

NOTE: ANYONE REQUESTING INTERPRETIVE SERVICES FOR THE HEARING IMPAIRED MUST NOTIFY THE TOWN CLERK'S OFFICE AT 253-7000, 72 HOURS IN ADVANCE OF THE MEETING DATE AND ANYONE REQUESTING ASSISTIVE LISTENING DEVICES OR WISHING TO SPEAK ON A MATTER DESIGNATED "CA" (CONSENT AGENDA) ON THE COUNCIL DOCKET MUST NOTIFY THE COUNCIL CLERK PRIOR TO THE COMMENCEMENT OF THE MEETING.

**PLEASE BE ADVISED THAT THE COUNCIL  
INTENDS TO DISCUSS AND/OR ACT UPON  
EACH AND EVERY ITEM APPEARING  
ON THIS AGENDA**

DATE: August 28, 2013

TIME: 7:00 PM

TOWN HALL - COUNCIL CHAMBERS

PRESENT:

MEETING DATES: September 18, 2013 - Town Council Meeting  
October 9, 2013 - Town Council Meeting  
October 30, 2013 - Town Council Meeting

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

- A. SUBMISSION OF MINUTES OF PREVIOUS MEETING(S)
  - 1. Town Council Meeting - August 7, 2013 (action items only)
  - 2. Town Council Executive Session - February 13, 2013 (sealed - Town Council only)
- B. PUBLIC HEARINGS
  - 1. B. Peter Sebring, Bristol Oyster Bar, LLC, d/b/a Bristol Oyster Bar, 200 Gooding Avenue - request for relocation of Class B-V Intoxicating Beverage License to 448 Hope Street (combine with agenda items D1 and D2 below)
- C. ORDINANCES
  - 1. Ordinance #2013-13, Chapter 16, Motor Vehicles and Traffic, (new) Article XIII, Damage to vehicles, (new) Section 16-383, Damage caused by potholes - claims against the town, **2<sup>nd</sup> reading for adoption**
    - a. Town Treasurer Goucher re Pothole Claim Payments
  - 2. Ordinance #2012-14, CHAPTER 17, Offenses and Miscellaneous Provisions, Article II, Alcohol Beverage Establishments, Division 2, License, Section 17-82, Number of licenses (B-V licenses, increase from 29 to 30), **1<sup>st</sup> reading** (combine with agenda item H1 below)

3. Ordinance #2013-15 CHAPTER 28 - ZONING  
Section 28-150 Special Use Permit Standards  
for various uses (keeping of chicken hens)  
**1<sup>st</sup> reading**

D. LICENSING BOARD - NEW PETITIONS

1. B. Peter Sebring, Bristol Oyster Bar, LLC,  
d/b/a Bristol Oyster Bar, 200 Gooding Avenue  
(granted May 15, 2013) - request for  
relocation of Class B-V Intoxicating Beverage  
License to 448 Hope Street (see agenda item  
B1 above)
2. B. Peter Sebring, Bristol Oyster Bar, LLC,  
d/b/a Bristol Oyster Bar, 448 Hope Street,  
request for Victualling License (new location  
- license originally granted May 15, 2013 for  
200 Gooding Avenue) - (see agenda item B1  
above)
3. Bonnie Blue, d/b/a Sea Star Treasures, 39  
State Street - request for Holiday Sales  
License
  - a. Recommendation - Town Administrator and  
Chief of Police (approve)
4. Jeffrey H. Gladding, d/b/a Epilogues, 278  
Hope Street (formerly Robin Jenkins Antiques)  
- request for Junk and Secondhand Dealer's  
License
  - a. Recommendation - Town Administrator and  
Chief of Police (approve)
5. Douglas F. Yock, 50 Franklin Street, d/b/a  
East Bay Dogs - request for Hawkers and  
Peddlers License
  - a. Recommendation - Town Administrator and  
Chief of Police (deny)
6. Asia Davidson (original petitioner was Steve  
Parrott), Gooding Grill, LLC, d/b/a Gooding  
Grill, 200 Gooding Avenue - request for Class  
B-V Intoxicating Beverage License, **continued  
from August 7, 2013** (combined with agenda  
item C2 above), **call for public hearing  
September 18, 2013**

E. LICENSING BOARD - RENEWALS

F. PETITIONS - OTHER

G. APPOINTMENTS

1. Fire Chief Martin re Fire Police  
Recommendation (supplemental): Gerald  
Mederos, Mark Medeiros, and Aristotle Gatos

H. OLD BUSINESS

1. Removal of RIPTA "bus-only" areas - six (6) month review of use
    - a. Town Administrator Teixeira re RIPTA attendance at Council meeting of September 18, 2013
  2. Susan M. Rossi, 24 Prospect Street - request for accessible parking space in vicinity of residence, **2<sup>nd</sup> reading**
  3. Town Treasurer Goucher re Recommended Account Re-appropriations (carry forwards), **continued from August 7, 2013**
    - a. Town Administrator Teixeira re supplemental information provided
  4. Town Administrator Teixeira re Harbor Patrol Department Audit, **continued from August 7, 2013**
    - a. Town Administrator Teixeira re Harbor Department Audit
  5. Town Treasurer Goucher re Hotel Tax Collection
  6. Animal Shelter Capital Project Committee minutes July 18, July 25, and August 1, 2013 (also found in the AA section below)
  7. State Street Dock Committee re plaque recommendation Frank Brown, Jr.
  8. (Councilman Sweeney) re Recycling Committee Mission, etc.
  9. Councilman Herreshoff re Flagpole at Intersection of Hope and Thames Streets
- I. OTHER NEW BUSINESS REQUIRING TOWN COUNCIL ACTION
1. Jeffrey M. Willis, Deputy Director, Coastal Resources Management Council re Notice of Public Hearing, September 24, 2013 - proposed changes to Ocean SAMP Sections 860 and 1160 (deadline for comments September 5, 2013)
  2. Jeffrey M. Willis, Deputy Director, Coastal Resources Management Council re Notice of Public Hearing, September 24, 2013 - proposed changes to CRMP Section 300.11, Aquaculture (deadline for comments September 5, 2013)
  3. Director of Community Development Williamson re Comprehensive Plan Update Inaugural Meeting
  4. Town Treasurer Goucher re Resolution to Borrow (Lease-Purchase Agreement)
    - a. Draft Resolution
  5. Tax Assessor Belair re Weekly Update

6. Councilman Herreshoff re Prudence Ferry and associated items.
7. Councilman Herreshoff re Downtown Litter
8. Councilman Herreshoff re offer of a sign donation

J. BILLS & EXPENDITURES

1. Bid #787 - Sewer Backflow Prevention Program - Group 1
2. Bid #788 - Two (2) Prox/Pin Readers with Audit Trail

K. SPECIAL REPORTS

L. TOWN SOLICITOR

1. Town Solicitor Ursillo re request for Executive Session pursuant to RIGL 42-46-5 (a) (2) potential litigation - former employee
2. (Assistant Town Solicitor Teitz) re Town of Portsmouth vs. Michael P. Lewis, et al, Plaintiff's Motion to Compel Filing of Complete Administrative Record
3. (Assistant Town Solicitor Teitz) re Town of Portsmouth vs. Michael P. Lewis, et al, Defendant's Objection to Plaintiff's Motion to Compel Filing of Complete Administrative Record
  - a. Defendant's Exhibit "A"
  - b. Defendant's Exhibit "B"
4. (Assistant Town Solicitor Teitz) re Town of Portsmouth vs. Michael P. Lewis, et al, Plaintiff's Memorandum in Response to Defendant's Objection to Plaintiff's Motion to Compel Filing of Complete Administrative Record

M. INDIVIDUAL COUNCIL MEMBERS AGENDA ITEMS

1. Parella
2. Herreshoff
3. Calouro
4. Stuart
5. Sweeney

N. TOWN ADMINISTRATOR AGENDA ITEM(S)

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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. Historic District Commission - May 2, 2013
2. Historic District Commission - July 11, 2013
3. Harbor Commission - August 5, 2013
4. Animal Shelter Capital Project Committee - July 18, 2013 (also found in the H Section above)
5. Animal Shelter Capital Project Committee - July 25, 2013 (also found in the H Section above)
6. Animal Shelter Capital Project Committee - August 1, 2013 (also found in the H Section above)

**(CA) BB. BUDGET ADJUSTMENTS**

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

**(CA) CC. FINANCIAL REPORTS**

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

1. Town Treasurer Goucher re Revenues and Expenditures period ending August 23, 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 Water Pollution Control - Sewer Permits
2. Department of Public Works - Road Cut Permits

**(CA) FF. UPCOMING APPOINTMENTS**

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

1. September Public Service Appointments for Advertising

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

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

**(CA) HH. DISTRIBUTIONS/COMMUNICATIONS**

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

1. Coastal Resources Management Council - August 2013 Calendar
2. Warrant - Barbara Healy, Harbor Commission Advisory Committee
3. Town Administrator Teixeira and Recreation Director Burke to Addision D. Davis IV, re BRAC (Quinta-Gamelin Army Reserve Center.

**(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 District Schedule of Meetings - Week of August 11, 2013
2. Bristol Warren Regional School Committee Budget/Facilities Subcommittee - August 13, 2013 (revised)
3. Bristol Warren Regional School Committee Personnel/Contract Negotiations Subcommittee - August 13, 2013
4. Bristol Warren Regional School Committee - August 13, 2013
5. Bristol Warren Regional School District Schedule of Meetings - Week of August 18, 2013
6. Bristol Warren Regional School Committee - Regular Business Meeting - August 26, 2013
7. Bristol Warren Regional School Committee Personnel/Contract Negotiations Subcommittee August 26, 2013
8. Bristol Warren Regional School District - Schedule of Meetings week of August 25, 2013
9. Coastal Resources Management Council - August 2013 Calendar (corrected 8-19-2013)
10. Coastal Resources Management Council - Semi-monthly Meeting, August 27, 2013
11. Bristol County Water Authority - Board of Directors Meeting August 28, 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."**

1. Renee Tonkin, Commerce Insurance Company for Joanne M. Scrivani, 159 Elm Street, 3<sup>rd</sup> Fl.,

North Attleboro, Massachusetts re claim for  
damages

ADJOURNED: \_\_\_\_\_

: jmw