

TOWN COUNCIL MEETING - WEDNESDAY EVENING - AUGUST 8, 2007

PRESENT: Marshall, Cordeiro, Parella, Barboza and Herreshoff
(arrived at 7:30 o'clock PM)

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, August 8, 2007 in the Town Hall, Council Chambers beginning at 7:03 o'clock PM, Council Chairman Marshall presiding:

Council Chairman Marshall - Request for Executive Session pursuant to RIGL 42-46-5(a)(2) litigation

It is hereby noted for the record that Council Chairman Marshall stated that this matter was no longer urgent and could be taken-up at the conclusion of the public agenda.

Citation - Eagle Court of Honor for Matthew Louis Silva

Councilman Barboza read the citation as prepared by the Clerk and Mr. Silva thanked the Council for the citation and explained that he had joined the U. S. Navy and will be leaving for basic training very soon.

Prior to the commencement of the regular published agenda, Councilman Barboza noted for the record that the Recreation Department's children's parade was held this evening and Fire Chief Martin was selected to be the guest of honor for the event. Councilman Barboza extended the best wishes of the Council to Fire Chief Martin.

MOTION RE: CONSENT AGENDA - TO APPROVE THE CONSENT AGENDA

Cordeiro/Barboza - Voted
unanimously to approve the Consent
Agenda withholding docket item R15
for further discussion.

A. SUBMISSION OF MINUTES OF PREVIOUS MEETING

1. Town Council Meeting - July 11, 2007

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

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

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

1. Open Space Conservation Committee - June 18, 2007
2. Historic District Commission - June 7, 2007
3. Housing Authority - June 21, 2007
4. Zoning Board of Review - June 4, 2007
5. Rogers Free Library Capital Project Building Committee - June 28, 2007
6. Planning Board - June 19, 2007
7. Planning Board - July 5, 2007
8. Bristol County Water Authority/Audit Finance Committee - July 10, 2007
9. Bristol County Water Authority/Engineering Committee - July 10, 2007
10. Bristol County Water Authority/Public Relations/Personnel Committee - July 10, 2007
11. Bristol County Water Authority/Annual Meeting - June 21, 2007
12. Bristol County Water Authority/Board of Directors - June 21, 2007
13. Harbor Commission - July 9, 2007

B. OLD BUSINESS

1. Frank J. Sylvia, Authority Member, Bristol County Water Authority re update of status of Hydraulic Model (verbal report)

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

Prior to the vote taken, Mr. Sylvia informed the Council that the Water Authority received a proposal from Camp, Dresser & McKee to complete a hydraulic study for \$128,000. He further informed the Council that this proposal was the

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direct result of the efforts of the three Bristol directors of the Authority on behalf and at the behest of the Council.

Mr. Sylvia also informed the Council that he was of the opinion that the Authority should seek alternative proposals so as to obtain the best price from qualified engineering firms. He state that he expected the Authority to act upon this matter next Wednesday and also expected that the Authority would either grant the contract to Camp, Dresser or seek additional proposals.

Mr. Sylvia explained that he expected to have further information regarding this hydraulic study in three to five months.

Council Chairman Marshall stated that he appreciated Mr. Sylvia's presence and report and reminded those present that the Council expressed its concern regarding low water pressure in certain areas to the Authority and asked it to take action to alleviate this problem.

Council Chairman Marshall also stated that he was concerned that low water pressure and the sometimes-need to install booster pumps presents a hardship to property owners and creates an impediment to businesses wishing to locate in Bristol.

Mr. Sylvia also thanked Town Administrator Mederos for brining the issue of water main replacement "to the front burner."

2. Councilwoman Parella re Dixon Avenue,
continued from June 13, 2007

Cordeiro/Parella - Voted
unanimously to continue this matter
until the meeting of October 10,
2007.

Prior to the vote taken, Councilwoman Parella explained that this matter was of concern due to the "blighted" properties in the area.

Town Solicitor Ursillo noted that his office was working closely with Building Official Pimenta to provided specific notice of violations to the property owners. He further noted that he expected that the matter would be in court during the month of September.

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It was suggested that this matter might be continued until after the anticipated court date.

3. Patrick and Gail Conley, One Bristol Point Road - request to rename portion of Tower Road to Pokanoket Place, continued from July 11, 2007

- a. Director of Community Development Williamson - recommendation

Barboza/Parella - Voted unanimously to schedule a public hearing concerning this matter for the August 29, 2007 meeting.

Prior to the vote taken, Director of Community Development Williamson reviewed the salient details of her report explaining that the portion of the road initially proposed by Dr. and Mrs. Conley for renaming was actually a private road owned by Brown University. She did explain, however, that the portion of the original Tower Road adjoining Mr. Conley's property was a public road and could be renamed by the Council.

Dr. Conley stated that he would agree to the recommendation of Director of Community Development Williamson and also agreed to reimburse the Town for expenses related thereto.

4. 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 July 11, 2007

- a. Alfred R. Rego, Jr., Esquire - building permit to comply with Fire Chief's recommendation

(LATE ITEM)

- b. Robert J. Martin, Chief, Bristol Fire and Rescue to Bristol Golf Club, Inc. re compliance

Barboza/Parella - Voted unanimously to grant the license for the remainder of the regular term per the recommendation as received; subject to compliance to all laws, ordinances and regulations and payment of all fees and levies.

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Prior to the vote taken, Attorney Rego noted that he was informed that the establishment had completed its repairs and was now in compliance with the fire laws.

Town Administrator Mederos read from a letter from Fire Chief Martin to Bristol Golf Club, Inc. (late item B4b) and noted that the Chief has found the modification to the building both complete and in compliance with the related regulations.

5. Rodney W. Wick, PE, Caputo and Wick, Ltd. - report and recommendation on masonry deterioration of Community Center Wall, continued from July 11, 2007

Cordeiro/Parella - Voted unanimously to continue this matter until the meeting of August 29, 2007.

Prior to the vote taken, Town Administrator Mederos reported that the test borings to evaluate the condition of the foundation proved that the foundation was sound in consideration of the building's age. She noted that these findings relieved the concern that held up the repairs of the interior wall.

She also reported that the Town was pursuing the matching grant from the Rhode Island Historical Preservation and Heritage Commission. Director of Community Development Williamson reported that the Town received a waiver would allowing previously expended funds (engineering, etc.) to be applied as the Town's portion of the grant-match were it to obtain funding from the State.

6. Sandra and Keneaca Richardson, 67 Ruggles Street, Providence - request for Hawkers and Peddlers License to sell novelty items, continued from July 11, 2007

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

Prior to the vote taken, it was noted that the petitioners were not present despite being notified of the Council's desire to obtain further information regarding their petition.

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7. Roberta B. Merkle, Cornerstone Adult Services, Inc. - request for Town Council allocation to cover rent increase, continued from July 11, 2007

- a. Town Treasurer Day - status report

Cordeiro/Parella - Voted unanimously to continue this matter until the meeting of September 19, 2007.

Prior to the vote taken, Town Treasurer Day explained that the agency had not yet presented an action plan. He suggested that the Council might withhold action until its receipt of an action plan.

8. Councilman Barboza re noise issues

Herreshoff/Cordeiro - Voted unanimously to continue this matter until the meeting of August 29, 2007.

Prior to the vote taken, Councilman Barboza stated that administration was meeting with State officials tomorrow to discuss the matter of the "loophole" in the State law concerning illegal exhaust pipes on motorcycles. He explained that there should be something to report to the Council in time for its next regular meeting.

Council Chairman Marshall stated that he observed signs in Newport indicating that the city will enforce noise regulations. He suggested that the Council might reconsider installing similar signage in Bristol.

Councilman Cordeiro stated that these signs should read "Bristol will not tolerate loud noises" or some such verbiage and that these signs might be a deterrent to those who drive loud motorcycles.

Town Administrator Mederos agreed to investigate the type, wording and placement of signs.

Council Chairman Marshall also noted that some of the problem is precipitated by those persons who play loud radios in their vehicles. He suggested that any noise reduction efforts might focus on these also.

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Councilman Barboza stated that the current focus was to close the loophole in the motorcycle muffler law.

9. Denise R. Arsenault, 16 Hattie Brown Lane et al - Petition re development proposal plat 28, lot 38 (Lugent Lane adjacent to Juniper Hill Cemetery), continued from July 11, 2007
 - a. Council Chairman Marshall re building moratorium
 - b. Director of Community Development Williamson - geotechnical engineering proposals

It is hereby noted for the record that Councilman Herreshoff continued his recusal on this matter as recorded on July 11.

Barboza/Cordeiro - Voted to continue this matter until the regular meeting of August 29, 2007 (Councilman Herreshoff recused)

Prior to the vote taken, Town Solicitor Ursillo stated that the Council does not appear to have any jurisdiction in this matter since it is properly before the Planning Board.

Town Solicitor Ursillo also explained that for the Council to consider the imposition of a moratorium it must first determine if three basic criteria are met:

- a dire emergency exists
- the moratorium will prevent a 'disaster'
- a plan to rectify the problem/emergency exists

Councilman Barboza stated that he was of the opinion that the Council's thoughts regarding a moratorium would be to "take a step back and determine where we are going." He also stated that he understood that it would not be possible to place a moratorium in this particular case since the process was already on-going.

Town Solicitor Ursillo stated that a moratorium must be the action of last resort and that the Council has other methods at its disposal that are less difficult to impose. He cited the recent lot-merger ordinance and basement-above-water table ordinances that were rejected by the Council. He further stated that these ordinances would specifically mitigate the drainage and runoff situations. He noted that

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it would not be possible to declare an emergency regarding drainage and runoff when these proposed regulation were not put in place.

Town Solicitor Ursillo also stated that other less-extreme and enforceable measures might be possible and the Council would be compelled to investigate these before any moratorium could be considered.

Councilman Barboza stated that he was of the opinion that it would be prudent for the Council to revisit the lot-merger and basement ordinances. He expressed concern that a small special group with special, personal, interests may have convinced the Council to reject these proposals.

Town Solicitor Ursillo stated that the zero-runoff ordinance is a good step in the right direction and that the Council's further consideration of other measures would improve the situation overall.

Councilwoman Parella expressed concern that the Town does not have nearly enough funds to repair all of the drainage problems and more funds will be needed. She speculated that the current available funds would not repair one-third of the existing problems.

Councilman Barboza expressed frustration that the Town must expend large amounts of money to repair problems caused by developers.

Councilwoman Parella stated that "tighter rules" are needed to control the problems caused by development.

Council Chairman Marshall noted that the Zoning Code Review Commission was in place and that both he and Councilman Cordeiro were working on this commission.

Denise Arsenault of 15 Hattie Brown Lane provided the Council with a copy of Chapter 29 (Zero Runoff) of the Town Code. She stated that she was concerned that Mr. Fonseca has not provided a runoff plan for the proposed Lugent Lane development as required by the ordinance. Ms. Arsenault informed the Council that she has a "strong concern that this has not been done."

Ms. Arsenault took exception to Town Solicitor Ursillo's assertion that the proposed development "was not a crisis" and that she considered it to be critical due to its potential impact upon her entire neighborhood. Ms. Arsenault

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stated that she would like the opinion of many experts regarding this case.

A discussion ensued regarding the Planning Board's responsibility to decide the merits of Mr. Fonseca's application by a certain deadline. Ms. Arsenault stated that she was concerned that the expert's reports might not be ready before the Planning Board must decide.

Councilwoman Parella suggested that the Planning Board should delay its decision in the absence of the learned reports with Town Solicitor Ursillo explaining that this might not be possible but that the Planning Board can always reject the proposal if it believes the supporting data is insufficient.

A further discussion ensued regarding who should evaluate the proposal on behalf of the Town with Director of Community Development Williamson stating that she is in receipt of two proposals from firms well versed in the matters as raised by Ms. Arsenault et al and that these firms should be able to answer all of these questions.

Ms. Arsenault noted that the Town appears to be incapable of handling erosion and silt in catch basin issues and was surprised that there have been no lawsuits thus far regarding same. She renewed her request for a moratorium and stated that there was a definite crisis in her opinion.

Ms. Arsenault asked if the neighbors might be able to meet with the experts planned to be hired by the Town with Town Solicitor Ursillo stating that the place for inquiring of the experts would be at the Planning Board and that questions should be asked in advance and/or through the Planning Board chairman.

Ms. Arsenault stated that the presentation for the developer at the Planning Board stage was by an attorney and what appeared to be an "engineer-in-training."

Council Chairman Marshall recommended that the neighbors should prepare their engineering questions in advance of the Planning Board meeting and provide those questions to Director of Community Development Williamson.

Ms. Arsenault stated that she hoped the Town would pursue the purchase of development rights from the Juniper Hill Cemetery were the developer to withdraw his proposal.

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10. Jeffrey and Brenda Ferreira, 41 Basswood Drive re drainage concerns, continued from June 13, 2007
 - a. Director of Community Development Williamson - Engineer's report re 41 Basswood Drive

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

Prior to the vote taken, Director of Community Development Williamson reported that the engineer has proposed some creative solutions for this property owner.

11. Linda Oliveira, 15 Pawtucket Avenue re drainage problems

Herreshoff/Cordeiro - Voted
unanimously to continue this matter
until the regular meeting of August
29, 2007.

Prior to the vote taken, a discussion ensued regarding this perennial problem with Director of Community Development Williamson noting that the Town was close to a solution based upon a plan that required an easement through land owned by Mr. and Mrs. Leach and that the easement was not secured.

Town Administrator Mederos noted that she plans to meet with Mr. Leach regarding the easement.

Ms. Oliveira stated that the problem has afflicted her neighborhood for sixteen (16) years and she is concerned about the related health and safety issues.

Council Chairman Marshall explained that much of the resolution of the problem hinges upon the easement with Ms. Oliveira stating that the drainage issue "is the Town's problem."

Ms. Leach stated for the record that she was not in favor of granting an easement.

Judith Montalvo of 2 Loveland Avenue stated that she was concerned that the neighborhood fire hydrant was covered in a thicket of weeds. Town Administrator Mederos agreed to investigate the matter and have the weeds mowed.

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Director of Community Development Williamson agreed that Mr. Wick should revisit the site and determine if an alternate drainage plan might be designed without the easement or with a less intrusive one.

Doris Pellegrini of 8 Roseland Avenue accused the Town of "treating her like a second-class citizen." She noted that the Council has the "fiduciary responsibility" to repair the problem and must spend the funds to do so.

BB. SPECIAL /STATUS REPORTS

1. Director of Community Development Williamson
- Monthly Progress Report May/June

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

C. PUBLIC HEARINGS

1. Ronald and Linda Alegria, 19 Dartmouth Street
- application for Zoning map change re
portion of Dartmouth, Dixon and Naomi Streets
 - a. Recommendation - James Farley, Chairman
Planning Board
 - b. Edward and Emily Spinard, 35 Dartmouth
Street - objection to zone change
 - c. Emily Spinard, et al - petition in
opposition
 - d. Revised Recommendation - James Farley,
Chairman, Planning Board

LATE ITEM

Council Chairman Marshall recused.

Council Vice-chairman Cordeiro opened the Public Hearing.

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

Herreshoff/Barboza (for discussion)
- To approve the zone change with the condition that there be only four (4) lots created upon the

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Alegria land. Voting in favor of the motion was Councilman Herreshoff. Voting opposed were Council Members Cordeiro, Parella and Barboza - motion failed.

Prior to the vote taken,

William P. Dennis, Esq. representing the petitioner noted that the Council was considering the rezoning of some 54 acres, currently zoned R15 to a combination of open space and R10. He further noted that the open-space portion was owned by the Town of Bristol.

Mr. Dennis noted that the property was first-platted in 1915 and that the property has developed during the past into lots with an average size of 11,206 square feet. He noted that 24 of the 36 home sites as part of this parcel are less than the minimum of 15,000 square feet as required by the R15 zone.

Mr. Dennis provided some maps illustrating the size of the various home sites. He noted that if the Town were to grant this change a majority of the home sites would then be conforming to the lot size minimum.

Speaking in favor of the proposal were the Messrs. Alan, Sr. and Alan, Jr. Bullock who informed the Council that they were in possession of a lot in the area (9 Dixon Avenue) measuring 20,000 square feet and would like to subdivide this parcel into two 10,000 square foot lots. They noted that their property was the subject of an earlier agenda item (B2) and were the petition to be granted they would clean-up their property and build two new houses upon it.

There was no further remonstrance in favor of the proposal.

Speaking against was Ted Spinard of 35 Dartmouth Street. Mr. Spinard stated that the proposal was not in compliance with the Town's Comprehensive Plan and that any relief should be granted by the Zoning Board and not rezoning.

He stated that he was of the opinion that the rezoning would result in teardowns in order to create more lots and that the "character" of the neighborhood would be negatively impacted.

He expressed concern that although the Messrs. Bullock state that they intend for their property to remain in their

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family they refused to agree to a deed restriction to require same.

Mr. Spinard stated that 80% of the properties in the neighborhood exceed 10,000 square feet and the resulting lots created by the proposed zone change would likely be smaller than most of the other existing ones. He stated that the Comprehensive Plan calls the neighborhood a "medium density area" and the result as a consequence of the zone change would render it a "high density area." He questioned the reasoning of the Planning Board in its memo and noted that the Planning Board statistics were "meaningless."

Mr. Spinard also stated that the distribution of lot-sizes within the neighborhood appears as a perfect bell-curve and that the proposal would slant the curve in favor of undersized lots. He provided further testimony in opposition to the zone change in that the neighborhood is experiencing drainage issues at the bottom of Dartmouth Street and noted that photographs taken this date illustrate the severity of the drainage problems. He noted that the Town is yet to attempt to resolve these drainage issues.

Patti Cirillo of 37 Dartmouth Street stated that she was concerned about the potential for sewer overloading and that sewage backed-up into her basement recently.

Councilman Barboza stated that the proposed zone change should not impact the drainage issues since the Town maintains a "zero runoff" ordinance.

Water Pollution Control Superintendent Calderiso explained that the sewer problems experienced by Ms. Cirillo should not be exacerbated since the sewage flows in the opposite direction to her home.

Robert DaPonte of 36 Dartmouth Street stated that he has a concern about the overall sewer capacity of the Town's facilities and the development precipitated by the proposed zone change will likely impact the Town's already difficult sewer problems.

He also stated that drainage will likely worsen since rainwater tends to pool and remain for at least one month behind his home.

Mr. DaPonte stated that a primary reason for his purchase of his home was because of the area's zoning at R15. He further stated that he was concerned that the proposed

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zoning downgrade might result in teardowns and the creation of more lots in the already established neighborhood.

Patricia Grifka of 31 Dixon Avenue stated that she, too, experiences regular drainage issues noting that the water cannot apparently recede into the wetlands fast enough. She noted problems with soil erosion, runoff, and wash-out of parts of her yard.

Emily Spinard of 35 Dartmouth Street stated that the proposed zone change would essentially result in spot-zoning and she opposes same. She further stated that the proposal, if approved, would result in an "island of R10" in the center of a R15 area. She noted that such a move would be in defiance of the provisions of the Town's Comprehensive Plan.

Ms. Spinard also speculated that other neighborhoods might become overdeveloped as a result of the precedent set by this proposal and the neighborhood has developed nicely as a R15 zone over the past 20 years and the stability of the area was now potentially compromised.

Mr. Bullock, Jr. again noted his support of the zone change and further noted that all of the arguments heard thus far were raised at the Planning Board meeting regarding this matter.

Councilman Cordeiro read from the letter as provided by the Planning Board Chairman.

Mr. DaPonte noted for the record that no one from the Planning Board took the time to visit the neighborhood.

Mr. Spinard noted that the Planning Board's calculation of average neighborhood lot size (11,000 sq. ft.) is incorrect.

Councilwoman Parella asked if the proposed zoning is applied to the petitioner's lot, it could potentially result in four 10,000 sq. ft. lots and one measuring 8,000 sq. feet with Director of Community Development Williamson stating that she believed that the petitioner would like to create four (4) 12,000 sq. ft. lots.

Town Solicitor Ursillo stated that this fact might be made a stipulation of the zone change (4 lots only on the petitioner's parcel).

Councilwoman Parella stated that she was 'uncomfortable' with the idea to increase density when the Town was already

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struggling with severe drainage problems elsewhere caused by overdevelopment and high densities.

A discussion ensued regarding those who did and did not sign the petition provided with Mr. Spinard noting that some of the neighbors appeared to be neutral on the topic and others were "protecting their (personal) interest."

Councilwoman Parella stated that perhaps the Planning Board should consider the establishment of a R12 (12,000 sq. ft. min.) zone when it reviews the Comprehensive Plan.

Councilman Herreshoff asked if the petitioner would agree to a four-maximum lot subdivision of his property with Attorney Dennis responding affirmatively for the petitioner.

A discussion ensued regarding the Planning Board's opinion regarding this matter with Councilwoman Parella stating that the Town Council is currently dealing with the problems caused by prior mistakes and did not wish to add another into the equation.

After the close of the public hearing:

Councilman Herreshoff stated that the neighborhood has definite problems but he speculated that the additional house lot that would be granted the petitioner should not produce a further detrimental effect.

Councilman Herreshoff made a motion to grant the zone change with the stipulation that the petitioner would be limited to a four-lot subdivision. Although Councilman Barboza agreed to second the motion for purposes of discussion, a vote to grant the petition failed 3-1 with Councilman Herreshoff solely voting in favor.

Councilman Cordeiro asked if the petitioner's matter would be better decided before the Zoning Board of Review and that he was typically reluctant to reject a Planning Board recommendation.

Councilwoman Parella stated that the Council can reject a Planning Board recommendation if it deems the idea to be outside the best interest of the Town.

Councilman Barboza noted that there appeared to be good arguments on both sides of the issue. He suggested that the problem might be better resolved at the time that the Comprehensive Plan is reviewed. He asked Director of Community Development Williamson for a timeline for the

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upcoming review with Director of Community Development Williamson responding that the Comprehensive Plan will be reviewed as of March 2008.

Councilwoman Parella noted that the timing appeared to be apropos for the in consideration of the current discussion.

Herreshoff/Barboza - Voted
unanimously to ask the Planning
Board to consider the merits of the
establishment of a zoning provision
to allow a residential lot size of
12,000 square feet (R12).

2. Steven Ferreira, Sage Bar and Grille, Inc.
d/b/a Sage Bar and Grille, 200 Gooding Avenue
- request for transfer of BV Intoxicating
Beverage License to Copley Operating Group,
LLC, Irving Levine, d/b/a Ricc's Ristorante,
200 Gooding Avenue

- a. Recommendation - William Rabideau, WPCF
- b. Heather Davenport, Thomsen Foodservice -
release of objection
- c. Recommendation - Town Administrator and
Police Chief
- d. Cynthia Cavalieri, Accounting Manager,
EastBay Newspapers - outstanding
advertising bill \$1458.52
- e. Joan Castigliero, d/b/a Nick's Fish
Market - release of objection
- f. Alfred R. Rego, Jr. Esquire - proof of
payment made to various distributors

LATE ITEM

- g. Paul J. Pisano, Esquire - release of
objections by various distributors

LATE ITEM

- h. Cynthia Cavalieri, Accounting Manager,
EastBay Newspapers - release of
objection

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

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Cordeiro/Barboza - Voted
unanimously to grant the transfer
subject to conformance to all laws
and ordinances and payment of all
fees, levies, and outstanding
debts.

Prior to the vote taken Council Chairman Marshall opened the
Public Hearing.

Speaking in favor of the transfer Attorney Alfred R. Rego,
Jr. informed the Council that this matter was before its
honorable body as a "housekeeping" matter since the matter
had been discussed at previous meetings; only the name of
the transferee was provided incorrectly in the past.

No remonstrance was presented in opposition of the transfer.

3. Nancy L. Pritchard, 4 Stonegate Road, Warren,
RI d/b/a Wooden Horse Gallery Art & Antiques
- request for Junk and Second Hand Dealer's
License at 651 Metacom Avenue
 - a. Recommendation - Town Administrator and
Police Chief

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

Herreshoff/Cordeiro - Voted
unanimously to grant the license
subject to conformance to all laws
and ordinances and payment of all
fees and levies.

Prior to the votes taken, Council Chairman Marshall opened
the public hearing. Ms. Pritchard appeared before the
Council and noted that she was available to answer any
questions that might arise.

Stephan Brigidi of 93 Highland Road stated that he was in
support of the granting of this license.

There was no remonstrance presented in opposition to the
granting of this license.

D. ORDINANCES

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1. Ordinance #2007-20, CHAPTER 16, Motor Vehicles and Traffic, Section 16-143, Parking prohibited at all times, across from 2 Milford Street, **2nd reading for adoption**

Barboza/Parella - Voted unanimously to continue this matter until the meeting of August 29, 2007.

Prior to the vote taken, Mr. John Brando of 2 Milford Street stated that he was in favor of the adoption of this ordinance since it is difficult, if not impossible, for him to exit his driveway when a vehicle is parked in the area in question. He further noted that this problem has been extant for a long time and his neighbors have been uncooperative - leading to his request that the Council ordain the no-parking zone.

Dyanne Gibree of 3 Milford Street informed the Council that she was opposed to the ordinance since the affected area is in front of her house. She stated that she has many household members who have vehicles and must park same on the street and prefer to park directly in front of her house in the space designated by the ordinance.

Councilwoman Parella stated that this matter appeared to be a neighborhood dispute that might be better resolved through the Roger Williams University mediation program.

The Council agreed to revisit the matter at its next meeting.

2. Ordinance #2007-22, CHAPTER 16, Motor Vehicles and Traffic, Section 16-119, No Through Commercial and/or Industrial Trucks, Christopher Drive and Herzig Street, **1st reading**

Parella/Barboza - Voted unanimously to consider this action to be the first reading of Ordinance #2007-22. Advertise in local newspaper.

3. Ordinance #2007-23, CHAPTER 16, Motor Vehicles and Traffic, Article IV, Operation of Vehicles, Section 16-111, Speed Limits, Herzig Street, 15 mph, **1st reading**

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Parella/Cordeiro - Voted
unanimously to consider this action
to be the first reading of
Ordinance #2007-23. Advertise in
local newspaper.

4. Ordinance #2007-24, CHAPTER 16, Motor
Vehicles and Traffic, Article V, Stopping,
Standing and Parking, Section 16-143, Parking
prohibited at all times, 3 Third Street, **1st
reading**

Cordeiro/Herreshoff - Voted
unanimously to consider this action
to be the first reading of
Ordinance #2007-24. Advertise in
local newspaper.

(CA) E. BUDGET ADJUSTMENTS

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

1. Tax Assessor - Additions and Abatements
August 8, 2007

(CA) F. APPOINTMENTS

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

1. Public Service Appointments
 - a. Harbor Commission Advisory Committee (1)
 1. Anthony Murgo, 5 Karen Ann Drive -
interest/reappointment
 2. Richard Scott Medeiros, 8 Herzig
Street - interest/appointment

Councilman Barboza nominated Mr. Murgo for reappointment.

Barboza/Herreshoff - Voted
unanimously to close nominations
and to instruct the Clerk to cast
one ballot in favor of Mr. Murgo,
term to expire in August 2010.

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Barboza/Herreshoff - Voted
unanimously to interview Mr.
Medeiros and any other candidates
who express interest in this
Committee at the earliest mutual
convenience.

b. Substance Abuse Prevention Task Force

1. Anne Field-Piette, Coordinator
SAPTF re Allysen Calley, 134
Narrows Road - interest/appointment

Councilman Barboza nominated Ms. Calley for appointment.

Barboza/Cordeiro - Voted
unanimously to close nominations
and to instruct the Clerk to cast
one ballot in favor of Ms. Calley,
term to expire in January, 2009.

G. LICENSING BOARD - NEW PETITIONS

1. Kevin Almeida, d/b/a Almeida Contracting
Corp., 6 Brayton Woods Drive, Rehoboth, MA -
Request for Drainlayer's License

Herreshoff/Cordeiro - Voted
unanimously to grant this license
subject to a positive
recommendation by the Director of
Public Works and conformance to all
laws and ordinances and payment of
all fees and levies.

Prior to the vote taken, it was noted for the record that
Public Works Director Serbst had not yet provided a
recommendation in this case. It was suggested that the
license might be granted contingent upon its receipt.

2. Richard Arruda, d/b/a Martin, Inc., 28 Sawdy
Pond Avenue, Fall River, MA - request for
Drainlayer's License

- a. Recommendation - Director of Public
Works Serbst

Barboza/Cordeiro - Voted
unanimously to grant this license

based upon the positive recommendation of the Director of Public Works and conformance to all laws and ordinances and payment of all fees and levies.

H. LICENSING BOARD - RENEWALS

(CA) I. UTILITY PETITIONS

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

1. WPCF - Sewer Permits

J. PETITIONS - OTHER

1. Rev. Henry P. Zinno, Jr., Pastor, Our Lady of Mt. Carmel Church - request to use Town Common for fundraiser on September 22 (rain date September 29)
 - a. Recommendation - Director of Parks and Recreation Burke

Barboza/Parella - Voted unanimously to grant the petition as presented based upon the recommendation of the Director of Parks and Recreation.

2. Stephan Brigidi re Thirty Bradford Street Associates, LLC - request to change conditions of BV Limited Intoxicating Beverage License, **call for Public Hearing**

Herreshoff/Cordeiro - Voted unanimously to set the public hearing regarding this matter for Wednesday, September 19, 2007. Advertise in local newspaper.

Prior to the vote taken, Town Solicitor Ursillo explained that the request of this petitioner was a significant departure from the originally granted license conditions. He noted that it would require an advertised public hearing but that notice to abutters was not necessary.

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Mr. Brigidi noted that he plans no changes to the conditions as previously stipulated with the exception of the portions of the building where the alcoholic beverages will be served.

3. Linda C. Arruda for Downtown Bristol Merchants Association - request for permission to close State Street between Hope and Thames Streets to vehicular traffic and waive fees for merchants for Street Fair to be held on September 22, 2007

Barboza/Parella - Voted unanimously to close State Street between Hope and Thames Streets to vehicular traffic to accommodate the purposes of a Downtown Merchants Association street fair to be held on September 22, 2007.

Barboza/Parella - To absorb 50% of the cost of a police officer detail for the date and event specified above. Voting in favor of this motion were Council members Parella and Barboza, voting opposed were Council members Herreshoff and Cordeiro, Council Chairman Marshall abstained from the vote - motion failed.

Herreshoff/Marshall - Voted unanimously to assign a regularly scheduled police officer to be on duty on site during the event scheduled above subject to assignment elsewhere for emergencies as determined by the Chief of Police.

Prior to the votes taken, Ms. Arruda appeared before the Council and explained that the subject street fair would be as in the past. She also noted that her organization asked her to petition the Council for a waiver of the cost of a police detail.

Council members questioned the need for a police detail for this event with Police Chief Serpa noting that similar events benefited from an officer on site. He noted that there have been occasions of children missing and outdoor consumption of alcoholic beverages. He also expressed

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concern that the absence of a regular police detail may allow the situation to "get out of hand."

Councilman Barboza suggested that the Town might support the DBMA by absorbing ½ of the cost of the officer detail.

K. OTHER NEW BUSINESS REQUIRING TOWN COUNCIL ACTION

1. Ernest Almonte, Auditor General - Status of Pension Plans administered by Rhode Island municipalities

- a. Town Treasurer Day - Status update

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

2. Report of the Bristol Warren Regionalization Study Commission - August 2007

Herreshoff/Cordeiro - Voted unanimously to instruct the Clerk to send correspondence to the Superintendent of Schools expressing the Councils gratification for the report and to provide a copy of this letter to the Warren Town Council.

Prior to the vote taken, Councilman Barboza explained that he was a member of this study commission and drew the Council's attention to the results of the study as noted on pages 10 and 11.

3. Director of Community Development Williamson - Request for Executive Session pursuant to RIGL 42-46-5(a)(5) property acquisition

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

4. Eric Goetz, Goetz Custom Boats, 15 Broad Common Road re problems with stray golf balls

Herreshoff/Barboza - Voted unanimously to continue this matter at the discretion of Town Administrator Mederos.

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Prior to the vote taken, Council Chairman Marshall noted that the various parties were working toward a resolution to the situation.

Town Administrator Mederos stated that Mr. Francis was looking into the installation of netting to prevent stray golf balls.

Councilman Barboza noted that the Town is the owner of the course and questioned if there was a liability issue with Town Solicitor Ursillo stating that the Town was specifically indemnified via the conditions of the lease with Bristol Golf Club.

Town Administrator Mederos agreed to report back to the Council as further pertinent information is available.

L. BILLS & EXPENDITURES

1. Bid #638 - Chestnut Street Reconstruction

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

Prior to the vote taken, the Clerk read the results of the bid opening; noting that there were five apparent bidders for this project.

Town Administrator Mederos stated that she was pleased with the bids received and would evaluate same with the assistance of Public Works Director Serbst and Pare Engineering.

**2. Caputo and Wick, Ltd. - Bill for Principal
Engineer at 41 Basswood Road for \$402.50**

Barboza/Cordeiro - Voted
unanimously to approve this invoice
as presented.

(CA) M. ROUTINE REPORTS

(CA) N. FINANCIAL REPORTS

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

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

P. PROCLAMATIONS & CITATIONS

1. Commendation - Paramedic Systems, Inc.

Cordeiro/Herreshoff - Voted
unanimously to adopt this
commendation as 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. Class F Intoxicating Beverage License -
Columban Fathers Bazaar & Festival for July
29, 2007
2. Warrant - Stephen Barker, Redevelopment
Agency
3. Warrant - Melanie Barker, Historic District
Commission
4. Warrant - Ayo Osimboni, Redevelopment Agency
5. Warrant - Judy Dyer, Substance Abuse
Prevention Task Force
6. Council Clerk Cirillo to Ian Y. Morrison, et
al re Bristol County Water Authority proposed
Hydraulic Model
7. Council Clerk Cirillo to Ashley Tully re
Thank You for service and acceptance of
resignation from Redevelopment Agency
8. Council Clerk Cirillo to George Burman re
Thank You for service and acceptance of
resignation from Redevelopment Agency

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9. Council Clerk Cirillo to Steven Johnson re Thank You for service and acceptance of resignation from Open Space Conservation Committee
10. Council Clerk Cirillo to Russell O'Connell re Thank You for service and acceptance of resignation from Historic District Commission
11. Coastal Resources Management Council - consideration of application to construct and maintain residential boating facility from Timothy and Joy Csanadi, 23 Surf Drive, Plat 55, lot 62
12. Town Administrator Mederos - Award of Bid #636 to Grace Quality Used Cars, Inc.
13. Town Treasurer Day to Valzumira Bottigliri, 71 Fales Road re insurance claim
14. Town Treasurer Day to Jenifer A. Niedzinski, Esq., Sjoberg & Votta re claim for damages at One Beach Road
15. Director of Parks and Recreation Burke to Steven Barker re Thank You for signs at Sport Complex/Soccer Field

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

Prior to the vote taken, Councilman Barboza commended Mr. Barker for his efforts. Mr. Barker, in turn, stated that he was pleased to be of service and planned to provide some additional signage for the property at Thomas Park in the future.

16. Resolution authorizing assessment of valuation and levy of taxes, sewer service fees and sewer assessments
17. Jeffrey M. Willis, Deputy Director, Coastal Resources Management Council - Notice of intention to change management plans, policies, procedures and regulations

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18. Director of Parks and Recreation Burke to Council Clerk Cirillo - Annual Children's Parade & Awards Night August 8, 2007
19. BETA Group, Inc. - Silver Creek Project Memorandum June 27, 2007
20. Martin D. Wencek, Permitting Supervisor, Freshwater Wetlands Program, RIDEM - Insignificant Alteration Permit at Plat 108A, lot 62 and Plat 108B, lot 4

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

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

1. Bristol County Water Authority - August 2007 Calendar
2. Bristol County Water Authority - Annual Meeting notice for July 18, 2007
3. Bristol County Water Authority - Board of Directors Monthly Meeting notice for July 18, 2007
4. Building Code of Appeals Board - Meeting notice for July 25, 2007
5. Bristol Warren Regional School District - Schedule of Meetings & Events/Week of July 9, 2007
6. Bristol Warren Regional School District - Schedule of Meetings & Events/Week of July 16, 2007
7. Bristol Warren Regional School District - Schedule of Meetings & Events/Week of July 23, 2007
8. Bristol Warren Regional School Committee/Personnel/Contract Subcommittee - July 10, 2007
9. Bristol Warren Regional School Committee/Budget/Facilities Subcommittee - July 23, 2007

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10. Bristol Warren Regional School
Committee/Policy/Community Affairs
Subcommittee - August 6, 2007
11. Coastal Resources Management Council - Agenda
for July 24, 2007
12. Coastal Resources Management Council - Notice
of Public Hearing August 29, 2007

S. TOWN SOLICITOR

1. Andrew M. Teitz, Esquire, Assistant Town
Solicitor - Municipal Court Cases

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

Z. INDIVIDUAL COUNCIL MEMBERS AGENDA ITEMS

1. MARSHALL

a. Thank You, Mike Davis/Steve Roth - Council
Chairman Marshall extended the gratitude of the
Council to Messrs. Davis and Roth for filming this
evening's meeting.

b. 8th Month - Council Chairman Marshall noted
that he has finished his eighth month as Chairman
and that sometimes the Council might get the
impression that it is "swimming against the tide"
but that he has noticed that the group tends to
have a "shared vision" and would like the public
to be assured that the Council is working on
problem resolution.

2. CORDEIRO

a. State Street Dock Repairs - Councilman
Cordeiro asked if "things were moving along" with
the repairs to the State Street Dock with Director
of Community Development Williamson responding
that the repairs will be completed in a two-phase
overall plan beginning with the west wall
restoration and the "big picture" program at a
later time. Director of Community Development
Williamson noted that funds are only available for
the west wall at this time and she will likely ask

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the Council's consideration for further funding at budget time.

b. Medical Coverage Reimbursement - Councilman Cordeiro asked Town Administrator Mederos if Town employees were entitled to a buyback of medical coverage costs were the employee to opt-out of the coverage with Town Administrator Mederos noting that some of the employee contracts provide this benefit.

c. Attorney General's Summit Meeting - Councilman Cordeiro noted that he was in attendance at the summit meeting held last Friday (August 3) concerning open meetings, records and the Ethics Commission. He stated that it was interesting to learn what a public official "can and can't do."

3. PARELLA

4. BARBOZA

a. Summertime Jazz at Mount Hope Farm - Councilman Barboza noted that he and Frances O'Donnell co-chaired a fundraising party at Mount Hope Farm on last Sunday evening (August 5). He explained that the event was a great success and thanked the various sponsors, volunteers and event patrons.

5. HERRESHOFF

a. Church Street Dock - Councilman Herreshoff asked for a brief status report on the repairs to the Church Street Dock with Director of Community Development Williamson noting that work on the dock is currently at the bidding stage.

b. Agree to Disagree - Councilman Herreshoff noted that the Council members should be "comfortable to disagree" among themselves "but should never get angry." He noted that the Council appears to have a very good working relationship.

ZZ. TOWN ADMINISTRATOR AGENDA ITEM(S)

a. Defer to Ms. Horne - Town Administrator Mederos stated that she had nothing specific to report at

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this time but would yield her time to Nancy Horne, a member of the Recreation Board.

Ms. Horne noted that this evening held the final activity of the Recreation Department's summer program - a children's parade. She thanked all of the various participants and noted that the program would not be successful were it not for the support received by the Council.

CITIZENS PUBLIC FORUM

Barboza/Parella - Voted unanimously to adjourn into Executive Session pursuant to RIGL 42-46-5a (2) and (5) Litigation and Property Acquisition at 11:15 o'clock PM.

Barboza/Parella - Voted unanimously to resume open session and seal the minutes of the Executive Session at 11:45 o'clock PM.

There being no further business upon a motion by Councilman Barboza seconded by Councilwoman Parella and unanimously approved, the Chairman declared the meeting to be adjourned at 11:46 o'clock PM.

Louis P. Cirillo
Council Clerk