

**TOWN COUNCIL MEETING - WEDNESDAY EVENING
SEPTEMBER 10, 2008**

PRESENT: Marshall, Cordeiro, Parella, Barboza, and Herreshoff

ALSO PRESENT: Andrew Teitz, Esq., Assistant Solicitor
Marshall J. Netto, Town Sergeant

ABSENT: Diane C. Mederos, Town Administrator

The Council met in regular session on Wednesday evening, September 10, 2008 in the Town Hall, Council Chambers beginning at 7:08 o'clock PM, Council Chairman Marshall presiding:

Prior to the commencement of this evening's regular agenda, Council Chairman Marshall announced that the Colt and Andrews Schools will be having an open house soon.

Council Chairman Marshall also announced the upcoming dedication and grand opening of the Rogers Free Library scheduled for October 19, 2008.

Council Chairman Marshall also noted the September 8, 2008 opening of the public restroom facilities at the northeast corner of Oliver and Thames Streets; these being developed in a collaborative effort between the Rhode Island Department of Environmental Management (DEM) and the Town of Bristol.

Council Chairman Marshall also noted an upcoming volunteer effort to increase the Town's recycling efforts that will provide environmental advantages as well as reducing the Town's overall rubbish tipping fees at the State Landfill and that a new recycling bin at the restroom building was the first effort of this new project.

Councilman Cordeiro reported that the new restroom facilities will soon include baby-changing tables and that the hours of operation of the facility will be from 6:00 AM until 9:00 PM; although the current signage advertises 9:00 AM - 9:00 PM hours.

Council Chairman Marshall reported that the project was funded by the DEM at a cost of \$100,000.

The Clerk reported that the matter of parking in the vicinity of a roadside stair near 103 Constitution Street was inadvertently omitted from this agenda and will be discussed at the meeting of October 1, 2008.

Presentation of Commendations

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The Council presented a commendation to Joshua Zasowski, an eleven year old, Bristol youngster who participated in a life-saving effort at Burlingame State Park.

MOTION RE: CONSENT AGENDA - TO APPROVE THE CONSENT AGENDA

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

A. SUBMISSION OF MINUTES OF PREVIOUS MEETING(S)

1. Town Council Meeting - August 20, 2008

Cordeiro/Herreshoff - Voted
unanimously to accept these minutes
as prepared and presented.

2. Town Council Special Meeting - August 18,
2008

Cordeiro/Herreshoff - Voted
unanimously to accept these minutes
as prepared and presented.

It is hereby noted for the record that item C4, a public hearing on the re-designation of the Mount Hope Enterprise Zone, took place at this point in the agenda; the minutes are reflected in-place below.

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

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

1. Harbor Commission - August 4, 2008

B. OLD BUSINESS

1. Town Solicitor Ursillo re Aidan's Pub Liquor License, **continued from August 20, 2008**

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

2. Charlotte Silvia, 17 Burton Street - request that Residential Parking Area include Burton

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Street from Hope to High Streets, **continued
from August 20, 2008**

a. Councilman Herreshoff re parking

Barboza/Cordeiro - Voted to continue this matter until the meeting of October 1, 2008 and await a recommendation from administration. Voting in favor of this motion were Council members Marshall, Cordeiro, Parella, and Barboza. Councilman Herreshoff was recused.

Prior to the vote taken, Councilman Herreshoff indicated that he has a conflict of interest as a property owner in the area and recused himself and excused himself from the Council table.

Councilwoman Parella renewed her request to have a 'comprehensive report' concerning the entire compact part of the Town insofar as residential parking is concerned.

Both Council Chairman Marshall and Councilman Cordeiro noted for the record that they have observed an influx of out-of-state license plates within the subject area and noted the Council's need to address same.

Councilwoman Parella stated that the problem appears to be migrating east of High Street toward Wood Street.

Council Chairman Marshall suggested that a possible long term solution to the problem would be for the Town to provide a long-term parking lot for visitors.

Councilman Herreshoff suggested that the Council may not have to react to this matter immediately since the problem may wane with the approaching fall and winter season; particularly as it relates to those persons leaving their cars on public streets while visiting the summer colonies on Hog and Prudence Islands. He suggested that the comprehensive study requested by Councilwoman Parella might be completed during the off-season.

Roseann Silvia of 25 Burnside Street informed the Council that there are parking problems on Burnside Street and asked the Council to include this street into the residential parking district. Ms. Silvia reported "extended functions"

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at the Herreshoff Marine Museum that require patrons and/or guests to park beyond one or two hours.

Dennis Tavares of 29 Burnside Street informed the Council that some automobiles are left on the street for three (3) days or more and he is not certain of the whereabouts of the owners during these times.

Councilwoman Parella observed that central to the problem is an unwillingness of certain motorists to pay for off street parking.

Councilman Cordeiro stated that he was in favor of establishing a resident's only parking program in the area.

Councilwoman Parella suggested that the Solicitor might prepare an ordinance to extend the residential parking district.

Town Treasurer Day, representing Town Administrator Mederos, stated that Town Administrator Mederos would like the opportunity to "reach out" to the residents in the troubled neighborhood and to prepare a recommendation in the off-season.

Charlotte Silvia, the petitioner, reminded the Council that Burton Street is particularly problematic since parking is allowed on one side only.

3. Edward P. Mara, Ed.D., Superintendent, Bristol Warren Regional School District re appointment of Marjorie McBride to Downtown Public Building Reuse Plan Blue Ribbon Committee

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

After the vote taken, Council Chairman Marshall noted his appointment of Town Administrator Mederos, Councilwoman Parella, Public Works Director Serbst, Lombard John Pozzi, Ed Cifune, and Derwent (Derry) Riding to also serve on this committee along with Director of Community Development Williamson.

4. Save the Date - Rogers Free Library, Dedication and Grand Opening on October 19, 2008

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

5. Steve Skuba, Secretary, Bristol Veterans Council re basketball court project at Veterans Memorial Park

(Late Item)

- a. Director of Parks and Recreation Burke and Lisa Guercia, Chairperson, Recreation Board to Town Administrator Mederos re bleachers at Veteran's Memorial Park basketball court

Barboza/Cordeiro - Voted unanimously to provide a copy of Mr. Burke's letter to the Veterans Council and to continue this matter until October 22, 2008.

Prior to the vote taken, Council Chairman Marshall read the letter from Mr. Burke aloud. He emphasized Mr. Burke's assertion that the Recreation department agreed to place player benches and not bleachers at the court.

After the vote taken, Councilman Herreshoff noted that there was a "clear disagreement" and he suggested that the Veterans Council might wish to discuss the letter and the noted agreement of Mr. Antonevich and "sort (the matter) out."

Councilman Barboza stated that it would not likely be wise to install a set of bleachers if the Recreation Board, Recreation Staff, and the President of the Veterans Council was opposed to same.

Councilman Cordeiro took exception to the assertion that bleachers would be thrown into the creek and suggested that any equipment installed should be properly bolted to the ground.

John D. Sylvester of 80 Mount Hope Avenue informed the Council that it was his understanding that the bleachers were to be installed as soon as the proposed surveillance cameras were also installed in the area. He speculated that the bleachers were not installed since the project had no remaining funds to purchase same.

6. Fire Chief Martin re Fire Department Rescue, Training and Headquarters building project

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Barboza/Herreshoff - Voted
unanimously to continue this matter
until October 1, 2008 and to
anticipate a further report
regarding the proposal.

Prior to the vote taken, Fire Chief Martin noted a project cost of \$6 million and a projected shortfall of \$1.5 million. He asked the Council to guarantee the funding so as to allow for a bid award and explained that he wished to retain Fund Consultants, Inc. to help with a fundraising campaign.

Fire Chief Martin proposed that the Council should guarantee the funding until the budget for fiscal year 2009-2010 when the Council would "make up the difference" in any shortfall of the fundraising effort.

Council Chairman Marshall explained that he, Councilman Barboza and Town Treasurer Day met on this matter and examined the possibilities of borrowing.

Fire Chief Martin informed the Council that he would like to "move forward" and that the current year has been "wasted away."
He speculated that costs will escalate as time passes.

Councilman Herreshoff asked if the bid for said project was still valid with Fire Chief Martin responding affirmatively and that this bid was valid for a total of ninety (90) days.

A discussion ensued regarding the details of the bid and whether some of the work might be phased or deferred until funds become available with Town Treasurer Day responding that the bid was a base bid and that the Capital Committee met to include some additions and deletions.

Councilman Herreshoff agreed that the project was important but that it was difficult for the Council to guarantee \$1.5 million and asked again if the project might be scaled back temporarily.

Fire Chief Martin stated that he was of the opinion that a scale back of the project will result in a higher cost for architects, plans, etc.

Councilman Herreshoff speculated that the Council's guarantee might discourage and/or remove the impetus for

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participation in the private fundraising that was previously noted.

Fire Chief Martin informed the Council that the bid cannot be awarded without the Council's guarantee.

Councilwoman Parella asked if the proposed training facilities might be made available for neighbor towns and that those towns might contribute toward the building in order to use the training facilities - a multi-town collaboration.

Councilwoman Parella asked if the public safety funds to be paid by Roger Williams University might be applied toward this project and/or be used to repay a loan. She also asked Town Treasurer Day if the process of a Town Council loan had precedent with Town Treasurer Day responding that this would not be unlike the Council's guarantee of library-construction funding.

Councilwoman Parella asked Council Chairman Marshall, as someone knowledgeable in the field of building construction, if the cost of the building would go up or down in the event of a rebid with Council Chairman Marshall responding that the business climate may result in a lower rebid. He also stated that he did not think it impossible to receive an extension from the contractors who submitted bids since the construction industry is now "soft." He noted, however, that a natural disaster such as a hurricane might drive up the cost of building materials.

Councilman Herreshoff stated that he was of the opinion that the "general (construction business) climate was in favor of the client." He suggested that the Council should take a "little time and look at a package of actions."

Councilwoman Parella suggested that the Council should revisit this matter on October 1.

Fire Chief Martin noted that the bids will expire on October 16 and that the Council might be "rolling the dice" on the project. He recommended that the Council should "take a leap and just do it" and that the fundraising effort will take from one to two years.

Councilwoman Parella stated that the next meeting was only three weeks away and well before the bid expiration time as noted by Fire Chief Martin. She suggested that Fire Chief Martin might look at sources of funding that might include

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the sale of the rescue station and to determine the project's fundraising capabilities.

7. Councilman Herreshoff re Tax Assessment Review

Cordeiro/Herreshoff - Voted
unanimously to continue this matter
until October 1, 2008.

Prior to the vote taken, Councilman Herreshoff outlined the tax assessment appeal process. He suggested that the Council might consider "fine tuning" the process prior to the commencement of the hearings scheduled before the Board of Tax Assessment Review.

Councilman Herreshoff noted that some other towns utilize the services of a consultant who basically acts as an expert in real-estate appraisal similarly to the way the Town hires a Solicitor as a legal expert.

Councilman Herreshoff suggested that the appeal hearing would include the three-member Board, the Assessor and this hired consultant.

Council Chairman Marshall noted that he and Councilman Cordeiro considered this matter also and he was of the opinion that such a consultant would "help and guide the Council" in the assessment review process. He further noted that the consultant would be expected to provide an "objective viewpoint and increase efficiency" and perhaps find a better way to complete the task at hand.

Council Chairman Marshall noted that the Town saved \$250,000 with the combined sump-pump/revaluation inspections and that he could justify taking \$50,000 of this savings to assess the data provided by Clipboard.

Council Chairman Marshall also noted that the independent consultant will be able to prove to the taxpayers that the revaluation was completed properly.

Councilwoman Parella called the \$50,000 an "odd expense" since the process, thus far, has been as done previously and was not previously judged as unfair.

Councilman Herreshoff stated that the Assessor would not necessarily provide an objective viewpoint to the Board of Review since she has already rejected the same request for relief.

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Councilwoman Parella asked if appeals have already been heard with Tax Assessor Spagnolo responding affirmatively. She noted that there have been one hundred and twenty-five (125) appeals filed and thirty (30) of these have been already heard before the Board of Review.

Councilman Barboza asked Tax Assessor Spagnolo to describe her role at the Board of Review with Tax Assessor Spagnolo explaining that she serves as Recording Secretary.

Councilman Barboza asked Assistant Solicitor Teitz to describe the appeal process with Assistant Solicitor Teitz responding that the appeal process is dictated by State law and that the appellant may be represented by counsel if he or she chooses to do so. He also noted that the further appeal from the Board of Tax Assessment review is with the Superior Court and that he did not think that the Council can require any amendment to the process.

Assistant Solicitor Teitz did note that the Council can justly expect regular reports from the Assessor and also may request a "peer review."

Councilman Herreshoff reviewed the process as outlined by Assistant Solicitor Teitz and stated that his goal was to offer expert resources to the Board of Tax Assessment Review. He suggested that this expert would be a person knowledgeable in the field of real estate appraisal. Councilman Cordeiro stated that he was concerned that many Bristol taxpayers would not be able to afford the cost of finding relief in Superior Court. He also explained his fear that the least-affluent of these would be "driven out of Town" due to high taxes. Councilman Herreshoff agreed with the point made by Councilman Cordeiro.

Council Chairman Marshall stated that he was of the opinion that citizens generally avoid the appeal process since they might be uncomfortable participating in same. He suggested that more agreeable alternatives to the current appeal process might be possible and he suggested that the Council might investigate and implement these.

Councilwoman Parella suggested that the Council might speak to the current members of the Board of Appeals to ascertain their ideas about improving the process.

Councilman Barboza noted that the appeal process was established by State Law and that changes may require

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legislative approval and that this might be difficult if not impossible.

Council Chairman Marshall stated that he was dissatisfied with the process and was certain that there was a better way to accomplish tax appeals. He noted that an expert hired by the Town would be able to uncover problems with the current process and suggest improvements.

Councilwoman Parella stated that she would prefer to review a written proposal since the role of the expert might be otherwise misinterpreted.

8. Councilman Herreshoff re High Vertical
Constructions

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

Prior to the vote taken, Councilmen Cordeiro and Councilman Herreshoff recused themselves and left the Council table.

Council Chairman Marshall noted for the record that this matter is properly before the Planning Board and Zoning Board of Review and is, therefore, inappropriate for the Council to consider same.

BB. SPECIAL /STATUS REPORTS

C. PUBLIC HEARINGS

1. Mary Tormey, d/b/a, Thirds, Inc., 34 Gooding Avenue - request for Junk and Second Hand Dealer's License

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

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

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Prior to the votes taken, Council Chairman Marshall opened the public hearing.

Speaking in favor of the petition was the petitioner. She informed those present of her intention to operate a consignment store with men's, women's and vintage clothing for sale.

There was no remonstrance presented in opposition to the granting of this license.

2. R. Maturi Tavern, Inc., Ryan Maturi, d/b/a The Elbow Room, 29 State Street to The Anchor Tavern, Inc., Michael Ferreira, d/b/a The Anchor Tavern - request for transfer of BV Intoxicating Beverage License

- a. Recommendation - Town Administrator and Police Chief

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

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

Prior to the vote taken, Council Chairman Marshall opened the public hearing.

Speaking in favor of the petition was Mr. Ferreira who informed the Council that he will succeed Mr. Maturi in this establishment since Mr. Maturi has a new job and does not wish to continue his operation of same.

Lisa Harrison Speidel with premises at 31 State Street informed the Council that she was speaking neither in favor nor against the petition. She read the following statement:

I want to thank you for giving me the opportunity to speak tonight. My husband, Champe and I are co-owners of the Persimmon restaurant on 31 Stated Street; adjacent to the Elbow Room.

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I do not come here tonight to dispute issuance of a liquor license, but rather go on the record as a concerned neighbor.

We opened Persimmon a little over three years ago, and since we opened this will be the third time the Elbow Room has changed hands. While I have never known either of the previous owners on a personal level, I have become all too intimately knowledgeable of their establishments.

As a business owner in a small town it is important to have respect - respect for yourself, respect for your neighbors, respect for other business owners. My husband and I pride ourselves on this, and have very much enjoyed being part of the Bristol community and contributing positively to the unique fabric of the town.

I'm afraid I cannot always say the same of the Elbow Room and some of its patrons. As next-door neighbors we have dealt with absurdly-loud, wall-shaking music (frankly in a space that is all too small for bands or even a DJ). We have dealt with drunken, foul-mouthed students loitering in front of our door, smoking and refusing to move (even when politely asked), so that their cigarette smoke won't come in our windows. We have cleaned-up vomit off our stoop on a Sunday morning. Just this week we pulled drumsticks [displayed same], a souvenir left by the band playing next door, out of our damaged window boxes. Last summer I watched and inebriated Elbow Room patron attempt to put a cigar out in the same window box. It kept smoldering and almost started a fire.

While I certainly have nothing against well-run, respectable bars, I do think as a community it is up to us to support and encourage venues that will be good neighbors and contribute positively to this wonderful town. Reasonable noise restrictions and a smoking ban within fifty (50) feet of the front entrance of the building - a Rhode Island Health Department recommendation - would be very positive steps in this direction. The vacant lot on the west side of the building could provide a haven for smokers.

As I said earlier, I don't come here looking to create animosity but rather quite the opposite. I hope that with increased vigilance and cooperation on behalf of

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the business owners, residents and the police that we can continue to foster a vibrant, safe, and welcoming State Street and downtown.

Mr. Ferreira informed the Council that his was a "tough business" and that sometimes customers "get out of hand." He also observed that Ms. Speidel's requests were "not unreasonable."

Responding to questions posed by the Council, Mr. Ferreira responded that he plans to operate a "martini bar" on Friday and Saturday evenings and to secure a "NFL Package" for his television viewers. He also stated that he intends to have a DJ occasionally.

Councilman Cordeiro noted that the Council is aware that Mr. Ferreira is cooperative with his neighbors at his Gillary's establishment and that he expected that Mr. Ferreira will have an equally good relationship with his new neighbors.

Assistant Solicitor Teitz reminded the Council that a requirement of the Class B Victualler license is to serve food during hours of operation with Mr. Ferreira responding that he has a planned menu and will serve food during hours of operation albeit that late night hours will feature a limited menu with Assistant Solicitor Teitz responding that this would be acceptable.

Linda Arruda, representing the Bristol Downtown Merchants Association, informed the Council that she was of the opinion that Mr. Ferreira was "respectful and a contributor to the Town." She also informed the Council that her association is "behind" Mr. Ferreira in this endeavor and that she appreciates Mr. Ferreira's willingness to cooperate with Ms. Speidel.

Ryan Maturi, the petitioner, expressed dismay concerning the statement of Ms. Speidel; indicating that the Persimmon proprietors spoke to him only once since he began to operate the Elbow Room. He also speculated the aforementioned vomit did not originate from his establishment and further stated that anti-smoking laws are responsible for those persons who smoke on the sidewalk.

Council Chairman Marshall noted that the police report appears to indicate that there were no major complaints regarding this establishment.

There was no remonstrance presented in opposition to the transfer/granting of this license.

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3. Director of Community Development Williamson
re Revised Franklin Corridor Redevelopment
Plan, **2nd reading**
 - a. Director of Community Development
Williamson re Franklin Corridor
Redevelopment Plan as amended
 - b. Peter Calvet, Chair, Redevelopment
Agency, et al re Franklin Corridor
Redevelopment Plan

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

Barboza/Cordeiro - Voted
unanimously to adopt "Appendix C"
of the Redevelopment Plan
incorporating the boundaries as
specified in the public notice of
this public hearing.

Herreshoff/Cordeiro - Voted
unanimously to amend the list of
properties included per the
recommendation of the Director of
Community Development to
incorporate plat and lot numbers in
addition to street addresses for
the following:

*34 Roma Street - Plat 23 Lots 61
and 62
41-45 Roma Street - Plat 23 Lots
133, 134 and 134
50 Roma Street - Plat 23 Lots 179
and 180
15 Wall Street - Plat 37 Lots 39-44
and Lots 48-65*

Herreshoff/Cordeiro - Voted
unanimously to adopt the Plan as
amended.

Prior to the vote taken, Council Chairman Marshall opened
the public hearing.

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Speaking in favor of the Plan was Peter Calvet, Chairman of the Redevelopment Agency. Mr. Calvet informed the Council that the Plan before its honorable body was up to date having been revised based upon some concerns raised by the public as to the boundaries of same.

Mr. Calvet also reported that he wished to "clear up any misconceptions" and that it was not "a bad thing" to be included in a redevelopment area since the goal of the agency is to remove blight. He further noted that there are no residential buildings included in the Plan.

Councilwoman Parella stated that she was pleased that the Bristol Redevelopment Agency was not "heavy handed" and that she was also aware of the Agency's "good track record."

Councilman Herreshoff stated his concern that government might interfere with private enterprise.

Mr. Calvet reported that the redevelopment of the Belvedere Hotel was the result of negotiation brought about by the "clout" of the Agency.

Councilman Cordeiro agreed that the Agency "needs power to get things done."

Responding to questions posed by Councilman Herreshoff, Assistant Solicitor Teitz noted that the State Law provides for a "kinder/gentler" version of redevelopment and that this project considers only those properties that are "truly blighted" and negatively impact their neighborhood.

Assistant Solicitor Teitz reminded the Council that the Agency has no authority beyond what is allowed by the Council and that it must return to the Council in order to obtain funding.

Councilman Herreshoff noted his opinion that Mr. Calvet is "a good and tactful negotiator."

Mr. Calvet reminded the Council that his Agency is "not a group of men with bulldozers" and also agreed to keep the Council informed during the process.

Council Chairman Marshall stated that he appreciated the work of the Redevelopment Agency and that the group has "performed miracles" in the past.

Assistant Solicitor Teitz reminded the Council that this Redevelopment Plan contains "both the carrot and the stick"

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and there are positive benefits for those who conform. He cited an example of a planned wire relocation and tree trimming on Franklin Street so as to accommodate movement of boats. He further explained that the establishment of the Plan gives the Town influence with the utility companies concerning the location of wires and poles.

There was no remonstrance presented in opposition to the approval of this Plan.

4. (J. Alan Crisman) Mount Hope Enterprise Zone
re Proposal for Re-Designation

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

Barboza/Parella - Voted unanimously
to adopt the proposal as prepared
and presented and to authorize its
submission to the proper
authorities.

Prior to the votes taken, Council Chairman Marshall asked that this agenda item might be brought forward to the beginning of the evening's docket. The Council, by consensus, agreed to do so.

Council Chairman Marshall opened the public hearing.

Speaking in favor of the Proposal was J. Alan Crisman, Executive Director of the Enterprise Zone. He noted that this was the third re-designation of the Zone and that he proposes no physical changes.

A discussion ensued concerning the program's success to date.

E. Keith Maloney of Van Wickle Lane informed the Council that the average salary in the boat building industry is \$39,000 per year and is expected to grow by thirty percent(30%) in the next ten (10) years.

After the votes taken, Mr. Crisman reported that the re-designation proposal will be submitted on October 10, 2008.

D. ORDINANCES

1. Ordinance #2008-18, CHAPTER 2,
Administration, Article V, Finance, Division

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2, Purchasing, Section 2-202, Procedures for competitive bidding, **2nd reading**

Cordeiro/Parella - Voted unanimously to consider this action to constitute the Second Reading of Ordinance #2008-18. Advertise in local newspaper.

2. Ordinance #2008-19, CHAPTER 16, Motor Vehicles and Traffic, Article I, General, Section 16-3, Snow emergency, **2nd reading**

Cordeiro/Parella - Voted unanimously to consider this action to constitute the Second Reading of Ordinance #2008-19. Advertise in local newspaper.

3. Ordinance #2008-20, CHAPTER 11, Fees and Charges, Section 11-1, Comprehensive schedule of fees, (37) Fire/rescue department, **2nd reading**

Cordeiro/Herreshoff - Voted unanimously to consider this action to constitute the Second Reading of Ordinance #2008-20. Advertise in local newspaper.

4. Ordinance #2008-21, CHAPTER 12, Fire Prevention and Protection, Article II, Fire Department, Division I, Generally, Section 12-35, Hazardous Materials Response, **2nd reading**

Cordeiro/Herreshoff - Voted unanimously to consider this action to constitute the Second Reading of Ordinance #2008-21. Advertise in local newspaper.

5. Ordinance #2008-22, CHAPTER 1, General Provisions, Section 1-11, Comprehensive Plan Incorporated by Reference, **2nd reading**

Cordeiro/Herreshoff - Voted unanimously to consider this action to constitute the Second Reading of

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Ordinance #2008-22. Advertise in local newspaper.

6. Ordinance #2008-23, CHAPTER 13, Health and Sanitation, Article VII, Private Event Tents, Division 1, Generally, Section 13-251 and 13-252, Division 2, License and Inspection, Section 13-253 and 13-254, **2nd reading**

Cordeiro/Herreshoff - Voted unanimously to consider this action to constitute the Second Reading of Ordinance #2008-23. Advertise in local newspaper.

Prior to the vote taken, a discussion ensued concerning erecting tents with Fire Chief Martin reminding those present that those who install a tent greater than 10 X 12 feet in dimension must still obtain a building permit per state law. He noted this change will eliminate only the requirement that tents used for private assemblies must be inspected by the Fire Department.

Councilman Cordeiro expressed a fundamental objection to the requirement of obtaining building permits for party tents.

7. Ordinance #2008-24, CHAPTER 16, Motor Vehicles and Traffic, Article V, Stopping, Standing and Parking, Section 16-146, Parking time limited in designated places, **1st reading**

Barboza/Herreshoff - Voted unanimously to consider this action to constitute the First Reading of Ordinance #2008-24. Advertise in local newspaper.

(CA) E. BUDGET ADJUSTMENTS

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

1. Tax Assessor Spagnolo - Recommended Abatements and Additions for August, 2008

(CA) F. APPOINTMENTS

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

1. Public Service Appointments

a. Economic Development Commission (7)
(three-year terms) **continued from August 20, 2008**

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
6. Andrew Tyska, 43 Monterey Drive - interest/appointment
7. Kirsten L. DiChiappari, 9 Echo Farm Drive - interest/appointment
8. Mark W. Matrone, 79 Aaron Avenue - interest/appointment
9. Mark Astrella, 1051 Hope Street - interest/appointment
10. David Parker, 295 Hope Street - interest/appointment
- (Late Item)** 11. Edward P. Stuart, Jr., 31 Birchwood Drive - interest/appointment

Council Chairman Marshall recommended the following slate of candidates for appointment:

Ms. Macdonald, Ms. DiChiappari, and Mr. Byrnes for three (3) year appointments; Mr. Maloney and Mr. Tyska for two (2) year appointments; and Ms. Woods and Mr. Matrone for one (1) year appointments.

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Cordeiro/Herreshoff - Voted unanimously to close nominations and to instruct the Clerk to cast one ballot in favor of the slate as presented with terms to expire as so noted.

Cordeiro/Herreshoff - Voted unanimously to refer the related ordinance to the Town Solicitor so as to allow for alternate members.

Prior to the vote taken, Assistant Solicitor Teitz recommended that it would be advisable to stagger the first year's terms of this Commission. He also advised that the appointment of alternate member(s) would require an amendment to the enabling ordinance.

The Council noted the applications of Messrs. Parker and Astrella and tentatively agreed that these persons would be excellent candidates for alternate membership at this time.

b. Zoning Board of Review - Alternate

1. John B. Garry, 1229 Hope Street - unable to accept appointment

Herreshoff/Cordeiro - Voted unanimously to re-advertise for this position.

Prior to the vote taken, the Council expressed its regret that Mr. Garry will be unable to serve. Council Chairman Marshall suggested that the Clerk might set interviews for candidates for the position and that these might include Edward Stuart, Jr.

c. Police Pension Fund - Board of Trustees

1. Nick R. Guercia, Deputy Police Chief - resignation

Barboza/Parella - Voted unanimously to accept this resignation with regret and to instruct the Clerk to send a letter of thanks for service and to continue advertisement for this board's vacancies.

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Prior to the vote taken, the Clerk noted that the Police Union must recommend a member of this Board for Council approval and that one additional vacancy - for a member at large - exists.

- d. Patricia Squatrito, Corresponding Secretary, Bristol Fourth of July Committee re 2008-2009 Proposed Membership List

Cordeiro/Herreshoff - Voted unanimously to approve the slate of candidates for Fourth of July Committee as prepared and recommended.

- (CA) 2. Public Service Appointments for October

G. LICENSING BOARD - NEW PETITIONS

- 1. Mary Tormey, d/b/a, Thirds, Inc., 34 Gooding Avenue - request for Junk and Second Hand Dealer's License

It is hereby noted for the record that this matter was resolved as part of the related public hearing and so noted above.

- 2. R. Maturi Tavern, Inc., Ryan Maturi, d/b/a The Elbow Room, 29 State Street to The Anchor Tavern, Inc., Michael Ferreira, d/b/a The Anchor Tavern - request for transfer of BV Intoxicating Beverage License
 - a. Recommendation - Town Administrator and Police Chief

It is hereby noted for the record that this matter was resolved as part of the related public hearing and so noted above.

- 3. Mary Tormey, d/b/a Thirds, Inc., 34 Gooding Avenue - request for Holiday Sales License
 - a. Recommendation - Town Administrator and Police Chief

Parella/Herreshoff - Voted unanimously to grant this license based upon the recommendations

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received and subject to conformance to all laws and ordinances and payment of all fees, levies and taxes.

4. Abdelmajid Elharit, d/b/a Pizza Caldo, LLC, 15 Gooding Avenue - request for Victualling License (new owner)
 - a. Recommendation - Water Pollution Control
 - b. Recommendation - Town Administrator and Police Chief

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

5. Berta Raposo for St. Elizabeth Church/Santo Cristo Committee, 577 Wood Street - request for One-Day Dancing and Entertainment License, September 20, 2008
 - a. Recommendation - Town Administrator and Police Chief

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

6. Maria Ursini for St. Elizabeth Church/Holy Ghost Committee, 577 Wood Street - request for One-Day Dancing and Entertainment License, October 4, 2008
 - a. Recommendation - Town Administrator and Police Chief

Parella/Cordeiro - Voted unanimously to grant this license based upon the recommendations received and subject to conformance to all laws and ordinances and

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payment of all fees, levies and
taxes.

H. LICENSING BOARD - RENEWALS

(CA) I. UTILITY PETITIONS

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

J. PETITIONS - OTHER

1. Linda C. Arruda for Downtown Bristol
Merchants Association - request to have State
Street between Hope and Thames Streets closed
to vehicular traffic, provide an officer and
waive merchant's fees for State Street Fair
on September 20, 2008
 - a. Recommendation - Town Administrator and
Police Chief

Barboza/Cordeiro - Voted
unanimously to grant this petition
per the arrangement as approved in
2007.

Prior to the vote taken, Ms. Arruda informed the Council
that the arrangement with the police surveillance, etc. as
per last year was without incident and worked well. Police
Chief Canario agreed with Ms. Arruda and amended his
recommendation accordingly.

2. Jane Alegria, 38 Defiance Avenue - request
for abandonment of portion of Forest Road,
call for public hearing on October 22, 2008

Herreshoff/Cordeiro - Voted
unanimously to suggest that the
petitioner might rather consider a
"license to maintain" and to
continue this matter until October
1, 2008.

Prior to the vote taken, Director of Community Development
Williamson noted that the Planning Board will consider this
petition at its meeting to be held next week.

3. Patrick J. Barosh, 103 Aaron Avenue - request
for curb modification

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- (Late Item)** a. Recommendation - Town Administrator and Director of Public Works

Barboza/Parella - Voted unanimously to grant this petition per the recommendation received cost to be borne by the petitioner.

4. Mary C. Mello, Treasurer, Mt. Hope Booster Club - request to hold fundraising event at Independence Park on September 13, 2008 (rain date September 14, 2008)

- (Late Item)** a. Recommendation - Town Administrator and Director of Parks and Recreation

Herreshoff/Cordeiro - Voted unanimously to grant this petition per the recommendation received, the usual conditions, and subject to the filing of a certificate of insurance.

K. OTHER NEW BUSINESS REQUIRING TOWN COUNCIL ACTION

1. Angelo Pezzullo, Vice President of Sales, Delta Dental of Rhode Island re Rhode Island State Premium Tax Notice

Barboza/Parella - Voted unanimously to receive and place this matter on file and to refer same to Town Solicitor Ursillo.

Prior to the vote taken, a discussion ensued as to whether or not municipalities might be exempt from payment of this new tax.

2. Director of Community Development Williamson re RIDEM Open Space Grant Application September 2008

Cordeiro/Barboza - Voted unanimously to support and endorse this application and to authorize Director of Community Development Williamson to include additional properties as selected by the Open

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Space Committee prior to submission
of same.

Prior to the vote taken, Director of Community Development Williamson asked for the authority to amend the application based upon the findings of the Open Space Committee since this Committee plans to view some additional properties prior to the application deadline.

L. BILLS & EXPENDITURES

(CA) M. ROUTINE REPORTS

(CA) N. FINANCIAL REPORTS

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

1. Town Treasurer Day - Revenue and Expenditure Report, September 5, 2008

P. PROCLAMATIONS & CITATIONS

1. Thomas J. Sullivan, Eagle Scout Court of Honor

Herreshoff/Cordeiro - Voted
unanimously to adopt this
Commendation as prepared and
presented.

2. Brian Dansereau, Heroic Act

Herreshoff/Cordeiro - Voted
unanimously to adopt this
Commendation as prepared and
presented.

3. W. Michael Sullivan, Ph.D., Development of Restroom Facilities near Independence Park

Herreshoff/Cordeiro - Voted
unanimously to adopt this
Commendation as prepared and
presented.

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

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

1. Recommendation - Water Pollution Control re Victualling License for Michael Ferreira, d/b/a The Anchor Tavern, 29 State Street (granted August 20, 2008)
2. Recommendation - Police Chief Canario re Victualling License for Michael Ferreira, d/b/a The Anchor Tavern, 29 State Street (granted August 20, 2008)
3. Recommendation - Police Chief Canario re Dancing and Entertainment License for Michael Ferreira, d/b/a The Anchor Tavern, 29 State Street (granted August 20, 2008)
4. Recommendation - Police Chief Canario re Amusement Devices License for Michael Ferreira, d/b/a The Anchor Tavern, 29 State Street (granted August 20, 2008)
5. Laura Miguel, Enforcement, CRMC re Cease and Desist Order for property located at Plat 165, Lot 10, 135 Ferry Road
6. Laura Miguel, Enforcement, CRMC re Cease and Desist Order for property located at Plat 165, Lot 11, 137 Ferry Road
7. Rhode Island Coastal Resources Management Council - Newsletter, Spring/Summer 2008
8. Town Administrator Mederos to James Hall, President, Aquidneck Construction, Inc., Portsmouth, RI re award of Bid #663 Town Beach/Bike Path Parking Lot
9. Warrant - Anthony Margiotta, Historic District Commission
10. Warrant - Kevin J. Ledwell, Harbor Commission Advisory Committee
11. Warrant - Stephan Brigidi, Historic District Commission
12. Warrant - Edward Cifune, Historic District Commission

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13. Warrant - Lee P. Traibman, Post Retirement Benefits Fund Board of Trustees
14. Revised Solid Waste and Recycling Services Agreement for 2009-2011
15. Town Administrator Mederos to Bob Knox, Cardi Corporation, Warwick, RI re award of Bid #664 Road Resurfacing
16. Warrant - Terri Anne Moreira, Personnel Board
17. Council Clerk Cirillo to Deborah Ventrice re appointment to additional boards and commissions
18. Council Clerk Cirillo to Harold E. Tucker re appointment to additional boards and commissions

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

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

1. Bristol County Water Authority - September 2008 Meetings
2. Bristol Warren Regional School Committee Budget/Facilities Subcommittee - August 25, 2008
3. (Bristol Warren Regional School Committee) Bond Project Building Committee - August 25, 2008
4. Bristol County Water Authority/Audit Finance Committee - September 3, 2008
5. Bristol County Water Authority/Engineering Committee - September 3, 2008
6. Bristol County Water Authority/Public Relations/Personnel Committee - September 3, 2008
7. Bristol County Water Authority/Board of Directors - September 10, 2008

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8. Bristol Warren Regional School District -
Schedule of Meetings, Week of September 1,
2008
 9. (Bristol Warren Regional School Committee)
Policy/Community Affairs Subcommittee -
September 2, 2008
 10. Harbor Commission - September 8, 2008
 11. Bristol Warren Regional School Committee
Personnel/Contract Subcommittee - September
8, 2008
 12. (Bristol Warren Regional School Committee)
Bond Project Building Committee - September
8, 2008
 13. (Bristol Warren Regional School Committee)
Colt Andrews Construction Subcommittee -
September 11, 2008
 14. Bristol Warren Regional School Committee BWEA
Contract Negotiation Subcommittee - September
10, 2008
 15. Bristol Warren Regional School Committee -
September 8, 2008
 16. Bristol Warren Regional School District -
Schedule of Meetings, Week of September 8,
2008
 17. Coastal Resources Management Council -
September 2008 Calendar
- S. TOWN SOLICITOR
- Z. INDIVIDUAL COUNCIL MEMBERS AGENDA ITEMS
1. MARSHALL
 - a. Town Beach Parking Lot - Council Chairman
Marshall informed those present that the new
Town Beach Parking Lot will be completed
soon.

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- b. Thank you, Mike Davis - Council Chairman
Marshall thanked Mr. Davis for filming this evening's meeting
- c. Chestnut Street Water Main - Council Chairman
Marshall asked the Clerk to report a missing water meter cover at a location near Naomi Street on Chestnut Street to Town Administrator Mederos.
- d. Hope and Chestnut Crosswalk - Council
Chairman Marshall noted a recent automobile/pedestrian accident at the corner of Chestnut and Hope Streets and asked if the crosswalk in the area might be improved.

2. CORDEIRO

- a. Stop Sign - Councilman Cordeiro asked if the Stop Sign Committee might install a four way stop at the intersection of Thames and Constitution Streets. Councilman Cordeiro noted that the area appears to function as a "racetrack" on Thursday and Friday evenings.
- b. St. Elizabeth Carnival - Councilman Cordeiro noted the upcoming Carnival that will be held on Thursday, Friday, Saturday and Sunday of this week on the Town Common; sponsored by St. Elizabeth Church.

3. PARELLA

- a. Sewer Ejector Pumps - Councilwoman Parella asked that the Council consider the subject of sewer ejector pumps at its next meeting (October 1, 2008).

4. BARBOZA

5. HERRESHOFF

ZZ. TOWN ADMINISTRATOR AGENDA ITEM(S)

CITIZENS PUBLIC FORUM

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There being no further business, upon a motion by Councilman Cordeiro, seconded by Councilman Herreshoff and voted unanimously, the Chairman declared this meeting to be adjourned at 10:03 o'clock PM.

Louis P. Cirillo, CMC, Council Clerk