

PORTSMOUTH TOWN COUNCIL MEETING
DECEMBER 13, 2021
MINUTES

6:15 PM – Town Council Chambers, Portsmouth Town Hall, 2200 East Main Road

MEMBERS PRESENT: Kevin M. Aguiar, Keith E. Hamilton, Leonard Katzman and Andrew V. Kelly

MEMBERS ABSENT: Daniela T. Abbott, J. Mark Ryan and Linda L. Ujifusa

STAFF PRESENT: Richard Rainer, Lisa Lasky, Lisa Puglia, Kevin Gavin, Jennifer West and Barbara Ripa

OTHERS PRESENT: Mark DeSisto, Esq.

OTHERS VIA ZOOM: Peter Skwirz, Esq.

Time: 6:19 PM

EXECUTIVE SESSION – Motion to go into Executive Session under RIGL 42-46-5(a)(2) made by Mr. Hamilton, seconded by Mr. Katzman. Motion passed 4-0.

1. RIGL 42-46-5(a)(2) – Litigation: Lautieri v. Town of Portsmouth (C.A. No. 1:21-cv-00117-WES-PAS) – One vote taken.
2. RIGL 42-46-5 (a)(2) – Opioid Litigation – One vote taken.

ADJOURN – Motion to seal the minutes and return to open session made by Mr. Hamilton, seconded by Mr. Katzman. Motion passed 4-0.

Time: 6:45 PM

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

EMERGENCY EVACUATION PLAN

PLEDGE OF ALLEGIANCE

SITTING AS THE PORTSMOUTH TOWN COUNCIL

1. Roll Call

PRESIDENT’S EXECUTIVE SUMMARY – Two votes were taken.

CONSENT AGENDA – Motion to approve as presented made by Mr. Hamilton, seconded by Mr. Katzman. Motion passed 4-0.

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

SITTING AS THE BOARD OF LICENSE COMMISSIONERS – Motion to approve made by Mr. Katzman, seconded by Mr. Hamilton. Motion passed 4-0.

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. Peddler License – Mobile Food Establishment (MFE), New:

Sam’s New York System, Inc., 6 Freeborne St, Warwick, 1 vehicle (#2020)

ADJOURN – Motion to adjourn made by Mr. Hamilton, seconded by Mr. Katzman. Motion passed 4-0.

SITTING AS THE BUILDING CODE BOARD OF APPEALS – Motion to continue to the January 10, 2022 meeting made by Mr. Katzman, seconded by Mr. Hamilton. Motion passed 4-0.

1. Request clarification as to the necessity of installing a lavatory and OWTS for the structure at 3055 East Main Road as: a precedent exists for not requiring a lavatory and OWTS for public utility use buildings; Aquidneck Light’s electronics will be remotely provisioned and monitored; multiple managing members of Aquidneck Light reside in Portsmouth. / T. Pietz, Principal, Aquidneck Light

ADJOURN – Motion to adjourn made by Mr. Hamilton, seconded by Mr. Katzman. Motion passed 4-0.

MINUTES – Motion to approve all minutes made by Mr. Katzman, seconded by Mr. Hamilton. Motion passed 4-0.

11/8/21

11/22/21 & Exec.

TAX VOUCHERS – Motion to approve made by Mr. Hamilton, seconded by Mr. Katzman. Motion passed 4-0.

Request approval for Tax Vouchers #20211213-01 to #20211213-07.

TOWN ADMINISTRATOR’S REPORT

1. Rhode Island Trust safety award – As a participant in The Trust’s Trust in Safety program, Portsmouth is eligible to receive incentive funding when achieving quarterly goals. I am pleased to share that we have again been awarded \$500 for achieving our most recent Trust in Safety quarterly goals. Hats off to our Safety Committee for their continued focus on workplace safety.
2. Parks, Recreation and Open Space Master Plan update – With respect to the Parks, Recreation and Open Space Master Plan, the data collection and analysis phase is drawing to a close. We will next focus on public engagement and expect to hold two public workshops after the holidays. To learn more about the project and how to get involved, people can visit the project website via the Recreation web page or contact the Recreation Director.
3. Budget update – The budget process for FY 23 commenced earlier this fall and is now in full swing. To date: CIVIC Support requests have been received and requests are being consolidated and prepared for your review in February; the first of two Capital Improvement Workshops have been held and we will present an updated CIP for your comment, also in February; training specific to budgeting software was conducted for all Department Heads and Managers and budget updates will be entered into the system by the end of this month for follow on reviews between staff, the Finance Director, and myself over the next two months; and lastly, we will present an overarching budget brief at the joint Town Council / School Committee meeting in January.

REMOVALS, RESIGNATIONS AND APPOINTMENTS

1. Removals:

a. Mooring Assignment Appeals Committee – Motion to remove Robert Marshall and Tom Swanson made by Mr. Hamilton, seconded by Mr. Katzman. Motion passed 4-0.

b. West Side Development Advisory Committee – Motion to remove Allen Shers made by Mr. Hamilton, seconded by Mr. Katzman. Motion passed 4-0.

2. Resignations:

- a. Aquidneck Island Planning Commission – Motion to accept Sara Churgin’s resignation with regret made by Mr. Hamilton, seconded by Mr. Katzman. Motion passed 4-0.
- b. Economic Development Committee – Motion to accept Nancy Howard’s resignation with regret made by Mr. Katzman, seconded by Mr. Hamilton. Motion passed 4-0.
- c. Planning Board – Motion to accept Guy Bissonnette’s resignation with regret made by Mr. Hamilton, seconded by Mr. Kelly. Motion passed 4-0.
- d. West Side Development Advisory Committee – Motion to accept Tom Vadney’s resignation with regret made by Mr. Katzman, seconded by Mr. Hamilton. Motion passed 4-0.

3. Appointments:

- a. Aquidneck Island Planning Commission – Motion to appoint Theodore Pietz made by Mr. Katzman, seconded by Mr. Hamilton. Motion passed 4-0.
- b. Economic Development Committee – Motion to appoint Richard Hood made by Mr. Hamilton, seconded by Mr. Kelly. Motion passed 4-0.
- c. Juvenile Hearing Board – Motion to appoint Michael Allen made by Mr. Hamilton, seconded by Mr. Katzman. Motion passed 4-0.
- d. Mooring Assignment Appeals Committee – Motion to appoint David Gleason and Tom Grieb made by Mr. Hamilton, seconded by Mr. Katzman. Motion passed 4-0.
- e. West Side Development Advisory Committee – Motion to appoint Tom Grieb made by Mr. Hamilton, seconded by Mr. Katzman. Motion passed 4-0.
- f. Bristol Ferry Town Committee (Re-Appt.) – Motion to reappoint Mary Beth Smith and Larry Walsh made by Mr. Hamilton, seconded by Mr. Katzman. Motion passed 4-0.
- g. Harbor Commission (Re-Appt.) – Motion to reappoint Robert Drake made by Mr. Hamilton, seconded by Mr. Katzman. Motion passed 4-0.
- h. Tree Commission (Re-Appt.) – Motion to reappoint Scott Wheeler made by Mr. Hamilton, seconded by Mr. Katzman. Motion passed 4-0.
- i. West Side Development Advisory Committee – Motion to reappoint Cynthia Andreola made by Mr. Katzman, seconded by Mr. Hamilton. Motion passed 4-0.

NEW BUSINESS (Discussion/Action)

- 1. Request to have the Polar Dive 2022 Annual Fundraiser for Island Park, to include 384 pallets as a heat signature, on January 1, 2022 on Island Park beach north of Boyd’s Lane. – Motion to approve made by Mr. Hamilton, seconded by Mr. Kelly. Motion passed 4-0.
- 2. Update on Stone Bridge & Teddy’s Beach. – No votes taken.
- 3. Request a Waterways Analysis and Management System (WAMS) study from the U.S. Coast Guard to lay out and establish Portsmouth Fairways. – Motion to approve having the Planning Department or the Harbor Master request the study made by Mr. Katzman, seconded by Mr. Hamilton. Motion passed 4-0.
- 4. Request a temporary moratorium on medium and large ground-mounted solar energy systems. – Motion to approve made by Mr. Katzman, seconded by Mr. Hamilton. Motion passed 4-0.

TOWN OF PORTSMOUTH, RI
Ordinance # 2021-12-13

**TEMPORARY MORATORIUM ON MEDIUM AND LARGE
GROUND-MOUNTED SOLAR ENERGY SYSTEMS**

Be it ORDAINED by the Town Council of the Town of Portsmouth:

Section 1. Legislative Findings and Intent

- A. On December 14, 2020, the Town Council enacted Ordinance # 2020-12-14, which amended the Portsmouth Zoning Ordinance to provide for the regulation of Solar Energy Systems (SES) in the Town of Portsmouth (the “Solar Ordinance”), effective retroactively to May 11, 2020.
- B. Since the Solar Ordinance went into effect, the Town has experienced an influx of applications for the development and installation of ground-mounted SES.
- C. On November 8, 2021, the Town Council enacted Ordinance # 2021-11-8, which amended certain provisions of the Solar Ordinance with regard to the location, minimum setbacks, and site design requirements for medium and large SES.
- D. The Town Council finds that the provisions of the Solar Ordinance may need further amendments to provide for more detailed and rigorous standards for the siting and approval of ground-mounted SES, which have the potential for serious adverse impacts on the environment and on surrounding properties and neighborhoods.
- E. The Town Council has determined that a six (6)-month moratorium on new applications for medium and large ground-mounted SES is necessary, in order for the Town to further study and evaluate the provisions of the existing Solar Ordinance, to determine whether further amendments are appropriate to address concerns pertaining to the existing Ordinance, and to protect the public health, safety and welfare of the residents of Portsmouth.

Section 2. Moratorium

- A. The Town of Portsmouth hereby declares and imposes a moratorium effective immediately for a period of six (6) months on the acceptance, processing and/or approval of any application for a medium or large ground-mounted SES pursuant to the Solar Ordinance.
- B. This moratorium shall not, however, apply to any pending application before the Portsmouth Planning Board for which a certification of completeness has been issued pursuant to the provisions of the Portsmouth Land Development and Subdivision Regulations.

Section 3. This Ordinance shall take effect upon passage.

**ADOPTED BY TOWN COUNCIL
ACTION ON: December 13, 2021**

Jennifer M. West, Town Clerk

- 5. Request approval to purchase a new Elgin Pelican street sweeper for \$248,055. – Motion to approve made by Mr. Hamilton, seconded by Mr. Katzman. Motion passed 4-0.
- 6. Request approval to purchase a new KME Severe Service fire engine for \$596,196. – Motion to approve made by Mr. Hamilton, seconded by Mr. Katzman. Motion passed 4-0.
- 7. Request to accept proposal for actuarial and budgeting software. – Motion to continue to the January 10, 2022 meeting made by Mr. Hamilton, seconded by Mr. Kelly. Motion passed 4-0.
- 8. Request to use CIP contingency funds for repairs of Glen Farm icehouse. – Motion to approve not to exceed \$50,000 made by Mr. Kelly, seconded by Mr. Hamilton. Motion passed 4-0.
- 9. Request to advertise for School Committee replacement. – Motion to approve to advertise twice with a deadline of January 4, 2022 at 12:00 pm made by Mr. Hamilton, seconded by Mr. Katzman. Motion passed 4-0.
- 10. State Legislative Priorities – procedure and time table. – The Council will discuss their priorities at the Jan. 10th meeting to present them at the Jan. 24th meeting. No votes taken.

CORRESPONDENCE – Motion to receive and place on file made by Mr. Hamilton, seconded by Mr. Katzman. Motion passed 4-0.

- 1. Monthly RIRRC Report. / Rhode Island Resource Recovery Corp.
- 2. Resolution to consider a change to RIGL 16-7-40 (c) and (d). / North Smithfield School Comm.
- 3. Portsmouth Water and Fire District Quarterly Financials. / N. J. Larsen, Senior Accountant
- 4. Five-year approval for the Town of Portsmouth Harbor Management Plan. / J. Willis, CRMC
- 5. Request to start contract negotiations on behalf of the Fire Fighter Civilian Dispatchers, Local

- 1949, International Association of Fire Fighters, AFL-CIO./ H. Tighe, President, Fire Fighter's Local 1949, IAFF (5)
6. Request to start contract negotiations on behalf of Portsmouth Fire Fighters, Local 1949, International Association of Fire Fighters, AFL-CIO. / H. Tighe, President, Fire Fighter's Local 1949, IAFF (5)

FUTURE MEETINGS

Dec 27 Cancelled
Jan 10 7:00 PM - Town Council Meeting
Jan 24 7:00 PM - Town Council Meeting

ADJOURN – Motion to adjourn made by Mr. Kelly, seconded by Mr. Hamilton. Motion passed 4-0.

Time: 8:11 PM

Jennifer M. West, Town Clerk