

TOWN COUNCIL MEETING - WEDNESDAY EVENING - JANUARY 7, 2009

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

ALSO PRESENT: Diane C. Mederos, Town Administrator
Michael A. Ursillo, Town Solicitor

ABSENT: Marshall J. Netto, Town Sergeant

The Council met in regular session on Wednesday evening, January 7, 2009 in the Town Hall, Council Chambers, beginning at 7:04 o'clock PM, Council Chairman Marshall presiding:

Prior to the commencement of this evening's regular agenda, Council Chairman Marshall offered his best wishes to all for a happy new year.

Council Chairman Marshall also recounted that the Council is planning some aggressive initiatives for its upcoming term and that he was hopeful that these would be realized. He also noted that in addition to the challenges posed in-town the Council would face some grave "Rhode Island" challenges. He noted that Governor Carcieri was in the process of recommending budget cuts - these likely including a reduction in revenue sharing locally and in local schools.

Council Chairman Marshall also noted that there will be a special event held on January 13, 2009 at the Bristol Statehouse and that the Town will receive a "prestigious award" at that time. He noted that this event will be "positive" and encouraged attendance at same.

Council Chairman Marshall suggested that Town Administrator Mederos might use the Council meeting as a forum to convey information to the public and advised that the various department heads might also do so.

Council members recalled the accomplishments and demeanor of the late U. S. Senator Claiborne Pell who passed away on January 1, 2009.

Councilman Cordeiro suggested that Town Treasurer Day might prepare budget forecasts based upon the Governor's revenue sharing proposal; further suggesting that this forecast might consider several options. It was noted for the record that revenue sharing losses to the Town might range from \$.8 to \$1.8 million.

Councilwoman Parella suggested that the Council might consider a review of the Town's finances during one of the

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upcoming Special meetings scheduled for January 20 and 21, 2009.

Council Chairman Marshall agreed with Councilwoman Parella and stated that it would be "wise to start now" on this issue.

Councilman Cordeiro stated that this was the reason that he asked for the financial forecast from the Treasurer.

Councilman Herreshoff agreed with Councilwoman Parella and Council Chairman Marshall in that it would be prudent to begin the process as soon as possible lest the Town might face an "awful disaster."

Councilwoman Parella asked if Schools would also lose State aid with Town Administrator Mederos explaining that she was only made aware that municipalities would likely lose aid.

Council Chairman Marshall stated that the problems discussed were not unique to Bristol and that these were "across-the-board." He also stated that Bristol was "in good shape but must tread easily in uncharted waters."

MOTION RE: CONSENT AGENDA - TO APPROVE THE CONSENT AGENDA

Barboza/Cordeiro - Voted
unanimously to approve the Consent
Agenda withholding item R14.

Prior to the vote taken, Councilman Cordeiro asked that item R14 might be withheld from the Consent Agenda so that the Council might discuss it further.

Prior to action on the remainder of this evening's agenda, the Clerk noted that he was informed of Director of Community Development Williamson's intention to request a continuance of item D2. The Council took up this matter at this time and action is so reflected below.

A. SUBMISSION OF MINUTES OF PREVIOUS MEETING(S)

1. Town Council Meeting - December 17, 2008

Herreshoff/Cordeiro - 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 - November 18, 2008

B. OLD BUSINESS

1. Intoxicating Beverage License Review re Lobster Pot, Café Central, Almeida Post VFW, and Custom Catering, **continued from November 12, 2008**

Late Item

- a. Recommendation - Fire Chief

Cordeiro/Herreshoff - Voted unanimously to instruct the Clerk to inform the Lobster Pot and Custom Catering that their Class BV Alcoholic Beverage Licenses will expire on February 28, 2009, and that said license holders are hereby requested to appear before this Council on January 28, 2009 if their code deficiencies are not resolved to the satisfaction of the Fire Chief before that meeting date.

Cordeiro/Herreshoff - Voted unanimously to extend the granting of the Alcoholic Beverage Licenses held by Café Central and Almeida Post VFW to a full term of one year based upon the recommendation of the Fire Chief and subject to conformance to all laws and ordinance and payment of all fees, taxes and levies.

Prior to the vote taken, Councilman Herreshoff stated that he appreciated the stance taken by Fire Chief Martin and he was in support of the Chief's action in this case.

The recommendation of Fire Chief Martin was reviewed with Fire Chief Martin explaining that there was no positive action on the part of either the Lobster Pot or Custom Catering proprietors regarding this matter. He also stated that to his best knowledge neither establishment has a plan to gain conformance to the code.

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Responding to questions posed by Council members, Fire Chief Martin explained that he has been in contact with these proprietors to no avail.

Councilwoman Parella noted that approximately forty-five days remain prior to the suspension of the licenses. She asked what the Chief might expect from the proprietors in order to prevent the suspensions with Fire Chief Martin responding that he expects to be assured that a "concrete plan" moving forward would be in place prior to changing his recommendation for suspension.

Councilman Herreshoff suggested that a plan in and of itself would likely be insufficient without a "program" for implementation.

Councilwoman Parella expressed that the Council does not at all desire to inflict undue harm upon any local business.

The Council noted that the proprietors should be officially informed of the Council's action and expectations in this case with Councilwoman Parella noting that correspondence from the Town should include that the Council would prefer not to take this extreme action.

Councilman Barboza asked if this matter has been pending for at least two (2) years with Fire Chief Martin responding affirmatively.

Council Chairman Marshall stated that Fire Chief Martin's recommendation appears to be reasonable.

Town Administrator Mederos stated that Fire Chief Martin has consistently expressed a willingness to work along with local businesses.

The Clerk asked for a disposition of the license issues relating to Café Central and Almeida Post VFW with Fire Chief Martin responding that both establishments have made improvements toward code compliance and that these were made to his satisfaction. He recommended that both establishments should be granted full-term licenses.

2. Edward P. Mara, Ed.D., Superintendent, Bristol Warren Regional School District re decommissioning Byfield and Reynolds Schools, **continued from December 17, 2008**

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Herreshoff/Barboza - Voted unanimously to continue this matter until the meeting of January 28, 2009 and to instruct the Town Solicitor to draft a letter to the School Committee extending the period in which the Council may consider the return of the John Post Reynolds School.

Prior to the vote taken, Councilman Herreshoff asked to know if the Town was made aware of any new information with Town Administrator Mederos explaining that she spoke with Superintendent Mara and he reports that the School Committee plans to make the necessary repairs at the Byfield Building and to return same to the Town. She also reported that the future of the John Post Reynolds School is yet unknown since it may still be needed for classrooms.

Councilman Herreshoff asked for a recommendation regarding the Town's position with Town Administrator Mederos explaining that she would recommend the Council receive back the Byfield building and not accept the Reynolds Building.

Councilwoman Parella noted that there appears to be a conflict of opinion as to whether or not the Town may have already accepted both buildings this being a topic discussed at the Buildings Study Committee.

It was suggested that this matter might be referred to Town Solicitor Ursillo so that he might draft a letter to the School Committee extending the period before the Reynolds Building will be accepted.

3. Bristol County Court House/State House Meeting Room, **continued from December 17, 2008**
 - a. Richard Sousa, Sr., Chairman, Bristol Athletic Hall of Fame re available space in Bristol County Court House/State House to display Colt Memorial and Bristol High School sports memorabilia

Cordeiro/Herreshoff - Voted unanimously to continue this matter until the meeting of January 28, 2009.

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Prior to the vote taken, Town Administrator Mederos explained that she was in receipt of a draft lease from the Statehouse Foundation and that this has yet to be examined in detail by Town Solicitor Ursillo. She asked for a continuance until the next meeting.

4. Robert Rocchio, P.E., State Traffic Commission to Town Administrator Mederos re installation of additional crosswalk warning signs in front of Benjamin Church Manor/Senior Center on Hope Street

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

Prior to the vote taken, Council members expressed satisfaction that the State would be taking action regarding this matter.

5. Councilman Herreshoff re lighting efficiencies

Barboza/Cordeiro - Voted
unanimously to continue this matter
until the meeting of January 28,
2009.

Prior to the vote taken, Councilman Herreshoff noted that Mr. Mark Wolff would like to make a ten (10) minute presentation to the Council regarding cost-saving measures with the Town's lighting needs. Councilman Herreshoff agreed to contact Mr. Wolff and secure his presence at the next meeting.

6. Council Chairman Marshall re St. Mary's Cemetery drainage line

Herreshoff/Parella - Voted to
continue this matter until the
meeting of January 28, 2009. Voting
in favor of this motion were
Council Chairman Marshall,
Councilman Cordeiro, Councilwoman
Parella and Councilman Herreshoff.
Councilman Barboza recused.

Prior to the vote taken, Councilman Barboza informed the Council that he has a conflict of interest regarding this

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matter. He recused himself from the discussion and vote and excused himself from the Council table.

Council Chairman Marshall stated that the matter of the drainage line running through St. Mary's Cemetery was of need serious enough to be considered an emergency by the Town. He noted that he spoke to Public Works Director Serbst regarding this matter and reported that plans were available.

He suggested that the project should be undertaken during May or June and that the deteriorated corrugated steel pipe should be replaced with one made of plastic so as to prevent further chances of corrosion. He further explained that this new pipe would be of a size sufficient to hold stream water during exceptionally high tides and release same when the tides have subsided - thus easing the flow into Silver Creek. He also noted that this matter has been under some discussion by the Council for the past several years.

Council Chairman Marshall explained that the plans that currently exist will require a new survey and also that the overall plan must be updated prior to the commencement of any work.

Rev. Barry Gamache, 330 Wood Street, Pastor of St. Mary's Church appeared before the Council. He thanked the Council for its attention to this matter and explained that he has been a resident of Bristol for thirteen (13) years and has never complained about anything. He contends that the Town receives 100% of the benefit of the cemetery stream and that he intends to cooperate with the Town toward the resolution of the flooding problem.

Town Administrator Mederos informed the Council that her assistant Denise Asciola completed an exhaustive search of Council Records back to 1949 and found nothing regarding the installation of the cemetery pipe or any easement through the property.

Town Solicitor Ursillo noted that the easement may be considered a "prescriptive easement." He agreed to research same and provide any additional documentation and/or draft easement should this be necessary.

BB. SPECIAL /STATUS REPORTS

C. PUBLIC HEARINGS

D. ORDINANCES

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1. Ordinance #2008-33, CHAPTER 16, Motor Vehicles and Traffic, Article V, Stopping, Standing, and Parking, Section 16-143, Parking prohibited at all times and Section 16-152 Curb loading zone (John Street), **2nd reading**

Barboza/Parella - Voted unanimously to consider this action to constitute the Second Reading of Ordinance #2008-33. Advertise in local newspaper.

2. Ordinance #2008-34, CHAPTER 9, Building and Regulations, Article I, In General, Section 9-5.1, Vertical Clearance of Basement Floors, **1st reading, (continued from December 17, 2008)**

Cordeiro/Parella - Voted unanimously to continue this matter until the meeting of January 28, 2009.

It is hereby noted for the record that action on this item took place at the commencement of this evening's agenda as reflected above.

3. Ordinance #2008-35, CHAPTER 16, Motor Vehicles and traffic, Article V, Stopping, Standing, and Parking, Section 16-143, Parking prohibited at all times (Old Ferry Road), **1st reading**

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

Prior to the vote taken, Council Chairman Marshall asked to know the origin of this ordinance with the Clerk explaining that the ordinance was essentially a "housekeeping" measure since the signage in this area is inconsistent with the ordinance.

Councilman Cordeiro expressed concern that the restriction of parking along the cul-de-sac would impact fishermen with Town Solicitor Ursillo explaining that the cul-de-sac

restriction was not part of this new ordinance but was rather one that had been in place for many years.

Director of Community Development Williamson agreed to research and report to the Council on any rights of way that may be contained in the subject area.

After a protracted discussion, the Council instructed Town Solicitor Ursillo to review the matter and prepare a new ordinance for its consideration.

(CA) E. BUDGET ADJUSTMENTS

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

1. Tax Assessor Spagnolo - Recommended Abatements and Additions for January, 2009

(CA) F. APPOINTMENTS

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

1. Public Service Appointments
 - a. Harbor Master
 1. Joseph Cabral, 55 Ferry Road - interest/reappointment

Councilman Cordeiro nominated Mr. Cabral for reappointment.

There were no counter nominations.

Cordeiro/Barboza - Voted unanimously to close nominations and to instruct the Clerk to cast one ballot in favor of Mr. Cabral; term to expire January, 2010.

- b. Assistant Harbor Masters (5)
 1. Matthew J. Calouro, 118 Fales Road - interest/reappointment
 2. David A. Sartrys, 36 DeWolf Avenue - interest/reappointment

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3. Nathan M. Gallison, 50 King Philip Avenue - interest/reappointment
4. Scott D. Marino, 131 Mulberry Road - interest/appointment
5. Charles A. Lombardo, 59 Sherry Avenue - interest/reappointment

Late Item

6. Aristotle Gatos, 44 Roosevelt Drive - interest/reappointment

bb. Recommendation - Harbor Master

Councilman Herreshoff nominated Messrs. Calouro, Sartrys, Gallison, Lombardo and Gatos for reappointment as recommended by Harbor Master Cabral.

There were no counter nominations.

Herreshoff/Barboza - Voted unanimously to close nominations and to instruct the Clerk to cast one ballot each in favor of Messrs. Calouro, Sartrys, Gallison, Lombardo and Gatos; terms to expire January, 2010.

After the vote taken, Council Chairman Marshall suggested that the Clerk might set an interview for Mr. Marino and that he may be interested in a position as Auxiliary Harbor Master in the future.

c. Auxiliary Harbor Masters (3)

1. Alan D. Leach, 25 Pawtucket Avenue - interest/reappointment
2. Arthur M. Franco, 46 Kingswood Road - interest/reappointment

Late Item

3. George Gatos, 55 State Street - interest/reappointment

Councilman Cordeiro nominated Messrs. Leach, Franco, and Gatos for reappointment.

There were no counter nominations.

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Cordeiro/Barboza - Voted unanimously to close nominations and to instruct the Clerk to cast one ballot each in favor of Messrs. Leach, Franco, and Gatos; terms to expire January, 2010.

- d. Harbor Master Cabral re appointment of Steven Roth, 1 Riverview Avenue

Cordeiro/Barboza - Voted unanimously to approve the appointment of Mr. Roth as recommended by Harbor Master Cabral at the salary so specified.

- e. Bristol Housing Authority

- 1. Manuel N. Cotta, 32 San Miguel Drive - interest/reappointment
 - a. Candace Pansa, Executive Director, Bristol Housing Authority - Recommendation
 - b. Elizabeth Lopes, President, Benjamin Church Manor Tenants' Association - Recommendation

Councilman Barboza nominated Mr. Cotta for reappointment.

There were no counter nominations.

Barboza/Parella - Voted unanimously to close nominations and to instruct the Clerk to cast one ballot in favor of Mr. Cotta; term to expire January, 2014.

- f. Board of Tenants' Affairs (2)

- 1. Lorraine Magee, 1014 Hope Street, Apt. GA1 - interest/reappointment
- 2. Rita P. Ayres-Gaulin, 159 Bay View Avenue - interest/reappointment

Councilman Barboza nominated Ms. Magee and Ms. Ayres-Gaulin for reappointment.

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There were no counter nominations.

Barboza/Parella - Voted unanimously to close nominations and to instruct the Clerk to cast one ballot each in favor of Ms. Magee and Ms. Ayres-Gaulin; terms to expire January, 2011.

- g. North and East Burial Grounds Commission
 - 1. Howard P. Brelsford, 12 Sheffield Avenue - interest/reappointment

Councilman Cordeiro nominated Mr. Brelsford for reappointment.

There were no counter nominations.

Cordeiro/Parella - Voted unanimously to close nominations and to instruct the Clerk to cast one ballot in favor of Mr. Brelsford; term to expire January, 2014.

- h. Fire Police - Special Constables

Councilman Barboza nominated the slate of Fire Police - Special Constables as presented and recommended by Fire Chief Martin.

There were no counter nominations.

Barboza/Cordeiro - Voted unanimously to close nominations and to instruct the Clerk to cast one ballot each in favor of those listed on the slate as presented; terms to expire January, 2010.

- i. Special Constables, Private Investigators, Matrons and Retiree Officers

Councilman Cordeiro nominated the slate of Special Constables, Private Investigators, Matrons and Retiree Officers as presented and recommended by Police Chief Canario.

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There were no counter nominations.

Cordeiro/Herreshoff - Voted unanimously to close nominations and to instruct the Clerk to cast one ballot each in favor of the slate of Special Constables, Private Investigators, Matrons and Retiree Officers; terms to expire January, 2010.

j. Tree Warden

1. Samuel Church Kinder, 315 Hope Street - interest/reappointment

Councilman Barboza nominated Mr. Kinder for reappointment.

There were no counter nominations.

Barboza/Cordeiro - Voted unanimously to close nominations and to instruct the Clerk to cast one ballot in favor of Mr. Kinder; term to expire January, 2010.

k. Waypoysset Trust

1. Steven E. Johnson, 30 Patricia Ann Drive - interest/reappointment

Councilman Cordeiro nominated Mr. Johnson for reappointment.

There were no counter nominations.

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

l. CRMC Alternate Subcommittee

1. Thomas G. Breslin, 7 Dana Road - interest/reappointment

Councilman Cordeiro nominated Dr. Breslin for reappointment.

There were no counter nominations.

Cordeiro/Parella - Voted unanimously to close nominations and to instruct the Clerk to cast one ballot in favor of Dr. Breslin; term to expire January, 2010.

m. Substance Abuse Prevention Task Force

1. Ann Marie (Roy), Coordinator, Substance Abuse Prevention Task Force re list of current members

Councilwoman Parella nominated the slate of members as presented by Ms. Roy.

There were no counter nominations.

Parella/Barboza - Voted unanimously to close nominations and to instruct the Clerk to cast one ballot each in favor of those listed on the slate as presented; terms to expire January, 2011.

Prior to the vote taken, Councilman Barboza confirmed that the Excel spreadsheet of nominees was endorsed by Victoria White, Chairperson of the SAPTF.

n. Charter Review Commission

1. Barbara H. Healy, 10 Dolly Drive - interest/appointment
2. Harold E. Tucker, 10 Noyes Avenue - interest/appointment
3. Gregory Raposa, 145 Franklin Street, #2 - interest/appointment

Late Item

Barboza/Cordeiro - Voted unanimously to forward this list of candidates to the interview process.

Prior to the vote taken, Councilman Herreshoff noted that the Council should select its appointees from those who have relevant experience. It was noted for the record that the Town Charter specifies that a Charter Review Commission must consist of nine (9) members as appointed by the Council.

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Town Solicitor Ursillo noted that although the number of members is restricted by Charter, the Council may wish to appoint auxiliary non-voting participants to work on the project.

- o. Bristol Fourth of July Committee
 - 1. Patricia Squatrito, Corresponding Secretary, Bristol Fourth of July Committee re additional memberships for 2008-2009

Councilman Barboza nominated the slate of candidates as presented by the Fourth of July Committee for appointment.

There were no counter nominations.

Barboza/Cordeiro - Voted unanimously to close nominations and to instruct the Clerk to cast one ballot each in favor of the nominees as presented.

- p. Board of Canvassers
 - 1. Henry Sousa - resignation
 - a. Council Clerk Cirillo to John E. Faria, Chairman, Democratic Town Committee re Board of Canvassers appointment
 - b. Council Clerk Cirillo to Thomas M. Carroll, Chairman, Republican Town Committee re Board of Canvassers appointment
 - 2. Thomas M. Carroll, Chairman, Republican Town Committee re recommendation - Carolyn Breslin, 7 Dana Road

Late Item

Late Item

Late Item

Herreshoff/Barboza - Voted unanimously to accept the resignation of Mr. Sousa with appropriate recognition and to continue the matter of the appointment to the vacancy created

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by the resignation to the meeting of January 28, 2009.

Prior to the vote taken, Council members noted Mr. Sousa's years of service and instructed the Clerk to have a plaque prepared in recognition of same.

q. Personnel Board (3)

1. Amy M. Marino, 131 Mulberry Road - interest/appointment

Late Item

2. Joseph DeMelo, Jr., 3 Roosevelt Drive - interest/appointment

Councilman Barboza nominated Mr. DeMelo for appointment to the unexpired term of George Burman; term to expire December, 2010.

There were no counter nominations.

Barboza/Cordeiro - Voted unanimously to close nominations and to instruct the Clerk to cast one ballot in favor of Mr. DeMelo; term to expire December, 2010.

Councilman Barboza nominated Ms. Marino for appointment to the unexpired term of Elizabeth Rene; term to expire December, 2009.

There were no counter nominations.

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

G. LICENSING BOARD - NEW PETITIONS

1. Patricia Baccus for Bristol County Elks Lodge #1860 - request for One-Day Dancing and Entertainment License, January 24, 2009

a. Recommendation - Police Chief

Cordeiro/Herreshoff - 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.

2. Bernard Catalano, d/b/a Catalano Construction, Inc., 10 Nate Whipple Highway, Cumberland, RI - request for Drainlayer's License

- a. Recommendation - Director of Public Works

Barboza/Cordeiro - Voted unanimously to grant this license for a six (6) month trial period based upon the recommendation received and subject to conformance to all laws and ordinances and payment of all fees, levies and taxes.

H. LICENSING BOARD - RENEWALS

1. Intoxicating Beverage License Review re Lobster Pot, Café Central, Almeida Post VFW, and Custom Catering, **continued from November 12, 2008** (See Item B6 also)

Late Item a. Recommendation - Fire Chief

For action and discussion on this item see item B1 above.

(CA) I. UTILITY PETITIONS

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

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

J. PETITIONS - OTHER

1. David Silvia, Boys State Team Member - request for donation to American Legion's Boys State Program 2009

Barboza/Cordeiro - Voted
unanimously to appropriate \$500
from the Council Contingency to
support this program.

K. OTHER NEW BUSINESS REQUIRING TOWN COUNCIL ACTION

1. RI Coastal Resources Management Council -
consideration of application by Thomas and
Marie DeNucci to construct and maintain a
residential boating facility at 22 King
Philip Avenue

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

Prior to the vote taken, Steven Roth, an alternate member of
the Harbor Commission, informed the Council that the Harbor
Commission appears to have no issues with this application.

2. Councilman Herreshoff re Public Works
suggestions

Herreshoff/Cordeiro - Voted
unanimously to continue this matter
(speed bumps) until the meeting of
March 11, 2009

Herreshoff/Barboza - Voted
unanimously to authorize the
Chairman to sign a resolution as
prepared by the Clerk in
consultation with the Town
Solicitor and Bond Counsel to seek
expansion of the Clean Water
Finance Agency so as to enhance the
Town's borrowing capability at
reduced interest rates for storm
water, municipal, public works, and
general physical infrastructure
improvements and to forward same to
the Congressional delegation for
legislative action.

Prior to the vote taken, a discussion ensued regarding
Councilman Herreshoff's memorandum as follows:

High Street Speed Bumps:

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Councilman Herreshoff noted that these structures appear to be both annoying and unnecessary.

Town Administrator Mederos noted that Fire Chief Martin would like these to be removed since fire apparatus may be damaged repeatedly crossing over same.

Councilman Barboza noted for the record that the speed bumps may still be needed if the John Post Reynolds School is re-occupied. He suggested that any action to remove the speed bumps might be deferred until the plan for future use of the school is known.

It was suggested that the cost to remove the speed bumps might be identified for the Council's further consideration.

Byfield Temporary Buildings Restoration:

Town Administrator Mederos reported upon a conversation with Superintendent Mara who agreed to restore the area of the Town Common formerly occupied by the temporary building.

Gazebo Railings:

Town Administrator Mederos explained that the railing repair was planned as part of the normal springtime maintenance.

Rockwell Park Brickwork and Flagpoles:

Councilman Herreshoff speculated that the damage to the flag poles might be caused by the flag weights flailing in the breeze. He also suggested that the missing and damaged bricks in the walking paths might be replaced as part of the Town's springtime maintenance of parks.

Federal \$ Billions:

Councilman Herreshoff suggested that the Town might adopt a "squeaky wheel" position and seize the opportunity to get in line for the Obama public works program as soon as possible.

Council Chairman Marshall stated that he was thinking along the same lines and thanked Councilman Herreshoff for placing this item on the Council's docket.

Council Chairman Marshall suggested that the Council might support a resolution in favor of expanding the Town's borrowing power at low interest rates similarly to the way it borrows for clean water projects.

He further suggested that the Congress might be asked to enact legislation to expand the clean water finance program to include storm water, municipal, public works, and physical infrastructure projects.

Council Chairman Marshall suggested that the request could be also a benefit to the entire State of Rhode Island in that it would provide access to the planned stimulus package and reduce the debt service expense for capital improvements. He also noted that such a plan would also provide jobs.

Councilman Herreshoff stated that the stimulus package might resemble the W.P.A. program that was in place prior to World War II and that such a program would have more advantages than providing funding directly to Wall Street.

Town Administrator Mederos stated that the Town has many projects that are "ready to go" for such a program.

Councilwoman Parella stated that based upon the Council's deliberations concerning this matter the resolution and/or letter to the Congress appears to be of great urgency.

Councilman Herreshoff stated that President-elect Obama appears to desire to fund projects that are "ready to go."

Council Chairman Marshall stated that the "big picture" of his proposal is to have a "revolving fund at low interest."

3. Councilman Herreshoff re future Revaluations

Herreshoff/Barboza - Voted unanimously to review the information as provided by Councilman Herreshoff and refer this matter to the meeting of January 28, 2009.

Councilman Herreshoff distributed a memorandum marked exhibit K3a for the record.

Councilwoman Parella asked to know what was happening with the funds previously authorized to analyze this matter noting that she was of the opinion that the amount authorized was excessive with Council Chairman Marshall explaining that he was also of the opinion that the amount was excessive.

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Council Chairman Marshall further noted that he was in contact with the American Council of Tax Professionals concerning this matter.

Councilwoman Parella expressed concern that the Council had been discussing this matter for over one year with no resolution.

Councilwoman Parella also asked to know if Boards of Tax Assessment Review have counsel in other towns.

Town Solicitor Ursillo noted that the process that guides the Board of Tax Assessment Review is established by State statute. He also noted that the other towns represented by his firm as Town Solicitor do not normally have counsel present during Board deliberations.

Councilman Barboza reminded the Council of the Town Solicitor's earlier memorandum concerning the Board of Tax Assessment Review with Town Solicitor Ursillo explaining that his memorandum noted that the Board of Tax Assessment Review appeared to place those applicants with business before it at great ease; especially since the process can be intimidating. He also explained that although the Board is independent of the Council once appointed the Council may "raise the bar" for its expectations for Board operation should it see the necessity.

Councilwoman Parella stated that she was of the opinion that training for board and commission members was generally lacking and that perhaps the League of Cities and Towns can be encouraged to provide training for its members.

Council Chairman Marshall asked if taxpayers may appeal their tax valuations annually with Tax Assessor Spagnolo explaining that appeals are accepted every year from August 15 until November 15.

4. Director of Community Development Williamson
- request for Executive Session pursuant to
RIGL 42-46-5(a) (5) Land Acquisition

It is hereby noted for the record that action on this docket item took place at the conclusion of the public agenda.

5. Council Chairman Marshall re Dog Pound

Barboza/Parella - Voted unanimously
to authorize the Town Administrator
to reimburse qualified expenses in

an amount up to \$1300 related to the medical treatment of a dog adopted by Michelle Paquette-Canning from the Bristol Animal Shelter and that such funds shall be deducted from the Animal Shelter's operating budget.

Prior to the vote taken, Town Administrator Mederos informed the Council that there is an ongoing investigation being undertaken by Police Chief Canario on this matter. She also noted that a full report will be available soon.

Councilman Herreshoff expressed concern that the animal in question was insufficiently examined upon its arrival at the Bristol Pound.

Town Administrator Mederos cautioned the Council to realize that there may be a broader set of information that will become available after the investigation is finalized.

Councilwoman Parella agreed that there appeared to be "a lot to this" and that she was surprised to learn that the Bristol Animal Shelter was accepting animals for adoption from out of state sources on a regular basis.

Councilwoman Parella also stated that at first glance it would appear unfair if the adopting family were required to bear the entire cost of the animal's medical treatment. She also stated that the Town's policy regarding such matters should be carefully reviewed.

Town Administrator Mederos stated that this instance appears to be perhaps the only one of its kind. She, again, suggested that the Council might withhold any action prior to the receipt of the report from Police Chief Canario.

Councilman Barboza stated that he had previously asked the Animal Control Officer if the Town had been receiving animals from other states and he was informed that this was not the case.

Council Chairman Marshall agreed with Councilman Barboza and stated that his knowledge of the inter-State adoption of animals at the Bristol Shelter was restricted only to national emergencies such as Hurricane Katrina.

Michelle Paquette-Canning of Warwick (address not given) informed the Council that she came to Bristol to adopt a dog since she had become aware through the internet that Bristol

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promoted a no-kill shelter and also that the Town recently passed a \$2 million bond issue for a grand new animal shelter.

Ms. Paquette-Canning expanded upon the information provided in her e-mail to Council Chairman Marshall and expressed concern that the Animal Control Supervisor was unresponsive and that this behavior was contrary to the advertisement of the Bristol Animal Shelter found on petfinder.com on the internet.

Ms. Paquette-Canning informed the Council that she plans to pursue the matter through her State legislators in order to have a statute preventing this type of problem. She also informed the Council that she is informed that the animal has a disease communicable to humans.

Councilman Barboza asked Ms. Paquette-Canning to identify her alleged expenses to date with Ms. Paquette-Canning stating that she had expended \$1300 on the dog.

Ms. Paquette-Canning also informed the Council that she was in contact with the officials from Arkansas and that they would like her to return the dog to them but that she refuses to do so since this would be traumatic to her children who have become fond of the animal.

Ms. Paquette-Canning informed the Council that she was concerned that the problem she has encountered may be "rampant."

Councilman Herreshoff stated that he was distressed by the "horrible story" and that he supported the idea that the Town should assure that the details are fully understood. He expressed the Council's gratitude that the information was brought forward.

Councilwoman Parella stated that she was pleased to learn that this matter had been added to this evening's agenda and she agreed that the matter should be pursued with a thorough investigation.

Police Chief Canario stated that he had "many questions" and he informed the Council that Deputy Chief Guercia was conducting an investigation. Police Chief Canario recommended that the Council should await any further action until the details of the investigation are known.

Councilwoman Parella stated that she would like to review the bills incurred as a result of this incident before

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authorizing any payment. Councilwoman Parella also stated that she was unaware of any circumstances when someone adopting a dog would be expected to pay \$1300 for medical bills.

Ms. Paquette-Canning informed the Council that she was advised by the officials in Arkansas that unwanted dogs are routinely shot. She attested that she did not shoot this dog and that bullet fragments were found in the dog's mouth by the veterinarian.

Councilman Cordeiro stated that any payments made by the Town to Ms. Paquette-Canning should be taken from the Animal Control budget.

Councilman Herreshoff suggested that no additional animals should be accepted from other states at the Bristol Shelter for adoption with Police Chief Canario informing the Council that he ordered that the practice will be ceased.

Councilwoman Parella explained the Council's motion to Ms. Paquette-Canning.

6. Council Chairman Marshall re State Energy Department January Application for grants for renewable energy projects

Cordeiro/Parella - Voted
unanimously to continue this matter
until the meeting of January 28,
2009.

Prior to the vote taken, Council Chairman Marshall noted that each citizen's electricity bill contains a "renewable energy surcharge" and that these funds collected are available for renewable energy projects.

Council Chairman Marshall stated that Rhode Island is included in the top 10 "green" states and that the lighting efficiencies proposal as noted above might be funded through these available revenues. He also suggested that the Town might mandate "greening" projects for its own buildings.

A discussion ensued regarding various wind turbine issues with Councilman Herreshoff explaining that he was in favor of solar-panel projects due to the concern for visual pollution brought about in the discussion regarding wind turbines.

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Council Chairman Marshall noted that an "ad hoc" committee, not sponsored by the Town Council, has been studying renewable energy projects on a regional basis.

7. Council Chairman Marshall re office space for Mt. Hope Enterprise Zone's Bristol hours

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

Prior to the vote taken, Council Chairman Marshall stated that the need to have Mr. Crisman in Town was of high priority in consideration of the downturn in the local business community. He suggested that Town Administrator Mederos might find suitable space for Mr. Crisman to have regular office hours in Bristol.

Councilman Barboza reported that Kathy Bazinet, Executive Director for the East Bay Community Development Corporation has agreed to provide space for Mr. Crisman's office free of charge in the Franklin Court complex.

Town Administrator Mederos stated that the Town will be making improvements to 9 Court Street and that offices might also become available in that building.

Council Chairman Marshall suggested that the Town may offer temporary space to the RI Department of Labor and Training during the high period of unemployment so as to serve local citizens.

Councilman Cordeiro asked to know why the Recreation Department remains in the Burnside Building and a discussion ensued regarding the future use of the building on Naomi Street.

Town Administrator Mederos informed the Council that she was aware of the urgency regarding the placement of Mr. Crisman's office and agreed to resolve same.

L. BILLS & EXPENDITURES

1. Bid #670 - Surplus Sale, 2002 Ford Crown Victoria

Late Item

- a. Gregory Raposa re bid submitted

Barboza/Herreshoff - Voted
unanimously to refer this

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matter to Town Administrator
Mederos to act in the best
interest of the Town

Prior to the vote taken, the Clerk read the bid received as follows:

Gregory Raposa of Bristol \$1,300

(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, December 31, 2008

P. PROCLAMATIONS & CITATIONS

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

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

1. Junk and Second Hand License Renewal Petition re James F. Dumas, d/b/a Jesse James Antiques, 44 State Street (granted December 17, 2008)
2. Warrant - Joseph Sylvia, Board of Tax Assessment Review
3. Warrant - Ayo Osimboni, Redevelopment Agency
4. Warrant - Stephen Barker, Redevelopment Agency
5. Warrant - Patrick J. Barosh, Conservation Commission
6. Warrant - Stanton D. Ose, Conservation Commission
7. Warrant - Halsey C. Herreshoff, Bristol Warren Regional Joint Finance Committee

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8. Warrant - David E. Barboza, Bristol Warren Regional Joint Finance Committee
9. Warrant - Kenneth A. Marshall, Bristol Warren Regional Joint Finance Committee
10. Warrant - Raymond Cordeiro, Bristol Warren Regional Joint Finance Committee
11. Warrant - Mary A. Parella, Bristol Warren Regional Joint Finance Committee
12. Warrant - N. Diane Davis, Juvenile Hearing Board
13. Council Clerk Cirillo to Edward P. Mara, Ed.D., Superintendent, Bristol Warren Regional School District re appointment of Town Council Members and Town Administrator Mederos to the Bristol Warren Regional Joint Finance Committee
14. Council Clerk Cirillo to Edward P. Mara, Ed.D., Superintendent, Bristol Warren Regional School District re removal of concrete pad and metal fencing at Byfield School

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

Prior to the vote taken, Councilman Cordeiro stated that this matter was resolved to his satisfaction based upon earlier discussion.

15. Council Clerk Cirillo to Stanley G. Dimock, Conservation Commission re thank for service
16. Council Clerk Cirillo to Robert W. McKenna, Juvenile Hearing Board re thank you for service
17. Warrant - Thomas Breslin, Conservation Commission
18. Warrant - Diane C. Mederos, Bristol Warren Regional Joint Finance Committee

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19. Recommendation - Police Chief re Junk and Second Hand License Renewals (granted December 17, 2008)

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

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

1. Personnel Board - January 13, 2009
2. Bristol Warren Regional School District - Schedule of Meetings, Week of December 22, 2008
3. Harbor Commission - January 5, 2009

S. TOWN SOLICITOR

Z. INDIVIDUAL COUNCIL MEMBERS AGENDA ITEMS

1. MARSHALL

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

b. Extraordinary Times - Council Chairman Marshall informed those present the Council will go forward with "serious fortitude" and that the members agree to work together for the benefit of the Town.

2. CORDEIRO

a. New Year's Eve - Councilman Cordeiro congratulated St. Elizabeth's parish for a successful New Year's Eve celebration.

b. Happy New Year - Councilman Cordeiro wished all present a Happy New Year and also asked that the Troops should be remembered.

3. PARELLA

a. Legislative Challenges - Councilwoman Parella informed those present that she was aware that the members of the General Assembly will be facing many challenges in the upcoming term and that she

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did not "envy" their position regarding the State's financial deficit.

b. Pooper Scooper - Councilwoman Parella explained that citizens are not abiding by the pooper scooper ordinance and that this is evident after a snowstorm. Councilman Barboza agreed with Councilwoman Parella and suggested that persons noting the infraction should call the police department and report those who are responsible.

4. BARBOZA

a. Happy New Year - Councilman Barboza wished those present a Happy New Year.

5. HERRESHOFF

a. Happy New Year - Councilman Herreshoff wished those present a Happy New Year.

b. 674 Hope Street Tree - Councilman Herreshoff noted a diseased tree in the vicinity of 674 Hope Street and suggested that Town Administrator Mederos might report this matter to the Tree Warden.

ZZ. TOWN ADMINISTRATOR AGENDA ITEM(S)

a. Thank Sen. Levesque - Town Administrator Mederos thanked Sen. Charles Levesque for his invitation to attend the swearing-in of the Legislature on Monday - recognizing the accomplishments of women state senators including former Senator (now Councilwoman) Parella. She also noted that Elizabeth "Betty" Crowley, a long-time City Clerk of Central Falls was inaugurated as a State Senator representing that community.

CITIZENS PUBLIC FORUM

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

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

There being no further business, upon a motion by Councilman Barboza seconded by Councilwoman Parella and voted unanimously, the Chairman declared this meeting to be adjourned at 10:50 o'clock PM.