

PORTSMOUTH TOWN COUNCIL MEETING
JUNE 12, 2023
MINUTES

6:00 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: 6:00 PM

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

1. RIGL §42-46-5 (a)(5) Any discussions or considerations related to the acquisition or lease of real property for public purposes, or of the disposition of publicly held property wherein advanced public information would be detrimental to the interest of the public. – Teddy’s Beach and Old Stone Bridge – No votes taken.

ADJOURN – Motion to seal the minutes and adjourn made by Mr. Hamilton, seconded by Mr. Levesque. Motion passed unanimously.

Time: 6:49 PM

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

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 an executive session held prior to the meeting. No votes were taken.

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

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. Domenic Daniel d/b/a The Daily Grind, 654 Central Ave, Unit 4, Pawtucket (#2357)
 - b. Bem Bom, LLC, 212 Cleveland St, New Bedford, MA (#2362)
 - c. 1899, LLC, d/b/a La Costa Lobster & Tacos, 222 Bellevue Ave, Newport (#2367)
 - d. Wiener Wagon, LLC, 250 West Main Rd, Middletown (#2368)
 - e. Black Dog Donuts LLC, 52 Woody Hill Rd, Exeter (#2373)
3. CRMC – PUBLIC NOTICE
CRMC File 2022-03-080, concerning the federal consistency certification request from

SouthCoast Wind, LLC for the portion of the project located within the Rhode Island Geographic Location Description areas in federal waters only. CRMC must issue a decision as to whether the federal waters portion of the Brayton Point export cable corridor is consistent with the State's federally approved enforceable policies located in the Ocean Special Area Management Plan. The State's federal consistency decision is required before BOEM may approve the Construction and Operations Plan. All interested parties may submit written comments by July 23, 2023.

4. CRMC – PUBLIC NOTICE

CRMC File 2022-05-67, concerning the federal consistency certification request from Park City Wind, LLC for the portion of the New England Wind project located within the Rhode Island Geographic Location Description areas in federal waters only. CRMC must issue a decision as to whether the New England Wind project is consistent with the State's federally approved enforceable policies located in the Ocean Special Area Management Plan. The State's federal consistency decision is required before BOEM may approve the Park City Wind Construction and Operations Plan. All interested parties may submit written comments by July 23, 2023.

5. Business Name Change:

Sunset Cove Inc. d/b/a Thriving Tree Coffee House, 706 Park Ave, has changed their business name to Sunset Cove Inc. d/b/a Sunset Cove, 706 Park Ave.

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. Entertainment License – Fee Waiver Requested:

Portsmouth Portuguese American Citizens Club (PPACC), 35 Power St, for the St. Anthony Feast, July 13-16, 2023, 8:00am – 1:00am (#2365) – Motion to approve Entertainment license made by Dr. Ryan, seconded by Ms. Abbott. Motion passed 6-0-1. Mr. Aguiar recused. Motion to approve request for fee waiver made by Dr. Ryan, seconded by Ms. Abbott. Motion passed 4-2-1. Mr. Levesque and Mr. Katzman in dissent. Mr. Aguiar recused.

2. Victualler License – Fee Waiver Requested:

Portsmouth Portuguese American Citizens Club (PPACC), 35 Power St, for the St. Anthony Feast, July 13-16, 2023 (#2369) – Motion to approve Victualler license made by Mr. Hamilton, seconded by Dr. Ryan. Motion passed 6-0-1. Mr. Aguiar recused. Motion to approve request for fee waiver made by Mr. Hamilton, seconded by Dr. Ryan. Motion passed 4-2-1. Mr. Levesque and Mr. Katzman in dissent. Mr. Aguiar recused.

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

Boba Wave LLC, 28A Mount Hygeia Rd, Foster (#2359) – Motion to approve made by Dr. Ryan, seconded by Mr. Hamilton. Motion passed unanimously.

4. Peddler License, Annual New:

- a. SeaWitch LLC, 65 Meadow St, Warwick (#2361)
- b. Cutco Events d/b/a Vector Marketing, 322 Houghton Ave, Olean, NY (#2375)
- c. Shop Strawberry Moon Corp d/b/a Strawberry Moon, 845 Main St, Warren (#2380)
- d. Mary Beth Dugan d/b/a Mermaid Tears By MB, 49 McCormick Rd, Newport (#2379)

Motion to approve all new annual Peddler Licenses made by Dr. Ryan, seconded by Mr. Hamilton. Motion passed unanimously.

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

MINUTES – Motion to approve made by Dr. Ryan, seconded by Mr. Hamilton. Motion passed unanimously.

5/22/23

TOWN ADMINISTRATOR’S REPORT

1. Budget hearing/Budget update – The Budget Hearing will be on Wednesday at 7:00 PM here in the Council Chamber. The Provisionally approved budget is available at the Finance webpage on the Town website and incorporates the latest Tax Assessor’s Statement of Assessed Valuations. The estimated certifications as of 6/8/2023 will change the Residential and Commercial tax rate to \$12.782.
2. Prudence Island Water and Fire District Congressionally Directed Spending (CDS) grant – We were notified by Senator Reed’s office last week that the EPA is awarding \$1,350,000 to the Prudence Island Water District for system improvements as identified in the FY 22 Consolidated Appropriations Act. I’d like to thank Senator Jack Reed, former State Senator Jim Seveney, and Representative Susan Donovan for their assistance in helping us secure this much needed support for our Prudence residents.
3. Fire Department grant award – The Portsmouth Fire Department has been awarded a \$40,238 Fire Prevention & Safety Grant. These funds, in addition to funds already received in a previous grant from Enbridge, will allow us to initiate our Senior Safe Program. This program will afford us the opportunity to supply our seniors with new smoke/carbon monoxide detectors, installation of the detectors, and a “File for Life” registry for quick access to their medical information by EMS responders. Additionally, our Fire Department will offer a home safety survey designed to identify possible electrical, fall, and cooking hazards.
4. 25th Annual Open Government Summit – The 25th Annual Open Government Summit covering the Access to Public Records Act and the Open Meetings Act will be held Friday, July 28th, at Roger Williams University. We will send registration information to the Council, Staff, and Committees
5. Juneteenth (Town Hall Closed) – Lastly, the Town Hall will be closed next Monday in observance of the Juneteenth Federal Holiday.

RESIGNATIONS AND APPOINTMENTS

1. Resignation:

Harbormaster – Motion to accept Bruce Celico’s resignation with regret made by Mr. Hamilton, seconded by Mr. Katzman. Motion passed unanimously.

2. Appointments:

Parks & Recreation Committee – Motion to appoint Aileen Baker and Scott Gallo, made by Ms. Abbott, seconded by Mr. Levesque. Motion passed unanimously.

NEW BUSINESS (Discussion/Action)

1. Rededication of Butts Hill Fort. – No votes taken.
2. PUBLIC HEARING: To consider a proposed amendment to add a subsection to Chapter 250, Motor Vehicles and Traffic, Section 1, Parking Prohibited; signs; violations and penalties. Mr. Hamilton asked that the ordinance be amended to include “in coordination with the Police Chief and Fire Chief or their designee.” Mr. Levesque was against the ordinance. Mr. Gleason is for naming the streets. Mr. Katzman was against naming the streets. Mike Zani, 1350 Anthony Road, was for the ordinance to help with the parking situation on Anthony Road.

Dr. Ryan questioned Chief Peters as to if the situation on Anthony Road is considered a traffic safety and traffic flow issue. Chief Peters agreed that it is a safety issue and is for the ordinance to be changed.

Ms. Abbott is for the ordinance change because of traffic safety.

Marshall Hill, 31 Mt. View Road, is for the ordinance change.

Melissa Santaniello, 1271 Anthony Road, is for the ordinance change.

Motion to close the public hearing made by Mr. Hamilton, seconded by Dr. Ryan. Motion passed unanimously.

Motion to approve as amended to include “in coordination with the Police Chief and Fire Chief or their designee” made by Mr. Hamilton, seconded by Ms. Abbott. Motion passed unanimously.

TOWN OF PORTSMOUTH, RI
Ordinance # 2023-06-12

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, Chapter 250, entitled “Motor Vehicles and Traffic” is hereby amended to provide as follows:

§ 250-1. Parking prohibited; signs; violation; and penalties.

- C. The Director of Public Works or their designee in coordination with the Police Chief and Fire Chief or their designee are hereby authorized to determine and designate by proper signs places in which parking of a vehicle or other object would create an unduly congested or hazardous condition or would cause unusual delay to traffic. When official signs are erected, it shall be unlawful for any person to park a vehicle or other object in any such designated place.

(Existing subsections C and D to be renumbered accordingly.)

Section 2. This amendment shall take effect upon passage.

ADOPTED BY TOWN COUNCIL ACTION ON JUNE 12, 2023

Jennifer M. West, CMC, Town Clerk

3. Request to establish a Revolving Capital Improvement Fund. – Motion to approve made by Mr. Levesque, seconded by Mr. Hamilton. Motion passed unanimously.

4. Request to use Town Impact Fees in the amount of \$258,332. – Motion to approve made by Mr. Hamilton, seconded by Mr. Katzman. Motion passed unanimously.

5. Request approval of a resolution recognizing the Month of June as Pride Month. – Motion to approve made by Mr. Katzman, seconded by Mr. Levesque. Motion passed unanimously.

Town of Portsmouth, Rhode Island
Resolution # 2023-06-12

RESOLUTION OF THE TOWN OF PORTSMOUTH
RECOGNIZING THE MONTH OF JUNE AS PRIDE MONTH

WHEREAS, the LGBTQ+ community has demonstrated courage and resilience in their struggle for inclusion, equality, and acceptance; and

WHEREAS, we recognize that this time in our nation's history is particularly fraught for LGBTQ+ persons, that anti-LGBTQ+ speech and violence is on the rise, and that even here in the East Bay we have seen episodes of vandalism and hate; and

WHEREAS, the Supreme Court of the United States affirmed in *Obergefell v. Hodges* that, "the constitution

promises liberty to all within its reach, a liberty that includes certain specific rights that allow persons to define and express their identity;" and

WHEREAS, the Town of Portsmouth steadfastly upholds the mandate of *Obergefell v. Hodges*, committed to protecting the civil rights of the LGBTQ+ community, and believes in fostering a welcoming and inclusive environment for all; and

WHEREAS, the Town of Portsmouth, founded in 1638 as a beacon of diversity and community spirit, upholds the principles of freedom, liberty, and equality for all citizens, cherishing the right for everyone to live authentically, free from prejudice, fear, and discrimination; and

WHEREAS, June is recognized internationally as Pride Month, a commemoration of the Stonewall Riots of June 1969, when people in the LGBTQ+ community in New York City fought back against the increasing violence and discrimination they faced from police at the Stonewall Inn – which was a refuge for queer people of color, homeless young people, and drag queens – and which marked a crucial turning point in the LGBTQ+ civil rights movement, serving as a reminder of the ongoing fight for equality; and

WHEREAS, Rhode Island Governor Dan McKee proclaimed June 2023, as Pride Month in the state and encouraged all residents to join in recognizing the importance of this month; and

WHEREAS, President Joseph R. Biden Jr. proclaimed June 2023 as LGBTQI+ Pride Month and called upon the people of the United States to recognize the achievements of the LGBTQI+ community, and to celebrate the great diversity of the American people.

NOW, THEREFORE, be it resolved that the Portsmouth Town Council does hereby proclaim the month of June as Pride Month in Portsmouth and invites all residents to join us in recognizing the significance of this month, celebrating our LGBTQ+ community and their many contributions to our town, and continuing to strive for a society where all individuals are treated with dignity, respect, and equality.

Adopted this 12th day of June 2023.

Kevin M. Aguiar, President
Portsmouth Town Council

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

6. Request to advertise for a public hearing for an amendment to Chapter 45 Personnel of the Town Code. – Motion to approve made by Mr. Katzman, seconded by Mr. Levesque. Motion passed unanimously.
7. Request approval for the allocation and expenditure of American Rescue Plan Act (ARPA) Funds for the Prudence Island Volunteer Fire Department in the amount of \$15,000. – Motion to approve made by Mr. Hamilton, seconded by Dr. Ryan. Motion passed unanimously.
8. Request Approval to Abate 20010-2011 Delinquent Taxes in the amount of \$29,072.69. – Motion to approve made by Mr. Katzman, seconded by Dr. Ryan. Motion passed unanimously.
9. Request approval to place a memorial park bench at the Lehigh Overlook. – Motion to approve made by Mr. Hamilton, seconded by Mr. Gleason. Motion passed unanimously.
10. Request approval for appointment of the new Harbormaster. – Motion to appoint Patrol Officer Allison O'Connor made by Dr. Ryan, seconded by Mr. Hamilton. Motion passed unanimously.
11. Request approval to award Town and School grounds maintenance contract to DaPonte's Landscaping Services Inc. – Motion to approve made by Dr. Ryan, seconded by Mr. Hamilton. Motion passed unanimously.

CORRESPONDENCE – Motion to move item 5 to the June 26th agenda for discussion and to receive and place on file items 1-4, made by Mr. Levesque, seconded by Mr. Gleason. Motion passed unanimously.

1. Monthly RIRRC Report. / Rhode Island Resource Recovery Corp.
2. Invitation to celebrate community collaborations on June 24, 2023. / Salve Regina University
3. Portsmouth Water and Fire District Quarterly Financial Report Ending April 30, 2023. / N. John Larsen, Portsmouth Water and Fire District
4. Resolution in support of legislation authorizing financing for school construction and/or renovation. / Warren Town Council

5. Resolution in opposition to Offshore Wind Turbines Sited Off Little Compton. / Little Compton Town Council

FUTURE MEETINGS

Jun 14 7:00 PM – Town Council Meeting – Budget Hearing (Wednesday)

Jun 26 7:00 PM – Town Council Meeting

Jul 10 7:00 PM – Town Council Meeting

Jul 24 7:00 PM – Town Council Meeting – Motion to cancel made by Mr. Hamilton, seconded by Dr. Ryan. Motion passed unanimously.

ADJOURN – Motion to adjourn made by Dr. Ryan, seconded by Mr. Hamilton. Motion passed unanimously.

Time: 8:24 PM

Jennifer M. West, CMC Town Clerk