

TOWN COUNCIL MEETING - WEDNESDAY EVENING - OCTOBER 19, 2016

PRESENT: Calouro, Sweeney, Parella, Stuart, and Herreshoff

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

The Council met in regular session on Wednesday evening, October 19, 2016 in the Town Hall, Council Chambers, beginning at 7:02 o'clock PM, Council Chairman Calouro presiding:

Prior to the commencement of this evening's regular agenda, Council Chairman Calouro introduced members of Bristol Troop 6, Boy Scouts of America who led the assembly in the Pledge of Allegiance to the Flag.

MOTION RE: CONSENT AGENDA - TO APPROVE THE CONSENT AGENDA

Sweeney/Herreshoff - Voted unanimously to approve the Consent Agenda.

A. SUBMISSION OF MINUTES OF PREVIOUS MEETING(S)

1. Town Council Meeting - September 28, 2016 (action items only)

Herreshoff/Stuart - Voted unanimously to approve these minutes as prepared and presented.

B. PUBLIC HEARINGS

C. ORDINANCES

1. Ordinance #2016-13, Chapter 16, Motor Vehicles and Traffic, Article IV, Operation of Vehicles, Section 16-114, Stop intersections designated (Belvedere Drive at Sunrise Drive), **2nd reading for adoption**

Stuart/Parella - Voted unanimously to consider this action to constitute the second reading for adoption of Ordinance #2016-13. Advertise in local newspaper.

2. Ordinance #2016-14, Chapter 16, Motor Vehicles and Traffic, Article IV, Operation of Vehicles,

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Section 16-143, Parking prohibited at all times
(Chestnut Street-Benjamin Church Manor), 1st
reading

Sweeney/Herreshoff - Voted unanimously
to consider this action to constitute
the first reading of Ordinance #2016-
14. Advertise in local newspaper.

D. LICENSING BOARD - NEW PETITIONS

1. Cheng Liang Yu (new owner), d/b/a Sawa Asian
Bistro, 531 Wood Street - request for Victualling
License
 - a. Recommendation - Town Administrator and
Water Pollution Control Department (approve)
 - b. Recommendation - Town Administrator and Fire
Chief (approve)

Sweeney/Herreshoff - Voted unanimously
to continue this matter until the
meeting of November 16, 2016.

Prior to the vote taken, Assistant Solicitor Teitz noted that
this location occupies the same legal lot as 125 Franklin Street
and that the Town incurred a significant expense relating to a
building fire on that property. He added that the property has
outstanding taxes and there is a lien on the property for the
expenses incurred.

Councilman Herreshoff stated that perhaps the Council may add a
condition to the motion that the matter might be resolved before
the license is granted.

Council Chairman Calouro noted that the petitioner is not the
property owner. Assistant Solicitor Teitz noted that this does
not matter since the property owner receives rent payments from
the operator of the restaurant.

Councilwoman Parella asked to know the amount outstanding with
Assistant Solicitor Teitz responding that he did not have an
exact figure but that the amount was more than \$30,000.

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Councilwoman Parella asked the petitioner if he was aware of this problem with Mr. Yu responding that he is only the tenant in the building and not the property owner.

Assistant Solicitor Teitz suggested that the matter might be continued until the next meeting to coincide with the public hearing on the liquor license for the same premises.

A discussion ensued with the Clerk informing the Council that the petitioner intended to open his business immediately to serve food and suspend alcohol service until the transfer was complete.

Council Chairman Calouro noted that the matter concerning the liens must be resolved first.

It was agreed that Assistant Solicitor Teitz would meet with the petitioner and discuss the particulars of the case with him.

2. Yong Ping Qiu, for J and Y, LLC, d/b/a Sawa Asian Bistro, 531 Wood Street - request for transfer of Class BV Intoxicating Beverage License to: Cheng Liang Yu, for IFC, Inc. (new owner), **call for public hearing November 16, 2016**

Stuart/Herreshoff - Voted unanimously to call for a Public Hearing to consider this matter for Wednesday evening, November 16, 2016, beginning at 7:00 o'clock PM. Advertise in local newspaper.

3. Hildeberto S. Moitoso, for Viola's Liquor Store, Inc., d/b/a Viola's Liquor Store, 219 Wood Street - request for transfer of Class A Intoxicating Beverage License to: Michael S. Brito, Jr., for Twelfth Night Sales, Inc. (new owner), **call for public hearing November 16, 2016**

Stuart/Sweeney - Voted unanimously to call for a Public Hearing to consider this matter for Wednesday evening, November 16, 2016, beginning at 7:00 o'clock PM. Advertise in local newspaper.

E. LICENSING BOARD - RENEWALS

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F. PETITIONS - OTHER

1. Richard Medeiros, 302 State Street - request for 4-Way Stop at State Street and Dewolf Avenue

LATE ITEM a. Recommendation - Town Administrator and Chief of Police

Stuart/Sweeney - Voted unanimously to continue this matter to the first regular meeting following the Re-Organizational meeting.

Prior to the vote taken, Captain Scott McNally, representing Police Chief Canario, stated that the Police Department would like to have at least 30 additional days to continue their study of the matter.

2. Matthew A. Calderiso, Jr., 12 Bay Street - request for removal of "Accessible Parking" space at 33 Oliver Street, **1st reading**

a. Recommendation - Town Administrator and Director of Public Works (approve)

LATE ITEM b. Recommendation - Town Administrator and Chief of Police (approve)

Stuart/Sweeney - Voted unanimously to consider this action to constitute the first reading of a request for removal of an accessible parking space. Continue this matter until the meeting of November 16, 2016 for second reading.

3. Susan Rancourt, for Rhode Races & Event, Inc., in partnership with the 4th of July Committee - request to hold 3rd annual Road Race, July 1, 2017

LATE ITEM a. Recommendation - Town Administrator and Chief of Police (approve with conditions)

Stuart/Sweeney - Voted unanimously to grant this petition per the recommendations received and conditions

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imposed and also subject to conformance to all laws and ordinances and payment of all applicable fees, taxes, and levies.

4. Michael Hoffman, 6 Francis Street - request for "No Parking" space on Wall Street (across from driveway)

LATE ITEM a. Recommendation - Town Administrator and Director of Public Works (approve)

LATE ITEM b. Recommendation - Town Administrator and Chief of Police (approve)

Sweeney/Stuart - Voted unanimously to refer this matter to the Town Solicitor so that he may draft the appropriate language for an ordinance concerning same.

5. Leonard P. Sanford III, for First Baptist Church, (250 High Street) - request for permission to install accessible walkway and signage on Town Common in vicinity of Walley School

a. Recommendation - Town Administrator and Director of Parks and Recreation

b. Recommendation - Town Administrator and Director of Public Works

LATE ITEM c. Recommendation - Town Administrator and Chief of Police (approve with conditions)

Parella/Stuart - Voted unanimously to approve this ramp per the recommendations received and the conditions as imposed, with the specifications to be approved by the Director of Public Works and the Director of Parks and Recreation.

Prior to the vote taken, Mr. Sanford appeared before the Council. He explained that the purpose of the petition would be to allow the church to construct a path from the nearby parking area to the east entrance of the building.

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Councilman Sweeney stated that he was in favor of allowing the path to be constructed.

Mr. Sanford noted that the entrance door is at grade and that there will be a ramp on the inside of the church building.

Councilman Stuart stated that if the Council would approve this path to be constructed that it would be done in conformance to the requirements of the Town departments.

Public Works Director McBride suggested that the path should be constructed with concrete with Councilman Herreshoff in agreement that asphalt is generally unsuitable for sidewalks.

It was noted that Mr. Sanford will obtain any permissions necessary from the Historic District Commission.

G. APPOINTMENTS

1. Public Service Appointments-October

a. Christmas Festival Committee - Proposed Membership List (2016-2017)

Stuart/Sweeney - Voted unanimously to close nominations and to instruct the Clerk to cast one ballot in favor of the slate of appointees as presented.

Prior to the vote taken, Councilman Stuart nominated the slate of appointees as presented by the Christmas Festival Committee.

There were no counter-nominations.

H. OLD BUSINESS

1. Councilman Stuart - discussion re BCWA Interconnect with East Providence and Pawtucket, **continued from September 28, 2016**

Stuart/Sweeney - Voted unanimously to continue this matter to the first regular meeting following the Re-Organizational meeting.

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Councilman Herreshoff noted that he is uncertain if the BCWA will be using the larger pipe. He cautioned that it would be unwise to install a pipe that would be too small for future needs. He suggested that the Council might ask about the pipe.

Councilman Stuart stated that he and Council Chairman Calouro attended a workshop at the Water Authority and reported that the local representative directors were vocal at the session.

It was noted that the Water Authority has \$1 million from an existing bond issue and also \$100,000 from the State Revolving Fund for its projects and that the workshop ended with good discussion. It was further noted that although the Water Authority does plan to replace its meters, it will complete the project "in pieces," replacing some meters as needed.

There was also some discussion regarding the pipeline connecting to the Kent tower and the need to make sure that this pipeline is completed correctly.

Prior to the vote taken, Councilman Herreshoff stated that he hopes that the BCWA will be using the larger pipe. He noted that this pipe may eventually become part of a connection to the Pawtucket water system.

Councilman Herreshoff explained pipe geometry.

Council Chairman Calouro reported that there is no need for the Water Authority to spend more money than it absolutely has to.

2. Councilman Stuart re RIPTA Bus Boxes on Hope Street, **continued from September 28, 2016**

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

Prior to the vote taken, Councilman Herreshoff reported that he had not had the opportunity to speak with the RIPTA representatives but rather conferred on the situation with Councilman Stuart. He suggested that the matter was in good hands with Councilman Stuart.

Councilman Stuart suggested that the matter should be "put to rest" and that it was essentially concluded at the last meeting. He noted that there may be opportunities to move the bus stops to obtain more parking spaces.

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I. OTHER NEW BUSINESS REQUIRING TOWN COUNCIL ACTION

1. Coastal Resources Management Council re application of Peter Brown, 141 Berry Lane and Peter Sebring - winter storage site for aquaculture oysters (deadline to request hearing, October 23, 2016)

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

2. Domenic Franco, Chairman, Harbor Commission re Non-Profit Mooring Fees

Sweeney/Stuart - Voted to continue this matter to the first regular meeting following the Re-Organizational meeting. Voting in favor of this motion were Council Chairman Calouro, Councilman Sweeney, Councilwoman Parella, and Councilman Stuart. Councilman Herreshoff was recused from the vote.

Prior to the vote taken, Councilman Herreshoff renewed his recusal concerning this matter.

3. Councilman Herreshoff re Proposed Marina

Herreshoff/Sweeney - Voted unanimously to refer this matter to the Town Administrator, Town Treasurer, and Harbormaster.

Prior to the vote taken, Councilman Herreshoff outlined the contents of his memorandum and noted that he is advocating that the marina should be built correctly. He suggested that it would be better to access the marina expansion from the existing docks near Church Street and that it was important that the geometry is correct since some docking areas are difficult to traverse with larger vessels.

Councilman Herreshoff suggested that the Town would benefit through the help of a consultant specializing in dock design and suggested that the Town might choose to engage one of these.

Councilman Herreshoff noted that the Town has a very capable Harbormaster and that Pare Engineering is also capable but that

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the design of a marina needs the assistance of a dock specialist.

Council Chairman Calouro agreed that the project is very important and that it would be useful to have "an extra set of eyes" during the planning stages.

Councilwoman Parella agreed with Councilman Herreshoff and Council Chairman Calouro that it is important to "do it right" and that a good plan would make the slips accessible even if a few slips are sacrificed in the process.

Council Chairman Calouro noted that the Town's original founders allowed for very wide roads and that this was very good planning.

Councilman Stuart thanked Councilman Herreshoff for his input on this matter.

4. Councilman Herreshoff re Proposal for Azevedo Property

Herreshoff/Sweeney - Voted unanimously to refer this matter to the Town Administrator and Director of Community Development.

Prior to the vote taken, Councilman Herreshoff noted that the purpose of his proposal was for "brainstorming" and that he hopes that taxpayers will derive a benefit from the subject property. He noted that Harbormaster Marsili is currently using some of the area for projects but that he agreed to move these elsewhere, as necessary.

Councilman Herreshoff suggested that the place should be landscaped with grass and paths and that he would like to see one of the historic buildings removed and the other rehabilitated into a 4th of July Museum through private donations. He added that he is offering this proposal for planning purposes and that he hopes that it will be considered in the future.

Councilman Sweeney stated that he likes the idea of a 4th of July Museum.

A discussion ensued regarding the Town's plan to continue the waterfront boardwalk through this property toward the south and

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also the possibility of a "freedom trail" through the Town with periodic "insignias."

J. BILLS & EXPENDITURES

K. SPECIAL REPORTS

1. Allan Klepper, Barrington Director, Bristol County Water Authority - Monthly Report for October

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

2. Alyson C. Adkins, Director of Finance and Human Resources, Newport and Bristol County Convention and Visitors' Bureau (d/b/a Discover Newport) re Annual Audit Report, Fiscal Year Ended March 31, 2016

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

L. TOWN SOLICITOR

1. Request for Executive Session pursuant to RIGL § 42-46-5(a)(2) litigation - Bristol Warren Regional School District
 - a. Town of Warren, et al v. Bristol Warren Regional School District, et al - Town of Warren's Withdrawal of its Appeal

It is hereby noted for the record that the Council took no action on this item. Assistant Solicitor Teitz noted that the information in the attached document (withdrawal of appeal) was self-explanatory.

M. INDIVIDUAL COUNCIL MEMBERS AGENDA ITEMS

1. Calouro

- a. Girl Scout Troop - Council Chairman Calouro stated that he recently attended a Girl Scout Troop meeting to talk about voting. He suggested that everyone should exercise their right to vote and that the Presidential race was "tumultuous."

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b. RI Monthly Magazine - Council Chairman Calouro noted that there will be an article in an upcoming issue of RI Monthly about Bristol.

c. Flashing Light - Council Chairman Calouro reported that the new school zone flashing lights are being installed near Franklin Street.

d. Second to the Last Meeting - Council Chairman Calouro noted that this is the second to the last meeting for the currently seated Council.

2. Sweeney

a. Recycling Rates - Councilman Sweeney reported an uptick in the Recycling Rate to 27%. He added that this will save money for the Town.

b. Best Wishes to the Candidates - Councilman Sweeney offered his best wishes to the candidates for Town Administrator and Town Council and observed that he enjoyed serving with Councilman Herreshoff during the past four years.

c. Vote on November 8 - Councilman Sweeney noted the approach of Election Day which will be held this year on November 8.

3. Parella

a. Melinda Howard, Energy Challenge - Councilwoman Parella noted that Melinda Howard of the Rhode Island Energy Challenge provided "energy pledge" cards and that these are also available in the Town Hall. She noted that the Town can "win" \$5,000 if successful with the challenge. Councilwoman Parella asked Town Administrator Teixeira to place this information on the Town Website.

Town Administrator Teixeira agreed to do this.

b. Local Question #8 - Councilwoman Parella noted that the Town does not plan to draw down these funds all at once and that it is important for the Town to have funds available to match grant opportunities and that Bristol has a good reputation in this regard.

c. Candidate Well Wishes - Councilwoman Parella offered best wishes to all of the candidates.

4. Stuart

a. \$17 Million Bond Issue - Councilman Stuart noted that the bond issue question (#8) is intended to "make Bristol better" and that he has been an advocate for roads, infrastructure, and drains. He noted that \$12 million of the proposed bonds would support roads and drainage.

Councilman Stuart also explained that some of the bond funds would support open space, public building improvements, and the proposed marina.

b. Former Landfill - Councilman Stuart noted that the Town held a pre-bid meeting for the RFP for the former landfill conversion to a solar "farm." He explained that there appears to be quite a bit of interest in this project.

c. Find Your Four - Councilman Stuart also suggested that the energy challenge information should be made available to the public to assure the needed participation.

d. East Bay Chamber - Councilman Stuart offered the congratulations of the Town to Lisa Raiola and Waterman Brown, Hope and Main, and Beth Carter for their recognition by the East Bay Chamber of Commerce.

e. Good Luck Candidates - Councilman Stuart offered his best wishes to the candidates seeking public office.

f. Davis and Martins - Councilman Stuart thanked Messrs. Davis and Martins for their services this evening.

g. Vote - Councilman Stuart reminded those present to exercise their right to vote.

5. Herreshoff

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a. Important Election - Councilman Herreshoff noted that the upcoming election is important and encouraged those present to "do something about it."

b. Bond Issue Informational Booklet - Councilman Herreshoff noted that the Secretary of State's office provides a booklet outlining the various State questions. He suggested that voters should study this to make informed decisions.

c. \$17 Million Bond Issue - Councilman Herreshoff explained that this bond issue is intended to do many things and provides the Town with the opportunity to combine draws when grant funding is available. He noted that there is a good case for the Federal Government to support the improvements to the Tanyard Brook.

d. Downtown Streets - Councilman Herreshoff noted that there have been some improvements to the sidewalk cleaning efforts. Councilman Herreshoff reported that he plan to remain a "broken record" on this matter.

e. Council Deliberations - Councilman Herreshoff noted that this meeting was unusually short and that he was pleased to be able to watch the final debate between "Hillary and Mr. Trump."

N. TOWN ADMINISTRATOR AGENDA ITEM(S)

1. Grant Award - Town Administrator Teixeira deferred to Fire Chief DeMello who reported the receipt of a \$32,000 grant to improve Town IDs. He noted that the new IDs will be more secure and will also provide for building access.

2. Flashing Light Anchors - Town Administrator Teixeira reported that the new school zone flashing light anchors are in place and that the installation should be completed soon.

3. Candidate Wishes - Town Administrator Teixeira offered his best wishes to the various candidates.

CITIZENS PUBLIC FORUM

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 District Joint Finance Committee - March 31, 2016
2. Historic District Commission - September 1, 2016
3. North and East Burial Grounds Commission - March 16, 2016
4. North and East Burial Grounds Commission - April 13, 2016
5. North and East Burial Grounds Commission - June 8, 2016
6. North and East Burial Grounds Commission - July 13, 2016

(CA) BB. BUDGET ADJUSTMENTS

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

1. Tax Assessor/Collector Belair re Recommended Abatements & Additions - October 2016

(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 - October 12, 2016

(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."

1. Department of Public Works - Road Cut Permits

(CA) FF. UPCOMING APPOINTMENTS

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

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

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

1. Louise R. Phaneuf, Burrillville Town Clerk re Resolution Opposing Siting of Clear River Energy Center in Burrillville

(CA) HH. DISTRIBUTIONS/COMMUNICATIONS

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

1. Council Clerk Cirillo to Barbara H. Healy, Harbor Commission Advisory Committee re thank you for service
2. Resolution supporting goals of Rhode Island Energy Challenge (signed original)
3. Council Clerk Cirillo to Michael Rich, Chairman, Arts in Common re Walley School
4. Warrant - Jerry W. Dauterive, Economic Development Commission
5. Parag Agrawal, AICP, Secretary, Rhode Island State Planning Council re Notice of Public Hearing, November 2, 2016 - amendment to State Guide Plan
6. Coastal Resources Management Council re Semi-Monthly Meeting - October 11, 2016
7. Refunding Bond Resolutions (signed original)
8. Zone Change and Comprehensive Plan Future Land Use Map Amendment - State of RI, former "Maher

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Center" property/Roger Williams University
(recorded original)

(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 - September 29, 2016
2. Fourth of July Committee-New Members - October 4, 2016
3. Planning Board - October 11, 2016 (rescheduled to October 18, 2016)
4. Bristol Warren Regional School District-Schedule of Meetings - Week of October 2, 2016
5. Bristol Warren Regional School Committee-Policy and Curriculum Subcommittee - October 9, 2016
6. Bristol Warren Regional School District-Schedule of Meetings - Week of October 2, 2016
7. Fourth of July Committee - October 13, 2016
8. North and East Burial Grounds Commission - October 12, 2016
9. Bristol Warren Regional School District-Schedule of Meetings - Week of October 16, 2016
10. Bristol Warren Regional School Committee-Budget/Facilities Subcommittee - October 17, 2016
11. Planning Board - October 18, 2016
12. Fourth of July Committee-Souvenir Subcommittee - October 19, 2016

(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."

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1. Charles J. Vucci, Gemma Law Associates, Inc., for
Melissa Machado - Claim for Damages
2. Robert McGrath, 285 Carey Street, Somerset, MA -
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."

There being no further business, upon a motion by Councilman Stuart, seconded by Councilman Sweeney and voted unanimously, the Chairman declared this meeting to be adjourned at 8:15 o'clock PM.

Louis P. Cirillo, CMC
Council Clerk