

PORTSMOUTH TOWN COUNCIL MEETING
October 28, 2013

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

Members Present: James A. Seveney, John F. Blaess, David M. Gleason,
Keith E. Hamilton, Mary Donohue Magee, and Elizabeth A. Pedro

Members Absent: Michael A. Buddemeyer

PLEDGE OF ALLEGIANCE

A moment of silence was observed for our men and women around the world in harm's way.

SITTING AS THE PORTSMOUTH TOWN COUNCIL

PROCLAMATION PRESENTATION – None

PORTSMOUTH POLICE DEPARTMENT – SWEARING IN CEREMONY

- Administrative Lieutenant William Burns
- Detective Lieutenant Alberto Bucci
- Lieutenant Anthony Cambrola
- Sergeant Scott Travers
- Detective Sergeant Michael Arnold
- Detective Inspector Mark Mooney
- Detective Inspector Michael Morse

Town Clerk, Joanne Mower, administered the Oath of Office to the Police Officers listed above.

CONSENT AGENDA – None

SITTING AS THE BOARD OF LICENSE COMMISSIONERS

Mr. Gleason recused himself from the Pennfield School licenses.

ENTERTAINMENT LICENSE WITH FEE WAIVER

1. Pennfield School, 110 Sandy Point Ave. (Fine Arts Sale and Preview Party, November 8-9, 2013)

A motion by Mr. Hamilton, seconded by Mr. Blaess, to approve the Entertainment License with fee waiver for Pennfield School. All voted in favor of the motion.

VICTUALLER LICENSE WITH FEE WAIVER

1. Pennfield School, 110 Sandy Point Ave. (Fine Arts Sale Cornucopia, November 8-9, 2013)

A motion by Mr. Hamilton, seconded by Mr. Blaess, to approve the Victualler License with fee waiver for Pennfield School. All voted in favor of the motion.

F LIQUOR LICENSE

1. Pennfield School, 110 Sandy Point Ave. (Preview Party for Cornucopia, November 8, 2013, 6:00-8:00 PM)

A motion by Mr. Hamilton, seconded by Mr. Blaess, to approve the F Liquor License for Pennfield School. All voted in favor of the motion.

HEARING - ANNUAL LICENSE RENEWALS

Liquor Licenses

Class A

Allen's Wine & Spirits, Inc., 3001 East Main Road
Ferreira's Package, Inc. d/b/a Ferreira's Package, 1965 East Main Road
Om Sai, Inc. d/b/a Portsmouth Wine and Spirits, 1557 West Main Road

A motion by Ms. Magee, seconded by Mr. Hamilton, to approve the Class A Liquor License renewals as listed. All voted in favor of the motion.

Class BH/BT

Roger Williams University, 144 Anthony Road

A motion by Mr. Gleason, seconded by Ms. Magee, to approve the Class BH/BT Liquor License renewal as listed. All voted in favor of the motion.

Class BV

Fieldstones, LLC d/b/a Fieldstones, 980 East Main Road
Green Valley Country Club, 371 Union Street
SDT Enterprises, LLC d/b/a Melville Grille, 1 Lagoon Road
Scampi, Inc. d/b/a Scampi, 657 Park Avenue
Sean Smith d/b/a Smith Harbor House, LLC, 15 Point Road
Tiverton Management Corp. d/b/a Tremblay's Island Park Café, 514 Park Avenue

A motion by Ms. Pedro, seconded by Mr. Gleason, to approve the Class BV Liquor License renewals as listed. All voted in favor of the motion.

Class D

Álvaro E. Vieira Memorial Post Home, Inc., VFW Post 5390, 822 Anthony Road
Montaup Country Club d/b/a Montaup Country Club, 500 Anthony Road
Portsmouth Portuguese American Citizens Club d/b/a Portsmouth Portuguese American Citizens Club, 35 Power Street
Seaconnet Sportsman's Club d/b/a Seaconnet Sportsman's Club, 145 Sakonnet Drive

A motion by Mr. Gleason, seconded by Ms. Magee, to approve the Class D Liquor License renewals as listed. All voted in favor of the motion.

Sunday Sales Licenses

Allen's Wine & Spirits, Inc., 3001 East Main Road
Ferreira's Package Store, Inc. d/b/a Ferreira's Package Store, 1965 East Main Rd.
Om Sai, Inc. d/b/a Portsmouth Wine and Spirits, 1557 West Main Road

A motion by Ms. Magee, seconded by Mr. Gleason, to approve the Sunday Sales License renewals as listed. All voted in favor of the motion.

Victualler Licenses

Álvaro E. Vieira Memorial Post Home, Inc., VFW Post 5390, 822 Anthony Road
Beluga Fro Yo, LLC d/b/a Beluga Frozen Yogurt, 2005 East Main Road
JCO Enterprises, LLC d/b/a Carmella's Pizzeria, 3001 East Main Road
Chase Deli & Pizza Plus, Inc. d/b/a Chase Deli & Pizza Plus, 108 Chase Road
Chris & Sofia Stefanopoulos d/b/a Chris's Diner, 1824 East Main Road
Clements Marketplace, Inc. d/b/a Clements Marketplace, 2575 East Main Road
Cumberland Farms, Inc. d/b/a Cumberland Farms #1218, 1812 East Main Road
Cumberland Farms, Inc. d/b/a Cumberland Farms # 1237, 3166 East Main Road
Aquidneck Donuts, Inc. d/b/a Dunkin Donuts, 1550 West Main Road
Portsmouth Donuts d/b/a Dunkin Donuts, 3001 East Main Road
Fieldstones LLC d/b/a Fieldstones, 980 East Main Road
Smith Harbor House, LLC d/b/a 15 Point Road, 15 Point Road
Food Works Inc. d/b/a Food Works Restaurant, 2461 East Main Road
The Green Grocer, Inc. d/b/a The Green Grocer, 934 East Main Road
Green Valley Country Club, Inc. d/b/a Green Valley Country Club, 371 Union Street
3302 Holdings LLC d/b/a Irving Gas @ 3302, 3302 East Main Road
SDT Enterprises, LLC d/b/a Melville Grille, 1 Lagoon Road
Drake Petroleum Co., Inc. d/b/a Melville Xtra Mart, 1568 W. Main Rd. with Extended Hours
Montaup Country Club d/b/a Montaup Country Club, 500 Anthony Road
Peter A. Kronos d/b/a Montaup Grille, 500 Anthony Road
New China Garden, Inc. d/b/a New China Garden, 3288 East Main Road
Cora Zhang d/b/a New China Gourmet, 3001 East Main Road
Newport Dinner Train d/b/a Newport Dinner Train, 56 Bridge Street, Newport, RI
The North End Pizzeria d/b/a The North End Pizzeria, 3030 East Main Road
Portsmouth Portuguese American Citizens Club d/b/a Portsmouth Portuguese American Citizens Club, 35 Power Street

Lori Cubellis d/b/a Prudence Variety, 0837 Narragansett Ave., Prudence Island
 Reidy's Restaurant Corp. d/b/a Reidy's Restaurant, 3351 East Main Road
Roger Williams University, 144 Anthony Road
 Scampi, Inc. d/b/a Scampi, Inc., 657 Park Avenue
 Schultzy's Snack Shack, Inc. d/b/a Schultzy's Snack Shack, 346 Park Avenue
 Seaconnet Sportsman's Club d/b/a Seaconnet Sportsman's Club, 145 Sakonnet Drive
 F & T Pizzeria, LLC d/b/a Steve's Famous Pizza, 2460 East Main Road
 JDDS Enterprises, Inc. d/b/a Subway, 8 Russo Road
 RySav, Inc. d/b/a Subway, 2005 East Main Road
 Tiverton Management Corp. d/b/a Tremblay's Café, 514 Park Avenue

A motion by Mr. Hamilton, seconded by Ms. Magee, to approve the Victualler License renewals as listed. All voted in favor of the motion.

Amusement Games

Games

- 2 Portsmouth Portuguese American Citizens Club d/b/a Portsmouth Portuguese American Citizens Club, 35 Power Street

A motion by Mr. Hamilton, seconded by Ms. Magee, to approve the Amusement Games License renewal as listed. All voted in favor of the motion.

Peddler Licenses

Castaway Gourmet, LLC d/b/a Castaway Gourmet, 60 Selina Lane – 1 vehicle
 Longade, LLC d/b/a Del's Lemonade, 729 West Main Road, Middletown – 2 vehicles
 Greg Doyle's Canteen d/b/a Greg Doyle's Canteen, 4 Dolly Drive, Bristol, RI – 1 vehicle
 Grillmasters, LLC d/b/a Grillmasters, 20 Baldwin Road – 1 vehicle
 Palagis 2000 Inc. d/b/a Palagis Ice Cream, 55 Bacon St., Pawtucket, RI – 1 vehicle

A motion by Mr. Gleason, seconded by Mr. Hamilton, to approve the Peddler License renewals as listed. All voted in favor of the motion.

Holiday Licenses

Byron & Gina Rymer d/b/a All Island Landscape, 2829 East Main Road
 Margaret H. Stevenson d/b/a The Anchorage, Governor Paine Road, Prudence Island
 Rhode Island CVS Pharmacy, LLC d/b/a CVS/Pharmacy #2358, 10 Turnpike Avenue
 at East Main Road
 Denys Eftekhar d/b/a Cory Farms Past & Presents, 3124 East Main Road
 Mad Marc, Inc. d/b/a Domina's Agway, 1348 East Main Road
 Eagle's Nest Antique Center d/b/a Eagle's Nest Antiques, 3101 East Main Road
 Green Valley Country Club, Inc. d/b/a Green Valley Country Club, 371 Union Street
 Greenvale Vineyards d/b/a Greenvale Vineyards, 582 Wapping Road
 Island Garden Shop, Inc. d/b/a Island Garden Shop, Inc., 54 Bristol Ferry Road
 Island Gun Shop, Inc. d/b/a Island Gun Shop, Inc., 1678 East Main Road, Unit 17
 Drake Petroleum Co., Inc. d/b/a Melville Xtra Mart, 1568 West Main Road

Pink Pineapple, 106 Clock Tower Square
GE Supply, LLC d/b/a Portsmouth Ace Hardware, 3001 East Main Road
The Portsmouth Shop d/b/a The Portsmouth Shop, 2511 East Main Road
Lori Cubellis d/b/a Prudence Variety, 0837 Narragansett Ave., Prudence Island
Maxi Drug South, Inc. d/b/a Rite Aid #10232, 3034 East Main Road
Maxi Drug South, Inc. d/b/a Rite Aid #10233, 2456 East Main Road
Shoepart d/b/a Shoepart, 102 Clock Tower Square

A motion by Mr. Hamilton, seconded by Mr. Gleason, to approve the Holiday License renewals as listed. All voted in favor of the motion.

Gunsmith/Gun Dealer

William G. Lapointe d/b/a Cottrell & Lapointe, William & Philip, 192 Narragansett Blvd.
Island Gun Shop, Inc. d/b/a Island Gun Shop, Inc., 1678 East Main Road, Unit 17

A motion by Mr. Hamilton, seconded by Ms. Pedro, to approve the Gunsmith/Gun Dealer License renewals as listed. All voted in favor of the motion.

Private Detective

Charles N. Morin d/b/a Chenega Security, CSPA, 142 Viking Drive
George Popovici d/b/a American Safety, 85 Stonegate Drive

A motion by Mr. Hamilton, seconded by Ms. Magee, to approve the Private Detective License renewals as listed. All voted in favor of the motion

MOTION TO CONTINUE HEARING TO TUESDAY, NOVEMBER 12, 2013

A motion by Mr. Hamilton, seconded by Ms. Pedro, to continue the hearing to Tuesday, November 12, 2013. All voted in favor of the motion.

PRESIDENT'S EXECUTIVE SUMMARY

President Seveney reported that an Executive Session was held after the October 15, 2013, meeting for the purpose of discussing negotiations for the Police and DPW. No votes were taken.

MINUTES – TCM 10/15/13 and Exec.

A motion by Mr. Hamilton, seconded by Ms. Magee, to approve the 10/15/13 Public and Executive Session minutes. All voted in favor of the motion.

BILLS

A motion by Mr. Hamilton, seconded by Ms. Magee, to pay all just and due bills in the amount of \$757,727.07. All voted in favor of the motion.

TOWN ADMINISTRATOR'S REPORT

1. Campground RFP: Mr. Klimm reported that an RFP has been issued for Melville Campground, as there is concern regarding the amount of revenue the campground generates. Mr. Klimm is pursuing an operational audit.
2. DEM New Grant Program for Open Space Acquisition and/or Recreation Development: Mr. Klimm reported that DEM has announced a grant program for two grants: acquisition for development of outdoor recreation facilities for up to \$400,000; and traditional recreation development for up to \$100,000. Mr. Klimm has been in regular communication with Chuck Allott of the Aquidneck Land Trust for input, and he is asking the Open Space Committee for their input. We could apply for funding for improvement of the Elmhurst property. The application deadline is November 29th.
3. Harvard Kennedy School of Government Senior Executive Education – “Creating Collaborative Solutions: Innovations in Governance:” Mr. Klimm reported that he attended this seminar last week at no cost to the Town.
4. Wastewater Management Plan and DEM Notice of Violation Update: Mr. Klimm reported that Gary Crosby submitted a comprehensive community plan, but DEM hasn't responded. Upon Mr. Gleason's statement that we move forward with hiring a Wastewater Management District Manager, Mr. Klimm reported that we will put the ad out in the next few days.

APPOINTMENTS AND RECOGNITIONS

1. Request for Appointments

- a. Elmhurst Committee (1)

A motion by Mr. Hamilton, seconded by Ms. Magee, to re-appoint Andrew Kelly to the Elmhurst Committee. The motion carried 5-1, with Ms. Pedro opposed.

- b. Portsmouth Redevelopment Agency (1)

A motion by Mr. Hamilton, seconded by Mr. Blaess, to re-appoint David S. MacBain to the Portsmouth Redevelopment Agency. All voted in favor of the motion.

375TH ANNIVERSARY CELEBRATION UPDATE

Doug Smith reported that the 375th celebration will soon be coming to an end. The Veterans Day Ceremony will be held on November 11th; Jim Garman will give an historical lecture on Portsmouth Coal Mines on November 12th; and the Portsmouth Business Association will hold a 3.75 Mile Road Race in Common Fence Point on November 16th. Mr. Smith encouraged everyone to attend the Polar Dive at the Island Park Seawall on December 31st. A bon fire will be held after the dive. A pledge form will be available and given to the Town Council members.

Mr. Smith reported that the four Portsmouths involved in the 375th Celebration are all located on the Atlantic Ocean, and volunteers are in the process of developing the "Portsmouth Atlantic Compact." A website will also be developed. Portsmouth High School Art Teacher, Rose Escobar, is assisting with the arts program which will show results across the four Portsmouths.

A framed plaque of the four Portsmouth town pins, the 375th ornament, and the invitation to the Gala, was presented to the Town Council to hang at the Town Hall for the public to see.

Mr. Gleason stated that he is personally donating part of his Council salary to purchase 375th logo plaques to put on the oldest houses around town. If anyone is interested, they should contact Mr. Gleason.

OLD BUSINESS

OB1 – School Department Infrastructure Improvements (Turf, Field, Track, Tennis Courts):

a. Request to Use Available Impact Fees

Mr. Croston stated that \$650,000 in private donations have been raised for athletic facility upgrades. The School Committee is requesting \$285,000 in impact fees and a budget increase of \$2,500,000. They will get 40 percent reimbursement of the \$750,000 for the fire code upgrades to Hathaway School and up to 40 percent of \$350,000 for upgrades to the Portsmouth High School tennis courts. The \$650,000 is off the table as of June if we don't break ground.

A motion by Mr. Hamilton, seconded by Ms. Magee, to approve the use of \$285,000 of impact fees. All voted in favor of the motion.

b. Request Adjustment of FY14 School Budget

A motion by Mr. Hamilton, seconded by Ms. Magee, to approve adjustment of FY14 school top line budget by \$2,500,000.

A motion to amend by Mr. Gleason, seconded by Ms. Pedro, that we vote individually on the Hathaway fire code upgrades, track rebuilding, and tennis court renovation. The motion to amend failed 2-4, with President Seveney, Mr. Blaess, Ms. Magee, and Mr. Hamilton opposed.

The main motion carried 4-2, with Mr. Gleason and Ms. Pedro opposed.

OB2 – Request Council Endorsement of Prudence Island Planning Commission Letter, and Request Authorization to include it as a Portion of the Town's Written Testimony to the Division of Public Utilities and Carriers regarding Operation of Ferry Service to Prudence Island:

Mr. Crosby stated that a hearing will be held tomorrow with the Public Utilities and Carriers. The Solicitor has filed a motion to intervene, so the Town can participate in the hearing as an interested party. Mr. Crosby attended the Prudence Island Planning Commission meeting on October 19, 2013, to obtain input regarding ferry service; and a letter was produced from that meeting. Mr. Crosby asked the Town Council to endorse the letter and authorize him to include it as testimony at the PUC hearing.

- a. Petition of Prudence Island Ferry Passengers to Support Continued Operations of Prudence Ferry, Inc. (the current ferry service), and Request for Discussion

Eric Leite, Senior Captain for Prudence Ferry for over 20 years, addressed the comments in the PIPC's letter.

Steve Antaya, President of A&R Marine, spoke on behalf of his company's efforts to provide ferry service.

A motion by Mr. Hamilton, seconded by Ms. Magee, to direct Mr. Crosby to enter the PIPC's letter into evidence at tomorrow's hearing. All voted in favor of the motion.

NEW BUSINESS

NB1 – Police Department Promotional Appointments: *See Swearing In Ceremony above.*

NB2 – Request to Award Contract for Fire Station Renovations

A motion by Mr. Hamilton, seconded by Ms. Pedro, to award the contract for Fire Station renovations to Martone Service Company, Inc. for \$152,825. All voted in favor of the motion.

NB3 – Request for Council Approval of a Transfer Station Sticker Fee for 2014:

A motion by Mr. Hamilton, seconded by Mr. Blaess, to approve the transfer station sticker fee for 2014 in the amount of \$130. All voted in favor of the motion.

NB4 – Request for Denial of Claim and Referral to Insurer

A motion by Mr. Hamilton, seconded by Ms. Pedro, to deny the claim and refer to insurer. All voted in favor of the motion.

NB5 – September Revenue/Expenditure Reports for FY 2013-14

A motion by Mr. Hamilton, seconded by Ms. Magee, to receive and place on file. All voted in favor of the motion.

NB6 – Quarterly Financial Report for the Period Ended 9/30/13. Division of municipal finance requires that this report be presented (Town and School).

A motion by Mr. Hamilton, seconded by Mr. Blaess, to receive and place the report on file.
All voted in favor of the motion.

NB7 – Request Approval of Tax Vouchers #20131028-01 to #20131028-12

A motion by Mr. Hamilton, seconded by Ms. Magee, to approve Tax Vouchers #20131028-01 to #20131028-12. All voted in favor of the motion.

Mr. Klimm requested that “Tax Vouchers” be moved up near the Bill section of the agenda in the future.

A motion by Ms. Pedro, seconded by Mr. Gleason, to move this item to earlier in the agenda near the Bill section. All voted in favor of the motion.

CORRESPONDENCE – None

FUTURE MEETINGS

Oct. 29 – 6:30 PM – Town Council Meeting – Request Additional Funding for Mothballing of the Former Elmhurst School Chapel

Nov. 4 – 7:00 PM – Joint Town Council/School Committee Workshop – Committee Report on Consolidation of School/Municipal Finance and Human Resources.

Nov. 12 (Tues.) – 7:00 PM – Town Council Meeting and Continuation of Annual Liquor License Renewal Hearing

Nov. 23 (Sat.) – 9:00 AM – Executive Session – RIGL 42-46-5(a) (1) Personnel. Such person(s) will be notified in writing and advised that they may request that such discussion be held at an open meeting.

10:00 AM – Town Council Review of FY13; Goal Setting for 2014, including Town Administrator Goals (follow-up from Performance Review)

Nov. 25 – 7:00 PM – Town Council Meeting

Dec. 9 – 7:00 PM – Joint Town Council/School Committee Meeting with General Assembly Representatives on Legislative Priorities for 2014

EXECUTIVE SESSION

RIGL 42-46-5(a)(2) Pending Litigation – Wastewater/DEM Notification of Violation

RIGL 42-46-5(a)(1) Personnel – Assessment of Municipal Court Judge Applicants

RIGL 42-46-5(a)(2) Negotiations – Police and DPW

A motion by Mr. Hamilton, seconded by Mr. Gleason, to move into Executive Session pursuant to RIGL 42-46-5(a)(2) Pending Litigation – Wastewater/DEM Notification of Violation; RIGL 42-46-5(a)(1) Personnel – Assessment of Municipal Court Judge Applicants; and RIGL 42-46-5(a)(2) Negotiations – Police and DPW. All voted in favor of the motion.

TIME: 9:11 PM

RETURN TO OPEN SESSION

TIME: 10:16 PM

OPEN SESSION

President Seveney reported that the Council discussed pending litigation regarding the Wastewater/DEM Notification of Violation; the assessment of Municipal Court Judge applicants; and DPW negotiations. No votes were taken.

A motion by Mr. Blaess, seconded by Ms. Magee, to adjourn the meeting. All voted in favor of the motion.

TIME: 10:18 PM

ADJOURN

Joanne M. Mower, Town Clerk