

TOWN COUNCIL MEETING - WEDNESDAY EVENING - DECEMBER 4, 2013

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

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

The Council met in regular session on Wednesday evening, December 4, 2013 in the Town Hall, Council Chambers, beginning at 7:03 o'clock PM, Council Chairman Parella presiding:

Prior to the commencement of this evening's regular agenda, Council Chairman Parella noted the annual "Grand Illumination" held on December 1, 2013 and thanked the Public Works, Police, and Fire Departments for their participation.

MOTION RE: CONSENT AGENDA - TO APPROVE THE CONSENT AGENDA

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

Prior to the vote taken, Councilman Stuart noted that Town Administrator Teixeira has appointed Richard Devault to serve on the Personnel Board and thanked the former Town Administrator appointee, Elizabeth Harvey, for her service.

A. SUBMISSION OF MINUTES OF PREVIOUS MEETING(S)

1. Town Council Special Meeting - October 8, 2013 (final version)

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

2. Town Council Meeting - November 20, 2013

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

3. Town Council Special Meeting - October 29, 2013

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

TOWN COUNCIL MEETING - WEDNESDAY EVENING - DECEMBER 4, 2013

4. Town Council Meeting - July 17, 2013 (final version)

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

B. PUBLIC HEARINGS

C. ORDINANCES

1. Ordinance #2013-18, Chapter 17, Offenses and Miscellaneous Provisions, Article II, Alcoholic Beverage Establishments, Division 2, License, Section 17-82, Number of licenses (eliminate one (1) Class B Limited license and one (1) B-V license), **2nd reading**

Herreshoff/Stuart - Voted unanimously to consider this action to constitute the second reading for adoption of Ordinance #2013-18. Advertise in local newspaper.

D. LICENSING BOARD - NEW PETITIONS

1. Ronald Lopes, for Mike's Pizza of Bristol, Inc., d/b/a Pizza Wave, 400 Metacom Avenue - request for transfer of Class BV Limited Alcoholic Beverage License to Anastasios Barakos, for Pizza Wave Bristol, Inc., d/b/a Pizza Wave (new ownership), **call for public hearing January 8, 2014**

LATE ITEM

- a. Recommendation - Town Administrator and Chief of Police (approve)

Calouro/Herreshoff - Voted unanimously to call for a Public Hearing to consider this matter for January 8, 2014. Advertise in local newspaper.

2. Aidan Graham, for John Richard Benjamin, Inc., d/b/a Judge Roy Bean Saloon, 1 State Street - request for transfer of Class BV Alcoholic Beverage License to Zachary Rivers, for RIRO Enterprises, Inc., d/b/a Judge Roy

TOWN COUNCIL MEETING - WEDNESDAY EVENING - DECEMBER 4, 2013

Bean Saloon (new ownership), **call for public hearing January 8, 2014**

LATE ITEM

- a. Recommendation - Town Administrator and Chief of Police (approve)

Calouro/Herreshoff - Voted unanimously to call for a Public Hearing to consider this matter for January 8, 2014. Advertise in local newspaper.

E. LICENSING BOARD - RENEWALS

- 1. Drainlayer's License Renewals 2014

- a. Recommendation - Town Administrator and Director of Public Works (approve)

LATE ITEM

- b. Recommendation - Town Administrator and Chief of Police (approve)

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

- 2. Junk and Secondhand Dealer's License Renewals 2014

LATE ITEM

- a. Recommendation - Town Administrator and Chief of Police (approve)

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

F. PETITIONS - OTHER

- 1. Paul Mancieri, for Leo's Pizzeria and Deli, Inc., d/b/a Leo's Ristorante, 365 Hope Street - request for amendment of outside dining

TOWN COUNCIL MEETING - WEDNESDAY EVENING - DECEMBER 4, 2013

ordinance (see attached Town Code § 25-10(c)) to allow for alcoholic beverage service; and expansion of Class BV licensed premises

a. Recommendation - Town Administrator and Code Compliance Coordinator (deny)

LATE ITEM

b. Recommendation - Town Administrator and Chief of Police (deny)

Calouro/Sweeney - Voted unanimously to continue this matter until the meeting of January 8, 2014 in anticipation of a report from the Administration concerning same.

Prior to the vote taken, it was noted that since items F1 and F2 were similar, the Council would consider these two items together.

Mr. Mancieri informed the Council that he was requesting the opportunity to sell alcoholic beverages at tables currently allowed under his sidewalk use license and that this expansion of premises would include the six (6) tables in use already.

Councilman Herreshoff asked to know if the practice would be generally allowed with Town Solicitor Ursillo explaining that the current ordinance allowing the use of the public sidewalk for private commercial purposes forbids the sale or consumption of alcoholic beverages. He added that were the Council to consider the petition of Messrs. Mancieri and Vanderhoof, the ordinance would need an amendment.

Councilman Sweeney observed that the diagram provided by Mr. Mancieri appears to indicate a "gated" area.

Mr. Mancieri explained that he would post a hostess outdoors on the sidewalk to prevent the alcoholic beverages from leaving the licensed premises.

Council Chairman Parella asked to know which other communities allow this practice with Mr. Mancieri testifying that the practice is allowed in Newport, Providence, and Westerly.

It was noted that several holders of victualling licenses also hold alcoholic beverage licenses these being Leo's, British Beer Company, Bristol House of Pizza, Nacho Mamma's, and Common Pub.

TOWN COUNCIL MEETING - WEDNESDAY EVENING - DECEMBER 4, 2013

Councilman Herreshoff asked to know if Mr. Mancieri was familiar with the current ordinance and also if he calculated the amount of "intrusion" anticipated by the sidewalk use.

Mr. Mancieri responded that the planned area of use was included on the diagram provided and that he double-checked the measurements.

Council Chairman Parella expressed concern that there may be a groundswell of requests for similar alcoholic beverage expansions.

Town Solicitor Ursillo reminded the Council that should the ordinance change; the expansion must be made available to all similar licensees.

A discussion ensued regarding the current ordinance provisions.

Council Chairman Parella asked to know how many establishments would qualify for this type of license expansion and asked if the Police Department might be able to provide a list of these. She suggested that the Council might wish to ask the Administration for a study; taking into account the entire alcoholic beverage license list as possible applicants.

A discussion ensued regarding the 4th of July with it being noted that the current ordinance has an exception for the 4th of July.

Councilman Herreshoff noted that the Town specifically prohibits drinking alcoholic beverages in public.

Town Solicitor Ursillo noted that this appears to be a local rule and that it is within the provisions of State law to allow outdoor consumption of alcoholic beverages.

Council Chairman Parella asked to know if the expansion might be limited to beer and wine with Mr. Vanderhoof explaining that his request is for permission to sell and consume distilled spirits also.

Council Chairman Parella noted that Mr. Mancieri's outdoor tables are already full and asked to know if this change would be a necessity for his business.

TOWN COUNCIL MEETING - WEDNESDAY EVENING - DECEMBER 4, 2013

Mr. Manceiri informed the Council that his inability to sell liquor outdoors has resulted in the loss of business although he was unable to quantify the loss. He added that he believes the loss to be significant.

Mr. Vanderhoof stated that he would intend to place four (4) tables in front of his restaurant and an additional three (3) tables in front of his banquet facility.

Councilman Calouro stated that he likes the idea of the outside tables at Leo's and if it were only two establishments selling liquor at tables on Town property, he did not consider it to be problematic. He added that it was the responsibility of the Council to "see the big picture."

Council Chairman Parella stated that the Council may wish to consider only the way this may be allowed in Westerly since that community would be more comparable to Bristol than Providence or Newport. She stated that she would be interested to know if there has been an increase in the need for police and also how many establishments serve alcoholic beverages on public property.

Council Chairman Parella also expressed concern that many of the long-established rules have been relaxed in recent years and added that "everyone wants everything." She also cautioned that the Town may never "get out from under people wanting to be accommodated in order to be competitive."

Mr. Vanderhoof explained that he does not cater to college students and that his clientele is not "rowdy."

Council Chairman Parella noted that the Council will have to apply any ordinance equitably and that the consumption of alcohol must be linked to food service.

Mr. Vanderhoof also agreed to indemnify the Town, protecting it from lawsuits resulting from his use of the public property and also that he planned to use the subject area only during July and August and that he did not intend to install portable heaters.

Mr. Vanderhoof added that the sidewalk café atmosphere was "inviting."

Councilman Calouro again noted that the Council must view "the big picture."

Councilman Herreshoff agreed that the Town must weigh the "ramifications" of an amendment to the Town Code and

TOWN COUNCIL MEETING - WEDNESDAY EVENING - DECEMBER 4, 2013

suggested that the action might be best based upon the rules as applied in Westerly.

Councilman Stuart stated that he was pleased to hear about Mr. Vanderhoof's plan to indemnify the Town. He asked Mr. Mancieri if he was willing to do the same with Mr. Mancieri agreeing to do so.

Council Chairman Parella repeated the need to look at how the activity is applied and regulated in Westerly. She added that the idea concerning "containment" may not be necessary and that the aesthetics of the sidewalk café should be considered.

Mr. Mancieri agreed to work with the Town toward this end.

Mr. Vanderhoof noted that anything placed upon the sidewalk would have to be portable and aesthetically pleasing and added that something should be done to limit access and egress. He also explained his plan to have a hostess stationed outside.

Councilman Herreshoff stated that he was of the opinion that adding a fence would be disagreeable.

Mr. Vanderhoof stated that he was contemplating the utilization of a three (3) foot high portable fence. He added that he has seen similar fences in use elsewhere.

A discussion ensued regarding the Council's next course of action with the Clerk explaining that the Council could consider the issue of amending the ordinance prior to considering expansion of the licensed premises for Leo's and Roberto's. He also explained that it would be possible for the two matters to be considered on a parallel track.

Council Chairman Parella stated that she would prefer to see the report from the Administration first prior to consideration, if at all, of the request for an expansion of premises.

2. Robert Vanderhoof, for Vanderhoof-Meyers, Inc., d/b/a Roberto's, 450 Hope Street - request for amendment of outside dining ordinance (see attached Town Code § 25-10(c)) to allow for alcoholic beverage service; and expansion of Class BV licensed premises
 - a. Recommendation - Town Administrator and Code Compliance Coordinator (deny)

- LATE ITEM** b. Recommendation - Town Administrator and Chief of Police (deny)

See agenda item F1 above for discussion and action.

G. APPOINTMENTS

1. Public Service Appointments

a. Christmas Festival Committee

1. Tanya Kieron, Chairman, Christmas Festival Committee re proposed list of members

Councilman Stuart nominated the slate of recommended appointees as presented.

There were no counter-nominations.

Stuart/Calouro - Voted unanimously to close nominations and to instruct the Clerk to cast one ballot each in favor of the slate, as presented, for the ensuing term.

b. Capital Project Commission (to fill unexpired term to expire in May 2014)

1. Don Hemond, 50 Cliff Drive - interest/appointment

Stuart/Sweeney - Voted unanimously to instruct the Clerk to set an interview for Mr. Hemond at a time convenient to the parties.

H. OLD BUSINESS

1. Robert D. Morris, 93 Kickemuit Avenue - petition re legitimacy of waterfront citations, **continued from November 20, 2013**

Herreshoff/Calouro - Voted to continue this matter until the meeting of January 29, 2014 in anticipation of a preliminary report concerning same. Voting in favor of this motion were Council

TOWN COUNCIL MEETING - WEDNESDAY EVENING - DECEMBER 4, 2013

Chairman Parella, Councilman Herreshoff, Councilman Calouro and Councilman Sweeney. Councilman Stuart was recused from the conversation and vote.

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

Also prior to the vote taken, Town Solicitor Ursillo stated that he located the Town's license with the State concerning the use and management of this particular parcel and reported that he planned to return to Municipal Court concerning this matter on January 28. He added that the documents specify the Town's authority in the use of the property and its riparian rights.

Town Solicitor Ursillo noted that the matter must be adjudicated in the Municipal Court and that the Council cannot act as Municipal Court instead.

Mr. Morris informed the Council that he was told that he must obtain the permission of the State to use the subject property and was told that the property belongs to the State. He added that he sought the permission of the State and was told that the State did not object to the use of the property and that he (Mr. Morris) would have to obtain the concurrence of the Town and that the Town refused to grant its permission.

Mr. Morris asked to know who granted permission to build the dock and patio on the State property and that he did not wish to "unearth a bunch of worms." He added that he was concerned that the rights of the public were being violated.

Robert Healey, an attorney representing Mr. Morris, stated that Mr. Morris brought to the Town's attention "serious problems" in that there was CRMC consent to build the dock and that this consent was not provided to the property owner or the Town as lease holder. He stated that the dock may have been built improperly. He also noted that there appears to be a practice of serving liquor on Town property and that the Town does not appear on the application.

Council Chairman Parella asked to know if Mr. Healey was questioning the legitimacy of the patio and dock with Mr. Healey responding that a private party filed the application for building the dock.

TOWN COUNCIL MEETING - WEDNESDAY EVENING - DECEMBER 4, 2013

Town Solicitor Ursillo stated that there appears to be a need to resolve the matter. He added that the Town has use of a private right of way and that this use may have been exchanged for permission to use the so-called "patio." He added that he and the Administration are working on this and that the agreement should be in writing. He added that Mr. Morris' issue is the citation issued by the Harbormaster and that the issue is a Municipal Court matter.

Council Chairman Parella agreed that the citation was a Municipal Court matter and asked to know if the issue concerning the dock, etc., may be resolved independently in the future with Town Solicitor Ursillo responding that the situation must be sorted-out first but that he did intend to resolve the matter ultimately after examining surveys, the CRMC record, etc.

Councilman Herreshoff asked to know if the Council may anticipate a report for January 29, 2014 with Town Solicitor Ursillo responding that it may be possible to have at least a preliminary report at that time.

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

2. Councilman Sweeney re Recycling Committee update (collection of cardboard), **continued from November 20, 2013**

Herreshoff/Sweeney - Voted unanimously to approve that the Town of Bristol shall be a participant in the community recycling competition as outlined by the Portsmouth Recycling Coordinator.

Prior to the vote taken, Councilman Sweeney introduced Kyle Hence, Portsmouth Recycling Coordinator. He noted that Mr. Hence was present this evening to outline a "friendly competition" between towns to increase recycling.

It was suggested that Bristol should join-in this competition and that the Town of Middletown and the City of Newport have already joined in the competition.

Councilman Stuart asked to know when the competition will commence with Mr. Hence responding that this will begin officially in January.

TOWN COUNCIL MEETING - WEDNESDAY EVENING - DECEMBER 4, 2013

Councilman Stuart expressed concern that the other communities may have an unfair advantage in their earlier start with Mr. Hence responding that the competition will consider two metrics; the highest rate and the largest increase.

Councilman Herreshoff asked to know the requirements with Mr. Hence reporting that the Town will simply have to agree to participate.

After the vote taken, Council Chairman Parella asked to know if there was a report on the cardboard recycling issue as raised by David Barboza at the last meeting.

Town Administrator Teixeira reported that Police Chief Canario is still investigating the matter. He added that the Chief will place a report on the Council agenda when it is ready.

3. Pamela M. Marchand, P.E., Executive Director and Chief Engineer, Bristol County Water Authority (BCWA) re Poppasquash Water Main
 - a. Timothy P. Thies, P.E., Managing Engineer, Pare Corporation to Pamela M. Marchand, P.E., Executive Director and Chief Engineer, BCWA re Phase 2 Fire Flow Modeling for Poppasquash Point Water Main Upgrades

Stuart/Calouro - Voted unanimously to instruct the Clerk to schedule a Council workshop during the month of January at the convenience of the parties.

Prior to the vote taken, a discussion ensued regarding the reply from the BCWA with Council Chairman Parella suggesting that an additional workshop would be needed to review the matter more thoroughly.

Council Chairman Parella asked to know if the State will accept the amount of fire flow from the lined pipe as described in the letter.

Fire Chief Martin stated that he would reject the idea of a result where the amount of fire flow was 30% lower than the standard. He added that 5-10% lower may be acceptable.

TOWN COUNCIL MEETING - WEDNESDAY EVENING - DECEMBER 4, 2013

A discussion ensued regarding the size of the pipe with those in attendance in agreement that a larger than eight-inch pipe may not be advisable.

Councilman Stuart stated that he was "disheartened" by the response of the Water Authority.

Councilman Herreshoff stated that the Town should perhaps force the issue. He asked to know if the State was asked to participate with Town Administrator Teixeira responding that he does not believe that the State is interested in participating.

Councilman Herreshoff suggested that the State should be asked anyway to have the response on record.

Councilman Sweeney asked to know if there were grant opportunities.

I. OTHER NEW BUSINESS REQUIRING TOWN COUNCIL ACTION

1. Recreation Director Burke re Mt. Hope High School Sport Fields - request for Council resolution in support of RIDEM grant application submission

Herreshoff/Calouro - Voted unanimously to authorize the expenditure of up to \$100,000 from the drainage fund for matching funds should the grant be forthcoming.

Calouro/Sweeney - Voted unanimously to support the submission of a grant application for athletic field improvements for fields adjacent to Mt. Hope High School.

Prior to the vote taken, Recreation Director Burke reported that the Town applied for this type of grant in the past and that the Town may apply for \$400,000 and that this must be matched with \$400,000. He also reported that the purpose of the grant project would be to mitigate drainage issues at the High School athletic fields and that these are subject to continual flooding.

Recreation Director Burke also reported that the fields are part of the so-called Silver Creek watershed and that the

TOWN COUNCIL MEETING - WEDNESDAY EVENING - DECEMBER 4, 2013

school is built in a wetland. He added that the area is also subject to pollution caused by Canada goose droppings.

Recreation Director Burke stated that he erred initially in that he thought that he could only apply for \$200,000 and that the School Committee agreed to match this amount. He suggested that the Town could contribute \$100,000 and that the School Committee could contribute an additional \$100,000 to fulfill the requirements of the \$400,000 match.

Recreation Director Burke informed the Council that the grant would only be applicable to Town-owned property and that the High School is the property of the Town of Bristol. He added that, in order to qualify, the property must be used by the public in general and that the High School fields are used by the public when not being used by the school itself.

Recreation Director Burke stated that he conferred with School Committee Chairman Paul Silva who concurs with his opinion that the drainage problem is a "Town responsibility."

Recreation Director Burke added that the water in the area is "migratory" and that it changes over time.

Recreation Director Burke asked for the Council to support the endeavor and approve going forward with the grant application and also to commit \$100,000 for this purpose from the storm water funds.

Council Chairman Parella asked to know the entire cost of the project with Recreation Director Burke reporting that the engineer's (Maguire Group) estimate is \$1.6 million which he believes to be low. He added that eighty percent (80%) of the work will be under the grass and that it will be similar to the work done some time ago at the fields adjacent to the Town Beach.

Recreation Director Burke noted that the Town Beach field project was completed in five (5) phases and that he anticipates the High School field project to be completed in three (3) phases.

Councilman Herreshoff commented that it appeared to be sensible to consider a phased project. He expressed concern that the water would need an outlet and that the phasing of the project would depend upon the availability of the outlet.

TOWN COUNCIL MEETING - WEDNESDAY EVENING - DECEMBER 4, 2013

Recreation Director Burke stated that he asked Pare Engineering if the project may be "segmented" and that there are ways to manage groundwater via storage and retention.

Council Chairman Parella stated that the project is a priority since the downstream properties are the cemetery and senior housing. She questioned as to whether or not there was a true use of the fields by the general public since this issue was contentious in the past.

Recreation Director Burke reported that the school has been "gracious" and that the property is used by the Town of Warren, a special needs camp, the Ocean Tides Senior Games, and Roger Williams University. He added that these groups are allowed to use the fields during times when there is no school activities scheduled.

Councilman Herreshoff suggested that the Town should obtain the "resolve" of the School Committee to use the property for 20-30 years.

Councilman Sweeney asked to know the deadline for the grant application with Recreation Director Burke responding that the deadline was Friday, December 6, 2013.

Councilman Stuart stated that he appreciates the Town being proactive about storm water mitigation. He asked to know if the match amount was part of the recent bond issue.

Director of Community Development Williamson noted that Silver Creek is always part of the Town's "hit list" for drainage improvements and that it is considered a priority area.

Councilman Calouro stated that he has been part of the discussion concerning Silver Creek for ten years and that the result will be a "huge benefit" to the school and the other users of the area. He added that he supports the idea even though there is a large cost and that he is generally frugal.

Councilman Herreshoff asked for a clarification of the source for the \$100,000 match with Town Administrator Teixeira responding that the funds cannot come from the bond issue but will rather be derived from the Town's storm water funds. He added that the commitment will not impact other capital projects.

2. Roy Leffingwell, Scoutmaster, Troop 6
Bristol, Boy Scouts of America re William

TOWN COUNCIL MEETING - WEDNESDAY EVENING - DECEMBER 4, 2013

Hendrix - Eagle Scout Court of Honor,
December 14, 2013

Stuart/Calouro - Voted unanimously
to instruct the Clerk to prepare an
appropriate commendation in honor
of Mr. Hendrix's accomplishment.

3. Coastal Resources Management Council - Notice
for Public Comment deadline of December 31,
2013 re Petition (File# 2013-10-026) to amend
Salt Pond SAMP Sections 920.1.B.2(f) and (g)
to exempt pre-platted lots

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

4. Director of Community Development Williamson
re "Triangle" Park (located at intersection
of Hope, Ferry, and Wood Streets) RIDEM Grant
Application - request for Council approval of
RIDEM grant application submission

Sweeney/Stuart - Voted unanimously
to authorize the expenditure of up
to \$8,000 from the open space fund
for matching funds should the grant
be forthcoming.

Calouro/Sweeney - Voted unanimously
to support the submission of a
Historic/Passive Park grant
application for improvements to
Town property at the intersection
of Hope and Wood Streets.

Prior to the vote taken, Councilman Stuart noted that
Councilman Herreshoff suggested this action in the past and
that it will be agreeable to "dress-up" the area.

Director of Community Development Williamson reported that
she has a conceptual plan and that the overall cost will be
approximately \$79,000. She noted that this particular grant
requires only a 10% match and that Town Treasurer Goucher
informs her that the match may be derived from the open
space funds.

Director of Community Development Williamson also reported
that the Town must prioritize its applications with the DEM

TOWN COUNCIL MEETING - WEDNESDAY EVENING - DECEMBER 4, 2013

and that the application for the High School fields, as outlined above, will be a priority over this one.

5. Director of Community Development re Downtown School Buildings (Walley, Reynolds, and Byfield)

Calouro/Herreshoff - Voted unanimously to authorize a Request for Proposals (RFP) for adaptive reuse of the Byfield, Reynolds, and Walley Schools collectively and/or any portion thereof.

Prior to the vote taken, Council Chairman Parella stated that she added this agenda item after meeting with Town Administrator Teixeira and someone interested in the Byfield School and that Town Solicitor Ursillo suggested that the Town should have an RFP.

Council Chairman Parella added that she did not believe it to be advisable for the Town to consider any long-term arrangement for the use of the surplus school building absent an RFP and that this particular RFP may be for all three (3) buildings or any portion thereof.

Councilman Calouro stated that he is fine with considering the three (3) sites but expressed concern that the action has raised questions from the existing tenants. He added that the current use arrangement for Byfield and Reynolds Schools is a success and that the Town should endeavor not to damage this success.

Councilman Herreshoff agreed that the buildings have shown promise and that he initially considered these to be a liability for the Town. He added that he found the recent Bristol Phoenix editorial criticizing the Town's action regarding these buildings as "unfair."

Councilman Stuart suggested that the current tenants should be involved in the RFP and he supports the current tenants and agreed that the tenants are concerned about eviction.

Councilman Sweeney agreed with Councilman Stuart.

Council Chairman Parella stated that the RFP should be open to anyone and that it is important to keep Byfield and Reynolds Schools as serviceable, as compared to the Walley School which was left to deteriorate.

TOWN COUNCIL MEETING - WEDNESDAY EVENING - DECEMBER 4, 2013

Marie Knapman, representing the Bristol Theater Company, a Reynolds School tenant, noted that the building is serving a public need in support of the arts and that the Community String Project and a drum group are utilizing the space also.

Councilman Herreshoff stated that all proposals should be welcome including those from current tenants.

Council Chairman Parella suggested that the Town is aware of the current tenants' desire to remain.

The Clerk asked for a clarification that current tenants should apply lest they be possibly lost in the RFP process.

It was agreed that everyone interested in utilizing the buildings, or any portion thereof, will be expected to apply. It was noted that the application may not be beyond a request to remain under the current conditions.

Councilman Herreshoff suggested that the RFP should be arranged so as to provide sufficient notice to all of the interested parties.

J. BILLS & EXPENDITURES

1. Bid #801 - Roof Cupola and Bulkhead
Repair/Improvements for Dreadnaught Fire
Station

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

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

All Phase Restoration, LLC Smithfield, RI \$12,800

Town Solicitor Ursillo noted that the Town would have the option to negotiate this amount should it wish to do so.

K. SPECIAL REPORTS

1. Allen Klepper re BCWA Monthly Report for
December

TOWN COUNCIL MEETING - WEDNESDAY EVENING - DECEMBER 4, 2013

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

L. TOWN SOLICITOR

1. Town Solicitor re request for Executive Session pursuant to RIGL § 42-46-5(a)(2) litigation - Clipper Way ROW

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

M. INDIVIDUAL COUNCIL MEMBERS AGENDA ITEMS

1. Parella

a. Happy Holidays - Council Chairman Parella noted that the next regular Town Council meeting will be held on January 8, 2014 and wished those present a Merry Christmas and Happy New Year.

2. Herreshoff

a. Happy Holidays - Councilman Herreshoff also extended holiday wishes. He also observed that the Town's main streets looked pleasing and that this year's Christmas tree was particularly good-looking.

3. Calouro

a. Joint Finance Committee - Councilman Calouro observed that the Joint Finance Committee will be holding a special meeting on December 11th at the Town Hall.

b. Happy Holidays - Councilman Calouro extended holiday greetings also.

4. Stuart

a. One Year Anniversary - Councilman Stuart observed that this week marks the one-year anniversary of the beginning of the Council's term and noted that there remains much work to be accomplished and that it has been an honor for him to serve.

TOWN COUNCIL MEETING - WEDNESDAY EVENING - DECEMBER 4, 2013

b. Holiday Preview - Councilman Stuart announced that the annual Holiday Preview, as sponsored by the Merchants Association, was a success.

c. Happy Holidays - Councilman Stuart also extended holiday greetings.

d. Police and Fire Departments - Councilman Stuart congratulated the Police and Fire Departments concerning action resulting from a residential fire on Washington Street.

e. Public Participation - Councilman Stuart thanked those who observed this evening's meeting and also thanked Mike Davis for his services as videographer.

5. Sweeney

a. LED Lighting - Councilman Sweeney announced that he was interested in pursuing an LED lighting project for the Town. He noted that the plan may provide an "extensive saving" opportunity. He added that he will possibly have an update at the January 8, 2014 meeting.

b. Holiday Greetings - Councilman Sweeney extended holiday greetings also.

N. TOWN ADMINISTRATOR AGENDA ITEM(S)

1. One Year in Office - Town Administrator Teixeira observed that he and the current Council is celebrating their first anniversary in office. He added that he looked forward to the upcoming year; working together with the Council on the Town's business.

2. Deputy Chief Contente - Town Administrator Teixeira noted the presence of Deputy Police Chief Steven Contente who was filling-in for Police Chief Canario who is on vacation.

3. Christmas Festival - Town Administrator Teixeira thanked the Department of Public Works and the Police Department for their efforts toward a successful Christmas Festival.

4. Happy Holidays - Town Administrator Teixeira extended holiday greetings.

CITIZENS PUBLIC FORUM

Shayle Norris, of 7 Evelyn Drive, informed the Council that she was concerned regarding a recent news article, appearing in the "Patch" internet newspaper, that there were weapons found in a house near the Guiteras School. She added that she was fearful for the safety of her children who attend this school.

She added equal concern that the Superintendent of Schools did not appear to be aware of this incident.

Deputy Chief Contente informed the Council that the Police Department determined that the weapons were lawfully possessed and that there also were no public safety concerns and no threats and no plots. He added that the individual was removed from the residence for another reason and that the weapons were no longer within the building.

He added that the Department determined that their handling of the case was to assure that the matter could be adjudicated properly and that there was no compelling reason to change departmental protocol. He added that the Department has an excellent relationship with the Superintendent's office and that the communication protocol is also appropriate.

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. Bristol Housing Authority - Special Meeting, September 25, 2013
2. Bristol Housing Authority - October 10, 2013
3. Bristol Warren Regional School Committee - June 10, 2013 (amended 10-31-2013)
4. Bristol Warren Regional School Committee - June 24, 2013 (amended 10-31-2013)

TOWN COUNCIL MEETING - WEDNESDAY EVENING - DECEMBER 4, 2013

5. Bristol Warren Regional School Committee - Special Meeting, June 27, 2013 (amended 11-14-2013)
6. Bristol Warren Regional School Committee - July 15, 2013 (amended 10-31-2013)
7. Bristol Warren Regional School Committee - August 26, 2013 (amended 10-31-2013)
8. Bristol Warren Regional School Committee - September 9, 2013 (amended 10-31-2013)
9. Bristol Warren Regional School Committee - September 23, 2013
10. Bristol Warren Regional School Committee - October 15, 2013
11. Conservation Commission - June 3, 2013
12. Conservation Commission - July 22, 2013
13. Conservation Commission - September 9, 2013
14. Conservation Commission - October 7, 2013
15. Bristol Warren Regional School Committee - October 28, 2013
16. Bristol Warren Regional School Committee - November 12, 2013
17. Post Retirement Benefits Fund Board of Trustees - September 30, 2013

(CA) BB. BUDGET ADJUSTMENTS

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

1. Tax Assessor/Collector Belair - Recommended Abatements & Additions for December 2013

(CA) CC. FINANCIAL REPORTS

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

TOWN COUNCIL MEETING - WEDNESDAY EVENING - DECEMBER 4, 2013

1. (Town Treasurer Goucher) re Revenue and Expenditure Statement - November 27, 2013

(CA) DD. PROCLAMATIONS, RESOLUTIONS & CITATIONS

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

(CA) EE. UTILITY PETITIONS

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

1. Department of Public Works - Road Cut Permits
2. Department of Water Pollution Control - Sewer Permit

(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. Cheryl A. Fernstrom, CMC, Jamestown Town Clerk re request for support of Resolution - Newport Pell Bridge Safety

(CA) HH. DISTRIBUTIONS/COMMUNICATIONS

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

1. Victualling License Renewal Petitions - Batista Bakery, Classic Pizza, Pomodoro Pizzeria, Revival and Tea at the Belvedere, Seabra, Subway, and Vavô's Bakery & Pizza (granted November 20, 2013)
2. Holiday Sales License Renewal Petitions - I Boutique, Mello's Fruitland, and Sea Star Treasures (granted November 20, 2013)

TOWN COUNCIL MEETING - WEDNESDAY EVENING - DECEMBER 4, 2013

3. Director of Community Development Williamson to Town Administrator Teixeira re reject proposals received for RFP #773 - Marine Engineering Services (rebid)
4. Director of Community Development Williamson to Town Administrator Teixeira re "close" RFP #781 - Walley School Reuse (no bids received)
5. Town Administrator Teixeira to Richard Devault, 14 Roosevelt Drive re appointment to Personnel Board
6. Warrant - Peter A. Hewett, Post Retirement Benefits Fund Board of Trustees
7. Warrant - Anthony H. Rego, Jr., Post Retirement Benefits Fund Board of Trustees
8. Coastal Resources Management Council - Semi-Monthly Meeting, November 26, 2013
9. Town Clerk/Council Clerk Cirillo to Kathleen D. Bazinet re thank you for service - Post Retirement Benefits Fund Board of Trustees (Town Administrator's appointee)
10. Michael J. Dowhan, RLA, CLARB, Chairman, Rhode Island Board of Examiners of Landscape Architects, Department of Business Regulation re Registered Landscape Architects

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

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

1. Bristol County Water Authority Board of Directors - November 20, 2013
2. Bristol Warren Regional School District - Schedule of Meetings, Week of November 24, 2013
3. Bristol Warren Regional School Committee Personnel/Contract Negotiations Subcommittee - November 25, 2013

TOWN COUNCIL MEETING - WEDNESDAY EVENING - DECEMBER 4, 2013

4. Bristol Warren Regional School Committee - November 25, 2013
5. Conservation Commission - December 2, 2013
6. Zoning Board of Review - December 2, 2013
7. Bristol Warren Regional School District - Schedule of Meetings, Week of December 1, 2013
8. Bristol Warren Regional School Committee Policy/Community Affairs Subcommittee - December 2, 2013
9. Harbor Commission - December 2, 2013

(CA) JJ. CLAIMS

Approval of consent agenda="Motion to refer these items to the Insurance Committee and at its discretion to the Interlocal Trust."

At the conclusion of the public agenda:

Calouro/Sweeney - Voted unanimously to move into Executive Session pursuant to RIGL § 42-46-5(a)(2) litigation - Clipper Way ROW at 9:22 o'clock PM.

Calouro/Stuart - Voted unanimously to resume open session and seal the minutes of the Executive Session at 9:38 o'clock PM.

Council Chairman Parella announced that no action was taken in Executive Session.

There being no further business, upon a motion by Councilman Herreshoff, seconded by Councilman Sweeney and voted unanimously, the Chairman declared this meeting to be adjourned at 9:39 o'clock PM.

Louis P. Cirillo, CMC
Council Clerk