

**TOWN COUNCIL MEETING - WEDNESDAY EVENING - FEBRUARY 27, 2019**

PRESENT: Calouro, Sweeney, Teixeira, Parella, and Ley

ALSO PRESENT: Steven Contente, Town Administrator  
Andrew M. Teitz, Esq., Assistant Town Solicitor  
A. Archie Martins, Town Sergeant

The Council met in regular session on Wednesday evening, February 27, 2019 in the Town Hall, Council Chambers, beginning at 7:01 o'clock PM, Council Chairman Calouro presiding:

**MOTION RE: CONSENT AGENDA - TO APPROVE THE CONSENT AGENDA**

Sweeney/Teixeira - Voted unanimously to approve the Consent Agenda withholding Consent Agenda item CC1 for further consideration.

Prior to the vote taken, Councilman Sweeney requested that Consent Agenda item CC1 might be withheld for further consideration.

A. SUBMISSION OF MINUTES OF PREVIOUS MEETING(S)

1. Town Council Meeting - February 6, 2019

Sweeney/Teixeira - Voted unanimously to approve these minutes as prepared and presented.

2. Special Town Council Meeting - February 13, 2019

Sweeney/Teixeira - Voted unanimously to approve these minutes as prepared and presented.

B. PUBLIC HEARINGS

C. ORDINANCES

D. LICENSING BOARD - NEW PETITIONS

1. Melissa Brady for Our Lady of Mt. Carmel School - One-Day Dancing and Entertainment License for Comedy Night, April 5, 2019

a. Recommendation - Town Administrator and Fire Chief

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- b. Recommendation - Town Administrator and Police Chief

Sweeney/Ley - Voted unanimously to grant this license per the recommendations received and also subject to conformance to all laws and ordinances and payment of all fees, taxes, and levies.

- 2. Maria Ursini for Benjamin Church Senior Center - Bingo at 1014 Hope Street, April 12, 2019

- a. Recommendation - Town Administrator and Fire Chief

Teixeira/Sweeney - Voted unanimously to grant this license per the recommendations received and subject to conformance to all laws and ordinances and payment of all fees, taxes, and levies.

Prior to the vote taken, the Clerk noted the receipt of a late-item recommendation from the Police Department.

- 3. Susan V. Nerone, Fourth of July Committee - Use of Town Common Basketball Court for Annual Block Dance, June 15, 2019; also Requesting Police Detail

- a. Recommendation - Town Administrator and Fire Chief

- b. Recommendation - Town Administrator and Public Works Director

Teixeira/Sweeney - Voted unanimously to grant this petition per the recommendations received and subject to conformance to all laws and ordinances and payment of all fee, taxes, and levies.

Prior to the vote taken, the Clerk noted the receipt of a late-item recommendation from the Police and Parks and Recreation Departments.

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4. Burr Peter Sebring d/b/a Bristol Oyster Bar - 48 Hope Street - BV Intoxicating Beverage License - Transfer of License - Call for Public Hearing on March 27, 2019

Sweeney/Parella - Voted unanimously to call for a Public Hearing to consider this matter to be held on Wednesday, March 27, 2019, beginning at 7:00 o'clock PM. Advertise in local newspaper.

E. LICENSE RENEWALS

F. PETITIONS - OTHER

G. APPOINTMENTS

1. Public Service Appointments - February

- a. Board of Tenants' Affairs - 1 unexpired term ending January 2020 and 1 unexpired term ending January 2021

1. Richard Hunter - 1014 Hope Street  
Interest/Appointment
2. Carol Pouliot - 1014 Hope Street  
Interest/Appointment

Councilman Sweeney nominated Ms. Pouliot for the term to expire in January 2021.

There were no counter-nominations.

Sweeney/Teixeira - Voted unanimously to close nominations and to instruct the Clerk to cast one ballot in favor of Ms. Pouliot for the unexpired term with term to expire in January 2021 and to instruct the Clerk to arrange an interview for Mr. Hunter to be held at the convenience of the parties.

- b. Bristol County Water Authority - unexpired term ending February 2021

1. Robert Martin, 10 St. Anna Avenue

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Interest/Appointment

2. John McQuilkin, 126 Thames Street  
Interest/Appointment
3. Harold Sawyer, 6 Glen View Drive  
Interest/Appointment

Councilman Sweeney nominated Mr. Martin for appointment.

There were no counter-nominations.

Sweeney/Teixeira - Voted unanimously to close nominations and to instruct the Clerk to cast one ballot in favor of Mr. Martin to fill the unexpired term with term to expire in February 2021.

After the vote taken, Councilwoman Parella stated that Mr. Martin will be a good addition to the Board of Directors. She added that the choice was a difficult one since the Council interviewed three excellent candidates for the position.

Councilman Ley agreed with Councilwoman Parella stating that he is hopeful that Messrs. McQuilkin and Sawyer will apply for other positions in the future.

- c. Conservation Commission - 3-year term  
expiring December 2021
  1. Lee Ann Freitas - 134 Bay View Avenue  
Interest/Appointment

Councilman Teixeira nominated Ms. Freitas for appointment.

There were no counter-nominations.

Teixeira/Sweeney - Voted unanimously to close nominations and to instruct the Clerk to cast one ballot in favor of Ms. Freitas for the term to expire in December 2021.

- d. Recreation Board - 3-year terms expiring  
February 2022
  1. N. Diane Davis - 25 Butterworth Avenue  
Interest/Reappointment

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2. Karl W. Antonevich - 1215 Hope Street  
Interest/Reappointment

Councilman Sweeney nominated Ms. Davis and Mr. Antonevich for reappointment.

There were no counter-nominations.

Sweeney/Parella - Voted unanimously to close nominations and to instruct the Clerk to cast one ballot each in favor of Ms. Davis and Mr. Antonevich for the terms to expire in February 2022.

- e. Commissioners of Cemeteries - 1 unexpired term for auxiliary member ending January 2023
  1. Kathleen J. Moran - 87 Hopeworth Avenue  
- Interest/Appointment

Teixeira/Parella - Voted unanimously to instruct the Clerk to set an interview for Ms. Moran for a time convenient to the parties.

H. OLD BUSINESS

1. Council Chairman Calouro's Prerogative - VW "Dieselgate" Fund (continued from February 6, 2019)

Sweeney/Teixeira - Voted unanimously to receive and place this matter on file.

Prior to the vote taken, Council Chairman Calouro explained that he had a conversation with the Attorney General's staff and Representative Marshall regarding this matter and found that the funds were already appropriated to other communities. He added that there may be more funds forthcoming in the future and that the Attorney General's office plans to better inform the communities about ways to obtain these funds.

Council Chairman Calouro added that the Town received a \$1.1 million grant to repair the Prudence Ferry dock and that the Town has an excellent track record in gaining grant funding for capital projects.

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I. OTHER NEW BUSINESS REQUIRING TOWN COUNCIL ACTION

1. Harbor Master Marsili - Marina Expansion Report

Sweeney/Teixeira - Voted unanimously to authorize the Town to proceed to the permitting stage on this project.

Prior to the vote taken, Harbormaster Marsili provided copies of plans and report concerning the proposed marina. Council Chairman Calouro noted that the goal of this evening's agenda item was to determine if the Council would choose to advance to the permitting stage.

Harbormaster Marsili presented some details of the planned structure which will utilize concrete floats. He noted that these floats will be held in place by 50 ten-ton concrete blocks and the floats will be affixed to the blocks by chains. He added that the floats are a wave baffle which lessens wave action. He also added that the floats do well in a five foot swell.

Councilman Sweeney asked to know if the chains require maintenance with Harbormaster Marsili responding that the chains will be inspected every year and that only the worn parts, if any, will be replaced. He noted that similar structure is in place on the Save the Bay dock, Jamestown, Providence, Carolina Yacht Club, and in Portland, Maine.

Harbormaster Marsili informed the Council that the concrete sections include conduits for power, water, and fire protection. He added that the plan calls for 60 resident slips, 11 transient slips, and a perimeter area which will accommodate larger vessels such as ferries.

Councilwoman Parella asked to know if the tidal flow will be impacted leading to stagnant water with Harbormaster Marsili stating that the structure will not impact the action of the tide and that there will be no stagnant water.

Harbormaster Marsili noted that the apparent best location for a fueling station would be the State Street Dock and that this would be accommodated by the installation of a 50 foot floating pier.

A discussion ensued regarding the size of the tank, the amount of fuel held and emergency procedures during a hurricane.

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Council Chairman Calouro noted that the plan for the marina and fuel pier includes that these will be self-supporting and revenue positive.

Town Treasurer Goucher noted that there will be a need to discuss the finance part of these projects at a later time. She suggested that it may be advisable to return all positive revenues to support additional waterfront projects.

Council Chairman Calouro suggested that a fuel pier will bring customers to waterfront accommodations, shops and restaurants. And that the pier will have both direct and indirect benefits for the Town.

It was suggested that the presentation photos might be displayed on the Town website and at Town Hall.

2. Patrick F. Sacbibit, PE, Branch Chief, Federal Emergency Management Agency - re Map Revision - Removal of Coastal Barrier Resources System Unit Boundaries

a. Community Development Director Williamson - Coastal Barrier Resources System Recommendation

Sweeney/Teixeira - Voted unanimously to receive and place this matter on file.

3. Gary Frazer, Assistant Director for Ecological Services, United States Department of the Interior - Revised Rhode Island Boundaries - Comment Period ends April 17, 2019

a. See Item 2a above.

Sweeney/Teixeira - Voted unanimously to receive and place this matter on file.

4. Jamie Bova, Mayor, City of Newport re Invitation to 63<sup>rd</sup> Annual St. Patrick's Day Parade, March 16, 2019

Sweeney/Parella - Voted unanimously to receive and place this matter on file.

5. CRMC re Paul and Bettina Killion, 135 Ferry Road - Comment Deadline March 1, 2019

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- a. Recommendation - Town Administrator and Harbor Master

Sweeney/Parella - Voted unanimously to receive and place this matter on file.

J. BILLS & EXPENDITURES

1. Public Works Director McBride Request for Advanced Authorization to Order Automated Recycling Trucks (Capital Plan for Fiscal Year 2020)

Teixeira/Parella - Voted unanimously to authorize the ordering as requested by the Director of Public Works.

Prior to the vote taken, Public Works Director McBride reported that these fully-automated trash and recycling trucks have a very long lead time and that it is necessary to place an order well in advance of the planned delivery date.

2. Bid #900 Outdoor Emergency Shower System
  - a. Bid Tabulation (Supplemental)

Teixeira/Sweeney - Voted unanimously to refer this matter to the Town Administrator to act in the best interest of the Town.

Prior to the vote taken, the Clerk read the following bid as received.

Hart Engineering, Inc. Cumberland, RI \$26,000

Also prior to the vote taken, Councilman Teixeira suggested that there may be an opportunity to negotiate this bid since there is only one supplier.

K. SPECIAL REPORTS

1. Bill Gosselin, Warren Director, BCWA Report for February

Sweeney/Parella - Voted unanimously to receive and place this matter on file.



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L. TOWN SOLICITOR

- \*1. Assistant Solicitor Teitz re Request for Executive Session Pursuant to RIGL §42-46-5 (a) (2) Litigation - Case Number PC-2009-5800 Richard and Dawn Morrison vs. Bristol Zoning Board and Bristol Land Conservation Trust; and Case Number PB-2019-1032, Town of Bristol vs. Mosaico Business & Community Development Corporation

*It is hereby noted for the record that action on this agenda item took place at the conclusion of the public agenda as found below.*

- \*2. Assistant Solicitor Teitz re Request for Executive Session Pursuant to RIGL §42-46-5 (a) (5) Acquisition or Lease of Real Property for Public Purposes, or of the Disposition of Publicly Held Property

*It is hereby noted for the record that action on this agenda item took place at the conclusion of the public agenda as found below.*

M. INDIVIDUAL COUNCIL MEMBERS AGENDA ITEMS

1. Calouro

a. Eagle Scout Courts of Honor - Council Chairman Calouro stated that he is particularly pleased to be able to participate in Eagle Scout Courts of Honor and that the accomplishments of these scouts is very impressive as are the ceremonies.

b. March 5, 2019 Special Election - Council Chairman Calouro noted that the special election for State Representative District 68 will be held on March 5. The Clerk outlined details of the location of the polls and the eligibility of voters.

c. Joint Finance Committee - Council Chairman Calouro reported that the Bristol Warren Regional School District Joint Finance Committee will meet on March 13 and 26 at Mt. Hope High School Cafeteria to discuss and vote on the School Budget for 2019-2020.

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2. Sweeney

a. Composting - Councilman Sweeney noted that RI Central Landfill tipping fees continue to increase and suggested that composting may be a way to lessen the Town's exposure to these fees. He noted the Council will be examining options regarding composting in the future.

3. Teixeira

a. Eagle Scouts - Councilman Teixeira also offered congratulations to the Eagle Scouts.

b. Genevieve Marszalek - Councilman Teixeira noted that today is the birthday of resident and Bristol native Genevieve Pagnano Marszalek who turned 105 today. He reported that Ms. Marszalek enjoyed a birthday celebration at Bristol House of Pizza.

4. Parella

a. Special Election - Councilwoman Parella also offered congratulations to Mrs. Marszalek.

b. Constitution Street Accessible Parking Space - Councilwoman Parella asked to know when the recently approved Constitution Street accessible parking space sign and road painting will be complete. Public Works Director McBride noted that the painting will be done when the outdoor temperature is warm enough and agreed to check on the sign installation.

5. Ley

a. Tuesday Vote - Councilman Ley also mentioned the upcoming Special Election for Representative District 68 which will take place on March 5.

b. Cooling Tower Implosion - Councilman Ley noted that the Brayton Point Cooling Towers will be imploded on April 27, 2019 and suggested that there should be a "regional conversation" about what will be done with that property.

c. Composting - Councilman Ley also addressed the composting concept as it relates to tipping fees and

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also acknowledged Public Works Director McBride's work on the automated rubbish collection trucks.

N. TOWN ADMINISTRATOR AGENDA ITEM(S)

a. Manny Correira - Town Administrator Contente noted that Manny Correira of Bristol will be inducted into the Words Unlimited Hall of Fame. He congratulated Mr. Correira for this great honor.

b. Parking Ban - Town Administrator Contente reported that there will be a parking ban in Bristol beginning at 10:00 o'clock PM this evening.

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CITIZENS PUBLIC FORUM

**ANYONE WISHING TO ADDRESS THE COUNCIL CITIZENS PUBLIC FORUM ON THE COUNCIL DOCKET MUST NOTIFY THE COUNCIL CLERK PRIOR TO THE COMMENCEMENT OF THE MEETING.**

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Consent Agenda Items:

**(CA) AA. SUBMISSION OF MINUTES-Boards and Commissions**

**Approval of consent agenda="Motion to receive and place these items on file."**

1. Bristol Warren Regional School Committee -  
January 28, 2019
2. Historic District Commission - January 3, 2019
3. Rogers Free Library Board of Trustees - October  
16, 2018
4. Rogers Free Library Board of Trustees - December  
12, 2018
5. Conservation Commission - October 2018
6. Conservation Commission - November 2018
7. Conservation Commission - December 2018
8. Conservation Commission - January 2019

(CA) BB. BUDGET ADJUSTMENTS

**Approval of consent agenda="Motion to approve these adjustments."**

1. Tax Assessor DiMeo re Abatements & Additions through February 15, 2019

(CA) CC. FINANCIAL REPORTS

**Approval of consent agenda="Motion to receive and place these items on file."**

1. (Town Treasurer Goucher) re Revenue and Expenditure Statement - February 20, 2019

Sweeney/Teixeira - Voted unanimously to receive and place this matter on file.

Prior to the vote taken, Councilman Sweeney expressed concern that some of the accounts appearing on this report were over-expended. He suggested that these facts might be shared during the budget deliberations so as to facilitate "more realistic" budgeting. Councilman Sweeney noted that specifically, the "Last Night" budget line was in deficit.

Town Treasurer Goucher noted that the deficit situation for Last Night has been known for a long time and that it is a direct result of a shortfall in the Council's desire to fundraise to offset the cost of the concert.

It was agreed that the Council will consider this type of problem during its budget deliberation in March.

(CA) DD. PROCLAMATIONS, RESOLUTIONS & CITATIONS

**Approval of consent agenda="Motion to adopt these Proclamations, Resolutions and Citations as prepared and presented."**

(CA) EE. UTILITY PETITIONS

**Approval of consent agenda="Motion to approve these petitions."**

(CA) FF. UPCOMING APPOINTMENTS

**Approval of consent agenda="Motion to approve advertising these Appointments."**

1. Public Service Appointments - March

(CA) GG. CITY & TOWN RESOLUTIONS NOT PREVIOUSLY CONSIDERED

Approval of consent agenda="Motion to receive and place these items on file."

1. Letter - Hopkinton Town Council re State Financial Support to Education
2. Resolution - Smithfield School Department re State Education Funding Formula

(CA) HH. DISTRIBUTIONS/COMMUNICATIONS

Approval of consent agenda="Motion to receive and place these items on file."

1. Warrant - Georgina Macdonald, Bristol County Water Authority
2. Warrant - Joseph P. Asciola, Zoning Board of Review
3. Borrowing Resolutions - Signed Copy
4. Letter - State Planning Council - Transportation Advisory Committee
5. Release - Sinapi Law Associates, Ltd. - Horizon Beverage - Thames Street Landing Tavern Co., LLC d/b/a DeWolf Tavern
6. Recommendation - Town Administrator and Public Works Director - George C. Lima, Jr. - 363 High Street Curb Cut
7. Council Clerk to Senator Walter S. Felag, Jr. et al, re Letter of Allan C. Klepper, BCWA
8. (Harbormaster Marsili) re Lease Town of Bristol and A & R Marine Corp. (office space Maritime Center building)

(CA) II. DISTRIBUTIONS/NOTICE OF MEETINGS

(Office copy only)

Approval of consent agenda="Motion to receive and place these items on file."

1. Bristol County Water Authority Board of Directors Special Meeting - February 11, 2019 (cancelled)

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2. Bristol Warren Regional School Committee - February 6, 2019
3. Bristol Warren Regional School Committee - Week of February 10, 2019
4. Bristol Warren Regional School Committee - February 11, 2019
5. Bristol Warren Regional School Committee - Personnel/Contract Negotiations Subcommittee - February 11, 2019
6. Bristol Warren Regional School Committee - KMS Safety & Security Subcommittee - February 11, 2019
7. Bristol Warren Regional School Committee - KMS Safety & Security Subcommittee - February 21, 2019
8. Bristol Warren Regional School Committee - Week of February 17, 2019
9. Bristol Warren Regional School Committee - Budget/Facilities Subcommittee - February 19, 2019
10. Christmas Festival Committee - Snowball Subcommittee - February 21, 2019
11. Conservation Commission - 2019 Schedule of Meetings
12. Fourth of July Committee - February 20, 2019
13. Fourth of July Committee - March 7, 2019
14. Housing Authority - February 14, 2019
15. North and East Burial Grounds Commission - February 13, 2019
16. Planning Board - February 21, 2019
17. Rogers Free Library Board of Trustees - February 19, 2019
18. Historic District Commission - March 7, 2019

19. Zoning Board of Review - March 4, 2019

(CA) JJ. CLAIMS (REFERRALS)

**Approval of consent agenda="Motion to refer these items to the Insurance Committee and at its discretion to the Interlocal Trust."**

1. George Rigby, 47 Franklin Street - Claim for Damages
2. Ann M. Marshall, 1 Prudence Lane, Warren - Claim for Damages
3. Lisa S. Holley, Esq. re Maria Ursini v. Town of Bristol
4. Dave Grubb, Claims Representative - Selective Insurance Company for Joseph Andrade - Claim for Damages

(CA) KK. CLAIMS (DENIALS)

**Approval of consent agenda="Motion to deny these claims and refer same to the Insurance Committee and the Interlocal Trust for response to claimant."**

(CA) LL. CURB CUT PETITIONS AS APPROVED BY THE DIRECTOR OF PUBLIC WORKS

**Approval of consent agenda="Motion to grant this curb cut per the recommendation of, and any conditions specified by, the Director of Public Works."**

(CA) MM. MISCELLANEOUS ITEMS REQUIRING COUNCIL APPROVAL

**Approval of consent agenda="Motion to approve these items."**

Sweeney/Teixeira - Voted unanimously to convene in Executive Session pursuant to RIGL 42-46-5 (a) (2) and (5) per the detail of the agenda items L1 an L2 as found above at 7:59 o'clock PM.

Sweeney/Parella - Voted unanimously to resume open session and seal the minutes of the Executive Session at 9:11 o'clock PM.

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Regarding Case Number PC-2009-5800 Richard and Dawn Morrison vs. Bristol Zoning Board and Bristol Land Conservation Trust (Docket number L1)

Sweeney/Teixeira - Voted unanimously to authorize the Town Solicitor to reopen this case.

Regarding Case Number PB-2019-1032, Town of Bristol vs. Mosaico Business & Community Development Corporation (Docket number L1)

Sweeney/Teixeira - Voted unanimously to loan up to \$30,000, to be provided in \$10,000 increments to the receivership estate for continued operational expenses for the Bristol Industrial Park with the understanding that this loan is "super-priority" secured.

Council Chairman Calouro announced that no further action was taken on Docket item L1 and that no action was taken on Docket item L2.

There being no further business, upon a motion by Councilman Sweeney, seconded by Councilwoman Parella and voted unanimously, the Chairman declared this meeting to be adjourned at 9:12 o'clock PM.

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Louis P. Cirillo, CMC, Council Clerk