

to May 10, 2023, for the first reading

- 18.** Bristol County Elks Lodge re - letter to Town Administrator regarding the impact of new town marina

Sweeney/Teixeira- Voted unanimously to refer the matter to the Harbormaster, Harbor Commission, Town Administrator, and Town Solicitor to provide a recommendation to the council for consideration on the May 10, 2023 council meeting.

Prior to the vote being taken, Town Administrator Contente noted that he received a communication from the Elk's Club requesting temporary relief before a long-term plan can be developed. He reported that the Elk's Club claimed that the construction of the wave attenuator had caused waves to refract and come back towards their property, making their floats unstable and difficult to use, particularly during south winds. The Elks Club requested 8 slips after meeting with the Harbor Commission. However, he and the Harbor Master did not feel that they had the authority to grant the 8 slips, so the matter was brought before the Council.

Ken Belanger, of 1 Belanger Court, reported that he had been unable to tie up the boat on two separate occasions. He mentioned that he has been captaining for over 30 years and has some familiarity with wave actions as he is a civil engineer. He also stated that some of the issues were due to maintenance problems on their part and that the reflection of the wave from the new marina that was built was also causing issues. He pointed out that the waves were not dissipating their energy and had to go somewhere. He proposed a temporary solution of providing eight spaces at the dock closest to the walkway to make it accessible for the elderly and young folks in wheelchairs.

Mr. Belanger also highlighted that the Harbor Commission's mission statement was to protect everyone in the harbor and questioned why the engineer did not consider the refraction of the nearby Elk's dock in their plans. He hoped there would be a more permanent solution in the long run but hoped that their proposal would be acceptable for consideration as a temporary solution.

Councilman Sweeney expressed curiosity and asked how the number of 8 slips came about to which Mr. Belanger responded by explaining that based on the current situation, they believe they can fit around 8 boats in the present dock. It would vary depending on the size of the boats, and they can also expand the dock by adding another t-type extension. Mr. Belanger mentioned that they are seeking a temporary solution so that members can continue to enjoy the amenities.

Councilman Sweeney inquired about the occurrence of refraction, specifically whether it happens at a certain number of knots or under specific conditions such as when there are certain wind speeds or tide levels. Mr. Belanger responded that it is dependent on wind speed, tide, and direction, noting that it was most likely to occur during prevailing winds from the south. He also noted that refraction affects boats differently based on their size, age, and the individual's ability to get on and off the boat.

Councilman Sweeney moved that that matter should be continued to the May 10th council meeting to refer for recommendations from the Harbor Master.

Councilman Ley noted that there are presently four open spots at the Elks boat dock and that they are actively seeking eight slips at the new town Marina. He sought clarification on whether the eight slips at the town Marina were exclusively for use during inclement weather conditions or if they intended to cease docking at the Elks entirely. Mr. Belanger responded that they cannot predict which days will be windy or not, so they were requesting access to be available 24/7, 365 days a year. In addition to the slips available at Elk's.

Vice Chairwoman Parella inquired about the additional request for 8 slips at the Marina and asked if there are usually 8 boats docked at their place during weekdays, for example, in September. Mr. Belanger responded that he is uncertain about the number of boats, as he usually goes out on calm nights, but the only time he has seen many boats is during the Fourth of July weekend when he had to turn away some. Vice Chairwoman Parella questioned why they don't have a better understanding of their busy peak times based on sales of food and alcohol. She also pointed out that reserving dock spaces when nobody is using them could prevent potential revenue for the Marina. She emphasized the need to consider the different times of day and year when determining the appropriate number of slips to request from the town.

Vice Chairwoman Parella asked if there had been any problems in the past with winds and the docks, to which Mr. Belanger replied that there were rough days and that he wouldn't go out on those days. Councilman Sweeney then asked if there had been any claims or damage reported, to which Ken replied that a few pins had been sheared off and there was some damage to the float's underneath, but he didn't know of any reported damage from others

Eric Gardner, the outgoing House Committee Chairman for the Elk's, addressed the council. He stated that he witnessed numerous instances of boats attempting to dock at the club last summer but ultimately having to pull away. He expressed concern that the lack of an impact study prior to the construction of the marina has resulted in waves damaging the club's property and diminishing its ability to use the docks. Mr. Gardner explained that the Elk's are currently looking into the matter and attending Harbor Commission meetings to raise this issue but have not received a satisfactory response. Mr. Gardner also noted that the boating season lasts from May to October and that many members are present at the club with their boats during this time.

Owen O' Rourke, an Elks member, raised concerns about the lack of an impact study for the marina construction as stated in the town's harbor management plan. He pointed out that the plan states that an impact study should be conducted for all occasions, and questioned why the Elks should have to pay for one when it's the town's policy. Town Administrator Contente stated that they went through lengthy permitting with various agencies and received approval, so anything required for sign-off was done.

Councilman Sweeney suggested adding Mr. O'Rourke's question to the request for recommendations.

Councilman Teixeira reiterated that the town retained various approvals throughout the process and also questioned whether the agencies involved should have thought about the impact on the area.

Vice Chairwoman Parella asked if the Elks attended any of the approval meetings. Mr. O'Rourke responded that they became more involved after the construction because no one knew the impact of the new dock technology until it happened.

Mr. Belanger noted that the mission of the bylaws of the harbor commission was to review the impact of property owners within the harbor.

Town Administrator Contente stated that the Town had a consulting aid engineer who guided them through the process, and if they were required to do an impact study, they would have done it. However, they may have missed it and he stated he would look into it. He noted there were numerous public hearings, including one with the historic district committee, and there were no objections.

Town Administrator Contente noted that he just received a letter on April Fourth and wanted to bring it to the Council's attention. They will keep an open mind and do their best to correct any wrongs. He stated that he was surprised to hear about the impact study and would like to review it before commenting further.

J. Bills & Expenditures

**J1. RFP# 1006 - Water Pollution Control Facility
Subaqueous Outfall Inspection**

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 bids:

- UROV LLC in the amount of \$12,854.00
- Underwater Solution in the amount of \$ 14,700.00

J2. RFP# 1007 - Compost Marketing Program

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 bids:

- WeCare Denali, LLC with a proposal of:
 - o Revenue share 25%
 - o Cost per load for unsold compost \$600 per load (50 cubic yard minimum)

K. Special Reports

K1. Juan Mariscal, Acting Chairman, Bristol County Water Authority - Monthly Report, March 2023

- H1.** Bristol County Elks Lodge re - letter to Town Administrator regarding impact of new town marina
(continued from April 19, 2023)
- a. recommendation - Town Administrator
 - b. recommendation Harbor Master
 - b1 Pare Corporation-Preliminary Wave Analysis Study
 - b2 Exhibit A - Elks CRMC Permit
 - b3 Exhibit B - Town of Bristol Dock Permit Information
 - c. recommendation - Harbor Commission
 - d. ~~recommendation~~ - Town Solicitor Memo (confidential)
 - e. Tina Mauck, 66 Vineyard Avenue East Providence, Elks Member- letter of support
 - f. Dennis Barnes, 60 Richmond Street, Elks Member - letter of support

Sweeney/Teixeira -Voted
unanimously to continue to the
June 21, 2023 council meeting.

Prior to the vote taken, Council Chairman Calouro proposed that the meeting be postponed until June 21, 2023, council meeting to provide the Harbor Commission sufficient time to deliver their recommendation to the council. It was mentioned that the town was currently in the midst of obtaining an engineering study that would need to be reviewed and deliberated at the Harbor Commission's upcoming regular meeting on June 5th. The Chairman also suggested requesting the Harbor Commission's representation to attend the next meeting.

I. Other New Business Requiring Town Council Action

- I1.** Al Wroblewski, Chairman, Rogers Free Library Board of Trustees, re - review and approval of proposed Amendment to the Rogers Free Library bylaws

- a. proposed bylaw change

Sweeney/Teixeira- Voted
unanimously to approve the Rogers
Free Library Bylaws as presented.

b1 Pare Corporation-Preliminary Wave Analysis Study

b2 Exhibit A - Elks CRMC Permit

b3 Exhibit B - Town of Bristol Dock Permit Information

c. recommendation - Harbor Commission

d. Confidential Memo - Town Solicitor

e. Tina Mauck, 66 Vineyard Avenue East Providence, Elks Member- letter of support

f. Dennis Barnes, 60 Richmond Street, Elks Member - letter of support

Sweeney/Teixeira- Voted unanimously that:

- the Elks Club members be allowed dockage for four (4) boats at the new Town Marina at the discretion of the Harbormaster when required by the wind and weather.
- the four town dock slips would only be available for use during the Elks' regular business hours and when the Elks' own dock was not usable.
- There will be NO overnight docking of boats on the four (4) town slips.
- Specific docks to be at the discretion of the Harbormaster at the extent of availability
- The town adopt a sunset provision, limiting the use of the four (4) town transient slips until the end of October.
- The matter be referred to the Administrator, Harbormaster, and other relevant parties identified by the Administrator to assess the current situation and then present proposals to the Council

regarding the necessary course of action

- Status to be revised by the Harbor Commission at the end of the 2023 boating season and annually thereafter until a final resolution is made

Prior to the vote being taken, Eric Gardner, the Elk's Dock Committee chairman of 1 Bowden Ave., Barrington addressed the council. Mr. Gardner presented a petition, for the record, signed by 150 Elks members in support of the matter at hand. Additionally, he noted that he sent a copy of the impact report from the Coastal engineer via email last week to the council and harbor commission for their review.

Ken Belanger of 1 Belanger Court, Warren, addressed the council. He stated that he had been working with the harbors engineering regarding the report and that he would be able to answer any questions regarding the report.

Chairman Calouro stated that a recommendation was received from both the Administrator and the harbor commission regarding the availability of transient dock slips for Elk's members while determining the next steps. Initially, eight dock slips were requested by the Elks, and after discussions, the recommendation from the Harbor Commission and Administrator proposed four slips. Chairman Calouro noted that he believes this to be an appropriate interim solution, considering that neither he nor his colleagues were engineers, and the Harbor Master, while well-informed, was also not an engineer. He viewed this as an appropriate temporary measure to ensure access to dockage, particularly during rough weather conditions or high winds. Chairman Calouro emphasized the importance of being good neighbors, acknowledging the positive contributions of the Elks supported by the council. He suggests implementing the proposal with a cut-off deadline, preferably by the end of October or mid-October, to ensure a timely resolution. Additionally, it was mentioned that the Elks could use transient space if it is available, with the Harbor Master being consulted to determine the extent of availability, using the upcoming Fourth of July as an example where there may be limited availability.

Chairman Calouro suggested referring to the Administrator, Harbormaster, and other relevant parties identified by the Administrator to assess the current situation and then present proposals to the Council regarding the necessary course of action.

Mr. Belanger asked for clarity as to restrictions on the four proposed dock slips and if the dock slips would be available at all times other than when there was limited availability. Chairman Calouro responded that the four slips would not be available at all times. However, would be available on rough weather days and the Council would delegate the authority to the Harbormaster to determine which days qualify as rough weather days. Noting that the goal is to ensure the use of the dock spaces when the Elk's own dock is not usable.

Councilman Sweeney states that there must be a threshold at which the Elk's dock becomes impractical to use due to unfavorable weather conditions, such as strong winds and tidal movement; and that those same factors be considered when establishing guidelines for the usage of the town slips. It was highlighted that these slips were being provided as a means of assistance, and it should be recognized that the marina was funded by the taxpayers.

It was noted that the four town dock slips would only be available for use during the Elks' regular business hours and when the Elks' own dock was not usable. It was further noted that there would be no overnight docking of boats on the town slip.

It was further noted that there may be initial challenges as this is a new and unfamiliar situation. However, it is crucial that this be approached with reason and maintain a calm demeanor.

Harbormaster Marsili proposed a method for determining whether the four town slips should be utilized, suggesting that if the Elks are capable of using their own docks and are doing so, they should refrain from using the town docks simultaneously. Mr. Belanger agreed.

Mr. Gardner requested that the fence alongside the maritime center be removed to allow direct walking access from the town dock to the Elk's Lodge. Harbormaster Marsili mentioned that the fence did not currently belong to the town and that any acquisition of that particular portion of the property had not been finalized. It was suggested that the Elks engage in further discussions with the Town Administrator and Harbormaster to explore the possibility of addressing this matter in the future.

Councilman Sweeney motioned that the four town dock slips would only be available for use when the Elks' own dock was not usable; and that the 4 slips will be available for \$5 per hour up to 4 h maximum. Chairman Calouro clarified that the town

would not impose fees on the Elks when utilizing the use of the four slips. Motion amended.

**H2. Community Electricity Aggregation Plan - re final plan approval to submit to Public Utilities Commission
(continued from May 24, 2023)**

Ley/Sweeney-Voted unanimously to approve the final plan and submit to the Public Utilities Commission

Prior to the vote being taken, Clerk Cordeiro noted that a letter of support from Tony Morettini was "received at meeting".

Patrick Roach, Director of Innovations for Good Energy addressed the council. Mr. Roach provided a summary of the matters discussed during the public hearing held on May 24th. He proceeded to provide the council and attendees with a brief overview of the following subjects:

- Electricity Supply Choices
- Community Electricity in RI- noting 7 communities in RI and over 50 in Massachusetts.
- Bristol Plan Development process and next steps- noting that the next stage which would be to submit the plan to the Public Utilities Commission (PUC) for approval
- Structure of the program
- Selecting a supplier
- Community outreach and education

It was noted that once the plan is approved by the PUC, it will return to the council and the council would be able to review associated costs. At that point, the council will engage in discussions to compare and assess its feasibility, and at no time would the council be obligated. It was explained that there would be further deliberation on this topic within the council and that the council was aware that this is uncharted territory. It was further emphasized that if the council proceeds, it would be essential that the public is well-informed about the reasons behind it and the potential cost savings. Moreover, the council would ensure that there is a clear opt-out process for those who choose not to participate in the program from the outset. And that members of the public can opt out of the program at any time if they decide it is not suitable for them. They can opt back in later if they wish, with no additional charges other than the regular fees associated with electricity consumption.