

TOWN COUNCIL MEETING - WEDNESDAY EVENING - MARCH 21, 2007

PRESENT: Marshall, Cordeiro, Parella, Barboza and Herreshoff

ALSO PRESENT: Diane C. Mederos, Town Administrator
Jeanne M. Scott, Assistant Town Solicitor
Marshall J. Netto, Town Sergeant

The Council met in regular session on Wednesday evening, March 21, 2007 beginning at 7:06 o'clock PM in the Town Hall, Council Chambers, Council Chairman Marshall presiding:

Presentation: Commendation - Anthony Avila - Don Luiz
Filipe "Man of the Year"

Commendation - Sen. Walter S. Felag, Jr. -
Town of Warren Athletic Hall of Fame

Prior to the commencement of the evening's regular agenda, the Council presented commendations to Hon. Sen. Walter S. Felag, Jr. in consideration of his induction into the Warren Athletic Hall of Fame and to Antonio Fernando Avila in recognition of his achievement as the "Man of the Year" by the Portuguese Beneficial Association Don Luiz Filipe.

Both gentlemen expressed their gratitude for the recognition.

Mr. Avila also informed those present that St. Elizabeth Church is sponsoring a "malassada sale" on Sunday, March 25, 2007.

Councilman Cordeiro informed those present that the Portuguese Consulate in Providence will remain open. It is noted for the record that the Portuguese Government had originally intended to close same but it reconsidered due to the intervention of several individuals and groups including this honorable Town Council.

Mr. Avila, a member of the public also active in the effort to prevent this consulate closure, thanked the Council for its support.

Councilman Barboza noted that the Council is currently in its budget cycle and holding regular workshops regarding same. He expressed concern that very few members of the public are present at these workshops and he encouraged more to attend.

Councilman Barboza also noted that one week from tomorrow, March 29, 2007, the Joint Finance Committee of the Bristol

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Warren Regional School District will meet and finalize the school budget.

Councilman Barboza noted that the East Bay Mental Health Center will have a fundraiser at the 2nd Story Theater in Warren on Friday, March 23, 2007.

Councilman Barboza noted the 50th Birthday of Nancy Horne on February 27.

Council Chairman Marshall reminded those present that the budget process does not conclude with the budget hearings. He encouraged all department heads to look for cost savings throughout the year, no matter how small.

MOTION RE: CONSENT AGENDA - TO APPROVE THE CONSENT AGENDA

Cordeiro/Parella - Voted
unanimously to approve the consent
agenda, withholding items R1, R2,
R4, R22, and R29 for further
consideration.

Councilman Barboza suggested that items B4 and K11 might be discussed at the same time.

A. SUBMISSION OF MINUTES OF PREVIOUS MEETING

1. Town Council Meeting - February 28, 2007

Barboza/Cordeiro - Voted
unanimously to approve these
minutes as prepared and presented.

2. Town Council Meeting - May 31, 2006

Barboza/Cordeiro - Voted
unanimously to approve these
minutes 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. North and East Burial Grounds Commission -
November 13, 2006**

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2. Conservation Commission - December 13, 2006
3. Harbor Commission - February 5, 2007
4. Zoning Board of Review - January 8, 2007
5. Zoning Board of Review - February 5, 2007
6. Historic District Commission - February 1, 2007
7. Fire and Rescue - February 15, 2007
8. Rogers Free Library Capital Project Building Committee - January 4, 2007
9. Rogers Free Library Capital Project Building Committee - January 17, 2007
10. Bristol Warren Regional School Committee - January 18, 2007
11. Bristol Warren Regional School Committee - January 22, 2007
12. Bristol Warren Regional School Committee - February 5, 2007
13. Bristol Warren Regional School Committee - February 12, 2007
14. Bristol Warren Regional School Committee Workshop - February 12, 2007
15. Planning Board - February 13, 2007
16. Bristol County Water Authority - February 15, 2007
17. Bristol County Water Authority/Audit Finance Committee - March 6, 2007
18. Bristol County Water Authority/Public Relations/Personnel Committee - March 6, 2007
19. Bristol County Water Authority/Engineering Committee - March 8, 2007

B. OLD BUSINESS

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1. Town Administrator Mederos re vandalism/repairs needed to Town Common Gazebo, continued from February 28, 2007

Barboza/Parella - Voted unanimously to authorize the Town Administrator and Director of Parks and Recreation to act in the best interest of the Town.

Prior to the vote taken, Town Administrator Mederos noted that she met with Lombard John Pozzi and Mr. Burke and that some of the improvements as suggested by Mr. Pozzi might be cost prohibitive at this time. She did note, however, that the suggested improvements were worthwhile and Mr. Burke will be pursuing grant-in-aid funding to complete these.

In the interim, Town Administrator Mederos suggested that the Town should proceed with some repairs and improvements to as to render the structure as serviceable for the upcoming season and to execute these improvements in such a way as not to impede future changes as suggested by Mr. Pozzi. She further noted that the initial repairs and improvements - railings and sound system - should be ready in time for Flag Day exercises.

Councilman Herreshoff noted that the damage done to the Gazebo was an "awful thing." He further stated that he regretted that the more substantial improvements might not be possible but he suggested that iron railings should be considered in the place of aluminum ones since aluminum railings are easily dented. Council Chairman Marshall speculated that thieves might remove aluminum railings for their scrap value.

Councilman Herreshoff also suggested that an initial repair plan might include less overall railings and the addition of a hand-rail near the stairs.

2. Council Clerk Cirillo re options for intended use of Quinta-Gamelin Army Reserve Center, continued from February 28, 2007
 - a. Gerry Turbeville, BRAC Program Manager - update on Quinta-Gamelin Army Reserve Center consultant
 - b. Christopher Riley, PO Box 267, Bristol - request to make Quinta-Gamelin Army Reserve Center a recreational facility

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Herreshoff/Cordeiro - Voted unanimously to continue this matter until the meeting of April 11, 2007.

Prior to the vote taken, BRAC Coordinator Turbeville reported that despite sending multiple inquiries to suggested consultants, her office was in receipt of only one interested party. She did state, however, that this individual was very well qualified.

Ms. Turbeville also noted that the grant anticipated for this consultant was thus far unofficial, and the Town was still waiting for formal approval.

Town Administrator Mederos stated that she expected to hear something soon about the grant approval.

3. Alfred R. Rego, Jr., Esquire re request to consider renewal of BV Intoxicating Beverage License held by Bristol Golf Club, Inc., 95 Tupelo Street, continued from February 28, 2007

- a. Recommendation - Fire Chief Martin
- b. Alfred R. Rego, Jr., Esquire re compliance

LATE ITEM

- c. Recommendation - Fire Chief

Barboza/Parella - Voted unanimously to accept the recommendation of the Fire Chief and to also review this matter in four months (July 11, 2007).

Prior to the vote taken, Attorney Alfred R. Rego, Jr. noted that the letter of Fire Chief Martin indicates that a remediation plan is in place with conditions stipulated; essentially agreeing not to occupy the East wing of the property until basement and first floor deck modifications are approved and completed.

The Council agreed that this matter should be monitored for progress in four months

4. Councilman Barboza re Bristol Veterans Council, continued from February 28, 2007

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Barboza/Cordeiro - Voted unanimously to instruct the Clerk to prepare a letter with sentiments similar to those contained in the resolution as presented by the Town of Burrillville and to forward same to the House and Senate Finance Committee Chairmen and to the local General Assembly Delegation.

Prior to the vote taken, Councilman Barboza noted Mr. Enos' service as an ex-officio member of the Recreation Board and explained that Mr. Enos has become an asset to this board.

He drew attention to the Burrillville Town Council resolution regarding the Zambarano Unit of the Eleanor Slater Hospital in that Town and asked Mr. Enos to explain a current situation unfolding at the Rhode Island Veterans Home where traditional food and housekeeping service employees may be replaced by contract services.

Mr. Enos informed the Council that he and other local veterans are concerned regarding this move since it may lower the quality of these services for the residents.

5. Town Administrator Mederos re Emergency Declaration - Community Center Wall, continued from February 28, 2007

Herreshoff/Cordeiro - Voted unanimously to approve the plan of action of the Town Administrator as indicated and to receive and place this matter on file.

Prior to the vote taken, Town Administrator Mederos stated that she planned to meet with Rick Greenwood of the Rhode Island Historical Preservation and Heritage Commission and an engineer recommended by this Commission to examine the building and set a course of action for remediation.

Town Administrator Mederos further explained that she will report back to the Council the result of her meeting with Mr. Greenwood and the engineer.

6. Robert Rocchio, State Traffic Commission to Town Administrator Mederos re removal of "No Right Turn On Red" restriction on Chestnut Street/Hope Street intersection

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

Prior to the vote taken, Town Administrator Mederos noted that the request was heard by the State Traffic Commission and tabled for further study until the Commission's meeting of April 11.

BB. SPECIAL /STATUS REPORTS

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

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

2. Matthew Calouro, Assistant Harbor Master -
Bristol Harbor Mooring and Dock Waiting Lists
 - a. Harbor Waiting List
 - b. Dock Waiting List

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

C. PUBLIC HEARINGS

1. Anthony A. and M. Adelaide Nunes, 535 Metacom
Avenue, request for zone change of plat 108
lot 4 and westerly portion of lot 9 from R-15
and GB to GB
 - a. Recommendation - Diane Williamson for
Planning Board
 - b. Recommendation - Raymond Payson for
Conservation Commission

LATE ITEM

- c. Diane Williamson, Director of Community
Development - revised landscaping plans

Herreshoff/Cordeiro - Voted
unanimously to close the public
hearing

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Barboza/Parella - Voted unanimously to grant the zone change of Plat 108 Lot 4 and the westerly portion of Lot 9 from R-15 and GB to GB Restricted to the business use as proposed and presented; based upon the finding of fact that said use and zone change is consistent with the Comprehensive Plan; and provided that zone change is further subject to Planning Board, Conservation Commission, and Department of Environmental Management concurrence.

Prior to the vote taken, Council Chairman Marshall opened the public hearing on this matter.

Attorney Rego, representing the petitioners and speaking in favor of the petition, informed the Council that this particular property has been used as a "General Business" parcel for 45 years. He stated that this same question was raised to former Town Solicitor Anthony Berretto many years ago without any resolution or response.

Mr. Rego noted that Arnold Lumber would like to purchase Lot 4 and that he was of the opinion that the requested zone change was consistent with the Comprehensive Plan and consistent with sound planning practice.

Mr. Rego also reported that the Planning Board was concerned regarding the drainage issues on the property and all Planning Board concerns have been addressed. He also noted that all landscaping concerns have also been addressed to the satisfaction of the various boards with neighbor input.

Mr. Rego noted that John Ferreira from A. N. Nunes, Inc. and Mr. Kutcher from Northeast Engineering and Bruce Charleson from Arnold Lumber were available to provide supporting testimony if necessary.

Councilman Cordeiro stated that he was most concerned about the issues relating to drainage.

No other testimony was presented in favor of the petition.

Speaking against the petition was Russell S. Serpa of 20 Leila Jean Drive. Mr. Serpa is an abutter to the subject property.

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Mr. Serpa informed the Council that he is plagued by drainage problems in the area and fears that the further development, as planned, will further exacerbate these problems.

He explained that Mr. Nunes installed a 36-inch pipe to drain the property and water from this pipe floods the nearby lands including his own. He stated that any attempt to build detention/retention areas on the subject property will eventually send water through his property.

He also expressed concern regarding the increased noise disturbances caused by motor vehicles and back-up beeping signals in particular; already a serious difficulty.

Mr. Serpa raised additional issues in that he is of the opinion that Peter Road is already overdeveloped and that the area will be serviced by ninety-five foot (95') tractor-trailers and the driveways along the property are inadequate for safe maneuvering of smaller vehicles.

Responding to the concerns as raised by Mr. Serpa, Mr. Kutcher noted the problems with the existing 36" line and informed the Council that the new drainage mitigation plan will not at all utilize this pipe. He stated that the plan will rather use a second pipe that will take drainage from an underground storage system on the site and direct the water into the entire wetland complex nearby.

Councilman Cordeiro asked if this plan was approved by DEM with Mr. Kutcher stating that it was not yet approved but he was confident that it would be approved soon.

Councilman Barboza suggested that the zone change might be granted contingent upon the approval of DEM.

Mr. Ferreira explained that much of the plan was amended to conform to the concerns as raised by the Town's TRC and the State Department of Transportation approved the current driveway. He further stated that the driveway will remain as-is according to the plan.

Councilman Barboza asked Mr. Kutcher the area that will be covered by either paving or roof area in the new plan with Mr. Kutcher responding $\frac{3}{4}$ acre.

The Council voted to close the public hearing at this time.

Councilman Herreshoff stated that the plan appeared to be well thought out so as not to be troublesome.

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Councilman Barboza asked for the opinion of Director of Community Development Williamson who informed the Council of the recommendations of the Planning Board and the Conservation Commission as above.

Councilman Cordeiro stated that his greatest concern was that of the water runoff issues and that he intended to hold the parties responsible for any new drainage difficulties resulting from the development.

Council Chairman Marshall stated that he hoped that Arnold Lumber would mitigate the noise problems as noted by Mr. Serpa and that this business would remain cognizant of the fact that it abuts a quiet residential area.

Mr. Charleson informed the Council that Arnold Lumber will work with the Town to alleviate these concerns and that the new building is designed so as to minimize the effects of the back-up warning signals, etc.

Assistant Town Solicitor Scott suggested that since this zone change request is specific so as to accommodate a certain business, the vote to approve same might be conditional upon the realization of the plan as presented.

The petitioners did not object to this condition.

D. ORDINANCES

1. Ordinance #2007-11, CHAPTER 4, Alarm Systems, Section 4-4, False alarm-Fines; appeals, **2nd reading for adoption**

Cordeiro/Barboza - Voted
unanimously to consider this action
to constitute the second reading of
Ordinance #2007-11 for adoption.
Advertise in local newspaper.

2. Ordinance #2007-12, CHAPTER 16, Motor Vehicles and Traffic, Article II, Administration and Enforcement, Section 16-45, Informal procedure for payment of parking fines, **2nd reading for adoption**

Cordeiro/Barboza - Voted
unanimously to consider this action
to constitute the second reading of

Ordinance #2007-12 for adoption.
Advertise in local newspaper.

3. Ordinance #2007-13 (**AMENDED**), CHAPTER 10, Environment, Article III, Nuisances, Storage of Earth Materials, Section 10-81, Defined generally, **2nd reading for adoption**
 - a. Bristol County Builders Association, et al - support of ordinance

Barboza/Cordeiro - Voted
unanimously to consider this action
to constitute the second reading of
Ordinance #2007-13, as amended, for
adoption. Advertise in local
newspaper.

4. Ordinance #2007-14, CHAPTER 24, Solid Waste Management, Article III, Transfer Station, Section 24-78, Permit issuance: fees, **1st reading**

Barboza/Herreshoff - Voted
unanimously to consider this action
to constitute the first reading of
Ordinance #2007-14. Advertise in
local newspaper.

Barboza/Herreshoff - Voted
unanimously to amend Chapter 24,
Sec. 24-78, as previously discussed
and amended, changing the figure of
"100" to "200" due to a
transcriber's error and to
implement same effective
immediately.

Prior to the vote taken, the Clerk informed the Council as to a difference of opinion between Town Solicitor's as to whether or not the typographical error noted in the above Code amendment was substantive so as to warrant a new first reading.

He suggested that the Council might take a parallel track and vote both a new first-reading and recognize the transcriber's error and to await a final ruling from the Solicitor's office regarding same. It was noted that the

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amendment to the Code was scheduled to be implemented effective April 1 and the parallel action may eliminate the need to potentially reschedule this implementation.

5. Ordinance #2007-15, CHAPTER 16, Motor Vehicles and Traffic, Section 16-148, Parking restricted to handicapped, **1st reading**

Herreshoff/Parella - Voted unanimously to consider this action to constitute the first reading of Ordinance #2007-15. Advertise in local newspaper.

(CA) E. BUDGET ADJUSTMENTS

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

1. Tax Assessor - Recommended Abatements and Additions - March 16, 2007
2. Tax Assessor - Recommended Additions - March 16, 2007

(CA) F. APPOINTMENTS

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

1. Public Service Appointments
 - a. Zoning Board of Review (1)(5 year term)
 1. William McMullen, 404 High Street - interest/reappointment
 2. William J. McGovern, One Central Street - interest/appointment

Councilman Barboza nominated Mr. McMullen for reappointment.

Barboza/Herreshoff - Voted unanimously to close nominations and to instruct the Clerk to cast one ballot in favor of Mr. McMullen, term to expire March 31, 2012.

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After the vote taken, it was agreed by consensus that the Clerk should contact Mr. McGovern and inform him of the Council's interest in his service in other capacities.

Councilwoman Parella stated that she was very impressed with Mr. McGovern's extensive resume.

b. Zoning Board of Review - Alternate (2)
(2 year term)

1. Bruce Kogan, 18 Greylock Road -
interest/reappointment

Councilman Barboza nominated Mr. Kogan for reappointment.

Barboza/Cordeiro - Voted
unanimously to close nominations
and to instruct the Clerk to cast
on ballot in favor of Mr. Kogan,
term to expire March 31, 2009.

2. Joseph Asciola, 1220 Hope Street -
interest/reappointment

Councilman Barboza nominated Mr. Asciola for reappointment.

Barboza/Cordeiro - Voted
unanimously to close nominations
and to instruct the Clerk to cast
on ballot in favor of Mr. Asciola,
term to expire March 31, 2009.

c. Harbor Commission (2) (3 year term)

1. John Evans, 5 Dominion Avenue -
interest/reappointment

Councilman Barboza nominated Mr. Evans for reappointment.

Barboza/Cordeiro - Voted
unanimously to close nominations
and to instruct the Clerk to cast
on ballot in favor of Mr. Evans,
term to expire March 31, 2010.

2. David Miller, 70 Gibson Road -
interest/reappointment

Councilman Barboza nominated Mr. Miller for reappointment.

Barboza/Cordeiro - Voted
unanimously to close nominations
and to instruct the Clerk to cast
on ballot in favor of Mr. Miller,
term to expire March 31, 2010.

3. Robert Hamel, 859 Hope Street -
interest/appointment

After the votes taken, the Council indicated its desire to have Mr. Hamel serve on the Harbor Commission advisory committee and instructed the Clerk to enquire of Mr. Hamel regarding his interest in that board.

- d. Special Constables - Fire Police (3
additional)

Councilman Herreshoff nominated the following individuals to serve in the capacity of Special Constable - Fire Police:

Paul Drolet - 38 Greenway Drive
Richard Marshall - 20 San Miguel Drive
Gary Geoffroy - 94 King Philip Avenue

Herreshoff/Barboza - Voted
unanimously to close nominations
and to instruct the Clerk to cast
one ballot in favor of Mr. Drolet,
Mr. Marshall and Mr. Geoffroy, term
to expire concurrently with those
previously appointed to this post.

- (CA) 2. Public Service Appointments for April

G. LICENSING BOARD - NEW PETITIONS

1. Zelia M. Felix, 3 Wilcox Street, Bristol -
request for Victualling License at 576
Metacom Avenue, Bristol (currently Bristol
Liberty Café)

- a. Recommendation - Town Administrator and
Water Pollution Control Facility

LATE ITEM

- b. Recommendation - Town Administrator and
Police Chief

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Barboza/Herreshoff - Voted
unanimously to grant this license
subject to hours of operation from
5 o'clock AM until 10 o'clock PM
and subject to a review of same in
ninety (90) days.

Prior to the vote taken, Attorney Rego noted that the petitioner wishes to operate this establishment for a twenty-two hour per day period from 6 o'clock AM until 4 o'clock AM.

It was noted for the record that the recommendation of the police department specifically opposes these late-night hours of operation.

Councilman Barboza stated that he was concerned that the establishment might become difficult to manage since many patrons who would frequent the establishment might be intoxicated. He noted that many similar establishments in other communities provide a "meal and a show" and that such establishments are "magnets" for alcohol abusers.

A discussion ensued as to what might be appropriate business hours for such an establishment with Council members in agreement that an all-night place was inappropriate.

2. John C. Ferreira, 67 Wapping Drive - request for Private Investigator's License

LATE ITEM

- a. Recommendation - Town Administrator and Police Chief

Cordeiro/Barboza - Voted
unanimously to approve this license
subject to conformance to all State
and local laws, ordinances, rules,
and conditions.

H. LICENSING BOARD - RENEWALS

1. Cesspool License Renewals - 2007
 - a. Recommendation - Town Administrator and Water Pollution Control

Cordeiro/Barboza - Voted
unanimously to approve these
licenses subject to conformance to

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all State and local laws,
ordinances, rules, and conditions.

(CA) I. UTILITY PETITIONS

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

J. PETITIONS - OTHER

1. John and Paula Andrade, owners 55 High Street
- request for curb cut at 55 High Street

- a. Recommendation Town Administrator and
Director of Public Works

Barboza/Parella - Voted unanimously
to grant the petition subject to
the recommendations as received.

2. Rev. Henry P. Zinno, Jr., Our Lady of Mt.
Carmel Church - request to use the Town
Common for Church Feast July 9-17, 2007.

- a. Recommendation - Town Administrator and
Director of Parks and Recreation

Barboza/Parella - Voted unanimously
to grant this petition per the
recommendations as received and
clarified.

Prior to the vote taken, the Clerk noted a discrepancy in the dates requested and the recommendation of Mr. Burke. Town Administrator Mederos stated that she noted the same discrepancy and was informed by Mr. Burke that the dates, as requested were acceptable for this petition.

3. Maria V. Cabral, 34 Cooke Street -
notification of fall and injuries received
from sidewalk in vicinity of Andrade's Fish
Market, Wood Street

Cordeiro/Barboza - Voted
unanimously to refer this matter to
the Interlocal Trust.

K. OTHER NEW BUSINESS REQUIRING TOWN COUNCIL ACTION

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1. Ann Morrill, Kickemuit River Council - request that Town Council oppose petition of Robert Frost, 15 Read Avenue, Warren for permit extension to dock granted by Coastal Resources Management Council

Barboza/Parella - Voted unanimously to instruct the Clerk to provide a letter to CRMC, requesting that body to deny the request and to provide copies of same to Dr. Breslin, the Harbor Commission, the Town of Warren and the local legislative delegation.

Prior to the vote taken, Joseph Arruda of 46 Anchorage Drive, representing the Kickemuit River Council (KMC), read the following statement:

"We (the KMC) respectfully request(s) that the Bristol Town Council ask the Coastal Resources Management Council(CRMC) to deny the current request by Mr. Robert Frost of 15 Read Avenue, Warren, Rhode Island for a permit extension and for the CRMC to revert the dock classification back to that of a Residential Dock from that of a Commercial Dock.

"There are several issues which support our request for the CRMC to deny this permit extension request:

"1. The original assent was granted in 1996 to maintain a residential dock; however in 2002, the CRMC by Administrative Assent changed the classification to a commercial dock. The change was based upon Mr. Frost's request to take down the existing dockage and construct a new fishing pier.

"This action was done in a vacuum with no input from either the Town of Bristol or Warren. In fact, the Bristol Town Council found out through residents that the commercial dock assent was granted and in response, wrote to the CRMC on January 13, 2003 stating the Town's concern and recommended the project cease until a follow-up hearing. The letter from Diane Mederos also noted that the Frosts have been dredging and that the Bristol Harbormaster had grave concerns over the impact of this decision on the shell-fishing and public use of the water that will result.

"The intent of the classification change, as described by CRMC's Attorney Goldman, was to permit the applicant with all the uses which were granted by zoning litigation which

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concluded in 1976 and nothing more. Based upon the litigation, Mr. Frost is permitted to use the marsh lots for boat repair and construction, storage, etc., however, the Town of Warren also secured a permanent injunction enjoining the Frosts from using the land for the business of dredging, pile driving, and dock building. The new classification specifically permits the unloading of catches by commercial fishing vessels which far exceeds the scope of uses sated in the zoning variance.

"2. March 18, 1976, Justice Cochrane of the Superior Court entered a permanent injunction as ordered by the Supreme Court enjoining the Frosts from using the land for the business of dredging in this Type 2 waterway which has displaced quahog beds, enabled the release of toxins and has forced swimmers to leave the water. As stated before, the Town of Bristol also acknowledged on January 13, 2003 that Mr. Frost has been conducting dredging with a barge and a hydraulic dredge.

"3. The original 1996 Residential Dock Assent carried with it a stipulation which required the Frosts to remove a 2.5 foot by 14 foot timber ramp adjoined to a 7 foot by 72 foot fixed steel pier within three years from the date of the assent or March 13, 1999. This has not been done in accordance with the assent.

"4. DEM issued a 1985 report which states that this site is inappropriate for any dock due to lateral shift and resulting accretion which dramatically decreases the water depth on an ongoing basis.

"5. Lastly, when we put aside the documented cease and desist orders (wrong materials for road), Notice of Violations (storage), and overall seeming lack of respect for the rules (dredging), by the applicant, we still need to arrive at the fundamental reason that we are all sitting here tonight, that the construction of a commercial dock on the Kickemuit will have a detrimental effect on the existing habitat of both shellfish and the Horseshoe Crab which proliferate in that area. A commercial dock lends itself to larger boats which draw more water, inferring continuous dredging to counter the natural drift within the Kickemuit to increase the water depth. The act of dredging in this Class 2 waterway is illegal and will stir up heavy metals which are currently complexed in the bottom sediment which can re-infect the surrounding waters and other habitats such as the Audubon Refuge and Warren Land Conservation Marsh.

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"The Kickemuit is a jewel of a natural resource for the Towns of Bristol and Warren in the eyes of both residents and visitors alike. We respectfully ask that the Town of Bristol support the KRC, Save the Bay and all that are concerned for the future of this Class 2 waterway, to ask CRMC to deny Mr. Frost's extension and revert the assent classification of a commercial dock to that of a residential dock.

"Thank you on behalf of all that lives in and around the Kickemuit River."

Councilman Herreshoff noted that if Mr. Frost was dredging without a permit and how he was able to get-away with doing this with Mr. Arruda responding that he did not know why Mr. Frost was not cited for this activity.

Councilman Herreshoff stated that he was of the opinion that a commercial dock was incompatible with the Kickemuit River.

Councilman Barboza stated that this situation could arise "only in Rhode Island."

2. Diana Campbell, Chairperson, Voices for Bristol's Future - request for Workshop

Herreshoff/Cordeiro - Voted unanimously to refer this matter to the Clerk so that he may arrange a convenient time for a workshop.

Prior to the vote taken, Councilman Barboza congratulated Ms. Campbell and Councilwoman Parella upon the success of the forum.

3. Wilfred Barbeau, One Grove Street, Barrington (on behalf of Captain Donna Lange) - request for recognition of circumnavigation
 - a. Denise Asciola, request for funding and participation "Bristol Welcomes Donna Lange"

Barboza/Parella - Voted unanimously to appropriate \$500 from Council Contingency for this purpose and to absorb the cost of public safety (fire and police details) for this event.

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Prior to the vote taken, Mr. Barbeau addressed the Council and told of the significance of Ms. Lange's circumnavigation of the globe. He also noted that Councilman Herreshoff has agreed to serve as Chairman of the welcome event, that the Captain's craft will likely appear in the Bristol Fourth of July Parade and the welcoming reception will take place on the Herreshoff dock at the foot of Burnside Street.

Councilman Barboza expressed concern that Mr. Barbeau expected a contribution of \$9500 and the Town did not have \$9500 to provide for this purpose.

Council Chairman Marshall suggested that Mr. Barbeau might obtain some of this funding from the local marine trade businesses with Mr. Barbeau noting that some of these were already supporting the venture.

Councilman Herreshoff agreed that the Herreshoff Marine Museum would cover the expense of the early tent installation and Councilman Barboza suggested that the Town might cover the expense of fire and police details.

4. Louise R. Phaneuf, Town Clerk, Burrillville - request for support of Resolution *re An Act Relating to Public Utilities - Excavation Near Underground Utility Facilities - Costs*

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

5. Louise R. Phaneuf, Town Clerk, Burrillville - request for support of Resolution *An Act Relating to Education - Foundation Level School Support*

Barboza/Cordeiro - Voted
unanimously to support this measure
and to provide information
regarding same to the local members
of the General Assembly

6. Stephen C. Waluk, Mayor, City of Newport - invitation to 51st Annual St. Patrick's Day Parade

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

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7. KC Ferrara, Coordinator, Feinstein Service Learning Program, Roger Williams University - invitation to Community Service Recognition Reception

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

Prior to the vote taken, Councilman Cordeiro informed those present that he planned to be in attendance at this event.

8. Diane Williamson, Director of Community Development - request to appoint members to a Zoning Code Revision Committee

Parella/Barboza - Voted unanimously
to authorize a zoning revision
committee to include those persons
as recommended by the Director of
Community Development,
representative members as
recommended by the Zoning Board of
Review and Planning Board, two
members of the public at large and
one member with specific qualified
interest in the "waterfront."

Prior to the vote taken, Councilwoman Parella stated that she was concerned that this committee was presented as something preordained.

Director of Community Development Williamson noted that the names provided were only suggestions and she would appreciate the Council's input.

Councilwoman Parella suggested that the study committee should be more comprehensive; including members from the public at large and perhaps someone to represent waterfront interests.

9. Gerry Turbeville, CDBG Program Manager - request for Town Council workshop

Cordeiro/Herreshoff - Voted
unanimously to refer this matter to
the Town Clerk so that he may

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schedule a workshop for a convenient time.

Prior to the vote taken, Ms. Turbeville reported that the schedule for the CBDG application will require a workshop sometime during the 2nd or 3rd week of April.

10. Robert Holt, Chairman, Keep Bristol Clean - invitation to attend luncheon following Town-wide Spring Cleanup on April 14, 2007

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

Prior to the vote taken, Councilman Barboza stated that he would appreciate more members for his clean up "team."

11. Louise R. Phaneuf, Town Clerk, Burrillville - request for support of Resolution in opposition to *Privatization of Food and Housekeeping Services at Eleanor Slater Hospital - Zambarano Unit*

It is hereby noted for the record that action regarding this item was resolved earlier in the agenda.

12. Laura Jenkins, Assistant Manager, Bristol Total Fitness - 1 Month Membership and Thank You for donation to Spin for Hope fundraiser

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

13. Council Chairman Marshall re reconvening Ice Rink Committee and soliciting of new members

Cordeiro/Parella - Voted unanimously to instruct the Clerk to contact the members and determine their continued interest and to receive and place this matter on file.

Prior to the vote taken, Council Chairman Marshall noted that this committee was formed some time ago and hasn't seen much activity since. He suggested that it might be reactivated.

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Councilman Cordeiro stated that he would be willing to serve with Council Chairman Marshall noting that Councilman Cordeiro was already a member. Council Chairman Marshall asked to include his name on the membership list. It was also suggested that the local hockey team might be contacted to solicit interest.

14. Council Chairman Marshall re Global Wind & Alternative Energy Forum to be held April 19 and 20, 2007

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

Prior to the vote taken, Council Chairman Marshall noted the upcoming Global Wind Forum with representatives present from FEMA. It was further noted that one forum will be held at Roger Williams University and the other at Portsmouth Abbey. Councilman Herreshoff asked if solar energy will be discussed with Council Chairman Marshall responding affirmatively.

15. Councilman Cordeiro re Portuguese Consulate in Providence

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

It was noted for the record that this matter was resolved at the commencement of this evening's agenda.

16. Diane Williamson, Director of Community Development and Edward Tanner, Principal Planner - request for Workshop re GIS Mapping

Cordeiro/Barboza - Voted unanimously to refer this matter to the Clerk so that he may arrange a convenient time for a joint workshop to include the Zoning Board of Review, the Planning Board, and the Historic District Commission.

Prior to the vote taken, Director of Community Development Williamson noted that this new system includes all of Bristol where the previous system was only related to the harbor.

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17. Diane Williamson, Director of Community Development - proposed fee increases to Building Permit Fees and Zoning Board application fees

LATE ITEM a. Proposed Permit Fee Schedule

LATE ITEM b. Proposed Zoning Board application Fees

Barboza/Parella - Voted unanimously to refer this information and recommendation to the Town Solicitor so that he may structure same into ordinance format.

Prior to the vote taken, Director of Community Development Williamson stated that this information was provided as a result of last year's budget deliberations where fee increases were discussed.

L. **BILLS & EXPENDITURES**

1. Bid #629 - Rogers Free Library Addition and Renovations
 - a. Dana M. Newbrook, Principal, ai Designs, - request for extension of bid submission to April 11, 2007

Herreshoff/Barboza - Voted unanimously to extend the bid period per the recommendation of Mr. Newbrook.

2. Bid #631 - Tree Planting

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 informed the Council that he was in receipt of one bid from Samuel Kinder and Brother of Bristol in the amount of \$15,033.

(CA) M. ROUTINE REPORTS

(CA) N. FINANCIAL REPORTS

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

1. Revenue and Expenditure Statement - March 14, 2007

P. PROCLAMATIONS & CITATIONS

1. Commendation - Kevin Motta

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

2. Commendation - Dawn Butterfield

Barboza/Cordeiro - 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. Bristol County Water Authority - 15th Annual Water Conservation Poster and Essay Contest

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

Prior to the vote taken Council Chairman Marshall brought this matter to the attention of all present and encouraged participation of the Town's young people.

2. John Rosenow, President, National Arbor Day Foundation to Town Administrator Mederos - congratulations on being named as a 2006 Tree City USA

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

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Prior to the vote taken Council Chairman Marshall brought this matter to the attention of all present.

3. Donna L. Giordano, Council Clerk, Town of Westerly - Resolution re Non-Renewal of Insurance for Coastal Properties
4. Gary Watros, President, Bristol Garden Club to David Swanson, Chairman, Rogers Free Library Building Committee re landscaping concerns at Remembrance Garden behind Library

Herreshoff/Parella - Voted unanimously to instruct the Clerk to correspond with the capital project committee and encourage the preservation of the historic garden.

Prior to the vote taken, Councilman Herreshoff stated that he was concerned that the library garden might be replaced with something inferior. He speculated that the redesigned green space will have an institutional appearance. He suggested that the Town Council should support the efforts of the Garden Club to preserve as much of the garden as possible.

Director of Community Development Williamson, a member of the Capital Project Committee noted that the Committee is informed that the construction phase will be very destructive to the garden area since this will be needed for staging, etc. She also noted that the Garden Club will be relocating plant material to "nursery" at Mount Hope Farm.

5. Warrant - Ian Y. Morrison, Bristol County Water Authority
6. Warrant - Mark DeFelice, Recreation Board
7. Warrant - Lisa J. Guercia, Recreation Board
8. Warrant - Robert C. Arruda, Rogers Free Library Capital Project Building Committee
9. Warrant - Lori Nunes, Substance Abuse Prevention Task Force
10. Warrant - Victoria White, Substance Abuse Prevention Task Force

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11. Warrant - Carolyn Gamwell, Substance Abuse Prevention Task Force
12. Warrant - Walter Burke, Substance Abuse Prevention Task Force
13. Warrant - Arlene McAuley, Substance Abuse Prevention Task Force
14. Warrant - Thomas Carroll, Substance Abuse Prevention Task Force
15. Warrant - John Cabral, Substance Abuse Prevention Task Force
16. Warrant - David Silvia, Substance Abuse Prevention Task Force
17. Warrant - Rita Ayres-Gaulin, Substance Abuse Prevention Task Force
18. Town Administrator Mederos - Award of Bid #624, Wastewater Project Upgrades to Hart Engineering Corporation, 800 Scenic View Drive, Cumberland, RI
19. Council Clerk Cirillo to Paul Mancieri, Leo's Pizzeria and Deli, Inc., 365 Hope Street, Bristol - withdrawal of appeal by Gregory Raposa re liquor license
20. Council Clerk Cirillo to Yuan K. Zhuang, Z & Z Inc., d/b/a Jade Palace, 531 Wood Street - withdrawal of appeal by Gregory Raposa re liquor license
21. Council Clerk Cirillo to Dr. Edward Mara, Superintendent of Schools re Council approval of dedication of Mt. Hope Sports Complex in memory of Thomas Vendituoli
22. Grover Fugate, Executive Director, Coastal Resources Management Council re notice to change management plans, policies, procedures and regulations
23. Martin D. Wencek, Freshwater Wetlands Program, RI Department of Environmental Management to Eric Goetz, President, VC Land, LLC, 15 Broad Common

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Road - Insignificant Alteration Permit re Plat 87,
lot 10

24. Charles A. Horbert, Freshwater Wetlands Program, RI Department of Environmental Management to Town Administrator Mederos - Insignificant Alteration Permit re intersection of Waterman/Elbow Street
25. Matthew Wilson - Thank You to those who attended his Eagle Scout Court of Order
26. Coastal Resources Management Council re consideration of application by Michael McCarthy, 457 Poppasquash Road, Bristol, to alter design of previously approved residential boating facility
27. Town Administrator Mederos to Robert Rocchio, RI State Traffic Commission re "No Right Turn on Red" designation at Chestnut/Hope Streets
28. Russell J. Chateauneuf, Groundwater and Wetlands Protection, RI Department of Environmental Management - notice of proposed amendments to Freshwater Wetlands Regulations
29. Edward F. Sanderson, Historical Preservation & Heritage Commission to Town Administrator Mederos re 2007 Certified Local Government Grant Award

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

Prior to the vote taken, Council Chairman Marshall noted the receipt of this grant and congratulated Town Administrator Mederos who in-turn congratulated Director of Community Development Williamson for her efforts regarding same.

30. Council Clerk Cirillo to Town Solicitor Ursillo - RIGL 2-23.1 Notification to Farmers re land use considerations
31. Jeffrey S. Brenner, President, Barrington Town Council - Resolution supporting proposed *Public Financing of Elections Act*
32. Town Administrator Mederos - Award of Bid #600, Town Beach Concession to George Seyez, III, 2 Turner Road, Bristol

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33. Richard J. Goldstein, City Clerk, Pawtucket - City Council Resolution re *An Act Relating to Fish and Wildlife - Menhaden Management Area*
34. Louise R. Phaneuf, Town Clerk, Burrillville - Resolution re *Amendments to Chapter 98 Energy Facility Siting Act*
35. Bristol Train of Artillery, 135 State Street - Class F-1 Intoxicating Beverage License for March 16, 2007
36. Town Administrator Mederos - Award of Silver Creek Comprehensive Drainage Study to BETA Group, Inc., 6 Blackstone Valley Place, Lincoln, RI
37. Town Administrator Mederos - Award of Bid #630, Firefighter Turnout Gear to Fire Tech & Safety of New England, 187 Billerica Road, Chelmsford, MA

(CA) RR. 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 & Events/Week of March 5, 2007
2. Bristol Warren Regional School Committee/Policy/Community Subcommittee - March 5, 2007
3. Bristol Warren Regional School Committee/Joint Finance Committee - March 8 and March 29, 2007
4. Bristol Warren Regional School District - Schedule of Meetings & Events/Week of March 12, 2007
5. Bristol Warren Regional School Committee - March 12, 2007
6. Bristol Warren Regional School Committee/Colt Andrews Construction Subcommittee/Bond Project Building Committee - March 15, 2007

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7. CRMC/Semi-Monthly Meeting/Full Council - March 13, 2007
8. CRMC - March 2007 Amended Calendar
9. CRMC/Semi-Monthly Meeting/Full Council - Amended Agenda for February 27, 2007
10. Bristol County Water Authority/Public Relations/Personnel Committee - March 6, 2007
11. Bristol County Water Authority/Audit Finance Committee - March 6, 2007
12. Bristol County Water Authority/Engineering Committee - March 8, 2007
13. Bristol County Water Authority/Board of Directors - March 14, 2007
14. Bristol County Water Authority - April 2007 Meeting Calendar
15. Harbor Commission - March 5, 2007

S. TOWN SOLICITOR

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

Barboza/Cordeiro - Voted
unanimously to adjourn into
Executive Session pursuant to RIGL
42-46-5 (a) (5).

It is hereby noted for the record that this action took place at the conclusion of this evening's public agenda.

Z. INDIVIDUAL COUNCIL MEMBERS AGENDA ITEMS

1. MARSHALL
 - a. Mike Davis - Council Chairman Marshall thanked Mike Davis for filming this Council meeting this evening.
 - b. Council Meetings on Website - Council Chairman Marshall note that video of the Council

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Meetings now appears on the Town of Bristol Website www.bristolri.us.

c. Muscular Dystrophy Association - Council Chairman Marshall thanked everyone who "bailed-out" his honor during the recent Muscular Dystrophy fundraising Lock-up.

2. CORDEIRO

a. Happy Easter - Councilman Cordeiro noted the upcoming Easter Holidays and wished everyone present a Happy Easter. He also drew attention to the Easter-egg tie he was wearing for the occasion.

3. PARELLA

4. BARBOZA

Happy Easter/Note of Passover - Councilman Barboza wished everyone a Happy Easter and also noted the upcoming observance of the Jewish holydays of Passover.

5. HERRESHOFF

a. Valencia, Spain - Councilman Herreshoff informed those present that he recently visited the city of Valencia in Spain and noted the extreme cleanliness of the city. He also noted that Valencia has celebrations with deafening fireworks.

ZZ. TOWN ADMINISTRATOR AGENDA ITEM(S)

CITIZENS PUBLIC FORUM

a. Bristol Veterans Council to Town Administrator Mederos re Veterans Projects.

It is noted for the record that the Veterans Council will be soon completing several projects within the War Memorial Garden as communicated to Town Administrator Mederos:

Installation of new bronze eagle and plaque
Cleaning of all unit and memorial stones

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Relocation and replacement of flag pole holders
Repair of walkway in the garden area

Herreshoff/Cordeiro - Voted unanimously to resume open session and seal the minutes of the Executive Session at 10:24 o'clock PM.

There being no further business upon a motion by Councilman Barboza, seconded by Councilman Cordeiro and unanimously approved, the Chairman declared this meeting to be adjourned at 10:25 o'clock PM.

Louis P. Cirillo, Clerk