

PORTSMOUTH TOWN COUNCIL MEETING
APRIL 11, 2022
MINUTES

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

Time: 7:00

MEMBERS PRESENT: Kevin M. Aguiar, Daniela T. Abbott Leonard B. Katzman and Andrew V. Kelly

MEMBERS ABSENT: Linda L. Ujifusa and J. Mark Ryan

EMERGENCY EVACUATION PLAN

PLEDGE OF ALLEGIANCE

Time: 7:03 PM Keith E. Hamilton enters

SITTING AS THE PORTSMOUTH TOWN COUNCIL

1. Roll Call

PRESIDENT’S EXECUTIVE SUMMARY – There was no Executive Session held prior to the meeting. New Business number 2 Resolution in support of Rhode Island 2022 H 8055 An Act Relating To Waters And Navigation- Coastal Resources Management Council has been withdrawn from the agenda.

CONSENT AGENDA – Motion to approve as presented made by Mr. Katzman, seconded by Mr. Hamilton. Motion passed 5-0.

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), Renewals:

- a. Longade LLC d/b/a Del’s Lemonade, 729 West Main Rd, Middletown, 1 truck & 1 cart (#2063)
- b. Blount Fine Foods d/b/a Blount Clam Shack Food Truck, 383 Water St, Warren, 1 truck (#2064)
- c. Laura Sebastian d/b/a/ Atomic Blonde Ice Cream, 59 Woodmont St., Providence, 1 truck (#2067)
- d. Antonio Miranda d/b/a/ La Guaguita Del Sabor, 3 Pine Drive, Hopkinton, 1 truck (#2069)
- e. Max Reeves/ Reds Kitchen Inc d/b/a Reds Kitchen, 1314 Fall River Ave, Seekonk, MA, 1 truck (#2073)
- f. The Ish LLC, 56 Hawthorne St, North Providence, 1 truck (#2074)

3. Request from the Armenian National Committee of Rhode Island to fly the Armenian Flag on April 24, 2022. / S. Elmasian

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. Peddler License – Mobile Food Establishment (MFE), New:
 - a. Alison Rosario d/b/a JA Patty RI Catering & Events, 560 Mineral Spring Ave Unit 2136, Pawtucket, 1 vehicle (#2059) – Motion to approve made by Mr. Katzman, seconded by Mr. Hamilton. Motion passed 5-0.
 - b. Newport Creamery LLC, 35 Sockanosset Cross Road, Cranston, 1 vehicle (#2068) – Motion to approve made by Mr. Hamilton, seconded by Mr. Kelly. Motion passed 5-0.
2. Peddler License – Specific Event:

Rugby Imports, Ltd., 885 Warren Ave, East Providence, for the Beast of the East Collegiate Rugby Tournament, Gardner Seveney Sports Complex, April 23 & 24, 2022 (#2066) – Motion to approve made by Mr. Hamilton, seconded by Mr. Kelly. Motion passed 5-0.
3. Request to advertise for a Public Hearing:

Application for a Class BV Beverage License for Narragansett Bay Club Amenity, LLC d/b/a The Narragansett Bay Club, 195 Newport Harbor Drive – Motion to approve a request to advertise for a Public Hearing on May 9, 2022 made by Mr. Hamilton, seconded by Mr. Kelly. Motion passed 5-0.

ADJOURN - Motion to adjourn made by Mr. Hamilton, seconded by Mr. Kelly. Motion passed 5-0.

TAX VOUCHERS

Request approval for Tax Voucher #20220411-01. – Motion to approve Tax Voucher 20220411-01 made by Mr. Katzman, seconded by Mr. Hamilton. Motion passed 5-0.

TOWN ADMINISTRATOR'S REPORT

1. Municipal Resiliency Program (MRP) 2022 Action Grant – The RI Infrastructure Bank announced \$4.9 million in Action Grants for participants of the Municipal Resilience Program. Portsmouth is one of 20 municipalities to complete the Community Resilience Building workshops and further develop prioritized lists of actionable resilience plans and projects. As a result, Portsmouth will receive \$140K to apply towards a storm water injection facility and green infrastructure at Riverside Street and dredging at Founders Brook to remove silt and vegetation buildup to address water quality concerns and reduce flooding.
2. Budget update – After we posted the proposed budget on the 31st, the Finance Director and I were made aware the anticipated Motor Vehicle Tax revenue exceeded an amount allowable. This has never been an issue before, but recent and current events have driven motor vehicle valuations to historic highs. We therefore had to revise the proposed budget and did so in a way to keep the tax rates in line with what we originally published. The budget, with changes, was posted to the Finance web page last Friday and updated pages have been distributed to you for inclusion in your binders.
3. Public hearing for 5 potential CRMC Right of Way designations in Portsmouth – The RI Coastal Resources Management Council (CRMC) will hold a public hearing at 6:00 p.m. on Thursday, April 21, 2022 in the Planning Board Hearing Room. Parties interested in/or concerned are invited to be present and/or represented by counsel. More information is available on our website or by contacting CRMC.
4. Butts Hill Fort volunteer cleanup – The Butts Hill Forts Restoration Committee will be conducting a volunteer clearing event on Saturday, April 23, from 8:00 to 12:30. Detailed instructions will be provided to all volunteers upon arrival. The group will rent two 30 yard dumpsters and a portable toilet and will coordinate with DPW prior to the event to arrange for opening the gate and to receive advice on where to locate the dumpsters and to stack material suitable for chipping.
5. Public workshop #1 for Parks, Recreation and Open Space Master Plan – Just another reminder the Town is seeking public input on a Parks, Recreation and Open Space Master Plan. We will hold

the first of two workshops this coming Wednesday, April 13, from 6:30 to 8:30 PM at the Portsmouth Middle School. Visit the Recreation Department webpage or contact our Recreation Director, Wendy Bulk to learn more about this important project.

RESIGNATIONS AND APPOINTMENTS

1. Appointments:

- a. Board of Canvassers (Re-Appt.) – Ms. Vadney’s term is good for 6 years, no need to re-appoint at this time.
- b. Pension Investment (Re-Appt.) – Motion to re-appoint John Pope made by Mr. Hamilton, seconded by Mr. Katzman. Motion passed 5-0.

OLD BUSINESS (Discussion/Action)

1. PUBLIC HEARING: Comprehensive Community Plan, all elements.

<https://www.portsmouthri.com/DocumentCenter/View/4784/PUBLIC-REVIEW-COMP-PLAN-DRAFT-2021>

- a. Request approval of an amendment to the Code of Ordinances of the Town of Portsmouth for the adoption of the Comprehensive Community Plan.

Motion to close the Public Hearing made by Mr. Hamilton, seconded by Mr. Katzman. Motion passed 5-0.

Motion to approve an amendment to the Code of Ordinances of the Town of Portsmouth for the adoption of the Comprehensive Community Plan made by Mr. Hamilton, seconded by Mr. Katzman. Motion passed 5-0.

**TOWN OF PORTSMOUTH, RI
Ordinance # 2022-04-11A**

**AN ORDINANCE AMENDING THE TOWN CODE OF THE
TOWN OF PORTSMOUTH
PART II: GENERAL LEGISLATION**

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

Section 1. The Town Code, Part II: General Legislation is hereby amended by adding the following new chapter and sections:

Chapter 131
COMPREHENSIVE COMMUNITY PLAN

§ 131-1. Findings.

- A. The Rhode Island Comprehensive Planning and Land Use Act, Title 45, Chapter 22.2 of the State of Rhode Island, requires that all Rhode Island communities adopt a Comprehensive Plan to be in conformance with the Act.
- B. The Portsmouth Planning Board held the necessary public hearing on the plan with required advertising and forwarded the plan to the Portsmouth Town Council with a recommendation for adoption.
- C. The Portsmouth Town Council held the necessary public hearing with the required advertising.

§ 131-2. Adoption of Comprehensive Community Plan.

- A. The Comprehensive Community Plan of the Town of Portsmouth, as duly adopted and updated from time to time, and as most recently adopted by the Portsmouth Town Council on April 11, 2022, is hereby incorporated by reference in its entirety.
- B. The Comprehensive Plan shall take effect for the purpose of conforming municipal land use decisions and for the purpose of being transmitted to the Rhode Island Director of Administration for state review upon hearing and passage.
- C. The Comprehensive Plan shall not become effective for the purposes of guiding state agency actions until it is approved by the state of Rhode Island pursuant to the Rhode Island Comprehensive Planning and Land Use Act, Title 45, Chapter 22.2 of the State of Rhode Island.

Section 2. This Ordinance shall take effect upon passage.

**ADOPTED BY TOWN COUNCIL
ACTION ON April 11, 2022**

Jennifer M. West, Town Clerk

2. PUBLIC HEARING: Proposed amendment to Chapter 392 – Wastewater Management District 392-4 and 392-6. / G. Crosby

No comments made.

Motion to close the Public Hearing made by Mr. Hamilton, seconded by Mr. Katzman. Motion passed 5-0. Motion to adopt proposed amendment as presented made by Mr. Hamilton, seconded by Mr. Katzman. Motion passed 5-0.

**TOWN OF PORTSMOUTH, RI
Ordinance # 2022-04-11 B**

**AMENDMENT TO THE WASTEWATER MANAGEMENT DISTRICT
ORDINANCE (#2015-09-21)**

BE IT ORDAINED by the Town Council of the Town of Portsmouth, Rhode Island, that Chapter 392 of the Portsmouth Code of Ordinances is hereby amended as follows:

1. Amend Section 392-6J (2) of the Ordinance to read:

(2) Cesspools located within 50 feet of a Town or State storm drain must be replaced by the earlier of the following:

- (a) Immediately, if the system is determined to be failed;
- (b) Prior to the deadline specified in R.I.G.L § 23-19.15 (the Rhode Island Cesspool Act of 2007), if applicable and as amended;
- (c) the point of sale or transfer of the subject property; or
- (d) Prior to January 1, 2020.

Other cesspools in Portsmouth must be replaced by the earlier of the following:

- (a) Immediately, if the system is determined to be failed;
- (b) Prior to the deadline specified in R.I.G.L § 23-19.15 (the Rhode Island Cesspool Act of 2007), if applicable and as amended;
- (c) the point of sale or transfer of the property; or
- (d) Prior to January 1, 2025.

Unpermitted OWTS within IP/PP located within 50 feet of a Town or State storm drain must be replaced by the earlier of the following:

- (a) Immediately, if the system is determined to be failed;
- (b) Prior to the deadline specified in R.I.G.L § 23-19.15 (the Rhode Island Cesspool Act of 2007), if applicable and as amended;
- (c) the point of sale or transfer of the property; or
- (d) Prior to January 1, 2020.

Other unpermitted OWTS within IP/PP must be replaced by the earlier of the following:

- (a) Immediately, if the system is determined to be failed;
- (b) Prior to the deadline specified in R.I.G.L § 23-19.15 (the Rhode Island Cesspool Act of 2007), if applicable and as amended;
- (c) the point of sale or transfer of the property; or
- (d) Prior to January 1, 2025.

Unpermitted OWTS outside of IP/PP must be replaced immediately if the system is determined to be failed.

- 2. **Delete Section 392-6J (3) of the Ordinance.**
- 3. **Add the following definition to Section 392-4 of the Ordinance:**

UNPERMITTED OWTS – An OWTS for which State of Rhode Island permitting records and documentation is unavailable.

**ADOPTED BY TOWN COUNCIL ACTION
ON APRIL 11, 2022**

Jennifer M. West, Town Clerk

- 3. 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 approve and send to State Representatives made by Mr. Hamilton, seconded by Mr. Katzman. Motion passed 5-0.

**TOWN OF PORTSMOUTH, RI
RESOLUTION # 2022-04-11**

RESOLUTION OF THE TOWN OF PORTSMOUTH OPPOSITION TO RHODE ISLAND 2022 HB 6638 AND SB 2340 ZONING ORDINANCES – PROHIBITS SINGLE-FAMILY RESIDENTIAL ZONING IN MUNICIPALITIES WITH POPULATIONS OVER TWENTY THOUSAND

WHEREAS, the Town of Portsmouth has very effective Planning and Zoning Boards, who are in the process of completing a new Comprehensive Community Plan that would help to achieve the goal of 10% low and moderate income housing; and

WHEREAS, House Bill 6638 and Senate Bill 2340 preempts comprehensive plans and planning, and usurps local zoning control and decisions, under the flawed charade of solving an affordable housing problem; and

WHEREAS, forced “middle housing” zoning in single family residential zones disrespects the rightful governance and authority of cities and towns over their own jurisdiction; and

WHEREAS, a threshold of 20,000 population is impractical as it encompasses many non-urban communities; and

WHEREAS, Federal and State legislators should focus and prioritize their efforts on issues beyond the reach of local municipal governance such as lowering the cost of living and tax burdens; improving the safety, security and quality of life for the citizenry; developing sustainable housing infrastructure; and promoting small business economic development in the state’s urban communities.

NOW, THEREFORE, BE IT RESOLVED that the Town Council of the Town of Portsmouth strongly opposes House Bill 6638 and Senate Bill 2340 as it is a plain and simple Rhode Island state government overreach and a blatant power grab.

BE IT FURTHER RESOLVED that a copy of this Resolution be forwarded to every Rhode Island municipality and Portsmouth’s legislators requesting their support in opposition to this legislation.

Adopted this 11th day of April 2022.

ATTEST: _____
Jennifer M. West, Town Clerk

Kevin M. Aguiar, President
Portsmouth Town Council

NEW BUSINESS (Discussion/Action)

1. Request to have a Living History event at Butts Hill Fort on November 12, 2022. – Motion to approve made by Mr. Hamilton, seconded by Mr. Katzman. Motion passed 5-0.
2. Resolution in support of Rhode Island 2022 H 8055 An Act Relating To Waters And Navigation – Coastal Resources Management Council. – Withdrawn
3. Request approval for the use of ARPA funds to purchase replacement radios for DPW for \$142,316.61. – Motion to approve made by Mr. Hamilton, seconded by Mr. Kelly. Motion passed 5-0.

CORRESPONDENCE – Motion to receive and place on file made by Mr. Hamilton, seconded by Mr. Katzman. Motion passed 5-0.

1. Monthly RIRRC Report. / Rhode Island Resource Recovery Corp.
2. Resignation of the Portsmouth Prevention Coalition chairperson. / J. Collins
3. Approval to install Rapid Rectangular Flashing Beacons at the crosswalk at East Main Road and Quaker Hill Lane. / S. Raymond, P.E., State Traffic Commission
4. Resolution in Opposition to Senate Bill S-2557 and House Bill H-7829 Mandatory Translation Services. / Woonsocket City Council
5. Resolution in Opposition to Senate Bill S-2244 and House Bill H-7198 Municipal Employees' Arbitration. / Burrillville Town Council
6. Resolution supporting Ukraine freedom from Russian violence and oppression. / Coventry Town Council
7. Resolution supporting RI Senate Bill S-2341 and House Bill H-7834 which will require the maintenance of sidewalks along state highways be the responsibility of the state. / Coventry Town Council
8. Resolution supporting RI Senate Bill S-2295 An Act Relating to Waters and Navigation - Inspection of Dams and Reservoirs (Allows RIDEM to assess administrative penalties). / Coventry Town Council

FUTURE MEETINGS

- 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 Mr. Hamilton, seconded by Mr. Katzman. Motion passed 5-0.

Time: 7:28 PM

Jennifer M. West, Town Clerk