

PORTSMOUTH TOWN COUNCIL MEETING
JUNE 26, 2023
MINUTES

6:30 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, and J. Mark Ryan

MEMBERS PRESENT: Charles J. Levesque

Time: 6:30 PM

EXECUTIVE SESSION – Motion to go into Executive Session under RIGL §42-46-5 (a)(5) made by Mr. Hamilton, seconded by Dr. Ryan. 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. – No votes taken.

ADJOURN – Motion to seal the minutes and return to open session made by Mr. Hamilton, seconded by Mr. Katzman. Motion passed unanimously.

Time: 6:47 PM

6:59 PM – Mr. Levesque enters the room.

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 Mr. Katzman. 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

SITTING AS THE BOARD OF LICENSE COMMISSIONERS – Motion to approve made by Mr. Hamilton, seconded by Mr. Katzman. 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. Entertainment License:

newportFILM, 174 Bellevue Avenue, Suite 314, Newport, for a film screening at Safe Harbor New England Boatworks, 1 Lagoon Road on July 27 from 6:00-10:30 PM (#2386)

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

TOWN ADMINISTRATOR’S REPORT

1. Budget update – Since the approval of the Town’s Provisional Budget, the State Legislature has passed, and the Governor has signed, the RI State Budget for FY 24. Within it, State Aid to the School Department has increased by \$96,116 over the Governor’s proposed budget.
2. Learn365 RI Update – RIDE has released a Request for Proposals for grants in support of the Governor’s Learn365RI initiative. I am working with the School Superintendent and his staff on preparation of our proposal, which is due at the end of the week.
3. Glen Farm trail easement update – Since your approval of working with the Aquidneck Land Trust to establish a Glen Farms Trail, we have been working on a trail easement. A proposed agreement has been prepared and is under review by the Land Trust. Once the proposed agreement is ironed out, we will bring it to the Council for final approval.
4. Naval War College President and Newport Naval Station Changes of Command – Last week, Rear Admiral Peter Garvin relieved Naval War College President Rear Admiral Shoshana Chatfield. I attended the ceremony as Portsmouth’s representative. The Commanding Officer of the Newport Naval Station will be relieved on Friday, July 28th, and I will represent Portsmouth at that change of command ceremony as well.
5. Firefighter Grant – The US Department of Homeland Security, through FEMA, has awarded a \$38,133 Assistance to Firefighters Grant to the Portsmouth Fire Department for the acquisition of commercial appliances capable of cleaning and drying six sets of firefighting gear at a time. This is a substantial improvement over our existing facility, which is only capable of cleaning, but not drying, two sets of gear at a time.
6. Town Hall closing for July 4th – Lastly, Town Hall will be closed next Tuesday in observance of the Independence Day federal holiday.

RESIGNATIONS AND APPOINTMENTS

1. Resignation/Removal:

Melville Park Committee – Motion to approve the removal of Erin Felder made by Mr. Hamilton, seconded by Mr. Katzman. Motion passed unanimously.

2. Appointment:

Bristol Ferry Town Common Committee – Motion to appoint Linda Moulton made by Dr. Ryan, seconded by Mr. Hamilton. Motion passed unanimously.

OLD BUSINESS (Discussion/Action)

1. Monthly Finance Report. – Motion to receive and place on file made by Mr. Levesque, seconded by Dr. Ryan. Motion passed unanimously.
2. Final approval of proposed [FY 24 Town Budget](#) (The full budget is available for review on the Town’s website at www.portsmouthri.gov)
 - a. Presentation of possible budget changes as proposed by Councilors Levesque and Hamilton

Motion to adopt provisional budget with updated school aid (option 2) made by Mr. Katzman, seconded by Mr. Levesque. Motion failed 2-5. Ms. Abbott, Mr. Gleason, Mr. Hamilton, Dr. Ryan and Mr. Aguiar opposed. Motion to approve Mr. Hamilton’s proposal to reduce the Town

Appropriation to the School by \$96,116 and increase the Capital Reserve Fund in the amount of \$96,116, made by Mr. Hamilton, seconded by Ms. Abbott. Motion passed 5-2. Mr. Katzman and Mr. Levesque opposed.

b. Final adoption of proposed budget

Motion to adopt the FY 2024 Town Budget and ordinance, as amended, made by Mr. Hamilton, seconded by Mr. Levesque. Motion passed unanimously.

c. Drafts of FY 2024 Budget Ordinance

NEW BUSINESS (Discussion/Action)

1. Request additional funds of \$55,594 for an upgraded motor for the new fire engine. – Motion to approve made by Mr. Hamilton, seconded by Mr. Gleason. Motion passed unanimously.
2. Request to purchase two 2023 Ford Police Interceptor Utility Vehicle AWD patrol vehicles using funds from the Emergency Vehicle Apparatus Capital Program in the amount of \$157,442. – Motion to approve made by Mr. Hamilton, seconded by Mr. Katzman. Motion passed unanimously.
3. PUBLIC HEARING: Community Development Block Grant Application.
Review, prioritize, and approve of proposed activities and programs for inclusion in the Town’s application for a Small Cities Community Development Block Grant to undertake a range of activities including:
 - a. Improved housing opportunities for low- and moderate-income families and individuals.
 - b. Provision of employment opportunities for low- and moderate-income individuals.
 - c. Provision of community facilities and services principally benefiting low- and moderate-income families and individuals.

Ms. Hitchen presented the requests.

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

Motion to approve, with the priorities as presented, made by Mr. Levesque, seconded by Mr. Hamilton. Motion passed unanimously.

4. Resolution of the Town Council regarding the CDBG Application – Small Cities Community Development Block Grant (CDBG) – Approving the prioritized list of projects for submission with the Town’s 2023 CDBG application and authorizing the Town Administrator to file said application. – Motion to approve made by Mr. Hamilton, seconded by Mr. Levesque. Motion passed unanimously.

TOWN OF PORTSMOUTH
RESOLUTION # 2023-06-26

Resolution Relating to the Program Year 2022 Rhode Island Community
Development Block Grant Program

- WHEREAS: Funds are available under the Rhode Island Community Development Block Grant Program, administered by the Rhode Island Office of Housing and Community Development; and
- WHEREAS: The Governor of the State of Rhode Island has authorized the Director of said department to disburse such funds; and,
- WHEREAS: It is in the interest of the citizens of the Town of Portsmouth that application be made to undertake a local Community Development Block Grant Program; and
- WHEREAS: The Town Council has received the attached proposed list of projects to be included in the Town’s application for PY2022 Community Development Block Grant (CDBG) funding; and
- WHEREAS: The Town Council held a public hearing on June 26, 2023, to accept public comment and consider the proposed prioritized list of projects to be included in the application; and

NOW, THEREFORE BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF PORTSMOUTH: That the filing of this application for the amount of \$1,775,000.00 to implement the activities proposed herein hereby authorized and that the Town Administrator is hereby authorized and directed to file this application with the Office of Housing and Community Development, to provide any additional information or documents required by said office, to make any assurances required in connection with this program, to execute an agreement with the State of Rhode Island, and to otherwise act as the Representative of the Town of Portsmouth in all matters relating to this application and any award which may be based upon this application.

APPROVED BY TOWN COUNCIL ACTION JUNE 26, 2023

Kevin M. Aguiar, President
Portsmouth Town Council

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

5. Request to advertise for a public hearing for a sound variance for noise that may be generated by the operation of portable liquefied natural gas equipment at 111 Old Mill Lane, Portsmouth (Viewpoint #2390). – Motion to approve made by Mr. Levesque, seconded by Ms. Abbott. Motion passed unanimously.

6. PUBLIC HEARING: To consider a proposed amendment to Chapter 45 Personnel, Article I, Section 14.B, Prohibited activities.
No comments.

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

Motion to approve made by Mr. Katzman, seconded by Mr. Levesque. Motion passed unanimously.

TOWN OF PORTSMOUTH, RI
Ordinance # 2023-06-26A

AN ORDINANCE AMENDING THE TOWN CODE OF THE
TOWN OF PORTSMOUTH

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

Section 1. The Town Code, Chapter 45 entitled “Personnel” is hereby amended as follows:

§ 45-14 Prohibited activities.

B. There shall be no discrimination against any person seeking employment or employed in the classified service because of any considerations of political or religious affiliation or belief, race, sex, [sexual orientation](#), [gender identity or expression](#), marital status, national origin or handicap.

Section 2. This Ordinance shall take effect upon passage.

ADOPTED BY TOWN COUNCIL ACTION ON: June 26, 2023

Jennifer M. West, CMC, Town Clerk

7. PUBLIC HEARING: To consider a proposed amendment to Chapter 405 Zoning, Article VI Non-Standard Development, Section C Alteration of non-conforming development.

Mr. Chappell presented the proposed amendment.

Ms. Hitchen agreed with the need for an ordinance change.

Mr. Levesque and Mr. Aguiar also agreed.

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

Motion to approve made by Mr. Levesque, seconded by Mr. Hamilton. Motion passed unanimously.

TOWN OF PORTSMOUTH, RI
Ordinance # 2023-06-26B

Be it ORDAINED by the Town Council of the Town of Portsmouth, that Chapter 405, Zoning, of the Portsmouth Code of Ordinances is hereby amended as follows:

That ARTICLE VI. Section C. be amended to read:

Section C. Alteration of nonconforming development.

1. (a) With Board of Review approval as a special use permit, a building or structure which is devoted to a non-conforming use which is not a single family residential building or structure, lawfully existing at the time of the passage of this Ordinance may be added to or enlarged provided that the front, side and rear yards, lot coverage, height of such enlarged building or structure and parking requirements meet the zoning requirements of the district in which is located.
- (b) With Board of Review approval as a special use permit, a building or structure which is devoted to a non-conforming use which is a single family residential building or structure, lawfully existing at the time of the passage of this Ordinance may be added to or enlarged provided that the front, side and rear yards, lot coverage, height of such enlarged building or structure and parking requirements meet the zoning requirements of the district in which is located or the Board grants dimensional variances in accordance with Section D.

ADOPTED BY TOWN COUNCIL ACTION ON: June 26, 2023

Jennifer West, CMC, Town Clerk

8. Discussion/action to support/not support Little Compton's resolution supporting the exploration of an overland route for the offshore wind turbines. – Mr. Levesque recused himself from the discussion and left the meeting. Mr. Gleason put forth a motion to support the Little Compton resolution. No second was made.

CORRESPONDENCE – Motion to receive and place on file made by Mr. Hamilton, seconded by Dr. Ryan. Motion passed 6-0.

1. Short-term rental fees and easing the burden on residents. / S. Panaggio
2. Resolution opposing Senate Bill 2023 – 137 and House Bill 2023 – H 5201 Relating to Towns and Cities – Relief of Injured and Deceased Fire Fighters and Police Officers - Presumption for Heart Disease and Hypertension. / Burrillville Town Council

FUTURE MEETINGS

Jul 10 7:00 PM – Town Council Meeting
Jul 24 7:00 PM – Town Council Meeting - Cancelled
Aug 15 7:00 PM – Town Council Meeting (Tuesday)
Aug 28 7:00 PM – Town Council Meeting

ADJOURN – Motion to adjourn made by Dr. Ryan, seconded by Mr. Hamilton. Motion passed 6-0.

Time: 9:12 PM

Jennifer M. West, CMC, Town Clerk