

TOWN COUNCIL MEETING- WEDNESDAY, AUGUST 3, 2022

The council met on Wednesday, July 13, 2022, and called to order at 7:00 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
Assistant Town Solicitor, Andy Teitz, Esq.

Absent: Town Sergeant, Archie Martins

Motion RE: Consent Agenda - To Approve the Consent Agenda

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

CITATIONS

Citation - Jerome Squatrito

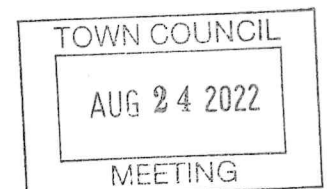
Council Chairman Calouro read the Posthumously Acknowledged citation in memory of Jerome Squatrito in recognition of his collective 45 years of volunteerism and presented it to his family.

Sweeney/Teixeira- voted unanimously to call forward agenda items H2 and I1.

It is hereby noted for the record that discussion and action concerning these agenda items appear in place as found within.

A. Submission of Minutes of Previous Meeting(s)

A1. Town Council Meeting - July 13, 2022



Sweeney/Teixeira -Voted
unanimously to accept and
approve the minutes of July
13, 2022.

B. Public Hearings

- B1.** Director of Community Development Williamson re
Application for Zoning Map Change of Steven Januario,
Managing Member, Januario Family Realty, LLC, for 374
& 380 Metacom Avenue - M (Manufacturing) to MMU
(Metacom Mixed Use designation)

a. Planning Board recommendation

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

Sweeney/Teixeira -Voted
unanimously to grant the zone
change of plat 171 lots 27
and 114 from M
(Manufacturing) to MMU
(Metacom Mixed Use
designation); based upon the
Planning Boards
Recommendation and finding
and facts that said use and
zone change is consistent
with the general purposes of
zoning and the Comprehensive
Plan.

Prior to the vote taken, Chairman Calouro opened the public
hearing.

Scott Partington, Esq., an attorney representing the applicant
addressed the council. He stated that the request for the
zoning map change was for two properties located on Metacom
Avenue. He explained that the parcels were located in a
manufacturing zone and they were requesting to rezone the
parcels to a Metacom Mixed use designation. He stated that the
town's comprehensive plan was explicit in its desire for the MMU
zone to spread throughout Metacom Avenue and that the land use
change being requested should be a good fit for the town's plan
in that area.

Council Chairman Calouro noted that he has reservations about limited manufacturing uses in the MMU zone and asked that Community Development Director Williamson work with the planning board to make recommendations on potentially incorporating additional manufacturing uses in the MMU zone.

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) **(1st reading)**

Sweeney/Teixeira- Voted unanimously to consider this action to constitute the first reading of Ordinance #2022-09. 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 **(call for public hearing August 24, 2022)**

a. recommendation - Town Administrator and Chief of Police

b. recommendation - Town Administrator and Department of Community Development

Sweeney/Teixeira- Voted unanimously to call for a public hearing to consider this matter on August 24, 2022

- D2.** Elena J Botelho, d/b/a Club Canine, 64 Ballou Blvd, request for Dog Kennel License.

a. recommendation - Town Administrator and Chief of Police

b. recommendation - Town Administrator and Department of Community Development

Sweeney/Teixeira - 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.

D3. Jordan Sawyer D/B/A Brick Pizza Co. 500 Wood Street
Unit 211, re request for an amendment to ordinance sec
17-82 (4) (a) to modify granted license closing time;
and extend hours of liquor sales from 11:00 PM to
1:00AM Monday-Sunday.

a. recommendation - Town Administrator and Chief of
Police

Sweeney/ Ley -Voted to refer
to the solicitor so that he
may draft ordinance language
for amendments to sec 17-2 4
(a) for a closing time from
11:00 pm to 12:00 am with a
six-month review for Council
consideration on August 2,
2022;
And to call for a public
hearing to consider the
matter of extension of hours
on September 14, 2022; and
Advertise in the local paper.
Voting in favor was Sweeney,
Ley, Calouro, Teixeira.
Voting opposed was Parella

Prior to the vote taken, Jordan Sawyer of 45 Kickemuit Ave- the
owner of Brick Pizza Co., addressed the council. Mr. Sawyer
explained that he was requesting extended business hours to
implement a late-night food menu until midnight and extend the
liquor service until 1:00 am. He explained that based on his
clientele, there was a higher demand for later service. He
stated that his original business plan relied on full lunch and
dinner seven days a week. However, due to labor shortages, he
was not able to maximize his original business plan. He further
explained that his current closing time gave him a disadvantage

with local competition that was grandfathered with a 1:00 AM closing time.

Solicitor Teitz noted that the Rhode Island General Law required that all alcoholic beverage license holders must serve food to patrons until the time of the last call. The Solicitor also notes that this does not mean that a full menu must be available, but rather the establishment may offer a modified menu of sandwiches, etc, outside of normal mealtime hours. Chips and snack foods, however, do not qualify. He explained for the record that if the council granted a 1:00 Am closing time, the petitioner would have to serve food until that hour. He was not allowed to stop food service one hour before closing. Mr. Sawyer responded that many other local establishments do not comply with that requirement.

Solicitor Teitz noted the following sections from the Department of Business Regulations:

- section 1.4.5 subsection (c) "These foods must be offered for sale during all times that alcoholic beverages are sold and consumed on the licensed premises"
- and section 1.4.5 subsection (e) "this provision by offering food at a sandwich level, as opposed to offering solely snack foods including but not limited to potato chips, pretzels, pickled eggs, pizza strips, stuffies and crackers, and cheese."

Vice Chairwoman Parella recommended the Solicitor's office draft a letter to be sent to local alcohol establishments to remind them of the requirement and regulation(s). Council Chairman noted that next step action can be taken if necessary.

Councilman Teixeira stated that any outdoor dining should not be offered after 11 pm.

Councilman Ley and Councilman Sweeney noted that consideration for a later closing time could only be extended to the time the establishment plans on serving food.

Chairman Calouro stated that the ordinance had been changed a few years back to amend closing times from 1:00 am to 11:00 pm, noting that establishments operating prior to the ordinance change still maintained a 1 AM closing time. He stated he was hesitant to revert the ordinance back to 1:00 am. He explained that he was concerned with the effects it would have on local residential neighborhoods. He further stated he would be amendable to a closing time of midnight after a six-month review

of newly established alcohol license holders from Thursday to Saturday.

Vice Chairwoman Parella stated she was not in agreement with a 1:00 am closing time and was even hesitant on extending the closing time to midnight. She explained that the council's purpose in restricting late-night closings was to prevent "bar" neighborhoods and draw in nice restaurants. She further explained her concerns about:

- issues with the college student population,
- issues with disturbances late night closings would have to the neighboring assisted living facility and residential neighborhood
- potential noise disturbance to the intended senior housing development in unity park
- and the potential for multiple late-night closings within the unity park development

E. Licensing Board - Renewals

E1. Private Investigator License Renewals 2022-2023

- a. recommendation - Town Administrator and Chief of Police

Teixeira/Sweeney -Voted unanimously to grant renewal of these licenses per the recommendations received and subject to any and all conditions of record and also

F. Petitions - Other

F1. Cidalia Harper, 18 Ryan Avenue, re Removal of Accessible Parking Space (2nd reading)

- a. recommendation - Town Administrator and Chief of Police
- b. recommendation - Town Administrator and Department of Public Works

Sweeney/Teixeira- Voted unanimously to consider this action to be the second reading for adoption of this request for a handicap parking space. Inform the Public Works Department.

F2. Patti Nenna, Fourth of July Committee - Request Permission to Serve/Sell Alcoholic Beverages at Bristol Maritime Center for the Annual Wine Tasting Fundraiser on September 29, 2022

a. recommendation - Town Administrator and Harbor Master

b. recommendation - Town Administrator and Fire Chief

c. recommendation - Town Administrator and Chief of Police

d. recommendation - Town Administrator and Department of Community Development

Teixeira/Sweeney- 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

F3. Jack Ringland, First Congregational Church, request for no parking box in front of the walkway apron on 300 High Street

a. recommendation - Town Administrator and Chief of Police

b. recommendation - Town Administrator and Department of Public Works

Sweeney/Ley-Voted unanimously to refer this matter to the Town Solicitor so that he may draft ordinance language for Council consideration on August 24, 2022.

G. Appointments

G1. Harbor Commission Advisory Committee (3 terms to expire August 2025)

a. Robert Breslin, 7 Dana Rd, not seeking reappointment

b. Robert Campanella, 4 Leyland Ct, not seeking reappointment

c, Paul Hebert, 80 Duffield Rd, interest/reappointment

d. Pamela E. Romano, 37 Kingswood Road, interest/appointment

Teixeira/Sweeney-Voted unanimously to accept the resignation of Robert Breslin and Robert Campanella and to instruct the Clerk to send a letter of thanks for service(s); to reappoint Paul Herbert with the term expiring August 2025; Advertised in the local paper; and to instruct the Clerk to set a special meeting for interviews to be held at the convenience of the parties and to continue this matter until that special meeting at a date to be determined.

G2. Post-Retirement Benefits Fund Board of Trustees (1 term to expire August 2025)

a. Peter Hewett, 11 Wendy Drive, interest/reappointment

Sweeney/Parella- Voted unanimously to reappoint

Peter Hewett with a term to
expire August 2025.

- G3.** Bristol Planning Board (1 term to expire April
2023) (request to advertise)

a. Jerome Squatrito, 56 Walley Street, departed 6-28-
2022

Parella/Teixeira - Voted
unanimously to advertise in
local paper

- G4.** Historic District Commission (1 auxiliary member term
to expire July 2025)

a. Susan Cutter Church, 29 Garfield Avenue,
interest/appointment

Parella/Teixeira- Voted
unanimously to appoint Susan
Church with a term set to
expire July 2025.

H. Old Business

- H1. (CONTINUED FROM JULY 13, 2022- *PUBLIC HEARING IS
CLOSED- DELIBERATION AND VOTING ONLY)** Director of
Community Development Williamson re Application for
Zoning Modifications/ Zone Map Change of Author
Sullivan, Brady Sullivan Properties, LLC, for Bristol
Yarn Mill Redevelopment, for 125 Thames Street - WPUD
(Water Planned Unit Development - Waterfront Urban
Rehab Land Development Project) seeking modifications
to the conditional zoning changes for density of 98
units to 127 units; for Minimum Commercial Space of
22,000 square feet to 6,300 square feet; for off-
street parking dimensions of 10 feet wide to 9 feet
wide; for lane parking strips of double line-
marking to single line-markings; and the request for
ordinance revisions to Chapter 28, Zoning,
Comprehensive Zoning Code & Map Revision, Section 28-
284 (d)2.

*LATE ITEM - a. draft motion and findings and facts

Sweeney/Ley- Voted unanimously to adopt the amendments to the Bristol Zoning Map and Bristol Zoning Ordinance as presented incorporating the conditions, recommendations, findings of facts, and findings of consistency of the Planning Board, with the exception of those findings and revised conditions related to the requirement for Affordable Housing, as further presented in the draft decision.

Prior to the vote being taken, Chairman Calouro explained the council's unanimous approval at its last meeting to incorporate a 20 % affordable housing mix consisting of affordable units and in-lieu payments. He noted it was important to improve and develop the area. However, he was flexible in reducing the recommended number of units within the mill complex to offsite units so long as the total number of 13 units was reached.

A motion was made by Chairman Calouro to amend the number of onsite affordable housing units to a minimum of six or seven with the remaining units to be allowed off-site. The motion was seconded by Councilman Teixeira for discussion. (the motion was later rescinded)

Vice Chairwoman explained that she was not in agreement with amending the number of 10 units dispersed within the mill building complex; and that it would be a mistake to change it. She stated a lot of research and deliberations were made prior to the conclusion of the hybrid mix of units and the conditions have already been stated in the findings and facts of the draft motion.

Councilman Ley stated he was not in favor of amending the number of on-site affordable housing units and that the hybrid mix of units was already the bare minimum he would consider. He explained that Bristol already had a low inventory of low-to-moderate income housing units, and it would not be appropriate, especially during the housing shortage crisis, to delay the placement of suitable housing; expressing that he did not know how long it would take for the developers to find suitable off-site housing. He further noted that discussions of the council's intent were already presented in a public hearing on July 13, 2022.

Councilman Sweeney stated he agreed with Vice Chairwoman Parella and Councilman Ley in not changing the number of affordable housing on-site units. He explained that it could be years before the developer could find supplemental off-site units and the town was in much need of affordable housing. He further stated that the draft motion was a balanced approach to the affordable housing component and agreed with the findings and facts as they stand.

Chairman Calouro stated he would rather move forward with the project and not delay the development and rescinded his original motion.

H2. Presentation of the restored Thomas Shepard Portrait

Sweeney/Teixeira- Voted
unanimously to receive and
file.

Prior to the vote taken, Louise P. Cirillo of 28 Central Street addressed the council. Mr. Cirillo provided the council with a brief history and story of the Thomas Shepard Portrait noting the significance that the portrait was painted by Jane Sturt, the daughter of celebrated portrait artist Gilbert Stuart. He explained that the portrait had not fared well in its previous location at Byfield School and was damaged and in disrepair. He explained the efforts of Superintendent emeritus Inis Bisbano and Charlotte Burnham for their efforts in fundraising and restoring the portrait. He noted that the portrait was repaired at the Peter Williams Museum services in Boston, MA.

Mr. Cirillo presented the council with a femoral copy of the damaged portrait. Charlotte Burnham and Ennis Bisbano revealed the restored portrait.

Town Administrator Contente noted that the portrait would be displayed at the Town Hall for a short period of time for public display then later secured back in the Burnside Building in hopes that it would someday be returned to the Byfield School.

The Council by consensus thanked Mr. Cirillo, Mr. Bisbano, and Ms. Burnham for their efforts in restoring the Thomas Shepard Portrait.

I. Other New Business Requiring Town Council Action

- I1.** (Town Administrator Contente) re recognition of 2 Eagle Scouts from Bristol Troop 6 ---Nathan Dieterich, August 3, 2022, and Nathan Simas, August 24, 2022

Sweeney/Teixeira- Voted unanimously to receive and file.

Prior to the vote taken, members of the council congratulated Nathan Dieterich for his achievements in the Eagle Scout Court of Honors.

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

- I2.** Councilman Ley re Proclamation to consider Bristol a Purple Heart Town

Ley/Parella- Voted unanimously to support the proclamation declaring Bristol a Purple Heart Town and refer to the Town Administrator to work with the Bristol Veterans Council to install Purple Heart Town signs.

Prior to the vote taken Councilman Ley noted that he wanted to get the proclamation in before Purple Heart Day. He explained that the designation would

- continue to honor those members of the military who have been wounded or paid the ultimate sacrifice;
- it would ensure that Bristol never forgot the sacrifices made by our men and woman in uniform;
- that we would continue to appreciate the sacrifices our Purple Heart recipients made in defending our freedoms and we would acknowledge them for their courage and show them the honor and support they've earned.

He stated that Bristol has always been a Purple Heart Town even without the installation of signs, however, the proclamation affirms what has always been evident and it reminds all those

who enter our community that we value the sacrifices of our Purple Heart Recipients.

Walter Coelho, President of the Bristol Veterans Council and State of Rhode Island DAV Commander addressed the council. He explained that former Governor Raimondo declared Rhode Island a Purple Heart State in August 2019, joining 44 other states. He stated that the Purple Heart Trail was a symbolic and honorary system of roads, highways, and bridges that gave tribute to men and women who gave the ultimate sacrifice. Mr. Coelho noted that the Veterans Council was in the process of identifying Purple Heart Recipients to be honored at a ceremony.

Walter Coelho explained that the National Purple Heart Hall of Honor estimates a total of about 1.8 million purple heart awards throughout history. He acknowledged the Town of Bristol's respect for all veterans daily and that personally, as a combat veteran, it was important for him to honor his brothers and sisters that had fallen or came home broken.

Karl Antonovich, VFW 237 Post Commander thanked Councilman Ley for his efforts in sponsoring the proclamation.

Peter Hewitt, 11 Wendy Drive, addressed the council and asked that the town may honor Arthur Medeiros a 102-year-old survivor of the Battle of Hurtgen Forest who attained a Silver Star, Bronze Star, and three Purple Hearts.

13. (Sara Hassell Accountant) Colts Funds Proposal

Sweeney/Teixeira- Voted unanimously to approve the request of funds for the repairs to preserve the integrity of the Colt School building

Prior to the vote taken, Facility Director Tom Woods addressed the council and described the renovations need to correct the damages from a roof leak and the repair and security enhancements to the exterior doors.

14. Tax Assessor DiMeo re Executive Session Pursuant to RIGL 42-46-5 (a)(2): Litigation, PC-2020-01726 and PC 2021-00231, Reiss v. DiMeo (tax appeal)

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

Sweeney/Teixeira - Voted unanimously to convene in Executive Session Pursuant to RIGL 42-46-5 (a)(2):
Litigation, PC-2020-01726 and PC 2021-00231, Reiss v. DiMeo (tax appeal) at 8:45 PM.

Sweeney/Parella - Voted unanimously to resume open session and seal the minutes of the Executive Session at 9:00 PM.

Solicitor Teitz announced that a motion was made in the executive session and voted to approve a settlement of the tax appeal.

J. Bills & Expenditures

J1. RFP# 990 - Sale of 9 Court Street

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 names of the proposals received, noting that the proposal amounts would not be disclosed at such time to not jeopardize any strategy or negotiation undertaken and will be disclosed when appropriate.

- Joseph M. Brito, Jr. sole member of Tupelo Realty, LLC

J2. RFP# 991 - Sale of Oliver School

Teixeira/Sweeney - Voted unanimously to refer this matter to the Town Administrator, Town Solicitor, and the Director of Community Development to act in the best interest of the Town and to provide a recommendation to the Council for consideration.

Prior to the vote taken, the Clerk read the names of the proposals received, noting that the proposal amounts would not be disclosed at such time to not jeopardize any strategy or negotiation undertaken and will be disclosed when appropriate.

- Louis A. Cabral as Manager for Timwill Holdings LLC
- East Bay Community Development Corporation

K. Special Reports

L. Town Solicitor

L1. (Assistant Town Solicitor Amy H. Goins) memo re proposed ordinance: prohibition of smoking/vaporizing cannabis in public

a. draft ordinance

Teixeira/Sweeney- Voted unanimously to consider this on August 24, 2022 for First Reading.

Prior to the vote taken, Assistant Solicitor noted the recommended ordinance amendment to the newly enacted cannabis act passed by the General Assembly. He explained that the draft ordinance prohibited the use of smoking recreational marijuana in public places such as smoking cigarettes in public places.

Discussions ensued relative to future zoning policies that would need to be discussed and adopted if recreational cannabis sales were passed in Bristol.

Town Administrator Contente expressed his concerns with the term "recreational" marijuana and that it sends a bad message.

Police Chief Lynch explained that communications were sent to the League of cities and towns asking them to adopt similar

ordinances to allow law enforcement the same tools as if someone were to be drinking alcoholic beverages in a public space.

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. Harbor Commission Meeting Minutes, July 11, 2022

(CA) AA2. Conservation Commission Meeting Minutes, June 13, 2022

(CA) BB. Budget Adjustments

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

(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. Resolution - Town of Bristol Authorizing the Assessment of Valuations and Levy of Taxes, Sewer Service Fees and Sewer Assessments (signed)

(CA) DD2. Amended Citation re James J Sylvester II in recognition of 43 years of service to the town (signed)

(CA) DD3. 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 - Low Lane, Installing 3 new pole for service to #4 Low Lane off Monkey Wrench Lane

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) FF1. Town of Tiverton Resolution # 2022-0011 re Resolution requesting a ballot question related to the licensure of "Cannabis related Licenses" within the Town of Tiverton pursuant to the Rhode Island Cannabis Act

(CA) GG. Distributions/Communications

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

- (CA) GG1. BCWA Engineering Project Manager Susan Rabideau, re Construction Update

- (CA) GG2. Town Administrator Contente to Cardi Corporation of Warwick RI, re award of Bid# 987 - Road Resurfacing Project

- (CA) GG3. Japan-American Society Black Ships Festival 2022 letter of thanks and support

(CA) HH. Distributions/Notice of Meetings

(Office copy only)

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

- (CA) HH1. Commissioners of the Cemeteries Meeting July 13, 2022

- (CA) HH2. Conservation Commission Meeting, July 12, 2022

- (CA) HH3. Planning Board Meeting, July 14, 2022

- (CA) HH4. Rogers Free Library Board of Trustees Meeting, July 21, 2022

- (CA) HH5. Board of Canvassers Meeting July 18, 2022
- (CA) HH6. Board of Canvassers Meeting, July 20, 2022
- (CA) HH7. Bristol County Water Authority Meeting July 20, 2022
- (CA) HH8. Historic District Commission Meeting, July 22, 2022
- (CA) HH9. Bristol County Water Authority Meeting, July 28, 2022
- (CA) HH10. Bristol Historic District Commission Meeting, August 4, 2022
- (CA) HH11. Harbor Commission Agenda Meeting, August 1, 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) JJ. Miscellaneous Items Requiring Council Approval

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

(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"

- (CA) KK1. Patrick Martin, 71 Perry Street, request for curb cut exceeding 25 feet

- a. recommendation - Town Administrator and Department of Public Works

There being no further business, upon a motion by Vice Chairwoman Parella, seconded by Councilman Sweeney and voted unanimously, the Chairman declared this meeting to be adjourned at 9:00 pm.

Melissa Cordeiro, Town Clerk

DRAFT