

TOWN COUNCIL MEETING- WEDNESDAY, AUGUST 24, 2022

The council met on Wednesday, August 24, 2022, and called to order at 7:05 p.m. in the Town Hall, Council Chambers, Council Chairman Calouro presiding:

PRESENT: Council Chairman, Nathan Calouro
Vice-Chairwoman, Mary Parella,
Councilman, Antonio "Tony" Teixeira
Councilman, Timothy Sweeney
Councilman, Aaron Ley

ALSO PRESENT: Town Administrator, Steven Contente
Town Solicitor, Michael Ursillo, Esq.
Town Sergeant, Archie Martins

Motion RE: Consent Agenda - To Approve the Consent Agenda

Sweeney/Teixeira-Voted unanimously
to approve the Consent Agenda

A. Submission of Minutes of Previous Meeting(s)

A1. Executive Session Meeting - July 13, 2022

Sweeney/Teixeira -Voted unanimously to accept and approve the minutes of executive session July 13,2022 as presented; and unseal the minutes, motion, and vote pertaining to the Kanes Way Matter

A2. Executive Session Meeting - August 3, 2022

Sweeney/Teixeira-Voted unanimously to accept and approve the minutes of the executive session of August 3, 2022, as presented.

A3. Town Council Meeting - August 3, 2022

Sweeney/Teixeira-Voted
unanimously to accept and
approve the minutes of August
3, 2022 as presented.

B. Public Hearings

- B1.** William Conley, DBA Luxury Good's Etc., 12 Gooding Avenue, request for Junk and Secondhand Dealer's License (**see also D1**)

Sweeney/Teixeira-Voted
unanimously to close the
public hearing.

Prior to the vote taken, Council Chairman Calouro opened the Public Hearing. Clerk Cordeiro noted that Mr. Conley had informed her office that he had taken ill and would not be able to appear at the public hearing.

It is hereby noted for the record that there was no testimony heard in favor of this petition and no remonstrance presented in opposition thereto.

C. Ordinances

- C1.** Ordinance #2022-09, Chapter 16 - Motor Vehicles and Traffic Article V Stopping, Standing and Parking: Section 16-143, Parking Prohibited at all times (to add a no parking box on Ryan Avenue) (**2nd reading**)

Teixeira/Sweeney- Voted unanimously to
consider this action to constitute the
Second Reading for adoption of
Ordinance #2021-04. Advertise in local
newspaper

- C2.** Ordinance #2022-08, Chapter 17 - Offenses and Miscellaneous Provisions Article V - Sec 17-108 Prohibition Against Cannabis Smoking/Vaporizing in Public Places (**1st reading**)

Sweeney/Teixeira-Voted unanimously to consider this action to constitute the first reading of Ordinance #2022-08. Advertise in the local newspaper

- C3.** Ordinance #2022-10, Chapter 17 -Offenses and Miscellaneous Provision Article II - Sec 17-82 (4) (a) (to extend an alcohol beverage licensed establishment's closing time to midnight after a six-month review period) **(1st Reading)**

Sweeney/Teixeira-Voted unanimously to consider this action to constitute the first reading of Ordinance #2022-08. Advertise in the local newspaper

- C4.** Ordinance #2022-11, Chapter 16 - Motor Vehicles and Traffic Article V Stopping, Standing and Parking: Section 16-143, Parking Prohibited at all times (to add a no parking in the vicinity of 300 High Street) **(1st reading)**

Sweeney/Teixeira-Voted unanimously to consider this action to constitute the first reading of Ordinance #2022-08. Advertise in the local newspaper

D. Licensing Board - New Petitions

- D1.** William Conley, DBA Luxury Good's Etc., 12 Gooding Avenue, request for Junk and Secondhand Dealer's License **(see also B1)**

a. recommendation - Town Administrator and Chief of Police

b. recommendation - Town Administrator and Department of Community Development

Teixeira/Parella - 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; and subject to a six-month review.

D2. Courtney Guertin - for Mollypalooza, 230 Wood Street request for One-Day Sunday Dancing & Entertainment License on Sunday, October 9, 2022, (2PM - 7PM)

a. recommendation - Town Administrator and Fire Chief

b. recommendation - Town Administrator and Chief of Police

Sweeney/Teixeira - Voted unanimously to grant the one day-Sunday Dancing and Entertainment 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, Courtney Guertin of 53 Charles Street addressed the council. She explained that this was the 11th annual event to raise funds for rescued dogs. She stated that they were able to raise over \$8,000 last year and were hoping to raise more this year.

Councilman Teixeira asked that they keep the volume down in consideration of the local residential neighborhood.

D3. Kathryn Howarth d/b/a Riccotti's Sandwich Shop, 11 Gooding Avenue - request for transfer of Class BV LTD Intoxicating Beverage License to Benjamin Howarth, Riccotti's of Bristol, LLC d/b/a Riccotti's Sandwich Shop (new ownership) **call for public hearing September 21, 2022**

a. recommendation - Town Administrator and Fire Chief

b. recommendation - Town Administrator and Chief of Police

c. recommendation - Town Administrator and Department of Community Development

Teixeira/Parella-Voted
unanimously to call for a
public hearing to consider
this matter on September 21,
2022 subject to the payment
of levies; and to advertise
in the local newspaper.

D4. Lori Cruz - for Bristol Christmas Festival, request
for Mobile Food Establishment Event Permit for the
Bristol Christmas Festival Weekend for Saturday,
December 10, 2022 (10AM-8PM) and Sunday, December 11,
2022 (12PM-8PM)

- a. recommendation - Town Administrator and Fire Chief
- b. recommendation - Town Administrator and Chief of
Police

Sweeney/Parella - 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; for the
Bristol Christmas Festival Weekend
Saturday, December 10, 2022 (10 AM-
8 PM) and Sunday, December 11, 2022
(12PM-6PM)

Prior to the vote taken, Lori Cruz of 2 Roslyn Drive addressed
the council. She explained that the committee was looking to
have four(4)food trucks in attendance with three (3) of them
posted at the Maritime Center and one (1) in the vicinity of
Court Street. She noted that the committee expected a larger
turnout than last year. She further noted that the requested
times for Sunday would be modified to 6 PM.

E. Licensing Board - Renewals

F. Petitions - Other

F1. Lori Cruz, Bristol Christmas Festival Committee -
Request use of Town Property (December 10-11) and

Permission to Serve/Sell Alcoholic Beverages for
Bristol Christmas Festival Weekend, Saturday, December
10, 2022 (10AM-8PM) and Sunday, December 11, 2022
(12PM-8PM)

a. recommendation - Town Administrator and Fire Chief

b. recommendation - Town Administrator and Chief of
Police

c. recommendation - Town Administrator and Department
of Community Development

Parella/Teixeira- Voted unanimously
to approve the petition per the
recommendations received and
subject to conformance to all laws
and ordinances and payment of all
fees, taxes, and levies; for the
Bristol Christmas Festival Weekend
Saturday, December 10, 2022 (10 AM-
8 PM) and Sunday, December 11, 2022
(12PM-6PM)

Prior to the vote taken, Lori Cruz of 2 Roslyn Drive addressed
the council. She explained that the committee was looking for
the same approval as last year that would allow them to serve
one alcoholic beverage, glogg mulled wine. She further noted
that the requested times for Sunday would be modified to 6 PM.

Chairman Calouro requested that the sale and consumption of
alcohol be in a contained area. Further requesting the committee
continue discussions and communication with the police
department for further event planning to ensure the safety of
pedestrians as noted in the police recommendation.

G. Appointments

H. Old Business

I. Other New Business Requiring Town Council Action

- 11.** Michael Rielly, Chair, James D Reilly Foundation, and
Dave Scarpino re request regarding placement of a
Temporary Santa House

Sweeney/Ley- Voted
unanimously to approve the

placement of a temporary Santa House subject to the approval of the Building Department and Historic District Commission.

Prior to the vote taken, Mike Riley of 21 Sandy Drive addressed the council. He stated that the James D. Riley Foundation was seeking approval to place a 14' x 20' temporary Santa house on the property situated on the corner of State Street and Thames Street. He stated that the James D. Riley Foundation was separate from the Christmas Festival committee however they would be working together. He explained that they would like to display the Santa House from the end of October and continue in concert with the town lighting. He noted that James D. Riley Foundation was currently in the process of seeking building and historic district committee approvals.

Mr. Riley explained that the Santa House would be ADA-compliant, and the focus was to accommodate children with special needs and provide them with a space to enjoy the holidays without displacing them in large crowds. He noted it was the James D. Riley Foundations' gift to the town.

Vice Chairwoman Parella asked if the Christmas Festivals Holiday display would still be located on the corner of State Street and Hope Street. Mr. Riley responded that the two locations would remain separated and be utilized for different purposes.

Dave Scarpino of 932 Hope Street addressed the council. He reiterated that the Santa House would be geared toward children with special needs. He further noted that decoration donations were encouraged.

I2. Dave Scarpino, Chairman, Bristol Christmas Festival - Review and Approval of Proposed Revisions to the Bristol Christmas Festival Bylaws

Teixeira/Sweeney- Voted unanimously to refer this matter to the solicitor to review the revisions and amendments presented in the bylaws and to continue this matter to the September 21, 2022 meeting

- 13.** Tony Morettini, Chair, Bristol Conservation Commission re Boards recommendation for the creation of the Consolidated Energy Aggregation Program for Town of Bristol

a. Community Choice Aggregation (CCA) Presentation

Sweeney/Ley- Voted
unanimously to go out to RFP
for the community energy
aggregated program for
further council consideration
of the program.

Prior to the vote taken, Toni Morettini, Chair of the Bristol Conservation Commission. He stated that the Conservation Commission voted unanimously to recommend to the Council to pursue the creation of a Consolidated Energy Aggregation program for the Town of Bristol. He explained such a program had the potential to enable Bristol to address climate change and contribute to the state's goals by increasing our collective renewable energy consumption while taking advantage of market competition to get the best available energy rates for Bristol residents. He noted the program would be a risk-free option with the option to opt out at any time. He further stated the Community Choice program was used by 7 other cities and towns in the state of RI and 53 cities and towns in Massachusetts.

Vice Chairwoman Parella noted her concerns with the proposed electricity rate increases from Rhode Island Energy. She questioned the total projected savings of the community choice program and if there would be additional cost savings if Bristol is pooled in with other towns.

Councilman Sweeney stated the Bristol residents were owed the option to use renewable energy sources. He noted that the program would consist of no penalties or fees for opting in or out and viewed it to be risk-free. He stated that he too was concerned about escalating the electricity costs and how it would impact residents. He stated that Bristol should be innovative and seek sustainable renewable energy sources.

Councilman Ley stated that he would like to move forward with the Consolidated Energy Aggregation Program for reasons such as cost benefits and green energy. He explained that he reached out to several communities in Massachusetts that were currently enrolled in the program and the communities noted the company's

upright reputation. He stated that the town should do its due diligence to offer options for lower energy rates. If the town found that the program was not beneficial to the taxpayers, then the town could always end the program with no penalties.

Councilman Teixeira questioned why only seven out of thirty-nine RI municipalities were enrolled. He was concerned about the complexity of opting in or out and what the process would be for residents. He further noted that he believed that the town should not be involved in negotiating electricity options for residents, rather the choice should be listed in a referendum for the residents to decide.

Police Chief Lynch credited Mr. Jamie Rhodes for his working with the commission to address the issues and concerns regarding low-income customers and maintaining budget billing options. He noted that Rhode Island was heavily reliant on fossil fuels. He explained that the hardest thing for this company was going to be that the Public Utility Commission (PUC) will be skewing rate-making principles which in turn would make it hard for competitors to get into the market.

Discussions ensued regarding how electricity is purchased and how the risk premium is equated.

Jamie Rhodes representative of Good Energy addressed the council. He explained that Good Energy has secured saving for all active clients in Massachusetts over the course of the program; and that over the years, they have seen 5% to 30% savings in the commodities portion of billing based on the rates.

Mr. Rhodes explained that competitive pricing would be determined by market timing, term lengths, and buying power.

Mr. Rhodes stated that participants would automatically be enrolled with the option to opt out. He explained that higher participation would provide better-discounted rates. He noted that RI Energy would continue to handle the billing and maintenance and the program would not affect any low-income discount rates.

Mr. Rhodes explained that it would take close to nine months to receive approvals and pass a resolution to develop a plan and join the program; then anywhere from 3-5 months after the

agreement is signed to launch the program. He explained that the program would not be launched until 3-5 months after to allow ample time to send out notification requirements for opt-out campaigns and provide sufficient customer educational outreach.

Chairman Calouro expressed the importance of good community outreach should the council decide to go ahead with the program. He recommended that the program website should list a comparison guide that would make rates and cost saving transparent to residents with easy access to opt-in and opt-out from the same site. He further expressed his concerns about opting resident into a program and that he would prefer it if it were a choice and not an opt-out situation.

Chairman Calouro recommended the town go out to RFP to review possible options with no commitment to move forward.

14. RI DEM Fish and Wildlife presentation relating to the local Deer population and the Towns Hunting Ordinance

Sweeney/Parella- Voted unanimously to refer to the Town Administrator and Police Chief to work with the RI DEM to provide recommendations and action plan for various land use, hunting regulations, and safety measures; not to include firearms or riffles.

Prior to the vote taken, Dylan Ferreira, a representative from the RI Department of Environmental Protection (DEM) addressed the Council. He provided a summary of White-Tailed deer including their geographical range, habitat, diet, physical characteristics, and reproduction. He explained issues and hazards of areas of overpopulated deer including cultural carrying capacity, increase in deer-vehicle collisions, tick-borne diseases, and personal property damages. He noted that Bristol was prone to overpopulated deer to due favorable habitat, lack of predators, and reduced hunting pressure.

Mr. Ferreira further explained deer management reduction options including legal regulated hunting, sharpshooting, fertility control, translocating, and fencing.

Mr. Ferreira stated that Bristol's two main roadblocks to hunting effectiveness were the "no firearm discharge" ordinance and few public places to hunt. He recommended the town amend the "no firearm discharge" ordinance to legal regulated hunting; allowing hunters to abide by a 500ft buffer state statute and open private properties to legal regulated hunting through cooperative hunting programs.

Council Chairman Calouro asked what the alternative remedy was to allowing open firearms and how local authorities would be informed of registered hunters and enforcing hunting regulations.

Police Chief Lynch noted his concern with the use of firearm discharges especially since the town had many dense residential neighborhoods. He further noted his concerns with current DEM staffing restrictions. He suggested the town begin with limited hunting day rather than opening the whole season. He would further recommend that the police department be notified of where and when hunting was taken place to ensure the safety of the residents; and that the local authorities with the DEM to work out a plan of action.

Councilman Ley noted his previous experience living in Minnesota where seasonal deer hunting was common. However, Bristol was not accustomed to open firearm hunting, and he was concerned about residence awareness and safety when walking through trails when they were never subject to firearm discharges.

A conversation ensued regarding deer density.

The council agreed by consensus that the increase in deer population was a concern and hazard, especially relating to tick-borne diseases and property damages.

Councilman Teixeira and Councilman Sweeney were agreeable to modifying the ordinance so long as safety measures and precautions were in place.

Mr. Ferreira noted that the deer hunting season was September through December and that deer were most active in November and December.

(added item)

At this point in the meeting, Council Chairman Calouro requested that the Council might add an agenda item to consider the recognition of Eagle Scout Nathan Simas.

Sweeney/Parella- Voted unanimously to add a non-action agenda item to allow for council recognition

Members of the council congratulated Nathan Simas for his achievements in the Eagle Scout Court of Honors.

Eagle Scout Simas addressed the council and spoke about his journey and the support that he received throughout the years.

Sweeney/Teixeira- Voted unanimously to receive and file.

15. Director Williamson re request for Executive Session Pursuant to RIGL § 42-46-5(a)(5)- Sale of Real Property formerly known as the Oliver School-151 State Street. *It is hereby noted for the record that discussion and action concerning this agenda item took place at the conclusion of the public agenda.*

Sweeney/Parella- Voted unanimously to convene in Executive Session pursuant to RIGL Section 42-46-5 (a) (5) Sale of Real Property formerly known as the Oliver School-151 State Street at 10:11 PM:

Teixeira/Ley- Voted unanimously to resume the open session and seal the minutes of the Executive Session at 11:47 PM.

Clerk Cordeiro announced that a motion was made and voted on in the executive session. The vote taken in the executive session will not be disclosed at such time to not jeopardize any

strategy or negotiation undertaken and will be disclosed when appropriate

16. Director Williamson re Proposal for Seasonal Outdoor Dining Regulations

Sweeney/Parella- Voted unanimously to approve the proposal for professional services from Pare Corporation as outlined and to refer to the acting Town Treasurer to provide recommendations for funding.

Prior to the vote taken, Director Williamson explained proposal and scope of work for the on-call engineers for the seasonal townwide outdoor dining regulations would be a cost estimate at \$12,600. She noted that edits can be made to the proposal prior to approval. The goal would be to set the guidelines, regulations, and checklist of the town's vision for outdoor dining permits.

Vice Chairwoman Parella stated she was expecting a coordinated approach that included both townwide guidelines and more specifically State Street Outdoor dining guidelines. She was anticipating that some degree of the State Street outdoor standards would be included in the initial process and be presented to the council close to February so that the business owners in that vicinity would have sufficient time to plan and be prepared for next season. The process needed to be advanced to not further delay the businesses in the State Street area that have already been before the council.

Councilman Sweeney stated he agreed with the proposal presented but was also hoping for a micro-level plan that was specific to the State Street outdoor dining. He also suggested that the funds may be paid from the food and meals tax collected.

Councilman Teixeira that he was looking to establish a town-wide outdoor seasonal plan that included guidelines and regulations that all businesses should follow, and that the town should not be paying a consultant to develop a specific plan for the State Street outdoor dining alone. Rather, any business requesting to use town land should provide a plan to the town based on those established requirements and guidelines.

Council Chairman Calouro stated that the proposal should provide the town with the tools necessary to provide approvals for outdoor seasonal dining. The guidelines and regulations should include items such as, but not limited to, ADA compliance, parking availability, barriers, and design guidelines and safety parameters. He explained that a good plan should be in place for good processes and policies.

Marjorie McBride of 3 Avenir Court, Bristol addressed the council. She stated her concerns with ADA accessibility in the State Street area. She explained that she filed a complaint with the state in July and the state provided the town of Bristol with a non-compliance report dated August 16, 2022; and asked when the council would take corrective action. She requested the council to eliminate outdoor dining until the ADA compliance issues have been addressed.

Town Administrator responded that the report was provided to the town within the last seven days and since then he has met with the Town Department heads and an ADA compliance officer to identify areas that needed to be addressed; and that as of Monday, a plan had been set forth. He explained that a little bit of time, as acknowledged by the ADA compliance officer, was necessary to implement proper corrective action, consult an architect, and obtain an outside contractor. He further noted that the State Street outdoor dining accommodation was more complex than members of the council may have anticipated.

Council Chairman Calouro asked that the report be shared with the members of the council.

The council agreed that the ADA compliance issued would be addressed appropriately and in a timely manner.

J. Bills & Expenditures

J1. RFP# 992 - Stormwater Improvements Bristol Police Station

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

Prior to the vote taken, Clerk Cordeiro read the following bids:

Flynn Enterprise Inc., of Raynham, MA with the base amount of \$244,000.00 Alternate Amount of \$90,000 with a total bid amount of \$334,000.

Key Corporation of Wakefield, RI with the base amount of \$278,000 alternate amount of \$55,000 with a total bid amount of \$333,500.

K. Special Reports

- K1.** Allan Klepper, Barrington Director, Bristol County Water Authority - Monthly Report July 28, 2022

Sweeney/Teixeira- Voted
unanimously to receive and file
and to instruct the Clerk to send
a letter of thanks for service

- K2.** Bristol County Water Authority - Fiscal Year 2022 Annual Report, March 1, 2021 - February 28, 2022

Teixeira/Sweeney- Voted
unanimously to receive and file

L. Town Solicitor

- L1.** Resolution to Sell Town Property 9 Court Street, Plat 14, Lot 26

Sweeney/Teixeira- Voted
unanimously to adopt the
Resolution to Sell Real
Property and authorize the
sale of 9 Court Street.

Citizens Public Forum

Persons wishing to speak during the citizens public forum must notify the Council Clerk and sign in prior to the commencement of the meeting.

Consent Agenda Items:

(CA) AA. Submission of Minutes - Boards and Commissions

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

(CA) AA1. Rogers Free Library Board of Trustees Minutes, June 16, 2022

(CA) AA2. Harbor Commission Meeting Minutes, August 1, 2022

(CA) BB. Budget Adjustments

Approval of consent agenda = "motion to approve these adjustments"

(CA) BB1. Tax Assessor DiMeo re Recommended Abatements & Additions - August 12, 2022

(CA) CC. Financial Reports

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

(CA) DD. Proclamations, Resolutions & Citations

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

(CA) DD1. Councilman Ley re Proclamation to consider Bristol a. Purple Heart Town (signed)

(CA) DD2. Citation - Jerome Squatrito in memory of (signed)

(CA) DD3. Amended Citation - Janet Phillips, recognition for 30 years of service to the town (signed)

(CA) EE. Utility Petitions

Approval of consent agenda = "motion to approve these petitions"

(CA) EE1. National Grid and Verizon - Franklin Street, Installing a new pole 50' from existing pole 28 it will be labeled P-28-50

a. recommendation - Town Administrator and Department of Public Works

(CA) FF. City & Town Resolutions Not Previously Considered

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

(CA) GG. Distributions/Communications

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

- (CA) GG1. Town Clerk Cordeiro - re Thank you letter to Robert Breslin for serving on the Harbor Commission Advisory Committee
- (CA) GG2. Town Clerk Cordeiro - re Thank you letter to Robert Campanella for serving on the Harbor Commission Advisory Committee
- (CA) GG3. Bid Tabulation - Bid # 990 - Sale of 9 Court Street
- (CA) GG4. Bid Tabulation - Bid # 991 - Sale of Oliver School
- (CA) GG5. Town Clerk Hawkins of Exeter RI, re House Bill 2022 - H8220 Substitute A an Act Relating to Taxation - Levy Assessment of Local Taxes

(CA) HH. Distributions/Notice of Meetings

(Office copy only)

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

- (CA) HH1. Board of Canvassers Meeting, August 5, 2022
- (CA) HH2. The North and East Burial Ground Commission, Meeting Cancelled, August 10, 2022
- (CA) HH3. Bristol Fourth of July Committee, Policy Subcommittee Meeting, August 22, 2022
- (CA) HH4. Zoning Board of Review Sitting as the Board of Appeals Meeting, August 30, 2022
- (CA) HH5. Bristol Fourth of July Committee Souvenir Subcommittee Meeting, August 25, 2022

(CA) II. Claims (Referrals)

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

- (CA) II1. Michael J Young, Brosco & Brosco - Claim of Natelia Esteves

(CA) JJ. Miscellaneous Items Requiring Council Approval

Approval of consent agenda = "motion to approve these items"

(CA) JJ1. Late item H1 - Presentation of the restored Thomas Shepard Portrait

(CA) KK. Curb cut petitions as approved by the director of public works

Approval of consent agenda = "motion to grant these curb cuts per the recommendation of, and conditions specified by, the Director of Public Works"

There being no further business, upon a motion by Sweeney, seconded by Vice Chairwoman Parella and voted unanimously, the Chairman declared this meeting to be adjourned at 11:48 pm.

Melissa Cordeiro, Town Clerk