

TOWN COUNCIL MEETING MINUTES- WEDNESDAY, JULY 31, 2024

The council met on Wednesday, July 31, 2024, and called to order at 7:02 p.m. in the Town Hall, Council Chambers, Council Chairman Calouro presiding:

At this point in the meeting, Council Chairman Calouro and members of the Council expressed their condolences to Vice Chairwoman Parella for the recent passing of her mother, Bernice Parella.

Motion RE: Consent Agenda - To Approve the Consent Agenda

Sweeney/Teixeira- Voted unanimously to approve the Consent Agenda as prepared and presented.

A. Submission of Minutes of Previous Meeting(s)

A1. Town Council Meeting - June 26, 2024

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

B. Public Hearings

C. Ordinances

C1. Ordinance #2024-14 Chapter 16, Article V Stopping, Standing and Parking, Section 16-152 Curb loading zones (add curb loading zone on the west side of Thames Street) (Robin Rug Mill Building) (1st reading)

Teixeira/Sweeney- Voted unanimously to consider this action to constitute the first reading of Ordinance #2024-14. Advertise in the local newspaper.

C2. Ordinance #2024-15 Section 16-160: Designated parking spaces on Constitution Street for access to the Urban Coastal Greenway (1st reading)

Teixeira/Sweeney- Voted unanimously to consider this action to constitute the

first reading of Ordinance #2024-15.
Advertise in the local newspaper.

D. Licensing Board - New Petitions

D1. Steven B. Aveson, The Japan American Society of RI, re one day Dancing and Entertainment License on Friday, August 16, 2024 from 10:00AM-12:00PM and 5:00PM-7:00PM for The Black Ships Festival 2024 at Rockwell Park (**see also D2, D3, D4, F1**)

a. recommendation- Town Administrator and Chief of Police

b. recommendation - Town Administrator and Fire Chief

c. recommendation- Town Administrator and Director of Parks and Recreation

Teixeira/Sweeney- Voted
unanimously to combine agenda
items D1, D2, D3, D4 and F1

Sweeney/Teixeira -Voted
unanimously to grant this license
per the recommendations received
and conditions, if any, as
delineated, and also subject to
conformance to all laws and
ordinances and payment of all
fees, taxes, and levies

Prior to the vote being taken, applicant Steven Aveson addressed the council. Mr. Aveson provided the council with highlights of the events to take place and encouraged everyone to attend.

D2. Steven B. Aveson, The Japan American Society of RI, re One Day Dancing & Entertainment License for Saturday, August 17, 2024 from 10:00AM - 3:30PM for The Black Ship's Festival at Independence Park

a. recommendation - Town Administration and Chief of Police

b. recommendation - Town Administration and Fire Chief

c. recommendation - Town Administrator and Director of Parks and Recreation

Sweeney/Teixeira-Voted unanimously to grant this license per the recommendations received and conditions, if any, as delineated, and also subject to conformance to all laws and ordinances and payment of all fees, taxes, and levies

It is noted for the record that under agenda item D1, Councilman Teixeira motioned to combine agenda items D1, D2, D3, and F1. The motion was seconded by Councilman Sweeney and unanimously approved. Discussions related to this combined item took place under agenda item D1. However, actions related to this item are reflected here as found within.

D3. Steven B. Aveson, The Japan American Society of RI, re Mobile Food Trucks Permit for August 17, 2024 10:00AM-3:30PM at Independence Park

a. recommendation - Town Administrator and Chief of Police

b. recommendation - Town Administrator and Fire Chief

c. recommendation - Town Administrator and Director of Parks and Recreation

d. recommendation- Town Administrator and Director of Public Works

Sweeney/Teixeira - Voted unanimously to grant this license per the recommendations received and conditions, if any, as delineated, and also subject to conformance to all laws and ordinances and payment of all fees, taxes, and levies

It is noted for the record that under agenda item D1, Councilman Teixeira motioned to combine agenda items D1, D2, D3, and F1. The motion was seconded by Councilman Sweeney and unanimously approved. Discussions related to this combined item took place

under agenda item D1. However, actions related to this item are reflected here as found within.

D4. Steven B. Aveson, The Japan American Society of RI, re Mobile Food Trucks Permit, August 16, 2024 4:40PM-7:30PM at Rockwell Park

- a. recommendation - Town Administrator and Chief of Police
- b. recommendation - Town Administrator and Fire Chief
- c. recommendation - Town Administrator and Director of Parks and Recreation
- d. recommendation- Town Administrator and Director of Public Works

Sweeney/Teixeira - Voted unanimously to grant this license per the recommendations received and conditions, if any, as delineated, and also subject to conformance to all laws and ordinances and payment of all fees, taxes, and levies

D5. Clements Marketplace, Tracy Anthony, 1150 Hope Street request for Holiday Sales License

- a. recommendation - Town Administrator and Chief of Police
- b. recommendation - Town Administrator and Fire Chief
- c. recommendation - Town Administrator and Director of Community Development

Sweeney/Teixeira - Voted unanimously to grant this license per the recommendations received and conditions, if any, as delineated, and also subject to conformance to all laws and

ordinances and payment of all
fees, taxes, and levies

D6. Allison Barr, 7 Michael Drive, Allison's Pampered Pet
re modification Dog Kennel License (increase number of
dogs allowed)

a. Memo from Clerk Cordeiro re original license
approval information

b. recommendation- Town Administrator and Chief of
Police

c. recommendation - Town Administrator and Director of
Community Development

d. recommendation- Town Administrator and Director
of Animal Control

Teixeira/Sweeney -Voted
unanimously to grant this license
subject to the following:

- per the recommendations
received and conditions, if
any, as delineated.
- That the number of dogs be
increased to no more than
ten (10) dogs be housed on
the property at any one
time.
- Subject to conformance to
all laws and ordinances and
payment of all fees, taxes,
and levies

Prior to the vote being taken, Alison Barr residing at 7 Michael Drive addressed the Council, informing them that she has been operating a residential doggie daycare since 2006. She explained that she was requesting to increase the number of dogs allowed at her daycare, noting that she was unaware she needed Council approval for this increase. She stated that she had a verbal conversation with former staff members and was under the impression that she had the authority to house more than the original five dogs she was approved for. She further explained

that she had received her DEM approval and had experienced no issues since starting the business 22 years ago.

Police Chief Lynch confirmed that the police department had not received any complaints about the facility. Chairman Calouro noted that Ms. Barr had not been in compliance and thanked her for her honesty. He expressed his strong concern and the importance of compliance, noting that the original approval for five dogs was established for a reason, and he respected the decision of the Council during the original approval process. He emphasized the importance of ensuring compliance to protect neighbors in the residential neighborhood from being adversely affected by decisions made by the Council or non-compliance of the applicant.

A discussion ensued regarding the increase in the number of dogs allowed, and it was recommended that the license be increased to allow up to no more than ten (10) dogs.

D7. Zack Rivers for RIRO Enterprises Inc. d/b/a Judge Roy Bean Saloon, 1 State Street, request for Transfer of Class BV Liquor License to Cruz Goler for Korcula Culinary Consulting, LLC d/b/a Judge Roy Bean Saloon (new ownership) **(call for public hearing on August 21, 2024)**

a. recommendation - Town Administrator and Chief of Police

b. recommendation - Town Administrator and Fire Chief

c. recommendation - Town Administrator and Director of Community Development

Teixeira/Sweeney- Voted
unanimously to call for a public
hearing to consider this matter on
August 21, 2024 subject to the
payment of levies; and to
advertise in the local newspaper.

E. Licensing Board - Renewals

E1. Private Investigator License Renewals 2024-2025

a. recommendation - Town Administrator and Chief of Police

Sweeney/Teixeira- Voted unanimously to grant renewal of these licenses based upon the recommendations received and the receipt of all necessary renewal paperwork from the licensees and also subject to conformance to all laws and ordinances and payment of all fees, taxes, and levies

F. Petitions - Other

F1. Steven B. Aveson, The Japan American Society of RI, re to fly Japanese Flag during the Black Ship's Festival at Independence Park August 16-17, 2024

- a. Memo from Clerk Cordeiro re verification of signatures of 25 qualified voters

Sweeney/Teixeira- Voted unanimously to approve this petition, allowing that a 3 X 5 foot 'Japanese Flag' may be flown on a Town flagpole at Independence Park from August 16 & 17, 2024, with the Town assuming no responsibility for the care of this flag beyond its raising.

It is noted for the record that under agenda item D1, Councilman Teixeira motioned to combine agenda items D1, D2, D3, and F1. The motion was seconded by Councilman Sweeney and unanimously approved. Discussions related to this combined item took place under agenda item D1. However, actions related to this item are reflected here as found within.

F2. Margaret Rodriques, 112 Bradford Street request for an accessible parking space in vicinity of residence **(2nd Reading)**

- a. (draft) resolution

Teixeira/Sweeney- Voted unanimously to consider this action to be the second reading

for the adoption of the resolution
for an accessible parking

F3. Virginia Quaresma, 34 Cooke Street request for an accessible parking space in vicinity of residence (1st Reading)

a. recommendation - Town Administrator and Chief of Police

b. recommendation - Town Administrator and Director of Public Works

c. Wayne Marshall, 33 Cooke Street - letter of concern

Teixeira/Sweeney - Voted unanimously to deny the petition based on the recommendations received

Prior to the vote being taken, Police Chief Lynch informed the Council that the police department had reviewed the application and the request for the accessible parking space on Cooke Street. He elaborated that upon review, the officers found that the applicant had a driveway that provided ample access to the residence. Typically, accessible parking spaces are granted to those who do not have reasonable access to their home.

In this case, it was determined that the applicant was allowing her sons to park in her driveway while she would find on-street parking. Considering the street was very dense with limited parking, it was recommended that the applicant park in the driveway and allow others to park on the street to accommodate all parties

F4. Rosa Elena Escobar Torino, 153 Bradford Street, request for accessible parking space in vicinity of residence (1st Reading)

a. recommendation - Town Administrator and Chief of Police

b. recommendation - Town Administrator and Director of Public Works

Teixera/Parella- Voted unanimously to consider this action to constitute the first reading of a request for an accessible parking space and to continue the said

matter until August 21, 2024 for second reading.

G. Appointments

G1. Police Pension Fund Board of Trustees (~~life term~~) (*police union member*)

a. Keith Martin, 5 Clinton Drive, resignation

Teixeira/Sweeney - Voted unanimously to accept this resignation and to instruct the Clerk to send a letter of thanks for service.

Prior to the vote being taken, Clerk Cordiero clarified that the now vacant position was held by a member of the police union. According to the composition of the board as outlined in the ordinance, the body consisted of five members: one being the town treasurer, three appointed by the Council, and one a member of the police union confirmed by the Council. She explained that a request for recommendation was provided to the President of the local police union, and the recommendation would be presented to the Council at its next meeting.

It was also noted that the attachment provided in the Council packet was of the special constables, and that the correct board information, outlining the board composition, would be provided to the Council at its next meeting

G2. North and East Burial Grounds Commission (1 unexpired term set to expire January 2025 and 1 unexpired Auxiliary Commissioner set to expire January 2028)

a. Passing of James Riccio, 56 Franklin Street

b. Herman Martin, 2 Pagnano Street - interest/appointment

c. Jennifer Ouellette, 4 Evangeline Court - interest/appointment

d. Shirley Louise Mancieri, 10 Kathy Court- interest/appointment

Teixeira/Sweeney- Voted unanimously to acknowledge the passing of the board member, which has now created a vacancy on the board, and instruct the Clerk to set a special meeting for interviews to be held at the next council meeting of August 21, 2024, beginning at 6:15pm.

Prior to the vote being taken, members of the council expressed their condolences for the passing of Mr. Riccio.

- G3.** Post Retirement Benefits Fund Board of Trustees (one 3-year term set to August 2027 and one vacant unexpired term set to expire August 2026)

- a. Anthony Rego, 1176 Hope Street -
interest/reappointment

Teixeira/Sweeney - Voted unanimously to reappoint Anthony Rego to the Post Retirement Benefits Fund Board of Trustees with a term set to expire in August 2027

H. Old Business

- H1.** Joint Public Notice CRMC/DEM re Thames Street Landing, TSL, LLC, 267 Thames Street **(continued from May 29th)**
Public comment extended to August 15, 2024

- a. Recommendation - Bristol Harbor Commission
- b. Alyce Wright, Lila Delman, re letter of concern
- c. Howard Sutton, President Stone Harbour HOA re letter of opposition
- d. Documents submitted to the Harbor Commission Meeting, July 1, 2024
- e. Mark T. Ryan, Moses Ryan LTD, re letter of concern

Teixeira/Sweeney- motioned to submit to CRMC the concerns and recommendations made by the Bristol Harbor Commission, along with a copy of the Harbor Commission meeting minutes and

this evening's draft meeting minutes, to reflect the various concerns addressed by members of the council and residents. Voting in favor were Calouro, Teixeira, Sweeney, Ley. Voting Opposed was Vice Chairwoman Parella.

Prior to the vote being taken, Chairman Calouro stated that a recommendation had been received from the Harbor Commission and proceeded to read their four recommendations as follows:

1. The applicant shall provide a written plan indicating how the pool water will be treated, how the waste from any backwashing filtration will be disposed, and confirm that there will be no discharge of such filtration system water into Bristol Harbor.
2. The applicant shall provide a written storm action plan indicating the actions proposed for certain time frames (such as when a tropical storm or hurricane watch is secured and when a tropical storm or hurricane warning is issued) and identifying the specific contractors who will provide trucks to pump out the pool water and identifying the specific marine facility that will hull the pool boat out of the water.
3. The applicant shall provide certification from an engineer that the access to the pool boat from the shore will meet ADA requirements.
4. The CRMC should consider requiring the applicant to install additional barriers which might include additional pilings, to prevent any out-of-control vessel from colliding with the pool boat and endangering pool users.

Councilman Teixeira motioned to submit the Harbor Commission recommendations to CRMC, seconded by Sweeney for discussion. It was clarified that while the recommendation could be submitted to CRMC, the approval was under CRMC's jurisdiction.

Vice Chairwoman Parella noted that the recommendations by the Harbor Commission were well thought out. However, she personally believed the pool boat would be a public nuisance and the town would regret it. She felt there was no need for the pool in that congested location and thought the council should oppose the application. She clarified that a "no" vote from her would reflect her opposition to the pool boat, not disagreement with the Harbor Commission's recommendations.

Councilman Ley Councilman Ley expressed his opposition to the application as well. Councilman Teixeira stated that submitting the Harbor Commission's recommendations to CRMC did not imply

his support for the application, as it fell under CRMC's jurisdiction.

Seth Handy, the applicant's attorney representing TSL, LLC Thames Street Landing, summarized the request. Applicant Larry Goldstein and engineer Ron Blanchard were also in attendance. Attorney Handy explained that the proposed project involved a vessel adjacent to the Bristol Harbor Inn, 8 feet wide, 20 feet long, and 4 feet deep, for seasonal use only and secured when not in use. He noted that the pool boat is allowed by right in Bristol Harbor and the zoning district. Attorney Handy emphasized the benefits to the town and the alignment with the 2016 Comprehensive Plan for Economic Development.

Attorney Handy addressed the recommendations and opposition, stating that TSL intended to present a storm action plan and pool water filtration plan to CRMC. He argued that ADA compliance and additional pilings were not warranted, citing CRMC standards for small marinas. He also responded to opposition from Stone Harbor, noting that the pool boat did not violate town ordinances 8-45 and 8-54 prohibiting swimming in navigational areas and blocking public access to water.

Attorney Handy addressed additional objections and concerns raised. He stated that guests at the Bristol Harbor Inn were surveyed and strongly indicated that a pool was a missing amenity. He noted that guests seeking hotels with pools could choose other locations, potentially impacting the local economy.

In response to suggestions for alternate locations, Attorney Handy explained that none were available. The current deck area is used for weddings, and the surrounding land is capped due to environmental concerns.

Regarding safety concerns, Attorney Handy reassured that no alcohol would be allowed at the pool, and there would be security cameras and locks in place. To address noise concerns, he stated there would be no diving or audible music, emphasizing that noise is regulated by town ordinances, not CRMC.

On environmental issues, Attorney Handy acknowledged concerns about pile driving disturbing the environment. He noted that the Department of Environmental Management (DEM) would participate, and a permit from the Army Corps of Engineers, which had already considered the pile driving, would be submitted to CRMC. CRMC would have regulatory jurisdiction over the application.

He continued to argue that this project falls under CRMC jurisdiction and addressed the request made by Stone Harbor for

the council to provide a negative recommendation. Attorney Handy noted that this request was contrary to the Town Administrator's position, which supported the application. He requested council consideration to also provide a recommendation for CRMC's approval of the proposal.

Vice Chairwoman Parella asked for the summer occupancy rate and average length of stay. Larry Goldstein replied that he did not have that information at that time. Vice Chairwoman Parella then asked if Mr. Goldstein had been recently seeking to expand the hotel due to high demand, suggesting that the argument for needing a pool to attract guests seemed inconsistent with the expansion plans. She pointed out that there are three local beaches near the hotel, offering plenty to do for short-term guests, and questioned whether a pool would significantly attract more visitors.

Vice Chairwoman Parella noted that this proposal might set an unwelcome precedent in the area. She expressed uncertainty about whether the council has ever provided recommendations to CRMC, noting that most CRMC applications involve docks or dock extensions, not pool boats. She emphasized the neighborhood's density and potential nuisance issues, asserting that this proposal could be problematic regardless of safety protocols and doubting its impact on tourism or hotel occupancy.

Mr. Goldstein responded that the hotel is not always fully booked and expressed a desire to fill the gaps. He mentioned that families often look for hotels with pools and emphasized that the pool boat idea was a creative solution inspired by a similar concept in Maine. The aim was to provide an amenity that families are seeking without causing a nuisance or headache for guests.

Parella acknowledged that surveys might indicate a desire for certain amenities, but based on her experience, a lack of specific amenities would not necessarily deter guests from revisiting a hotel. She expressed skepticism about the pool's potential to significantly impact the hotel's success and suggested that the hotel could be better marketed by highlighting local family amenities.

Attorney Handy stated he would follow up with the hotel occupancy rate and average length of stay.

Councilman Ley asked Mr. Goldstein if there would be any restroom facilities and how far away they would be, as well as the protocol for access. Mr. Goldstein responded that guests could use either the guest rooms or the two bathrooms located in

the hotel lobby, which are always open until sunset. Councilman Ley also inquired about the potential for the pool boat to rust and the maintenance protocols, expressing concern over unclear photos and the assurance of proper upkeep. Mr. Goldstein provided larger, clearer formatted proposals of the pool boat and assured the council that the establishment has always maintained its facilities with updates and maintenance, and they would treat the pool boat the same way, just like the common areas and the tent. He emphasized that they were not looking to create an eyesore at their hotel and that the boat was modeled as a first-class design.

Councilman Ley then questioned Attorney Handy's statement regarding ADA requirements, asking if CRMC had the authority to impose ADA accessibility and if the town would be responsible for that. He asked the town solicitor for clarity. Solicitor Ursillo stated that he was not aware of CRMC's specific authority to impose or require ADA requirements. He mentioned that if this was a recommendation from the Harbor Commission, it could be something the town could address if approved by CRMC, and the applicant could then address ADA compliance.

Councilman Ley stated that ADA compliance should probably have the regulatory framework addressed before they go before CRMC, and the council might want to have requirements for ADA accessibility. Project Engineer Blanchard explained that according to CRMC regulations, a marina with fewer than 25 boats is considered a small marina and does not require ADA compliance. A discussion ensued regarding ADA compliance and who had jurisdictional authority to impose it. Ley talked about the potential for other organizations requesting a pool boat and whether the town would have the authority to impose ADA compliance, expressing the need to understand this before making any decision.

Councilman Sweeney asked for clarification on how the pool water would be handled, as addressed by the Harbor Commission. It was noted that the filtration plan would be similar to the system used by the Yachtsman in Maine, which the applicants intended to implement for this pool boat.

Howard Sutton, president of the Stone Harbor Homeowners Association, then spoke. He discussed a letter provided to the council from Alyce Wright, a professional realtor from Lila Delman, which included an affidavit expressing concerns about the proposed marina pool boat's impact on neighboring property values. He further read the letter he submitted to the council for the record as follows:

“We respectfully request that the Bristol Town Council, after due diligence, concerns raised by abutting property owners, and issues expressed by the Bristol Harbor Commission withdraw the letter of support for the TSL’s application for the installation of a pool boat to CRMC that was sent by the Town Administrator.

It appears that the letter Mr. Contente sent to CRMC on June 6, 2023, was based on erroneous information and unsupported assumptions provided by TSL. The majority of TSL’s points are fiction, not fact.

In addition, in the requested revised correspondence to CRMC, we support the inclusion of the four recommendations of the Bristol Harbor Commission (see attached request issued on July 1, 2024) along with compliance with the State of Rhode Island Department of Health requirements for swimming pools and an environmental impact study by the RI Department of Environmental Management.

In evaluating this proposal by TSL, it should be evident that the concerns raised by tax-paying residents and the Harbor Commission supersede a dubious, nominal increase in revenues for a private company.

The Bristol Town Council usually receives and files CRMC documents without comment. One would question why this application, fraught with obvious potential problems, should be an outlier”

Mr. Sutton spoke on his own comments and stated that in over four decades working with one of the most respected newspapers in the country, he learned the importance of distinguishing fact from opinion, fiction, and unsupported assumptions. He criticized the letter from the town administrator to the CRMC, based on TSL information, as being fiction and unsupported. He found it curious that a response regarding property value impacts was received within a week, yet when asked about the hotel occupancy rate—under study for two years—there was no available information. He found it hard to believe they could not provide the occupancy rate.

Attorney Mark Ryan, representing Stone Harbor, then addressed the council, noting several issues. He pointed out that while the council stated they don't normally take a position on CRMC matters, the town had already done so through the town administrator's favorable letter, which might have been based on misleading facts. Attorney Ryan pointed out that the Harbor Commission had made four additional recommendations. He argued that remaining silent effectively promotes the hotel boat.

He suggested that calling the pool boat a vessel was a workaround to avoid going through zoning for a deck. Attorney Ryan believed that CRMC cared about the town's stance and opinion on the matter, regardless of jurisdiction, and encouraged the council not to hesitate in expressing opposition. He expressed concern over the hotel's non-compliance with ADA requirements, questioning whether the Disability Rights of Rhode Island and the Governor's Commission on Disabilities would agree that the pool boat, considered a vessel, did not require ADA compliance, or if it would be seen as a place of public accommodation requiring ADA compliance under Title III. Ryan questioned that if neither CRMC nor the town raised the question of ADA compliance, who would.

Discussions ensued about ADA compliance protocols. Attorney Ryan pointed out that when the applicant petitioned the zoning board for a dimensional variance to construct additional rooms, the minutes reflected a high demand for the hotel.

Attorney Ryan alleged that when the applicant approached the town administrator claiming the need for a pool to fill occupancy, it contradicted their hardship claim before the zoning board, where they sought assistance due to being swamped with demand. He argued that both statements couldn't be true. Additionally, he contended that if the hotel is swamped in the summer and the pool is needed only during that season, it raises questions about its use in the off-season.

In addition, Attorney Ryan highlighted that the town administrator had already sent a positive letter supporting the pool boat proposal, relying on the information that it would benefit the town. However, he argued the validity of this information. He discussed the possibility of alternate locations for the pool and expressed concerns about the appropriateness of the proposed site.

Attorney Ryan requested that the letter sent by the town administrator not be considered the official stance of the town. He urged the council to not only forward the recommendations made by the Harbor Commission but also to include the council's opposition to the application.

Administrator Contente stated that in June of 2023, after meeting with the hotel owner and being provided with a significant amount of information and detail, he wrote a letter of support for the pool boat proposal. He noted for the record that he writes many letters on behalf of individual businesses that may have an economic impact, and collectively, these businesses do make a difference. Contente highlighted that

Bristol Harbor Inn is an employer whose guests' frequent local business, and a pool is a sought-after amenity.

Town Administrator Contente expressed his disagreement with the opposition, maintaining his opinion that the pool would benefit the town. Town Administrator Contente acknowledged that while he had met with Mr. Sutton over various issues over the years, he did not reach out to Mr. Sutton after his initial concerns with the letter. He expressed disappointment that Mr. Sutton did not reach out to discuss the matter, as he had done in the past.

Town Administrator Contente emphasized that he typically stands by his opinions. However, he respects the council members, and if his letter was contrary to the council's intentions, he would withdraw it. Town Administrator Contente reiterated his belief that the pool would benefit the town and families and stated he is a strong proponent of public waterways.

Town Administrator Contente affirmed that the hotel is well-run with no major issues and found the project fascinating. He mentioned being informed that neighbors had been and would be notified in 2023, and he hoped his integrity and honesty were not being questioned. He viewed the pool boat as a positive addition to creating a family-friendly atmosphere and stated that was his opinion as an elected official.

Mr. Sutton clarified that no one was questioning the administrator's hard work and accomplishments. However, he stated that the administrator was misled to believe that the neighbors were notified and supportive. In reality, the information received was inaccurate. Stone Harbor was not notified until two years later and believes that the pool boat is a poor idea. Mr. Sutton also raised concerns about noise complaints at the hotel, suggesting that these issues would worsen if the pool boat were added.

Councilman Teixeira stated that the administrator is an elected official and has the right to hold and express his own opinions. He emphasized that they work together, and it is not uncommon for the administrator to send out his own letters of support. Councilman Teixeira affirmed that it was within the administrator's rights to do so and that he would not weigh in on the administrator's decision.

Chairman Calouro agreed that the council does not direct the administrator and affirmed that they have a great working relationship. He emphasized that the council relies on the boards and commissions for specialized information, as the

council may not be familiar with every rule and regulation. The council looks to these boards and department heads for guidance.

Chairman Calouro expressed his appreciation for the information provided by the Harbor Commission and stated that he is not interested in revising their recommendations. He mentioned that if the Coastal Resources Management Council (CRMC) requires ADA compliance, they will ensure it is weighed in appropriately. Chairman Calouro believes it is important to move forward with the process and that every applicant should have the opportunity to proceed. He stated that he does not want to send a letter of support or objection at this time.

Vice Chairwoman Parella stated that while some members of the council may not want to take a position, the town is already on record supporting the project through a letter and an affidavit. The issue is not about whether the administrator can send a letter, but rather about the town's official stance. She acknowledged that not all council members may share the same level of enthusiasm for the project.

Vice Chairwoman Parella believes that CRMC should be made aware that the council does not fully support the project. If CRMC proceeds, they should be informed of the council's concerns. She cautioned that remaining silent could be interpreted as the town's overall support for the project. Vice Chairwoman Parella indicated that she would be voting in opposition to the project and believes a letter should be sent to raise concerns beyond the recommendations of the Harbor Commission.

Councilman Ley stated that there is a diversity of opinions among the council members, with some having grave concerns about the project. He is worried that remaining silent would signal to the agency that the town may be supportive of the project.

Discussions ensued on how to effectively communicate to CRMC that there are mixed opinions and not everyone is enthusiastic about the project. It was recommended that a cover letter, along with the council draft minutes, be provided to CRMC. This would clarify that the recommendations by the Harbor Commission do not specifically express the town or council's support. Additionally, it would ensure that CRMC is aware of the concerns raised by the council and members of the public. It was also suggested to forward the minutes from the Harbor Commission Meeting.

I. Other New Business Requiring Town Council Action

11. Representative Speakman re Information regarding Bristol Resolution No. 2024-5-29-FF1 pertaining to Opposition of H 7983 re State Building Code

a. 2024-H 7983 Substitute B - State Building Code

b. Town Council Resolution No. 2024-5-29-FF1

Teixeira/Sweeney- Voted
unanimously to receive and file

Prio to the vote being taken, Representative June Speakman addressed the council, noting that she was in attendance with Representative Donovan and Senator Ujifusa. She explained that the memo provided to the council highlighted several inaccuracies in an Exeter, RI resolution that the Bristol Council had replicated and passed. She clarified that the concerns raised were not part of the final bill that was passed. Specifically, she pointed out that the bill did not create an office for the State Building Commissioner, as that office was actually established in 1974, with the state code adopted in 1977.

Additionally, she explained that the act aims to standardize building code interpretation across the state, with input from the League of Cities and Towns, to ensure consistent enforcement throughout Rhode Island. Representative Speakman mentioned that many municipalities do not have full-time building officials, and the State Building Code Commissioner would serve as a municipal building official in towns where none exists. This role would assist the towns, much like the State Fire Marshal does, and she noted that she was unaware of any issues with the fire marshal's process, believing this to be a similar approach.

The goal of the bill, she emphasized, is to remove obstacles to building houses that may exist due to the lack of officials or differing interpretations of the plain language of the code from one municipality to the next. The act also allows for the creation of an academy and classes to support this standardization effort.

Councilman Texeira expressed concern that the bill becomes a cash cow for the state, as indicated in line 27 of the passed bill. He pointed out that 50% of the additional levy on

residential permits and 100% of the additional levy on commercial permits would be used to staff and support the purchase or lease of web-accessible services and related operations. He was troubled by the potential increase in building fees, which might divert funds away from municipalities and direct them to the state. Additionally, he was concerned that the bill might prioritize the interests of contractors over supporting municipalities.

Representative Speakman responded by clarifying that the increase in fees was not an issue raised by the League of Cities and Towns and that fees could be reviewed. She assured the council that the delegation would work with municipalities to address any issues that arise. She emphasized that the primary purpose of the bill is to ensure the ability to build houses in the state of Rhode Island.

Discussions ensued regarding ADU changes.

Here's a revised version of your meeting minutes:

Chairman Calouro noted that discussions had taken place between the town and the delegation regarding the recently passed House bill. He explained that Director of Community Development Williamson had raised concerns via email, particularly about the provision stating that "the State Building Code Commissioner shall have the authority to enforce and perform the duties required by the State Building Code, Chapter 27 of this title." He pointed out that this marks a significant change, as the previous language indicated that the State Building Code Commissioner only had authority over "state properties." The removal of this specification represents a major difference, raising concerns that even small changes could have substantial implications. If there were a disagreement on how something should be applied and it didn't conform to the town's building official's interpretation, the state could potentially intervene, which Chairman Calouro deemed unacceptable given the broad authority the new language provides.

Representative Speakman acknowledged that while this concern is valid, such issues wouldn't arise in Bristol because the town has a competent building inspector. She explained that the bill is intended for places where the local inspection process is not as effective. However, she understood that the language does open the door to potential conflicts. She gave the example of a building inspector refusing to inspect someone's home for personal reasons as a situation the bill seeks to address.

Discussions ensued about the possibility of tightening the language to be more specific and how to move forward with making necessary changes. Suggestions were made that included adding an appeal process after a certain period of time or limiting the provision to municipalities that do not have building officials. Representative Speakman expressed willingness to revisit the issue during the next legislative session to recommend changes.

Discussions ensued regarding housing shortages and inspector shortages.

It was noted that there should be clear guidelines included in the bill's language. The Chairman indicated that he would meet with the Town Administrator and other town officials to develop recommended language changes for the bill, which would then be provided to the delegation. They also discussed the possibility of holding another legislative workshop in November to address this item and any other concerns, as they typically do once a year.

12. (Draft) Town Council Internal Policy for Electronic Signature Usage for Ceremonial Documents

Sweeney/Teixeira - Voted
unanimously to adopt the internal
policy of electronic signature
usage for ceremonial documents.

Prior to the vote being taken, Chairman Calouro noted that this initiative was prompted by the Clerk's office to assist with ceremonial documents, addressing difficulties that had arisen due to the council's scheduling conflicts

13. Director Williamson, Community Development re transfer of ARPA Funds from Walley School Rehabilitation Project to Reynolds School Town Offices HVAC project

Sweeney/Teixeira- Voted
unanimously to transfer the amount
of \$2222,730.23 from the ARPA
funds from the Walley School
Rehabilitation Project to the
Reynolds School Town Offices HVAC
project.

Prior to the vote being taken, Director Williamson noted that this request was to ensure that both buildings continue to be improved. The change to the HVAC system is primarily due to the

fact that, while the ventilation units can be placed on the roof, the condensers cannot and need to be located on the ground, which may allow for easier maintenance. A comprehensive breakdown of these details was provided in the packet.

I4. Principal Planner Tanner re Residential Compost pilot program

Sweeney/Teixeira- Voted
unanimously to move forward with
the grant application

Prior to the vote being taken, Director Williamson explained that the request was for a matching contribution of \$10,969.30 for a grant opportunity over a two-year project timeline. According to the data provided, the town would offset this cost through reduced tipping fees. Black Earth and 11th Hour Racing are encouraging the town to apply for this USDA grant, and they have offered to write the grant on the town's behalf. If awarded, the town would be required to follow a bid process. At the end of the two-year pilot program, the town would not be under any obligation to continue the program.

Councilman Sweeney expressed enthusiasm for the opportunity, highlighting the potential benefits of diverting waste from the landfill, decreasing tipping costs, and saving tax dollars. Councilman Ley and Chairman Calouro also voiced their strong support and excitement for the project.

I5. Superintendent DaSilva, Bristol Water Pollution Control re Utilization of SRF 2022 Funding for Additional Work on Contract No. 984 - Solids Handling Upgrades

Sweeney/Teixeria- Voted
unanimously to allocate \$81,256.00
for additional work on contract
no. 987-solids handling upgrades,
utilizing the 2022 SRF and the
2024 Department Fund Balance.

Prior to the vote being taken, Superintendent DaSilva addressed the council and provided the highlight of the request.

Chris Cronin, Project Engineer from Beta Group, addressed the council to provide an update on the 2.5-year project, which is nearing completion. He explained that the project was initiated by a DEM notice of violation in 2018 and is focused on process

enhancements. The project aims to deliver multiple benefits to the town, including more efficient removal of sludge from the waste stream, replacement of outdated equipment, improvement of the work environment and safety, and the provision of a more consistent and higher quality effluent.

Cronin noted that the proposed change order is less than 5% of the total project cost of \$6.4 million. The additional funds being requested beyond the initial borrowing amount would cover unforeseen items that were detailed in the memo provided to the council. To help offset this overage, a 2020 resiliency grant was applied for and awarded to purchase a bypass pump, which would save \$170,000 and effectively reimburse the town \$87,000, thereby assisting with the overall budget overrun.

The critical nature of the department and the necessity of these improvements for both efficiency and environmental protection were emphasized, with the council expressing appreciation for the project's successful execution. The plan is to utilize as much funding as possible from the SRF, with the remaining balance covered by the 2024 fund balance.

CF. Citizens Public Forum

PERSONS WISHING TO SPEAK DURING THE CITIZENS PUBLIC FORUM MUST NOTIFY THE COUNCIL CLERK PRIOR TO THE COMMENCEMENT OF THE MEETING

J. Bills & Expenditures

J1. Town Council re Allocation of Contingency funds for payment of Gob Shop Invoice

Teixeira/Sweeney - Voted unanimously to allocate \$193.00 from council contingency for payment of the Gob Shop Invoice.

Prior to the vote being taken, it was explained that the funds being allocated were to purchase the polo shirts for the elected officials for the 4th of July Parade.

J2. Bid #1051 Storage Carts for Election Equipment

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:

- Westwood Construction in the amount of \$28,295.00
- Print Elect in the amount of \$20,120.00

K. Special Reports

- K1.** Juan Mariscal, Chairman, Bristol County Water Authority- Tri-Town Monthly Report for June 2024

Sweeney/Teixeria- Voted unanimously to receive and file the report and to instruct the Clerk to send an invitation to the BCWA Board of Directors, requesting that they provide the council with an update on their projects and initiatives at one of the next two council meetings.

Councilman Teixeira reviewed the report and suggested that it would be beneficial for the Board of Directors to provide an update on the projects and initiatives of the BCWA. While it is not common for them to address the council, they do come from time to time, and he believed it would be important for the council to receive this

L. Town Solicitor

M. Executive Sessions

- M1. Town Administrator Contente request for Executive Session Pursuant to RIGL §42-46-5, (5) Any discussions or considerations related to the acquisition or lease of real property for public purposes.

Sweeney/Teixeira - Voted unanimously to convene in Executive Session pursuant to RIGL Section 42-46-5 (a) (5) concerning the Acquisition of Open Space at 9:50 PM.

Teixeira/Ley - Voted unanimously to resume the open session and

seal the minutes of the Executive Session at 10:00 PM.

Solicitor Ursillo announced that a motion was made and voted on in the Executive Session.

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 - June 3, 2024
- (CA) AA2. Capital Projects Commission Meeting Minutes - May 21, 2024
- (CA) AA3. Bristol Board of Fire Engineers Meeting Minutes - July 1, 2024
- (CA) AA4. Historic District Commission Minutes - May 2, 2024
- (CA) AA5. Historic District Commission Minutes - June 6, 2024
- (CA) AA6. The Zoning Board of Review Minutes - May 6, 2024
- (CA) AA7. The Zoning Board of Review Minutes - June 3, 2024
- (CA) AA8. Rogers Free Library Minutes - May 16, 2024
- (CA) AA9. Bristol Planning Board Minutes - June 13, 2024
- (CA) AA10. Bristol Housing Authority Minutes - June 13, 2024

(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) CC1. Town Treasurer Carulli re Revenue and Expenditure Statement - June 30, 2024

(CA) DD. Proclamations, Resolutions & Citations

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

(CA) DD1. Proclamation - Chief Marshals Rick and Patti Baccus
2024 Bristol Fourth of July

(CA) DD2. Commendation - William S. Goodnow Eagle Scout Court
of Honor

(CA) DD3. Commendation - Aidan Devine, Eagle Scout Court of
Honor

(CA) DD4. Resolution Authorizing the Assessment of Valuations
and Levy of Taxes, Sewer Service Fees and Sewer
Assessments

(CA) DD5. Resolution No 2024-5-29-FF1 Opposition to H7983

(CA) EE. Utility Petitions

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

(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 Administrator Contente) re Prudence Island
Lifeline Ferry Parking

(CA) GG2. Town Administrator Contente to Westway Construction
Inc, Robert West re award bid #1047- Walley School
Fire Suppression

(CA) GG3. Town Administrator Contente to Automatic Temperature
Controls, John Lussier re award bid #1044-Town-Wide
HVAC Repairs and Maintenance

(CA) GG4. Town Administrator Contente to Michael Cabral re TA
appointment to Capital Project Commission

- (CA) GG5. Letter from Secretary of State Gregg M. Amore informing Clerk Cordeiro that her submission for a grant to enhance election security has been awarded in the amount of \$23,500
- (CA) GG6. Administrator Contente to Skurka Construction, David Skurka re Award Bid #1050-Portside Drive Drainage and Shoreline Improvements
- (CA) HH. Distributions/Notice of Meetings**
(Office copy only)
- Approval of consent agenda = "motion to receive and place these items on file"**
- (CA) HH1. Harbor Commission Meeting - July 1, 2024
- (CA) HH2. Bristol 4th of July General Committee Meeting - June 27, 2024
- (CA) HH3. Planning Board Meeting - July 18, 2024
- (CA) HH4. Bristol County Water Authority Board of Directors Meeting - June 27, 2024
- (CA) HH5. Historic District Commission Meeting - July 10, 2024
- (CA) HH6. Capital Projects Commission Meeting - July 23, 2024
- (CA) HH7. Historic District Commission Meeting - July 11, 2024
- (CA) HH8. Conservation Commission Meeting - July 16, 2024
- (CA) HH9. Board of Canvassers Meeting - July 15, 2024
- (CA) HH10. Zoning Board of Review Meeting (amended) - July 15, 2024
- (CA) HH11. Bristol 4th of July General Committee Meeting - July 16, 2024
- (CA) HH12. Board of Canvassers Meeting - July 15, 2024
- (CA) HH13. Board of Canvassers Meeting - July 18, 2024
- (CA) HH14. Rogers Free Library Meeting - July 18, 2024
- (CA) HH15. Bristol Fourth of July Ball Committee Meeting - July 22, 2024
- (CA) HH16. Housing Authority Meeting - July 23, 2024

(CA) HH17. Bristol County Water Authority Board of Directors Meeting - July 30, 2024

(CA) HH18. Board of Canvassers Meeting - July 31, 2024

(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 Tamulaites, 51 Everett Avenue, claim for damages to basketball hoop

(CA) II2. Ann Marie LaRoche, 6 Domenic Court, re reimbursement for damage to vehicle

(CA) II3. Jeffrey J. Taylor, 20 Starbrook Drive, Barrington claim for damage to vehicle

(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. Osvaldo Toste, 43 Leahy Drive request for curb cut on Basswood Drive

a. recommendation - Town Administrator and Director 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 10:00 pm.

Melissa Cordeiro, Town Clerk
Council Clerk