

TOWN COUNCIL MEETING - WEDNESDAY EVENING - AUGUST 29, 2007

PRESENT: Marshall, Cordeiro, Parella (arrived at 7:20 o'clock PM), Barboza and Herreshoff

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

The Council met in regular session on Wednesday evening, August 29, 2007 in the Town Hall Council Chambers beginning at 7:05 o'clock PM, Council Chairman Marshall presiding:

Prior to the commencement of this evening's agenda, Council Chairman Marshall noted the passing of his wife's grandmother this date.

Council Chairman Marshall also noted for the record that the Council's role is to often mediate situations and there are typically those who are not pleased by a Council decision. He further noted that the process was not a perfect one, but the Council typically tries its best to lend assistance.

Council Chairman Marshall also stated that an overall goal of the Council is to protect taxpayer interest and typically does so to serve the "betterment of the whole."

Council Chairman Marshall stated that he and Councilman Cordeiro serve on the Mount Hope Enterprise Zone and that Alan Crisman, the Executive Director was present in the audience.

Councilman Cordeiro noted that Mr. Crisman was doing "an excellent job" in his capacity as Executive Director and called upon him to introduce Vera Kurmasheva and Zhanat Baidaralin, a couple from the former Soviet state of Kazakhstan who have recently opened a ballet school on Thames Street.

Mr. Baidaralin informed the Council that he was very pleased to be locating in Bristol and has taught his children about the value of democracy.

Ms. Kurmasheva added that Bristol was a very "warm" town and that she, too, enjoyed its many features.

Council members welcomed the couple and extended best wishes in their endeavor.

Councilwoman Parella arrived at this point in the meeting (7:20).

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Councilman Barboza noted the passing, yesterday, of a long-time member of the Bristol Fire Department, William "Bill" Head who was active with the department for 72 years.

MOTION RE: CONSENT AGENDA - TO APPROVE THE CONSENT AGENDA

Cordeiro/Herreshoff - Voted unanimously to approve the Consent Agenda; withholding item #R9 so that this item might be discussed along with item B4.

A. SUBMISSION OF MINUTES OF PREVIOUS MEETING

1. Town Council Meeting - August 8, 2007

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

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

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

1. Bristol Housing Authority - Corrected minutes, July 11, 2007
2. Bristol County Water Authority Annual Meeting - July 18, 2007
3. Bristol County Water Authority/ Public Relations/Personnel Committee - August 7, 2007
4. Bristol County Water Authority/Audit Finance Committee - August 7, 2007
5. Bristol County Water Authority/Engineering Committee - August 7, 2007

B. OLD BUSINESS

1. Linda Oliveira, 15 Pawtucket Avenue re drainage problems, continued from August 8, 2007

Barboza/Cordeiro - Voted unanimously to continue this matter

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until the meeting of September 19, 2007.

Prior to the vote taken, Council Chairman Marshall noted for the record that the Town has been pumping the standing water and sweeping the street so as to mitigate the situation as much as possible. He further noted that there are ongoing discussion with the Town Engineer toward a more permanent solution to the drainage issues.

Town Administrator Mederos acknowledged that the Chairman "stated the case well" and that she is working along with the various parties toward a more permanent solution.

Councilwoman Parella enquired as to the status of the fire hydrant reported to be obscured by weeds with Council Chairman Marshall explaining that this situation was rectified and that there will be further consideration toward relocating the hydrant to make it more accessible.

Ms. Oliveira asked as to the status of the paper road with Council Chairman Marshall stating that he believed that this road was abandoned in the past and apportioned to the abutting neighbors.

Ms. Oliveira stated that there did not appear to be any documents to support this abandonment.

Ms. Oliveira asked if the Town was waiting for Mr. Leach to make a decision regarding the easement with Town Administrator Mederos explaining that the Town was having discussions with Mr. Leach regarding same.

Ms. Oliveira asked if the Town has a contingency plan with Town Administrator Mederos stating that this matter was also under investigation.

Council members agreed that this matter should be continued so that the Council might monitor progress.

2. Rodney W. Wick, PE, Caputo and Wick, Ltd. - report and recommendation on masonry deterioration of Community Center Wall, continued from August 8, 2007

- a. Rodney W. Wick - update

Herreshoff/Cordeiro - Voted
unanimously to continue this matter

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until the meeting of September 19, 2007.

Prior to the vote taken, Town Administrator Mederos noted that the analysis of the structure of the Community Center building was quite complicated but it appeared as though the foundation was stable and that repairs could be accomplished without the need to disturb the foundation. She further noted that the State Historical Preservation and Heritage Commission might provide a matching grant in aid to help with the cost of the repair to the Community Center walls.

Councilman Herreshoff encouraged the Administrator to seek a grant for this project.

Town Administrator Mederos agreed to keep the Council informed regarding this matter.

3. Council Chairman Marshall re Wind Turbines

Cordeiro/Barboza - Voted unanimously to place an ad in the newspaper seeking proposals for engineering services related to a town wind turbine program.

Prior to the vote taken, Council Chairman Marshall noted that there have been ongoing discussions between him, Paul Sanromà and Juliette Gross regarding a wind turbine program in Bristol. He further noted the success of programs in other communities; particularly Hull, Massachusetts and Portsmouth Abbey.

Council Chairman Marshall suggested that the Town might take action to ask for an engineering study concerning the possible location of a turbine and related issues thereto.

Council Chairman Marshall also noted that there are grant funds available through a Federal Clean Renewable Energy Bond (CREB) and that the CREB programs require engineering studies. He noted that the Town of Portsmouth has already received \$2.6 million from the Federal Government as part of this program.

Council Chairman Marshall brought attention to an article appearing in the Providence Journal concerning the Town's efforts. He also informed the Council that he was in receipt of an inquiry from a Montana company interested in providing services to the Town in reaction to the article.

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Councilman Herreshoff stated the Town might consider a two-branched approach to clean energy; wind turbines and solar power. He noted that solar technology was improving and would likely be more practicable in the future.

Councilman Herreshoff also cited several examples of wind turbine placement and cautioned the Council not to consider those placements that might result in visual pollution.

Councilman Cordeiro stated that he was in agreement with the comments made by Councilman Herreshoff.

Councilwoman Parella stated that the Town should move forward with the idea and it was likely that power generated would offset the cost of a wind turbine if placed properly.

Council Chairman Marshall asked if it would be possible to put forth a request for engineering proposals with Town Solicitor Ursillo commenting that the Council has the authority to do same.

4. Councilmen Barboza and Herreshoff re noise issues, continued from July 11 and August 8, 2007

- a. Jim and Eileen McDermott, 221 Hope Street - noise issues

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

Prior to the vote taken, Councilman Barboza informed the Council that he has been working on this matter along with Sen. David Bates (RI-32 Bristol-Barrington). He noted that he met with State and Town officials to determine a course of action to specifically control illegal noise emissions from motorcycles.

Councilman Barboza further noted that other communities; particularly Newport and New York City have instituted heavy fines.

Councilman Barboza emphatically stated that these efforts are not anti-motorcycle but are rather anti-noise and are directed at the handful of those motor cyclists who attempt to circumvent the law. He noted that new legislation might impose fines upon those inspection stations which knowingly falsify five-day inspection summonses and that "sting

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operations" might be established to examine those establishments that contribute to the problem.

He also noted the establishment of a State-wide task force to investigate the problem overall.

Town Administrator Mederos added that the "thrust" of the program is to "look at those" who sell/service these vehicles outside of what is legally acceptable.

Councilman Herreshoff raised the issue of the 'truck ban' along Hope Street, and commented that the law may need better enforcement.

Town Solicitor Ursillo noted that the ordinance was established based upon a Providence law and that it may be useful to bring non-conformance cases before the Municipal Court.

Councilman Cordeiro asked about the installation of signs at the entrances to the Town and that this would be a proactive step. He agreed to provide a sample of the sign he suggests and Town Administrator Mederos agreed to get information from the City of Newport concerning their specific signs.

It is hereby noted for the record that item R9 was brought forward at this time for discussion.

5. 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 August 8, 2007

a. Robert and Denise Arsenault - questions submitted by abutters for geotechnical firm

LATE ITEM

b. Director of Community Development Williamson to Michael Fonseca re Lugent Lane

It is hereby noted for the record that Councilman Herreshoff renewed his recusal concerning this matter.

Barboza/Cordeiro - Voted unanimously (Herreshoff recused) to continue this matter until the regular meeting of September 19, 2007.

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Prior to the vote taken, Council Chairman Marshall noted that many of the salient points in this matter have been discussed at earlier meetings.

He also noted that the neighbors have provided certain questions and that these will be sent to the consulting engineer.

Director of Community Development Williamson stated that there have been discussions which have included the Planning Board Chairman, engineer, and neighbors which resulted in a revised scope of work. The revised scope of work, as dictated by the questions raised by neighbors resulted in the withdrawal of one engineering firm and the news that the testing requirements for area wells could potentially lead to well failure.

She also explained that an estimate she received for the scope of work as amended might cost as much as \$100,000 and her office would not recommend that the Town spend \$100,000 for the study.

Director of Community Development Williamson stated that typically the developer must "prove his case" and that the neighbor comments will be sent to the developer for his response. She also noted that it is the responsibility of the Planning Board to review the responses as received and to proceed based upon its (the Planning Board's) findings.

Councilwoman Parella stated that her concern was that a report might be biased in favor of the developer if he is to select the engineer or firm.

Director of Community Development Williamson stated that the engineer must satisfy the concerns of the Planning Board and if the Planning Board is not convinced of the engineer's findings it has the option to reject the proposal.

Councilwoman Parella stated that she was of the opinion that the Town should select the expert and the developer bear the expense for same.

Town Solicitor Ursillo stated that the Planning Board's responsibility is to establish a record on a particular plan that will be supported in court if challenged.

Councilman Barboza stated that he and the Council appeared to share many of the concerns as raised by Ms. Arsenault and others and that he did not want to find out "the tough way" if the engineering studies are wrong. He asked to know if

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the developer must post a performance bond and he also asked to know the duration of said bond with Director of Community Development Williamson responding that the bonding period can range from two (2) to thirty (30) years depending upon the circumstances as presented.

Councilman Barboza stated that the long term effect of a particular development should be "foremost in the mind of the Planning Board."

Councilwoman Parella asked if a small fissure in a foundation wall might result from a construction activity such as blasting nearby and the fissure grows over time can the responsibility be traced to the original act with Town Solicitor Ursillo responding that it might not be possible to do so.

Councilwoman Parella stated that this issue appears to be central to neighbor's concerns.

Town Solicitor Ursillo stated that the Planning Board has the authority in this matter and that the "process" must be followed.

Denise Arsenault of 15 Hattie Brown Lane informed the Council that Director of Community Development Williamson was "very open with us." She drew attention to a document provided by Pare Engineering on August 10 and she agreed that \$100,000 was too much for the Town to spend on engineering studies. She did note, however, that any firm selected to study the engineering aspects of the area should be "reputable."

The discussion turned to the study to be completed by Beta Group concerning the Silver Creek watershed with Town Administrator Mederos noting that this study report was pending and further suggested that the Council might schedule a special workshop to review the report once its honorable body is in receipt of same.

6. Councilman Barboza re oversized vehicles

Barboza/Cordeiro - Voted unanimously to refer this matter to Town Solicitor Ursillo so that he might draft the proper ordinance concerning truck traffic on Washington Street.

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Prior to the vote taken, Councilman Barboza noted that the Town should restrict through truck traffic on Washington Street east to Munroe Avenue with Town Solicitor Ursillo agreeing to provide an ordinance for the Council's consideration regarding this matter.

Council members expressed concern that the level of through truck traffic along Hope Street with Councilman Barboza stating that Police Chief Serpa has been proactive concerning same and the problem appeared to be related to the weight restrictions on the Sakonnet River Bridge - and signs along Route 195 suggest Route 114 as an alternate route.

It was noted that these signs have been changed and now direct traffic to Metacom Avenue toward the Mount Hope Bridge.

BB. SPECIAL /STATUS REPORTS

1. Mount Hope Enterprise Zone - Summary of Accomplishments, July 31, 2007

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

Prior to the vote taken, Councilman Herreshoff noted for the record that the Enterprise Zone was very active and he "applauded the efforts" of Mr. Crisman.

Councilman Cordeiro stated that he recently met with Andy Tyska and Mr. Tyska informed him that he had benefited greatly with regard to the Enterprise Zone.

Council Chairman Marshall stated that the Enterprise Zone council welcomes the participation of citizens and encouraged those with particular interest to become involved.

C. PUBLIC HEARINGS

1. Patrick and Gail Conley, One Bristol Point Road - request to rename portion of Tower Road to Pokanoket Place

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

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Herreshoff/Barboza - Voted unanimously to approve this change of name with the costs regarding same to be borne solely by the petitioner up to a limit of \$10,000. Advertise in local newspaper.

Council Chairman Marshall opened the Public Hearing.

Speaking in favor of the petition was Patrick T. Conley, the petitioner, who drew attention to the location of the street and noted that few familiar sights in Rhode Island honor the name Pokanoket. He provided some historical facts concerning this branch of the Wampanoag tribe.

Pamela Meyer of 112 Union Street informed the Council that she was the former owner of Dr. Conley's property and that the Tower Street address was at times problematic. She noted that the emergency services could not locate the property on at least one occasion and she supported the renaming of the street and the name chosen in particular.

Several representatives of the Wampanoags were present to lend their support of the petition.

There was no remonstrance presented in opposition to the petition.

D. ORDINANCES

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**, continued from August 8, 2007

- a. Sara and Ben Hisey, 3 Milford Street - objection

Herreshoff/Cordeiro - Voted unanimously to continue this matter until the meeting of December 12, 2007.

Prior to the vote taken, Mr. Brando informed the Council that several statements made at the last meeting were inaccurate and that his driveway was 14 feet wide and not 25 feet wide as reported. He also noted that the land across from his driveway - also the area in question - is a vacant lot and not directly in front of the home of Mr. and Mrs. Gibree.

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Mr. Brando also noted that the parking in the neighborhood raises safety concerns since large trucks have been observed parking across from his driveway - making ingress and egress difficult. He also noted that his neighborhood has been "peaceful" for 20 years.

Councilman Herreshoff noted the lines painted by the town at the end of Mr. Brando's driveway. Mr. Brando noted that these lines were painted in error. Public Works Director Serbst noted that the lines were painted due to a miscommunication and his workers initially understood that Mr. Brando wanted these and not the no-parking area as described in the ordinance.

Councilman Herreshoff asked what a typical distance from driveway edge to the street on either side with Public Works Director Serbst stating that this distance was typically eighteen (18) inches.

Councilman Herreshoff asked Mr. Brando what he might expect for a no parking space across from his driveway with Mr. Brando responding "one car length."

Mrs. Brando noted that for many years the spot held a basketball hoop for the use of neighborhood youngsters and "no one ever parked there during that time period."

Mrs. Brando also explained that no one has parked in the area in question since the Council has considered the ordinance.

Councilwoman Parella stated that this appeared to be a "typical neighborhood dispute" that might be better not resolved by the Council. She renewed her suggestion that the situation might be resolved through mediation and that the Roger Williams University mediation clinic would be helpful.

Council Chairman Marshall agreed, stating that the Council spends an inordinate amount of time on this type of situation.

Ms. Gibree renewed her objection to the ordinance and speculated that the Brando driveway was wide enough without the need for a space for turning.

Councilman Barboza asked Ms. Gibree if she would agree to leave the space across from Mr. Brando's driveway vacant with Ms. Gibree stating that the area "is a public road."

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Councilman Barboza noted that it has been observed that no one has parked across from the Brando driveway and asked if it would be possible not to do so.

Ms. Gibree agreed to "park the way we have been" recently and to park across from the driveway when other spaces near her home are already filled.

The Council agreed to withhold action on this matter for a period of three months and to continue to monitor the situation.

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, **2nd reading for adoption**

Barboza/Herreshoff - Voted unanimously to consider this action to be the second reading for adoption 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, **2nd reading for adoption**

Barboza/Herreshoff - Voted unanimously to consider this action to be the second reading for adoption of Ordinance #2007-23. Advertise in local newspaper.

After the vote taken, the petitioners requested that the Town might send an official notice to the businesses located in the vicinity of the Industrial Park. The Clerk agreed to provide same on behalf of the Council.

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, **2nd reading for adoption**

Barboza/Herreshoff - Voted unanimously to consider this action

to be the second reading for adoption of Ordinance #2007-23. Advertise in local newspaper.

5. Ordinance #2007-25, CHAPTER 11, Fees and charges, Section 11-2, Motor vehicle and traffic violations schedule of fees, **1st reading**

Barboza/Herreshoff - Voted unanimously to consider this action to be the first reading of Ordinance #2007-25. Advertise in local newspaper.

(CA) E. BUDGET ADJUSTMENTS

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

1. Tax Assessor - Additions and Abatements
August 24, 2007

(CA) F. APPOINTMENTS

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

1. Public Service Appointments
 - a. Post Retirement Benefits Fund - Board of Trustees (1)
 1. Jeffrey Luiz, 7 Tobin Lane - interest/reappointment

Council Chairman Marshall called for nominations for the office of Post Retirement Benefits Fund - Board of Trustees.

Councilman Herreshoff nominated Jeffrey Luiz of 7 Tobin Lane for reappointment.

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

- b. Harbor Commission Advisory Committee

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1. Robert S. Hamel, 859 Hope Street - interest/appointment

Council Chairman Marshall called for nominations for the office of Harbor Commission Advisory Committee.

Councilman Barboza nominated Robert S. Hamel of 859 Hope Street for appointment.

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

2. Richard Scott Medeiros, 8 Herzig Street - interest/appointment

Council Chairman Marshall called for nominations for the office of Harbor Commission Advisory Committee.

Councilman Barboza nominated Richard Scott Medeiros of 8 Herzig Street for appointment.

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

c. Redevelopment Agency Alternate (3)

1. Denise Arruda, 46 Anchorage Court - interest/appointment

Council Chairman Marshall called for nominations for the office of Redevelopment Agency Alternate.

Councilman Cordeiro nominated Denise Arruda of 46 Anchorage Court for appointment as First Alternate.

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

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one ballot in favor of Ms. Arruda,
term to expire in September 2009.

After the vote taken, the Clerk informed the Council that its honorable body was in receipt of no applications for the Open Space Conservation Commission, the Historic District Commission Alternate, the Eastern Rhode Island Cooperative Extension Service Board Member, and the Second and Third Alternate to the Redevelopment Agency.

The Clerk suggested that he might be empowered to draft a press release on behalf of the Council regarding these volunteer opportunities and to provide a copy of same to the local press. It was also suggested that the notice of these vacancies might be added to the next scheduled Public Service Appointment advertisement.

Barboza/Cordeiro - Voted
unanimously to authorize the Clerk
to draft and provide a press
release concerning the appointment
vacancies listed above and to
further authorize advertising these
vacancies in the local newspaper
when deemed appropriate.

G. LICENSING BOARD - NEW PETITIONS

1. Nicholas King, Rholen Central, 99 Poppasquash Road - request for Drainlayer's License
 - a. Recommendation - Town Administrator Mederos and Director of Public Works Serbst

Herreshoff/Cordeiro - Voted
unanimously to grant this license
for a period of six (6) months per
the recommendation of the Director
of Public Works and subject to
conformance to all laws and
ordinances and payment of all fees,
taxes and levies.

2. Nancy L. Pritchard, d/b/a Wooden Horse Gallery, 651 Metacom Avenue - request for Holiday Sales License

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- a. Recommendation - Town Administrator Mederos and Police Chief Serpa

Barboza/Herreshoff - Voted unanimously to grant this license per the recommendations received and subject to conformance to all laws and ordinances and payment of all fees, taxes, and levies.

H. LICENSING BOARD - RENEWALS

(CA) I. UTILITY PETITIONS

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

1. DPW - Road cut permits
2. WPCF - Sewer permits

J. PETITIONS - OTHER

1. William J. Kemp, IV and Nicole Pattie - request to use Independence Park on September 8, 2007 for wedding

- a. Recommendation - Director of Parks and Recreation Burke

Barboza/Cordeiro - Voted unanimously to grant this petition per the recommendation of the Director of Parks and Recreation and subject to conformance to all applicable laws, policies, and ordinances.

2. William E. Hill, 10 Terrace Drive - request for curb cut

- a. Recommendation - Director of Public Works Serbst

Herreshoff/Cordeiro - Voted unanimously to grant this petition per the recommendation of the Director of Public Works and subject to conformance to applicable laws and ordinances and

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payment of all fees, taxes, and levies.

3. Joseph Carosi, 114 Berry Lane - request for installation of berm to address drainage issue

Herreshoff/Parella - Voted unanimously to continue this matter until the regular meeting scheduled for September 19, 2007.

Prior to the vote taken, Mr. Carosi outlined the details of his petition. He expressed concern that trees in the area may die due to the excess water.

Town Administrator Mederos stated that the Town Engineer might be able to review the matter and provide some recommendations. She suggested a continuance so as to solicit the opinion of the engineer.

Public Works Director Serbst stated that Berry Lane was on the "road program" schedule for resurfacing and that this will likely happen in approximately two (2) years.

4. Berta Raposo for St. Elizabeth Church - request to hold fundraising carnival on Town Common September 27-30, 2007

- a. Director of Parks and Recreation Burke re request of petitioner

LATE ITEM

- b. Father Jared Costanza - amended carnival dates

Barboza/Cordeiro - Voted unanimously to grant the petition per the dates as amended and subject to conformance to all laws, ordinances, and policies.

Prior to the vote taken, Councilwoman Parella asked where on the Town Common the event will take place with Ms. Raposo informing the Council that Mr. Burke has provided a "footprint" of the area for the Committee to follow.

Councilwoman Parella expressed concern that another group from St. Elizabeth's parish had also asked to use the Town Common on that date. She also questioned the need to have the carnival activities until 11:00 o'clock PM since the

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noise emanating from the carnival might disturb the neighbors in the area. Ms. Raposo and Fr. Costanza renewed their request for the hour of operation as petitioned.

Councilman Barboza noted that the generator typically installed to provide electricity at carnivals is noisy. He suggested that this generator should be placed away from area residences.

Councilman Cordeiro expressed his confidence in the leadership of Fr. Costanza and indicated his support for the activity as requested.

K. OTHER NEW BUSINESS REQUIRING TOWN COUNCIL ACTION

1. Peter S. Mancini, Providence City Council President, et al - meeting to discuss inadequate funding of education in State

Cordeiro/Barboza - Voted
unanimously to refer this matter to
the Clerk so that he might arrange
a meeting on behalf of the Council.

2. Karen Binder, Executive Director, Blithewold
- update on noise abatement

LATE ITEM

- a. Matt & Mary Mansfield, 9 Ambrose Drive e-mail to Karen Binder re Letter of Support

LATE ITEM

- b. Neil & Laurie Kiley, 110 Ferry Road e-mail to Karen Binder re Weddings

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

Prior to the vote taken, Ms. Binder informed the Council that Blithewold has managed its noise problem voluntarily; installing a noise barrier between the estate and its southern neighbors at a cost of \$10,000. She also noted that her staff continues to "educate" the bands performing on the property to Blithewold's expectations. She further noted that two bands that refused to conform to the established rules have been "banned" from performing for weddings, etc.

Ms. Binder also noted that Blithewold has also changed the arrival time for set up of functions and has banned the use

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of radios and 'boom-boxes' by the vendors during their setup time.

Joan Abrams, President of Save-Blithewold noted that the mansion will be celebrating its 100th anniversary next year. She also noted that 40% of the \$1,000,000 per year operating budget is derived from weddings and the organization appreciates the help it has received toward the resolution of any problems relating to the disturbance of the peace.

Ms. Abrams noted that several neighbors have indicated their support of the efforts of Blithewold toward the resolution of noise issues. She presented e-mail messages from neighbors; these are marked as above for the record.

3. Council Chairman Marshall - Request for Executive Session pursuant to RIGL 42-46-5(a)(5) property acquisition and 42-46-5(a)(2) litigation

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

4. Council Chairman Marshall re Historic District signage

Herreshoff/Barboza - Voted unanimously to refer this matter to the Director of Community Development Williamson and the Historic District Commission so as to discuss sign appearance and possible funding sources.

Prior to the vote taken, Council Chairman Marshall suggested that the Historic District might be improved through the installation of more attractive street signs. It was suggested that the Historic District Commission might provide so insight as to the type of sign that might be appropriate. It was also suggested that funding sources might be identified to finance a sign project.

5. Nancy E. Letendre, Esquire, Assistant Town Solicitor - proposed fee schedule for Historic District Commission

Barboza/Cordeiro - Voted unanimously to refer this matter to the Historic District Commission

for review and to continue same until September 19, 2007.

Prior to the vote taken, Councilman Barboza stated that the Historic District Commission might be asked to comment on the fee structure as proposed by Assistant Town Solicitor Letendre.

Lombard John Pozzi of 1226 Hope Street noted for the record that applicants sometimes return to the Historic District Commission at its request for further refinement of plans. He cautioned that an application fee structure should take this fact into account and not penalize those who must return several times for consideration of work to be done on one property.

6. Councilman Barboza re permit violations

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

Prior to the vote taken, Councilman Barboza expressed concern that permits were not sought by those who disturb the pavement on town roads.

He further suggested that there might be fines imposed to those who do not seek the proper permits.

Director of Community Development Williamson stated that the Town has recently established a fine-structure to address those who do not obtain the proper building permits.

Director of Community Development Williamson noted that some of those individuals/businesses as noted by Councilman Barboza are typically licensed by the Town Council. She asked if a show-cause hearing for sanctions or possible revocation of the license might be considered.

Councilman Barboza stated that the calling of a show-cause hearing might be an excessive measure and that a fine or some administrative measure might be more appropriate.

It was suggested that the Director of Community Development might further investigate this matter and report back at the next Council meeting.

L. BILLS & EXPENDITURES

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Herreshoff/Cordeiro - Voted
unanimously to add the following
bid items to this evening's agenda.

Prior to the vote taken, the Clerk informed the Council that although the following bids were duly advertised and scheduled for review this evening, they were inadvertently omitted from the public agenda. Upon review of Town Solicitor Ursillo, it was determined that these could be considered for referral only.

LATE ITEM 1. Bid #639 - Roof Repair

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

Prior to the vote taken, the Clerk noted the receipt of two bids for Bid #639 - Gorman Roofing of Cumberland - \$19,875; and Diversified Roofing Systems of New Bedford - \$17,000.

LATE ITEM 2. Bid #640 - Tree Planting

Barboza/Parella - Voted unanimously
to refer this matter to Town
Administrator Mederos and the
Conservation Commission to act in
the best interest of the town.

Prior to the vote taken, the Clerk noted the receipt of three bids for Bid# 640 - Yard Works, Inc. of Warwick - \$7,070; Urbane Construction Co of Cranston - \$13,124; and Samuel Kinder and Bro. of Bristol - \$9,178.

LATE ITEM 3. Bid #641 - Church Street Repairs

Barboza/Parella - Voted unanimously
to continue this matter until the
date certain as determined by the
Clerk and the Director of Community
Development.

Prior to the vote taken, the Clerk informed the Council that the Director of Community Development determined that bid documents, as provided to potential bidders, were flawed and will require revision. Director of Community Development Williamson stated that these should be soon-resolved by Engineer Blanchard in time for an October bid closing.

TOWN COUNCIL MEETING - WEDNESDAY EVENING - AUGUST 29, 2007

The Clerk reported that no bids were received for this item. He also noted that due to the problem with the bid the project will be re-advertised.

After the vote taken, Councilman Herreshoff expressed concern that the plank wave baffle was in poor condition and would be further damaged beyond repair were it not to be attended-to immediately.

The Council, by consensus, agreed that this situation should be considered an emergency and that repairs might be arranged by Town Administrator Mederos.

Council Chairman Marshall suggested that the emergency work might be completed by a local company.

Cordeiro/Herreshoff - Voted
unanimously to refer this matter to
the Town Administrator so that she
may act in the best interest of the
Town.

(CA) M. ROUTINE REPORTS

(CA) N. FINANCIAL REPORTS

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

1. Revenue and Expenditure Report - August 23, 2007

P. PROCLAMATIONS & CITATIONS

1. Commendation - Matthew Louis Silva, attainment of Eagle Scout rank

Barboza/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."

TOWN COUNCIL MEETING - WEDNESDAY EVENING - AUGUST 29, 2007

1. Coastal Resources Management Council - Intention to change management plans, policies, procedures and regulations of the Agency
2. Linda Arruda for Downtown Bristol Merchants Association re Street Fair to be held September 22, 2007 - Recommendation of Police Chief
3. Council Clerk Cirillo to Planning Board - Council request for new 12,000 square foot zoning designation
4. Council Clerk Cirillo to Edward P. Mara, Superintendent of School district - Thank You for Regionalization Study Commission report
5. Town Administrator Mederos - Award of Bid #638/Chestnut Street Reconstruction to P.J. Keating Company, Cranston, RI
6. Warrant - Judy Dyer, Substance Abuse Prevention Task Force
7. Warrant - Anthony Murgo, Harbor Commission Advisory Committee
8. Town Administrator Mederos re Re-Appointment of Kathleen Bazinet to Post Retirement Benefits Fund - Board of Trustees
9. Councilman Barboza to Colonel Serpa, Chief of Police - Thank You for theft prevention

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

Prior to the vote taken, Councilman Barboza stated that he was in receipt of an e-mail message from a constituent indicating that the noise on Thames Street appears to "vaporize" at the time the drinking establishments close (1:00 o'clock AM). Councilman Barboza gave credit to the Town's bicycle police patrols and noted that these have been "very effective."

Councilman Barboza also noted that these same bicycle patrols were successful in resolving a "larceny" of several solar pillars from his driveway. He noted that he sent

TOWN COUNCIL MEETING - WEDNESDAY EVENING - AUGUST 29, 2007

letters of congratulation to the two officers involved Viera and Clifford.

(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 Committee - Personnel/Contract Subcommittee, August 8, 2007
2. Bristol County Water Authority - Public Relations/Personnel Committee, August 7, 2007
3. Bristol County Water Authority - Audit Finance Committee, August 7, 2007
4. Bristol County Water Authority - Engineering Committee, August 7, 2007
5. Bristol County Water Authority - Annual Meeting, August 15, 2007
6. Bristol County Water Authority - Board of Directors Monthly Meeting, August 15, 2007
7. Bristol County Water Authority - September 2007 Meeting Calendar
8. Coastal Resources Management Council - August 2007 Calendar
9. Coastal Resources Management Council - Agenda for August 28, 2007
10. Coastal Resources Management Council - Agenda for August 28, 2007
11. Bristol Warren Regional School Committee - August 20, 2007
12. Bristol Warren Regional School Committee - Schedule of Meetings and Events/Week of August 20, 2007

S. TOWN SOLICITOR

Z. INDIVIDUAL COUNCIL MEMBERS AGENDA ITEMS

1. MARSHALL

a. Thank you Mike Davis and Steve Roth - Council Chairman Marshall expressed the thanks of the Council to Mr. Davis and Mr. Roth for filming this evening's meeting.

b. Chestnut Street - Council Chairman Marshall noted that the rehabilitation of Chestnut Street has begun and the east end will be completed first.

Town Administrator Mederos noted that the completion date is anticipated to be November 15, 2007 and the budget will allow for concrete sidewalks as opposed to bituminous asphalt.

c. Senior Picnic - Council Chairman Marshall noted that the Recreation Department's Senior Picnic was held this date at the Town Beach. He noted that there were many in attendance and the event was deemed a great success. He offered the Council's congratulations to all involved.

2. CORDEIRO

a. High Speed Ferry - Councilman Cordeiro noted that the Council has contacted Sen. Bates and Sen. Levesque concerning the possibility of Bristol becoming a ferry stop for the Newport/Providence High Speed Ferry.

Councilman Herreshoff stated that this might present an advantage to Providence/Bristol commuters who must otherwise traverse the heavily trafficked highways.

3. PARELLA

Galilean Seafood - Councilwoman Parella noted complaints from the neighbors of Galilean Seafood on Broadcommon Road noting foul odors emitting from the establishment and asked Town Administrator Mederos to investigate same.

4. BARBOZA

TOWN COUNCIL MEETING - WEDNESDAY EVENING - AUGUST 29, 2007

5. HERRESHOFF

a. Deafening Sound - Councilman Herreshoff noted that the public address system appears to be too loud at the rear of the Council Chambers he suggested that the sound system might be adjusted to reduce the noise level.

ZZ. TOWN ADMINISTRATOR AGENDA ITEM(S)

CITIZENS PUBLIC FORUM

Cordeiro/Barboza - Voted
unanimously to adjourn into
Executive Session pursuant to RIGL
42-46-5 (a) (2) and (5) as noted
above.

Herreshoff/Parella - Voted unanimously to seal the minutes of the Executive Session and resume open session at 11:00 o'clock PM.

There being no further business upon a motion by Councilwoman Parella seconded by Councilman Herreshoff and unanimously approved, the Chairman declared the meeting to be adjourned at 11:01 o'clock PM.

Louis P. Cirillo
Council Clerk