

TOWN COUNCIL MEETING - WEDNESDAY EVENING - NOVEMBER 21, 2007

PRESENT: Marshall, Cordeiro, Parella, Barboza and Herreshoff

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

The Council met in regular session on Wednesday evening, November 21, 2007 in the Town Hall, Council Chambers beginning at 7:04 o'clock PM, Council Chairman Marshall presiding:

The Pledge of Allegiance was led by a group from Bristol Troop 6, Boy Scouts of America.

Town Clerk re: Deputy Town Clerk

Prior to the commencement of this evening's agenda the Clerk announced the pending retirement of Deputy Town Clerk Jane M. Centazzo; noting Deputy Clerk Centazzo's many years of valued service to the Town.

The Clerk also announced his appointment of Jennifer Walsh to the position of Deputy Town Clerk effective at the time of Deputy Clerk Centazzo's retirement. He asked the Council to confirm this appointment.

Herreshoff/Barboza - Voted
unanimously to confirm the Clerk's
appointment of Jennifer Walsh to
the position of Deputy Town Clerk
effective December 28, 2007.

Robert McKenna re: Roger Williams University and Turkish National Police

Robert McKenna, associate dean at the Roger Williams University School of Law introduced Muzzafer Bas and Ersin Tan of the Turkish National Police. Both gentlemen are studying at the University and were present at this meeting so as to experience local government.

Council Chairman Marshall presented an official Council citation of welcome to both visitors.

Councilman Cordeiro re Bristol Historical & Preservation Society T-shirt

Councilman Cordeiro noted that the Historical and Preservation Society has produced for sale a novelty t-shirt depicting an antediluvian Town ordinance concerning bathing in public. He noted that these shirts are for sale as a fundraising activity for the society.

Council Clerk Cirillo re Bristol County Water Authority member Frank J. Sylvia request to discuss ongoing leak situation and cost

Mr. Sylvia provided information concerning a purported leak in the Authority's freshwater pipeline originating in Providence. He noted that the "Authority's \$32 million asset (pipeline) is secure."

Mr. Sylvia further noted that an excavation of a portion of the pipeline at Prov Port was completed in a former landfill site and the disposal of the excavated material remained unresolved.

Mr. Sylvia further outlined nine points in a document presented to the Council and attached to the record of this meeting. He agreed to provide further details of the situation as these develop.

Richard Lavey of 38 Beachmount Avenue addressed the Council and expressed concern that the Water Authority's member towns were not informed of the potential water leaks and examination of the pipeline until a recent newspaper article despite the fact that the examination of the pipeline began as early as July 2007.

Mr. Lavey explained that he contacted a Mr. Curtis at the Providence Water Works and that Mr. Curtis explained to him that all costs associated with this pipeline were the responsibility of the Bristol County Water Authority and no other agency.

Mr. Lavey also expressed concern that the costs of excavation, overtime, etc. will be borne by the Water Authority's rate payers and that these costs would likely be substantial.

Mr. Sylvia informed the Council that the Authority has a team of attorneys to protect the ratepayer's interest and that he was uncertain as to who Mr. Curtis was. He also expressed doubt that official word on this project would be disseminated via the telephone and was uncertain that the information provided to Mr. Lavey was entirely accurate.

Mr. Sylvia also reassured the Council that the pipeline under the Bay was sound.

Responding to questions posed by Councilman Herreshoff, Mr. Sylvia explained that the source of the freshwater leak was yet undetermined but that the hydraulic studies seem to conclude that it is not emanating from the Authority's pipeline. He explained that further studies are under way.

Responding to questions posed by Mr. Lavey, through the Chairman, Mr. Sylvia explained that the costs to date for the examination, etc., of the pipeline range from \$350,000 to \$500,000.

Council Chairman Marshall asked if the Authority has insurance for this purpose with Mr. Sylvia explaining that he was uncertain if the Authority's insurance covered this loss but that he would investigate same.

MOTION RE: CONSENT AGENDA - TO APPROVE THE CONSENT AGENDA

Barboza/Herreshoff - Voted
unanimously to approve the consent
agenda as presented.

A. SUBMISSION OF MINUTES OF PREVIOUS MEETING

1. Town Council - November 7, 2007

Herreshoff/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. Harbor Commission - November 5, 2007
2. Bristol Housing Authority - October 11, 2007
3. Historic District Commission - July 12, 2007
4. Historic District Commission - August 2, 2007
5. Historic District Commission - September 6, 2007

TOWN COUNCIL MEETING - WEDNESDAY EVENING - NOVEMBER 21, 2007

6. Historic District Commission - October 4, 2007
7. Bristol County Water Authority/Board of Directors - October 11, 2007
8. Bristol County Water Authority/Audit Finance Committee - November 6, 2007
9. Bristol County Water Authority/Engineering Committee - November 6, 2007
10. Bristol County Water Authority/Public Relations/Personnel Committee - November 6, 2007

B. OLD BUSINESS

1. Alfred J. Moscola, General Manager, Rhode Island Public Transit Authority to Senator David E. Bates re Providence/Newport ferry stopping at Colt State Park, continued from November 7, 2007

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

Prior to the vote taken, the Clerk noted that further suggestions regarding the possible dock space for the Providence/Newport ferry were raised and that additional information will be provided to the Council when it is received.

2. Rodney W. Wick, Caputo and Wick, Ltd. - report and recommendation on masonry deterioration of Community Center Wall, continued from November 7, 2007
 - a. Town Administrator Mederos to E. W. Burman, Inc. - Repair of Community Center wall

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

TOWN COUNCIL MEETING - WEDNESDAY EVENING - NOVEMBER 21, 2007

3. Linda Oliveira, 15 Pawtucket Avenue re drainage problems, continued from November 7, 2007

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

Prior to the vote taken, Town Administrator Mederos reported that the agreement for a drainage easement was in place and that several more signatures are required including the signature of the Chairman.

Council Chairman Marshall explained that the matter should be resolved before the end of December.

4. Council Clerk Cirillo re Milford Street Parking

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

Prior to the vote taken, the Clerk informed the Council that the above matter was essentially an interim report and that the Council should plan to receive an agenda item concerning this matter at its meeting of December 12, 2007 as per the Council's previous action. He further reported that the situation appears to be under control per the report of the original petitioners.

5. Joseph Carosi, 114 Berry Lane - request for installation of berm to address drainage issue, continued from November 7, 2007

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

Prior to the vote taken, Town Administrator Mederos reported that the berm has been installed and the next heavy rain will determine its success.

6. Dom Franco, Chairman, Harbor Commission re request for memorial plaque from Susan Degan, continued from November 7, 2007

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

Prior to the vote taken, Councilman Barboza explained that he met with Ms. Degan and discussed the possibility of the installation of a memorial bench near the site. Ms. Degan will report back to the Council once she decides on the style of bench that may be installed.

BB. SPECIAL /STATUS REPORTS

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

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

Prior to the vote taken, Councilman Herreshoff stated that he was pleased to receive these reports and congratulated Mr. Crisman on the work of the Mount Hope Enterprise Zone.

2. Stephen P. Cornwall, Rogers Free Library Capital Project Committee - construction status report

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

Prior to the vote taken, Councilman Herreshoff questioned as to whether or not the former library building will be utilized in the new operation.

Councilman Barboza noted that the report indicates that the project is within forecasted cost.

C. PUBLIC HEARINGS

D. ORDINANCES

1. Ordinance #2007-37, CHAPTER 11, Fees and Charges, Section 11-1, Comprehensive schedule of fees, (75) Historic District Commission, **2nd reading for adoption**

Barboza/Cordeiro - Voted unanimously to consider this action to be the second reading of Ordinance #2007-37 for adoption. Advertise in local newspaper.

2. Ordinance #2007-38, CHAPTER 11, Fees and Charges, Section 11-1, Comprehensive schedule of fees, (74) Penalties for failing to obtain permits..., **1st reading**

Barboza/Parella - Voted unanimously to consider this action to be the first reading of Ordinance #2007-38. Advertise in local newspaper.

3. Ordinance #2007-39, CHAPTER 17, Offenses and Miscellaneous provisions, Article II, Alcoholic Beverage Establishments, Division 2, License, Section 17-82 Number of Licenses, 1st reading

Barboza/Parella - Voted unanimously to consider this action to be the first reading of Ordinance #2007-39. Advertise in local newspaper.

Prior to the vote taken, the Clerk informed the Council that this ordinance would essentially eliminate one Class B-Victualer Limited intoxicating beverage license as per the discussion at the meeting of November 7, 2007.

(CA) E. BUDGET ADJUSTMENTS

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

1. Tax Assessor Spagnolo - Recommended abatements and additions, November 16, 2007

(CA) F. APPOINTMENTS

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

1. Public Service Appointments
 - a. Personnel Board
 1. Rhonda Nunes, 59 Fox Hill Avenue - 4 year term

Councilman Barboza nominated Ms. Nunes for appointment.

Barboza/Herreshoff - Voted
unanimously to close nominations
and to instruct the Clerk to cast
one ballot in favor of Ms. Nunes,
term to expire in December, 2011.

G. LICENSING BOARD - NEW PETITIONS

1. Don Patchin, d/b/a Flipside, 170 High Street
- request for Holiday Sales License

- a. Recommendation - Town Administrator and
Police Chief

Barboza/Parella - Voted unanimously
to grant this license as
recommended and subject to
conformance to all laws and
ordinances and payment of all fees,
taxes and levies.

2. Victoria A. Fonseca, d/b/a Revival, 227
Thames Street - request for Holiday Sales
License

- a. Recommendation - Police Chief

Barboza/Herreshoff - Voted
unanimously to grant this license
as recommended and subject to
conformance to all laws and
ordinances and payment of all fees,
taxes and levies.

3. Andrew Delli Carpini, d/b/a Colbea
Enterprises, LLC, 579 Metacom Avenue (Shell)
- Holiday Sales License

Barboza/Cordeiro - Voted
unanimously to grant this license
as recommended and subject to
conformance to all laws and
ordinances and payment of all fees,
taxes and levies.

Prior to the vote taken, Councilman Barboza expressed
concern that there were no recommendations concerning Colbea
Enterprises, LLC with the Clerk noting that these were
ongoing businesses operating with new proprietors.

4. Andrew Delli Carpini, d/b/a Colbea Enterprises, LLC, 579 Metacom Avenue (Shell) - Victualling License

Barboza/Cordeiro - Voted unanimously to grant this license as recommended and subject to conformance to all laws and ordinances and payment of all fees, taxes and levies.

5. Sheila Pemental, 70 Richmond Street - request for Kennel License

Barboza/Parella - Voted unanimously to grant this license subject to conformance to all laws and ordinances and payment of all fees, taxes and levies; allowing the petitioner to accommodate a maximum number of four (4) dogs only.

Prior to the vote taken, Ms. Pemental informed the Council that she does not intend to operate a kennel "business" and does not plan to breed dogs. She further stated her intention to adopt a fourth dog, already having three, and that Town ordinance forbids this activity in the absence of a kennel license.

H. LICENSING BOARD - RENEWALS

1. Drainlayers License Renewals - 2008
 - a. Recommendation - Town Administrator and Director of Public Works

Cordeiro/Herreshoff - Voted unanimously to grant these licenses as per the recommendations received and subject to conformance to all laws and ordinances and payment of all fees, taxes and levies.

2. Junk and Second Hand License Renewals - 2008
 - a. Recommendation - Town Administrator and Director of Public Works

Cordeiro/Herreshoff - Voted unanimously to grant these licenses

as per the recommendations received and subject to conformance to all laws and ordinances and payment of all fees, taxes and levies.

(CA) I. UTILITY PETITIONS

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

1. Road Cut Permits - DPW
2. Sewer Permits - WPCF

J. PETITIONS - OTHER

1. Cheryl Borges, 11 Arlington Avenue, Warren - request for reimbursement for damages to car

Barboza/Herreshoff - Voted unanimously to refer this matter to the Insurance Committee.

K. OTHER NEW BUSINESS REQUIRING TOWN COUNCIL ACTION

1. Councilman Barboza re Commonwealth Farm and Carriage

Barboza/Parella - Voted unanimously to send a letter of support to Mr. Waters of Commonwealth Farm and Carriage.

Prior to the vote taken, Councilman Barboza explained that Mr. Waters wishes to lease the barn at Colt State Park and would appreciate the Town's support of same by providing a letter of reference.

2. Julie A. Coelho, Warren Town Clerk - request for support of resolution re long term health care for Veterans

Barboza/Parella - Voted unanimously to support the resolution of the Town of Warren.

3. Robert F. Audet, Inc. - request to remove utility pole #7/Colt-Andrews Project

TOWN COUNCIL MEETING - WEDNESDAY EVENING - NOVEMBER 21, 2007

LATE ITEM a. Recommendation - Director of Public Works

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

L. **BILLS & EXPENDITURES**

(CA) M. **ROUTINE REPORTS**

(CA) N. **FINANCIAL REPORTS**

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

1. Town Treasurer - Revenue and Expenditure Statement, November 14, 2007

P. **PROCLAMATIONS & CITATIONS**

1. Commendation - Dawn Butterfield, Fitness America/Fitness Universe

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

2. Commendation - Marc C. Gallant, Eagle Scout Court of Honor

Cordeiro/Barboza - 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. Warrant - Rhonda A. Nunes, Personnel Board
2. Warrant - Warren Rensehausen, Substance Abuse Prevention Task Force
3. Department of Environmental Management - Insignificant Alteration Permit #05-0133, Plat 161B, Lot 38

TOWN COUNCIL MEETING - WEDNESDAY EVENING - NOVEMBER 21, 2007

4. Department of Environmental Management - Insignificant Alteration Permit #07-0151, Plat 118, Lots 1 & 2
5. Andrew Tyska, Bristol Marine to Dom Franco, Chairman, Harbor Commission re proposed ordinance revisions
6. Council Clerk Cirillo to Governor Donald L. Carcieri, et al re Sakonnet River Bridge resolution

LATE ITEM

- a. John Edwards, Advanced Building Concepts re opposition to weathered steel

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

Prior to the vote taken, Council Chairman Marshall suggested that the Council might consider the subject as proposed by Mr. Edwards. After a brief discussion, the Council determined that it should receive and file the matter.

7. Council Clerk Cirillo to Richard Giannini - letter of Thanks for service
8. Council Clerk Cirillo to Director of Public Works Serbst re Handicap Parking, State Street/Easterbrooks Avenue
9. Town Administrator Mederos award of Bid #627 - Pawtucket Avenue Improvements to DaPonte's Landscaping Services, Inc.
10. Town Administrator Mederos award of Bid #645 - Asphalt Basketball Court/Veterans Park to Sherry Construction Corp.
11. Class F Intoxicating Beverage License for November 17, 2007 to Banda Filarmonica for fundraiser
12. Class F Intoxicating Beverage License for December 1, 2007 to St. Elizabeth Holy Trinity for fundraiser
13. Invitation - Weaver's Cove Death Watch, November 17, 2007

TOWN COUNCIL MEETING - WEDNESDAY EVENING - NOVEMBER 21, 2007

14. Solid Waste and Recycling Services Agreement - Rhode Island Resource Recovery Corporation and Town of Bristol
15. Department of Human Services, Division of Veterans Affairs - invitation to ground breaking for expansion of RI Veterans Memorial Cemetery on December 17, 2007
16. Town Administrator and Police Chief Recommendation re Victualling License - Azat Faryan, d/b/a Pizza Caldo, 15 Gooding Avenue
17. Town Administrator and Police Chief Recommendation re Holiday Sales License - Analee Berretto, d/b/a Adventures Kids' Club, 89 Gooding Avenue

(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/Public Relations/Personnel Committee - November 6, 2007
2. Bristol County Water Authority/Engineering Committee - November 6, 2007
3. Bristol County Water Authority/Audit Finance Committee - November 6, 2007
4. Bristol County Water Authority/Annual Meeting - November 15, 2007
5. Bristol County Water Authority/Board of Directors - November 15, 2007
6. Coastal Resources Management Council - November 13, 2007
7. Coastal Resources Management Council - cancellation of meeting, November 13, 2007
8. Bristol Warren Regional School District - Schedule of Meetings & Events/Week of November 5, 2007

TOWN COUNCIL MEETING - WEDNESDAY EVENING - NOVEMBER 21, 2007

9. Bristol Warren Regional School District -
Schedule of Meetings & Events/Week of
November 12, 2007
10. Bristol Warren Regional School Committee -
November 13, 2007
11. Bristol Warren Regional School
Committee/Budget/Facilities Subcommittee -
November 15, 2007

S. TOWN SOLICITOR

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

Cordeiro/Herreshoff - Voted
unanimously to adjourn into
Executive Session pursuant to RIGL
42-46-5 (a) (2).

It is hereby noted for the record that this action took
place at the conclusion of the public agenda (8:12 o'clock
PM).

Z. INDIVIDUAL COUNCIL MEMBERS AGENDA ITEMS

1. MARSHALL

a. Happy Thanksgiving - Council Chairman
Marshall expressed his wishes that everyone should
have a happy Thanksgiving and encouraged all to be
"grateful for the small things."

b. Thank You Mike Davis and Steve Roth - Council
Chairman Marshall thanks Messrs. Davis and Roth
for their filming of the Council meeting this
evening.

c. Mount Hope High School Girls Soccer - Council
Chairman Marshall expressed his congratulations to
the MHHS Girls Soccer team.

2. CORDEIRO

a. Dean McKenna/Turkish Police - Councilman
Cordeiro noted the earlier visit of Robert McKenna
and the members of the Turkish Police.

b. Christmas Festival Function - Councilman Cordeiro noted a recent function of the Christmas Festival committee held last Saturday when previous "spirit of Christmas" winners were recognized.

c. Happy Thanksgiving good luck to MHHS - Councilman Cordeiro wished everyone a happy Thanksgiving Day and wished good luck to the Mount Hope High School football team.

3. PARELLA

a. Happy Thanksgiving - Councilwoman Parella expressed her best wishes to all for a nice four-day Thanksgiving weekend.

b. Happy Shopping - Councilwoman Parella expressed her best wishes for the weekend shoppers.

4. BARBOZA

a. Thanksgiving Wishes - Councilman Barboza wished all a Happy Thanksgiving.

b. Democracy in Action - Councilman Barboza noted that the Turkish visitors had the opportunity to view democracy in action at this evening's meeting.

5. HERRESHOFF

a. Waterway Regulations - Councilman Herreshoff suggested that the Town might consider tighter regulations concerning overnight transient boaters. He further suggested that the Town might forbid overnight visiting boats without suitable holding tanks on board.

Councilman Herreshoff recommended that the Town might install a sign at the entrance to the Kickemuit River indicating the Town's requirement for no discharge of sewage and that a fine might be noted and imposed.

It was agreed by consensus that the Clerk might refer this matter to the Town Administrator, the Town Solicitor, Harbor Commission, and to the Warren Town Council.

TOWN COUNCIL MEETING - WEDNESDAY EVENING - NOVEMBER 21, 2007

b. Happy Thanksgiving - Councilman Herreshoff expressed his best wishes for a happy Thanksgiving to all.

ZZ. TOWN ADMINISTRATOR AGENDA ITEM(S)

a. Happy Thanksgiving - Town Administrator Mederos expressed her best wishes for a happy Thanksgiving noting that she was particularly thankful for "our wonderful town."

CITIZENS PUBLIC FORUM

Cordeiro/Parella - Voted
unanimously to resume open session
and seal the minutes of the
preceding Executive Session.

There being no further business upon a motion by Councilman Barboza, seconded by Councilwoman Parella and unanimously voted, the Chairman declared this meeting to be adjourned at 8:25 o'clock PM.

Louis P. Cirillo, CMC
Council Clerk