

TOWN COUNCIL MEETING- WEDNESDAY, AUGUST 23, 2023

The council met on Wednesday, August 23, 2023, and called to order at 6:46 p.m. in the Town Hall, Council Chambers, Council Chairman Calouro presiding:

PRESENT: Council Chairman, Nathan Calouro
Vice-Chairwoman, Mary Parella (arrived at 6:50)
Councilman, Antonio "Tony" Teixeira
Councilman, Timothy Sweeney
Councilman, Aaron Ley

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

Public Service Interviews and Appointments

Harbor Commission Advisory Committee (1 vacant term set to expire August 2025)

a. Bruce A. Palumbo, 6 Mallory Court, interest/appointment

The Council heard from Mr. Palumbo who expressed his interest in becoming a member of the Harbor Commission. Discussions ensued between members of the Council and Mr. Palumbo pertaining to Mr. Palumbo's qualifications and experiences. Mr. Palumbo also stated why he would consider himself to be a good fit for the position

Teixeira/Sweeney- Voted
unanimously to appoint Bruce
Palumbo to the Harbor Commission
Advisory Committee with a term to
expire August 2025

Motion RE: Consent Agenda - To Approve the Consent Agenda

Sweeney/Teixeira- Voted
unanimously to approve the Consent
Agenda as prepared and presented
and withhold item CC2 for further
discussion at the conclusion of
the regular agenda

*It is hereby noted for the record that discussion and action concerning agenda item CC2 appears, in place, as found within.

(ADD ITEM)

At this point in the meeting, Councilman Ley requested that the Council add an agenda item to consider the matter for the overview of the Americas Byways Infrastructure Grant for discussion.

Ley/Teixeira- Voted unanimously to add a non-action agenda item of the recently awarded Byways grant for discussion.

It is hereby noted for the record that a discussion concerning this non-action agenda item took place at the conclusion of the public agenda.

Prior to the vote being taken, Town Administrator Contente gave an overview of the grant noting that the grant will also be used in conjunction with a DOT grant received and the combined funds would assist in rejuvenating the town's Heritage Byway that would stretch along Hope Street and run parallel to Bristol Harbor in hopes to extend to Roger Williams University. The funds would be used to restore the seawall near Herreshoff Museum, new pavement surfaces, and ADA accessibility improvements along sidewalk and sidewalk shoulders. He also pointed out that while their aspiration was to extend the byway improvements to Roger Williams University, the project's cost would surpass the grants received, necessitating additional funding assistance from the DOT. He stated that construction should begin in 2025 although no specific design plan had been revealed at that point.

A. Submission of Minutes of Previous Meeting(s)

- A1.** Town Council Meeting, August 2, 2023
- A2.** Executive Session Meeting, August 2, 2023 (sealed council only)

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

B. Public Hearings

- B1.** Alicia Saldana, Qhali, 34 Gooding Avenue, re - Request for One Additional Class BV Limited Liquor License
(see also C1 and D1)

Sweeney/Teixeira-Voted
unanimously to close the
public hearing

Prior to the vote taken, Council Chairman Calouro opened the Public Hearing.

Alicia Saldana, owner applicant addressed the council and spoke in favor.

Anthony Buono of 52 Constitution Street addressed the council and spoke in favor.

During the meeting, it was observed that the petition contained a happy hour menu, despite the prohibition of Happy Hours in the state of Rhode Island. Ms. Saldana clarified that she had not previously been aware of this Rhode Island regulation. However, she has since been informed about its prohibition and now understands that she cannot be a part of any "happy hour" activities.

It is hereby noted for the record no other testimony was presented by members of the public in favor nor in opposition thereto

C. Ordinances

- C1.** Ordinance #2023-16 Chapter 17, Article II Alcoholic Beverages Establishments, Section 17-82 Number of Licenses (to increase the number of Class BV Limited Licenses from 8-9) **(2nd reading)**

Teixeira/Sweeney- Voted unanimously to consider this action to constitute the Second Reading for the adoption of Ordinance #2023-16. Advertise in the local newspaper

- C2.** Ordinance #2023-17 Sec 12-57 Composition and Election
(add an additional Deputy Chief) **(1st reading)**

Sweeney/Parella- Voted unanimously to
consider this action to constitute the
first reading of Ordinance #2023-17.
Advertise in the local newspaper

- C3.** Ordinance #2023-18 Chapter 16, Historic Preservation
Sec 14-4 Historic district commission (to add an
additional auxiliary member) **(1st reading)**

Teixeira/Parella- Voted unanimously to
consider this action to constitute the
first reading of Ordinance #2023-18.
Advertise in the local newspaper

D. Licensing Board - New Petitions

- D1.** Alicia Saldana, Qhali, 34 Gooding Avenue, re - Request
for One Additional Class BV Limited Liquor License

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

Sweeney/Teixeira- Voted unanimously to
grant this license based upon the
recommendations received and subject to
conformance to all laws and ordinances
and payment of all fees, levies, and
taxes. Subject to a six-month review.

- D2.** Fabio Lopes for Sunset Café, 499 Hope Street, Request
for Sidewalk Use License with Alcohol Service

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

c. recommendation - Town Administrator and Department of Public Works

Teixeira/Sweeney- Voted unanimously to grant this license based upon the recommendations received and subject to conformance to all laws and ordinances and payment of all fees, levies, and taxes.

Prior to the vote being taken Councilman Teixeira reiterated the importance of maintaining clean sidewalks and ensuring pedestrian safety as recommended by the DPW Director.

D3. Courtney Guertin - for Mollypalooza, 230 Wood Street re - request for One-Day Sunday Dancing and Entertainment License to be held at the Cup Defenders on Sunday, October 8, 2023 from 2PM - 9PM

a. recommendation - Town Administrator and Fire Chief

b. recommendation - Town Administrator and Chief of Police

Sweeney/Teixeira- Voted unanimously to grant this license based upon the recommendations received and subject to conformance to all laws and ordinances and payment of all fees, levies, and taxes.

Prior to the vote being taken, petitioner Courtney Guertin of 54 Charles Street addressed the council. Ms. Guertin informed the council that this was the 12 year the Mollypalooza event occurred, and she thanked the council for their continued support throughout the years. Ms. Guertin further provided details of the event noting that sponsorships, tickets, and raffle donation information can be found on Almost Home Rescue website, on their Facebook page, and on the flyer that will be posted around town and at town hall.

D4. Kevin Francis, Bristol Golf Club / The Clubhouse, 95 Tupelo Street, re - Request for One-Day Sunday Dancing and Entertainment License for Sunday, September 17, 2023 from 2PM - 9PM

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

Teixeira/Sweeney- Voted unanimously to grant this license based upon the recommendations received and subject to conformance to all laws and ordinances and payment of all fees, levies, and taxes. Subject to the exclusion of any outdoor bar service area.

Prior to the vote being taken, Briana Stenmark of 183 Bay View Avenue addressed the council. Ms. Stenmark provided the council with the details of the request noting that the event would be an end-of-summer bash with a pig roast and that a bar has been recently added to the outside area.

Town Solicitor Ursillo pointed out that he holds reservations regarding whether their existing liquor license terms encompass the outdoor area. He clarified that any extension of the liquor service area would necessitate local approvals.

Chairman Calouro directed the petitioner to consult with Town Clerk Cordeiro, who could provide assistance in navigating the process of expanding the liquor service area.

It was further reiterated that an outdoor service bar was not permitted at the event or until proper licensing has been obtained.

D5. Melissa Goldstein - Rally 4 Recovery, 50 Asylum Road re - request for One-Day Sunday Dancing and Entertainment License to be held at the Town Beach Pavilion on Sunday, September 10, 2023, from 12 Noon - 3PM

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

Teixeira/Sweeney- Voted unanimously to grant this license based upon the

recommendations received and subject to conformance to all laws and ordinances and payment of all fees, levies, and taxes.

Prior to the vote being taken, Mackenzie O'Neil of 219 Metacom Avenue addressed the council. Ms. O'Neil provided the council with the details of the event.

D6. Leah Roberge for Roberge Enterprises, LLC. d/b/a Rivers & Rhodes, 382 Thames Street Unit 1, request for transfer of Class BV Liquor License to Jennifer Medina for Carvalho Group LLC. d/b/a Pisco y Tequila Bistro (new ownership) **call for Public Hearing on September 13, 2023**

a. Creditors Lein

b. recommendation - Town Administrator and Fire Chief

c. recommendation - Town Administrator and Chief of Police

d. recommendation - Town Administrator and Department of Community Development

Sweeney/Teixeira-Voted unanimously to call for a public hearing to consider this matter on September 13, 2023, subject to the payment of levies; and to advertise in the local newspaper

Prior to the vote being taken, Clerk Cordeiro noted 2 additional creditors' liens that were received as late items and presented to the council as received at the meeting.

It was noted and reinforced that all levies would be subject to payment prior to the issuance of the liquor license.

E. Licensing Board - Renewals

F. Petitions - Other

G. Appointments

G1. Rogers Free Library Board of Trustees (1 unexpired term set to expire January 2024)

a. Laura A. Cabral, 5 Polk Court, letter of resignation

Teixeira/Parella- Voted unanimously to accept this resignation and to instruct the Clerk to send a letter of thanks for service. And to advertise in the local paper.

G2. Harbor Commission (1 unexpired term set to expire March 2025)

a. David F. Miller, 70 Gibson Road, letter of resignation

b. Owen O' Roarke, 41 Fales Road, interest/appointment

c. Peter Silva, 55 1/2 Woodlawn Avenue, interest/appointment

Teixeira/Sweeney- Voted unanimously to accept this resignation and to instruct the Clerk to send a letter of thanks for service; and to appoint Peter Silva to the Harbor Commission with an unexpired term set to expire in March 2025.

Prior to the vote being taken, it was noted that both Mr. Owen O'Rourke and Peter Silva had been recently interviewed by the council.

Councilman Sweeney highlighted that Mr. Silva's qualifications make him an excellent contender for the position, primarily because of his background as a commercial fisherman.

H. Old Business

I. Other New Business Requiring Town Council Action

I1. Sandra Mack, Bond Counsel re - Town of Bristol Reimbursement Resolution (General Obligation Bond Series 2023 A)-

Teixeira/Parella-Voted unanimously to adopt the Reimbursement Resolution-

General Obligation Bond Series 2023 A
as amended.

Prior to the vote being taken, Clerk Cordeiro noted that a revised resolution had been presented to the council as a "received at meeting" document.

Bond Counsel Mack pointed out that the updated resolution now reflects a modification in the reference from a 2016 public law to the previously cited 2012 public law.

Bound Council Mack noted that the proposal entails seeking bonds for an amount of up to \$6.860 million. The preliminary official statement has been readied, and final comments were submitted today. Pending council approval, they were poised to move forward with the issuance of an official statement. This process adheres to the principles of transparency and public engagement. Subsequently, the underwriters will return with an interest rate proposal, and the target is to finalize this process by the close of September.

Chairman Calouro asked for Bond Council Mack to provide an overview of the borrowing and reimbursement resolution.

Bound Council Mack provided the following overview:

This proposal encompasses borrowing across several categories. The first pertains to equipment, including an engine for the fire station and the rescue unit. Additionally, provisions have been made for side roads and sidewalks, refurbishment of a boat ramp, and the establishment of a public walkway.

A significant allocation is also dedicated to drainage programs and stormwater quality initiatives. This encompasses a budget of approximately \$2.1 million for the Tanyard Brooks project and \$100,000 for Mount Hope. These projects hold significant importance in the town and have been in focus for an extended period.

Moreover, plans are outlined for enhancing public buildings, including HVAC upgrades for the library, police station, and recreation building. Resilience strategies are also in place for the sewer department. Miscellaneous capital projects are included as well, covering the creation of a performance stage at the town beach and environmental site work at the police station. Collectively, these projects make up the estimated budget of \$6 million.

It's worth noting that these bonds are projected to be issued using a concept known as premium. In practical terms, if premium

bonds are utilized, we can adjust the borrowed amount to cover only the project costs. The premium would then cover expenses related to issuance, underwriters' fees, rating agency fees, and related expenditures. This means that the final amount could potentially be lower than the initially stated \$6.860 million if premium bonds are employed.

Bond Counsel Mack provided further clarification on the intricacies of the bond bidding process. Additionally, she highlighted her intention to request the town's financial advisors to oversee the distribution of the preliminary official statements, which contain valuable and comprehensive insights about the town. These statements will be shared with the Council, Town Clerk, and Town Administrator.

2. Town Clerk Cordeiro re - Amendment to Ordinance 19-2 "Prohibited areas and rules governing peddlers"
Sweeney/Teixeira- Voted unanimously to refer this matter to the Town Solicitor so that he may draft ordinance language for Council consideration on September 13, 2023.

Prior to the vote being taken, Clerk Cordeiro noted that the mobile food establishments and itinerant vendors were once grouped together under the classification of "Peddlers and Hawkers." However, a change was made in 2020 to establish separate regulations for itinerant vendors and mobile food establishments. Unfortunately, during this process, their inclusion in the specified prohibited areas outlined in the ordinance was unintentionally omitted.

In order to maintain consistency with past practices, she proposed that the ordinance be amended to encompass itinerant vendors and mobile food establishments within the scope of the prohibited areas, while also addressing the rules that govern peddlers.

13. Town Treasurer Hassell re - Use of Fund Balance - Enterprise Fund

Teixeira/Parella- Voted unanimously to allocate \$500,000 from the enterprise fund's unassigned balance to cover excess project costs.

Prior to the vote being taken, the Town Administrator noted that the requested use of \$500,000 from the Enterprise Fund's assigned balance was to cover project expenses related to

various ongoing projects at the sewer department. He explained that originally \$2.7 million was allocated for the electrical system improvement project, solids handling improvements, sewer rehabilitation, upgrades, including RBCs, and design work for solids handling, but the actual costs have exceeded initial estimates due to unforeseen issues.

It was noted that the unassigned fund balance of \$1.3 million, is currently at an all-time high, which the deputy treasurer proposes to use for covering these project expenses, with an expected surplus of \$123,000 from the fund to replenish it. It was explained that this move was deemed reasonable given the department's healthy financial state, and it's expected to leave approximately \$900,000 in the fund after these expenses have been paid.

J. Bills & Expenditures

J1. RFP# 1019 - Replacement of Front Doors at Town Office Building (Former Reynolds School) 235 High Street

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

Prior to the vote being taken, Clerk Cordeiro read the following bid received:

- Westwood Construction in the amount of \$64,500

Prior to the vote being taken, it was explained that the goal was to obtain ADA-compliant motorized doors while keeping the historically accurate doors. However, considering the higher-than-expected bid amount(s) the material and project may need to be altered or reconsidered.

K. Special Reports

K1. Juan Mariscal, Chairman, Bristol County Water Authority, Tri-Town Monthly Report, August 27, 2023

Sweeney/Teixeira- Voted unanimously to receive and file.

K2. Bristol County Water Authority Fiscal Year 2023 Annual Report, March 1, 2022 - February 28, 2023

Teixeira/Parella- Voted
unanimously to receive and file.

L. Town Solicitor

M. Executive Sessions

- M1. Town Administrator Contente re Request for Executive Session Pursuant to RIGL § 42-46-5(a)(2) Litigation - RI League of Cities and Towns

Sweeney/Teixeira - Voted unanimously to convene in Executive Session pursuant to RIGL Section 42-46-5 (a) (2) concerning Litigation - RI League of Cities and Towns at 8:03 PM.

Parella/Sweeney - Voted unanimously to resume open session and seal the minutes of the Executive Session at 8:25 PM.

Solicitor Ursillo announced that no motion was made or voted on in Executive Session.

- M2. Town Administrator Contente re - Request for Executive Session Pursuant to RIGL § 42-46-5(a)(5) - Acquisition of Open Space

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 8:25 PM.

Sweeney/Parella - Voted unanimously to resume open session and seal the minutes of the Executive Session at 8:25 PM.

Solicitor Ursillo announced that no motion was made or voted on in Executive Session.

- M3. Town Solicitor re Executive Session pursuant to RIGL 42-46-5(a)(2): Litigation, PC-2023-00639, The Bungalow LLC v Town of Bristol (tax appeal)

Sweeney/Teixeira - Voted unanimously to convene in Executive Session pursuant to RIGL Section 42-46-5 (a) (2) Litigation, PC-2023-00639, The Bungalow LLC v Town of Bristol (tax appeal) at 8:03 PM.

Parella/Sweeney - Voted unanimously to resume open session and seal the minutes of the Executive Session at 8:25 PM.

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

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 10, 2023

(CA) AA2. Rogers Free Library Board of Trustees Meeting Minutes, June 15, 2023

(CA) AA3. Rogers Free Library Board of Trustees Special Meeting Minutes, July 9, 2023

(CA) AA4. Fire Department Board of Engineers Meeting Minutes, July 31, 2023

(CA) AA5. Zoning Board of Review Meeting Minutes, June 5, 2023

(CA) BB. Budget Adjustments

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

(CA) BB1. Tax Assessor DiMeo re Recommended Abatements & Additions - August 16, 2023

(CA) CC. Financial Reports

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

(CA) CC1. Town Treasurer Hassell- re Revenue and Expenditure Statement - August 16, 2023

(CA) CC2. Town Treasurer Hassell re - S&P Global Rating Summary Report

Sweeney Teixeira- voted
unanimously to receive and file.

Prior to the vote being taken, discussions ensued regarding the benefits of the Towns AA rating and how current and past practices have achieved the town's high rating status.

(CA) DD. Proclamations, Resolutions & Citations

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

(CA) DD1. Citation - SRO Keith Medeiros awarded the 2023 Floyd Ledbetter National School Resource Officer of the Year Award by the National Association of School Resource Officers (NASRO) (signed)

(CA) EE. Utility Petitions

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

(CA) EE1. Water Pollution Control Facility - Sewer Permits

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

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

(CA) FF1. Resolution of the Town of Westerly Opposing Senate Bill 2023-037 and House Bill 2023-H-5201 Relating to Towns and Cities - Relief of Injured and Deceased Fire Fighters and Police Officers Presumption for Heart Disease and Hypertension

- (CA) FF2. Resolution of the Town of Charlestown in Support of the Coastal Resources Management Council's (CRMC) Possible Designation of the "Sand Trail" as a CRMC Recognized Right-of-Way (ROW)

(CA) GG. Distributions/Communications

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

- (CA) GG1. RFP# 1018 - Activated Carbon Media Replacement (Main Lift Pumping Station)
- (CA) GG2. Town Administrator Contente to Tyler Technologies, Inc., re - award of Bid# 1017 - Bristol/ERP Financial Management System
- (CA) GG3. Town Clerk Cordeiro re - Thank you letter to Michael A. Lenarcic for serving on the Post Retirement Fund Board of Trustees

(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, August 7, 2023
- (CA) HH2. Harbor Commission Meeting Amended, August 7, 2023
- (CA) HH3. The Commissioners of The Cemeteries The North and East Burial Grounds Commission Meeting rescheduled, August 17, 2023
- (CA) HH4. Bristol Planning Board Technical Review Committee Meeting, August 24, 2023
- (CA) HH5. Bristol Planning Board Technical Review Committee Meeting, August 24, 2023
- (CA) HH6. Bristol Planning Board Technical Review Committee Meeting, August 28, 2023
- (CA) HH7. Rogers Free Library Board of Trustees Meeting, August 17, 2023
- (CA) HH8. The Commissioners of the Cemeteries, The North and East Burial Grounds Commission Meeting, August 17, 2023

(CA) HH9. Bristol Planning Board Technical Review Committee Meeting, August 29, 2023

(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"

Adjourned: _____

/mc

Posted: August 18, 2023