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No permit needed for Aquapalooza



Despite law enforcement officials suggesting people stay away, the annual Aquapalooza event brought a crowd to Potter's Cove off Prudence Island in late July. LOUIS WALKER III/NEWPORT DAILY NEWS

Annual event drew 1,000 vessels this year

Zane Wolfgang
Newport Daily News | USA TODAY NETWORK

PORTSMOUTH — Michael Keyworth doesn't understand why the organizers of Aquapalooza don't need to pull permits for their annual event held off the coast of Prudence Island.

He is concerned the yearly raft-up, which has steadily expanded into a massive party at anchor, could be a safety disaster waiting to happen.

Why aren't permits required for Aquapalooza?

Keyworth, who is co-chairman of the Better Bay Alliance, chairman of the State Yachting Committee and former president of the Rhode Island Marine Trades Association, points to both state and federal law when citing the legal requirement for permits:

Coast Guard regulation CFR 33 says organizers of any "regatta or marine parade" — defined as "an organized water event of limited duration which is conducted according to a prearranged schedule" — are required to file an appli-

cation with the Coast Guard at least 135 days in advance of the event.

Alongside that, Rhode Island General Law § 46-22-13 specifies, "No regatta, motorboat or other boat race, marine parade, tournament, or exhibition ... in which vessels participating are to be propelled by machinery, may be held on any waters of this state unless authorized by the Department of Environmental Management."

Despite the size of the event — which was estimated at more than 1,000 vessels this year — Aquapalooza

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Transportation plan draft discourages use of cars

Savana Dunning

Newport Daily News | USA TODAY NETWORK

NEWPORT — An early draft for the city's Transportation Master Plan shuttles Newport's future policies and investments away from the automobile and toward walking, cycling and public transit.

"People really liked our overarching theme of getting people out of automobiles and creating an environment where people can get around really easily by walking or bicycling or taking transit," Planning Board member Melissa Pattavina said to the Resident Advisory Committee on Tuesday.

"I think people really understood there are things we can do right away and there are things that are going to take a little bit longer to improve as far as we shape our streets, change our streets, improve safety and actually make that larger theme happen."

Over the past two years, the city has conducted an extensive public engagement process to solicit ideas and recommendations for what to include in its new Transportation Master Plan, which will serve as the guiding document for city policies related to roads and traffic in Newport. The city has not had a new transportation master plan in about 20 years.

Although the official draft of the plan will not be made available to the public for another two weeks, the Transportation Master Plan's Resident Advisory Committee received a rough first draft in advance on Tuesday. It includes information on the themes and recommendations to be included in the final plan.

Planning Department Director Patricia Reynolds said the early version allows the committee members to give feedback and review changes before the draft heads to the full Planning Board for discussion.

Fewer cars in Newport

Pattavina gave a general overview of the kinds of recommendations included in the draft plan. She said the overall goal to move Newport away from single-car transit to multimodal transportation went over well with residents who attended the community

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Foulkes, spending big, banks on persistence

She centers campaign on school, health care reforms

Patrick Anderson
Providence Journal
USA TODAY NETWORK

EAST PROVIDENCE — Candidate for governor Helena Buonanno Foulkes has been here before.

Not here on the campaign trail — she's never run for public office at this or any level of government. Here is this bowling alley off Newport Avenue, which she visited as a teenager living on Providence's East Side.

On this summer weeknight, Foulkes trails a member of her campaign staff

and a Journal reporter after a few frames of non-league ten-pin. She makes a short, slow approach and with minimal backswing, deliberately rolls the ball down the center of the hardwood into the triangle of waiting pins, sparking a comeback against admittedly lackluster competition.

And that — combined with the financial might you'd expect from a former corporate CEO — is the way Foulkes hopes to become governor: a slow, steady, meticulous fight back in the polls that takes advantage of her persistence and the lack of any opponents

who've broken away from the pack.

If it doesn't happen, and Foulkes' prospects are mixed at best, she risks running one of, if not *the*, most expensive losing Democratic primary campaign in Rhode Island history. Through Aug. 15, her campaign spent \$3 million since the start of the year — more than her four Democratic primary rivals combined.

She had another \$182,000 in the bank heading into the final weeks, and that doesn't include the \$100,000 donated to the 4RI PAC, a federal Super PAC set up to support her.

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Rhode Island candidate for governor Helena Foulkes bowls with campaign staffers at East Providence Lanes recently. KRIS CRAIG/THE PROVIDENCE JOURNAL

Burning questions

How will Rogers football adapt to a new offensive system? 1B

The Open Door

Clearing clutter is easier said than done when it holds memories. 3A

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Foulkes

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graduated from Brown University, taught and coached at Classical High School and then, in partnership with his brother Joseph's Atlantic Chemical Co., founded New England Container Co., which reconditioned steel drums for oil and chemical companies.

Foulkes' father, Bernard Buonanno Jr., also went to Brown and then into business, but he also got a degree from Georgetown Law. Instead of steel drums, he ran the Old Fox Fertilizer Co. of East Providence, which briefly competed with lawn-care giant Scott's fertilizer in the 1980s.

But he is better known in the banking world, where he became chairman of Old Stone Bank, and in sports, where he is an active supporter of local teams and has been chairman of the Providence Civic Center Authority and then Rhode Island Convention Center Authority.

Starting in the late 1960s, Bernard Buonanno Jr. worked on the controversial urban-renewal redevelopment of Narragansett Pier into the Pier Village complex by Gilbane Building Co. He was a classmate at Brown and played squash with future Gilbane CEO Paul Choquette.

On the political side, Foulkes' father worked on John Chafee's Senate campaign, was finance chairman for Sen. Claiborne Pell's 1990 reelection campaign and hosted a fundraiser for Donald Carcieri, whom he knew from their time together at Old Stone Bank.

Foulkes' family moved to the East Side from East Greenwich when she was in third grade, and she attended the Henry Barnard School and then Lincoln School.

Because Rhode Island politics rarely features many degrees of separation, Foulkes' sister was friends at Moses Brown with current Democratic primary rival Matt Brown. ("He was always try-

ing to run something," Bernard Buonanno Jr. told The Journal in 2002 when Brown ran for secretary of state. "You knew he was going to run for office.")

From Harvard to Hudson's Bay

After high school, it was on to Harvard for Foulkes, then two years at investment bank Goldman Sachs and two years at high-end jeweler Tiffany & Co. before an MBA at Harvard Business School.

She first went to work for CVS, the company she is still most closely associated with, in 1992 because she liked retail and wanted to be close to Boston, where her husband worked.

At CVS, Foulkes climbed the corporate ladder to become president of the company's pharmacy business and had enough political juice that in January 2011 when then-Gov. Lincoln Chafee took office, he named her as his top lieutenant on the state's Economic Development Corporation Board.

Her decision to end tobacco sales at CVS stores features in her current campaign, while the retail chain's role in the opioid epidemic features in attacks from rivals.

It wasn't an easy time to join the EDC Board, which was responsible for managing the ill-fated 38 Studios deal approved under then-Governor Carcieri before she arrived.

By the spring of 2012, 38 Studios was in collapse, as was Foulkes' relationship with Chafee, who accused her of wanting to throw more tax dollars at the doomed video game startup. She denies Chafee's claim that she wanted to bail out 38 Studios founder Curt Schilling but won't discuss specifics of what did happen.

EDC Board member Karl Wadensten, the lone "no" vote on 38 Studios, said he remembered Foulkes handling the frantic final days of the debacle well.

"Foulkes is very much collaborative and faces challenges head on," he said. "She is definitely about simplicity in

finding solutions that don't make things more complicated than they are."

Foulkes left CVS in 2018 to become CEO of the Hudson's Bay Company, the holding company with roots as a 17th-century colonial fur trading empire that owns Sak's Fifth Avenue and other retailers.

It was not an easy time to be in retail.

In Canada, where Hudson's Bay is part of national history and culture, Foulkes' lucrative pay package raised eyebrows and drew objections from some shareholders.

Her tenure at the company involved a significant amount of streamlining, cost-cutting and downsizing, including layoffs and the shuttering of Lord & Taylor department stores.

"The history of the company is it was put together by real estate investors and they kept adding different businesses to it, and when I joined it was burning \$1 billion every year," she said about Hudson's Bay.

In her two years there, she said she invested in new IT systems and data tools while spinning off businesses that could be better run by others.

"It wasn't cost cutting, it was actually investing in the core tools that allowed the business to be a great retailer," Foulkes said.

She left when investors made an offer to take the company private at a price shareholders couldn't refuse.

Foulkes moved to Narragansett in 2020 and is a member of the Dunes Club and Point Judith Country Club.

What is Helena Foulkes' platform?

Foulkes' biggest pitch to Rhode Island voters is that if elected, she can turn around some of the state's beleaguered public schools. And if she can't, she's promised not to run for a second four-year term.

Specifically, she said, she won't seek reelection if RICAS test scores released in fall of 2025 aren't better than the pre-pandemic 2019 scores (That's 30% pro-

ficient in math and 39% in English.)

To raise scores, she proposes spending \$1 billion on items like after-school programs, mental health, universal pre-kindergarten, elementary teaching assistants and tutoring.

Foulkes proposes paying for this school spending with federal COVID relief dollars, money proposed in the original Build Back Better package that didn't pass, and state borrowing.

Asked how she would pay for it now that those federal dollars have either been spoken for or won't be coming, Foulkes said she'd "have to step back and work with the legislature."

She ruled out supporting a hike in state income tax rates for high earners to raise revenue, and has criticized Nellie Gorbea for supporting an increase in the corporate tax rate.

Like incumbent Gov. Dan McKee, Foulkes is opposed to a cap or moratorium on new charter schools, something the General Assembly has been looking at for years.

Foulkes' other big policy area is health care.

She wants to eliminate co-pays on medication for chronic conditions, starting with diabetes and asthma and eventually others, such as HIV.

She supports, in concept, moving the country toward a single-payer health care system.

"I think we have a broken health care system," she said. "We pay more per capita than any nation in the country. And the system is expensive and confusing and complicated."

Like the other Democratic candidates, she's promised to borrow money to invest in "blue-economy" maritime businesses, and making housing more affordable.

Specifically, Foulkes said she likes California's legalization of accessory apartments as a way to increase the supply of new homes quickly.

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Aquapalooza

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organizers don't typically apply for permits from either the Coast Guard or DEM. For the most part, it's an informal "raft-up" planned every year on a private Facebook group.

While both the Coast Guard and DEM take part in patrolling Aquapalooza, neither agency is pushing for the organizers to apply for permits.

"Aquapalooza is, and will continue to be, different every year, and there will always be a number of public health and safety concerns raised by this event. They have not filed for a permit application because the event does not meet the requirements per Rhode Island General Law § 46-22-13," Jay Wegimont, a DEM programming officer, wrote in an email to The Daily News.

Keyworth explained the Coast Guard district encompassing Rhode Island has some sort of unofficial policy that redefines "marine events" in such a way that a permit is not required for Aquapalooza, and many other events that seem to fit the published legal definition.

He offered as an example the Coast Guard's response to the organizers of the 2022 Newport Bermuda Race start, an event that clearly fits the CFR 33 definition of a regatta. The letter from the commander of the U.S. Coast Guard for Sector Southeastern New England indicated the responsibility for event safety is with the organizers, who should continue to file applications for future races, even though their event did not require a permit because "it does not meet the definition of a Marine Event as outlined in (the) Coast Guard Commandant Instruction Manual."

The letter also said the Coast Guard office should still be contacted if significant changes were made to the event plan.

Aquapalooza, which DEM Public Affairs Officer Michael Healy called "a keg party in the middle of Narragansett Bay on one of the busiest weeks of the summer," has steadily grown over the years, now drawing locals and boaters from up and down the New England coast.

While vessels rafting up together or anchoring overnight at Potter's Cove is a common enough sight throughout the summer, the scene off Potter's Cove packed with 1,000 boats full of people partying and drinking is unique to Aquapalooza, traditionally held on the last weekend of July.

From a legal perspective, there is no defined sponsor or clearly responsible party for the massive gathering. Two boats sank this year, one succumbing to the sheer amount of people crammed onboard while it sat at anchor.

All the passengers were fine, though two other revelers were taken away for emergency medical treatment, including one with a leg injury from a moving



Hundreds of boats arrive at Potter's Cove off Prudence Island each year for Aquapalooza. DAILY NEWS FILE PHOTO

propeller. Two people were also cited with boating under the influence charges, both operating jet skis.

Given the descriptions of the event offered by Healy and other law enforcement officers in previous reports, it does seem possible more than 0.2% of boat operators at Aquapalooza consume some amount of alcohol before driving home in the evening.

"DEM enforces our zero-tolerance policy of boating while under the influence," Wegimont stated.

How the Portsmouth harbor master coordinates law enforcement

Portsmouth Harbor Master Bruce Celico has been running point on the coordinated law enforcement response to Aquapalooza since 2018, starting the process of cooperating with other agencies as early as April every year in order to be adequately resourced and prepared.

"It's a lot of preparation for myself and the department, just because we have to have an incident plan for the entire day of (which agencies) are coming, what time they're going to be there, what assets and how many people they're coming with," Celico said. "We're the ones making the request for all of these other agencies to assist and be involved."

He clarified Portsmouth collaborates with the Coast Guard and the DEM to stay on the same page, but the whole plan itself comes from Portsmouth.

Celico said this year they had eight boats on the water, with police from Portsmouth, Providence, Newport, Bristol, Warwick and State Police. There was also Portsmouth Fire, DEM and the Coast Guard, and the Rhode Island Emergency Management Agency was able to provide a dedicated radio channel to coordinate the response.

Because Aquapalooza always coincides with the Newport Jazz Festival, it

forces DEM and the State Police to split time and resources between the two events. Changing the date of Aquapalooza — perhaps by pushing it back a week — is one potential adjustment that could be made by organizers to alleviate pressure on responding state law enforcement agencies without the need for any change to current maritime regulations.

Keyworth supports this idea and the notion of increased partnership in general between event organizers and law enforcement agencies in Narragansett Bay.

"I think (moving the date of Aquapalooza) is a great idea," he said. "And to put that in context, I think they should issue all permit applications based on what else is happening in the bay ... Somebody has to look at these events in the geographical context and the water that's available."

Aquapalooza attendees point to summertime fun, economic benefits

Supporters of the event claim it provides a shot in the arm to Rhode Island's economy, as well as a sense of camaraderie among boat enthusiasts.

Derek Leigh is a Warwick-based boat dealer who co-founded Aquapalooza more than a decade ago. In a post on the event's private Facebook group, he said he spent roughly \$425 in preparation this year.

"Maybe we should add up the amount of money each boat spent on food, gas, diesel, booze, floats and ice and see how much the state benefited from tax revenue," he wrote.

It is not clear whether Leigh would also consult with all of the responding law enforcement agencies, which also need to buy gas and equipment and pay the wages of officers on duty, to crunch the numbers and see whether the state comes away with a profit or a loss on the day.

The Daily News asked members of the Facebook group what makes Aquapalooza a great event, despite the negative attention it receives from outsiders. Most of the respondents pointed to a rollicking good time.

"I'm 54 years old and I went to Aquapalooza for the first time last year. I've never experienced more summertime fun and such a joyous and happy crowd of people in my life," wrote Raymond Hunt.

"For me the draw is all the creativity!" wrote Kristen Walsh. "From the boats to the toys people show up with! The bathing suits, hair, makeup. There is SO much to see. We have met new people. We tie up with friends. We look forward to this day every year!"

Some in the Aquapalooza Facebook group acknowledged there is bad behavior among a small segment of attendees, but chalked that up to mostly bad apples in a bunch.

"Just like any event there's a few idiots or inexperienced boaters," wrote Brian Marvel.

"With every big event there's always the possibility of someone getting hurt, that's why (officials) spin it in a negative direction," Niki Oullette-Medeiros wrote. "However, where else do you know that a crowd of strangers will get together at an event and become fast friends, playing and horsing around with each other. Sharing something off the grill and just having a great time."

It is clear Aquapalooza has a festive vibe that keeps people coming back for more. However, as the event grows, the law enforcement plan and response for the day must also expand.

"As much as the event itself has grown, the awareness and the response from neighboring local, state and federal agencies has grown as well," Celico said. "We're trying to make sure we have every available resource that we can possibly have out on the water that day, god forbid something were to happen."