

**TOWN COUNCIL MEETING - WEDNESDAY EVENING - APRIL 24, 2013**

PRESENT: Parella, Herreshoff, Calouro, Stuart, and Sweeney

ALSO PRESENT: Antonio A. Teixeira, Town Administrator  
Michael A. Ursillo, Esq., Town Solicitor

The Council met in regular session on Wednesday evening, April 24, 2013 in the Town Hall, Council Chambers, beginning at 7:00 o'clock PM, Council Chairman Parella presiding:

Prior to the commencement of this evening's regular agenda, Council Chairman Parella introduced visiting children from the Bristol Portuguese School, namely Kylie Almeida, Sofia Brum, Jasmine Dutra, Melisabe Figueroa, Siannea Figueroa, Briana Moreira, Elaine Simas, Emma Simas, and Makayla Soares.

The children led the assembly in the Pledge of Allegiance to the Flag and sang the National Anthem and also the National Anthem of Portugal.

Council Chairman Parella presented each of the children with a Town of Bristol commemorative pin and read the following commendation:

State of Rhode Island and Providence Plantations  
Town of Bristol

Commendation

awarded to

Bristol Portuguese School

In recognition of its Twenty-Fifth Anniversary.

As the duly elected representatives of the citizens of the Town of Bristol, we hereby congratulate the Bristol Portuguese School upon the glad occasion of its Twenty Fifth Anniversary, and recognize its service to the Portuguese community and to the community at large.

In granting this commendation, we further recognize the staff, students and volunteers of the Portuguese School for their dedication to the preservation of the Portuguese language, culture, and traditions in our beloved Town.

In witness whereof we have hereunto set our hands and affixed the Seal of the Town of Bristol on adoption

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this Twenty-fourth day of April,  
A.D. Two-thousand Thirteen.

/s/ Antonio A. Teixeira, Town Administrator  
/s/ Mary A. Parella, Chairman  
/s/ Halsey C. Herreshoff, Vice-chairman  
/s/ Nathan T. Calouro, Councilman  
/s/ Edward P. Stuart, Jr., Councilman  
/s/ Timothy E. Sweeney, Councilman

Attest: /s/ Louis P. Cirillo, CMC, Council Clerk

Also prior to the commencement of this evening's regular agenda, Council Chairman Parella called for a moment of silence in memory of former Public Works Director and former Deputy Fire Chief Frederick W. Serbst, Jr., who passed away on April 7, 2013.

Council Chairman Parella commented on the Boston Marathon bombings and called these heinous crimes which are sickening and scary and right in our own backyard.

Council Chairman Parella extended the Council's gratitude to those involved in this matter from a law enforcement perspective for their speedy response. She added that citizens must remain vigilant and not let the terrorists win.

She led the assembly in a moment of silence honoring the victims and their families.

Also prior to the commencement of this evening's regular agenda, Council Chairman Parella reported that Mt. Hope High School was named the 5<sup>th</sup> highest rated high school in Rhode Island by U.S. News and World Report. She offered her congratulations to the school community upon this remarkable achievement.

**MOTION RE: CONSENT AGENDA - TO APPROVE THE CONSENT AGENDA**

Herreshoff/Calouro - Voted  
unanimously to approve the Consent  
Agenda.

**A. SUBMISSION OF MINUTES OF PREVIOUS MEETING(S)**

**1. Town Council Meeting - March 6, 2013**

Herreshoff/Stuart - Voted  
unanimously to approve these  
minutes as prepared and presented.

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2. Town Council Budget Workshop - March 18, 2013

Herreshoff/Stuart - Voted  
unanimously to approve these  
minutes as prepared and presented.

3. Town Council Special Meeting - March 19, 2013

Herreshoff/Stuart - Voted  
unanimously to approve these  
minutes as prepared and presented.

4. Town Council Budget Workshop - March 19, 2013

Herreshoff/Stuart - Voted  
unanimously to approve these  
minutes as prepared and presented.

5. Town Council Budget Workshop - March 20, 2013

Herreshoff/Stuart - Voted  
unanimously to approve these  
minutes as prepared and presented.

6. Town Council Budget Workshop - March 21, 2013

Herreshoff/Stuart - Voted  
unanimously to approve these  
minutes as prepared and presented.

7. Town Council Budget Workshop - March 25, 2013

Herreshoff/Stuart - Voted  
unanimously to approve these  
minutes as prepared and presented.

8. Town Council Special Meeting - April 8, 2013

Herreshoff/Stuart - Voted  
unanimously to approve these  
minutes as prepared and presented.

9. Town Council Meeting - March 27, 2013 (action  
items only)

Herreshoff/Stuart - Voted  
unanimously to approve these  
minutes as prepared and presented.

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B. PUBLIC HEARINGS

1. William J. Delaney, Receiver for Prince Investment Group, LLC (Ricc's North End Trattoria), 200 Gooding Avenue - Request for Transfer of Class B-V Intoxicating Beverage License to B. Peter Sebring, for Bristol Oyster Bar, LLC, d/b/a Bristol Oyster Bar (new name/owner), (combine with agenda items D1 and D2 below), **continued from March 27, 2013**

Stuart/Sweeney - Voted unanimously to continue this matter until the meeting of May 15, 2013

Prior to the vote taken, the Clerk reported to the Council that he is informed that the parties request a continuance until May 15, 2013.

2. Stephen Squatrito, for Weavers Management, Inc., d/b/a Backroad Grille, 549 Metacom Avenue - Request for Transfer of Class B-V Intoxicating Beverage license to Charles D. Frizado, Jr., for Wing-N-It, Inc., d/b/a Wing-N-It (new name/owner), (combine with agenda items D3 and D4 below)
  - a. Recommendation - Town Administrator and Chief of Police
  - b. Recommendation re Victualling License - Town Administrator and Department of Water Pollution Control
  - c. Recommendation - Town Administrator and Fire Chief

Herreshoff/Calouro - Voted unanimously to close the public hearing.

Calouro/Herreshoff - Voted unanimously to grant transfer of this license and approve the victualling license per the recommendations received setting the hours of operation at Sunday, Monday, and Wednesday from 11:00 AM until 11:00 PM; Tuesday closed; and

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Thursday, Friday and Saturday from 11:00 AM until 1:00 AM, provided that the service of alcohol will be suspended at 12:00 AM (midnight); and also subject to conformance to all laws and ordinances, payment of all fees, taxes, and levies and settlement of all debts.

Prior to the vote taken, Council Chairman Parella opened the public hearing.

Speaking in favor of the petitioner was Attorney Robert Fredericks. Mr. Fredericks reported that his client, Mr. Frizado, was in the final stages of the real property transfer and that he is an experienced restaurant operator, formerly associated with a restaurant in Pennsylvania and is now a resident of Somerset, Massachusetts.

Mr. Fredericks noted that Mr. Frizado managed the former "Wings-to-Go" in Warren, Rhode Island.

He provided a floor plan of the proposed premises of the prospective licensee, explaining that there is no plan to change the floor plan from the arrangement approved from the current licensee and that the establishment intends to be attractive for families.

Mr. Fredericks reported that the business plan indicated that the establishment will receive less than 25% of its revenue from the sale of alcoholic beverages. He added that the certificate of good standing from the Secretary of State is missing from his submission and that he will provide this as soon as it is available and prior to the issuance of the license.

Council Chairman Parella questioned the desire to have the establishment close at 1:00 AM with the petitioner explaining that the nearby Wendy's Restaurant has closed and that he intends to market to college students.

Councilman Herreshoff asked to know if the establishment will serve alcohol in all three of its rooms with Mr. Fredericks reporting that there is a physical "bar" area in the main dining room and that there is a function room and that the proposed licensee plans to serve alcoholic beverages in all of these areas.

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Councilman Herreshoff expressed concern that the establishment plans to sell alcoholic beverages between the hours of 12:00 AM and 1:00 AM to college students.

Mr. Fredericks stated that his client was open to suggestions. Councilman Herreshoff stated that he would like to hear from Police Chief Canario.

Police Chief Canario stated that he approved of the hours of operation of the previous owner and current licensee who closed at 12:00 midnight.

A discussion ensued regarding the possibility of a trial period.

Police Chief Canario noted that all servers must be TIPS certified according to the provisions of the law.

Mr. Frizado explained that he was familiar with the TIPS training requirements.

Council Chairman Parella expressed concern regarding young people frequenting establishments open at late hours and that there have been reports of vandalism, etc. She suggested that the proprietor and the Police Department should remain vigilant.

Dominee Mello, a creditor of the current licensee (Weavers Management, Inc.), noted that she submitted a request for payment.

The Clerk noted that there were several such creditors' demands in the file and that these would be settled prior to the issuance of a license.

There was no other testimony provided in favor or in opposition to the transfer of this license or in favor or opposition to the victualling license petition.

**C. ORDINANCES**

1. Ordinance #2013-07, as amended, Chapter 11, Fees and Charges, Section 11-1, Comprehensive Schedule of Fees, Subsection (43), Mooring and docking fees, **2<sup>nd</sup> reading for adoption**

Herreshoff/Calouro - Voted  
unanimously consider this action to  
constitute the second reading for  
adoption of Ordinance #2013-07, as

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amended. Advertise in local newspaper.

Prior to the vote taken, Councilman Herreshoff stated that he was in favor of repealing the ordinance and having a fee policy instead until the policy has a full testing period.

After the vote taken:

Herreshoff/Calouro - Voted unanimously to suspend the regular order of business and consider agenda items H5 and H5a at this time.

Calouro/Stuart - Voted unanimously to approve the Resolution re Establishment of Temporary Dock and Transient Mooring Use Fees as presented.

Prior to the vote taken, Councilman Herreshoff asked Harbor Commission member James Dollins to comment with Mr. Dollins noting that he approves of the fee structure as proposed and that this was changed slightly from the one originally proposed to the Council including a part-day charge and weekly rate for mooring rentals.

Mr. Dollins reported that he believes the recommended fee structure to be competitive based upon that which is charged elsewhere in the local geographic area.

Councilman Herreshoff asked to know what is charged in the City of Newport with Mr. Dollins responding that the charges are similar but that the City has few public moorings.

Council Chairman Parella noted that the current arrangement of a policy/resolution may be easily adjusted as needed versus an ordinance.

Councilman Herreshoff agreed that this arrangement is a benefit to the process of determining the proper level of rental charges.

Councilman Herreshoff asked to know how the Town will administer the collection of fees with Mr. Dollins responding that the interim Harbormaster agrees to staff the docks during peak periods.

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Town Administrator Teixeira stated that he spoke to Interim Harbormaster Calouro and that the monitoring appears to be doable with currently available technology.

Councilman Herreshoff stated that he believes this monitoring to be "a bit challenging" but that he wishes for the Town to be consistent in its application of the rental fees.

Town Administrator Teixeira stated that he had concerns similar to those expressed by Councilman Herreshoff but that Interim Harbormaster Calouro indicates that consistent fee collection is doable.

Mr. Dollins reported that Interim Harbormaster Calouro plans to have a part-time employee collect fees during business hours.

Councilman Stuart asked to know the cost of collecting.

Councilman Herreshoff suggested that the Town should employ a "dock boy."

2. Ordinance #2013-08, Chapter 22, Sewers and Sewage Disposal, Article IV, Private Wastewater Disposal, Division I, Generally, Sections 22-110, License for removal of sludge and 22-111, Expiration of license and license fees, **1<sup>st</sup> reading**

Calouro/Stuart - Voted unanimously to consider this action to constitute the first reading of Ordinance #2013-08. Advertise in local newspaper.

Prior to the vote taken, Town Solicitor Ursillo reported that this was a "housekeeping" matter due to the establishment of a bona-fide Water Pollution Control Department.

3. Ordinance #2013-09, Chapter 22, Sewers and Sewage Disposal, Article X, Sewer Service Charges, Section 22-401, Infiltration and inflow charge for new developments (sewer service charges), **1<sup>st</sup> reading**

Calouro/Herreshoff - Voted unanimously to consider this action to constitute the first reading of

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Ordinance #2013-09. Advertise in local newspaper.

Prior to the vote taken, Water Pollution Control Superintendent DaSilva reported that this is in support of the ordinance which calls for a zero net increase from infiltration and inflow resulting from new construction. He noted that the previous ordinance was limiting since it only considers new developments and does not consider the impact of buildings formerly on septic systems which are tied into the sewer system when the septic systems fail.

Councilman Herreshoff asked to know if the fee proposed is an annual fee with Water Pollution Control Superintendent DaSilva responding that the fee is a one-time fee.

Councilman Herreshoff asked to know the fee charged with Water Pollution Control Superintendent DaSilva responding that the established fee is \$550 per bedroom for residential buildings and that industrial buildings are assessed a fee based upon a calculation.

Water Pollution Control Superintendent DaSilva noted that this fee is intended to offset the cost of the mandates dictated by the EPA.

Councilman Herreshoff asked to know what is being charged at this time with Water Pollution Control Superintendent DaSilva responding that the fee is the same as previously authorized under the established rules.

Town Solicitor Ursillo noted that the existing ordinance is unfair since it only expects fees when new developments are considered and did not consider the impact of undeveloped lots in existing developments.

It was noted that the current ordinance has been in-effect for nine (9) years.

Councilman Herreshoff stated that the ordinance, as proposed, is difficult to understand.

Town Solicitor Ursillo agreed to prepare an explanatory memorandum.

Councilman Herreshoff asked Water Pollution Control Superintendent DaSilva if he approves of this ordinance with Water Pollution Control Superintendent DaSilva responding affirmatively.

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D. LICENSING BOARD - NEW PETITIONS

1. William J. Delaney, Receiver for Prince Investment Group, LLC (Ricc's North End Trattoria), 200 Gooding Avenue - Request for Transfer of Class B-V Intoxicating Beverage License to B. Peter Sebring, for Bristol Oyster Bar, LLC, d/b/a Bristol Oyster Bar (new name/owner), (see agenda item B1 above), **continued from March 27, 2013**

*It is hereby noted for the record that discussion and action concerning this agenda item appears at agenda item B1 as found above.*

2. B. Peter Sebring, for Bristol Oyster Bar, 200 Gooding Avenue - Request for Victualling License (see agenda item B1 above), **continued from March 27, 2013**

*It is hereby noted for the record that discussion and action concerning this agenda item appears at agenda item B1 as found above.*

3. Stephen Squatrito, for Weavers Management, Inc., d/b/a Backroad Grille, 549 Metacom Avenue - Request for Transfer of Class B-V Intoxicating Beverage license to Charles D. Frizado, Jr., for Wing-N-It, Inc., d/b/a Wing-N-It (new name/owner), (see agenda item B2 above)

*It is hereby noted for the record that discussion and action concerning this agenda item appears at agenda item B2 as found above.*

4. Charles D. Frizado, Jr., for Wing-N-It, 549 Metacom Avenue - Request for Victualling License (see agenda item B2 above)

*It is hereby noted for the record that discussion and action concerning this agenda item appears at agenda item B2 as found above.*

5. Michael J. Abbruzzi, CFO/General Manager, 2<sup>nd</sup> Story Theatre - Request for Dancing and Entertainment License for premises located at Bristol Statehouse, 240 High Street, Second Floor, (May 30 - June 30, 2013)

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- a. Recommendation - Town Administrator and Chief of Police

Herreshoff/Calouro - Voted unanimously to grant this license per the recommendations attached (adding that the request and approval is for the period so-noted as May 30 - June 30, 2013) and subject to conformance to all laws and ordinances, payment of all applicable fees, taxes, and levies and with the understanding that 2<sup>nd</sup> Story Theatre will put forth a best effort to mitigate area parking problems associated with its presence.

Prior to the vote taken, Council Chairman Parella asked that the 2<sup>nd</sup> Story Theatre should please address the previously noted parking issues, particularly in consideration of upcoming Independence Day related activities in the area.

6. Elisabete Damasio, for St. Elizabeth Church, Holy Ghost Committee, 577 Wood Street - Request for One-Day Dancing and Entertainment License, May 17, 18 & 19, 2013

- a. Recommendation - Town Administrator and Chief of Police

Herreshoff/Calouro - Voted unanimously to grant these licenses per the recommendations received and subject to conformance to all laws and ordinances and payment of all applicable fees, taxes, and levies.

7. John Medeiros, for St. Elizabeth Church, Holy Trinity Committee, 577 Wood Street - Request for One-Day Dancing and Entertainment License, May 24, 25 & 26, 2013

- a. Recommendation - Town Administrator and Chief of Police

Herreshoff/Calouro - Voted unanimously to grant these licenses

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

8. Berta Raposo, for St. Elizabeth Church, Santo Cristo Committee, 577 Wood Street - Request for One-Day Dancing and Entertainment License, May 31, June 1 & 2, 2013

- a. Recommendation - Town Administrator and Chief of Police

Herreshoff/Calouro - Voted unanimously to grant these licenses per the recommendations received and subject to conformance to all laws and ordinances and payment of all applicable fees, taxes, and levies.

9. James Aubin, for Phantom Fireworks, 1282 Hope Street - Request for Holiday Sales License

- a. Recommendation - Town Administrator and Chief of Police

Stuart/Sweeney - Voted 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. Voting in favor of this motion were Councilman Calouro, Councilman Stuart and Councilman Sweeney. Voting opposed were Council Chairman Parella and Councilman Herreshoff.

After the vote taken, Council Chairman Parella stated that she opposes this license on principle since she is of the opinion that the State law allowing the sale of fireworks was ill-advised. She added that there appears to be evidence that the Boston Marathon bombers prepared their attack with gunpowder derived from fireworks.

Councilman Herreshoff agreed with Council Chairman Parella.

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10. Victoria Fonseca, for Revival-Tea at the Belvedere, 423 Hope Street, Unit M - Request for Victualling License
  - a. Recommendation - Town Administrator and Department of Water Pollution Control
  - b. Recommendation - Town Administrator and Fire Chief

Calouro/Herreshoff - 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.

Prior to the vote taken, Council Chairman Parella asked Ms. Fonseca if she plans to serve tea in her existing retail space with Ms. Fonseca responding affirmatively.

11. Kirsten VanDijk, for My Passion Flower, 11 State Street - Request for Holiday Sales License
  - a. Recommendation - Town Administrator and Chief of Police

Calouro/Stuart - 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.

12. Marialisa Treccase, for environs, 227 Thames Street, Unit 6 - Request for Holiday Sales License
  - a. Recommendation - Town Administrator and Chief of Police

Calouro/Herreshoff - 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.

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13. Mark Malkovich, General Manager, Newport Music Festival - Request for One-Day Dancing and Entertainment License for premises located at Blithewold Mansion, (101 Ferry Road), July 22 & 23, 2013

- a. Recommendation - Town Administrator and Chief of Police

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

14. Adam Couto, for British Beer Company, 29 State Street - Request for a One-Day Sunday Dancing and Entertainment License, May 5, 2013

Sweeney/Calouro - Voted unanimously to grant this license per the hours requested, subject to conformance to all laws and ordinances and payment of all fees, taxes, and levies, adding the provision that said license is restricted to allow solo or duo voice performances and/or acoustical instruments only.

*It is hereby noted for the record that discussion, as follows, pertains to agenda items D14 through D17.*

Prior to the vote taken, Mr. Couto explained that he plans essentially solo performances with acoustical instruments.

Council Chairman Parella asked to know if Mr. Couto plans to have entertainment every Sunday with Mr. Couto explaining that he planned only for the month of May thus far.

Council Chairman Parella expressed concern that Sunday entertainment may get out of hand in the area with all establishments following with similar requests, which would likely disturb the peace.

Councilman Herreshoff asked to know if British Beer Company has Sunday entertainment in its other locations with Mr. Couto responding affirmatively. It was noted that the

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Bristol location is comparatively small as compared to the other locations.

Council Chairman Parella again expressed concern that the establishment is already allowed six (6) days of entertainment and stated her additional concern that the area may get "crazy out of control" on the weekends.

Councilman Calouro stated that he believes that the request is for "low key, mellow" entertainment but agreed that Council Chairman Parella's concerns are valid.

Councilman Stuart suggested that the Council should be amenable toward the accommodation of tourists who frequent the downtown area during weekends and that there is an influx of business during the "season" which should be encouraged. He, too, agreed with Council Chairman Parella that the matter should not be allowed to get out of hand.

Council Chairman Parella again expressed concern that some of the other establishments may come forward with requests for frequent Sunday entertainment licenses when there are only those associated with special events granted at this time.

Council Chairman Parella suggested that if the British Beer Company wishes to have entertainment every Sunday it should be "up front" with its request and not provide requests piecemeal.

Councilman Herreshoff agreed with Council Chairman Parella and suggested that the Council might grant only two of the four requested licenses as an experiment.

Councilman Calouro stated that he disagrees with Councilman Herreshoff and suggested that the Council agree to the four licenses for the acoustical music as proposed by the petitioner in support of his business.

Councilman Stuart asked to know if there have been any negative police reports concerning this particular business with Police Chief Canario responding that there have not been negative police reports.

Councilman Herreshoff asked to know if Police Chief Canario supports this request with Police Chief Canario responding that he is in agreement with Council Chairman Parella that the matter should not be allowed to get out of hand but that he also is amenable to an experiment in support of the business success of the petitioner.

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Council Chairman Parella suggested that the license should be restricted to acoustical music.

Alayne White, a member of the Bristol Merchants Association addressed the Council in favor of the petitioner. Ms. White suggested that there should be no restrictions since the addition of music on Sunday would provide a "cool energy" to State Street. She suggested that the petitioner should be allowed a "test run" and that she supports this endeavor.

15. Adam Couto, for British Beer Company, 29 State Street - Request for a One-Day Sunday Dancing and Entertainment License, May 12, 2013

Sweeney/Calouro - Voted unanimously to grant this license per the hours requested, subject to conformance to all laws and ordinances and payment of all fees, taxes, and levies, adding the provision that said license is restricted to allow solo or duo voice performances and/or acoustical instruments only.

*It is hereby noted for the record that discussion concerning this agenda item took place as part of agenda item D14 as found above.*

16. Adam Couto, for British Beer Company, 29 State Street - Request for a One-Day Sunday Dancing and Entertainment License, May 19, 2013

Sweeney/Calouro - Voted unanimously to grant this license per the hours requested, subject to conformance to all laws and ordinances and payment of all fees, taxes, and levies, adding the provision that said license is restricted to allow solo or duo voice performances and/or acoustical instruments only.

*It is hereby noted for the record that discussion concerning this agenda item took place as part of agenda item D14 as found above.*

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17. Adam Couto, for British Beer Company, 29 State Street - Request for a One-Day Sunday Dancing and Entertainment License, May 26, 2013

Sweeney/Calouro - Voted unanimously to grant this license per the hours requested, subject to conformance to all laws and ordinances and payment of all fees, taxes, and levies, adding the provision that said license is restricted to allow solo or duo voice performances and/or acoustical instruments only.

*It is hereby noted for the record that discussion concerning this agenda item took place as part of agenda item D14 as found above.*

E. LICENSING BOARD - RENEWALS

1. Sidewalk Use License Renewals (2013-2014)

- a. Recommendation - Town Administrator and Chief of Police

Calouro/Herreshoff - Voted unanimously to grant renewal of these licenses per the recommendations received and subject to conformance to all laws and ordinances, payment of all fees, taxes and levies and to also instruct the Clerk to provide a copy of the applicable ordinance to all licensees.

Prior to the vote taken, Councilman Herreshoff suggested that the Town should remind the licensees of the provisions of the applicable ordinance.

F. PETITIONS - OTHER

1. David Silvia, 503 Wood Street - Petition for Council Consideration re Bradford Street traffic signal adjacent to Colt Andrews Elementary School

- a. Recommendation - Town Administrator and Paul Silva, School Committee Chairman

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Calouro/Sweeney - Voted unanimously to refer this matter to the School Committee recommending the Committee's review of same.

Prior to the vote taken, Mr. Silvia informed the Council that he is concerned, as a taxpayer, that the lights were flashing the "caution" signal twenty-four hours per day and that he contacted the School Department concerning same. He further informed the Council that since his complaint to the School Department, the lights were changed to a "green" signal and that these are functioning twenty-four hours per day also. He objected to the Town bearing the cost of these twenty-four hour signals.

Mr. Silvia suggested that since the street is often closed to traffic, the signals should be relocated to Washington Street and that there should be a timing device installed similarly to the signal lights near the High School and Rockwell School.

Town Administrator Teixeira noted that School Committee Chairman Paul Silva addressed Mr. Silvia's concern in the attached letter. Town Administrator Teixeira also reported that he is informed by the School District that the cost for electricity for this signal light is approximately \$25 per year. He added that there did not appear to be any reason for the Council to address this matter since the School Committee is addressing same.

Councilman Herreshoff and Town Administrator Teixeira noted that there are activities on weekends and that it appears wise to have the signals operational outside of school hours.

Council Chairman Parella suggested that the School Department may wish to put the signals on timers.

Councilman Stuart stated that the matter was not in front of the School Committee and perhaps should be.

Councilman Calouro stated that the School Committee may have a different perspective.

Mr. Silvia noted that his concern is that the signals are operational when the street is closed and that they are in service twenty-four hours per day; seven days per week. He also expressed concern that the School Department did not respond to him when he made inquiries.

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Mr. Silvia reminded the Council that his concern is that of a taxpayer.

2. Peggy Hicks, 31 Bradford Street - Petition for Removal of Handicapped Parking Space in front of 129 Bradford Street, **1<sup>st</sup> reading**
  - a. Recommendation - Town Administrator and Director of Public Works
  - b. Recommendation - Town Administrator and Chief of Police

Calouro/Stuart - Voted unanimously to consider this action to constitute the first reading of a request for the removal of a handicapped parking space and to continue this matter until May 15, 2013 for second reading for adoption.

3. Manuel Carreiro, 37 Franklin Street - Petition for Curb Cut (7 Goulart Avenue)
  - a. Recommendation - Town Administrator and Director of Public Works

*It is hereby noted for the record that action concerning agenda items F3, F7, F8, and F9 took place simultaneously per the request of the Chairman.*

Calouro/Stuart - Voted unanimously to approve the request for a curb cut per the recommendations received with the cost of same to be borne by the petitioner.

4. Mary Ann Allen, Procession Facilitator, St. Mary's Church - Petition for Closure of Streets (around Town Common) to Hold Procession, May 19, 2013
  - a. Recommendation - Town Administrator and Chief of Police
  - b. Recommendation - Town Administrator and Director of Public Works

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Herreshoff/Stuart - Voted  
unanimously to grant this petition  
per the recommendations received.

Prior to the vote taken, Council Chairman Parella asked to know if the streets are closed for the entire time or rather that the streets are closed while the procession is present.

Police Chief Canario responded that the police close the streets while the procession is present, leaving the remainder of the designated streets open.

5. Sandra V. Tolley, for First Congregational Church, (281 High Street) - Petition to Hold Art Exhibit ("Art Affair on the Fence"), August 24, 2013 (rain date August 31, 2013)

- a. Recommendation - Town Administrator and Chief of Police

Herreshoff/Sweeney - Voted  
unanimously to grant this petition  
per the recommendations received.

6. Harriet F. Dwyer, 7 Monkey Wrench Lane, et al - Petition for Amendment to Town Code to increase allowable number of chickens to be kept from three to six (see attached Town Code § 28-150(e))

Herreshoff/Stuart - Voted  
unanimously to refer this matter to  
the Town Administrator and Town  
Solicitor.

Prior to the vote taken, Ms. Dwyer asked the Council to consider amending the Town Code to allow for up to six (6) chickens. She stated that she believes she has adequate facilities to house these and showed photographs in support of same.

Councilman Herreshoff asked the reason for the limitation with Town Solicitor Ursillo noting that the ordinance provides that one may keep three non-household domesticated animals with a special use permit obtained through the Zoning Board of Review. He added that this is to protect the interest of those living in residential areas.

Town Solicitor Ursillo added that other towns may allow up to six (6) chickens under similar circumstances.

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Ms. Dwyer noted that the ordinance does not differentiate between non-household domesticated animal species and explained that one may potentially keep three horses under the same provision.

Town Solicitor Ursillo suggested that the Town might consider an ordinance that is specific to the keeping of chickens.

Council Chairman Parella suggested that the Town Administrator might be able to make a recommendation concerning this idea for a new ordinance.

7. Ronald H. Dugan, 99 Woodlawn Avenue -  
Petition for Curb Cut (Dewolf Avenue)
  - a. Recommendation - Town Administrator and  
Director of Public Works

*It is hereby noted for the record that action concerning this agenda item took place simultaneously with agenda item F3 as noted above.*

Calouro/Stuart - Voted unanimously to approve the request for a curb cut per the recommendations received with the cost of same to be borne by the petitioner.

8. Vasco Castro III, 101 Woodlawn Avenue -  
Petition for Curb Cut (Dewolf Avenue)
  - a. Recommendation - Town Administrator and  
Director of Public Works

*It is hereby noted for the record that action concerning this agenda item took place simultaneously with agenda item F3 as noted above.*

Calouro/Stuart - Voted unanimously to approve the request for a curb cut per the recommendations received with the cost of same to be borne by the petitioner.

9. Charles Toolan, 36 Usher Terrace - Petition  
for Curb Cut

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- a. Recommendation - Town Administrator and Director of Public Works

*It is hereby noted for the record that action concerning this agenda item took place simultaneously with agenda item F3 as noted above.*

Calouro/Stuart - Voted unanimously to approve the request for a curb cut per the recommendations received with the cost of same to be borne by the petitioner.

10. National Grid and Verizon - Petition to Install New Pole on Dana Road
  - a. Recommendation - Town Administrator and Director of Public Works

Calouro/Sweeney - Voted to grant this petition based upon the recommendations received. Voting in favor of this motion were Council Chairman Parella, Councilman Herreshoff, Councilman Calouro and Councilman Sweeney. Councilman Stuart was recused from the vote.

Prior to the vote taken, Councilman Stuart recused himself from the discussion and vote and excused himself from the Council table.

After the vote taken, Councilman Stuart returned to the Council table.

11. Vanessa Pereira, 35 Tower Street - Petition re Claim for Property Damages

Calouro/Sweeney - Voted unanimously to refer this matter to the Insurance Committee.

**G. APPOINTMENTS**

1. Economic Development Commission
  - a. Georgina Macdonald, 125 Poppasquash Road - Resignation

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- b. Charles Cavalconte, 88 Church Street - interest/appointment (currently first alternate)

Calouro/Sweeney - Voted unanimously to accept the resignation of Ms. Macdonald with thanks for service and to instruct the Clerk to set an interview for Mr. Cavalconte at a time convenient to the parties.

Councilman Herreshoff noted that Ms. Macdonald resigned her position since she was recently appointed to represent the Town on the Bristol County Water Authority and would like to channel her energies toward this responsibility.

2. Fire Police

- a. (Fire Chief Martin) re Recommendation for Appointment - Gerald Mederos, 396 Wood Street

Councilman Calouro nominated Mr. Mederos for appointment.

There were no counter-nominations.

Calouro/Stuart - Voted unanimously to close nominations and to instruct the Clerk to cast one ballot in favor of Mr. Mederos for the ensuing term.

- 3. Harbor Commission (term to expire in March 2016)
  - a. John Troiano, 707 Hope Street - interest/reappointment
  - b. Daniel Eagan, 3 Everett Street - interest/appointment

Councilman Herreshoff nominated Mr. Eagan.

Councilman Calouro nominated Mr. Troiano.

There were no further nominations.

Herreshoff/Calouro - Voted unanimously to close nominations.

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Voting in favor of Mr. Troiano were Council Chairman Parella, Councilman Calouro, Councilman Stuart and Councilman Sweeney.

Voting in favor of Mr. Eagan was Councilman Herreshoff.

Council Chairman Parella declared that Mr. Troiano was duly reappointed for a term to expire in March 2016.

After the vote taken, Council Chairman Parella stated that she did not see a reason not to reappoint Mr. Troiano. She added that Mr. Eagan was an excellent candidate and that she is hopeful that he will continue with his interest in the Commission by attending meetings.

Councilman Herreshoff explained that he nominated and voted for Mr. Eagan since Mr. Troiano appeared to be busy with other pursuits. He also noted that Mr. Eagan would be a good representative for the fishing industry on the Commission.

Councilman Calouro stated that he did not see Mr. Troiano's attendance as a reason to reject his bid for reappointment and that he, too, hopes that Mr. Eagan will continue his interest.

Council Chairman Parella added that the Council rarely will supplant a seated member in good standing.

4. Executive Session Pursuant to RIGL § 42-46-5(a)(1) re Harbormaster Search

Stuart/Calouro - Voted unanimously to receive and place this matter on file.

H. OLD BUSINESS

1. Julia M. Araujo, 562 Wood Street - Request for Handicapped Parking Space in Front of Residence, **2<sup>nd</sup> reading for adoption**

Herreshoff/Calouro - Voted unanimously to consider this action to constitute the second reading for adoption of a request for a handicapped parking space. Inform Public Works Director.

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2. Charles C. Cavalconte, Chairman, North and East Burial Grounds Commission [sic] re Proposed Fee Schedule Amendment, **continued from March 27, 2013**
  - a. (Charles C. Cavalconte) re Current and Proposed Fees
  - b. (Charles C. Cavalconte) re Rate Comparison of Local Cemeteries

Calouro/Stuart - Voted unanimously to approve the new fee schedule as recommended by the Commissioners of the Cemeteries.

Prior to the vote taken, it was noted that Cemetery Superintendent Ramsay was present to answer questions. Mr. Ramsay explained that the Commissioners provided a report with comparable charges.

3. Town Administrator re Poppasquash Road Project, **continued from March 27, 2013**
  - a. Councilman Herreshoff re Poppasquash Road

Herreshoff/Calouro - Voted unanimously to receive and place this matter on file.

Prior to the vote taken, Councilman Herreshoff noted that Town Administrator Teixeira's previous prediction was found to be correct.

Town Administrator Teixeira stated that the repair seems to have been well-done and that there were a "few tweaks" still needed.

4. Town Administrator Teixeira and Police Chief Canario - Recommendation re Petition of Richard Ruggiero (copy attached) for installation of flashing lights in vicinity of Guiteras School

Calouro/Sweeney - Voted unanimously to refer this matter to the Town Administrator to work toward implementation of the

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recommendation with the School District.

Prior to the vote taken, Council Chairman Parella asked to know who will address these recommendations with Police Chief Canario noting that the Town will provide signage for the Town roads.

A discussion ensued resulting in a consensus that the resolution of the matter will require coordination between the Town and the School District.

5. Jim Dollins, Vice-chairman, Harbor Commission re Proposed Transient Dock and Mooring Fee Policy, **continued from March 27, 2013**
  - a. (Draft) Resolution re Establishment of Temporary Dock and Transient Mooring Use Fees

*It is hereby noted for the record that discussion and action concerning this matter took place concurrently with agenda item C1 as found above.*

6. David E. Barboza, Chairman, Harbormaster Search Committee re Committee Recommendation

Herreshoff/Stuart - Voted to accept the report of the Search Committee with thanks and praise and to instruct the Clerk to send letters of gratitude to the individual Committee members. Voting in favor of this motion were Council Chairman Parella, Councilman Herreshoff, Councilman Stuart and Councilman Sweeney. Councilman Calouro was recused from the discussion and vote.

Prior to the vote taken, Councilman Calouro renewed his recusal concerning this matter.

Mr. Barboza introduced the Search Committee members present, Alayne White, Barbara Healy, Katie Eagan, Paul Sanroma, Edward Quinn, and Domenic Franco.

Mr. Barboza noted that the Committee met a total of twelve (12) times and thanked the Clerk and the Deputy Town Clerk

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for their assistance with posting and scheduling meetings, etc.

Mr. Barboza also thanked Town Solicitor Ursillo for his assistance with the legal aspects of the interview process.

Mr. Barboza noted that the job description was amended during the search process with the Council's approval and that the group accomplished a salary comparison resulting in a recommended salary range for the new Harbormaster.

Mr. Barboza reported that nine (9) candidates were interviewed and that the order of the interviews was chosen by lot and that the interviews were held in executive session and that all of the interviewees agreed to the arrangement of interviews in executive session. He suggested that the Council might conduct its interviews in executive session.

Mr. Barboza explained that the nine (9) candidates were evaluated by the same six (6) members of the Search Committee. He added that former Harbormaster Cabral, an ex-officio member of the Committee attended only the first two meetings as a technical consultant for the group and that Domenic Franco, who was unavailable for some of the interviews, was allowed to ask questions of a general nature during the interviews he was able to attend, but was not allowed to evaluate the candidates.

Mr. Barboza reported that the Search Committee members participating in the interview and evaluation process utilized a "data matrix" which allowed for a weighted degree of evaluation points. He added that the matrices were not tabulated until the interview process was complete and that the completed, tabulated matrices are deposited with the Clerk in a secure area.

Mr. Barboza reported that all three (3) finalists have captain's licenses and that some of the other candidates are in the process of obtaining a captain's license. He noted that the points awarded for having a captain's license or not yet having a captain's license did not impact the selection of the finalists.

Mr. Barboza reported that the tabulation of the results took a total of four (4) hours and that the figures were checked twice for accuracy.

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Ms. White stated for the record that she had reservations initially as to whether or not the process would be fair and if "old time politics" would play in the decision.

She informed the Council that she later concluded that the group worked well together and that the evaluation matrix proved to be effective in assuring an unbiased result.

Ms. White also informed the Council that everyone's individual evaluation was in support of the three (3) finalists, more or less, and that she believes the process and decision to be "consistent and fair."

Council Chairman Parella stated that she was pleased that the Council had chosen a diverse committee and that the matrix utilized appears to be a useful tool.

Mr. Barboza announced the three (3) candidates in alphabetical order:

Matthew J. Calouro, 118 Fales Road  
Gregg Marsili, 14 Westwood Road  
David M. Sylvaria, 1 Adelaide Avenue

Mr. Barboza agreed to provide the Council with the resumes, etc. which were provided by the candidates.

Council Chairman Parella thanked Mr. Barboza and the Committee for its work on behalf of the Town.

Councilman Stuart also thanked the Committee.

Council Chairman Parella stated that the Council "has its work cut out" and that it plans to conduct the interviews on or around May 14, 2013 with the appointment to be considered at the Council Meeting scheduled for June 5, 2013 or at a meeting called specially for that purpose.

Council Chairman Parella noted that the Harbormaster's Office is currently functioning on an interim basis and that this arrangement allows for the Council to take as much time as necessary to make a quality decision.

Councilman Stuart noted that the Assistant Harbormasters and Auxiliary Harbormasters, appointed last year, may continue to serve until their successors are appointed should this be the case.

Mr. Barboza suggested for the record that Council members should refrain from meeting with any of the candidates

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individually since this practice may be misinterpreted by members of the public.

Council Chairman Parella stated that she appreciated Mr. Barboza raising this issue because she, too, considers this to be important to preserve the integrity of the process.

Mr. Sanroma stated that he would make the decision matrix available to the Council if its honorable body wished to use it.

Council Chairman Parella again thanked Mr. Barboza for his report and the members for their service.

After the vote taken, Councilman Calouro returned to the Council table.

I. OTHER NEW BUSINESS REQUIRING TOWN COUNCIL ACTION

1. Michael Lannigan, Senior Vice Commander,  
Zenas R. Bliss Camp 12, Sons of Union  
Veterans of the Civil War (SUVCW) re  
Invitation - Memorial Day Service, May 26,  
2013

Stuart/Sweeney - Voted unanimously  
to receive and place this matter on  
file.

2. Patricia A. Woods, Chair, Bristol Art Museum  
re Presentation on Progress of Carriage House  
at Linden Place Renovation

Calouro/Herreshoff - Voted  
unanimously to receive and place  
this matter on file.

Prior to the vote taken, Ms. Woods introduced the Art Museum's architect, John Lusk, who outlined the capital project for the Museum which will be expanding into the 1860s carriage barn on the Linden Place estate.

Ms. Woods explained that the Museum received a challenge grant from the Champlin Foundations and that it is seeking financial support from a variety of sources to match the grant.

She invited the Council members to visit the building to see the "as is" on a tour.

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Council Chairman Parella asked to know the next steps with the presenters noting that the plan is to begin construction to complete same before the end of July.

Greg Spiess, architect and Paul Sylvia, engineer for the project were also introduced.

Councilman Herreshoff asked to know the plan for the main entrance with Mr. Lusk reporting that the entrance will be on Wardwell Street and that there was a suitable way to open the brick wall without disturbing the roof line. He added that this entrance will be able to accommodate the Museum without disturbing Linden Place activities.

Councilman Herreshoff asked to know how many "rooms" are planned with Mr. Lusk responding that there are three rooms planned. It was also noted that the Museum plans to rent studios to artists for income. Council Chairman Parella asked to know if the Museum plans to rent its exhibit space for functions with Mr. Lusk explaining that it would be possible to do so.

Councilman Calouro asked to know the planned size of the rented studios with Mr. Lusk responding that these will be approximately 140 square feet.

Councilman Herreshoff asked to know the operational cost of the new Museum with Ms. Woods responding that the Museum is now working on its financial plan and that income will be derived from the rental space and planned art classes to be held in the building.

Councilman Herreshoff noted that the Art Museum was the inspiration of the late Alice DeWolf (Jill) Pardee in the 1960s. He added that Mrs. Pardee would be delighted by the plan as presented this evening.

Council Chairman Parella allowed Ms. Woods to announce the place to send contributions with Ms. Woods responding that contributions may be sent to P.O. Box 42`, Bristol, Rhode Island.

Council Chairman Parella noted that these contributions will be tax-deductable.

Councilman Herreshoff asked to know the deadline for the Champlin match with Ms. Woods responding that the grant must be matched before the end of the calendar year.

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Council members agreed to visit the site individually as time permits.

3. Councilman Herreshoff re Prudence Ferry  
(legislation attached)

Herreshoff/Calouro - Voted  
unanimously to receive and place  
this matter on file.

Prior to the vote taken, Councilman Herreshoff reported that there was a meeting at Rogers Free Library concerning the future of the ferry service. He noted that Representative Gallison introduced a bill to create a ferry authority and that he (Councilman Herreshoff) disagrees with the concept. He added that he believes that the public will be better served if the ferry were to remain a private enterprise.

Councilman Herreshoff recalled that Luther Blount ran the ferry prior to the current operator and ran it successfully. He added that he believes that the authority will add another layer of government which will be counter-productive.

Council Chairman Parella asked to know what Councilman Herreshoff expects from the Council at this time with Councilman Herreshoff responding that his message was essentially informational only and that there may be a future need for the Council to react with some action items.

Council Chairman Parella stated that the reason for the Gallison bill appears to be related to the problems associated with obtaining necessary rate increases from the Public Utilities Commission (PUC).

Town Solicitor Ursillo stated that he would investigate the reported problems with the PUC and report back to the Council.

Councilman Calouro reported that the Town of Portsmouth has commissioned a study on the ferry service and that he had a conversation with Representative Gallison concerning the issue. He agreed that the intention is to "loosen the shackles" of the PUC to allow for rate adjustments more readily.

Council Chairman Parella stated that she was aware that the rate cases for large utilities may be arduous but suggested that smaller rate cases, such as that for a ferry service, may be relatively uncomplicated.

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Town Solicitor Ursillo repeated that he would investigate the matter and inform the Council at a later date.

4. Jeffrey M. Willis, Deputy Director, Coastal Resources Management Council re Notice of Public Hearing, May 14, 2013 - Proposed Program Revisions (deadline for comments May 6, 2013)

Stuart/Calouro - Voted unanimously to receive and place this matter on file.

5. Director of Community Development Williamson re Resolution in support of Boating Infrastructure Grant to create Transient Boater Facility in Naval Reserve Armory Building

- a. (Draft) Resolution

Herreshoff/Stuart - Voted to authorize this resolution with the proviso that the Town will not expend more than \$765,000 to match the subject grant. Voting in favor of the motion were Council Chairman Parella, Councilman Herreshoff and Councilman Stuart. Voting opposed was Councilman Calouro and Councilman Sweeney.

Prior to the vote taken, Director of Community Development Williamson reported that the resolution is a requirement of the grant application.

Councilman Herreshoff asked to know how much the Town's match must be with Director of Community Development Williamson responding that the match is up to 51% of the overall cost and that the higher the Town's commitment for the match, the more points the application receives.

Councilman Herreshoff asked to know where the match would come from with Director of Community Development Williamson explaining that the recent bond issue considered the repair/rehabilitation of Town buildings and that this particular building was one considered when the bond language was drafted.

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Council Chairman Parella asked to know the limit with Director of Community Development Williamson responding that the limit is \$1.5 million.

Councilman Stuart asked to know if the resolution constituted a "blank check" with Director of Community Development Williamson responding that the Council would ultimately have to decide the scope of the project. She added that the administration is now looking at a preliminary budget for the project.

A discussion ensued regarding the grant application and the supposed match. Director of Community Development Williamson noted that the Town must be realistic about how much will be available through a grant.

Councilman Herreshoff asked to know if the Town plans to apply for 51% (the maximum) with Director of Community Development Williamson stating that it was the plan to do this. She added that she anticipates that the grant will seek funding to repair the building's structure and that she would seek \$1 million from the bond (\$2.5 was approved for repairs to Town buildings).

Councilman Calouro stated that the "worst case" is that the project of \$3 million would require a match of \$1.5 million if the Town were to receive the full grant.

Councilman Herreshoff suggested that the Town's resolution should agree to match a total of \$750,000 and not \$1.5 million.

Council Chairman Parella noted that the project appears to carry a cost of \$3 million. She noted that there may be a possibility to obtain "historic building" grants.

Councilman Stuart stated that he needed more data prior to committing the Town's "monetary funds."

Council Chairman Parella noted that the "reality" to apply for these grants requires a "resolution of support." She explained that if the funds are forthcoming, then the Town can make the determination if it wishes to participate or that the funds can be turned back.

A further discussion ensued regarding the availability of the funds due to funds which were turned back by other entities. It was noted that additional funds may become available through the cycle dependent upon what is finally accepted by others.

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Councilman Herreshoff stated that he agreed with Councilman Stuart and expressed concern that the Council was not provided with sufficient data to make a determination.

Council Chairman Parella stated that these grants are competitive and that the Council should place its trust in the administration lest there will be no grant applications made. She stated that a sign-off from administration is typically sufficient for an application.

Director of Community Development Williamson stated that normally her office would have provided more data but that this grant had a small window of opportunity and also that the project seems to fall in line with the previous discussions with the Council and its "field trip" to a similar facility in Newport.

Councilman Stuart expressed concern that the Town may be overextending itself with the Animal Shelter, etc. He stated that he did not wish to "throw caution to the wind."

Council Chairman Parella stated that the options may be to go for the opportunity or not go for the opportunity. She further stated that she prefers to go for the opportunity.

Councilman Stuart stated that he was concerned that there were many projects being considered overall.

Councilman Sweeney stated that applying for \$1.5 million places the Town "in the running." He added that it would be possible for the Town to turn-down the grant were it to be received and the Town was not prepared to move forward.

Director of Community Development Williamson reported that prior to this meeting, she met with Town Administrator Teixeira and Town Treasurer Goucher on the matter and that the decision to recommend the resolution was not done in a vacuum.

Councilman Calouro stated that he was comfortable to approve the resolution since the Town has an "escape hatch" should it decide not to proceed with the project.

Councilman Herreshoff stated that the Council should make clear that the funds considered are capital funds and not operating funds.

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Town Administrator Teixeira stated that he understands this project to be a priority since it carries the opportunity to generate operating revenue and recommends it as such.

Recreation Director Burke stated that he agrees that this grant application is similar to others considered in the past since it allows the Town to "stretch" its \$9 million in capital funds approved by the voters.

Council Chairman Parella agreed that the grant is the best way to leverage the Town's available funding.

After the vote taken, Councilman Calouro and Councilman Sweeney stated that they voted opposed since the authorization was limited to only one-half of the requested amount.

Council Chairman Parella noted that it is not necessary to consider the entire project at one time and that it may be possible to phase the project.

Director of Community Development Williamson stated that she will work at the grant application again based upon the Council's decision. She noted that the application requires a quick turn-around. She added that it is not necessary to apply for the entire \$1.5 million limit and that the value of the project, as anticipated, can be reduced.

6. Sandra Matrone Mack, Esq., Bond Counsel -  
Memo re Post-Issuance Tax Compliance  
Procedures
  - a. (Bond Counsel) re Resolutions to Adopt  
Post Issuance Tax Compliance Procedures
  - b. (Bond Counsel) re Borrowing Resolutions  
for funding miscellaneous sewer capital  
projects

Herreshoff/Calouro - Voted  
unanimously to adopt the Post  
Issuance Tax Compliance Procedures  
as prepared and presented.

Calouro/Stuart - Voted unanimously  
to adopt the Borrowing Resolutions  
as prepared and presented.

7. Aires H. Medeiros, Jr., Captain, Dreadnaught  
Hook, Ladder & Hose Company #1 re Invitation

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- Flag Pole Dedication and Open House, April 28, 2013

Stuart/Calouro - Voted unanimously to receive and place this matter on file.

8. Larry Fitzmorris, on behalf of Sakonnet Tolls Opposition Platform (STOP) Committee re Request for Council Testimony at House Finance Committee Hearing on Sakonnet Tolls, April 25, 2013

Stuart/Calouro - Voted unanimously to refer this matter to the Town Solicitor so that he may prepare a draft resolution to consider a lawsuit and to have this resolution available in time for the Special Meeting to be held on May 6, 2013.

Prior to the vote taken, Councilman Stuart stated that he suggests that the Solicitor should draft a resolution in order to pursue a lawsuit against the tolls and that the matter can be further considered on May 6.

Council Chairman Parella stated that she was unavailable due to a work commitment and was unable to attend the public hearing on the toll matter and asked to know if anyone else was planning to attend the hearing to represent the Town.

There was no reply to Council Chairman Parella's question.

9. Councilman Calouro - Request to Schedule Proposed Workshop re Use of Decommissioned School Buildings

Calouro/Stuart - Voted unanimously to request that the Town Administrator convene an administrative workshop concerning this matter and to report back to the Council with its findings.

Prior to the vote taken, Councilman Calouro stated that there are many ideas "out there" for utilizing the former school buildings and that the Bristol Theatre Company has expressed interest in the Reynolds School.

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He added that Harland Metzler of the Colonial Theatre would possibly like to use it also. He added that this may be a "huge benefit" to the community since the Colonial Theatre offers free shows and events such as "Shakespeare in the Park." He suggested that the Town should hold a workshop to review the options.

Council Chairman Parella suggested that this might be considered by an administrative committee and that the committee can report back to the Council with findings and recommendations for action, if any.

10. Councilman Calouro - Request for Council Resolution re Regionalization Bonus

Calouro/Stuart - Voted unanimously to instruct the Clerk to send a letter to the local General Assembly delegation requesting relief from the regionalization bonus phase-out.

Prior to the vote taken, Councilman Calouro suggested that the Council might ask Senators and Representatives to consider measures which might lessen the impact of the regionalization bonus phase out; perhaps extending it to 15 years.

He stated that he believes there is a precedent for this since the State allowed some concessions concerning the East Providence school department's budget.

J. BILLS & EXPENDITURES

1. Bid #777 - Inflow Source Relocation and Associated Drainage System Improvements

Herreshoff/Calouro - Voted unanimously to refer this matter to the Town Administrator and Water Pollution Control Superintendent DaSilva to act in the best interest of the Town.

Prior to the vote taken, the Clerk read the following bids as received:

Rocchio Corporation	Smithfield, RI	\$1,217,255.00
Wm. Anthony Excavating	N. Kingstown, RI	\$1,456,738.50
C. B. Utility Co.	Bristol, RI	\$1,329,850.00

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Narragansett Improvement Providence, RI \$1,486,538.00  
East Coast Landscaping Portsmouth, RI \$1,441,386.00

Councilman Herreshoff asked to know if the project must be completed in the near future with Water Pollution Control Superintendent DaSilva responding that these improvements are mandated by the Environmental Protection Agency. He added that this is a continuance of earlier efforts to reduce infiltration and inflow (I and I) commonly caused by sump pumps and downspouts.

Water Pollution Control Superintendent DaSilva further explained that the project includes a target area near Annawamscutt Drive which apparently contributes a significant amount of the Town's I and I problem. He added that this project will determine if the proposed action will be cost effective. He noted that the Department plans to start the project soon and that it will take one year to complete.

Councilman Herreshoff asked to know if the cost was budgeted with Water Pollution Control Superintendent DaSilva responding that the funding will be available through the State Revolving Fund (SRF).

Councilman Herreshoff asked if the project must be done with Water Pollution Control Superintendent DaSilva reminding the Council that I and I removal is an EPA mandate.

Councilman Herreshoff asked to know if the Town will be doing a similar project elsewhere when this one is completed with Water Pollution Control Superintendent DaSilva responding that the Town will consider a project if required to do so by the EPA.

Water Pollution Control Superintendent DaSilva added that the previously discussed Ordinance #2013-09 will provide revenue for this purpose.

2. Bid #778 - Site Work Construction  
Administration - Animal Shelter Project

Herreshoff/Calouro - Voted  
unanimously to refer this matter to  
the Town Administrator and Capital  
Project Committee to act in the  
best interest of the Town.

Prior to the vote taken, the Clerk read the following bids (not to exceed amounts) as received:

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Principe Company	Tiverton, RI	\$39,000.00
Site Engineering	Bristol, RI	\$12,000.00
ANC Consultants	East Greenwich, RI	\$52,800.00

3. Bid #779 - Boiler Replacement Project -  
Byfield School

Herreshoff/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  
as received:

Boiler Conversion

Sunshine Fuels	Bristol RI	\$ 8,780.00
Atlantic Power Serv.	Seekonk, MA	\$11,483.00

Tank Removal

Sunshine Fuels	Bristol RI	\$11,950.00
Atlantic Power Serv.	Seekonk, MA	\$14,265.00

Councilman Herreshoff asked to know if it was necessary to  
remove the tank with Town Administrator Teixeira responding  
that he was not certain if this was a requirement since  
Property Manager Matthew Calderiso prepared the  
specification.

Councilman Herreshoff suggested that the oil tank may be  
useful in the future and that the Town should perhaps keep  
it available should the gas prices rise above that of oil.

4. Bid #780 - Used 12 Ft. Stake Body and/or  
Small Dump Truck(s)

Herreshoff/Calouro - Voted  
unanimously to refer this matter to  
the Town Administrator and Director  
of Public Works to act in the best  
interest of the Town.

Prior to the vote taken, the Clerk reported that no bids  
were received for this item.

K. SPECIAL REPORTS

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1. Allan Klepper, Barrington Director, Bristol County Water Authority re Monthly Report - April

Calouro/Stuart - Voted unanimously to receive and place this matter on file.

L. TOWN SOLICITOR

1. Executive Session Pursuant to RIGL § 42-46-5(a)(5) re Acquisition of Real Property

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

2. Town Solicitor Ursillo re Request for Executive Session Pursuant to RIGL § 42-46-5(a)(2) re Litigation: Gendreau v. Town of Bristol

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

M. INDIVIDUAL COUNCIL MEMBERS AGENDA ITEMS

1. Parella

a. Tanyard Brook "Pond" - Council Chairman Parella noted the wetland area at the intersection of Hope and Wood Streets and expressed concern that the area might be a breeding ground for mosquitoes.

Public Works Director Galuska stated that he and BETA engineers met with DEM officials and discussed options. He added that draining the wetland into the culvert was not an option.

He added that the DEM suggested that there might be "slots" placed in the top of the culvert and that this option would not require a permit. He also added that he is getting pricing for this option.

Council Chairman Parella asked to know if the Town plans to take steps for mosquito abatement.

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Public Works Director Galuska responded that he planned to do so.

b. Meeting Reschedule - Council Chairman Parella asked that the Special Meeting scheduled for Monday, May 6, 2013 might be rescheduled from a 7:00 o'clock PM start time to a 7:30 o'clock PM start time due to her attendance at an annual event.

c. Mike Davis - Council Chairman Parella thanked Mr. Davis for his work taping this evening's meeting for television.

2. Herreshoff

3. Calouro

a. Thanks for Patience - Councilman Calouro thanked everyone for their patience and hard work.

4. Stuart

a. Keep Bristol Clean - Councilman Stuart thanked the Keep Bristol Clean effort for its successful cleanup of the Town.

b. Happy Mother's Day - Councilman Stuart noted the approach of Mother's Day on May 12, 2013 and extended best wishes.

5. Sweeney

a. Marriage Bill - Councilman Sweeney noted the State Senate Committee historic passage of the same-sex marriage bill and thanked Representative Raymond E. Gallison, Jr. and Representative Kenneth Marshall and the other members of the General Assembly who provided "yes" votes toward the passage of the legislation.

N. TOWN ADMINISTRATOR AGENDA ITEM(S)

a. Unused Drugs - Town Administrator Teixeira reported that the Bristol Police collected fifty-six pounds of unused prescription drugs in 2011, sixty pounds of unused prescription drugs in 2012, and eighty pounds of unused prescription drugs this year. He congratulated the Police Department on the success of this program.

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b. Gun Buyback Program - Town Administrator Teixeira reported that the recent gun buyback program yielded 47 guns. He noted that citizens may bring unwanted guns to the Police Headquarters at any time to turn these in.

c. BMA Sidewalk Sale - Town Administrator Teixeira stated that barring any objection from the Council he would like to approve the annual spring BMA sidewalk sale for May 3, 4, and 5, 2013

The Clerk reported that the BMA is applying soon for its plan to have a similar event in October.

No objection was noted.

d. National Grid Cleanup Volunteers - Town Administrator Teixeira reported that a corps of volunteers from National Grid recently held a clean-up day on Town property at the former Perry Farm. He noted that the volunteers cleared paths and placed wood chips in the cleared areas.

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CITIZENS PUBLIC FORUM

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Consent Agenda Items:

**(CA) AA. SUBMISSION OF MINUTES-Boards and Commissions**

**Approval of consent agenda="Motion to receive and place these items on file."**

1. Animal Shelter Capital Project Committee -  
January 24, 2013
2. Animal Shelter Capital Project Committee -  
February 7, 2013
3. Animal Shelter Capital Project Committee -  
February 21, 2013
4. Animal Shelter Capital Project Committee -  
February 27, 2013

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5. Animal Shelter Capital Project Committee - March 14, 2013
6. Bristol Warren Regional School District Joint Finance Committee - March 14, 2013
7. Economic Development Commission - February 11, 2013
8. Zoning Board of Review - March 4, 2013
9. Harbor Commission - April 1, 2013
10. Planning Board - January 8, 2013
11. Planning Board - March 12, 2013
12. Historic District Commission - January 3, 2013
13. Historic District Commission - February 7, 2013
14. Historic District Commission - March 7, 2013
15. Bristol Housing Authority - March 14, 2013
16. Fourth of July Committee - August 7, 2012
17. Fourth of July Committee - September 6, 2012
18. Fourth of July Committee - October 8, 2012
19. Fourth of July Committee - November 13, 2012
20. Fourth of July Committee - January 9, 2013
21. Fourth of July Committee - February 7, 2013
22. Fourth of July Committee - March 13, 2013
23. Conservation Commission - February 4, 2013
24. Conservation Commission - March 4, 2013
25. Harbor Commission - Appeals Hearing, March 26, 2013

**(CA) BB. BUDGET ADJUSTMENTS**

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**Approval of consent agenda="Motion to approve these adjustments."**

1. (Tax Assessor Belair) re Recommended Abatements & Additions for April 2013

**(CA) CC. FINANCIAL REPORTS**

**Approval of consent agenda="Motion to receive and place these items on file."**

1. (Town Treasurer Goucher) re Revenue and Expenditure Statement, April 19, 2013

**(CA) DD. PROCLAMATIONS, RESOLUTIONS & CITATIONS**

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

1. Proclamation - Gerald P. Romano, Thirty-One Years of Service as Commissioner of the Bristol Housing Authority

**(CA) EE. UTILITY PETITIONS**

**Approval of consent agenda="Motion to approve these petitions."**

1. Department of Public Works - Road Cut Permits

**(CA) FF. UPCOMING APPOINTMENTS**

**Approval of consent agenda="Motion to approve advertising these Appointments."**

**(CA) GG. CITY & TOWN RESOLUTIONS NOT PREVIOUSLY CONSIDERED**

**Approval of consent agenda="Motion to receive and place these items on file."**

1. Ellen Hefler, Deputy Town Clerk, Town of Charlestown re Resolution Objecting to Senate Bill 0640 & 0672
2. Ellen Hefler, Deputy Town Clerk, Town of Charlestown re Resolution Objecting to House Bill 5425

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3. Ellen Hefler, Deputy Town Clerk, Town of Charlestown re Resolution Objecting to House Bill 5703
4. Ellen Hefler, Deputy Town Clerk, Town of Charlestown re Resolution Objecting to House Bill 5393

(CA) HH. DISTRIBUTIONS/COMMUNICATIONS

**Approval of consent agenda="Motion to receive and place these items on file."**

1. Class F Alcoholic Beverage License - St. Elizabeth Church, Holy Ghost Feast, 577 Wood Street, May 17, 18 & 19, 2013
2. Jane Christopher, Deputy Town Clerk, Town of Foster re Request for Support - Resolution opposing binding arbitration legislation
3. All Paws Inn, 185 Bay View Avenue - Dog Kennel License Renewal Petition (granted March 27, 2013)
4. Town Administrator Teixeira to James Hall, President, Aquidneck Construction, Inc., Portsmouth, RI re Award of Bid #774 - Site Work for Bristol Animal Shelter
5. Coastal Resources Management Council - April 2013 Calendar
6. Resolution Opposing Contract Continuation Legislation (true copy)
7. Resolution Opposing Binding Arbitration Legislation (true copy)
8. Council Clerk Cirillo to M. Teresa Paiva-Weed, Senate President et al re Resolution to Eliminate Straight Party Vote - Master Lever (true copy attached)
9. Council Clerk Cirillo to Gordon D. Fox, Speaker of the House et al re Resolution to Eliminate Straight Party Vote - Master Lever

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10. Ellen A. Hefler, Deputy Town Clerk, Town of Charlestown - Resolution Objecting to H-5340 (Binding Teacher Contract Arbitration)
11. Commendation - Matthew Vincent Ciociola, Eagle Scout Court of Honor
12. Coastal Resources Management Council - April 2013 Calendar (corrected March 29, 2013)
13. Elizabeth J. Cook-Martin, Hopkinton Town Clerk - Resolution Opposing Contract Continuation Legislation
14. Elizabeth J. Cook-Martin, Hopkinton Town Clerk - Resolution Opposing Binding Arbitration Legislation
15. Cheryl A. Fernstrom, CMC, Jamestown Town Clerk - Resolution Opposing Binding Arbitration Legislation
16. Cheryl A. Fernstrom, CMC, Jamestown Town Clerk - Resolution Opposing Contract Continuation Legislation
17. Town Administrator Teixeira to Kevin J. Fox, President, Yard Works, Inc., re Award of Bid #776 - 2013 Spring Tree Planting
18. Coastal Resources Management Council - Agenda re Semi-Monthly Meeting, April 9, 2013
19. Class F Alcoholic Beverage License - St. Elizabeth Church, Holy Trinity Feast, 577 Wood Street, May 24, 25 & 26, 2013
20. Class F Alcoholic Beverage License - St. Elizabeth Church, Santo Cristo Feast, 577 Wood Street, May 31, June 1 & 2, 2013
21. Keri Cronin, Co-chair, Bodacious Bee Event, Bristol Warren Education Foundation (BWEF) et al re Thank you for Support
22. Cheryl A. George, Coventry Town Clerk - Resolution Opposing Contract Continuation Legislation

**TOWN COUNCIL MEETING - WEDNESDAY EVENING - APRIL 24, 2013**

23. Cheryl A. George, Coventry Town Clerk - Resolution Opposing Binding Arbitration Legislation
24. Warrants - Board of Fire Engineers
25. Warrant - David F. Miller, Harbor Commission
26. Warrant - Joseph P. Asciola, Zoning Board of Review
27. Warrant - Diamantino Fonseca, Zoning Board of Review
28. Warrant - Steven M. Hudak, Zoning Board of Review
29. Warrant - Andrew Noronha, Harbor Commission Advisory Committee
30. Susanne Greschner, Chief, Department of Revenue, Division of Municipal Finance re Notice of Proposed Property Tax Rate Change
31. Michael Ferreira, Coastal View, Inc., d/b/a Gillary's re Change of d/b/a Name to Fins

**(CA) II. DISTRIBUTIONS/NOTICE OF MEETINGS**  
(Office copy only)

**Approval of consent agenda="Motion to receive and place these items on file."**

1. Bristol Warren Regional School Committee - March 25, 2013
2. Bristol Warren Regional School Committee Personnel/Contract Negotiation Subcommittee - March 25, 2013 (revised)
3. Bristol County Water Authority - Committee Meeting of the Board, March 27, 2013
4. Board of Fire Engineers - April 1, 2013
5. Bristol Warren Regional School District Schedule of Meetings - Week of March 31, 2013

**TOWN COUNCIL MEETING - WEDNESDAY EVENING - APRIL 24, 2013**

6. Bristol Warren Regional School Committee Policy/Community Affairs Subcommittee - April 1, 2013
7. Bristol Warren Regional School Committee Budget/Facilities Subcommittee - April 4, 2013
8. Bristol County Water Authority Finance Committee - April 8, 2013
9. Bristol County Water Authority Personnel Committee - April 9, 2013
10. Recreation Board Meeting - April 9, 2013
11. Bristol Warren Regional School District Schedule of Meetings - Week of April 7, 2013
12. Bristol Warren Regional School Committee - April 8, 2013
13. North and East Burial Ground Commission [sic] - May 3, 2013
14. Bristol County Water Authority Board of Directors - April 10, 2013
15. Harbormaster Search Committee - April 11, 2013
16. Harbormaster Search Committee - April 15, 2013
17. Harbor Commission - April 1, 2013
18. Substance Abuse Prevention Task Force - April 8, 2013
19. Harbormaster Search Committee - April 18, 2013 (rescheduled from April 16, 2013 - see attached)
20. Bristol Warren Regional School District Schedule of Meetings - Week of April 14, 2013
21. Bristol County Water Authority Finance Committee - April 16, 2013

**TOWN COUNCIL MEETING - WEDNESDAY EVENING - APRIL 24, 2013**

22. Harbormaster Search Committee - April 22, 2013
23. Bristol Warren Regional School District Schedule of Meetings - Week of April 21, 2013
24. Bristol Warren Regional School Committee Personnel/Contract Negotiation Subcommittee - April 22, 2013
25. Bristol Warren Regional School Committee - April 22, 2013
26. Bristol County Water Authority Board of Directors Meeting - April 24, 2013

Stuart/Calouro - Voted unanimously to move into Executive Session pursuant to RIGL 42-46-5 (a)(2) and (5) at 10:46 o'clock PM.

Stuart/Calouro - Voted unanimously to resume open session and seal the minutes of the Executive Session at 11:29 o'clock PM.

There being no further business, upon a motion by Councilman Stuart, seconded by Councilman Calouro and voted unanimously, the Chairman declared this meeting to be adjourned at 11:30 o'clock PM.

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Louis P. Cirillo, CMC  
Council Clerk