regards to a new fence or whatever else the Council wants. Mr. Aguiar suggested that he may want to come back with a more robust plan: mitigation, screening, meeting with neighbors.

Mr. Katzman agrees that Mr. Mason should come back at a later time and that the business needs to be a good neighbor.

Mr. Hamilton asked about the outside seating upstairs in the front, not comfortable with downstairs, being seasonal and limiting the hours of operation. He also believes that coming back with a plan would be more helpful to make a decision.

Ms. Ujifusa said that she's received comments from constituents that there has been outside drinking. Mr. Mason said that he has signs stating that there is no alcohol allowed outside and is trying to police that better.

Motion to deny the application without prejudice made by Mr. Hamilton, seconded by Ms. Ujifusa.  
Motion passed 7-0.

2. PUBLIC HEARING: Transfer/Expansion of a Class B Alcoholic Beverage License (#1585)  
Application to transfer a Class B Alcoholic Beverage License from KW Nelson, Inc., d/b/a Karl's Park Ave Pub to Migration, Inc., 506 Park Avenue, Portsmouth

- a. Application for a Class B Alcoholic Beverage License Migration, Inc. d/b/a TBD, 506 Park Avenue, Portsmouth. Owners: Michael MacFarlane and Dennis DiMarino.
- b. Request approval for the permanent expansion of the service area to allow food and alcohol service in a fenced outdoor patio area behind the building that is 43' x 28', for a total of 1204 square feet.
- c. Objection to the transfer of a Class B Liquor License from KW Nelson, Inc., d/b/a Karl's Park Ave Pub to Migration, Inc., unless indebtedness is paid in full to McLaughlin & Moran, Inc. / D. Silva, Credit Manager, McLaughlin & Moran, Inc.

Motion to approve the transfer of the liquor license on the condition that outstanding bills are paid prior to the transfer, made by Mr. Hamilton, seconded by Mr. Kelly. Motion passed 7-0.

1. Mr. Michael McFarlane spoke on behalf of his petition. He wants to purchase Karl's Park Ave Pub so that he can clean it up and make it better. He would like to keep the fenced in area the same as it currently is. He wants the business to compliment Tremblay's. Police Chief Peters has concerns about permanent expansion; he would like to know what the hours would be. Mr. McFarlane stated that late nights are not in his plans for this business. Outside service would possibly be until 9:00 PM week nights and 11:00 PM weekends.
2. John Vitkevich, 119 Hummocks Ave., is very proud of Mr. McFarlane and all the work he's done with Tremblay's and all the other things he is doing for Island Park.
3. John Peckham, 484 Park Ave.
4. Marjorie Perry, 16 Cedar Ave.
5. Robert Brooks, 535 Park Ave.
6. Kathleen Peckham, 484 Park Ave.
7. Lisa Gurney, 494 Park Ave.

All are concerned with noise and the hours that the patio would be opened. Amplified music would be a concern. Historically, the patio area has been noisy and Ms. Gurney is opposed to the expansion. Mr. McFarlane says that this restaurant would not be anything like the previous businesses. His plan is to make it better.

Mr. Kelly is very supportive of the project. Ms. Ujifusa asked what the hours would be?

Motion to approve outside expansion on a temporary basis, 1 year trial, open until 10pm, made by Mr. Hamilton, seconded by Mr. Katzman. Motion passed 7-0.

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

#### MINUTES

TCM 9/14/19

TCM 9/23/19 & Exec.

Motion to approve, with corrections, made by Mr. Hamilton, seconded by Ms. Ujifusa. Motion passed 6-0. Ms. Abbott absent for the vote.

## TAX VOUCHERS

Request approval for Tax Vouchers #20191015-01 to #20191015-02. – Motion to approve made by Mr. Kelly, seconded by Mr. Hamilton. Motion passed 6-0. Ms. Abbott absent for the vote.

## TOWN ADMINISTRATOR'S REPORT

1. East Main Road safety update – With respect to ongoing concerns regarding traffic safety on East Main Road, the Portsmouth Police Department have stepped up their traffic enforcement efforts, which appear to be working as we have noticed a decrease in average speed and in the number of accidents on EMR. Additionally, the State Traffic Commission has agreed to conduct a traffic safety study of the road.
2. Coastal Visualization survey – A new project by the Town and the Rhode Island School of Design will gather community input on issues of sea level rise and storm vulnerability. The project centers on a visualization survey that shows the effects of modest levels of sea level rise, such as increased marsh areas and flooded roads in recognizable 3D visualizations of Portsmouth neighborhoods. The results from this study will be used to help the town better understand citizens' concerns regarding the near-term impacts of sea level rise and assist researchers to improve visualization practices. The project is funded by The Rhode Island Program to Stimulate Competitive Research (EPSCoR), a program that funds a wide range of projects focused on the future of Narragansett Bay. The survey can be found at [www.vissurvey.com](http://www.vissurvey.com). Persons over 18 are invited to participate.
3. Grant award to Fire Department – We received notice last week that the Enbridge Company, who now owns the Algonquin Gas Transmission pipelines, has awarded a \$7500.00 grant to the fire dept. The grant requires no match and will be used in an outreach program to assist our senior citizens. The grant will be used to inspect/replace and/or install smoke and CO alarms, conduct home safety inspections, “Introduce the File for Life” program which provides EMS personnel with list of medications a resident is taking.
4. Community survey update – The survey is ready to be released. Postcards announcing the survey should reach homes and businesses later this week. In addition to being available online, paper copies will be available at locations around town, including Town Hall, the Library, the Sr. Center and Clements. A timeline for the assessment was approved today and we are on track to complete the survey before the end of the year. The survey itself will be open until November 15th. Data analysis will be conducted November 16th to 21st. A report will then be issued to the Town and a presentation of the findings made to the Council on December 9th.

Additionally, there are a couple more matters to bring to your attention:

We have continued our dialog with the proposed Portsmouth Youth Activities Center group. The group plans to have a proposal ready for your review at the next Council Meeting.

The Portsmouth Fire Department will host an open house on Sunday, October 20th from 11am - 1pm. Everyone is invited to come tour the station, see the apparatus, and learn about fire safety. Refreshments will be provided.

The 20th Annual Taste of Portsmouth will be held from 7 to 9pm this Friday at the Library. Local breweries, wineries and restaurants will be featured. Tickets are \$25.00 at the door (cash or check). The event is limited to those 21 years and older.

And lastly, I sadly report the passing a dear friend to Portsmouth. Capt. Esmond “Doug” Smith, USN (ret.) weighed anchor this weekend after a long battle with cancer. Doug served our country in some of the most demanding jobs in the most volatile theaters of operations and enriched our town as Chair

of the steering committee for our 375th anniversary, host for over 200 Portsmouth this Week TV programs, and as a member of the board and vice-president of the Portsmouth Historical Society. He was one of the first people in Portsmouth to reach out to me when I arrived, and I will sorely miss him. I know I echo the sentiment of the council and a grateful community when I express to his wife and family our sincere sympathy in this time of loss.

#### REMOVALS, RESIGNATIONS AND APPOINTMENTS

1. Removal:

a. Prudence Island Planning Commission – Motion to approve the removal of Theckla Snell, made by Mr. Hamilton, seconded by Ms. Ujifusa. Motion passed 7-0.

2. Resignation:

a. Tree Commission – Motion to accept, with regret, made by Mr. Hamilton, seconded by Dr. Ryan. Motion passed 7-0.

3. Appointments:

a. Aquidneck Island Planning Commission (Re-Appt.) – Motion to re-appoint Sara Churgin made by Dr. Ryan, seconded by Mr. Hamilton. Motion passed 7-0.

b. Glen Manor House Authority (Re-Appt.) – Motion to re-appoint Brenda Doran, Judith Elste and Francis Wyatt made by Mr. Katzman, seconded by Dr. Ryan. Motion passed 7-0.

c. Juvenile Hearing Board (Re-Appt.) – Motion to re-appoint Linda Nalle made by Dr. Ryan, seconded by Mr. Hamilton. Motion passed 7-0.

d. Melville Park Committee (Re-Appt.) – Motion to re-appoint Leon Lesinski made by Dr. Ryan, seconded by Ms. Ujifusa. Motion passed 7-0.

e. Prudence Island Planning Commission (Re-Appt.) – Motion to re-appoint Edward Aldrich made by Dr. Ryan, seconded by Mr. Hamilton. Motion passed 7-0.

f. Tree Commission (Re-Appt.) – Motion to re-appoint James Jordan made by Dr. Ryan, seconded by Mr. Hamilton. Motion passed 7-0.

g. Wastewater Appeals Board (Re-Appt.) – Motion to re-appoint Scott Dickison, made by Dr. Ryan, seconded by Mr. Hamilton. Motion passed 7-0.

#### OLD BUSINESS (Discussion/Action)

1. Discussion and approval of the Town Council priorities for the Town Administrator. – Motion to approve made by Ms. Ujifusa, seconded by Mr. Katzman. Motion passed 7-0.

#### NEW BUSINESS (Discussion/Action)

1. Eastern RI Conservation District request to apply for DEM funding. – Motion to approve made by Mr. Hamilton, seconded by Mr. Katzman. Motion passed 7-0.

2. Request Approval of Glen Farm Special Events Application.

Beach Dogs Lacrosse, Marshall Huggins, 52 General Sullivan Circle, Portsmouth for Youth Lacrosse Games, November 2 (or 3) and 10, 2019 – Motion to approve made by Mr. Hamilton, seconded by Ms. Abbott. Motion passed 7-0.

3. Permission to Apply for Various State & Federal Grants. – Motion to approve made by Mr. Katzman, seconded by Mr. Kelly. Motion passed 7-0.

4. Procedure for establishing 2020 State Legislative Priorities. – Motion to approve made by Ms. Ujifusa, seconded by Mr. Katzman. Motion passed 7-0.

5. PUBLIC HEARING: To consider the proposed amendments to Fire Department related ordinances:
- a. Chapter 83 Alarms Article II False Fire and Carbon Monoxide Alarms Section 12 – adding language to Purpose; applicability and Section 14 – amending language to Radio transmitter alarms

Motion to approve made by Mr. Hamilton, seconded by Ms. Ujifusa. Motion passed 7-0.

- b. Chapter 170 Fees Article XII Hazardous Materials Response Fees Sections 30 and 33 – increasing fees to Fees established and increasing fees and adding language relating to Use of fees

Motion to approve made by Mr. Hamilton, seconded by Mr. Kelly. Motion passed 7-0.

#### CORRESPONDENCE

1. Monthly RIRRC Report. – Motion to receive and place on file made by Mr. Katzman, seconded by Mr. Kelly. Motion passed 7-0.

#### FUTURE MEETINGS

Oct 28 7:00 PM - Town Council Meeting  
Possible meeting Nov 6 with Newport  
Nov 12 7:00 PM - Town Council Meeting (Tuesday)  
Nov 25 7:00 PM - Town Council Meeting

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

Time: 8:55 PM

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Jennifer M. West, Town Clerk