

**TOWN COUNCIL MEETING - WEDNESDAY EVENING - AUGUST 1, 2018**

PRESENT: Calouro, Sweeney, Tyska, Parella (arrived at 7:06 o'clock PM) and Stuart

ALSO PRESENT: Steven Contente, Town Administrator  
Amy Goins, Esq., Assistant Town Solicitor  
A. Archie Martins, Town Sergeant

The Council met in regular session on Wednesday evening, August 1, 2018, in the Town Hall, Council Chambers, beginning at 7:02 o'clock PM, Council Chairman Calouro presiding

**SPECIAL RECOGNITION**

Little League Champions

Prior to the commencement of this evening's regular agenda, Council Chairman Calouro explained that the Council plans to recognize the recent accomplishments of the King Philip Little League championship team and that this formal recognition will take place at the Council meeting to be held on September 19, 2018.

**PROCLAMATION**

Hydraulion Engine & Hose Co., No. 1  
175<sup>th</sup> Anniversary

Also prior to the commencement of this evening's regular agenda, Council Chairman Calouro presented a proclamation from the Town Council and Town Administrator to the officers of the Hydraulion Engine & Hose Co., No. 1 in honor of that fire company's 175<sup>th</sup> Anniversary.

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

Sweeney/Stuart - Voted unanimously to approve the Consent Agenda, withholding agenda items HH5 and HH7 for additional consideration.

Prior to the vote taken, Councilman Stuart asked that Consent Agenda items HH5 and HH7 might be withheld for further consideration.

Councilwoman Parella arrived at this point in the meeting (7:06 o'clock PM).

A. SUBMISSION OF MINUTES OF PREVIOUS MEETING(S)

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1. Town Council Meeting - July 11, 2018

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

B. PUBLIC HEARINGS

C. ORDINANCES

1. Ordinance #2018-13, Chapter 17, Offenses and Miscellaneous Provisions, (new) Article III, Unruly Gatherings, (new) Sections 17-100, et seq. (to prohibit unruly parties), **2<sup>nd</sup> reading for adoption**

a. Alicia Securo, (159 Hopeworth Avenue), et al - Petition in Support of Ordinance (received at meeting, July 11, 2018)

Stuart/Parella - Voted unanimously to consider this action to constitute the Second Reading for adoption of Ordinance #2018-13; authorizing the Town Solicitor to include appropriate language to further define penalties allowing for a "dual track" of penalties for landlords and occupants, to require "certified mail" notice, to establish a three-year lookback cycle for landlords, and also to include any additional language to bring clarity to the ordinances intent.

Prior to the vote taken, Council Chairman Calouro explained that the Council heard from several residents concerning their experiences with unruly gatherings. He explained that the Council considered options toward resolving these difficult experiences.

Assistant Town Solicitor Goins explained that the Town Solicitor's office provides an updated version of Ordinance 2018-13 and that this updated version changed to better clarify the intent of the ordinance. She also explained that these clarifications appear in red and blue on the copies provided and that the clarifications can be considered as "housekeeping" and

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are non-substantive. She added that the Council may still consider this ordinance for Second Reading for Adoption.

Assistant Town Solicitor Goins also explained that although the ordinance was based on one in use in the Town of Narragansett, the Narragansett ordinance compels the use of an orange sticker for notice. She noted that the Town appears to prefer a different type of notice to be delivered and that the Town will instead mail notice to the property owner and occupants.

She also noted that after a first warning, all of those charged with violating this ordinance may be subject to punitive measures including a \$500 fine.

Assistant Town Solicitor Goins also noted that the term "invited guest" was replaced with "persons present with the consent of" since the Town is informed that many persons attend these unruly gatherings who are not specifically invited to attend.

Assistant Town Solicitor Goins noted that violations may be issued to owners, organizers and tenants and that each may be responsible to pay the \$500 penalty.

Assistant Town Solicitor Goins noted that the similar Narragansett ordinance has been "blessed" by the appeals court.

A discussion ensued regarding the time period occurring between the first and second offense. She added that tenants of the subject properties are typically students and that these students would likely be replaced by others after a short period. She added that it would probably be difficult to have too long of a time frame for lookback due to the short-lived residency of these students.

Councilman Stuart stated that he would like for the ordinance to include a dual track for the period of time that the Town would be allowed to look back on violations. He suggested that it would be preferable to have a longer look-back time for landlords. He asked to know if this could be accomplished at this stage of the ordinance adoption process.

Assistant Town Solicitor Goins stated that it was possible to do this.

Councilman Stuart stated that he wanted it to be clear that the ordinance was for all violators and was not just for student violators.

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Council Chairman Calouro agreed with Councilman Stuart and stated that he, too, would prefer that there should be two tracks. He added that the Town is not looking to obtain fine revenue nor is it looking for community service and that it would prefer to simply have respectful persons who live quietly and do not disturb the peace. He added that the fines and community service penalties are in place to encourage good behavior.

Council Chairman Calouro noted that the ordinance is not a "silver bullet" but that he is confident that it will "go a long way" toward resolving the problems earlier described.

Councilwoman Parella stated that she was confused about the two tracks. She added that she did not think it appropriate to allow a limit on the number of years that the Town may look back and that violations should be considered accumulatively.

Councilwoman Parella stated that she is concerned that out of state property owners will ignore the fines and that she was disappointed to learn that some of the worst offenders are actually residents of Bristol.

Assistant Town Solicitor Goins stated that the language can be changed to have a longer period of time for look back for landlords.

Councilman Stuart agreed with Councilwoman Parella and stated that he would like to see a longer period of time for look back for landlords.

Council members agreed that the notice to the parties should be by certified mail.

**D. LICENSING BOARD - NEW PETITIONS**

1. Elser L. Ramirez, d/b/a Bar 31, 29 State Street - Request for Dancing and Entertainment License
  - a. Recommendation - Town Administrator and Fire Chief (approve)
  - b. Recommendation - Town Administrator and Chief of Police (approve)

Sweeney/Stuart - Voted unanimously to grant this license to be valid only on every other Sunday from 5:00 o'clock PM

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until 8:30 o'clock PM, 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, Councilwoman Parella noted that according to the Police Department recommendation, the applicant wishes to have entertainment only on every other Sunday.

E. LICENSING BOARD - RENEWALS

F. PETITIONS - OTHER

1. Raymond W. Green, 9 Third School Street - Request for Accessible Parking Space in Front of Residence, **1<sup>st</sup> reading**

Stuart/Sweeney - Voted unanimously to consider this action to constitute the first reading of a request for an accessible parking space and to continue said matter until the meeting of August 22, 2018 for second reading.

2. Code Compliance Coordinator Falcoa - Request for Removal of One-Half Hour Parking in Front of 149 Bradford Street (f/k/a Sam's Pizza)

- a. 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 ordinance language.

3. Scott Christopher, 116 Hopeworth Avenue, et al - Request for Four-Way Stop at Hopeworth Avenue and Berry Lane

- a. Recommendation - Chief of Police (deny)

Sweeney/Parella - Voted unanimously to continue this matter until the meeting of August 22, 2018.

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Prior to the vote taken, Police Chief Canario stated that he wishes to have more data concerning this matter and asked that it might be continued until the next meeting.

Councilman Sweeney stated that this appears to be a request to help control excessive speeds in the area.

It was noted that 95% of the persons using this street are local residents and that there was a need to re-examine the situation.

4. Bette Walpole, Chairperson, East Bay Chamber of Commerce - Request Permission to Serve/Sell Alcoholic Beverages at Town Beach Pavilion for "Networking Dinner" Event, August 22, 2018
  - a. Recommendation - Town Administrator and Fire Chief (approve)
  - b. Recommendation - Town Administrator and Chief of Police (approve with conditions)

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

Prior to the vote taken, the Clerk reported that the matter has been withdrawn at the request of the petitioner.

G. APPOINTMENTS

H. OLD BUSINESS

I. OTHER NEW BUSINESS REQUIRING TOWN COUNCIL ACTION

1. Patrick "Rick" F. Sacbibit, P.E., Branch Chief, Engineering Services Branch, Federal Insurance and Mitigation Administration, FEMA re Revision to Town's Flood Insurance Rate Map

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

Prior to the vote taken, Director of Community Development Williamson noted that this was the result of an application on the part of one property owner and was based upon data provided by that property owner which refined the record on the flood zone.

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Council Chairman Calouro asked to know if others may benefit from this change with Director of Community Development Williamson explaining that anyone can apply and provide a case for changing their designation based upon a set of facts submitted by an engineer.

Councilwoman Parella asked about the timing of this ruling since it seems to coincide with the current project under consideration at Thames and State Streets.

Director of Community Development Williamson noted that this application was a condition of the Planning Board's decision.

Director of Community Development Williamson also noted that changes facilitated by the Town for flood mitigation in recent years resulted in a 15% reduction in flood insurance premiums for Bristol policy holders.

J. BILLS & EXPENDITURES

K. SPECIAL REPORTS

L. TOWN SOLICITOR

M. INDIVIDUAL COUNCIL MEMBERS AGENDA ITEMS

1. Calouro

a. Black Ships Festival - Council Chairman Calouro reported that the Black Ships Festival was well-done and that he plans to attend the festivities again next year.

b. Bicycle Path Accident - Council Chairman Calouro noted the recent accident which occurred near the East Bay Bicycle Path that resulted in a fatality. He expressed the Town's condolences to the families involved in this accident.

2. Sweeney

a. Harbor Festival - Councilman Sweeney reported on the upcoming Harbor Festival which will take place on August 18, 2018. He outlined some of the activities including the Blessing of the Fleet, the Stuffie Competition, Harbor Tours, and the popular Littleneck Boil.

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3. Tyska

a. Tangible Tax - Councilman Tyska asked the Administration to provide an update on the status of the Tangible Tax levies on local businesses and requested that there might be an agenda item on the August 22 agenda to include a discussion regarding same. He suggested that the Town might consider making changes to this tax in order to make the Town more "business friendly."

4. Parella

a. Black Ships - Councilwoman Parella congratulated the organizers of the Black Ships festival and that the program was very welcoming. She noted a report that the arts and crafts portion of the festival drew more people than the ones held previously in Newport and that the festival overall surpassed the expectations of the organizers.

b. Mosaico Stuffies - Councilwoman Parella suggested that the Harbor Festival organizers might contact those who participated in the recent stuffie event held by Mosaico since there were many good participants. She added that this number would supplement those who normally compete in the Harbor Festival stuffie competition.

5. Stuart

a. Hydraulion Engine & Hose Co., No. 1 - Councilman Stuart congratulated the Hydraulion Company on their 175<sup>th</sup> anniversary and also thanked all of the Town's volunteer firefighters.

b. Accident - Councilman Stuart offered his prayers for the families involved in the Bicycle Path accident.

c. Community Day - Councilman Stuart noted that the Health Equity Zone Community Day will be held on the Town Common on August 18, 2018.

d. Thanks to Meeting Participants - Councilman Stuart thanked the participants of this evening's meeting including videographer Mike Davis and Town Sergeant Martins.



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N. TOWN ADMINISTRATOR AGENDA ITEM(S)

1. Black Ships - Speaking for Town Administrator Contente, Economic Development Coordinator Vitale reported on the Black Ships Festival explaining that there will be a report forthcoming to outline the benefits of having the festival in Bristol.

Council Chairman Calouro suggested that the festival may be better suited to a weekend in August since it was right after the Fourth of July Celebration this year.

Economic Development Coordinator Vitale noted that the Japan-America Society seems to be interested in dates in August or September for next year's festival.

2. Accident - Town Administrator Contente extended the Town's sympathies to the families impacted by the recent Bicycle Path accident and explained that the investigation is ongoing. He added that he has been speaking to State leaders of the DEM and DOT and that this accident is a top priority for them. He stressed that the accident report is still incomplete and that he believes that the State's original claim of a six-month time frame for the report is unreasonable.

Town Administrator Contente noted that he was assured that local officials will be involved when the report is complete.

Town Administrator Contente also reminded the Council that both the Bicycle Path and Poppasquash Road are maintained by the State.

3. New Boardwalk - Town Administrator Contente noted that the new boardwalk extension which runs from Rockwell Park to the State Street Dock is underway and nears completion.

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CITIZENS PUBLIC FORUM

**Persons wishing to speak during the Citizens Public Forum 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. Board of Tax Assessment Review - June 6, 2018
2. Harbor Commission - July 9, 2018 (amended)
3. Bristol Warren Regional School Committee - June 25, 2018

(CA) BB. BUDGET ADJUSTMENTS

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

1. Tax Assessor DiMeo re Recommended Abatements & Additions - July 2018

(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 - July 26, 2018

(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."**

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

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

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(CA) HH. DISTRIBUTIONS/COMMUNICATIONS

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

1. Borrowing Resolutions (signed original)
2. Town Administrator Contente to DaPonte's Landscaping, Bristol, RI re Award of Bid #889 - Town Landscaping Contract
3. Resolution Authorizing the Assessment of Valuations and Levy of Taxes, Sewer Service Fees and Sewer Assessments (signed copy)
4. Coastal Resources Management Council - Semi-Monthly Meeting, July 24, 2018
5. Bristol County Water Authority - Fiscal Year 2018 Annual Report

Stuart/Sweeney - Voted unanimously to refer this matter to the Town Treasurer so that she may review same.

Prior to the vote taken, Town Treasurer Goucher asked to know if the Council was looking for anything in particular with Councilman Stuart responding that he would like to have information relating to the BCWA's bonds, liabilities and pensions.

6. S&P Global Ratings, Public Finance Department to Town Treasurer Goucher re AA+ Rating Town's General Obligation Bonds
7. Domenic Franco, Chairman, Harbor Commission to Nicholas Marsili - Thank You re Clipper Way Right-of-Way Path Project

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

Prior to the vote taken, Councilman Stuart thanked Nicholas Marsili and his Boy Scout troop for clearing the Clipper Way right of way. Councilwoman Parella noted that the ribbon cutting should take place very soon at the right of way.

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8. Warrant - Oryann Lima, Historic District Commission
9. Warrant - John M. Allen, Historic District Commission
10. Warrant - Gerald Walsh, Historic District Commission
11. Warrant - Brian Clark, Planning Board-1<sup>st</sup> Auxiliary
12. Domenic Franco, Chairman, Harbor Commission re Marina Expansion
13. Town Clerk/Council Clerk Cirillo to Dr. Michael Rossi - Thank You for Service on Planning Board

**(CA) II. DISTRIBUTIONS/NOTICE OF MEETINGS**  
(Office copy only)

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

1. Planning Board - July 12, 2018
2. Technical Review Committee - July 12, 2018
3. Board of Canvassers - July 27, 2018
4. Board of Canvassers - August 20, 2018
5. Fourth of July Committee-Beverage Tasting Subcommittee Meeting, July 17, 2018
6. Christmas Festival Committee - July 19, 2018
7. Fourth of July Committee - July 18, 2018
8. Technical Review Committee - July 18, 2018
9. Bristol Warren Regional School District-Schedule of Meetings, Week of July 22, 2018
10. Bristol Warren Regional School Committee-Budget/Facilities Subcommittee Meeting, July 23, 2018
11. Bristol Warren Regional School Committee-Policy & Curriculum Subcommittee Meeting, July 23, 2018

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12. Bristol Warren Regional School Committee-Personnel/  
Contract Subcommittee Meeting, July 23, 2018
13. Bristol Warren Regional School Committee - July  
23, 2018
14. Historic District Commission - August 2, 2018
15. Technical Review Committee - August 7, 2018
16. Bristol Warren Regional School District-Schedule  
of Meetings, Week of July 29, 2018

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

Sweeney/Stuart - Voted unanimously to approve the Consent Agenda, withholding agenda items HH5 and HH7 for additional consideration.

Prior to the vote taken, Councilman Stuart asked that Consent Agenda items HH5 and HH7 might be withheld for further consideration.

(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."**

(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

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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 8:00 o'clock PM.

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Louis P. Cirillo, CMC  
Council Clerk