

PORTSMOUTH TOWN COUNCIL MEETING
OCTOBER 22, 2018 MINUTES

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

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

MEMBERS ABSENT: Keith E. Hamilton

Time: 7:00

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 – No comments

CONSENT AGENDA

1. Bills – Motion to receive and place on file made by Mr. Gleason, seconded by Dr. Ryan. Motion passed 5-1. Mr. Kesson in dissent.
2. CRMC – Cease and Desist Order Number 18-0146
Martin Lee and Stacie Robbins, 181 Prospect Farm Road, Portsmouth, RI 02871
– Undertaken alteration of vegetation within the required 100 foot buffer zone on your property located at Plat 40, Lot 56, 181 Prospect Farm Road, Portsmouth without benefit of a CRMC assent and in violation of CRMC assent A2003-06-100. You have also failed to permanently demarcate the buffer zone in violation of CRMC assent A2003-06-100.
3. CRMC – Cease and Desist Order Number 18-0149
Catherine and Joseph Lorenz, Trustees, 200 Prospect Farm Road, Portsmouth, RI 02871
– Undertaken buffer zone alterations within 200 feet of a coastal feature from your property located at Plat 40, Lot 57, 200 Prospect Farm Road, Portsmouth without benefit of a CRMC assent and in violation of CRMC assents A2000-07-035 and A2004-12-059. You have also failed to permanently demarcate the buffer zone in accordance with CRMC assents A2000-07-035 and A2004-12-059.

Motion to receive and place on file both CRMC letters, made by Mr. Kesson, seconded by Dr. Ryan. Motion passed 6-0.

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 (Viewpoint) 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

Motion to continue the Public Hearing made by Mr. Kesson, seconded by Ms. Pedro. Motion passed 6-0.

1. PUBLIC HEARING: Transfer of a Class BV Alcoholic Beverage License (fr. 9/24/18)
Application to Transfer a Class BV Alcoholic 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.
 - a. Application for a Class BV Alcoholic Beverage License (fr. 9/24/18)
TNBC Beach Club, LLC d/b/a The Newport Beach Club, 195 Newport Harbor Drive, Portsmouth. Owner: Velocity NBC, LLC, 195 Newport Harbor Drive, Portsmouth, RI
 - b. Letter from Thomas F. Lee, Chief of Police
2. Victualler License – Annual (fr. 9/24/18)
TNBC Beach Club, LLC d/b/a The Newport Beach Club, 195 Newport Harbor Drive

Danielle Dufault, Esq., Adler, Pollock and Sheehan, the attorney representing TNBC Beach Club, requested a continuance to the November 26th meeting.

Motion to continue the Public Hearing, date certain, to the November 26, 2018 Council meeting made by Mr. Kesson, seconded by Mr. Gleason. Motion passed 6-0.

ADJOURN – Motion to adjourn as the Board of License Commissioners made by Mr. Kesson, seconded by Ms. Pedro. Motion passed 6-0. Motion to reconsider the adjournment as the Board of License Commissioners made by Mr. Kesson, seconded by Dr. Ryan. Motion passed 6-0.

HEARING - ANNUAL LICENSE RENEWALS

1. Liquor Licenses:

a. Class A

Allen’s Wine & Spirits, Inc., 3001 East Main Road (#1245)

Ferreira’s Package Store, Inc., 1965 East Main Road (#1197)

Pozdnyakova, Inc. d/b/a Portsmouth Liquors, 1557 West Main Road (#1219)

Motion to approve all the Class A Liquor Licenses made by Dr. Ryan, seconded by Ms. Ujifusa. Motion passed 6-0.

b. Class BH & BT

Roger Williams University, 144 Anthony Rd (#1223)

Motion to approve the Class BH & BT Liquor Licenses made by Mr. Kesson, seconded by Dr. Ryan. Motion passed 6-0.

c. Class BV

Fieldstones LLC, 980 East Main Rd (#1200)
Smith Harbor House LLC d/b/a 15 Point Road, 15 Point Rd (#1286)
Green Valley Country Club, Inc., 371 Union St (#1279)
Those Crazy Kids LLC d/b/a The Gulf Stream Bar & Grille, 1 Lagoon Road (#1243)
KW Nelson, Inc. d/b/a Park Avenue Pub, 506 Park Ave (#1268)
OceansideEnterprisesLLC d/b/a Portsmouth Publick House, 600 Clock Tower Sq (#1277)
Rocco's Little Italy LLC, 880 East Main Rd (#1242)
Tremblay's Bar & Grill, Inc., 514 Park Ave (#1257)

Motion to approve all the Class BV Liquor Licenses made Dr. Ryan, seconded by Ms. Pedro. Motion passed 6-0.

d. Class D

Montaup Country Club, 500 Anthony Road (#1192) – Motion to approve made by Mr. Kesson, seconded by Ms. Pedro. Motion passed 5-0-1. Mr. Gleason recused.

Portsmouth Portuguese American Citizens Club, 35 Power Street (#1254) – Motion to approve made by Dr. Ryan, seconded by Mr. Kesson. Motion passed 5-0-1. Mr. Aguiar recused.

2. Sunday Sales Licenses:

Allen's Wine & Spirits, Inc., 3001 East Main Road (#1245)
Ferreira's Package Store, Inc., 1965 East Main Road (#1197)
Pozdnyakova, Inc. d/b/a Portsmouth Liquors, 1557 West Main Road (#1219)

Motion to approve all Sunday Sales Licenses made by Mr. Kesson, seconded by Ms. Pedro. Motion passed 6-0.

3. Victualler Licenses:

Cindy's Country Café, Inc., 1324 West Main Rd (#1288)
Clements' Marketplace, Inc., 2575 East Main Rd (#1198)
Cumberland Farms, Inc. d/b/a Cumberland Farms # 1237, 3166 East Main Rd (#1236)
Fieldstones LLC, 980 East Main Rd (#1200)
Smith Harbor House LLC d/b/a 15 Point Road, 15 Point Rd (#1286)
The Green Grocer, Inc., 934 East Main Rd (#1239)
Green Valley Country Club, Inc., 371 Union St (#1279)
Those Crazy Kids LLC d/b/a The Gulf Stream Bar & Grille, 1 Lagoon Road (#1243)
Nader Hajjar Corp. d/b/a The Little Corner Store & Deli, 903 Anthony Rd (#1274)
Montaup Country Club, 500 Anthony Road (#1192)
New China Garden, Inc., 3288 East Main Rd (#1248)
New China Gourmet LLC, 3001 East Main Rd (#1206)
Newport & Narragansett Bay Railroad Co LLC, 1 Alexander Rd (#1246)
The North End Pizzeria, Inc., 3030 East Main Rd (#1201)
KW Nelson, Inc. d/b/a Park Avenue Pub, 506 Park Ave (#1268)
3302 Holdings LLC d/b/a Patriot Petroleum, 3302 East Main Rd (#1212)
Patriot West LLC d/b/a Patriot Petroleum, 2340 West Main Rd (#1210)
Nicole Alio d/b/a Portsmouth Nutrition Zone, 3001 East Main Rd #4 (#1310)
Portsmouth Portuguese American Citizens Club, 35 Power Street (#1254)
Oceanside Enterprises LLC d/b/a Portsmouth Publick House, 600 Clock Tower Sq (#1277)

Lori Cubellis d/b/a Prudence Variety, 0837 Narragansett Ave., Prudence Island (#1217)
Reidy's Restaurant Inc. d/b/a Reidy's Family Restaurant, 3351 East Main Rd (# 1283)
Rocco's Little Italy LLC, 880 East Main Rd (#1242)
Roger Williams University, 144 Anthony Rd (# 1223)
Schultz Enterprize d/b/a Schultz's Snack Shack, 346 Park Ave (#1202)
F & T Pizzeria LLC d/b/a Steve's Famous Pizza, 2460 East Main Rd (#1314)
Tremblay's Bar & Grill, Inc., 514 Park Ave (# 1257)

Motion to approve all but Montaup Country Club and Portsmouth Portuguese American Citizens Club made by Mr. Gleason, seconded by Dr. Ryan. Motion passed 6-0. Motion to approve Montaup Country Club made by Dr. Ryan, seconded by Mr. Kesson. Motion passed 5-0-1. Mr. Gleason recused. Motion to approve the Portsmouth Portuguese American Citizens Club made by Dr. Ryan, seconded by Ms. Pedro. Motion passed 5-0-1. Mr. Aguiar recused.

4. Amusement Games:

KW Nelson, Inc. d/b/a Park Avenue Pub, 506 Park Ave, 1 Game (#1268) – Motion to approve made by Mr. Kesson, seconded by Ms. Pedro. Motion passed 6-0.

5. Gunsmith/Gun Dealers:

William G. Lapointe d/b/a Cottrell, Lapointe, William & Philip, 192 Narragansett Blvd.(#1281)
Island Gun Shop, Inc., 1678 East Main Rd, Unit 17 (#1300)
Pocasset Arms LLC, 2968 East Main Rd (#1270)

Motion to approve all Gunsmith/Gun Dealer Licenses made by Mr. Kesson, seconded by Ms. Pedro. Motion passed 6-0.

6. Private Detectives:

Protective Services d/b/a Charles N. Morin, 142 Viking Dr (#1282) – Motion to approve made by Mr. Kesson, seconded by Ms. Pedro. Motion passed 6-0.

7. Holiday Licenses:

All Island Landscape, Inc., 2829 East Main Rd (#1203)
Margaret H. Stevenson d/b/a The Anchorage, 0241 Governor Paine Rd, Prudence Island (#1313)
MAD Marc Inc. d/b/a Domina's Agway, 1348 East Main Rd (#1299)
Greenleaf Compassionate Care Center, Inc., 1637 West Main Rd (#1272)
Green Valley Country Club, Inc., 371 Union St (#1279)
Island Gun Shop, Inc., 1678 East Main Rd, Unit 17 (#1300)
3302 Holdings LLC d/b/a Patriot Petroleum, 3302 East Main Rd (#1212)
Patriot West LLC d/b/a Patriot Petroleum, 2340 West Main Rd (#1210)
The Portsmouth Shop, Inc., 2511 East Main Rd (#1261)
Lori Cubellis d/b/a Prudence Variety, 0837 Narragansett Ave., Prudence Island (#1217)
Walgreens Eastern Co., Inc. d/b/a Rite Aid #10233, 2456 East Main Rd(#1237)
Stalise, Inc, 105 Clock Tower Square (#1256)
O'Reilly Automotive Stores Inc d/b/a O'Reilly Auto Parts #5352, 3250 East Main Road (#1302)

- Motion to approve all but Walgreens made by Ms. Pedro, seconded by Dr. Ryan. Motion passed 6-0. Motion to approve Walgreens made by Dr. Ryan, seconded by Ms. Pedro. Motion passed 5-0-1. Mr. Kesson recused.

8. Peddler Licenses:

Longade, LLC d/b/a Del's Lemonade, 729 West Main Rd, Middletown

– 3 vehicles, 2 push carts (#1216)

Julia Sweet d/b/a Gilded Tomato Co, 2 Peckham St, Rehoboth, MA – 1 veh (#1221)

Greg Doyle's Canteen Ltd d/b/a Greg's Canteen Ltd, 120 Broadcommon Rd, Bristol, RI

– 1 veh (#1306)

Instyle33 LLC d/b/a myrollingcafe, 265 Freeborn St – 1 vehicle (#1208)

Pete's Ice Cream, LLC, 122 Viking Dr – 2 vehicles (#1266)

McLean Enterprises Inc. d/b/a Wicked Good Kettle Corn, 32 Vinton Rd, Holland, MA (#1287)

Motion to approve made by Mr. Kesson, seconded by Ms. Pedro. Motion passed 6-0.

MOTION TO CONTINUE HEARING TO TUESDAY, NOVEMBER 13, 2018 – made by Mr. Kesson, seconded by Ms. Ujifusa. Motion passed 6-0.

TAX VOUCHERS

Request approval for Tax Vouchers #20181022-01 to #20181022-05. – Motion to approve made by Mr. Kesson, seconded by Dr. Ryan. Motion passed 5-0-1. Ms. Pedro abstained.

TOWN ADMINISTRATOR'S REPORT

1. Prudence Island potable water update – The RI DOH issued a boil water advisory earlier this month after E. coli bacteria was found in a storage tank water sample taken by the Prudence Island Water District. The results of the latest sample should be ready by the end of the week. We are distributing limited quantities of bottled water in an effort to ease the burden and hope the latest test results will allow the lifting of the advisory by the weekend.
2. HGTV Beach Hunters filming in Portsmouth Nov. 16-18 – An HGTV film crew will be in Portsmouth November 16-18 to film an episode of Beach Hunters. For the majority of the time they will be on private property filming home tours however they will also film segments featuring our town. They will not film anyone without their written permission.
3. "Town Recovery" event of Oct. 16, 2018 – On October 16th, the Recovery Coordinator of the RI Emergency Management Agency hosted a training program related to disaster recovery at the Middletown Fire Department. The training included a review of the State Recovery Plan, best practices for damage assessments, new procedures for FEMA Public Assistance, mitigation programs to aid in recovery, and local recovery roles and planning. The training was attended by our EMA Director and key Staff personnel.
4. Fire Department Open House – On Saturday, October 13th, the Portsmouth Fire Department conducted their annual Open House. Approximately 100 visitors attended the event, where staff members provided tours of the station and our equipment, conducted discussion and demonstrations on services provided to the community, showcased EMS equipment and how to use some of our ALS (Advanced Life Support) tools, had a demonstration of firefighters protective clothing, provided information on carbon monoxide detection, home evacuation plans and this years "Look, Listen, Learn. Fire can happen anywhere" campaign, and allowed the public to operate a charged hose line. The

Portsmouth EMA staff and volunteers also opened the "Emergency Operations Center" and gave tours and information about the Portsmouth EMA operation.

5. Aquidneck Island Town Manager's meeting – An informal Aquidneck Island Town Manager's meeting scheduled for last Friday had to be postponed. We conduct these meeting semi-regularly to discuss areas of mutual concern and benefit. We hope to reschedule soon, and I'll keep the Council informed of any initiatives we pursue.
6. Town Administrator vacation – 23 Oct. thru 05 Nov. – I'll be on vacation starting tomorrow and will return to the office on November 6th. Police Chief Tom Lee will be acting in my absence.
7. Police construction update – The project is approximately 73% complete. Rough mechanical and electrical work is still underway – rough plumbing work is complete. Installation of windows and doors has started. The contractor anticipates window installation to be complete by the end of the week. Installation of the elevator, underground utilities, sheetrock and gas lines started this week and installation of water utilities will begin next week. No new applications for payment have been received since the last report so the budget status is unchanged. Our Owner's Rep will be present at the next Council meeting to deliver his report.

Additionally, paving East Main Road: RI DOT notified Chief Lee last week that they will be paving E. Main Rd. from Turnpike to Boyd's Lane November 4th through 8th. They will be doing the work at night to mitigate the effects on local businesses, commuters and school buses (traffic nightmare). They hope to have the traffic lights completed at Park Ave to open that intersection up right around the same time and this will wrap up the Route 138 project.

RESIGNATIONS AND APPOINTMENTS

1. Appointment:
 - a. Aquidneck Island Planning Commission (Re-Appt.) – Motion to re-appoint Kate Wilson made by Ms. Ujifusa, seconded by Dr. Ryan. Motion passed 4-2. Mr. Kesson and Mr. Gleason in dissent.

OLD BUSINESS

1. Monthly finance report. – Motion to receive and place on file made by Mr. Kesson, seconded by Dr. Ryan. Motion passed 6-0.

NEW BUSINESS

1. Request sponsorship for Portsmouth Public Education Foundation's Fall Social fundraiser on November 3, 2018 at The Newport Car Museum. – Motion to approve \$500.00 from the Town Council Contingency Fund made by Mr. Kesson, seconded by Ms. Ujifusa. Motion passed 6-0. Mr. Kesson asked Mr. Rainer if this could be added as a line item in the next budget.
2. Request a 5-year approval of Glen Farm Special Events Fields applications for Beach Dogs Lacrosse, Marshall Huggins, 52 General Sullivan Circle, Portsmouth for youth lacrosse camps, July

22-26, 2019, July 27-31, 2020, July 26-30, 2021, July 25-29, 2022, July 24-28, 2023. – Motion to continue to November 13, 2018 Town Council meeting, made by Mr. Kesson, seconded by Ms. Pedro. Motion passed 6-0.

3. Request to have annual license renewals (excluding liquor and additional hours) put into Consent Agenda. – Motion to table the discussion until the November 13, 2018 Town Council Meeting made by Ms. Ujifusa, seconded by Dr. Ryan. Motion passed 6-0.

CORRESPONDENCE

1. Clean Ocean Access Quarterly Report.
 2. Letter of appreciation for the sea wall work in Common Fence Point.
 3. Invitation to the Newport County Branch of the National Association for the Advancement of Colored People (NAACP) 98th Annual Awards Dinner, December 8, 2018.
 4. Public notice of proposed rulemaking: Rhode Island Coastal Resources Management Program - Aquidneck Island SAMP - Coastal Development Regulations. Proposed Amendment.
 5. Public notice of proposed rulemaking: RI Coastal Resources Management Program - MetroBay SAMP – Urban Coastal Greenways. Proposed Amendment.
- Motion to receive and place on file all correspondence made by Mr. Kesson, seconded by Dr. Ryan. Motion passed 6-0.

FUTURE MEETINGS

Nov 13 6:00 PM - Town Council Meeting (Tuesday)
Nov 26 7:00 PM - Town Council Meeting
Dec 10 7:00 PM - Town Council Meeting

ADJOURN – Motion to adjourn made by Mr. Kesson, seconded by Dr. Ryan. Motion passed 6-0.

Time: 7:55

Jennifer M. West, Town Clerk