

TOWN COUNCIL MEETING - WEDNESDAY EVENING - DECEMBER 12, 2007

PRESENT: Marshall, Cordeiro, Parella (arrived at 7:17 PM), Barboza, and Herreshoff (arrived at 7:14 PM)

ALSO PRESENT: Diane C. Mederos, Town Administrator
Andrew Teitz, Esq., Town Solicitor
Marshall J. Netto, Town Sergeant

The Council met in regular session on Wednesday evening, December 12, 2007 in the Town Hall, Council Chambers beginning at 7:04 o'clock PM, Council Chairman Marshall presiding:

Special Presentation - Colonel Edward O. Cyr

Prior to the commencement of this evening's regular agenda, Council Chairman Marshall presented a special Council citation to Col. Cyr who has returned from the Middle East.

Also presenting citations on behalf of the General Assembly were Sen. Charles Levesque (Senate District 11) and Sen. Walter Felag (Senate District 10).

Col. Cyr addressed those present, expressed his gratitude for the recognition and noted the opportunities available to him as a member of the armed forces of the United States. He further commented on the myriad freedoms available to all Americans and encouraged all not to take these for granted.

Deputy Town Clerk Jane M. Centazzo

Council Chairman Marshall presented retiring Deputy Town Clerk Centazzo with a bouquet on behalf of her retirement effective December 28, 2007 and expressed the collective appreciation of the Council for Ms. Centazzo's many years of hard work and dedication to the Town.

Announcements

Council Chairman Marshall noted that the Town has recently borrowed \$3.4 million that will be allocated toward upgrades to the Town's wastewater and storm water systems. He further noted that Town Charter provides for Capital Project Committees and that the Council will be appointing same pursuant to Sec. 911. He also noted that a similar Committee will be appointed to oversee the construction of a new fire station.

(Councilman Herreshoff arrived at this point in the meeting 7:14 PM)

Councilman Barboza expressed the Council's wishes for a belated Happy Hanukkah to Assistant Town Solicitor Teitz and everyone else who celebrated these holidays.

Councilman Herreshoff noted that the Council has appointed Capital Project Committees in the past and these have been very successful.

Councilwoman Parella arrived at this point in the meeting (7:17 PM).

MOTION RE: CONSENT AGENDA - TO APPROVE THE CONSENT AGENDA

Cordeiro/Herreshoff - Voted
unanimously to approve the Consent
Agenda as presented.

A. SUBMISSION OF MINUTES OF PREVIOUS MEETING(S)

1. Town Council Workshop - October 30, 2007

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

2. Town Council Meeting - November 21, 2007

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

3. Special Town Council Meeting - November 28,
2007

Cordeiro/Herreshoff - 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 Warren Regional School
Committee/Special Meeting/Public Hearing -
October 17, 2007

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2. Bristol Warren Regional School Committee - October 22, 2007
3. Bristol Warren Regional School Committee - November 13, 2007
4. Planning Board - September 18, 2007
5. Planning Board - October 9, 2007
6. Zoning Board of Review - October 1, 2007
7. Zoning Board of Review - November 5, 2007
8. Zoning Board of Review - November 15, 2007

B. OLD BUSINESS

1. Councilwoman Parella re Dixon Avenue, continued from October 10, 2007

Herreshoff/Parella - Voted unanimously to continue this matter until the meeting of February 13, 2008.

Prior to the vote taken, Town Administrator Mederos reported that she has received information from Code Compliance Coordinator Evans that the situation at 5 Dixon Avenue has not improved. She further noted that there have been several attempts to contact the Fidelity National Management Associates company that manages this property with no positive result. She explained that this matter should be referred to the Solicitor for legal action.

Assistant Town Solicitor Teitz commented that the Town's next action should be to refer the matter to the Municipal Court. He further stated that several like matters have been referred to the Court of late and that this action has moved the problems identified toward a more positive result.

A discussion ensued concerning the Town's position should it be allowed to make necessary repairs on subject property with Assistant Town Solicitor Teitz explaining that there is some case law that would allow the Town to capture its expenditures for "public health and safety" repairs ahead of other creditors should there be a bankruptcy.

Councilwoman Parella asked for a time-frame for the proposed Municipal Court action with Assistant Town Solicitor Teitz

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explaining that this would likely occur after the upcoming holidays with a notice to appear delivered to the defendant in time for the Municipal Court session scheduled for February 12, 2008.

2. Rodney W. Wick, Caputo and Wick, Ltd. - report and recommendation on masonry deterioration of Community Center Wall, continued from November 21, 2007

- a. Town Administrator - grant award (verbal)

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

Prior to the vote taken, Town Administrator Mederos reported the receipt of a grant in the amount of \$100,000 from the Rhode Island Historical Preservation and Heritage Commission through the efforts of Director of Community Development Williamson. She further noted that this was the largest allowable grant within this state program and that Bristol fared well in this grant cycle since the Blithewold organization received a similar grant.

Councilman Herreshoff commented that a recent newspaper article regarding same was a very welcome report and asked how the Town planned to match this grant with Town Administrator Mederos explaining that the match will come in the form of repairs to the interior of the structure and already expended funds applied to engineering costs, etc. for the project.

Councilman Herreshoff asked when the Town expects completion of the work with Mr. Burke responding that this should be completed in February.

Councilman Herreshoff suggested that the Council might be invited to view the results at the appropriate time with Mr. Burke responding that he would invite the Council to examine the project.

3. Linda Oliveira, 15 Pawtucket Avenue re drainage problems, continued from November 21, 2007

- a. Town Administrator - update (verbal)

Herreshoff/Parella - Voted
unanimously to continue this matter

until the meeting of January 23, 2008.

Prior to the vote taken, Town Administrator Mederos presented a verbal report, indicating that the Mr. and Mrs. Leach have signed the easement agreement and this agreement has been recorded in the Land Evidence for the Town. She further noted that the work on the project has commenced and that materials for the drainage system have been ordered. It was noted that this work should begin this week weather permitting.

Mrs. Oliveira thanked Mr. and Mrs. Leach for finally granting said easement.

The Council determined that it would anticipate a report concerning the progress of this project at its meeting of January 23, 2008.

4. 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 21, 2007
 - a. Council Clerk Cirillo to Alfred J. Moscola, General Manager, RIPTA - request to review
 - b. Alfred J. Moscola to Council Clerk Cirillo - 2008 final season for Ferry

Herreshoff/Cordeiro - Voted unanimously to instruct the Clerk to send correspondence to Mr. Moscola indicating the Council's willingness to participate in a ferry service program should one is considered in the future.

Prior to the vote taken, Council members Cordeiro and Parella expressed their disappointment concerning the elimination of subject ferry service, particularly in light of the fact that 2007 was the best year of the pilot program.

Councilman Herreshoff reminded the Council of its desire to offer places for ferry stops in Bristol and that the increasing success of the program seemed to warrant its continuing.

It was agreed, by consensus, that the Council will continue to monitor the idea of a Narragansett Bay commuter ferry and to participate as appropriate.

5. Attorney General Patrick C. Lynch re Keyspan LNG terminal

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

Prior to the vote taken, Council Chairman Marshall reported that the Massachusetts Legislature has determined that there will be no dredging in the Taunton River thus casting further doubts concerning the future accommodation of LNG tankers.

Councilwoman Parella noted that the Town was able to utilize the power of its healthy financial surplus to react to difficult situation such as the determined need to oppose LNG traffic in Narragansett Bay.

It was also noted that this Council took a leadership position in its opposition to the LNG facilities.

6. Jennifer Astrella, Chair, Open Space Conservation Commission re acquisition of St. Angelo property

Herreshoff/Cordeiro - Voted unanimously to empower Town Administrator Mederos to proceed with a private appraisal of subject property and to return to the Council with a recommendation concerning same.

Prior to the vote taken, Ms. Astrella informed the Council that her committee has rated subject property and found it to be a possible acquisition candidate; having met certain criteria as established by the committee. She noted that the parcel "scored fairly high and is adjacent to another property in the Town's 'green belt' plan."

Council Chairman Marshall asked if it might be possible to secure a grant for this purchase with Director of Community Development Williamson reporting that she would pursue same and that a bona-fide appraisal would be needed. She also

noted that the Town should determine if the acquisition "fits" into its overall open space plan.

Councilwoman Parella suggested that the Town should have an overall comprehensive plan for open space acquisition and that priorities must be set so as the Town would purchase only the highest priority parcels with that available limited funding.

Ms. Astrella noted that the only other property under current consideration is the Howe Street parcel and this may no longer be viable.

Councilman Herreshoff agreed that the Council should authorize appraisals prior to the future consideration of any acquisitions.

BB. SPECIAL /STATUS REPORTS

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

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

Prior to the vote taken, Council Chairman Marshall noted the active participation of local area businesses in Town pursuits including sponsorship of the Christmas Festival, etc.

He noted that St. Gobain Performance Plastics was, again this year, a sponsor of the Christmas Festival and the impending loss of that manufacturer from the Town would likely mean the loss of the sponsorship. He further noted that the weak U.S. dollar abroad might encourage St. Gobain to re-examine their plan to relocate manufacturing to Mexico.

Councilman Cordeiro noted a "Bristolite" sign and Christmas Tree placed on the former Fulflex plant and expressed pleasure to its owner Mr. Tyska that the redevelopment of this long-blighted property is progressing.

Councilman Cordeiro also noted the efforts of Mosaico CDC concerning job training with Mosaico Executive Director Jennifer Astrella informing the Council that her organization will be offering a job fair open house at Mount Hope High School on January 9, 2008.

Councilman Cordeiro noted a recent video presentation of Mosaico's projects and further noted that this presentation was "well-done."

C. PUBLIC HEARINGS

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 29, 2007

Barboza/Parella - Voted unanimously to place this matter on the table.

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

Barboza/Cordeiro - Voted unanimously to consider this action to constitute the second reading of Ordinance #2007-38 for adoption. 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, **2nd reading for adoption**

Herreshoff/Barboza - Voted unanimously to consider this action to constitute the second reading of Ordinance #2007-39 for adoption. Advertise in local newspaper.

4. Ordinance #2007-40, CHAPTER 16, Motor Vehicles and Traffic, Article V, Stopping, Standing and Parking, Section 16-143, Parking prohibited at all times, 15 Wheeler Avenue **1st reading**

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

Ordinance #2007-40. Advertise in local newspaper.

5. Ordinance #2007-41, CHAPTER 2, Administration, Article IV, Boards, Commissions and Committees, Section 2-161, Appointment and term, North and East Burial Grounds Commission, **1st reading**

Barboza/Parella - Voted unanimously to consider this action to be the first reading of Ordinance #2007-41. Advertise in local newspaper.

6. Ordinance #2007-42, CHAPTER 11, Fees and Charges, Section 11-1, Comprehensive Schedule of fees, (43) Moorings and docking fees, **1st reading**

Cordeiro/Barboza - Voted unanimously to consider this action to be the first reading of Ordinance #2007-42. Advertise in local newspaper.

7. Ordinance #2007-31, CHAPTER 29, Soil Erosion, Runoff, and Sediment Control, Article III, Soil Erosion, Runoff and Sediment Control Plan, Section 29-59, Performance Principles, (version 1), **2nd reading for adoption, continued from November 28, 2007 Public Hearing**

- a. Andrew Tyska, President, Bristolite - concerns re #2007-31

Cordeiro/Herreshoff - Voted unanimously to continue this matter until the meeting of January 2, 2008.

Prior to the vote taken, Council Chairman Marshall noted that the public hearing on this matter revealed that the language of this proposed ordinance was too broad and in need of further amendment.

Councilman Herreshoff noted that the overall goal of the Council is to protect the Town but not destroy business in the process.

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Council Chairman Marshall stated that he recognized the urgency of the matter and agreed to work toward a speedy resolution.

Council Chairman Marshall noted the receipt of Mr. Tyska's letter as above and read it into the record as follows:

December 3, 2007

*Mr. Louis Cirillo
Bristol Town Clerk
Town Hall
10 Court Street
Bristol, Rhode Island 02809*

RE: Soil Erosion Ordinance Amendment

Dear Mr. Cirillo,

I would appreciate this letter being distributed to the council for consideration at the meeting scheduled for December 12, 2007. Furthermore, I would like to request this letter be read into the permanent record.

I am writing this letter in regards to the modification of the Soil Erosion, Runoff, and Sediment Control Plan, Section 29-59, Paragraph 4. It is my recommendation that the Council pass the amendment change as proposed in the interest of advancing economic development. In conjunction with this change I would request the town to exact both impact and usage fees to address water quality and storm water management deficiencies. The impact portion of these fees should be applied retroactively to any project which has not obtained a Certificate of Occupancy by the date of adoption of the new ordinance. Usage fees could begin as soon as the council seems fit.

It is apparent from the workshop held by the Council on November the 28th, 2007 that the issue at hand is complicated with many different concerns to address. The overall sentiment expressed by all parties at the workshop was that this ordinance puts an undue burden on private property owners and the appropriate solution is to fix the infrastructure in Town. From my research I have found that many other towns nationwide have faced infrastructure deficiencies and have looked to impact fees and usage fees to aid in repairing and improving failing systems.

Furthermore, I feel the concerns in regards to water quality and drainage are town wide and not simply an issue to be discussed in regards to the Tanyard Brook. As such, it would make sense for the town to consider town wide impact fees for all new development coupled with usage fees attached to property tax bills (similar to sewer usage fees). This way a fund can be set aside for projects currently slated and future improvements. A fund of this type would enable to the town to improve the infrastructure to handle storm water appropriately and improve the water quality of runoff into Bristol Harbor.

This is a town wide problem and only fair to ask all citizens to share in the burden of the solution. Thus an impact fee for new developments must be coupled with a usage fee spread across all existing properties to make this equitable. The onus for funding improvements must come from all property owners regardless of when they developed their parcel.

My suggestion would be for the Town to conduct a study based on a five to ten year plan to improve drainage and water quality in town. Based on projected capital improvements and yearly maintenance costs the town should be able to develop a financial plan. By looking at potential future developments the town can establish an equation based on increased impervious area to calculate impact fees for new construction. The usage fee should be calculated on the amount of existing impervious surface on individual parcels and applied to tax payer's bills. This would also act as an incentive program as it would make for lower tax bills and impact fees for low impact developments utilizing pervious driveways, sidewalks and at point infiltration design, as the fees would be based on impervious surface area.

As it will take significant time to develop a comprehensive plan to address water quality and storm water management, I would like to request the Town Council to vote positively for the suggested amendment in the interest of promoting economic development. The impact fees could be applied retroactively to all projects which do not have Certificates of Occupancy issued by the date of adoption of the new ordinance.

Sincerely,

*/s/ Andrew Tyska
President*

Council Chairman Marshall stated that the Council was sympathetic to Mr. Tyska's thoughts although it was reluctant to adopt an ordinance amendment hastily. He expressed concern that the Council would have to revisit the matter almost immediately were it to adopt the ordinance as currently proposed.

Council Chairman Marshall also stated that the Council was considering those proposals made at the Public Hearing held on November 28, 2007 some of those being the proposals made by Mr. Tyska and his legal counsel.

Councilwoman Parella agreed that the Public Hearing was very productive and good suggestions were presented to the Council for its consideration.

Councilman Barboza stated that the Town-wide referendum supports the "problems of the past" and he disagreed with Mr. Tyska that an additional tax or user fee was warranted.

Councilwoman Parella stated that some aspects of Mr. Tyska's letter were disappointing since he appears to consider the problems must be borne by the entire Town rather than those who contribute to the problem.

Mr. Tyska stated that he was encouraged by the tenor of the letter presented at the Public Hearing by Save Bristol Harbor representative Merritt Meyer. He explained that he would appreciate if the Council would adopt this amendment "hastily" since the original ordinance that established the onerous provisions was adopted hastily. He expressed grave concern for the plight of ES Products and explained that that company is forced to secure warehousing off site at a premium price. He recommended that the Town must participate with ES actively so as to prevent the loss of this business to the Town.

Mr. Tyska also suggested that user fees might be applied to provide an incentive to those who install driveways and sidewalks made from pervious materials and not simply to impose user fees.

Council Chairman Marshall stated that the Council began its efforts to help with the needs of ES Products as soon as it learned of them and plans to continue to do so.

Mr. Tyska stated that he would like to be involved in the framing of a new ordinance and that the Town should involve a representative of ES Products also.

Councilman Herreshoff stated that he agreed with the sentiments expressed by Councilman Barboza regarding any new taxes or user fees.

Mr. Tyska also stated that the intent of his letter was to represent a clear and positive path and did not intend to offer overly onerous solutions to the problem as perceived.

Councilwoman Parella stated that Mr. Tyska does raise good points and that all appear to be in agreement that the existing ordinance needs amendment.

Councilman Barboza suggested that there might be another public workshop prior to January 2, 2008 with Councilwoman Parella stating that perhaps the recommendations can be derived administratively and that Director of Community Development Williamson might hold a meeting on the topic and obtain suggestions from interested participants during the workday; afterwards providing a new ordinance or amended ordinance for the Council's consideration on January 2, 2008.

Director of Community Development Williamson stated that she had agreed to e-mail draft copy to Save Bristol Harbor and would provide these drafts to Mr. Tyska also.

Council Chairman Marshall stated that he was in agreement that many good ideas were derived from the Public Hearing and drew attention to the discussion concerning pervious surfaces and rain barrels.

8. Ordinance #2007-43, CHAPTER 8, Boats, Docks and Waterways, Article II, Harbor Regulations, Section 8-57 through 8-67, **1st reading**

Barboza/Cordeiro - Voted unanimously to consider this action to be the first reading of Ordinance #2007-43 - Advertise in local newspaper and request a recommendation from the Harbormaster.

Prior to the vote taken, Councilman Herreshoff asked if the Harbor Commission was in agreement with these amendments. It was noted for the record that the amendments were discussed at a special council meeting with Harbor Commission members present and the resulting ordinance incorporates any concerns raised at that meeting.

Councilman Cordeiro stated that he expects to receive a recommendation from the Harbormaster prior to adoption of this ordinance.

(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. Recreation Board (2)(to fill unexpired terms to end 2/09 and 2/10)
 1. Michelle Mascena, 381 High Street - interest/appointment
 2. N. Diane Davis, 25 Butterworth Avenue - interest/appointment
 3. Warren Rensehausen, 112 Church Street - interest/appointment
 4. Nancy Chase, 21 Constitution Street - interest/appointment

Barboza/Cordeiro - Voted unanimously to hold these appointments in abeyance pending the Councils deliberation and resolution concerning the Recreation Board.

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Prior to the vote taken, Council Chairman Marshall stated that since two officers of the Recreation Board had resigned, the Council had a unique opportunity to examine the composition and responsibility of said board and may redirect same for the future. Based upon this he was of the opinion that a new set of appointments was premature.

Council Chairman Marshall also stated that he was of the opinion that the Council should appoint members that have no inherent conflict of interest and that league officers should not be voting members.

Councilwoman Parella stated that she was in agreement with the idea of avoidance of conflict of interest and questioned as to whether or not the Recreation Board should have management authority. She stated further that in her opinion the board should be advisory and that the present makeup does not make sense since the Board commonly approves bills after these are paid, etc.

She also suggested that the Town might investigate the process and operation of the recreation boards of other towns and determine a new course for Bristol. She also stated that the current arrangement was unusual since the Recreation Director is responsible to the Town Administrator and the Board is otherwise responsible to the Council.

She noted that in changing this structure the Council loses nothing since it still maintains its budgetary authority.

Council Chairman Marshall noted that since this board is losing its Chairman and Vice-chairman, timing is advantageous for the Council to examine its structure and perhaps select new board members in accordance with any new direction that the Council may decide for its future.

Councilman Cordeiro stated that he supported the action that led to the Recreation Director reporting to the Town Administrator but he was not in agreement that the Recreation Board should be advisory only.

Councilman Cordeiro also stated that the Recreation Board should have an advisory sub-committee consisting of league officers.

Councilman Barboza stated that the Council was "on the right track" in reviewing the status of the Recreation Board since its operation may be somewhat old fashioned. He further stated that were the Council to consider making this board advisory, particularly in consideration of the fact that the

department now has a full time professional staff, would potentially close a "loophole."

Councilwoman Parella suggested that the Council should review its option with the various parties at a special workshop in the near future.

Cordeiro/Herreshoff - Voted unanimously to instruct the Clerk to work in concert with Town Administrator Mederos for the purposes of scheduling a public workshop regarding the composition, authority and operation of the Recreation Board as soon as research concerning recreation department operation in other towns is complete and available.

After the vote taken, Recreation Director Burke commended the outgoing members of the Recreation Board for their hard work in service to the Town.

- b. Redevelopment Agency - 2nd Alternate (term expires 12/09)
 - 1. Robert Aldrich, 7 Fox Hill Avenue - interest/appointment

Councilman Barboza nominated Mr. Aldrich for appointment.

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

- c.i. Council Clerk Cirillo re Composition of Commission

Herreshoff/Barboza - Voted unanimously to adopt the following resolution as proposed by the Clerk:

Resolved, that the Honorable Town Council of the Town of Bristol, State of Rhode Island and Providence Plantations henceforth designates the group formerly known as the Open Space Conservation Commission as the Open Space Committee and so authorizes that there shall be seven (7) full voting

members and one (1) alternate member who shall serve and vote in the absence of any full member; all members serving at the pleasure of Said Council.

c.ii. Open Space Committee (nee Open Space Conservation Commission)

1. Lindsay Green, 73 Union Street - interest/appointment
2. Anthony Morettini, 46 Highland Road - interest/appointment
3. Clifford Woods, 133 Poppasquash Road - interest/appointment

Councilman Barboza nominated Messrs. Payson, Morettini, and Woods for appointment as full members of the Open Space Committee.

Barboza/Herreshoff - Voted unanimously to close nominations and to instruct the Clerk to cast one ballot each in favor of Messrs. Payson, Morettini, and Woods to serve at the pleasure of the Council.

Councilman Barboza nominated Ms. Green for appointment as an alternate member of the Open Space Committee.

Barboza/Herreshoff - Voted unanimously to close nominations and to instruct the Clerk to cast one ballot in favor of Ms. Green to serve at pleasure of the Council.

Prior to the vote taken, the Clerk explained the information provided in his memorandum above and noted that all nominees have been active participants in the discussions at earlier meetings of subject committee. It was also noted for the record that Ms. Green informed the Council that she would prefer to be an alternate member.

d. North and East Burial Grounds Commission

1. Marcia Bickford Torrey, 80 Charles Street - interest/appointment

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2. Charles C. Cavalconte, 88 Church Street - interest/appointment
3. Edward Carusi, 64 Mt. Hope Avenue - interest/appointment

Councilman Cordeiro nominated Marcia Bickford Torrey for appointment to fill the unexpired term of the late Ralph E. Peters, Jr.

Cordeiro/Parella - Voted
unanimously to close nominations
and to instruct the Clerk to cast
one ballot in favor of Ms. Torrey,
term to expire in January 2011.

Prior to the vote taken, Councilman Barboza noted that there was an identified need to appoint an alternate member to this Commission with the Clerk responding that Ordinance #2007-41 addresses this issue, the same having first reading earlier in this meeting.

The Clerk agreed to correspond with those expressing interest in the above position to inform them of the pending appointment for alternate member.

- e. Conservation Commission (3) (term to expire 12/10)
 1. Cynthia Bruneaux, 837 Hope Street - interest/reappointment
 2. Raymond Payson, 131 Ferry Road - interest/reappointment

Councilman Cordeiro nominated Ms. Bruneaux and Mr. Payson for re-appointment.

Cordeiro/Parella - Voted
unanimously to close nominations
and to instruct the Clerk to cast
one ballot each in favor of Ms.
Bruneaux and Mr. Payson, terms to
expire in December, 2010.

Cordeiro/Parella - Voted
unanimously to instruct the Clerk
to advertise for the remaining
vacancy at the time of the next
Public Service advertisement.

- f. Juvenile Hearing Board (1) (term to expire 12/10)

It is hereby noted for the record that Councilman Cordeiro recused himself for participation and vote on this matter.

- 1. Oryann Lima, 73 Franklin Street - interest/reappointment

Councilman Barboza nominated Oryann Lima for re-appointment.

Barboza/Parella - Voted to close nominations and instruct the Clerk to cast one ballot in favor of Ms. Lima, term to expire in December 2010. (Councilman Cordeiro recused).

- g. Police Pension Fund - Board of Trustees

- 1. Council Clerk Cirillo re resignation of Matthew White

Barboza/Cordeiro - Voted unanimously to instruct the Clerk to advertise for this vacancy at the time of the next Public Service advertisement.

- h. Board of Tax Assessment Review (1) (term to expire 12/10)

- 1. Albert Proffitt, 10 Fort Hill Road - interest/reappointment

- a. Thomas Carroll, Republican Town Committee Chairman - recommendation

LATE ITEM

- b. Recommendation - Tax Assessor

Councilman Barboza nominated Mr. Proffitt for re-appointment.

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

ballot in favor of Mr. Proffitt,
term to expire in December 2010.

(CA) 2. Public Service Appointments for January

G. LICENSING BOARD - NEW PETITIONS

1. Alisha Martin and Melanie Santos, d/b/a Subway, 397 Metacom Avenue - Request for Victualling License (new ownership)

LATE ITEM a. Recommendation - Water Pollution Control Facility

LATE ITEM b. Recommendation - Town Administrator and Police Chief

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.

2. Berta Raposo, St. Elizabeth Church, 577 Wood Street - Request for One-Day Dancing and Entertainment License for December 31, 2007

LATE ITEM a. Recommendation - Town Administrator and Police Chief

Barboza/Cordeiro - Voted
unanimously to grant this license
subject to the conditions as per
the recommendation received.

H. LICENSING BOARD - RENEWALS

(CA) I. UTILITY PETITIONS

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

J. PETITIONS - OTHER

1. Alfred R. Rego, Jr., Esquire for Antonio Cardoza - claim for damages

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

2. Parks and Recreation Director Burke - request
to rename portion of Thomas Park "Mrs.
Perry's Garden"

Barboza/Cordeiro - Voted
unanimously to name that portion of
Thomas Park as described as "Mrs.
Perry's Garden."

Herreshoff/Barboza - Voted
unanimously to instruct the Clerk
to prepare and send letters of
endorsement for the grant proposals
as described by Mr. Burke.

Prior to the vote taken, Gary Watros, former President of
the Bristol Garden Club informed the Council that his club
endorsed the idea of the establishment of Mrs. Perry's
Garden and renews its commitment to spend time, energies and
capital toward the realization and maintenance of same.

Also, Parks and Recreation Director Burke described several
grant applications pending and asked if the Council would
endorse and support same.

3. Patricia Thompson, 116 State Street - request
for handicap parking designation

LATE ITEM

- a. Recommendation - Director of Public
Works

LATE ITEM

- b. Recommendation - Town Administrator and
Police Chief

Barboza/Herreshoff - Voted
unanimously to consider this action
as first reading of the above
proposal and to consider the
request for final approval at the
meeting of January 2, 2008.

4. Neil Feeley, State Street & Thames Street
intersection - request for Hawkers and
Peddlers License, Friday & Saturday 10:30PM
- 2:00AM

Barboza/Parella - Voted unanimously to deny the request.

Prior to the vote taken, Councilman Barboza noted that such a business would be in conflict to the Council's continuing policy of disallowance of late night activities.

He also stated that he was of the opinion that this type of activity would interfere with the Police Department's orderly evacuation of the downtown area once those places having intoxicating beverage licenses close for the evening.

Councilman Barboza also expressed concern in regard to recent reports indicating that several establishments have refused to serve food to patrons after a certain hour and well before closing time. He noted that this request for a peddler's license was the direct result of the inability of some victualing house patrons to purchase food.

Assistant Town Solicitor Teitz explained that it is generally a requirement of the Liquor Control administration that those victualing houses must serve food up until the time of last call. He further stated that this food must be more than "potato chips" but need not be the same menu as earlier hours. He suggested that the establishments may serve sandwiches after a certain time and remain in compliance.

Assistant Town Solicitor Teitz recommended that any patrons who have problems regarding the refusal of food service should contact the Town Council in its capacity as liquor license board.

Councilman Herreshoff asked if a new ordinance or ordinance amendment was required with Assistant Town Solicitor Teitz explaining that the State laws and regulations apply in this case and no Town ordinance is needed to reinforce same.

Councilman Barboza suggested that the Town might wish to remind those holders of liquor licenses that Bristol has no "bars" and the Clerk might remind those license holders of the food service requirements of their licenses.

The Clerk agreed to send reminder notices and to add the information regarding this requirement to the renewal package sent to licenses holders in the fall.

K. OTHER NEW BUSINESS REQUIRING TOWN COUNCIL ACTION

TOWN COUNCIL MEETING - WEDNESDAY EVENING - DECEMBER 12, 2007

1. Town Treasurer Day - Amendment to Agreement and Declaration of Trust of Post Retirement Benefits Plan

Barboza/Herreshoff - Voted unanimously to adopt this amendment as presented and recommended by the Town Treasurer.

2. Kathleen Viera Beaudoin, Portsmouth Town Clerk - invitation to Town Meeting on December 17, 2007 re Sakonnet River Bridge

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

Prior to the vote taken, it was noted for the record that several members and Town Administrator Mederos plan to attend this special meeting.

L. BILLS & EXPENDITURES

1. Bid #647 - Surplus Trucks for Sale

Herreshoff/Cordeiro - Voted unanimously to refer this matter to Town Administrator Mederos and the Superintendent of Water Pollution Control so that they may act in the best interest of the Town.

Prior to the vote taken, the Clerk announced bids received as follows:

Mark Coelho	#1	\$ 300
Richard Ferreira	#2	\$ 250
Federal Properties	#1	\$1925
Federal Properties	#2	\$ 200
Federal Properties	#1 & 2	\$2125

2. Bid #648 - Thomas Park Restoration Plan

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

TOWN COUNCIL MEETING - WEDNESDAY EVENING - DECEMBER 12, 2007

Prior to the vote taken, the Clerk announced base bids received as follows:

Landscaping Services, Inc.	\$138,237.00
Central Nurseries	\$134,865.00
Hugo Key & Son, Inc.	\$178,749.00
Green Acres Landscaping	\$136,465.00

(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 Report, December 5, 2007

P. PROCLAMATIONS & CITATIONS

1. Proclamation - Roseann Day and Carol Salvaggio

Cordeiro/Parella - Voted unanimously to adopt this proclamation as prepared and presented.

(CA) R. DISTRIBUTIONS/COMMUNICATIONS (to be received and filed by Council)

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

1. Town Clerk/Council Clerk Cirillo to Ted Burke, Colt State Park - support of Commonwealth Carriage Company
2. Council Clerk Cirillo to Honorable Senator Jack Reed, et al - resolution re health care for veterans
3. Lt. Nick R. Guercia to Town Administrator Mederos - rejection of Bid #643
4. David JP Foss, Project Manager, Fuss & O'Neill - Notice of commencement of site

TOWN COUNCIL MEETING - WEDNESDAY EVENING - DECEMBER 12, 2007

- investigation activities, 591 Metacom Avenue
(plat 98, lots 2 and 6)
5. Town Administrator Mederos to Creative Library Concepts - Award of Bid #646
 6. Warrant - Warren Rensehausen, Substance Abuse Prevention Task Force
 7. Robert W. McKenna, Assistant Dean and Director, Justice System Training & Research Institute, Roger Williams University - Thank you for opportunity to address Council
 8. Council Clerk Cirillo to Frank J. Alfano, President, Warren Town Council - water quality issues in Kickemuit River
 9. Grover J. Fugate, Executive Director, Coastal Resources Management Council - notice of intention to change management plans, policies, procedures and regulations
 10. Police Chief Serpa - recommendation re Sheila Pimental request for Kennel License, November 21, 2007
 11. Police Chief Serpa - recommendation re Colbea Enterprises, LLC request for Victualling and Holiday Licenses, November 21, 2007
 12. Fire Chief Martin - recommendation re Portuguese Independent Club, Class D Intoxicating Beverage License

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

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

1. Bristol Warren Regional School District - Schedule of meetings and events, week of November 19, 2007
2. Bristol Warren Regional School District - Schedule of meetings and events, week of November 26, 2007

TOWN COUNCIL MEETING - WEDNESDAY EVENING - DECEMBER 12, 2007

3. Bristol Warren Regional School Committee - November 26, 2007
4. Bristol Warren Regional School Committee/Policy/Community Affairs Subcommittee - November 26, 2007
5. Bristol Warren Regional School Committee/Personnel/Contract Subcommittee - November 26, 2007
6. Bristol Warren Regional School Committee/Budget/Facilities Subcommittee - November 27, 2007
7. Bond Project Building Committee/Colt Andrews Construction Subcommittee - November 28, 2007
8. Bristol Warren Regional School District - Schedule of meetings and events, week of December 3, 2007
9. Coastal Resources Management Council - Agenda for November 27, 2007, Semi-Monthly Meeting
10. Coastal Resources Management Council - December 2007 Calendar
11. Bristol County Water Authority - December 2007 Calendar
12. Bristol County Water Authority/Public Relations/Personnel Committee - December 5, 2007
13. Bristol County Water Authority/Engineering Committee - December 5, 2007
14. Bristol County Water Authority/Audit Finance Committee - December 5, 2007
15. Bristol County Water Authority/Board of Directors - December 12, 2007
16. Bristol County Water Authority/Annual Meeting - December 12, 2007
17. Harbor Commission - Agenda for December 3, 2007

TOWN COUNCIL MEETING - WEDNESDAY EVENING - DECEMBER 12, 2007

18. Coastal Resources Management Council -
Revised Agenda for November 27, 2007, Semi-
Monthly Meeting
19. Personnel/Contract Subcommittee - December
10, 2007
20. Personnel/Contract Subcommittee of the
Bristol Warren Regional School Committee -
December 11, 2007

S. TOWN SOLICITOR

Z. INDIVIDUAL COUNCIL MEMBERS AGENDA ITEMS

1. MARSHALL

- a. Thanks - Council Chairman Marshall thanked those for attending this meeting and thanked Mike Davis and Steve Roth for filming this evening's meeting.

The Clerk noted that Mr. Davis informs him that Cox Communications will now be broadcasting the Bristol Town Council meetings on Wednesday at 1:00 o'clock PM; Channel 18 (*Note: Clerk informed after the meeting that the program will appear on Monday and not Wednesday.)*

- b. Merry Christmas & Happy New Year - Council Chairman Marshall wished everyone a Merry Christmas and Happy New Year.

2. CORDEIRO

- a. Mosaico Open House - Councilman Cordeiro explained that he attended an open house at the Mosaico offices last weekend and that it was a pleasant experience.

- b. Mount Hope Bridge - Councilman Cordeiro informed those present of discussions concerning the reestablishment of a Mount Hope Bridge Toll in the amount of \$1 and a marked increase in the Newport Bridge tolls with Town Administrator Mederos explaining that she was also aware of this possibility and that such a move would require "many public hearings."

TOWN COUNCIL MEETING - WEDNESDAY EVENING - DECEMBER 12, 2007

c. Merry Christmas - Councilman Cordeiro extended holiday greetings to all.

3. PARELLA

a. Season's Greetings - Councilwoman Parella wished everyone a Merry Christmas, Happy New Year and belated Happy Hanukkah.

4. BARBOZA

a. Merry Christmas - Councilman Barboza wished everyone a Merry Christmas and encouraged all to respect the "true meaning" of this holiday.

5. HERRESHOFF

a. Happy Holidays - Councilman Herreshoff expressed his wishes for a Merry Christmas and Happy New Year. He further stated that "next to our wonderful summertime, this is the best time of the year in Bristol."

ZZ. TOWN ADMINISTRATOR AGENDA ITEM(S)

a. Christmas Festival and Grand Illumination - Town Administrator Mederos credited Councilman Herreshoff as the founder of the now twenty-year old Christmas Festival with Councilman Herreshoff expressing his gratitude for being recognized.

b. Snowflake - Town Administrator Mederos reported that National Grid will provide a new utility pole to support the installation of a second snowflake light display at the corner of Bradford and Hope Streets. She noted that the display will be installed shortly.

c. Merry Christmas - Town Administrator Mederos extended her holiday wishes to all.

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 9:18 o'clock PM.

Louis P. Cirillo, CMC
Council Clerk