

TOWN COUNCIL MEETING - WEDNESDAY EVENING - SEPTEMBER 19, 2007

PRESENT: Marshall, Cordeiro, Parella, Barboza and Herreshoff

ALSO PRESENT: Michael A. Ursillo, Town Solicitor
Marshall J. Netto, Town Sergeant
John M. Day, Town Treasurer (Representing
Town Administrator Mederos)

The Council met in regular session on Wednesday evening, September 19, 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 regular agenda, Council Chairman Marshall noted that it is the Council's practice not to hear testimony upon the first reading of any ordinance. He informed those present that the Council did not intend to hear testimony regarding proposed Ordinance #2007-26 and were there to be anyone expecting to do so, their opportunity would come at a later date.

Council Chairman Marshall also noted that he would ask the indulgence of the Council to hear item K1 out of order so as to accommodate the schedule of Joseph Federico, a representative from Beta Group who planned to inform the Council of the projects underway as part of the wastewater system upgrade.

Councilwoman Parella asked that an item might be added to the agenda under the subheading of Other Business (K) and that this item might accommodate those persons wishing to celebrate the 90th anniversary of the apparitions of Fatima.

Barboza/Cordeiro - Voted
unanimously to add agenda item K6
per the request of Councilwoman
Parella.

Council Chairman Marshall noted receipt of information from Bristol County Water Authority member Frank J. Sylvia concerning the Authority's plan to paint its water tower during February of 2008. He also noted that the Authority's two other water towers in Bristol will be refurbished during 2009 and 2010.

He also noted that the Authority will be moving forward with the hydraulic study as requested by the Council during its last meeting with Authority members and staff.

Councilman Cordeiro commended Mr. Sylvia for his efforts.

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Councilman Herreshoff commended the Clerk for providing agenda late items in an organized fashion.

Councilman Barboza noted continued technical difficulties with Full Channel TV's broadcast of the Council meeting on a real-time basis. He noted an upcoming fundraising activity to benefit the East Bay Mental Health Center. This activity will be held on Friday next and include a silent auction and jazz band.

He noted that proceeds will benefit the center; a facility that provides service to the Town in many forms.

MOTION RE: CONSENT AGENDA - TO APPROVE THE CONSENT AGENDA

Cordeiro/Barboza = Voted
unanimously to approve the Consent
Agenda; withholding items R12 and
R13 for further consideration.

A. SUBMISSION OF MINUTES OF PREVIOUS MEETING

1. Town Council Workshop - August 27, 2007

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

2. Town Council Meeting - August 29, 2007

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

3. Town Council Executive Session - July 11, 2007

Barboza/Cordeiro - Voted unanimously to
unseal these minutes and place same
before the Council for its
consideration.

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

It is hereby noted for the record that the Council considered Docket item K1 at this time.

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

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

1. Open Space Conservation Committee - July 9, 2007
2. Open Space Conservation Committee - July 23, 2007
3. Rogers Free Library Capital Project Building Committee - July 12, 2007
4. Rogers Free Library Capital Project Building Committee - July 30, 2007
5. Recreation Board - May 8, 2007
6. Recreation Board - June 19, 2007
7. Bristol Warren Regional School Committee - June 25, 2007
8. Bristol Warren Regional School Committee - July 16, 2007
9. Bristol Warren Regional School Committee - August 15, 2007

B. OLD BUSINESS

1. Roberta B. Merkle, Cornerstone Adult Services, Inc. - request for Town Council allocation to cover rent increases, continued from August 8, 2007

LATE ITEM

- a. Roberta B. Merkle, President, Cornerstone Adult Services - request for reconsideration of allocation

Parella/Herreshoff - Voted to appropriate \$4,200 from unallocated surplus for a one time allotment to Cornerstone Services as requested with the additional requirements that the agency develop a solvency plan and that said agency will provide regular reports concerning its progress to the Council.
(Voting in favor of the motion were Councilmen Marshall, Cordeiro,

Herreshoff and Councilwoman
Parella; voted opposed was
Councilman Barboza)

Prior to the vote taken, Ms. Merkle informed the Council that her organization plans to more effectively "market" their services to the public and staff has begun to do so by placing flyers in public places.

Councilman Barboza noted the Cornerstone was in receipt of a \$5000 CDBG grant from Barrington and speculated that the request for funding from the Town of Bristol might now be moot with Ms. Merkle explaining that the Barrington grant was specifically for outreach and could not be used to pay rent.

Councilman Barboza explained that the request of Cornerstone was considered by the Council during its budget deliberations and that the Council determined that it could not afford to provide a grant at that time. He suggested that the organization might "beat the bushes" and fill their rolls.

Council Chairman Marshall stated that the adult services program offered by Cornerstone was beneficial to seniors and that its facilities were clean and well-kept. He further stated that he might agree to help the organization with its outreach efforts.

Councilman Herreshoff stated that he has a "strong appreciation" for the efforts of organizations similar to Cornerstone but questioned if the Council's financial support would be more than a "band aid."

Councilwoman Parella stated that the Council should support the request and that the organization was already heavily subsidized and despite the fact that the organization was forewarned concerning a raise in rental costs; "\$4,200 was not outrageous" but it may be enough for Cornerstone to "get back on track." She asked Town Treasurer Day to recommend a source of funding with Town Treasurer Day stating that this amount would likely be drawn from unallocated surplus since it is not budgeted otherwise.

Councilman Barboza and Ms. Merkle discussed the issues of marketing and the conditions of the Barrington grant with Councilman Barboza noting that the Council "nickel and dined everyone" during this year's budget deliberations and he did not believe it prudent to again consider this request outside of the budget. He also noted that this single

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expenditure would seriously deplete the Council's Contingency fund.

Councilman Cordeiro stated that were he to approve this allocation it would be on a "one time only" basis.

2. Rodney W. Wick, Caputo and Wick, Ltd. - report and recommendation on masonry deterioration of Community Center Wall, continued from August 29, 2007
 - a. Angelo Ferrari, Geisser Engineering Corporation re borings at Community Center

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

Prior to the vote taken, Director of Community Development Williamson stated that the engineering reports confirm that although the building was constructed on 'fill' its foundations appear to be solid. She also noted that the rehabilitation plan was essentially complete with Councilman Herreshoff asking to know the status of the State Historic Preservation grant.

Director of Community Development Williamson explained that the work on the building may proceed and any expenditure may be applied to the grant project as a local match. She also explained that the Town appeared to be in a good position to receive the grant.

3. Linda Oliveira, 15 Pawtucket Avenue re drainage problems, continued from August 29, 2007

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

Prior to the vote taken, Council Chairman Marshall explained that there has been essentially no movement regarding the easements needed to mitigate the drainages issues. He affirmed the Town's willingness to continue pumping whenever storm events flood the street.

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Ms. Oliveira expressed concern that the problem may worsen when winter temperatures freeze the wet areas with Council Chairman Marshall stating that he expects that the long term solution will be known in advance of freezing temperatures.

4. Denise R. Arsenault, 15 Hattie Brown Lane et al - Petition re development proposal plat 28, lot 38 (Lugent Land adjacent to Juniper Hill Cemetery), continued from August 29, 2007

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

Barboza/Cordeiro - Voted to continue this matter until the meeting of October 10, 2007. (Voting in favor of this motion were Councilmen Marshall, Cordeiro and Barboza and Councilwoman Parella, Councilman Herreshoff was recused from the discussion and vote.)

Prior to the vote taken, Council Chairman Marshall informed those present that the Council has been advised by legal Counsel that there would likely be no resolution or action at the Council level concerning this matter.

Town Solicitor Ursillo reminded the Council that the discussion concerning this matter is currently before the Planning Board. He suggested that the Council should let the matter be "played out" at the Planning Board.

Councilman Cordeiro moved that the item be received and placed on file. There was no second to Councilman Cordeiro's motion.

Councilman Barboza suggested that the Council should hear from those present wishing to provide information concerning this matter.

Denise Arsenault of 15 Hattie Brown Lane informed the Council that her address was indeed 15 Hattie Brown Lane and not 16 Hattie Brown Lane as recorded in previous minutes.

She also informed the Council that she never stated that the cost to study the potential affects of blasting, etc. in her neighborhood was too high but rather suggested that the Town

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would not incur the expense and that any costs for analysis should be borne by the developer. She also renewed her request for a building/development moratorium within the subject area.

Ms. Arsenault stated that she was in favor of the Planning Board requirement to receive the report of a hydro-geologist and questioned earlier reports that well testing would likely be hazardous since the State has a process to test wells.

Councilman Barboza stated that the Council shares some of the concerns as articulated by Ms. Arsenault and that the Planning Board must reach its decision through the findings of fact concerning the matter.

Jeremy Huff of 12 Lugent Lane asked for an update concerning the Pare report with Director of Community Development Williamson noting that Pare has hired an engineer to review the neighbors' expectations and that she expects a report regarding same in the near future.

Stan Dimock, a member of Save Bristol Harbor, noted that his organization is opposed to development in the Silver Creek Watershed and he plans to file Save Bristol Harbor's objections with the Planning Board.

5. Joseph Carosi, 114 Berry Lane - request for installation of berm to address drainage issue, continued from August 29, 2007

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

Prior to the vote taken, Town Treasurer Day reported that Town Administrator Mederos plans to visit the area during the next rain storm along with Public Works Director Serbst.

6. Councilman Barboza re permit violations, continued from August 29, 2007

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

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Prior to the vote taken, Director of Community Development Williamson noted that she was working on this matter and would appreciate a continuance.

7. Patrick T. Conley re Thank You for support of petition to rename easterly segment of Tower Street to Pokanoket Place and request for services

Herreshoff/Cordeiro - Voted unanimously to ask the Department of Public Works to assess the subject road and determine its suitability so as to accommodate rubbish collection and snow removal and to also refer this matter to the Town Solicitor so that he may enlighten the Council concerning same.

Prior to the vote taken, Councilman Herreshoff asked if the road in question is in fact a Town road and if so were the neighbors in the area entitled to Town services with Town Solicitor Ursillo explaining that some roads can be considered as minimum standard roads and may be unsuitable for services since service vehicles may not be able to safely pass on these roads. He suggested that the Department of Public Works might make an assessment of the road in question and report back to the Council.

Council Chairman Marshall noted that some of the trees along subject road were overgrown and might be effectively trimmed by National Grid since the area contains electrical wires.

8. Louis A. Sousa, Esquire re Soil erosion modifications
 - a. Proposed draft amendment to ordinance (from Council docket June 13, 2007)

Barboza/Cordeiro - Voted unanimously to refer this matter to the Planning Department and Town Solicitor and to continue said matter until the meeting of October 10, 2007.

Prior to the vote taken, Attorney Sousa informed the Council that his clients have some reservations concerning the current ordinance language in that it may be too restrictive

for property owners. He reminded the Council that the ordinance requires "zero-runoff" and this requirement may not be practicable.

Mr. Sousa stated that the current ordinance does not comply with the provisions of State statute and Town Solicitor Ursillo took exception to Mr. Sousa's analysis.

Councilman Barboza noted that the ordinance is based upon those in effect in other nearby Towns with Mr. Sousa noting that these, too, were inadequate.

Mr. Sousa noted that the ordinance, as adopted, only maintains the "status-quo" and does not encourage any new improvements to properties. He cited several examples of properties that have remained without improvement since the adoption of this ordinance - further explaining that the ordinance requires that existing buildings must be upgraded to allow for zero runoff as well as any addition or improvement made to the property since the passage of the ordinance.

He suggested that those property owners who wish to make improvements might be held to a less stringent runoff requirement perhaps a 25% reduction for the existing buildings.

Councilman Barboza expressed concern that the Town is spending \$ millions to repair the mistakes of the past and it was these mistakes that precipitated the passage of the subject ordinance. He also noted the concerns raised this evening by those persons who own properties within the Silver Creek Watershed - an area riddled with controversy concerning drainage.

A discussion ensued concerning the ordinance and its specific restrictions and possible alternatives with Town Solicitor Ursillo suggesting that the ordinance might require a "relief valve" of some sort since the current ordinance does not allow for variances.

Andrew Tyska, the petitioner, informed the Council that he would prefer if the ordinance was amended since the inclusion of a relief provision would present the possibility of uncertainty for property owners when they would prefer to "know all of the rules."

Town Solicitor Ursillo stated that the Beta report does not appear to make a recommendation that would be satisfactory to Mr. Tyska. He suggested that the matter might be

referred to his office and the Planning Department for further review and recommendations. Town Solicitor Ursillo also noted the "horror show" regarding drainage currently before the Council.

Councilman Herreshoff stated that he appreciates the stand taken by Beta but that the responsibility for Town development rests with the Town Council.

Councilwoman Parella stated that she would consider "waiver provisions" added to the existing ordinance since it may not always be possible to repair existing problems one hundred percent (100%) when buildings are added-to or improved.

John Barker of ES Products informed the Council that he is in need of an addition totaling 14,000 square feet and the requirement to repair existing drainage issues 100% on his property is cost prohibitive. He explained that he might have to relocate to find a place to expand his business were there to be no relief on the drainage/runoff issue.

9. Roger Williams University Memorandum of Understanding

Herreshoff/Barboza - Voted to receive and place this matter on file. (Voting in favor of this motion were Councilmen Marshall, Barboza and Herreshoff and Councilwoman Parella; recused was Councilman Cordeiro)

Prior to the vote taken, Council Chairman Marshall noted for the record that the memorandum of understanding between the Town and Roger Williams University was neither the best nor the worst and that he generally supported the University. He also noted that the agreement was forty (40) years in the making and was the collective effort of many people.

Council Chairman Marshall outlined the details of the memorandum as adopted during last week's special meeting.

Councilman Barboza stated that this memorandum of understanding is "charting new territory" but was not new in that colleges have similar agreements in Providence and elsewhere. He also explained that a payment in lieu of taxes is also not new in that some non-profit organizations make these payments such as the Bristol Housing Authority.

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Councilman Barboza stated that Roger Williams University has "done the right thing" and the Council and University might have to "tweak" the agreement as time passes.

Councilman Herreshoff thanked the Chairman for his leadership toward the establishment of the memorandum and added that the University is a "strong asset" to the community. He noted, however, that he would prefer to have the agreement with a shorter term.

Councilwoman Parella agreed with the comments thus-far and noted that the University has grown both physically and by reputation. She further noted that the agreement was 40 years in the making and that the Town must remain vigilant concerning the cooperative efforts between the University departments and the Town and that the Town must search for "a good fit" between Town departments and University volunteers.

10. Alfred J. Moscola, General Manager, Rhode Island Public Transit Authority to Senator David E. Bates - proposed Providence/Newport Ferry stop at Colt State Park

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

Prior to the vote taken, Councilman Cordeiro commended Sen. Bates concerning his efforts toward this endeavor. He stated that he envisioned Providence and Newport business commuters using the ferry and avoiding the heavy traffic areas.

Councilman Herreshoff stated that he was of the opinion that a ferry stop at Colt State Park would be a good idea and that the brief diversion of the ferry would reap a large benefit for East Bay citizens.

Council Chairman Marshall stated that he and Councilman Cordeiro were investigating the possibility of a shuttle between the ferry landing at Colt State Park and Downtown Bristol so that tourists from Providence and/or Newport can use the ferry to visit Bristol.

11. Councilman Herreshoff re noise ordinance levels

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- a. Janice and Joe Antinucci, et al to Karen Binder, Executive Director, Blithewold re noise
- b. Janice and Joe Antinucci re noise
- c. Jonathon and Melinda Birs re noise
- d. Susan and Keith Maloney re noise
- e. Greg and Kathy Norden re noise
- f. Miscellaneous documents supplied by E. Keith Maloney
- g. E. Keith Maloney, President, Van Wickle Homeowners Association re noise levels at Blithewold

Barboza/Cordeiro - Voted
unanimously to continue this matter
until October 10, 2007.

Prior to the vote taken, Councilman Herreshoff stated that the Town may have erred when amending the sound level in the noise ordinance from 60 to 70 decibels since this is a substantial change amounting to sounds eight times louder.

He suggested that the Council might consider a more "sophisticated" ordinance beyond the measurement by sound meter.

Councilman Barboza agreed, stating that the Council must find an equitable solution considering the needs of the neighbors along with Blithewold's need for revenue.

Councilman Barboza also stated that the Council will likely refer this matter to the mediation clinic at Roger Williams University.

Keith Maloney of 60 Van Wickle Lane informed the Council that the neighbors have negotiated with Ms. Binder and Ms. Abrams of Blithewold for at least 18 months. He further stated that he was fond of Blithewold and recognizes the organization's need to raise revenue but that his rights as a property owner must be considered also.

He expressed concern that the mansion is the site of 55-60 events per the season running from May 15 until October 15.

to set a workshop to discuss this matter.

Prior to the vote taken, it was noted for the record that this workshop must take place after October 8 since Councilman Cordeiro and Councilman Barboza will not be available until that date.

BB. SPECIAL /STATUS REPORTS

1. Town Administrator Mederos - Department Head Reports
 - a. Building/Code Enforcement - July and August 2007
 - b. Department of Public Works - June 2007
 - c. Police Department
 - d. Rogers Free Library
 - e. Parks and Recreation
 - f. Fire and Rescue
 - g. Water Pollution Control - July and August 2007
 - h. Tax Assessor

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

Prior to the vote taken, Councilman Herreshoff suggested that future reports might include departmental goals.

C. PUBLIC HEARINGS

1. Ordinance #2007-21, CHAPTER 28, ZONING, Article IX, Land Development Projects and Special Zones, Division 2, Development in Areas of Special Flood Hazard

Barboza/Cordeiro - Voted unanimously to continue this Public Hearing until November 7, 2007.

2. Thirty Bradford Street Associates, LLC,
Stephan and Julie Brigidi, d/b/a The Bradford
Street Restaurant - application for change of
service area to Class BV Limited Intoxicating
Beverage License

- a. Recommendation - Police Chief

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

Herreshoff/Barboza - Voted
unanimously to grant the change of
service area as requested; all
other previous conditions, as
specified, remaining in effect.

Prior to the votes taken, Council Chairman Marshall opened
the Public Hearing.

Speaking in favor of the petitioner was Mr. Brigidi who
explained that his original plan was to have retail space on
the first floor of the building and a restaurant on the
second floor.

He further explained that this original intention is no
longer feasible and he would prefer to have his alcoholic
beverage license premises to include the first floor only -
essentially relocating the premises as previously approved
from the second to first floor.

Town Solicitor Ursillo noted for the record that the license
has not yet been issued and will expire at the end of its
term if there is no issuance. Mr. Brigidi explained that he
received notice of same from the Clerk.

Speaking against the petition was Seraphin J. DaPonte who
owns property at 322 Thames Street. Mr. DaPonte expressed
concerns regarding parking and the earlier assurances from
Mr. Brigidi that he (Mr. Brigidi) planned to supervise the
operation. Mr. DaPonte stated that there was a sign in the
subject premises that the property was for sale and that
said sale includes a liquor license.

Mr. DaPonte speculated that if Mr. Brigidi was to sell the
premises he would no longer be "in charge" of the operation
and no longer responsible to the neighbors as previously
planned.

Councilman Barboza reminded Mr. Brigidi that liquor licenses cannot be sold but must rather be transferred by the Town Council. He also indicated that the license would effectively not be transferred if the Council was dissatisfied with the plan of the transferee.

Councilwoman Parella stated that she fully understood the concerns of Mr. DaPonte and further stated that the sign as posted by Mr. Brigidi was misleading.

Mr. Brigidi agreed to amend the sign and remove the reference to the liquor license.

Mr. Brigidi also informed the Council that his previous plan for the building was not realized and that this current plan - for which he has another interested party - is his "last best shot" for success.

Councilwoman Parella asked Mr. Brigidi if he has a buyer for the premises with Mr. Brigidi responding that his interested party is from New Jersey and that earlier inquiries included a "chef with no money and a person with money and no chef."

D. ORDINANCES

1. Ordinance #2007-25, CHAPTER 11, Fees and charges, Section 11-2, Motor vehicles and traffic violations schedule of fees, **2nd reading for adoption**

Barboza/Cordeiro - Voted unanimously to consider this action to be the second reading of Ordinance #2007-25 for adoption. Advertise in local newspaper.

2. Ordinance #2007-26, CHAPTER 10, Environment, Section 33 Definitions, Section 37 Noise disturbance prohibited generally and Section 44 Motorized vehicles, **1st reading**

Barboza/Cordeiro - Voted unanimously to consider this action to be the first reading of Ordinance #2007-26. Advertise in local newspaper.

3. Ordinance #2007-28, CHAPTER 16, Motor vehicles and traffic, Article IV, Operation

of vehicles, Section 119, No through trucking on Washington Street, **1st reading**

Barboza/Cordeiro - Voted unanimously to consider this action to be the first reading of Ordinance #2007-28. Advertise in local newspaper.

Prior to the vote taken, Councilman Herreshoff asked to know what the preferred truck route might be through the compact part of the Town.

Councilman Cordeiro expressed concern that those trucks making deliveries within the compact part of the Town might be improperly using High Street as a truck route.

It was suggested that trucks making deliveries within the subject area might use upper Franklin Street to access the Wood Street commercial area.

Councilman Herreshoff suggested that the Council might receive a study regarding preferred truck route. The Council agreed by consensus that this matter be referred to Town Administrator Mederos so that she might provide a report.

4. Ordinance #2007-29, CHAPTER 8, Boats, docks and waterways, Article II, Harbor regulations, Section 67, Appeals to Harbor Commission, **1st reading**

It is hereby noted for the record that the Council did approve a first reading on this Ordinance. Subsequently, the Clerk was informed by the Harbormaster's Office that the Harbor Commission intends to recommend substantive changes to the Ordinance. Based upon these findings, the Clerk determined that advertising at this time would be ill-advised and should be withheld until which time the Council takes further action.

5. Ordinance #2007-21, CHAPTER 28, ZONING, Article IX, Land Development Projects and Special Zones, Division 2, Development in Areas of Special Flood Hazard, **2nd reading for adoption**

Please see item C1 above.

- LATE ITEM 6.** Ordinance #2007-30, CHAPTER 25, Streets, sidewalks and other public places, Article 1, Streets, sidewalks and parks, Section 25-5, Streets, parks or common excavations, **1st reading**

Barboza/Cordeiro - Voted unanimously to consider this action to be the first reading of Ordinance #2007-30. Advertise in local newspaper.

(CA) E. BUDGET ADJUSTMENTS

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

1. Tax Assessor - Recommended Abatements and Additions

(CA) F. APPOINTMENTS

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

1. Public Service Appointments
 - a. Fourth of July Committee membership - 2007/2008

Cordeiro/Herreshoff - Voted unanimously to approve the membership of this Committee as presented.

G. LICENSING BOARD - NEW PETITIONS

1. Nuttaphon Sakulruaj and Supalak Dilok, et al d/b/a Lanna Thai Cuisine, 499 Hope Street - request for Victualling License
 - a. Recommendation - Police Chief
 - b. Recommendation - Water Pollution Control

Barboza/Cordeiro - 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.

- 2. Cynthia Thorpe and Barbara Hagan, d/b/a Customized Party Bash, LLC, 400 Metacom Avenue - request for Victualling License

LATE ITEM

- a. Recommendation - Water Pollution Control

LATE ITEM

- b. Recommendation - Police Chief

Barboza/Cordeiro - 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

- 1. Jamie Barriera, d/b/a Biggies Sausages, LLC, 80 Pontiac Avenue, Providence - 6 month review of Hawkers and Peddlers License

Barboza/Cordeiro - Voted unanimously to renew this license for the remainder of the full term subject to conformance to all laws and ordinance and payment of all fees, taxes, and levies.

Prior to the vote taken, Council members expressed concern that the spirit of the license may have been compromised when Mr. Barriera's truck remained stationary.

Council Chairman Marshall stated that he did not object to the renewal of the license provided that the petitioner did not remain in a singular location for long periods of time.

Mr. Barreira stated that he would prefer to operate at the various fairs and festivals and would comply with the Council's stipulation.

(CA) I. UTILITY PETITIONS

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

- 1. DPW - Road Cut Permits

J. PETITIONS - OTHER

1. Matthew Gray, d/b/a Bristol Music Academy, 413 High Street - request to place sign on Town property

Barboza/Herreshoff - Voted unanimously to grant this petition providing that the petitioner properly maintain the sign and hold insurance coverage indemnifying the Town relating to same.

2. Karl W. Antonevich, VFW Post 237 - request to hold Buddy Poppy Drive at Stop & Shop on December 7th and 8th, 2007

a. Recommendation - Police Chief

Barboza/Cordeiro - Voted unanimously to grant this petition as requested.

3. Joseph Perry, 433 Chestnut Street - request for curb cut on lot owned at plat 108, lot 68 (corner of Chestnut Street and Metacom Avenue)

Cordeiro/Herreshoff - Voted unanimously to grant this petition per the recommendation received.

Prior to the vote taken, Town Treasurer Day reported that Public Works Director Serbst has approved this petition and recommends that the Council grant same.

4. Rholenty, LLC, 99 Poppasquash Road - application for zoning map change plat 416, lot 10 from General Business to Manufacturing, **call for public hearing**

LATE ITEM

- a. Thomas E. Romano, Esquire - request to withdraw petition

Cordeiro/Herreshoff - Voted unanimously to grant the request to withdraw the petition without prejudice.

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Prior to the vote taken, the Clerk noted the receipt of late-item request to withdraw. It his hereby noted for the record that action on this item took place at the commencement of this evening's agenda.

5. Susan Degan, 8432 E. 23rd Street, Tucson, AZ
- request to place bronze plaque on granite marker on Monkey Wrench Lane to honor deceased husband

Cordeiro/Barboza - Voted unanimously to approve this petition provided that it receives a positive recommendation from the Harbor Commission.

Prior to the vote taken, the Council noted that the request was somewhat unusual and the circumstances of the proposed honoree were extraordinary. Based upon these facts the Council agreed that the gesture to allow this particular memorial was worthy of consideration.

Councilman Barboza noted that the existing granite markers were placed by the Harbor Commission and he was reluctant to approve any ancillary use of same without Harbor Commission approval.

6. Norma J. Stone, 112 Arbor Drive, Providence -
re injuries received due to fall at Rockwell Park

Herreshoff/Cordeiro - Voted unanimously to refer this claim to the Insurance Committee.

K. OTHER NEW BUSINESS REQUIRING TOWN COUNCIL ACTION

1. \$3,245,000 Borrowing Resolutions

Parella/Barboza - Voted unanimously to adopt these resolutions

Prior to the vote taken, Mr. Joseph Federico explained that the wastewater project has been ongoing for over twenty years and Federal regulations will be requiring more detailed plans as time goes on. He noted that future regulations will expect specific staffing and budget levels to assure compliance to the EPA regulations.

He further explained that the incidence of overflows must be rectified and the system's alarms must be upgraded. He also noted that the EPA insists that the Town develop a hydraulic model for its wastewater system.

Responding to questions posed by Councilman Herreshoff, Mr. Federico explained that the EPA will likely expect the Town to develop off-line storage capacity to capture any overflows occurring during storm events or pump failures. He also stated that these storage tanks might be located at different strategic areas within the Town; one near the treatment plant and another near the Mt. Hope pump station.

A discussion ensued regarding the problems associated with excess storm water with Mr. Federico explaining that many downspouts are likely connected to sewer lines versus storm drains.

Councilman Cordeiro asked if state or federal funds were available to offset the cost for the needed improvements with Mr. Federico noting that these funds were no longer available as grants.

Town Treasurer Day explained that the Town can borrow at low rates - typically 1/3 market rates for waste water related project bonds.

2. Jennifer Astrella, Chair, Open Space Conservation Committee re potential open space acquisition on Howe Street

Barboza/Cordeiro - Voted unanimously to refer this matter to Director of Community Development Williamson so that she may establish a dialogue with the property owners.

Prior to the vote taken, Ms. Astrella informed the Council that her committee was seeking the guidance of its honorable body so as to determine the course of action regarding properties recommended for acquisition, etc. She noted that the subject property was rated "medium" but only if the entire parcel were to become available. She noted that the portion presently on the market would not be of interest to the committee alone.

Councilwoman Parella stated that she was of the opinion that the committee should look at "the whole Town" and review properties that might be considered for acquisition or

otherwise based upon a rating system. She also noted that although some properties might be actively marketed, the committee should consider all open space even if there is no current intention for the owners to sell same.

Ms. Astrella stated that the committee was working on an overall plan but also would like to react to those that might be impacted by a deadline.

Council Chairman Marshall agreed with Councilwoman Parella, noting that the Council expects a "global" approach to open space preservation.

3. Alexander Picks, Partner, Wind-Smart, LLC, 760 Plainfield Pike, Greene, RI re potential wind turbine project

- a. Rhode Island Renewable Energy Fund - grant request

LATE ITEM

- b. Paul Sanromà, RI Wind Alliance re supporting information

Cordeiro/Herreshoff - Voted unanimously to continue this matter until October 10, 2007.

Barboza/Cordeiro - Voted unanimously to approve a grant application to the RI Wind Alliance so as to obtain funds to support an engineering proposal.

Prior to the vote taken, the Clerk informed the Council that its offices were in receipt of many unsolicited proposals since its interest in pursuing wind power was reported in the newspaper.

Council Chairman Marshall explained that the Town will be developing a request for proposals and that it should also expect to receive information regarding the qualifications of those who would like to be considered. He noted that some of the unsolicited information is from those with little or no experience - this confirmed by Mr. Sanromà of the RI Wind alliance.

Town Solicitor Ursillo reported that Town Administrator Mederos was working with representatives from Portsmouth Abbey to develop the RFP.

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Council Chairman Marshall reported that the towns of Tiverton and Warren are interested in forming a consortium to pool resources and establish purchasing leverage.

4. Jean M. Fecteau, Gloucester Town Clerk - request for support of repeal of S-461 and H-5661

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

5. Jack Sylvester re Parks and Recreation 2006/2007 Revenue and Expenditure Statement

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

Prior to the vote taken, Council Chairman Marshall informed the petitioner that he was uncertain as to his request since the letter submitted was not specific.

Mr. Sylvester stated that he believed that his letter was self-explanatory since he has noted for some time that this department has overspent its budget and the attached report proves that the budget was overspent.

Mr. Sylvester also expressed concern that the Community Center windows renovations are yet to be completed.

Mr. Sylvester also expressed concern that the Recreation Department has hired outside contractors to complete work that might be otherwise completed by the Department of Public Works personnel.

Mr. Sylvester speculated that a digital camera purchased by the Recreation Department for the purposes of recording him (Mr. Sylvester) during meetings has disappeared.

Mr. Sylvester also alluded to a \$6000 project that was completed without a formal bid with Councilman Cordeiro requesting that Mr. Sylvester should provide evidence of this matter prior to making accusations of wrongdoing.

Council Chairman Marshall stated that it would be more productive if the Council would continue this matter and provide the parties the opportunity to respond to the accusations.

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Nancy Horne, a member of the Recreation Board, informed those present that the Board will have its next meeting on Tuesday evening, September 25, in the Town Hall Conference Room.

ADDED 6. Councilwoman Parella re Our Lady of Fatima commemorative activity.

Parella/Barboza - Voted unanimously to refer this matter to Town Administrator Mederos and Director of Parks and Recreation Burke to act in the best interest of the Town.

Prior to the vote taken, Councilwoman Parella noted that this group has previously sought the permission of the Council to hold this activity but was uncertain of a specific date due to scheduling conflicts. She noted that the group would like to hold this activity on October 13 on the Town Common but would be amenable to another suitable place were the Common to be unavailable.

She noted that she spoke this date to Mr. Burke who had some suggestions for accommodating this request and further suggested that the matter might be referred to Town Administrator Mederos and Mr. Burke.

L. BILLS & EXPENDITURES

1. Bid #642 - Chainlink Fence/Installation at Sowams Park

Barboza/Herreshoff - Voted unanimously to refer this matter to the Town Administrator and Director of Parks and Recreation in order that they might act in the best interest of the Town.

Prior to the vote taken, the Clerk noted the receipt of four bids as follows:

Citiworks, Attleboro, MA	\$17,136
United Fence, Johnston, RI	\$24,256
Fence Depot, Warren, RI	\$35,800
Cosco Fencing, Woonsocket, RI	\$27,400

(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 Statement - September 13, 2007

P. PROCLAMATIONS & CITATIONS

(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. John M. Evans, Code Compliance Coordinator - Notice of Town Code Violation, Section 13-41 to Sebastian and Barbara Wordell, 51 Union Street
2. John M. Evans, Code Compliance Coordinator - Notice of Town Code Violation, Section 13-40 to Louis Sousa, 145 High Street
3. Coastal Resources Management Council - Meeting Notice for September 11, 2007 re request for extension of State Assent of Robert Frost, 15 Read Avenue, Warren
4. Patrick J. O'Brien, Director, Office of Economic Adjustment, Office of the Under Secretary of Defense to Town Administrator Mederos - granting of extension re Quinta-Gamelin
5. Alfred R. Rego, Jr., Esquire to Liquor Control Administration - withdrawal of appeal re Bristol Golf Club, Inc.
6. M. Candace Pansa, Executive Director, Bristol Housing Authority to Gerry Turbeville, CDBG Coordinator - Thank you for grant award
7. Warrant - Jeffrey Luiz, Post Retirement Benefit Fund Board of Trustees
8. Warrant - Robert Hamel, Harbor Commission Advisory Committee

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9. Louis P. Cirillo, Council Clerk, to Historic District Commission re Historic District Signage and Fee Structure
10. Louis P. Cirillo, Council Clerk, to Industrial Park Business owners re no commercial/industrial truck traffic allowed on Herzig Street
11. Town Administrator Mederos - Award of Bid #639 to Diversified Roofing System, New Bedford, MA
12. Peter J. Burke, Chief, Swansea Fire Department - Thank you for assistance on September 4, 2007

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

Prior to the vote taken, Councilman Barboza brought the above matter to the Council and offered the Council's congratulations for a job well-done.

13. Peter J. Burke, Chief, Swansea Fire Department - Thank you for support and assistance for fallen firefighter Ryan Pavao

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

14. Warrant - Richard Scott Medeiros, Harbor Commission Advisory Committee

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

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

1. Harbor Commission - Agenda for September 10, 2007
2. Coastal Resources Management Council - Semi Monthly Meeting Notice for September 11, 2007

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3. Coastal Resources Management Council -
September 2007 Calendar
4. Coastal Resources Management Council -
Meeting Notice for September 25, 2007 re
Robert Frost
5. Coastal Resources Management Council -
Continuation of Meeting Notice for September
25, 2007 re Robert Frost
6. Bristol Warren Regional School District -
Schedule of Meetings and Events/week of
August 27, 2007
7. Bristol Warren Regional School District -
Schedule of Meetings and Events/week of
September 3, 2007
8. Bristol Warren Regional School District -
Schedule of Meetings and Events/week of
September 10, 2007
9. Colt Andrews Construction Subcommittee of the
Bond Project Building Committee - August 30,
2007
10. Bristol Warren Regional School Committee
Workshop - September 11, 2007
11. Bond Project Building Committee/School
Committee - September 11, 2007
12. Bristol Warren Regional School Committee/Colt
Andrews School Bond Construction Project -
Groundbreaking Ceremony on September 12, 2007
13. Phase II Elementary Facilities Task Force
Subcommittee of the Bristol Warren Regional
School Committee
14. Bristol County Water Authority - September
18, 2007
15. Bristol County Water Authority Annual Meeting
- September 18, 2007
16. Bristol County Water Authority Engineering
Committee - September 11, 2007

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17. Bristol County Water Authority/Audit Finance Committee - September 11, 2007
18. Bristol County Water Authority/Public Relations/Personnel Committee - September 11, 2007

S. TOWN SOLICITOR

Z. INDIVIDUAL COUNCIL MEMBERS AGENDA ITEMS

1. MARSHALL

a. Thank You Mike Davis/Steve Roth - Council Chairman Marshall thanked Messrs. Davis and Roth for filming this evening's meeting.

b. Thank Your Mr. and Mrs. Godfrey - Council Chairman Marshall thanked the Godfreys for their donation of a Volkswagen convertible for the Library fundraising raffle.

2. CORDEIRO

a. Parking Along Washington Street - Councilman Cordeiro expressed concern regarding the parking of automobiles along the northerly side of Washington Street west of the front driveway of the Guiteras School to Hope Street. He noted difficulty negotiating the street when vehicles were parked along this portion. He asked for a police investigation of same.

b. Sink Hole near Lincoln Avenue - Councilman Cordeiro noted that there appears to be a sink-hole in the road near the intersection of High Street and Lincoln Avenue.

c. Arts Magnet Support - Councilman Cordeiro suggested that the Council might send to the School Committee a letter in support of the continuation of the Arts Magnet School.

Councilman Barboza stated as the Chairman of the Joint Finance Committee that he is aware that the school district is committed to the support of the Arts Magnet school and that he is informed that the district plans to expand the program and that information concerning the elimination of said program is "out of control."

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3. PARELLA

4. BARBOZA

John E. Faria - Councilman Barboza noted the presence of Democrat Town Committee Chairman John E. Faria.

5. HERRESHOFF

ZZ. TOWN ADMINISTRATOR AGENDA ITEM(S)

There being no further business upon a motion by Councilman Herreshoff, seconded by Councilman Cordeiro and Voted unanimously, the Chairman declared this meeting to be adjourned at 11:02 o'clock PM.

Louis P. Cirillo
Council Clerk