

PORTSMOUTH TOWN COUNCIL MEETING  
MARCH 28, 2022  
MINUTES

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

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

STAFF PRESENT: Richard Rainer, Paul Ford, Lisa Lasky, Lisa Puglia, Ray McKenna

PRESENT VIA ZOOM: Michael Ursillo Esq.

Time: 6:17 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 6-0.

1. RIGL §42-46-5 (a)(2) Negotiations – Fire Department – No votes taken

Time: 6:23 PM – Andrew V. Kelly arrives

ADJOURN – Motion to seal the minutes and return to Open Session made by Mr. Hamilton, seconded by Dr. Ryan. Motion passed 7-0.

Time: 7:04 PM

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

Time: 7:08 PM

EMERGENCY EVACUATION PLAN  
PLEDGE OF ALLEGIANCE  
SITTING AS THE PORTSMOUTH TOWN COUNCIL

1. Roll Call

PRESIDENT’S EXECUTIVE SUMMARY – Executive Session held prior to the meeting. There were no votes taken.

CONSENT AGENDA – Motion to approve as presented made by Mr. Hamilton, seconded by Dr. Ryan. Motion passed 7-0.

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
2. Peddler License – Mobile Food Establishment (MFE), Renewal:  
Pit Stop RM Inc., 38 Luby Avenue, Milford, MA, 1 vehicle (#2053)

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. Class F Daily Liquor License:

St. Barnabas Church, Annual Festival, 1697 East Main Rd, June 17-19, 2022 (#2049)

2. Entertainment License:

St. Barnabas Church, Annual Festival, 1697 East Main Rd, June 17-19, 2022 (#2049)

3. Victualler License – Specific Event with Fee Waiver Request:

St. Barnabas Church, Annual Festival, 1697 East Main Rd, June 17-19, 2022 (#2050)

– Motion to approve all three licenses for St. Barnabas Church made by Dr. Ryan, seconded by Mr. Katzman. Motion passed 7-0.

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

Cluck Truck LLC, 256 Maple Ave, Newport, 1 vehicle (#2051) – Motion to approve made by Mr. Hamilton, seconded by Dr. Ryan. Motion passed 7-0.

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

MINUTES – Motion to approve the minutes for both March 7 and 14 made by Mr. Hamilton, seconded by Dr. Ryan. Motion passed 7-0.

3/7/22

3/14/22

TOWN ADMINISTRATOR’S REPORT

1. Town Planner retirement and Assistant Town Planner resignation – After 18 years of working for Portsmouth, our Town Planner, Gary Crosby, has announced his intent to retire at the end of the fiscal year on June 30th. I would like to thank Gary for his dedicated service to the community.

Additionally, our Assistant Town Planner, Michel Asciola, has accepted a City Planner position in Dover, New Hampshire. This transition moves him closer to his son and fiancé, and I wish him the best of luck as he completes 8 years of service to our Town. Both Mike and Gary will be missed. I am working closely with our HR Director to identify qualified candidates to fill their positions.

2. Facilities Manager transition – Our Facilities Manager, James Dean, has also announced he will be resigning. Jim will be taking a position down south and establishing a home on property he owns in North Carolina. I have thoroughly enjoyed working with Jim and I wish him well in his new endeavors. We are working closely with the School Department and Aramark to identify his relief.

3. Budget update – The Finance Director and I will finalize the proposed budget this week. I will be out of the office on Friday, so our intent is to distribute the copies and post it electronically to the Finance web page by close of business on Thursday.

4. Public workshop #1 for Parks, Recreation and Open Space Master Plan – Unfortunately, the Parks, Recreation and Open Space Master Plan Workshop scheduled on March 16th had to be rescheduled due to a problem with conflicting Zoom links. The new date is April 13th, from 6:30 to 8:30 PM. We are soliciting in-person participation and the workshop will be at the Portsmouth Middle School. We are also working with Horsley Witten to enable remote participation and expect to hear this week if we can make that work.

5. Upcoming shredding, electronic waste and hard plastic collection events – There are a few Recycling Events coming up: Shredding for Portsmouth residents May 14, Clements’ Market from 9:00 to Noon; a Hard Plastic Collection for Transfer Station Sticker holders at the Hedly Transfer

Station on June 11 from 8:00 to Noon; and an Electronic Waste Collection for anyone on July 16 at the High School from 9:00 to Noon. More information can be found on the Town web page.

6. Impact Fee needs assessment study – The Town is soliciting proposals from qualified consultants to conduct an Impact Fee Needs Assessment Study and updated impact fee schedule based on demand for new and additional services on Town Government resulting from new development. This report is now required every five years in accordance with RIGL. Our goal is to have a draft report presented to the Council on June 13th, and adoption of the final report by the Council on Jun 27th.

7. RI Interlocal Risk Management Trust Loss Prevention awards – The RI Interlocal Trust held its annual Loss Prevention Awards Luncheon on March 16th. Portsmouth was specifically recognized and I would like to congratulate Paul Rodrigues, our Deputy Public Works Director, and Jacquie Schulz, our Registrar of Voters, for the special recognition they received for their efforts in creating and maintaining a safe work environment for all Town employees.

### RESIGNATIONS AND APPOINTMENTS

1. Resignation:

a. Planning Board – Motion to accept with regret Seth Pilotte’ s resignation made by Mr. Hamilton, seconded by Mr. Katzman. Motion passed 7-0.

2. Appointments:

a. Conservation Commission (Re-Appt.) – Motion to reappoint David Reise made by Mr. Hamilton, seconded by Mr. Katzman. Motion passed 7-0.

b. Glen Manor House Authority (Re-Appt.) – Motion to reappoint Patty Cofield made by Mr. Hamilton, seconded by Ms. Ujifusa. Motion passed 7-0.

### OLD BUSINESS (Discussion/Action)

1. Request acceptance of Windrock Circle as a public road and release of road bond. – Motion to approve made by Mr. Hamilton, seconded by Mr. Katzman. Motion passed 7-0.

2. Monthly Finance Report. – Motion to approve as presented made by Mr. Hamilton, seconded by Mr. Katzman. Motion passed 7-0.

### NEW BUSINESS (Discussion/Action)

1. Update on the Mt. Hope Bridge. – No votes taken.

2. Resolution in opposition to Rhode Island 2022 HB 6638 and SB 2340 Zoning Ordinances – Prohibits Single-Family Residential Zoning in Municipalities with Populations Over Twenty Thousand. – Motion to table until April 11, 2022 with suggested changes to be made by Mr. Hamilton, seconded by Ms. Ujifusa. Motion passed 7-0.

3. Resolution Requesting and Supporting Legislation to Expand the Jurisdiction of the Portsmouth Municipal Court. – Motion to approve made by Mr. Kelly, seconded by Ms. Ujifusa. Motion passed 7-0.

TOWN OF PORTSMOUTH, RI  
RESOLUTION # 2022-03-28

#### RESOLUTION REQUESTING AND SUPPORTING LEGISLATION TO EXPAND THE JURISDICTION OF THE PORTSMOUTH MUNICIPAL COURT

WHEREAS: In 2013, the R.I. General Assembly enacted R.I. Gen. Laws § 45-2-62 (P.L. 2013, ch. 98, § 1; P.L. 2013, ch. 108, § 1), enabling and authorizing the Town of Portsmouth to establish a municipal court and confer upon the court original jurisdiction to hear and determine causes involving the violations of town ordinances; and

WHEREAS: Pursuant to said enabling authority, the Town of Portsmouth enacted Ordinance No. 2013-08-26B, codified in Chapter 12 of the Portsmouth Code of Ordinances, establishing the Portsmouth Municipal Court; and

WHEREAS: the current enabling authority granted by R.I. Gen. Laws § 45-2-62 does not include jurisdiction to hear and determine causes involving violations of the Rhode Island State Building Code, R.I. General Laws Chapter 23-27.3; and

WHEREAS: At the request of the Portsmouth Town Council, Portsmouth's legislative delegation has introduced legislation, 2022 S 2391 and 2022 H 7512, which would enable and authorize the Town of Portsmouth to establish a municipal court and municipal housing court having jurisdiction which would include the jurisdiction to hear and determine matters involving violations of the State Building Code; and

WHEREAS: The General Assembly has enacted similar statutes in recent years conferring such enabling authority and jurisdiction to other Rhode Island municipalities;

NOW, THEREFORE, BE IT RESOLVED, that the Portsmouth Town Council hereby requests and urges the Rhode Island General Assembly to pass and enact Senate Bill S 2391 and House Bill H 7512, to allow the establishment of a municipal court and housing court having the expanded jurisdiction that would include jurisdiction over matters involving violations of the State Building Code.

Adopted this 28th day of March 2022.

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Kevin M. Aguiar, President  
Portsmouth Town Council

ATTEST: \_\_\_\_\_  
Jennifer M. West, Town Clerk

**CORRESPONDENCE** – Motion to receive and place on file made by Dr. Ryan, seconded by Mr. Katzman. Motion passed 7-0.

1. Resolution in Opposition to Senate Bill S-2244 and House Bill H-7198 Municipal Employees' Arbitration. / Woonsocket City Council
2. Resolution in Support of Legislation on Controlling Blasting. / Charlestown Town Council
3. Resolution in Support of H-7427 Related To Health And Safety – Continued Access To Vital Records For Cities And Towns. / Pawtucket City Council
4. Portsmouth Water and Fire District notification of the Public Fire Protection Charge set for FY-22. / J. Lynch, P.E., General Manager and Chief Engineer, Portsmouth Water and Fire District

**FUTURE MEETINGS**

- Apr 04 7:00 PM – Town Council Comprehensive Plan Public Hearing
- Apr 11 7:00 PM – Town Council Meeting
- Apr 25 7:00 PM – Town Council Meeting
- Apr 26 7:00 PM – Town Council Meeting – Budget
- Apr 27 7:00 PM – Town Council Meeting – Budget
- Apr 28 7:00 PM – Town Council Meeting – Budget if needed
- May 9 7:00 PM – Town Council Meeting

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

Time: 7:47 PM

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Jennifer M. West, Town Clerk