

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, July 9, 2008 beginning at 7:06 o'clock PM in the Town Hall, Council Chambers, Council Chairman Marshall presiding:

Prior to the commencement of this evening's regular agenda, Council Chairman Marshall expressed concern that the conventional wisdom in America has shifted to assume that a party is guilty and compelled to prove his innocence rather than vice-versa.

Special Presentation - David Silvia re Boys & Girls State

Council Chairman Marshall introduced Mr. Silvia who made a brief presentation regarding the Boys and Girls State program; recently completed at Roger Williams University. Mr. Silvia thanked the Council for its financial support of the program that recently 'graduated' twenty-eight (28) boys and twenty-six (26) girls.

Mr. Silvia noted that the week-long program featured guest speakers including Senator Jack Reed and former Providence Mayor Vincent A. Cianci, Jr. He also noted that although the program was essentially housed at Roger Williams University, the students were invited to the Rhode Island State House in Providence and that these students considered various "bills" on the topics of the Iraq war, abortion, etc.

Mr. Silvia introduced Kevin Manuel a student at Mount Hope High School who described the activity as the "best experience of his life."

Councilman Herreshoff proposed the addition of two items to this evening's agenda:

Herreshoff/Cordeiro - Voted to add a matter considering the recent property tax revaluation to this evening's agenda. Voting in favor of the motion were Council Chairman Marshall, Councilman Cordeiro, and Councilman Herreshoff; voting opposed were Councilwoman Parella and Councilman Barboza.

Councilman Herreshoff asked if the Council would prefer to discuss this matter relating to the recent revaluation at this time with Council Chairman Marshall responding affirmatively.

Councilman Herreshoff suggested that the Council introduce a "further element of fairness" at this time by finding a "suitable third party" to examine the revaluation process. He further suggested that this expert would look for "blatant errors" and look at the whole matter objectively.

Councilman Barboza suggested that the Council had already exhaustively considered the matter of the revaluation.

Councilman Cordeiro stated that he was of the opinion that the Council was awaiting the further report of Peder Schaefer of the State department of revenue.

Councilman Herreshoff stated that that he was aware that Mr. Schaefer's report was "imminent." He suggested that he would rather have an "individual" look at the process by a Town-hired expert.

Councilwoman Parella asked Mr. Herreshoff to explain his goal in this process with Councilman Herreshoff stating that he was of the opinion that the process was in need of an expert so as to assure that the remainder of the appeal process is completed properly. Council Chairman Marshall added that there appeared to be a need for the Town to have an independent consultant, under the direction of the Council, to consider any "high spikes" and other trends that appeared to be inequitable and out of order.

Council Chairman Marshall also stated that the expert might also inform those in the appeal process of available exemptions, etc., noting that the Town has promoted these ineffectively.

Councilwoman Parella agreed with Council Chairman Marshall concerning the promotion of exemptions but concluded that the problem was one of public relations and not directly a product of the revaluation process.

Council Chairman Marshall stated that the Town may also consider additional "tools" so as to help taxpayers with their tax bills.

Councilwoman Parella suggested that the problem appeared to be a regional one in that there is a too-high dependence on the property tax. She suggested that the General Assembly

might be encouraged to consider an alternate tax and that any true change would have to be "dramatic."

Councilman Herreshoff stated that Councilwoman Parella's comments were commendable but were better the subject of future debate as part of a long term solution to the property tax problem. He suggested that the Council's action to allow for a "modest move with a credible expert" at present would help correct any inequities. He also suggested that he no longer proposed "throwing out everything."

Councilwoman Parella asked if Councilman Herreshoff envisioned the hired expert to be an ombudsman to resolve taxpayer complaints with Councilman Herreshoff explaining that he viewed the role of this expert to be an advisor to the Board of Tax Assessment Review and also to examine the "process" on behalf of the Council.

It was agreed by consensus that Council Chairman Marshall and Councilman Herreshoff will continue to work independently on this matter and report back to the Council at its next meeting.

Councilman Herreshoff expressed concern regarding the steps taken in consideration of "fire matters." He asked the Council to consider adding an agenda item to allow the Council to speak to this issue.

Herreshoff/Cordeiro - Voted
unanimously to add an item to this
agenda so that the Council might
consider "fire matters" at the
conclusion of the Council's "Other
New Business..." section.

Councilman Barboza congratulated the various department heads for another successful 4th of July Celebration.

Councilman Herreshoff noted that the celebration appeared to be run-well and that the Town was extremely clean shortly thereafter.

Councilman Cordeiro commended Public Works Director Serbst for the Town's cleanliness.

Councilman Herreshoff stated that the celebration might be improved in the future by returning the fireworks display to a barge in Bristol Harbor and also to have this display on the evening of July 4 rather than one day earlier.

Councilwoman Parella agreed with Councilman Herreshoff regarding the timing and location of the fireworks display.

The Clerk noted that he was informed that the various parties asked for a continuance of item C1.

Barboza/Cordeiro - Voted
unanimously to continue item C1
until a special meeting to be held
on July 23, 2008 beginning at 7:00
o'clock PM in the Town Hall,
Council Chambers.

MOTION RE: CONSENT AGENDA - TO APPROVE THE CONSENT AGENDA

Cordeiro/Herreshoff - Voted
unanimously to approve the Consent
Agenda withholding item R2 for
further consideration.

A. SUBMISSION OF MINUTES OF PREVIOUS MEETING(S)

1. Town Council Meeting - June 18, 2008

Barboza/Herreshoff - Voted
unanimously to approve these
minutes as prepared and presented.

2. Town Council Special Meeting - June 25, 2008

Barboza/Herreshoff - Voted
unanimously to approve these
minutes as prepared and presented.

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

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

1. Bristol Housing Authority - May 8, 2008
2. Building Code of Appeals Board - June 27,
2007
3. Building Code of Appeals Board - July 25,
2007
4. Building Code of Appeals Board - October 24,
2007

5. Building Code of Appeals Board - May 14, 2008
6. Bristol Fire Department Rescue/Training Headquarters Capital Project Committee - April 3, 2008
7. Bristol Fire Department Rescue/Training Headquarters Capital Project Committee - April 24, 2008
8. Planning Board - May 13, 2008
9. North and East Burial Ground Commission - March 24, 2008

B. OLD BUSINESS

1. Council Clerk Cirillo re Donation - Battery C
continued from April 16, 2008

Barboza/Parella - Voted unanimously to appropriate the sum of \$500 from the Council Contingency for these purposes.

2. Susan Green, 16 Reservoir Avenue re drainage problems, **continued from June 18, 2008**

Herreshoff/Barboza - Voted to continue this matter until the meeting of July 30, 2008. Council Chairman Marshall continued his recusal concerning this matter as previously stated.

Prior to the vote taken, Council Chairman Marshall relinquished the gavel to Council Vice-chairman Cordeiro.

Director of Community Development Williamson stated that she has met with the developers and that there appears to be a solution to the problem and that she and Public Works Director Serbst will continue to work on same along with the consulting engineer.

Councilman Herreshoff suggested that the Town might need a uniform procedure to react to this type of situation with Public Works Director Serbst responding that the resolution appeared to need action on a case-by-case basis.

After the vote taken, Council Chairman Marshall reassumed the gavel for the duration of the meeting.

3. Cesar DaPonte, Office Manager, C & C
Fiberglass Components Inc. re repair and
lengthen netting at golf course, **continued
from June 18, 2008**

- a. Town Administrator Mederos re C & C
Fiberglass Update

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

Prior to the vote taken, Town Administrator Mederos stated that the "T" has been moved and complaints have subsided. She also reported that the netting will be reinstalled and that this "should do the trick."

4. Edward P. Mara, Ed.D, Superintendent, Bristol
Warren Regional School District re closure of
Bradford Street

Barboza/Herreshoff - Voted
unanimously to grant this request
per the previous arrangement for
street closure.

Prior to the vote taken, Superintendent Mara reported his request to close Bradford Street between the hours of 8:30 o'clock AM and 3:30 o'clock PM; essentially during school hours depending upon the finalized bus schedule.

Councilman Herreshoff stated that townspeople appeared to be "understanding" of this obvious inconvenience.

Superintendent Mara stated that cameras will be installed by Sonitrol to monitor the crosswalk.

Town Solicitor Ursillo stated that there was a need to clarify the times of the street closure in addition to any issues regarding parking on the closed street.

Superintendent Mara stated that parking was allowed along Bradford Street when the street was closed in the past. It was noted for the record that parking might not have been allowed in the past.

Diana Campbell, a member of the School Committee, noted that the matter of street parking was under review by the Planning Board.

A discussion ensued regarding the subject of street closure, parking, etc., with the Council agreeing by consensus that the street would be closed per the past arrangement.

5. Audrey Kendig for Daniel Kendig, 26½ Roma Street - request for handicap parking space, **1st reading (continued from June 18, 2008)**
 - a. Town Administrator Mederos to Jessica M. Knight, P.O. Box 612, Orleans, MA re driveway parking

Barboza/Cordeiro - Voted
unanimously to continue this matter
until the meeting of July 30, 2008.

Prior to the vote taken, Town Administrator Mederos stated that she was attempting to contact the landlord who lives in Orleans, Massachusetts in order to determine availability of the driveway for Mr. Kending's use. She also noted that the landlord, Ms. Knight, does not appear to have a Nonresident Landlord Agent per the requirement of the General Laws (34-18-22.3.)

6. Diane T. Reeve, 47 First Street - request for removal of handicap parking space, **2nd reading for adoption**

Barboza/Parella - Voted unanimously
to consider this action to be the
second reading of this request for
removal of a handicap parking
space. Inform the Public Works
Department.

7. Joe DaCosta for Eduardo DaCosta, 42 Mt. Hope Avenue - request for handicap parking space, **2nd reading for adoption**

Barboza/Parella - Voted unanimously
to consider this action to be the
second reading of this request for
a handicap parking space. Inform
the Public Works Department.

8. Director of Community Development Williamson re presentation: Downtown Public Building Reuse Plan appointment of Blue Ribbon

Committee see item Flg, **continued from June 25, 2008**

Herreshoff/Cordeiro - Voted unanimously to authorize Council Chairman Marshall to appoint this committee and to provide a charge to same.

Prior to the vote taken, Councilman Herreshoff asked if these appointments might be advertised with Council Chairman Marshall noting that advertisement might not be necessary since the Council appeared to be agreeable to allow those previously serving to continue with some additional members.

Councilman Herreshoff asked Director of Community Development Williamson if she might be able to provide assistance toward development of a committee charge with Director of Community Development Williamson agreeing to help with such a document.

Lombard Pozzi, of 1226 Hope Street, a recognized expert in historical architecture, asked to be appointed to this committee with the Council, by consensus, agreeing that Mr. Pozzi might serve.

BB. SPECIAL /STATUS REPORTS

1. Bristol County Water Authority - Annual Report for 2008

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

Prior to the vote taken, Council Chairman Marshall noted for the record that Roger Williams University plans to install a water tower and replace a water main that will provide new service for its property as well as addressing some of the water infrastructure issues in the south end of Town. He noted that the expense for same will be totally borne by Roger Williams University.

Council Chairman Marshall also noted that the Water Authority plans to paint and refurbish the water towers on Metacom Avenue and Hope Street and that this project will be complete in one and one half years.

2. Town Administrator Mederos - Department Head Reports

TOWN COUNCIL MEETING - WEDNESDAY EVENING - JULY 9, 2008

- a. Police Department - May 2, 2008
- b. Human Services and Welfare - May 1, 2008
- c. Parks and Recreation - June 30, 2008
- d. Public Works - April 2008
- e. Public Works - May 2008
- f. Building Inspection - May 1, 2008 - May 30, 2008
- g. Building Inspection - June 1, 2008 - June 30, 2008
- h. Rogers Free Library - June 26, 2008
- i. Community Development - April 1, 2008 - June 30, 2008

Barboza/Herreshoff - Voted
unanimously to receive and place
these reports on file.

Prior to the vote taken, Councilman Barboza noted that the legislation previously discussed and introduced by Senator Bates regarding motorcycle noise was adopted by the General Assembly. He explained that the new law would control "illegal equipment" installed on motorcycles - this equipment contributing to the excessive noise that is the subject of numerous complaints from constituents.

Councilman Barboza further explained that he will have more to report on this matter at the next Town Council meeting.

Councilman Cordeiro commended Police Chief Canario concerning the number of bicycle-riding officers he has recently observed. He also noted that these officers were most-effective during the recent Fourth of July Celebration.

Councilwoman Parella noted a marked increase in the number of arrests with Police Chief Canario explaining that these appear to be related to "trying times" conditions and that most are of a "domestic" nature related to alcohol consumption.

Council Chairman Marshall thanked Police Chief Canario for the timely installation of the truck diversion signs with Police Chief Canario explaining that his officers are also providing a pamphlet to truck drivers explaining the Town's

expectations and that these pamphlets are being shared with the trucking companies via their drivers.

C. PUBLIC HEARINGS

1. Aidan Graham, d/b/a Aidan's Pub, 5 John Street - request for expansion of service area for BV Intoxicating Beverage License, **continued from June 18, 2008**

(LATE ITEM) a. Robert W. Aldrich, 7 Fox Hill Avenue re Aidan's Pub

(LATE ITEM) b. Lombard Pozzi re Aidan's Pub

It is hereby noted for the record that this matter was continued until a special meeting and public hearing to be held on July 23, 2008 as previously voted.

D. ORDINANCES

1. Ordinance #2008-04, Chapter 17, Offenses and Miscellaneous Provisions, Article II, Alcoholic Beverage Establishments, Division 2. License, Section 17-82 Number of Licenses, **1st reading, (continued from June 18, 2008)**

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

2. Ordinance #2008-06 - Chapter 28, Zoning, Article XI, Administration, Enforcement and Relief, Section 28-409, Variances and Special Use Permits, **2nd reading for adoption**

Barboza/Cordeiro - Voted to consider this action to be the second reading for adoption of Ordinance #2008-06. Advertise in local newspaper. Voting in favor of this motion were Council members Marshall, Cordeiro, Parella and Barboza. Councilman Herreshoff recused.

3. Ordinance #2008-10, Chapter 17, Offenses and Miscellaneous Provisions, Section 17-11, Detective license, **2nd reading for adoption**

Cordeiro/Barboza - Voted
unanimously to consider this action
to be the second reading for
adoption of Ordinance #2008-10.
Advertise in local newspaper.

4. Ordinance #2008-11, Chapter 22, Sewer and Sewer Treatment, Article I, In General, Sec. 22-2, Definitions; Article VII, Industrial Pretreatment Program, Sec. 22-237, State requirements and Sec. 22-247, Publication of users in significant noncompliance, **2nd reading for adoption**

Barboza/Cordeiro - Voted
unanimously to consider this action
to be the second reading for
adoption of Ordinance #2008-11.
Advertise in local newspaper.

5. Ordinance #2008-12, Chapter 16, Motor Vehicles and Traffic, Article V, Stopping, Standing and Parking, Section 16-146, Parking time limited in designated places, **2nd reading for adoption**

Barboza/Cordeiro - Voted
unanimously to consider this action
to be the second reading for
adoption of Ordinance #2008-12.
Advertise in local newspaper.

6. Ordinance #2008-13, Chapter 9, Building and Regulations, Article I, In General, Section 9-5.1, Vertical Clearance of Basement Floors, **2nd reading for adoption**

- a. Director of Community Development Williamson re revisions to Ordinance #2008-13

Barboza/Cordeiro - Voted to
consider this action to be the
second reading for adoption of
Ordinance #2008-13, as amended.
Advertise in local newspaper.
Voting in favor of this ordinance
were Council Members Cordeiro,
Parella and Barboza. Councilman
Herreshoff voted opposed. Council

Chairman Marshall abstained from the vote.

Prior to the vote taken, the Clerk informed the Council of the text edits as recommended by Director of Community Development Williamson. He also noted that the Town Solicitor's office reports that these are non-substantive.

Councilman Herreshoff stated that he was not generally in favor of this ordinance since its adoption might lead to a proliferation of unattractive architectural styles in neighborhoods with high water tables.

Councilman Barboza informed the Council that an earlier ordinance with similar provisions was rejected by the Council in the past and this rejection resulted in a large number of drainage problems within the Town; some of these carrying a high price tag for remediation. He cited one example that may cost the Town in excess of \$20,000 to resolve and that this expense might have been totally avoided if the previous ordinance had been adopted.

Director of Community Development Williamson in recommending adoption of the ordinance, stated that its provisions were to prevent builders from constructing foundations directly into the groundwater without a qualified plan for remediation. She further noted that the ordinance involves the Public Works Department so as to determine the best method for site drainage.

Councilman Cordeiro stated that he was in favor of Public Works Department participation in the process.

Councilman Herreshoff again stated that his primary concern was that the regulation may encourage poorly designed buildings raised up on high foundations.

Councilwoman Parella stated that the ordinance would not impact those areas with low water tables.

Director of Community Development Williamson noted the Town's well-publicized problem with illegal sump pump discharge into the sewer system and that this ordinance is intended to mitigate this problem.

Council Chairman Marshall stated that the ordinance does not prohibit the installation of sump pumps for the purposes of protecting a property against a water main break or boiler leak.

Director of Community Development Williamson stated that new construction will require a "test pit" so as to determine the high water table level.

A discussion ensued regarding the proposed thickness of the basement concrete slab with Director of Community Development Williamson stating that this will be determined by the Building Code.

7. Ordinance #2008-14, Chapter 29, Soil Erosion, Runoff, and Sediment Control, Article III, Soil Erosion, Runoff, and Sediment Control Plan, Section 29-59, Performance Principles, **2nd reading for adoption**

- a. Director of Community Development Williamson re revisions to Ordinance #2008-14

Barboza/Cordeiro - Voted unanimously to consider this action to be the second reading for adoption of Ordinance #2008-14, as amended. Advertise in local newspaper.

Prior to the vote taken, the Clerk reported that the proposed revisions as recommended by Director of Community Development Williamson were determined to be non-substantive by the Town Solicitor.

8. Ordinance #2008-15, Chapter 16, Motor Vehicles and Traffic, Article V, Stopping, Standing, and Parking, Section 16-143, Parking prohibited at all times, **1st reading**

Cordeiro/Barboza - Voted unanimously to consider this action to be the first reading of Ordinance # 2008-15. Advertise in local newspaper.

9. Ordinance #2008-16, Chapter 28, Zoning, Article III, Permitted Uses, Section 28-82, Use Regulations, Table A, Permitted Use Table, Article V, Supplementary Regulations, Section 28-284, Same--Urban rehab land development project, **1st reading and call for public hearing**

Barboza/Cordeiro - Voted unanimously to consider this action to be the first reading of Ordinance # 2008-16 and to set the public hearing for July 31, 2008. Advertise in local newspaper and Providence Journal (1 insertion).

(CA) E. BUDGET ADJUSTMENTS

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

(CA) F. APPOINTMENTS

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

1. Public Service Appointments

a. Historic District Commission (3) (terms to expire July, 2011)

1. Stephan Brigidi, 93 Highland Road - interest/reappointment
2. Edward Cifune, 270 Wood Street - interest/reappointment
3. Anthony Margiotta, 736 Hope Street - interest/reappointment
4. Deborah H. Ventrice, 116 Peck Avenue - interest/appointment
5. Harold E. Tucker, 10 Noyes Avenue - interest/appointment

Cordeiro/Herreshoff - Voted to set interviews for Ms. Ventrice and Mr. Tucker for July 23, 2008. Voting in favor were Council members Marshall, Cordeiro, Parella, and Herreshoff. Councilman Barboza voted opposed.

It is hereby noted for the record that the current seated members will continue to serve until their successors (if any) are elected and qualified.

- b. Police Pension Fund - Board of Trustees
(1) (to fill unexpired term to expire
April, 2009)
 - 1. Raymond C. Falcoa, 55 Brooks Farm
Drive - interest/appointment

Councilman Cordeiro nominated Raymond Falcoa for
appointment.

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

- 2. Ronald P. Moran, 6 Woburn Street -
resignation

Cordeiro/Herreshoff - Voted
unanimously to accept this
resignation with regret and to
instruct the Clerk to send a letter
of appreciation for service on
behalf of the Council.

- c. Economic Development Commission (7)
(three-year terms)
 - 1. George Burman, 66 Highland Road -
interest/appointment
 - 2. Patricia A. Woods, 133 Poppasquash
Road - interest/appointment
 - 3. Georgina Macdonald, 125 Poppasquash
Road - interest/appointment
 - 4. Michael T. Byrnes, 7 Leyland Court
- interest/appointment
 - 5. Keith Maloney, 60 Van Wickle Lane -
interest/appointment
 - (LATE ITEM)** 6. Andrew Tyska, 43 Monterey Drive -
interest/appointment
 - (LATE ITEM)** 7. Kirsten L. DiChiappari, 9 Echo Farm
Drive - interest/appointment

Cordeiro/Parella - Voted unanimously to instruct the Clerk to schedule interviews for all applicants at the convenience of the parties.

Prior to the vote taken, a discussion ensued regarding the term of office for the above commission with the Clerk reporting that the ordinance calls for three year terms. Town Solicitor Ursillo stated that the Council may appoint to staggered terms for this current appointment.

It was agreed by consensus that the Council would interview the applicants.

d. Conservation Commission

1. Cynthia Bruneaux, 837 Hope Street - resignation

Barboza/Cordeiro - Voted unanimously to accept this resignation with regret and to instruct the Clerk to send a letter of appreciation for service on behalf of the Council.

e. Fire Police - Special Constables 2008

1. Recommendation - Fire Chief Martin re appointment of Paul D'Amico

Councilman Barboza nominated Mr. D'Amico to the position of Special Constable Fire Police.

Barboza/Cordeiro - Voted unanimously to close nominations and to instruct the Clerk to cast one ballot in favor of Mr. D'Amico for the ensuing term.

Also at this time the Clerk brought the lists of Special Constables duly sworn for the purposes of Town security during the Fourth of July Celebration as noted in distribution items R11 and R12. He asked that the Council confirm the appointment of same.

Barboza/Parella - Voted unanimously to confirm the appointment of those Special Constables as recommended by the Clerk.

f. Christmas Festival Committee

1. William Grapentine, 148 Bayview Avenue - interest/appointment

Councilman Cordeiro nominated Mr. Grapentine for appointment.

Cordeiro/Herreshoff - Voted unanimously to close nominations and to instruct the Clerk to cast one ballot in favor of Mr. Grapentine for the ensuing term.

g. Downtown Public Building Reuse Plan Blue Ribbon Committee

It is hereby noted for the record that the action on this item took place a part of item B8.

G. LICENSING BOARD - NEW PETITIONS

1. Louis A. Sousa, Esquire for James W. Roiter, Manager, Belvedere Grille, LLC - request for Class BV Intoxicating Beverage License at 423 Hope Street, **call for public hearing, (continued from June 18, 2008)**

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

2. Jerry Massa for Bristol County Elks Lodge #1860, 1 Constitution Street - request for One-Day Dancing and Entertainment License for July 13, 2008

a. Recommendation - Town Administrator and Police Chief

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

3. Jerry Massa for Bristol County Elks Lodge #1860, 1 Constitution Street - request for

One-Day Dancing and Entertainment License for August 10, 2008

- a. Recommendation - Town Administrator and Police Chief

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

H. LICENSING BOARD - RENEWALS

1. Private Investigators License Renewals for 2008-2009

- a. Recommendations - Town Administrator and Police Chief

Barboza/Herreshoff - Voted unanimously to grant these licenses subject to conformance to all laws and ordinances and payment of all fees, taxes and levies.

Prior to the vote taken, Councilman Herreshoff asked for an explanation of the authority of a Private Investigator with Police Chief Canario explaining that this license enables an investigator to professionally look into the circumstances of individuals within the confines of the law.

Town Solicitor Ursillo stated that these investigators may uncover workers compensation fraud and/or insurance fraud among other matters.

(CA) I. UTILITY PETITIONS

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

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

J. PETITIONS - OTHER

1. Robert Long, 173 Wood Street - request for handicap parking space, **1st reading**

- a. Recommendation - Town Administrator and Police Chief

Barboza/Cordeiro - Voted unanimously to consider this action to be the first reading of the request for a handicap parking space, continue for second reading on July 30, 2008.

2. Bonnie Berretto Quintin and Joseph Karouz, 10 Vantage Point Drive - request for No Parking zone

- (LATE ITEM)**
- a. Recommendation - Police Chief

Barboza/Herreshoff - Voted unanimously to refer this matter to Town Administrator Mederos for further investigation and possible resolution.

Prior to the vote taken, Mr. Karouz explained that there have been several automobile accidents in this area due to many parked automobiles. He further noted that he has asked his across-the-street neighbor, who has many "parties," to avoid guest parking directly across from his driveway and the neighbor has refused to do so.

It was suggested that the area on either side of Mr. Karouz' driveway might be designated as a no-parking area and that a "box" might be painted to prevent parking in the area and allow Mr. Karouz sufficient room to exit his driveway.

Councilman Barboza stated that he would prefer if the resolution of the matter would be on Mr. Karouz' side of the street.

3. Steven D. Gardner, Remodel Wrights of RI, 15 Gooding Avenue, Unit 7 - request for curb cut at 12 Byfield Street

- a. Recommendation - Town Administrator and Director of Public Works

Barboza/Parella - Voted unanimously to grant this petition per the recommendations received and that the expense for same to be borne totally by the petitioner.

4. Charles Massa, 3 Everett Avenue - request for curb cut

- (LATE ITEM) a. Recommendation - Director of Public Works

Barboza/Cordeiro - Voted unanimously to grant this petition per the recommendation received and that the expense for same to be borne totally by the petitioner.

5. Patricia Desmarais, 65 Constitution Street - request for removal of handicap parking space, **1st reading**

- (LATE ITEM) a. Recommendation - Police Chief

Cordeiro/Barboza - Voted unanimously to consider this action to be the first reading of the request for removal of a handicap parking space, continue for second reading on July 30, 2008.

6. Robert I. Stolzman, Esquire for Russell Karian, Robin Industries, Inc - Application for Zoning Map Change from W to W - Urban Rehab Land Development Project re Assessor's Plat 10, Lots 42, 60, 61, 62, and 73, **1st reading and call for public hearing**

Barboza/Cordeiro - Voted unanimously to consider this action to be the first reading of Ordinance # 2008-16 and to set the public hearing for July 31, 2008. Advertise in local newspaper and Providence Journal (1 insertion).

K. OTHER NEW BUSINESS REQUIRING TOWN COUNCIL ACTION

1. Jeffrey M. Willis, Deputy Director, Coastal Resources Management Council - public hearing re proposed changes

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

2. Dan Beardsley, Executive Director, RI League of Cities and Towns re REAP Contract Renewal
 - a. Authorization to Act as Agent

Barboza/Cordeiro - Voted unanimously to authorize Mr. Beardsley as the Town's agent as noted above and also authorize the Chairman to sign the agreement on behalf of the Town.

3. Jeffrey M. Willis, Deputy Director, Coastal Resources Management Council - public hearing re petition of Roger Williams University, One Old Ferry Road to construct and maintain a wetland walkover structure

Barboza/Herreshoff - Voted to receive and place this matter on file. Voting in favor of the motion were Council members Marshall, Parella, Barboza, and Herreshoff. Councilman Cordeiro recused.

4. Councilman Barboza re Franklin and Hope Streets intersection

Barboza/Parella - Voted unanimously to refer this matter to the Town Administrator to act in the best interest of the Town.

Prior to the vote taken, Councilman Barboza recalled a near accident at the intersection of Franklin and Hope Streets and explained that the stop sign is occasionally obscured due to trucks loading/unloading in the area. He expressed concern that motorists heading west on Franklin Street who are not familiar with the intersection might attempt to cross Hope Street without stopping.

Councilman Cordeiro agreed; noting that there are several nearby intersections where motorists do not stop as required by law.

Nancy Horne of 1014 Hope Street reminded the Council that the intersection of Hope and Franklin Streets is also a RIPTA bus stop.

Lombard Pozzi of 1226 Hope Street informed the Council that he finds the intersection of Hope and Bradford Streets to be equally problematic.

5. Council Chairman Marshall re Human Services Committee, Town of Chatham, Massachusetts

Barboza/Cordeiro - Voted
unanimously to refer this matter to
the Town Administrator.

Prior to the vote taken, Council Chairman Marshall noted the existence of a Human Services Committee in the Town of Chatham, Massachusetts, and informed those present of the Town's "Human Resources" budget and suggested that such a committee might be of assistance to the Council when it determines the annual human resources "grants."

Council Chairman Marshall also noted that the requests for funding are sometimes "overwhelming" and that the available funding is decreasing.

6. Council Chairman Marshall re Distinctive Destination Award, National Trust for Historic Preservation Town of Chatham, Massachusetts

Barboza/Parella - Voted unanimously
to refer this matter to the Town
Administrator and Director of
Community Development to act in the
best interest of the Town.

Prior to the vote taken, Council Chairman Marshall noted that the Town of Chatham was the recipient of a "Distinctive Destination" award by the National Trust for Historic Preservation and suggested that Bristol might be a recipient of this award in the future. He noted that nominations are accepted beginning in July of each year and that there have been few Rhode Island and Massachusetts cities and town chosen as recipients.

Councilman Herreshoff noted that Bristol has "every reason" to receive this award.

Councilwoman Parella suggested that local "experts" might be recruited to help with an application for this award.

7. Principal Planner Tanner re Open Space Plan

Parella/Cordeiro - Voted
unanimously to continue this matter
until the meeting of July 30, 2008.

Prior to the vote taken, Jennifer Astrella, Chairman of the Open Space Committee introduced the members present and informed the Council of some of the details of the report provided.

She noted that it is likely that the plan will be incorporated into the next revision of the Town Comprehensive Plan.

Councilwoman Parella asked if the Brown University Haffenreffer grant was included in the plan with Ms. Astrella responding that this large tract was not specifically identified.

Councilwoman Parella suggested that the Open Space Committee might reconvene to consider the Haffenreffer property as an addendum with Ms. Astrella noting that the group intends to continue with its work and would consider the Haffenreffer property at its next meeting.

The Council expressed its thanks to the Committee for its job well done.

Director of Community Development Williamson encouraged the Council to review the report and to examine same for any apparent problems so that these might be addressed prior to the plans adoption as part of the Comprehensive Plan update.

8. Louis A. Sousa, Esquire re Sewer Line Agreement with Rholen West LLC

a. Sewer Line Agreement

Barboza/Cordeiro - Voted
unanimously to adopt this easement
and authorize the Chairman to sign
same on behalf of the Town.

Prior to the vote taken, Town Solicitor Ursillo explained that the easement was previously considered and approved by the Council and that his office has approved the form provided for adoption.

9. Sandy Alessandro, 254 Hope Street re "Letter to the Town Council"

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

Prior to the vote taken, Council Chairman Marshall asked Mr. Alessandro if he wished to address the Council.

Mr. Alessandro replied affirmatively and expressed concern that Town officials did not specifically respond to an inflammatory article that appeared in the Bristol Phoenix regarding the hiring of Police Chief Canario. He further stated that he requested that the Council should investigate these allegations on behalf of the Town's citizens.

Council Chairman Marshall gave credit to Mr. Alessandro for "signing his name" to the letter appearing before the Council and in the newspaper and also noted that some other citizens provided anonymous complaints regarding this particular situation.

Council Chairman Marshall also stated that the matter appeared to be outside of the purview of the Council since it was specifically the responsibility of the Town Administrator to appoint the Chief of Police.

Town Solicitor Ursillo agreed to provide a "white paper" on the process of the selection of the Police Chief.

Councilman Barboza stated that the Personnel Board's most recent action did not conform to past practice and that he (Councilman Barboza) was a member of the Personnel Board in the past.

Councilman Barboza stated that he was comfortable with the process followed by Town Administrator Mederos and also has confidence in Police Chief Canario.

Councilman Barboza stated that if he were not comfortable with the process or selection he would have raised the issue.

Mr. Alessandro stated that he was "aggrieved" by the information in the Phoenix article and was disappointed that no one within the Town government chose to respond.

Councilman Barboza stated that the Council has no authority regarding the appointment of the Police Chief.

Mr. Alessandro stated that he was of the opinion that many townspeople believe differently in that they assume the Town Council has the ultimate responsibility.

Councilwoman Parella expressed concern that the controversy has "cast shadows" upon the new Police Chief. She reiterated that the responsibility for hiring the Police Chief rests with the Town Administrator and that the Council does not have to "advise or consent" regarding same.

Councilwoman Parella also noted that the entire matter of the "test" was questionable since there is no specific chief test. She also stated that she does not "test well" and that she does not believe that "standardized tests" have great value.

Mr. Alessandro stated that he was of the belief that there may be complicity since the Council did not reply to the newspaper article.

Councilwoman Parella stated that Mr. Alessandro should be given "credit" for his interest in this issue with Mr. Allesandro stating that he did not wish to be credited for same.

Town Administrator Mederos stated that the newspaper reporter asked her for a response to the article's allegations "after the article was written" while she was out of Town at Harvard University. She explained that the person chosen for the Police Chief's position "finished in the top three" of those who were considered and that she was very comfortable with the selection. She further stated that the Personnel Board was incorrect in their handling of the matter and there was no "story" otherwise.

Councilman Herreshoff stated that he, too, was faced with the duty of hiring a Police Chief while he was Town Administrator and that he was in agreement that the responsibility rested solely with the Town Administrator's office. Councilman Herreshoff stated "notwithstanding" the controversy he respects Police Chief Canario.

10. Coastal Resources Management Council - Notice re consideration of application by William B. & Lisa F. Medeiros, 56 King Philip Avenue, Dorothy A. Carreiro, 58 King Philip Avenue and Diane Gallison, 50 King Philip Avenue to construct and maintain a residential boating facility

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

11. Council Chairman Marshall - request for Executive Session pursuant to RIGL 42-46-5(a)(1)

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

12. Town Treasurer Day re State Aid & the 2008-2009 Budget

Barboza/Parella - Voted unanimously to approve this budget adjustment at recommended by Town Treasurer Day.

- (LATE ITEM)** 13. Councilman Herreshoff re Fire Regulations

Herreshoff/Cordeiro - Voted unanimously to continue this matter until the meeting of July 30, 2008 and to expect a memorandum regarding tent inspections from Fire Chief Martin.

Prior to the vote taken, Councilman Herreshoff thanked the Council for considering this matter at this time. He noted that he has heard many concerns regarding the "tightened" fire laws and that these new laws appear to be unnecessarily onerous. He also stated that he "applauded" Fire Chief Martin for his thoroughness regarding same.

Councilman Barboza noted that many of these new laws were the direct result of the "Station" fire tragedy. He also noted that the law provides for an appeal process to the State Fire Marshal.

Councilman Herreshoff expressed concern that the facts of the new laws and the appeal process may not be effectively communicated since some business owners are telling their customers that the rules are imposed by local ordinance and not State law.

Town Administrator Mederos stated that Fire Chief Martin held an informational meeting for the benefit of business owners and citizens in the past and would likely agree to do so again.

Councilman Cordeiro stated that the matter came to light regarding the installation of backyard tents during the Fourth of July Celebration.

Councilman Herreshoff stated that he liked the idea of a public meeting hosted by Fire Chief Martin to respond to the concerns of townspeople. It was noted that this meeting need not be a meeting of the Town Council.

Council Chairman Marshall stated that since most of the distress is related to the regulations for tent installation, Fire Chief Martin might prepare a memorandum for the Council concerning same.

L. BILLS & EXPENDITURES

1. Bid #661 - Ferry Road/Van Wickle Lane Sewer Improvements

Barboza/Herreshoff - Voted unanimously to refer this matter to the Town Administrator and the Superintendent of Water Pollution Control.

Prior to the vote taken, the Clerk read the following bids:

- Parkside Utility Corp. of Johnston RI \$263,735.00
- Boyle & Fogarty Inc. of Smithfield RI 244,768.65
- C. B. Utility Co. of Bristol RI 194,562.21
- A. Korey Construction of Providence RI 306,252.97
- East Coast Inc. of Portsmouth RI 300,000.00

2. Bid #662 - Fire Department Headquarters and Rescue Squad Facility

Barboza/Parella - Voted unanimously to continue this matter until July 30, 2008.

Prior to the vote taken, the Clerk noted that the Capital Project Committee requested a continuance and bids will be received until July 16 and will be opened on July 30, 2008.

(CA) M. ROUTINE REPORTS

(CA) N. FINANCIAL REPORTS

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

1. Town Treasurer Day - Revenue and Expenditure Statement, July 2, 2008

P. PROCLAMATIONS & CITATIONS

1. Commendation - Christopher M. Azar, Eagle Scout

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

2. Commendation - Zachary St. Ours, Eagle Scout Court of Honor

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

3. Commendation - Rev. Father Jeremy J. Rodrigues, Ordination

Cordeiro/Barboza - Voted unanimously to adopt this commendation 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. Amy M. Rose, Deputy Town Clerk, Town of Charlestown - resolution supporting the USS Saratoga Museum Project
2. Deputy Police Chief Guercia to Town Administrator Mederos re Bid #659 - Sale of Police Vehicle

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

Prior to the vote taken, Councilman Barboza noted that the automobile was eventually sold for approximately \$1,500 and that the bid amounts were significantly less.

3. Kevin E. Jordan, Ph.D to Council Clerk Cirillo re Gala sponsored by Bristol Statehouse Foundation on June 21, 2008

4. Council Clerk Cirillo to Director of Public Works Serbst re add handicap parking space, Church Street Marina
5. Council Clerk Cirillo to Director of Public Works re add handicap parking space, 39 Bourne Street
6. Council Clerk Cirillo to Director of Public Works re remove handicap parking space, 72 Constitution Street
7. Council Clerk Cirillo to Director of Public Works re remove handicap parking space, 11 Reservoir Avenue
8. Recommendation - Police Chief re request for handicap parking space of Joe DaCosta for Eduardo DaCosta, 42 Mt. Hope Avenue
9. Council Clerk Cirillo to Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission re LNG Berthing Facility in Mount Hope Bay Docket NO. PF08-18-000
10. Council Clerk Cirillo to Bristol Warren Regional School Committee re Byfield and John Post Reynolds School Buildings
11. Warrants - Special Constable/Fire Police for 2008 4th of July Celebration
12. Warrants - Special Constable for 2008 4th of July Celebration

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

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

1. North and East Burial Ground Commission - June 23, 2008
2. Bristol Warren Regional School Committee Personnel/Contract Subcommittee - June 24, 2008
3. Bristol Warren Regional School Committee

BWEA Contract Negotiation Subcommittee - June 26, 2008

4. (Bristol Warren Regional School Committee) Personnel/Contract Subcommittee - June 23, 2008
 5. (Bristol Warren Regional School Committee) Bond Project Building Committee - June 23, 2008
 6. Bristol Warren Regional School Committee - June 23, 2008
 7. Bristol Warren Regional School District - Schedule of Meetings, Week of June 23, 2008
 8. Coastal Resources Management Council - June 24, 2008
 9. Bristol Warren Regional School District - Schedule of Meetings, Week of June 30, 2008
 10. Bristol County Water Authority/Board of Directors - July 9, 2008
 11. Bristol County Water Authority/Public Relations/Personnel Committee - July 2, 2008
 12. Bristol County Water Authority/Engineering Committee - July 2, 2008
 13. Bristol County Water Authority/Audit Finance Committee - July 2, 2008
- S. TOWN SOLICITOR
- Z. INDIVIDUAL COUNCIL MEMBERS AGENDA ITEMS
1. MARSHALL
 - a. Mike Davis/Cable TV - Council Chairman Marshall thanked Mr. Davis for filming this evening's meeting.
 - b. Pavilion Completed - Council Chairman Marshall noted an e-mail from Parks and Recreation Director Burke explaining that the Veterans Park pavilion was repaired.

c. Fourth of July Clean-up - Council Chairman Marshall noted that the Public Works department should be commended for a very effective clean-up after the parade and associated activities. He also noted that there was mention of Bristol's celebration on the Today Show.

d. Haffenreffer Property - Council Chairman Marshall noted the closure of the Haffenreffer Museum and explained that Brown University's priority at this time is the preservation and storage of the museum artifacts.

2. CORDEIRO

a. Fourth of July - Councilman Cordeiro commended the Public Works department, the Fourth of July Committee and the Parade Committee for a job well done.

3. PARELLA

a. Fourth of July - Councilwoman Parella echoed the sentiments of Councilman Cordeiro concerning the various parties responsible for a successful celebration.

4. BARBOZA

5. HERRESHOFF

a. National Pride - Councilman Herreshoff stated that the Fourth of July Celebration in Bristol was a great source of National Pride. He further stated that Dr. Bundy's address was most appropriate and Town Administrator Mederos' greeting at the Patriotic Exercises made for an "infectious spirit."

ZZ. TOWN ADMINISTRATOR AGENDA ITEM(S)

a. Proud of Association - Town Administrator Mederos stated that she was proud to be associated with the Council and various Town officials.

CITIZENS PUBLIC FORUM

Parella/Barboza - Voted unanimously to adjourn into Executive Session pursuant to RIGL 42-46-5 (a) (1) at 10:37 o'clock PM.

Herreshoff/Parella - Voted unanimously to resume open session and seal the minutes of the Executive Session at 10:44 o'clock PM.

There being no further business upon a motion by Councilman Herreshoff, seconded by Councilwoman Parella and voted unanimously, the Chairman declared this meeting to be adjourned at 10:45 o'clock PM.

Louis P. Cirillo, CMC
Council Clerk