

PORTSMOUTH TOWN COUNCIL MEETING
MAY 22, 2023
MINUTES

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

MEMBERS PRESENT: Kevin M. Aguiar, Leonard B. Katzman, Daniela T. Abbott, David M. Gleason, Keith E. Hamilton, Charles J. Levesque, and J. Mark Ryan

Time: 7:00 PM

EMERGENCY EVACUATION PLAN

PLEDGE OF ALLEGIANCE

SITTING AS THE PORTSMOUTH TOWN COUNCIL

1. Roll Call

PRESIDENT’S EXECUTIVE SUMMARY – There was no Executive Session held.

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:

- a. Mark Bryson d/b/a Binge BBQ, 333 Main St, Wakefield (#2342)
- b. Hawaiian Jim’s Shave Ice & Co II d/b/a Hawaiian Jim’s Shave Ice, 144 Greystone Ter, Portsmouth (#2343)
- c. Farm Coast Brewery LLC d/b/a Gnarly Vines Farm, 241 Cornell Rd, Tiverton (#2347)
- d. Milk Caffè, 567 South County Trail, Exeter (#2350)
- e. Castaway Gourmet LLC, 60 Selina Lane, Portsmouth (#2352)

3. Liquor License relinquished:

Narragansett Bay Club Amenity LLC d/b/a The Narragansett Bay Club, 195 Newport Harbor Drive has exceeded the time limit for issuing a “granted” license (#2116)

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. Martinez Food Truck LLC d/b/a BBQymas, 3 Sylvania Rd, Portsmouth (#2348) – Motion to approve made by Mr. Hamilton, seconded by Mr. Katzman. Motion passed 7-0.

b. Moving Dough Pizza Co., 1 Industrial Court, Riverside (#2351) – Motion to approve made by Dr. Ryan, seconded by Mr. Hamilton. Motion passed 7-0.

2. Peddler License, Annual New:

Emily Sorlien d/b/a Queen of Bones, 90 Chapin Ave, Providence (#2354) – Motion to approve made by Mr. Hamilton, seconded by Mr. Katzman. Motion passed 7-0.

3. Daily Liquor License, Class F:

Common Fence Point Improvement Association, 933 Anthony Rd, for a block party on June 10, 2023, from 5:30 - 9:00 pm (#2349) – Item pulled from agenda. No action taken.

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

MINUTES – Motion to approve made by Dr. Ryan, seconded by Mr. Hamilton. Motion passed 7-0.
5/8/23

TOWN ADMINISTRATOR’S REPORT

1. Portsmouth Police Traffic Safety Awards – On May 5th, the Rhode Island Highway Safety Champion Award Ceremony was held at the Crowne Plaza in Warwick. At this ceremony, the Portsmouth Police Department received the “Law Enforcement Agency Award” in recognition of our department’s “outstanding commitment to highway safety initiatives”. Our department was the only law enforcement agency in the state recognized for this award during this year’s ceremony. Several officers also received individual awards:

- Sergeant Ryan Stinson (Occupant Protection Enforcement Award)
- Detective James Thulier (Impaired Driving Enforcement Award)
- Patrol Officer Ryan Czajka (Impaired Driving Award and the Speed Enforcement Award)
- Patrol Officer Daniel Serina (Impaired Driving Enforcement Award)
- Major Michael Morse (Grant Manager Achievement Award)
- Colonel Brian Peters (Highway Safety Leadership Award)

2. Portsmouth Parks, Recreation, and Open Space Master Plan – The Horsley Witten Group has finished the Parks, Recreation, and Open Space Master Plan Report. It is posted on the Parks and Recreation web page and will be presented to the Town Council at the July 10th Council Meeting.

3. Portsmouth Award – Just a reminder we are accepting nominations for the annual Portsmouth Award. We ask that nominations be accompanied by a narrative, which justifies the recognition based on the person or organization’s demonstrated excellence in professional and community leadership, and significant contributions to the welfare and betterment of Portsmouth. Details are on the Town website and nominations will be accepted through May 31st.

4. Town Council Public Workshop (Southcoast Wind) – Another reminder that the Town Council Workshop to hear public comment on the proposed SouthCoast Wind 1 project will be held 7:00 PM at the Portsmouth High School Auditorium this coming Thursday, May 25th.

5. Broadband Summit – The Rhode Island Commerce Corporation, Rhode Island League of Cities and Towns, and the National Telecommunications and Information Administration are holding a Broadband Summit at CCRI in Newport next Thursday, June 1. The purpose is to bring together stakeholders in Rhode Island from federal, state, and local governments, Tribes, and industry to discuss coordination on broadband efforts as the state prepares to receive significant broadband funds from the Infrastructure Investment and Jobs Act. Relevant Staff will attend.

6. Memorial Day (Town Hall Closed) – Memorial Day weekend is coming up and the Town Hall will be closed for the Federal Holiday on Monday, May 29th.

7. Portsmouth Prevention Coalition Director resignation – Lastly, as you can see in correspondence, the Director of the Portsmouth Prevention Coalition resigned to accept a position with the RI Department of Health. The Newport County Prevention Coalition is covering Portsmouth and is working on a transition plan.

OLD BUSINESS (Discussion/Action)

1. Monthly Finance Report. – Motion to receive and place on file made by Mr. Hamilton, seconded by Mr. Levesque. Motion passed 7-0.

NEW BUSINESS (Discussion/Action)

1. Learn365RI commitment to increasing out-of-school learning opportunities. – Motion to approve made by made by Mr. Hamilton, seconded by Dr. Ryan. Motion passed 7-0.
2. Request permission to hold an Island Park Walk, Bike & Dog Party on Saturday, September 9 from 8:30am-12:00pm, on Park Avenue from Mason Avenue to Ivy Avenue to benefit the Island Park Preservation Society. – Motion to approve made by Ms. Abbott, seconded by Dr. Ryan. Motion passed 7-0.
3. Request to authorize the grant of a 10-year easement for a new trail extension to the Sakonnet Greenway Trail. – Motion to approve made by Mr. Levesque, seconded by Ms. Abbott. Motion passed 7-0.
4. Request resolution in support of legislation that would raise the minimum reimbursement for school construction projects from 35% to 40% and extend the eligibility date for the computation of school housing aid from December 2023 to June 2024. – Motion to approve made by Mr. Katzman, seconded by Ms. Abbott. Motion passed 7-0.

**TOWN OF PORTSMOUTH
RESOLUTION # 2023-05-22A**

RESOLUTION RELATING TO CONSTRUCTION BILLS S0454 AND H5792

WHEREAS: The health, safety, and educational welfare of students and staff of Portsmouth public schools are matters of paramount importance to the Portsmouth Town Council; and

WHEREAS: In 2022, the General Assembly enacted, and the voters of the Town of Portsmouth approved, an act authorizing the municipality to issue bonds to finance the construction, renovation, and improvement of schools and adjacent facilities; and

WHEREAS: Rhode Island General Law § 16-7-39 provides housing aid reimbursement to municipalities and school districts for school housing construction; and

WHEREAS: State law currently provides for increases in state housing aid as incentives to promote specific goals in connection with the construction and renovation of schools; and

WHEREAS: Such incentives are available only for school housing projects that are commended not later than December 2023; and

WHEREAS: Senator Louis DiPalma has introduced 2023 – S 0454, and Representative Terri-Denise Cortvriend has introduced 2023 – H 5792 that amend the eligibility date for the computation of school housing aid from December 2023 to June 2024; and

WHEREAS: The communities of Barrington, Bristol Warren, Central Falls, Coventry, Cranston, Cumberland, East Greenwich, East Providence, Foster, Jamestown, Johnston, Lincoln, Middletown, North Kingstown, North Providence, Pawtucket, Portsmouth, Providence, South Kingstown, Tiverton, Warwick, Westerly, West Warwick, Westerly, and Woonsocket would qualify for additional housing aid as a result of changing the eligibility date from December 2023 to June 2024; and

WHEREAS: Both 2023 – S 0454 and 2023 – H 5792, as currently written, apply to ongoing projects as well as future projects with regards to the minimum housing aid; and

NOW THEREFORE, BE IT RESOLVED: That the Portsmouth Town Council hereby respectfully requests the General Assembly to enact 2023 – S 0454 and 2023 – H 5792, changing the minimum housing aid reimbursement to 40% and extending the eligibility date for the computation of school housing aid from December 2023 to June 2024; and

BE IT FURTHERED RESOLVED: That a copy of this Resolution be forwarded to the Honorable K. Joseph Shekarchi, Speaker of the Rhode Island House Representatives, the Honorable Dominick J. Ruggiero, President of the Rhode Island Senate, and the Honorable Daniel McKee, Governor of the State of Rhode Island.

APPROVED BY THE TOWN COUNCIL ACTION May 22, 2023

Kevin M. Aguiar
President Portsmouth Town Council

ATTEST: _____
Jennifer M. West, CMC, Town Clerk

5. Request resolution in opposition of Bills S0455 and H5656 relating to Agriculture and Forestry – Tree Wardens introduced on behalf of RI Energy. – Motion to approve made by Dr. Ryan, seconded by Ms. Abbott. Motion passed 7-0.

**TOWN OF PORTSMOUTH
RESOLUTION #2023-05-22B**

**RESOLUTION IN OPPOSITION OF SENATE BILL S0466 AND HOUSE BILL H5656
RELATING TO AGRICULTURE AND FORESTRY – TREE WARDENS**

WHEREAS: The Town of Portsmouth has been a designated Tree City for over 16 years; and
WHEREAS: The Town of Portsmouth knows that any statewide or local vegetation management plan requires the participation of RI municipalities, tree wardens and municipal tree commissions to ensure the fullest cooperation. The Town of Portsmouth has a Tree Ordinance, a designated Tree Warden, and Tree Commission; and
WHEREAS: The Town of Portsmouth knows that the power grid in Rhode Island is a complex system that provides many comforts and luxuries and working around electricity is something that demands respect; and
WHEREAS: The Town of Portsmouth knows that the impact of Climate Change will bring stronger storms that will require that vegetation be professionally managed to ensure electric service is not interrupted; and
WHEREAS: The Town of Portsmouth has a long history of cooperative relationships with RI electric utility companies over the years to ensure the safety of the town’s electric lines while managing the pruning, growth, and beauty of Portsmouth trees. The Town and its designated representatives work closely with the state departments, private residences, and all utility providers; and
WHEREAS: The result of this multi-pronged approach, and efforts, provides a successful and coordinated approach to safety and delivery of utility services to the town and its residents and businesses; and
WHEREAS: Senate Bill S0466 and House Bill H5656 assign overreaching authority to RI Energy and the RI PUC for designing and implementing the vegetation management plan without any contributing participation from municipalities or arborists; the scope of any future vegetation plan is not clearly defined; the expansion of authority onto private property is not specific; and the potential costs for any plan, which will be passed onto RI Energy Customers is not outlined in the bills; and
WHEREAS: Additionally, Senate Bill S 0466 and House Bill H 5656 will allow the current public energy provider access to private property for trimming or cutting without owner approval.
NOW, THEREFORE BE IT RESOLVED: That the Town of Portsmouth respectfully recommends to the State of Rhode Island Senate and House that they withdraw Bills S 0466 and H 5656 and create a comprehensive stakeholder committee to design a statewide vegetation management plan to include: municipalities, tree wardens, arborist, state government, RI Energy, and the RI Environmental community.

APPROVED BY THE TOWN COUNCIL ACTION May 22, 2023

Kevin M. Aguiar
President Portsmouth Town Council

ATTEST: _____
Jennifer M. West, CMC, Town Clerk

6. Request to advertise for a public hearing for a proposed addition to Chapter 250 Motor Vehicles and Traffic. – Motion to approve made by Mr. Katzman, seconded by Dr. Ryan. Motion passed 7-0.

7. Request the Council follow Roberts Rules of Order with regards to using “voice” votes, rather than roll call, for all motions. – Motion to approve made by Mr. Levesque, seconded by Mr. Hamilton. Motion passed 7-0.

8. Request to Amend Ordinance 99-6-28 -An Ordinance Relating To Adjustment Of Tax Exemptions In Years Of Town Wide Real Property Reevaluation. – Motion to approve made by Mr. Levesque, seconded by Mr. Hamilton. Motion passed 7-0.

9. PUBLIC HEARING: To consider the proposed amendment to add the following new article and section to Chapter 352 Taxation:

Article XV Property Tax Classification

§ 352-52. Pursuant to R.I. Gen. Laws § 44-5-11.8, the Town hereby adopts a system of classification of taxable property in the Town, as follows:

- A. Class 1: All ratable real estate.
- B. Class 2: All ratable tangible personal property.
- C. Class 3: Motor vehicles and trailers subject to excise tax created by R.I. Gen. Laws Title 44, Chapter 34.

There were no comments made. Motion to close the public hearing made by Mr. Hamilton, seconded by Mr. Katzman. Motion passed 7-0. Motion to approve made by Mr. Hamilton, seconded by Mr. Katzman. Motion passed 7-0.

TOWN OF PORTSMOUTH, RI
Ordinance # 2023-05-22B

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, Chapter 352 entitled "Taxation" is hereby amended by adding the following new article and sections:

Article XV Property Tax Classification

§ 352-52. Pursuant to R.I. Gen. Laws § 44-5-11.8, the Town hereby adopts a system of classification of taxable property in the Town, as follows:

- A. Class 1: All ratable real estate.
- B. Class 2: All ratable tangible personal property.
- C. Class 3: Motor vehicles and trailers subject to excise tax created by R.I. Gen. Laws Title 44, Chapter 34.

Section 2. This Ordinance shall take effect upon passage.

ADOPTED BY TOWN COUNCIL
ACTION ON MAY 22, 2023

Jennifer M. West, CMC, Town Clerk

10. Curbside collection white paper review for RFP preparation. – Motion to have staff move forward with the development of an RFP for a hybrid waste management plan made by Mr. Levesque, seconded by Ms. Abbott. Motion passed 4-3. Mr. Gleason, Mr. Hamilton, and Mr. Aguiar in dissent.

Motion to have the Town request Leaf & Yard Debris (L&Y) be collected curbside by vendor on a new 22-week schedule, with weekly pickups April 1 to April 30, every other week pick-ups from May 1 to October 31, and weekly pickups from November 1 to the second week in December made by Mr. Hamilton, seconded by Ms. Abbott. Motion passed 7-0.

Motion to impose a weight limit for L&Y per collection day made by Mr. Hamilton, seconded by Ms. Abbott. Motion passed 7-0.

Motion to eliminate Pay As You Throw (PAYT) bags; try to combat the negative effect elimination of PAYT may have on recycling; downsize the default tote size from 90/95 to 60/65 gallon for Municipal Solid Waste (MSW) and Mixed Recycling; require PAYT bags for overflow MSW; and allow residents to swap out the 60/65-gallon recycling tote for a 90/95-gallon recycling tote made

by Ms. Abbott, seconded by Dr. Ryan. Motion passed 5-2. Mr. Gleason and Mr. Hamilton in dissent.

Motion to allow limited operation of the Hedley Street Transfer station to allow residents to dispose of bulky items and diversions of other recyclables and yard waste with hours of operation Tuesdays or Wednesdays noon – 7:00 pm, Saturdays 7:30 am - 4:00 pm made by Ms. Abbott, seconded by Mr. Levesque. Motion passed 6-1. Mr. Gleason in dissent.

Motion to have the Transfer Station be open weekly made by Ms. Abbott, seconded by Mr. Levesque. Motion passed 5-2. Mr. Gleason and Mr. Hamilton in dissent.

Motion to have an exclusive Single Hauler to service the Municipality made by Mr. Levesque, seconded by Ms. Abbott. Motion passed 4-2-1. Mr. Katzman and Mr. Aguiar in dissent. Mr. Gleason abstained.

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

1. Monthly RIRRC Report. / Rhode Island Resource Recovery Corp.
2. Resolution in support of enabling legislation authorizing tax amnesty periods for municipalities. / Little Compton Town Council
3. Resolution in opposition to Rhode Island gun control legislation. / Richmond Town Council
4. Resolution in support of FY 2024 proposed infrastructure funds. / Richmond Town Council
5. Resolution requesting the General Assembly repeal RIGL section 45-5-68. / Warren Town Council
6. Resolution regarding the restoration of general revenue sharing to cities and towns. / Tiverton Town Council
7. Resignation of the Portsmouth Prevention Coalition Director. / J. Warren

FUTURE MEETINGS

- May 25 7:00 PM – Town Council Public Workshop – 120 Education Lane (Thursday)
Jun 12 7:00 PM – Town Council Meeting
Jun 14 7:00 PM – Town Council Meeting – Budget Hearing (Wednesday)
Jun 26 7:00 PM – Town Council Meeting

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

Time: 10:20 PM

Jennifer M. West, CMC, Town Clerk