

TOWN COUNCIL MEETING - WEDNESDAY EVENING - FEBRUARY 28, 2007

PRESENT: Marshall, Cordeiro, Parella, Barboza, and
Herreshoff

ALSO PRESENT: Diane C. Mederos, Town Administrator
Michael A. Ursillo, Town Solicitor
Marshall J. Netto, Town Sergeant

The Council met in regular session on Wednesday evening, February 28, 2007 in the Town Hall, Council Chambers, beginning at 7:05 o'clock PM, Council Chairman Marshall presiding:

Prior to the commencement of this evening's agenda, Council Chairman Marshall asked all present to observe a moment of silence in memory of Kayleigh Raposa of Warren, a Mount Hope High School Junior, who was tragically killed in an automobile accident on Friday, February 23.

The Council awarded the following special presentations:

Commendation - Dawn Butterfield
National Fitness Champion

Commendation - Kevin Motta, First Place
North American Grappling Association

Council Chairman Marshall noted the presence of the Honorable Frank J. Williams, Chief Justice of the Rhode Island Supreme Court. Mr. Justice Williams was present in Council Chambers along with a group of his students from Roger Williams University School of Law.

At this point, Council Chairman Marshall recognized his mother who is celebrating her 75th birthday.

Councilman Barboza noted for the record the swift response of the Town's emergency services relating to the Kayleigh Raposa automobile accident. He explained that the victims of the accident were transported to the hospital within twenty (20) minutes and this was record time.

Councilman Barboza also noted that the Town's new land and marine rescue vehicles will be dedicated on Sunday, March 4, 2007 at Noon at the Dreadnaught Fire Station. He informed those present that the public was invited to the event.

Councilman Barboza also noted the presence of Russell Moore, a new reporter for the *Bristol Phoenix*.

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Town Solicitor Ursillo noted the presence of Jeanne M. Scott, Esq., an attorney with his firm who will be filling-in for Assistant Town Solicitor Nancy Letendre who will be on maternity leave.

Council Chairman Marshall noted that a recent article appearing in the local newspaper stated that details will be forthcoming regarding a draft agreement between the Town and Roger Williams University. The Chairman explained that this was a draft agreement and there were no details to release at this time.

The Clerk informed the Council that his office instituted some paper-saving measures related to the Council docket back-up information which should result in an overall saving of thirty-eight (38) reams of paper per annum.

MOTION RE: CONSENT AGENDA - TO APPROVE THE CONSENT AGENDA

Herreshoff/Barboza - Voted
unanimously to approve the consent
agenda withholding items R4 and R23
for further consideration.

At this point in the agenda, Councilman Herreshoff asked the Council to add an item to the agenda related to Docket item B2. This item is marked B2b for the record.

A. SUBMISSION OF MINUTES OF PREVIOUS MEETINGS

1. Town Council Meeting - March 29, 2006
2. Town Council Meeting - January 31, 2007
3. Town Council Budget Workshop - March 30, 2006
4. Town Council Budget Workshop - April 3, 2006
5. Town Council Special Meeting - April 5, 2006
6. Town Council Special Meeting - April 11, 2006
7. Joint Special Meeting with Planning Board -
February 7, 2007
8. Town Council Workshop - February 12, 2007
9. Special Town Council Meeting with Legislators
- February 3, 2007

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10. Town Council Workshop Meeting - April 26, 2006
11. Town Council Special Meeting - May 3, 2006

Cordeiro/Herreshoff - Voted unanimously to approve these minutes (Docket items A1 through A11) as prepared and presented.

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

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

1. Recreation Board Meeting - April 18, 2006
2. Recreation Board Meeting - May 17, 2006
3. Recreation Board Meeting - June 28, 2006
4. Recreation Board Subcommittee Meeting - July 6, 2006
5. Recreation Board Meeting - July 20, 2006
6. Recreation Board Meeting - August 3, 2006
7. Recreation Board Meeting - August 16, 2006
8. Recreation Board Meeting - September 27, 2006
9. Recreation Board Meeting - October 18, 2006
10. Recreation Board Meeting - December 6, 2006
11. Recreation Board Meeting - January 9, 2007
12. Planning Board Meeting - January 9, 2007
13. Historic District Commission Meeting - January 4, 2007
14. Housing Authority Meeting - Corrected minutes for December 13, 2006
15. Housing Authority Meeting - January 10, 2007
16. Bristol County Water Authority Board of Directors Meeting - January 11, 2007

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17. Bristol County Water Authority Engineering Committee Meeting - February 7, 2007
18. Bristol County Water Authority Public Relations/Personnel Committee Meeting - February 6, 2007
19. Bristol County Water Authority Audit Finance Committee Meeting - February 8, 2007
20. Bristol Warren Regional School Committee Workshop - January 8, 2007
21. Harbor Commission Meeting - January 8, 2007

B. OLD BUSINESS

1. Councilman Herreshoff re Wood Street Extension Commission, continued from January 31, 2007

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

Prior to the vote taken, Councilman Herreshoff noted that the Council "has a good committee in place" and it is "totally open minded" in its approach to possible solutions to Bristol's traffic issues. He encouraged the participation of the Town's citizens in the process.

Councilman Barboza expressed concern that the matter of the Wood Street extension has been considered for over forty (40) years and he was of the opinion that the Town was in need of a tangible solution as soon as possible.

Councilman Herreshoff noted the concerns of Councilman Barboza and agreed to take these concerns to the Chairman of the committee, Mr. Contente.

2. Town Administrator Mederos re vandalism/repairs need to Town Common Gazebo, continued from January 31, 2007
 - a. Walter V. Burke, Director Parks and Recreation - quotes for repair

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- (LATE ITEM) b. Lombard John Pozzi to Halsey C.
Herreshoff re repairs to Town Common
Gazebo.

Herreshoff/Cordeiro - Voted
unanimously to continue this matter
to the meeting of March 21, 2007.

Prior to the vote taken, Councilman Herreshoff noted the letter of Mr. Pozzi and suggested that the ideas submitted therein are worthwhile. It was noted that some of these ideas would improve the overall functionality of the gazebo

Town Administrator Mederos stated that she welcomed the ideas of Mr. Pozzi. She further stated that the gazebo was the 'centerpiece' of the Town Common and embraced the idea to expand the floor-area in particular.

Councilman Herreshoff agreed to contact Mr. Pozzi and speak to him about the design details.

Councilman Cordeiro reminded the Council that Walter Burke was investigating the possibility of a band-shell at Independence Park and wondered if a larger Town Common gazebo would be redundant. He asked if the Council had considered a source of funding for the gazebo repairs with Councilwoman Parella suggesting that the Council might consider borrowing the funds from unallocated surplus and repaying same from the fiscal year 2007-2008 budget.

3. Council Clerk Cirillo re options for intended
use of Quinta-Gamelin Army Reserve Center,
continued from January 31, 2007

- a. Gerry Turbeville, BRAC Program Manager -
update

Herreshoff/Cordeiro - Voted
unanimously to continue this matter
until the Meeting of March 21,
2007.

Prior to the vote taken, Ms. Turbeville informed the Council that the government appears prepared to grant \$30,000 for the consulting fees. She further noted that were these funds to become available, the Town would be responsible for a match in the amount of \$10,000. Ms. Turbeville explained that the Federal Government agents have indicated that this match may be in the form of in-kind contributions and would

include any funds and efforts already expended toward the project.

Councilman Marshall indicated that were the Council to consider the proposal of the Recreation Department for use of the existing building; the timing of this use might be advantageous considering the present condition of the existing Community Center building (see item K15).

4. Councilman Barboza re Portuguese Cultural Heritage, continued from January 31, 2007

Barboza/Parella - Voted unanimously to continue this matter until the meeting of May 2, 2007.

Prior to the vote taken, Councilman Barboza noted that he was still working on this matter and would likely have more to report on May 2, 2007.

5. Gerry Turbeville, CDBG - re contract for East Bay Community Action Program

- a. Draft contract

Barboza/Parella - Voted unanimously to ratify this contract as presented.

6. Alfred R. Rego, Esquire re request to reconsider renewal of BV Intoxicating Beverage License held by Bristol Golf Club, Inc., 95 Tupelo Street, continued from January 31, 2007

Herreshoff/Cordeiro - Voted unanimously to grant this license for its full term subject to conformance to all applicable tests, laws, ordinances and the satisfaction of the Fire Chief with the additional condition that should the property be found out of compliance, the license holder's voluntary suspension of the license would remain in effect and this item continued to the Council meeting of March 21, 2007

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Prior to the vote taken, Attorney Rego informed the Council that Mr. Francis has completed work on the building so that it is in compliance with the fire and building regulations. He stated that the only remaining item to resolve was the testing of the fire alarm and this test will be complete on Monday-next.

Fire Chief Martin confirmed the time of the planned completion of the fire-alarm test. He also stated that the building should be found to be in compliance if the test is successful.

Town Solicitor Ursillo stated that the Clerk cannot issue this license unless the Fire Chief finds the property in compliance.

7. Ralph M. Kinder, Secretary, Friends of Linden Place - update as to status of \$15,000 matching grant from the Town of Bristol

Barboza/Parella - Voted unanimously to allow Linden Place to utilize these grant funds, with the concurrence of the Town Administrator, for the express purpose of the restoration/repair of the wrought iron fence along the Hope Street sidewalk in front of the Linden Place mansion.

Prior to the vote taken, Mr. Kinder informed the Council that Friends of Linden Place is in receipt of these funds and plans to begin the fence project in earnest. He further stated that the project is in need of better estimates since the existing estimates were prepared hastily. He further stated that "we would love to see that fence fixed."

He informed the Council that the preliminary estimate is \$70,000. Councilman Herreshoff suggested that the Council's appropriation might be utilized to complete a portion of the project and this activity might provide the impetus for further fundraising for the remainder of the project. Mr. Kinder noted that the Friends of Linden Place has restored the center-gate lantern and the Council's appropriation might finance the remainder of the restoration of this particular gate.

8. Council Clerk Cirillo - Water related information

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

Prior to the vote taken, the Clerk informed the Council that these materials were received for the Council's information courtesy of Mr. Jack Baillarger on as promised at a recent workshop.

Council Chairman Marshall informed those present that the Council held a workshop with the Water Authority on February 7, 2007. He also noted that the Water Authority will be responding to those issues raised on February 7 and a report was forthcoming.

Several of the topics raised during the aforementioned workshop were discussed with Council Chairman Marshall noting the presence of Water Authority Member Ian Morrison. Council Chairman Marshall asked Mr. Morrison to bring the Council's concerns back to the Authority and Mr. Morrison agreed to do so.

9. Karen Binder, Blithewold Mansion, Gardens & Arboretum - Thank You to Town Council
 - a. Karen Binder to Keith Maloney, President, Van Wickle Lane Association re sound abatement measures for 2007

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

10. Pasquale DeLise, Executive Director, Bristol County Water Authority re water related concerns

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

11. Edward P. Mara, Superintendent of Schools re intern program with local government

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

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Prior to the vote taken, Council Chairman Marshall agreed to contact the various parties and coordinate this program with the assistance of Town Administrator Mederos.

12. Director of Community Development Williamson
- request for Joint Town Council/Planning
Board Workshop on March 28, 2007 for
presentation by Metacom Avenue Corridor
Management Plan

Cordeiro/Barboza - Voted
unanimously to instruct the Clerk
to schedule this workshop as
proposed by Director of Community
Development Williamson.

13. Town Treasurer Day re funding for Voices for
Bristol's Future

Herreshoff/Parella - Voted
unanimously to pay this amount as
per the recommendation of the Town
Treasurer.

BB. SPECIAL /STATUS REPORTS

1. J. Alan Crisman, Mt. Hope Enterprise Zone
Council - Summary of Accomplishments, January
2007

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

2. Town Administrator Mederos - Department
Activity Reports
 - a. Public Works
 - b. Code Enforcement
 - c. Water Pollution Control Facility
 - d. Rogers Free Library
 - e. Parks and Recreation
 - f. Tax Assessor
 - g. Community Development

(LATE ITEM)

h. Fire Department

Barboza/Cordeiro - Voted
unanimously to receive and place
this matter on file.

Prior to the vote taken, Councilman Cordeiro asked for a status report on the Pawtucket Avenue drainage project with Town Administrator Mederos noting that the Town was awaiting the approval of an easement from one of the abutting property owners.

C. PUBLIC HEARINGS

1. J.G. Goff Bristol Corporation, Stephen J. Cleary, d/b/a J.G. Goff's Pub, 251 Thames Street to Libegoff Restaurant, LLC, Dennis Liberatos and Virginia Liberatos, d/b/a J.G. Goff's Pub, 251 Thames Street - request for transfer of BV Intoxicating Beverage License,

(LATE ITEM)

a. Paul Pisano, Esq. re objection to transfer

Council Chairman Marshall opened the Public Hearing.

Speaking in favor of the transfer was Attorney William Paul Dennis. He drew the Council's attention to the petition provided.

There was no further testimony provided in favor of the petition nor any remonstrance presented in opposition.

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

Barboza/Herreshoff - Voted
unanimously to approve the transfer
of the license as proposed, subject
to conformance with all applicable
laws and ordinances and
satisfaction of all debts, taxes
and fees.

After the vote taken, Mr. Cleary thanked the Council for its consideration during the past years.

D. ORDINANCES

1. Ordinance #2006-38, CHAPTER 16, Motor Vehicles and Traffic, Article V, Stopping, standing and parking, Section 16-148, Parking restricted to handicapped, 73 Constitution Street, 2nd **reading for adoption**, continued from January 31, 2007

- a. Council Clerk Cirillo to Elizabeth Bernier - request for additional information

Cordeiro/Barboza - Voted unanimously to deny this ordinance and to receive and place this matter on file.

Prior to the vote taken, the Clerk informed the Council that the original petitioner did not provide any additional information in support of her petition.

2. Ordinance #2007-05 (**AMENDED**), CHAPTER 9, Building and regulations, Article I, Section 9-5.1, Vertical clearance of basement floors, 2nd **reading for adoption**, continued from January 31, 2007

Herreshoff/Parella - Voted to place this matter on the table. Voting in favor of this motion were Council Chairman Marshall, Councilman Cordeiro, Councilwoman Parella and Councilman Herreshoff. Voting opposed was Councilman Barboza.

Parella/Cordeiro - Voted unanimously to refer this matter back to Town Solicitor Ursillo and Director of Community Development Williamson for further review.

Prior to the vote taken, Council Chairman Marshall stated that he has concerns regarding this ordinance proposal and further stated that it would further complicate a process that is already overly cumbersome.

Councilman Barboza stated that he was confused to note the apparent objections of the Bristol County Builders

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Association members present since the Council held a special workshop specifically for this purpose with few members in attendance. He also observed that the present version of the ordinance was based upon the changes as suggested during said workshop.

Councilman Barboza also stated that the ordinance was derived from a demonstrated need in consideration of drainage problems and the Town plans to expend \$ millions to correct drainage problems exacerbated by storm water runoff.

Director of Community Development Williamson stated that the ordinance was based upon an East Providence regulation and that the Town's engineering firm - Beta Group - recommends adoption of same.

Councilman Herreshoff stated that he was concerned that the ordinance may lead to requests to increase the above-ground height of new construction in excess of the current zoning ordinance.

Councilwoman Parella stated that she was inclined to agree with Councilman Barboza because this ordinance goes beyond the first owner of a new house. She stated that she was concerned that the Town must take some positive action toward remedying the perennial drainage problems and this might be a good first-step.

Council Chairman Marshall took exception to the recommendation of Beta Group stating that this firm has been the Town's consultant for many years and has participated in "many studies but no cures."

He further stated that the Town's current sump-pump investigation is to identify the location of same and to find alternatives. He stated that he was receptive to new ideas and that a seasonal-valve might be a potential solution.

Councilwoman Parella suggested that the ordinance might be referred back to Town Solicitor Ursillo and Director of Community Development Williamson for further review.

3. Ordinance #2007-07, CHAPTER 20, Personnel, Article III Examinations, Section 20-82 Promotional examination, Promotions to sergeant, **2nd reading for adoption**

Barboza/Cordeiro - Voted
unanimously that this action

constitute the second reading of Ordinance #2007-07 for adoption. Advertise in local newspaper.

4. Ordinance #2007-08, CHAPTER 21, Police, Article IV Retirement and Insurance Plan, Division 1 Generally, Section 21-102 Administration: contents of fund, **2nd reading for adoption**

Parella/Barboza - Voted unanimously that this action constitute the second reading of Ordinance #2007-08 for adoption. Advertise in local newspaper.

5. Ordinance #2007-09, CHAPTER 11, Fees and Charges, Section 11-1, Comprehensive schedule of fees, Annual fee for landfill permit sticker, **2nd reading for adoption**

Cordeiro/Barboza - Voted that this action constitute the second reading of Ordinance #2007-09 for adoption. Advertise in local newspaper. Voting in favor of this ordinance as presented were Council Chairman Marshall, Councilman Cordeiro, Councilwoman Parella, and Councilman Barboza. Voting opposed was Councilman Herreshoff.

Prior to the vote taken, Councilman Cordeiro asked Public Works Director Serbst to explain this ordinance with Mr. Serbst noting for the record that the fee for the landfill (transfer station) permit has not changed in over twenty years. He noted that the cost to remove trash from the transfer station has increased dramatically since the closure of the landfill.

A discussion ensued regarding the relative cost to remove certain articles from the transfer station to the Johnston Landfill. Public Works Director Serbst noted for the record that this cost increased from \$200,000 per year to over \$700,000 within a short period of time and the cost to remove certain items (refrigerators, mattresses, etc.) is much higher than the amount derived from the permits obtained by the public to dispose of same.

Public Works Director Serbst also informed the Council that should a citizen wish to obtain a "day pass" once or twice per year so as to bring rubbish to the transfer station it would be available at no charge.

Councilman Barboza reminded the Council of its desire to establish user fee-schedule amendments (based upon the increased value of certain services) so as to offset the tax rate.

Councilwoman Parella agreed that the Council agreed during last year's budget cycle to raise certain user fees.

Councilman Herreshoff moved an amendment to the ordinance to charge \$15 for a transfer station permit versus the \$25 as proposed. There was no second.

Councilman Herreshoff stated that he was of the opinion that citizens should be charged the full amount of the transfer cost for items sent to the transfer station.

Councilman Cordeiro asked Public Works Director Serbst if he was in full-agreement to the provisions of the ordinance as stated with Mr. Serbst responding affirmatively.

6. Ordinance #2007-10, CHAPTER 24, Solid Waste Management, Article III Transfer Station, Section 24-78, Permit issuance, Landfill fees and special pickups, **2nd reading for adoption**

Barboza/Cordeiro - Voted unanimously that this action constitute the second reading of Ordinance #2007-10 for adoption. Advertise in local newspaper.

7. Ordinance #2007-11, CHAPTER 4, Alarm Systems, Section 4-4, False alarm-Fines; appeals, **1st reading**

Cordeiro/Barboza- Voted unanimously that this action constitute the first reading of Ordinance #2007-11. Advertise in local newspaper.

8. Ordinance #2007-12, CHAPTER 16, Motor Vehicles and Traffic, Article II, Administration and Enforcement, Section 16-45, Informal procedure for payment of parking fines, **1st reading**

Barboza/Cordeiro - Voted
unanimously that this action
constitute the first reading of
Ordinance #2007-12. Advertise in
local newspaper.

9. Ordinance #2007-13, CHAPTER 10, Environment,
Article III, Nuisances, Storage of Earth
Materials, Section 10-81, Defined generally,
1st reading

- a. Director of Community Development
Williamson and Principal Planner Tanner
- support of proposed ordinance

Cordeiro/Barboza - Voted
unanimously that this action
constitute the first reading of
Ordinance #2007-13. Advertise in
local newspaper.

(CA) E. BUDGET ADJUSTMENTS

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

1. Tax Assessor Recommended Abatements and
Additions - February 22, 2007

(CA) F. APPOINTMENTS

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

1. Public Service Appointments
 - a. Substance Abuse Prevention Task Force
 1. List submitted by Anne Field-Piette
SAPTF Coordinator

Councilman Barboza nominated the slate of candidates for
reappointment as recommended by the SAPTF Coordinator.

Barboza/Cordeiro - Voted
unanimously to close nominations
and to instruct the Clerk to cast

one ballot in favor of the slate as presented; term to expire January 2009.

- b. Bristol County Water Authority (1)
(3 Year Term)
 1. Ian Y. Morrison, One Curtis Road -
interest/reappointment

Councilman Barboza nominated Mr. Morrison for reappointment.

Barboza/Parella - Voted unanimously to close nominations and to instruct the Clerk to cast one ballot in favor of Mr. Morrison; term to expire February 28, 2010.

Prior to the vote taken, Councilman Barboza noted for the record that Mr. Morrison was recently appointed to a term on the State Water Resources Board based upon his service as a director of the Bristol County Water Authority.

Councilman Herreshoff asked if this appointment was of benefit to the Town of Bristol with Mr. Morrison responding affirmatively.

Mr. Morrison also commented that there has been poor communication between the Water Authority and the Town Councils of Barrington, Warren and Bristol in the most recent past. He noted that the quarterly reports formerly issued by the Authority's board were suspended recently and this was a mistake to do so.

Mr. Morrison also reminded the Council that he is a professional engineer and provides a "sounding board" to the director of the Authority. He also noted that the Authority's director can be disagreeable.

Councilman Herreshoff stated that he would appreciate if the regular reports would return.

Councilwoman Parella stated that she hoped that the Authority director would meet with the Council on a periodic basis.

Councilman Barboza informed Mr. Morrison that he should carry back the message that there would be no longer "business as usual."

- c. Recreation Board (2)(3 Year Term)
 - 1. Lisa J. Guercia, 22 Woodlawn Avenue - interest/reappointment
 - 2. Mark DeFelice, 15 George Street - interest/reappointment
 - 3. Joseph E. Carosi, 114 Berry Lane - interest/appointment

Councilman Barboza nominated Ms. Guercia and Mr. DeFelice for reappointment.

Barboza/Cordeiro - Voted unanimously to close nominations and to instruct the Clerk to cast one ballot each in favor of Ms. Guercia and Mr. DeFelice; term to expire in February 2010.

(CA) 2. Public Service Appointments for March

G. LICENSING BOARD - NEW PETITIONS

H. LICENSING BOARD - RENEWALS

(CA) I. UTILITY PETITIONS

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

- 1. DPW - Road Cut Permits
- 2. WPCF - Sewer Permits
- 3. National Grid - request for pole location on Jefferson Lane
 - a. Recommendation - Director of Public Works Serbst

J. PETITIONS - OTHER

- 1. Lisa Cardoza, 211 State Street - request to remove handicapped parking space located at 211 State Street

Cordeiro/Barboza - Voted
unanimously to refer this matter to
the Town Solicitor so that he may
draft the appropriate ordinance.

2. Tracy and Lane Ukura, 45A Brooks Farm Drive -
update on noise and dust complaint against
ELJ Construction

Herreshoff/Barboza - Voted
unanimously to refer this matter to
the Town Solicitor.

Prior to the vote taken, Ms. Ukura read a statement.

Town Solicitor Ursillo informed the Council that since this
matter was before the superior court, it should not be
discussed as part of the Council docket.

K. OTHER NEW BUSINESS REQUIRING TOWN COUNCIL ACTION

1. Councilman Barboza re Boy's State donation
request

Barboza/Parella - Voted unanimously
to appropriate \$100 from Town
Council Contingency for this
organization.

Prior to the vote taken, Councilman Barboza noted that this
was a worthwhile cause and he recommended that the Council
support same.

2. Councilman Barboza re Bristol Veterans
Council item

Barboza/Cordeiro - Voted
unanimously to continue this matter
until the meeting of March 21,
2007.

Prior to the vote taken, Councilman Barboza noted that Mr.
David Enos, President of the Veterans Council was not
present this evening and he (Councilman Barboza) asked for a
continuance to await the presence of Mr. Enos.

3. Councilman Barboza re Poppasquash Road tree
concerns

Barboza/Cordeiro - Voted
unanimously to receive and place
this matter on file.

Prior to the vote taken, Councilman Barboza informed those present that his concerns had been allayed by Town Administrator Mederos and her assistant Denise Asciola and he was of the opinion there was no longer a need to discuss this matter.

4. Council Chairman Marshall re requests for
Emergency Information

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

Prior to the vote taken, Council Chairman Marshall stated that he would prefer to receive news of any serious Town emergencies directly from Town Administrator Mederos' office or from involved department heads. He noted that a recent issue was brought to his attention by a newspaper reporter and he was not at all informed on the situation.

5. Council Chairman Marshall re call for
Workshop with Planning Board, Zoning Board of
Review, Historic District Commission and
Redevelopment Agency

Herreshoff/Cordeiro - Voted
unanimously to refer this matter to
the Clerk and the Director of
Community Development so as to
schedule a convenient time for all
parties.

Prior to the vote taken, Council Chairman Marshall stated that he would appreciate a special "annual meeting" workshop with representatives from the various boards so as to exchange information regarding priorities and projects. He noted that it would not be necessary for all board members to be in attendance.

At this point in the agenda, Councilman Barboza as Chairman of the Joint Finance Committee, noted that the Committee will meet on March 8 (Bristol) and March 29 (Warren).

6. Barbara L. Nash, Town Clerk, Town of
Middletown - request for support of

Resolution re proposal to increase arsenic levels in soil requiring mitigation

Cordeiro/Herreshoff - Voted unanimously to refer this matter to the Town Solicitor.

7. Dale S. Holberton, Town Clerk, Town of South Kingstown - request for support of Resolution re School Housing Project Costs

Herreshoff/Cordeiro - Voted unanimously to refer this matter to the Town Solicitor.

8. Dale S. Holberton, Town Clerk, Town of South Kingstown - request for support of Resolution re Group Home Educational Funding

Herreshoff/Cordeiro - Voted unanimously to refer this matter to the Town Solicitor.

9. William M. Delmage, WD Associates, Inc. re request to name Mt. Hope Athletic Complex the "Tom Vendituoli Athletic Complex"

- a. Town Administrator Mederos to Superintendent of Schools Dr. Mara re support of request to name Mt. Hope Athletic Complex "Tom Vendituoli Athletic Complex"

Barboza/Parella - Voted unanimously to endorse the proposal as outlined by Town Administrator Mederos and to instruct the Clerk to inform the School District of same.

10. David Lilloco, Green Beret Parachute Team re availability for Town events

Barboza/Cordeiro - Voted unanimously to refer this matter to the Fourth of July Committee.

11. Elizabeth Brito, Rogers Free Library Board of Trustees - Dr. Robert Arruda to fill vacancy on Library Capital Projects Committee

Barboza/Cordeiro - Voted
unanimously to receive and place
this matter on file.

12. Town Treasurer Day re Enterprise Fund

Barboza/Cordeiro - Voted
unanimously to adopt and approve
the recommendation of the Town
Treasurer.

13. Peter Calvet, Chairman Redevelopment Agency -
request to address the Council re Franklin
Street Corridor Plan & BRA Funding Needs

Barboza/Cordeiro - Voted
unanimously to appropriate \$1200
from unallocated surplus and to
refund same through the FY 2007-
2008 budget.

14. Jack Sylvester - request to address Council
re Recreation Finance

- a. Community Center Project
- b. Community Center Supervisors

Cordeiro/Barboza - Voted
unanimously to receive and place
this matter on file.

Prior to the vote taken, Mr. Sylvester questioned the Recreation department's ability to move funds within its budget with Council Chairman Marshall stating that the department is allowed to transfer funds as needs arise - particularly those related to emergencies and demonstrated needs. He further stated that the Town Council appoints a Recreation Board to oversee such transfers.

Mr. Sylvester asked as to why the Community Center windows were not yet painted with Council Chairman Marshall stating that he was informed that the custodian for that building will be painting same in the springtime.

Mr. Sylvester stated that he was concerned that the Town Administrator informed the Council that the work was already complete. He further stated that he was of the opinion that the Town Administrator was misled by the department regarding this matter and that he "did not blame her."

15. Town Administrator Mederos re Emergency Declaration - Community Center Wall

Herreshoff/Barboza - Vote unanimously to continue this matter until the meeting of March 21, 2007.

Prior to the vote taken, Town Administrator Mederos reported that the condition of the South was worse than originally thought and that subject memorandum was no longer applicable. She further informed the Council that the building, exclusive of the Harbormaster's Office, should not be used and any further recommendations will be based upon a more-comprehensive evaluation of the building by an engineer.

Town Administrator Mederos also noted that she would speak to the Superintendent of Schools regarding the availability of school space to replace the youth programs currently suspended due to the closure of the Community Center.

Councilman Cordeiro asked if the St. Elizabeth Auditorium might be utilized as an emergency shelter with Town Administrator Mederos agreeing to speak with Fire Chief about investigating same.

16. Town Administrator Mederos - Request for Executive Session pursuant to RIGL 42-46-5 (a)(1)

It is hereby noted for the record that this item was continued to the Town Solicitor's portion of the docket.

L. BILLS & EXPENDITURES

1. Bid #628 - 2007 Concrete Sidewalk Replacement Project

Barboza/Parella - Voted unanimously to refer this matter to Town Administrator so as to act in the best interest of the Town.

Prior to the vote taken, the Clerk noted the receipt of two (2) bids for Bid #628: Catalano Construction, Cumberland, RI, \$812,370.00; and LAL Construction, Fall River, Massachusetts, \$749,000.00.

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Councilwoman Parella expressed concern that some of the sidewalks installed last year adjacent to the Walley School and Baptist Church had separated from the curbstone.

Ed Tanner, the point-person for the sidewalk project, informed the Council that all of the work is warranted for one year and this includes the portion of sidewalk as noted by Councilwoman Parella. He speculated that the irregularity of the sidewalk was the result of a frost-heave.

2. Bid #630 - Firefighter Turnout Gear

Cordeiro/Parella - 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 reported the receipt of three (3) bids for Bid #630 per unit: Quest of Colorado, \$866.00; Fire Tech and Safety, Chelmsford, Massachusetts, \$1,371.16; and American Fire Equipment, Inc. of South Easton, Massachusetts, \$1545.00.

(CA) M. ROUTINE REPORTS

(CA) N. FINANCIAL REPORTS

Approval of consent agenda="Motion to receive and place this item on file."

1. Revenue and Expenditure Report - February 21, 2007
2. Town Treasurer Day - Monthly/Quarterly Report Fiscal Year ending June 30, 2007

P. PROCLAMATIONS & CITATIONS

1. Commendation - Matthew Wilson, Eagle Scout Court of Order

Cordeiro/Parella - Voted unanimously to adopt this commendation as prepared and presented.

2. Commendation - Kurtis Chubbuck, Eagle Scout Court of Honor

Cordeiro/Parella - Voted
unanimously to adopt this
commendation as prepared and
presented.

(CA) R. DISTRIBUTIONS/COMMUNICATIONS (to be received and
filed by Council)

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

1. Prescott, Chatellier, Fontaine, Wilkinson,
LLP - Town Financial Statement year ending
June 2006
2. Superintendent of Schools Dr. Edward P. Mara
to Michael Abbruzzi (sic) re decommissioning
of Mary V. Quirk School
3. Council Clerk Cirillo to DPW Director Serbst
- Drainlayer's Licenses not renewed
4. Catherine R. Warren, Office of Legal Services
and Adjudication to Town Solicitor Ursillo re
Raposa v. Town of Bristol (Leo's Ristorante
and Jade Palace)

Barboza/Parella - Voted unanimously
to receive and place this matter on
file.

Prior to the vote taken, Town Solicitor Ursillo explained
that this item had been resolved since Mr. Raposa had
withdrawn his complaints. Town Solicitor Ursillo also noted
that neither complaint was valid.

5. Warrant - Steven Johnson, Waypoysset Trust
6. Warrant - Leonard Calandra, Board of Tax
Assessment Review
7. Warrant - Thomas G. Breslin, CRMC Alternate
Subcommittee
8. Warrant - Rita P. Ayres-Gaulin, Board of
Tenants Affairs
9. Warrant - Samuel C. Kinder, Tree Warden

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10. Warrant - John E. Faria, Bristol Housing Authority Commissioner
11. Warrant - Douglas Gablinske, Special Constable
12. Warrant - Stephen Barker, Second Alternate Redevelopment Agency
13. Warrants - Special Constables 2007
14. Warrants - Special Constables/Fire Police 2007
15. Council Clerk Cirillo to Senator David E. Bates, et al re request to General Assembly to amend RIGL 44-5-11.6 regarding assessment of valuation in the Town of Bristol
 - a. Town Council adopted Resolution
16. Class F Intoxicating Beverage License for St. Elizabeth Church Dinner - February 3, 2007
17. Class F Intoxicating Beverage License for Banda Filarmonica Dinner - February 24, 2007
18. Council Clerk Cirillo to Prime Minister of Portugal Jose Socrates re closing of Consulate in Providence, RI
19. Laura Miguel, CRMC to Van Wickle Homeowners Association re Cease and Desist Order for alterations at plat 166, lot 18, Van Wickle Lane, Bristol
20. Laura Miguel, CRMC to Frederick and Audrey Darling re Cease and Desist Order for alterations at plat 166, lot 1, 100 Van Wickle Lane, Bristol
21. W. Michael Sullivan, Director DEM re appointment of Samuel C. Kinder as Tree Warden
22. Fire Chief Martin to Town Administrator Mederos re surplus equipment Bid award to Timothy Gallison

TOWN COUNCIL MEETING - WEDNESDAY EVENING - FEBRUARY 28, 2007

23. Glenn Maciel, Chairman, American Legion, Department of Rhode Island to Town Administrator Mederos - notification of Fire and Police Departments to receive Certificate of Commendation

Barboza/Cordeiro - Voted
unanimously to receive and place
this matter on file.

Prior to the vote taken, Councilman Barboza brought this issue to the attention of those present.

Town Administrator Mederos noted the receipt of this prestigious award and that she nominated the department at the suggestion of Fire Chief Martin.

24. Town of Bristol: General Obligation Bonds - \$7,125,000 and General Obligation Bond Anticipation Notes - \$2,000,000 (Copy on file in Town Clerk's Office)
25. Town Administrator Mederos - Award of Bid #626 "Vernon Avenue Improvements" to Aquidneck Construction, Inc.
26. Town Administrator Mederos - award of Bid #625 Veterans Park Minor League Building to FCC, Inc., 103 Bayview Avenue, Bristol, RI

(CA) RR. DISTRIBUTIONS/NOTICE OF MEETINGS
(office copy only)

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

1. DEM Notice of Proposed Meeting for Amendments to Rules and Regulations governing Administration and Enforcement of Freshwater Wetlands Act - February 13, 2007
2. North and East Burial Grounds Commission - Meeting Notice, February 19, 2007
3. North and East Burial Grounds Commission - Meeting Notice February 26, 2007
4. North and East Burial Grounds Commission - 2007 Meeting Calendar

TOWN COUNCIL MEETING - WEDNESDAY EVENING - FEBRUARY 28, 2007

5. Harbor Commission - Agenda for February 5, 2007
6. Bristol Warren Regional School District - Schedule of Meetings and Events Week of January 29, 2007
7. Bristol Warren Regional School District - Schedule of Meetings and Events Week of February 5, 2007
8. Bristol Warren Regional School District - Schedule of Meetings and Events Week of February 12, 2007
9. Bristol Warren Regional School Committee Policy/Community Subcommittee - Meeting Notice February 5, 2007
10. Bristol Warren Regional School Committee Colt Andrews Construction Subcommittee of the Bond Project Building Committee - Meeting Notice February 15, 2007
11. Bristol Warren Regional School Committee Budget/Facilities Subcommittee - Meeting Notice February 19, 2007
12. Bristol Warren Regional School Committee Hugh Cole Construction Subcommittee - Meeting Notice February 21, 2007
13. CRMC - February 2007 Calendar
14. CRMC - February 2007 Calendar Amended
15. Bristol County Water Authority - March 2007 Meetings Calendar
16. Bristol County Water Authority Public Relations/Personnel Committee - Meeting Notice February 6, 2007
17. Bristol County Water Authority Engineering Committee - Meeting Notice February 7, 2007
18. Bristol County Water Authority Audit Finance Committee - Meeting Notice February 8, 2007

TOWN COUNCIL MEETING - WEDNESDAY EVENING - FEBRUARY 28, 2007

19. Bristol County Water Authority Board of Directors - Meeting Notice February 15, 2007
20. Bristol County Water Authority - Public Hearing Notice February 15, 2007
21. State Planning Council - Meeting Notice March 1, 2007
22. Bristol County Water Authority - Amended March 2007 Meeting Calendar

S. TOWN SOLICITOR

1. Executive Session pursuant to RIGL 42-46-5.1(a)(2)(5)

It is hereby noted for the record that this action was taken at the conclusion of the public agenda.

2. Town Council's powers re Grand Deed

Barboza/Parella - Voted unanimously to receive and place this matter on file.

It was noted that this provision of the Grand Deed forbids the sale of any of the Town Common without first obtaining permission of the citizens of the Town through referendum.

Z. INDIVIDUAL COUNCIL MEMBERS AGENDA ITEMS

1. MARSHALL

a. Fire and Police Thank You - Council Chairman Marshall commended the Fire and Police Departments relative to the action taken in response to the automobile accident on Friday, February 23.

b. Department Head Thank You - Council Chairman Marshall thanked the various department heads in attendance for their participation at this meeting.

c. Mike Davis/Steve Roth Thank You - Council Chairman Marshall thanked Mike Davis and Steve Roth for their efforts in taping the Council meeting this evening.

d. Right Turn on Red - Chestnut Street - Council Chairman Marshall noted that there is a "no turn on red" sign at the corner of Chestnut and Hope Streets. He noted that this rule was unusual in Bristol with Town Administrator Mederos stating that she was of the opinion that this sign was placed due to the amount of foot traffic at that corner; but agreed to contact the State DOT to ask that department to possibly remove the sign.

2. CORDEIRO

a. February 23 Accident - Councilman Cordeiro echoed the sentiments as expressed by Council Chairman Marshall regarding the February 23 accident.

b. Central Street Tree Problem - Councilman Cordeiro thanked Denise Asciola for her handling of a tree problem on Central Street.

3. PARELLA

a. Sympathy re February 23 - Councilwoman Parella extended the sympathies of the Council to those affected by the February 23 accident.

4. BARBOZA

5. HERRESHOFF

a. Old Sign Former Bristol Auto Supply - Councilman Herreshoff noted the location of an out of date 15 minute parking sign in the vicinity of the Former Bristol Auto Supply on lower Bradford Street. He noted that this sign was no longer needed since the business has closed.

b. Hope Street Trees - Councilman Herreshoff noted that the trees along Hope Street in the compact part of Town appear to be "pinched-in" with Town Administrator Mederos reporting that she has consulted with the Tree Warden regarding this matter and he will be monitoring the situation during the summer months.

c. Library Tree - Councilman Herreshoff noted that there is a near-fifty-year old weeping cherry tree in the Library garden. He recommended that the Library Capital Project Committee should take

steps to preserve this tree during and after Library construction.

d. Terrorist Acts - Councilman Herreshoff suggested that the Council might hold a special meeting regarding planning in the case of terrorist acts or "acts of God."

Town Administrator Mederos noted that the Town's emergency plan is for most emergencies not just hurricanes.

e. Fourth of July 'Roast' - Councilman Herreshoff noted that he will be 'roasted' on April 29, 2007 at Jacky's Galaxie restaurant to benefit the Fourth of July Committee's fundraising efforts. He suggested that those present might wish to attend this event.

ZZ. TOWN ADMINISTRATOR AGENDA ITEM(S)

Cordeiro/Barboza - Voted unanimously to adjourn into Executive Session pursuant to RIGL 42-46-5.1 (a) (1), (2), and (5) at 10:27 o'clock PM.

Barboza/Parella - Voted unanimously to seal the minutes of the Executive Session and resume open session at 11:10 o'clock PM.

There being no further business upon a motion by Councilman Barboza seconded by Councilwoman Parella and unanimously approved, the Chairman declared this meeting to be adjourned at 11:11 o'clock PM.

Louis P. Cirillo
Council Clerk