

PRESENT: Marshall, Cordeiro, Parella, and Barboza

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

A2

ABSENT: Herreshoff

The Council met in regular session on Wednesday evening, January 28, 2009 in the Town Hall, Council Chambers beginning at 7:07 o'clock PM, Council Chairman Marshall presiding:

SPECIAL RECOGNITION:

Returning Troops from Operation Iraqi Freedom

Council Chairman Marshall presented Citations to the following individuals on behalf of the Town Council and Town Administrator Mederos:

First Sergeant Jeffrey Andrade
Sergeant Edward Guadalupe
Specialist Nicholas Costa
Specialist Garion Illum
Specialist Aaron Poisson
Specialist Justin Valenzuela
Private First Class Joshua Almeida

The Citations read as follows:

*State of Rhode Island and Providence Plantations
Town of Bristol
Citation
Awarded to*

N.

by the Town Council and Town Administrator

In deepest gratitude for his service to our Town and Nation in a harsh climate many miles from home in dangerous surroundings; for his many hours of noble sacrifice under extremely perilous circumstances; for his commitment to bring peace and freedom to the people of the Middle-East and the world; and in admiration for his stamina, bravery and endurance while assuring safety and security to his fellow townspeople and countrymen.

*In Witness whereof,
we have hereunto set
our hand and affixed
the Seal of the Town
of Bristol, Rhode
Island this 28th Day
of January, A.D. Two-
Thousand-Nine.*

*/s/ Diane C. Mederos, Town Administrator
/s/ Kenneth A. Marshall, Council Chairman
/s/ Raymond Cordeiro, Council Vice-chairman
/s/ Mary A. Parella, Councilwoman
/s/ David E. Barboza, Councilman
/s/ Halsey C. Herreshoff, Councilman
Attest: /s/ Louis P. Cirillo, CMC, Town Clerk*

Council Chairman Marshall stated that the Council wished to thank these individual citizens of Bristol for their efforts toward protecting the cause of freedom in the world on behalf of the Town.

State Senator Charles Levesque presented citations on behalf of the State Senate and State Representative Raymond E. Gallison, Jr. presented citations on behalf of the State House of Representatives.

Town Administrator Mederos explained that she was in attendance at a "Freedom Award" ceremony on January 11, 2009 when the entire battalion was welcomed home. She informed the Council that a Town flag, presented by the Town and flown over Iraq was returned to her for the Town to keep as a memento. She further noted that this flag will be displayed for the benefit of the public in the future.

Council Chairman Marshall stated that he was most pleased to have the military personnel present and also safe at home.

Also prior to the commencement of this evening's published agenda, Council Chairman Marshall again noted that these are extraordinary times and that the Town is particularly challenged but expressed assurance that the Town will "get through" the challenges. He encouraged those present to "pay attention to" their neighbors and also to be aware that the Town has resources available to help its citizens namely the volunteer corps and utility cost assistance.

Council Chairman Marshall also shared that the daily news can sometimes be grim but he offered encouragement that there will be forthcoming improvement.

Council Chairman Marshall also expressed concern that there appear to be fewer young people generally available to shovel snow for those who are unable to do so, this being the past practice in earlier years. He offered that those needing assistance in this area might call the Town Hall and that the Town might find a way to secure the services of volunteer students.

Council Chairman Marshall also drew attention to the Town's selection as one of the "Dozen Distinctive Destinations" by the National Trust for Historic Preservation. He added that the State of Rhode Island was also named a five (5) star destination. Council Chairman Marshall speculated that this recognition would be a boom to the Rhode Island economy's tourist trade.

Council Chairman Marshall also announced that the seventy-five (75) workers recently laid-off from Goetz Custom Boats were all recalled after the firm's business was reorganized by its receiver. Council Chairman Marshall noted that many of the firm's employees volunteered their labors since the layoff in order to help the business.

Councilman Barboza noted that the Town's videographer Mike Davis was celebrating his birthday this date. All present wished Mr. Davis a happy birthday.

Councilman Cordeiro commented that the recent snow storm related efforts of Public Works Director Serbst and his department should be recognized as a job well done. He offered his congratulations to the administration concerning same.

MOTION RE: CONSENT AGENDA - TO APPROVE THE CONSENT AGENDA

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

A. SUBMISSION OF MINUTES OF PREVIOUS MEETING(S)

1. Town Council Meeting - January 7, 2009

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

2. Town Council Special Meeting - January 20,
2009

Barboza/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. Zoning Board of Review - December 1, 2008
2. Board of (Fire) Engineers - January 5, 2009
3. Bristol Fire Department Rescue/Training
Headquarters Capital Project Committee -
October 28, 2008
4. Bristol Fire Department Rescue/Training
Headquarters Capital Project Committee -
November 17, 2008
5. Bristol Fire Department Rescue/Training
Headquarters Capital Project Committee -
December 2, 2008
6. Harbor Commission - January 4, 2009
7. Historic District Commission - December 4,
2008
8. Bristol County Water Authority/Board of
Directors - December 10, 2008
9. Bristol County Water Authority/Engineering
Committee - January 7, 2009
10. Bristol County Water Authority/Public
Relations/Personnel Committee - January 7,
2009
11. Bristol County Water Authority/Audit Finance
Committee - January 7, 2009
12. Planning Board, Organizational Meeting -
April 15, 2008
13. Planning Board, Special Meeting - July 31,
2008

14. Planning Board - November 18, 2008
15. Bristol Housing Authority - December 11, 2008

B. OLD BUSINESS

1. Town Solicitor Ursillo re Grace Waters, Inc.
(Aidan's Pub) Liquor License Appeal

Barboza/Cordeiro - Voted
unanimously to receive and place
this matter on file expressing
particular thanks to Town Solicitor
Ursillo.

Prior to the vote taken, Town Solicitor Ursillo explained that the matter had been resolved with both parties satisfied with the outcome.

2. Councilwoman Parella re Opportunities for
Tri-Town Collaboration Report, May 1992,
continued from December 17, 2008

Barboza/Cordeiro - Voted
unanimously to continue this matter
until the special meeting of
February 21, 2009 for further
review at the meeting to be held on
February 25, 2009; to provide
copies of the Report to the Town
Councils of Barrington and Warren
and also to the office of His
Excellency Governor Carcieri along
with an executive summary and
explanation of the major points of
the report.

Prior to the vote taken, Councilwoman Parella explained that this report was the result of a 1992 University of Rhode Island (URI) student project that was undertaken at her request. She further explained that the student participants were graduate-level members of the now-defunct URI Planning School.

Councilwoman Parella also informed the Council that she recalled that the towns of Bristol, Barrington and Warren all contributed funds for the study. She also informed the Council that the State was facing some financial problems due to the infamous "state banking crisis" and that these

fiscal problems were remarkably similar to those of current concern.

Councilwoman Parella stated that upon her reexamination of the report she discovered some ideas and examples of collaboration efficiencies that might be undertaken by the three towns. She also explained that these steps would likely be considered less drastic than those calling for broad-based regionalization within the State.

Councilwoman Parella concluded that the towns might be encouraged to share a particularly expensive piece of heavy equipment or specialty resource.

Town Administrator Mederos informed the Council that Planning Department personnel have reviewed the report and found its basic concepts to contain "good ideas."

Council Chairman Marshall suggested that the Public Policy Institute at Roger Williams University might benefit from the report.

Councilwoman Parella suggested that a copy of the report might be forwarded to Governor Carcieri so that he might consider implementation of some of its cost-saving ideas.

Councilwoman Parella also suggested that the Town might consider retaining a graduate student to "go through the report (on behalf of the Council) and put a small project together."

A discussion ensued regarding further distribution of the report with the Council in agreement that the report should be redistributed to the Town Councils of Warren and Barrington along with a summary of its contents as prepared by Councilwoman Parella and the Clerk.

3. Intoxicating Beverage License Review re Lobster Pot and Custom Catering, **continued from January 7, 2009**
 - a. Council Clerk Cirillo to Jeffrey Hirsch, d/b/a The Lobster Pot, Inc. re renewal of Class B Victualer Alcoholic Beverage License
 1. Jeffrey Hirsch, Lobster Pot, Inc. re plan to update fire protection system

Parella/Barboza - Voted unanimously to extend the granting of the Alcoholic Beverage license held by The Lobster Pot for review until May 13, 2009.

Prior to the vote taken, Council Chairman Marshall stated that he was aware that there have been ongoing discussions between Fire Chief Martin and Mr. Hirsh concerning this matter and that he expects the entire matter will be resolved in the spring.

Fire Chief Martin stated that he was in contact with Mr. Hirsh and was in the possession of a letter from Clem's Electric indicating that firm's participation toward installing the equipment necessary for compliance to the fire laws.

Fire Chief Martin informed the Council that he considered the letter from Clem's Electric evidence of a bona-fide plan of action and that he was confident the matter would be resolved.

Councilwoman Parella asked Mr. Hirsh as to when he anticipated the work would be completed to the satisfaction of Fire Chief Martin with Mr. Hirsh responding that he foresaw a conclusion during the month of May.

- b. Council Clerk Cirillo to Edward G. Turnbull, Custom Catering, Inc., d/b/a 195 Franklin Street re renewal of Class B Victualer Alcoholic Beverage License

Barboza/Parella -Voted unanimously to grant this license for a full term 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, Fire Chief Martin noted that Custom Catering also retained Clem's Electric, that he was satisfied with the action taken by the licensee, and that the newly installed devices were slated for testing by his office. Based upon this action the Chief recommended that the restrictions placed earlier upon this license should be waived and that said license should be granted for a full term.

TOWN COUNCIL MEETING - WEDNESDAY EVENING - JANUARY 28, 2009

4. Edward P. Mara, Ed.D., Superintendent, Bristol Warren Regional School District re decommissioning Byfield and Reynolds Schools, **continued from January 7, 2009**
 - a. Town Solicitor Ursillo to Bristol Warren (Regional) School Committee re postponement of the return of John Post Reynolds School

Cordeiro/Parella - Voted unanimously to continue this matter until the meeting of February 25, 2009.

Prior to the vote taken, Town Solicitor Ursillo reported that he did not yet receive a response to his letter.

5. Bristol County Court House/State House Meeting Room, **continued from January 7, 2009**

Cordeiro/Barboza - Voted unanimously to continue this matter until the meeting of February 25, 2009.

Prior to the vote taken, Town Solicitor Ursillo explained that he was in contact with the Board of Directors of the Statehouse Foundation and that the matter was nearly resolved. He suggested a continuance until the next meeting.

6. Council Chairman Marshall re St. Mary's Cemetery drainage line, **continued from January 7, 2009**

It is hereby noted for the record that Councilman Barboza renewed his recusal concerning this matter, excused himself from the Council table and participated in neither the discussion nor the vote following.

Cordeiro/Parella - Voted to approve the expenditure as proposed by Caputo and Wick in the amount of \$16,500 for design and an additional \$1000 for surveying and to instruct the Treasurer to recommend a source of funding.

TOWN COUNCIL MEETING - WEDNESDAY EVENING - JANUARY 28, 2009

Prior to the vote taken, Town Administrator Mederos informed the Council that Public Works Director Serbst discussed this matter with Kevin McBride of Caputo and Wick who estimates the cost of design at \$16,500 with an additional \$1,000 required to complete a land survey. She further stated that the project would require the Town Council to appropriate funds to cover the cost of same.

Council Chairman Marshall stated that he was of the opinion that the problem experienced in the cemetery constituted an emergency and suggested that the design work should begin immediately. He asked if there were budgeted funds available for drainage projects with Town Administrator Mederos responding that the capital project bond contains drainage funds.

Council Chairman Marshall asked if this project was submitted as part of the stimulus package with Town Administrator Mederos responding affirmatively.

Council Chairman Marshall also commented that Seraphin DaPonte was very familiar with the issues relating to this matter and that his input would be of great value. Council Chairman Marshall also informed Town Administrator Mederos that he (Council Chairman Marshall) would like to be kept "in the loop."

Town Administrator Mederos informed the Council that she was in contact with the younger Mr. DaPonte concerning this matter.

7. Councilman Herreshoff re future Revaluations,
continued from January 7, 2009

Cordeiro/Barboza - Voted
unanimously to continue this matter
until the meeting of February 25,
2009.

Prior to the vote taken, Council Chairman Marshall informed the Council that he reviewed the memorandum as submitted by Councilman Herreshoff and that the Councilman poses some "good items and some requiring further study." He suggested that the matter might be continued until Councilman Herreshoff is present to discuss same.

8. Council Chairman Marshall re State Energy
Department January Application for grants for

renewable energy projects, continued from
January 7, 2009

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

Prior to the vote taken, Council Chairman Marshall suggested that this matter should be discussed concurrently with item B9 below.

Council Chairman Marshall noted that State energy grants were available for electrical efficiencies and he was interested to hear all matters relating to same.

Mr. Wolff informed the Council that he was involved with a company that is manufacturing high-efficiency light emitting diode (LED) light bulbs in China and that he was marketing these in the United States to commercial accounts.

Mr. Wolff also informed the Council that his company is based in Hong Kong with warehouses in California and that lower costs of transportation precipitated by the lowering of the price of fuel oil may allow more cost effective transportation of his products to Rhode Island. He also stated that he may consider finding warehouse space in Bristol in the future.

Mr. Wolff also informed the Council that LED lighting "is not an exact science" but explained that these lighting devices appear to operate on much lower amounts of energy than which is consumed by incandescent and traditional fluorescent light bulbs.

Mr. Wolff also provided demonstrations of some of his products and relayed that these have a much longer service life expectancy than traditional light bulbs. He informed the Council that these light bulbs can be substituted one-for-one into existing light fixtures and also, fluorescent fixtures using the LED light bulbs do not require ballasts or starters in order to function.

Mr. Wolff provided several examples of the wattage difference between the conventional bulbs and the LED variety. He also stated that the payback for investment in the new bulbs would probably occur within eight (8) months.

Councilman Cordeiro asked to know if Mr. Wolff produces LED light bulbs for street lights with Mr. Wolff responding that these have not yet received the approval of the

Underwriters' Laboratories (UL) but that this would be forthcoming.

Mr. Wolff agreed to provide bulb samples for the Town's evaluation. It was suggested that the Town might become a beta site for testing and that Mr. Wolff's company may wish to use it for a showcase.

Mr. Wolff informed the Council that all of the products illustrated are "commercial" and that these would not likely appear in Home Depot or Lowe's for three (3) to four (4) years.

Mr. Wolff also informed the Council that manufacturing appears to be limited to China and only four (4) companies produce this type of bulb.

Councilman Barboza stated that his current at-home electric bill provided "sticker shock" with the group discussing the inordinate increases in electrical rates allowed by the Public Utilities Commission (PUC). Mr. Wolff noted that the electrical rates in Rhode Island are among the highest in the United States and that electrical rates in nearby Taunton are one third of those in Rhode Island. He called the dichotomy "a disgrace."

Council Chairman Marshall suggested that a light-bulb retrofit might qualify for an Energy Grant and that Barrington and Warren may also be interested in a collaborative program.

9. Councilman Herreshoff re lighting efficiencies

It is hereby noted for the record that this matter was discussed and voted upon in combination with item B8 above.

10. Council Clerk Cirillo re Town Charter Amendment Schedule

Barboza/Parella - Voted unanimously to continue to advertise for candidates for the position of Charter Review Commission with the goal of making the final appointments on or before April 22, 2009.

Prior to the vote taken, a discussion ensued regarding the schedule as prepared by the Clerk with the Clerk reminding

the Council that the specified dates were the inflexible deadlines but that all milestones could be reached sooner should the Council so choose.

Additional discussion ensued regarding the acceptance of applications and the continuance of advertising for candidates with the Clerk reporting that the effectiveness of the legal advertisements was somewhat limited. He suggested that the Council might "beat the bushes" to attract its preferred candidates.

The Council agreed that the end of the formal application period should be April 1, 2009 with the Council making its determination on or before April 22, 2009.

BB. SPECIAL /STATUS REPORTS

1. Mount Hope Enterprise Zone Council - Summary of Accomplishments, December 2008

Barboza/Cordeiro - Voted unanimously to receive and place this matter on file providing a copy of this report to the Economic Development Commission.

Prior to the vote taken, Councilman Cordeiro suggested that Alan Crisman should be invited to attend all Economic Development Commission meetings.

Andrew Tyska, a member of the Economic Development Commission asked to receive a copy of the reports provided by the Enterprise Zone with Council Chairman Marshall in agreement in that he did not wish either group to "reinvent the wheel."

Town Administrator Mederos noted for the record that Mr. Crisman was appointed ex-officio of the Economic Development Commission.

Council Chairman Marshall stated that a working between the Enterprise Zone and the Economic Development Commission was essential and that he did not want a situation where the "right hand doesn't know what the left hand is doing."

The Clerk agreed to make all documents available to whomever wishes to have same.

C. PUBLIC HEARINGS

1. Andrew Tyska, Managing Member, Rholenty, LLC, 99 Poppasquash Road - request for zone change of 381 Metacom Avenue, Plat 46, Lot 10 from GB (General Business) with conditions to GB (General Business)

- a. Recommendation - Planning Board

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

Barboza/Cordeiro - Voted unanimously to grant this zone change from GB (General Business) with conditions to GB (General Business) in consideration of and incorporating the recommendation of the Planning Board as follows: Subject to the existing curb cut on Metacom Avenue to be a right turn (southbound) exit only and not an entrance; and also based upon its finding of fact that the change is consistent with the 2008 Comprehensive Plan and the general purposes of zoning and further that this action shall be forever recorded in the Land Evidence of the Town of Bristol.

Prior to the vote taken, Council Chairman Marshall opened the Public Hearing.

Speaking in favor of the zone change was Mr. Tyska, the petitioner, who informed the Council that he was agreeable to the Planning Board recommendation.

Mr. Tyska explained that he and his attorney were available to answer the Council's questions, if any.

Council Chairman Marshall asked if this matter was considered in light of its location within the Metacom Avenue Corridor and was it consistent with the long range plan for Metacom Avenue.

Ed Tanner, speaking on behalf of the Planning Department, informed the Council that the matter was discussed in consideration of the Metacom Avenue Corridor and that the Metacom Avenue Corridor recommends a new mixed-use zone this

not yet being implemented. He further stated that the new zone will be part of the Comprehensive Amendment.

Mr. Tanner noted that the Planning Board considered this GB change to be a "good fit" with the businesses already present in the area and that any new development must conform to the Metacom Avenue Zone.

Mr. Tyska noted that one of the goals of the Corridor is to limit curb cuts; this recommendation fulfilling that goal.

There was no further remonstrance in favor or in opposition to the petition.

2. Principal Planner Tanner re On-Site Wastewater Management Plan (attached)

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

Barboza/Parella - Voted unanimously to adopt the Plan as prepared and presented.

Prior to the vote taken, Council Chairman Marshall opened the Public Hearing.

Speaking in favor of the adoption of the Plan was Ed Tanner, representing the Planning Department. Mr. Tanner informed the Council that this plan was developed with grant funding from the State Department of Environmental Management (DEM) and that it is intended to serve properties not serviced by the Town's sewer system.

He stated that the Plan will help the Water Pollution Control Department manage septic system issues and further recommends a septic system ordinance that will be forthcoming from Water Pollution Control Superintendent Calderiso.

If the Plan and Ordinance are adopted, residents will reap the benefit of the availability of State Revolving Fund (SRF) low-interest loans for wastewater system repairs.

Mr. Tanner explained that Water Pollution Control Superintendent Calderiso's office will administer the program and send brochures outlining its features to the property owners.

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Water Pollution Control Superintendent Calderiso stated that he was pleased that the Town would be able to offer an added benefit to taxpayers.

Councilwoman Parella stated that the plan appeared to be of significant benefit, she congratulated those who prepared same.

Councilman Barboza noted that the plan should also help the Town with its relationship with the DEM.

Town Solicitor Ursillo explained that this Plan was not unlike some in place in other communities.

Council Chairman Marshall asked that a copy of this Plan should be forwarded to the Public Policy Institute with Town Administrator Mederos agreeing to do so.

There was no further remonstrance presented in favor or in opposition to the proposal.

D. ORDINANCES

1. 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 January 7, 2009)**

- a. Director of Community Williamson re proposed Ordinance "Vertical Clearance of Basement Floors" (request to table)

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

2. Ordinance 2009-01, CHAPTER 8, Boats, Docks and Waterways, Article I, In General, Section 8-3 through 8-4, Article II, Harbor Regulations, Section 8-49 through 8-69, **1st reading**

Cordeiro/Barboza - Voted
unanimously to consider this action
to constitute the first reading of
Ordinance #2009-01. Advertise in
local newspaper.

(CA) E. BUDGET ADJUSTMENTS

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

(CA) F. APPOINTMENTS

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

1. Public Service Appointments

- a. Board of Canvassers (to fill unexpired term to expire March, 2010), **continued from January 7, 2009**

Late Item

1. John E. Faria, Chairman, Democratic Town Committee re recommendation - Charles Alexandre, 23 Cottage Street

Council Chairman Marshall called for nominations:

Councilman Cordeiro nominated Mr. Alexandre for appointment.

Councilwoman Parella nominated Ms. Breslin for appointment.

Cordeiro/Barboza - Voted unanimously to close nominations.

Voting in favor of Mr. Alexandre were Councilmen Marshall, Cordeiro and Barboza.

Voting in favor of Ms. Breslin was Councilwoman Parella.

Council Chairman Marshall declared that Mr. Alexandre was duly appointed with his term to begin at the conclusion of his term as a member of the Zoning Board of Review and said (Board of Canvassers) term to expire in March, 2010.

Prior to the vote taken, it was noted that Mr. Alexandre currently serves as a member of the Zoning Board of Review. The Clerk informed the Council that he is in receipt of a letter from Mr. Alexandre indicating that he (Mr. Alexandre) does not wish to seek reappointment as a member of the Zoning Board of Review.

Council Chairman Marshall asked to know if Mr. Alexandre might be appointed with his term to begin after his term on the Zoning Board of Review expires with Town Solicitor Ursillo responding affirmatively.

After the votes taken, Councilwoman Parella stated that she was certain that Mr. Alexandre would make an excellent member of the Board of Canvassers.

b. Bristol County Water Authority

1. Council Clerk Cirillo re Ian Morrison - resignation

Parella/Barboza - Voted unanimously to accept the resignation of Mr. Morrison with regret and to instruct the Clerk to send a letter of thanks to Mr. Morrison in consideration of his years of service and to advertise the vacancy.

After the vote taken, Councilwoman Parella suggested that the next appointee should have a specific interest in controlling water rates. She also stated that she also hoped that the Council would attract candidates with "good common sense"

The Clerk noted that the enabling legislation requires that all Authority directors from the individual town may not be affiliated with the same political party. He further noted that both Director Rego and Director Sylvia are affiliated with the Democrat Party hence the new director may not be affiliated with the Democrat Party.

c. Conservation Commission

1. Council Clerk Cirillo re Thomas G. Breslin, M.D. - declining appointment

Cordeiro/Barboza - Voted unanimously to receive and place this matter on file. Re-advertise in local newspaper

Prior to the vote taken, the Clerk informed the Council that the Town Charter precludes dual office holding for members of the Conservation Commission hence Dr. Breslin is not qualified to sit as a member of this board since he already serves on the Harbor Commission.

d. Charter Review Commission

1. Thomas G. Breslin, M.D., 7 Dana Road - interest/appointment
2. Lee Turicchi, 131 Bradford Street - interest/appointment
3. Alfred R. Rego, Jr., Esq., 443 Hope Street - interest/appointment

Cordeiro/Barboza - Voted unanimously to add the above to the list of interviewees.

- e. Mark Sales, Esq., 14 Chestnut Street, Johnston re declining appointment, First Associate Municipal Court Judge

Late Item

1. Jane F. Howlett, Esq., 674 Hope Street re interest/appointment, Associate Municipal Court Judge
Barboza/Parella - Voted unanimously to send a letter of thanks for service to Judge Sales.

Council Chairman Marshall stated that nominations were in order so that the Council will appoint a successor to Judge Sales.

Councilman Barboza nominated Jane F. Howlett to serve for the ensuing term.

There were no counter nominations.

Barboza/Parella - Voted unanimously to close nominations and to instruct the Clerk to cast one ballot in favor of Judge Howlett to serve for the remainder of the ensuing term.

- f. Auxiliary Harbor Master (term to expire January, 2010)
 1. Scott D. Marino, 131 Mulberry Road - interest/appointment

Councilman Cordeiro nominated Mr. Marino for appointment.

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. Marino,
term to expire in January 2010.

- g. Personnel Board (term to expire
December, 2012)
 - 1. Michael J. Cabral, 7 Ursula Drive -
interest/appointment

Councilman Cordeiro nominated Mr. Cabral for appointment.

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 in December, 2012.

- h. Mount Hope Trust in Bristol - Board of
Trustees (must be Council Member)

Councilwoman Parella nominated Councilman Barboza for
reappointment.

There were no counter nominations.

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

- (CA) 2. Public Service Appointments for February

G. LICENSING BOARD - NEW PETITIONS

(For action items concerning the Alcoholic Beverage licenses
of The Lobster Pot and Custom Catering see item B3 above)

- 1. William E. Hill for Bristol County Elks Lodge
#1860, 1 Constitution Street - request for
One-Day Dancing and Entertainment License,
February 14, 2009

- 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.

2. Madeline Grimo for Our Lady of Mt. Carmel Church/Feast Committee, 141 State Street - request for One-Day Dancing and Entertainment License, July 17, 18 & 19, 2009 (event to be held on Town Common)

- a. Rev. Henry P. Zinno, Jr., Pastor, Our Lady of Mt. Carmel Church re use of Town Common for Church Feast

- b. Recommendation - Director of Parks and Recreation

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 with the added stipulation that all groups and agencies using the Town parks for special events must provide a refundable damage/security deposit of \$500 to the custody of the Department of Parks and Recreation.

Prior to the vote taken, Recreation Director Burke noted that certain events have resulted in damage to Town parks.

Councilman Barboza stated that it would be reasonable to obtain a security deposit from all groups and agencies using Town parks for special events since the Town should not pay to repair damages caused by same.

3. David P. Cioe for Bristol County Elks Lodge #1860, 1 Constitution Street - request for One-Day Dancing and Entertainment License, March 8, 2009

Late Item

- a. 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.

H. LICENSING BOARD - RENEWALS

(CA) I. UTILITY PETITIONS

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

- 1. DPW - Road Cut Permits

J. PETITIONS - OTHER

- 1. Madeline Grimo for Our Lady of Mt. Carmel Church/Feast Committee, 141 State Street - request use of Town Common for "Touch a Truck" event, September 19, 2009 (rain date September 26, 2009)

- a. Rev. Henry P. Zinno, Jr., Pastor, Our Lady of Mt. Carmel Church re use of Town Common for "Touch a Truck" event
- b. 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 with the added stipulation that this matter will be subject to the Council's requirement of a \$500 security/damage deposit.

Prior to the vote taken, Councilwoman Parella noted that the damage (tire ruts and mud) caused by illegal parking upon the Town Common appears to continue with Town Administrator

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Mederos informing the Council that she has not yet met with the local churches regarding this matter but plans to do so.

2. Herbert W. Cummings, 11 West Harbor Road re claim for property damage

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

3. Patricia Benevides, d/b/a Trinity & Co., 346 Wood Street for William Silvia (property owner) - request to replace existing awning

Late Item

- a. Recommendation - Police Chief

Cordeiro/Barboza - Voted unanimously to grant this request based upon the recommendations received and subject to conformance to all laws and ordinances and payment of all fees, levies and taxes and also that said permission is subject to the petitioner's maintaining a certificate of insurance with the Town as additional named insured.

4. Bradford deWolf, 85 Gibson Road re claim for property damage

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

5. Henry Sousa, 147 Bay Spring Avenue #207, Barrington - request consideration to grant local pension for 35 years of service on the Board of Canvassers

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

Prior to the vote taken, Councilman Cordeiro stated that the conditions of the economy preclude the Council's consideration of an additional expense.

6. Rev. Daniel B. Randall, Senior Minister, First Congregational Church (Food

Pantry/Thrift Store), Franklin Court, 150 Franklin Street - request for Junk and Second Hand Dealer's License, **call for Public Hearing on February 25, 2009**

- a. Recommendation - Town Administrator Mederos and Police Chief

Barboza/Cordeiro - Voted unanimously to set a public hearing considering this matter for Wednesday, February 25, 2009 at the Town Council meeting.

7. Rev. Daniel B. Randall, Senior Minister, First Congregational Church - request fees be waived re Junk and Second Hand Dealer's License, certified mailing costs, and Zoning Variance Application

Cordeiro/Barboza - Voted unanimously to waive the fees for the license (if granted) and the Zoning Variance Application.

Prior to the vote taken, Town Solicitor Ursillo reminded the Council that the certified mailing costs and advertising costs were essentially reimbursement for direct fees paid to the Post Office and newspaper. He further explained that the waiver of the Town's fees, only, would constitute a "good compromise" to the petitioner's request.

8. Steven E. Skuba, Secretary, Monument Committee, Bristol Veterans Council - request permission to place monument honoring members of United State Coast Guard on southeast corner at the intersection of Thames and Constitution Streets

Barboza/Cordeiro - Voted unanimously to grant this petition based upon the receipt of a positive recommendation from the Town Administrator, allowing the Administrator to substitute another location at that corner if necessary.

Prior to the vote taken, Town Administrator Mederos stated that the proposed monument was most appropriate particularly

since its location will be nearby the Coast Guard depot. She did, however, express caution that the location should be examined by the various department heads so as to review any safety or other concerns since this had not yet been done.

K. OTHER NEW BUSINESS REQUIRING TOWN COUNCIL ACTION

1. (Bond Counsel) re Borrowing Resolutions

Barboza/Parella - Voted unanimously to adopt these resolutions as prepared and presented.

2. Diana Campbell re invitation to Voices for Bristol Forum, March 3, 2009

Parella/Barboza - Voted unanimously to provide information regarding the collaboration study of 1992 to Ms. Campbell.

Prior to the vote taken, Ms. Campbell informed the Council of the forum to be held on March 3, 2009 at the Colt Memorial School Auditorium with Director of Community Development Williamson speaking on the subject of the Comprehensive Plan.

Ms. Campbell also informed the Council that many volunteers who participated in the "Voices" program also participated in the Comprehensive Plan update.

Ms. Campbell also extended an invitation to the various department heads.

Councilwoman Parella suggested that the "Voices" group might have volunteers willing to examine the collaboration study and suggest implementation ideas. The Clerk agreed to provide information to Ms. Campbell regarding same.

3. Town Treasurer Day re Recycling Truck purchase

Cordeiro/Parella - Voted unanimously to continue this matter until the meeting of February 25, 2009.

Prior to the vote taken, Council Chairman Marshall asked if the Council considered applying for a grant for this purchase.

Councilman Barboza asked to know if Public Works Director Serbst was involved with this matter with Town Treasurer Day responding that the proposals attached were sent to Public Works Director Serbst.

Council Chairman Marshall asked to know if the matter must be resolved immediately or if the Council could have more time to consider the matter with Town Administrator Mederos responding that the need to replace the current truck was apparent.

Councilwoman Parella asked to know if this proposal was to be considered prior to the beginning of the next fiscal year with Town Administrator Mederos responding that the current truck is in "rough shape" and that she was not certain that it would continue to be serviceable.

Council Chairman Marshall noted that the Town is considering an increase in its recycling program and that the planned truck may not be of sufficient size to accommodate same. He suggested that the matter might be continued until the next meeting so as to provide the Council the opportunity to do its due-diligence on the matter.

4. Council Clerk Cirillo re Draft Budget Workshop Schedule 2009-2010

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

5. Town Administrator Mederos and Town Treasurer Day re Governor's budget proposals

Barboza/Cordeiro - Voted
unanimously to receive and place
this matter on file and to send a
letter to the Governor and local
General Assembly delegation
concerning this matter.

Prior to the vote taken, the Council asked to know if Town Administrator Mederos could identify the number of persons who might be taking early retirement with Town Administrator Mederos responding that she believes there may be five (5) persons but that the information was tentative.

TOWN COUNCIL MEETING - WEDNESDAY EVENING - JANUARY 28, 2009

Town Administrator Mederos informed the Council that the meeting with the General Assembly will be very important in consideration of the State's budgetary problem and its impact upon the cities and towns.

A discussion ensued regarding the proposed revenue sharing cut with the Council in agreement that a phased-in revenue reduction would be less troublesome than an immediate elimination of revenue sharing to the Town.

Councilwoman Parella suggested that the Town might send a letter to the local General Assembly delegation to echo the sentiments expressed in the Town Administrator's memorandum.

Councilwoman Parella also stated that she understood that the General Assembly was considering a measure to "make whole" the school districts with these groups getting sufficient funds to cover their deficits.

Town Administrator Mederos informed the Council that the problem appeared to be "massive."

Councilwoman Parella asked Town Administrator Mederos if she was considering the Town's finances based upon no receipt of State funding with Town Administrator Mederos responding "not yet" since the final decision rests with the General Assembly and she is waiting for the legislature to rule on the matter.

Councilwoman Parella expressed concern that the uncertainty regarding revenue sharing is in its second year although last year's reduction was limited to the fourth quarter.

Responding to questions posed by the Council, Town Administrator Mederos informed the Council that she supposes that the Governor will not include revenue sharing in next year's budget. She did, however, remind the Council that the responsibility of State budget adoption rests with the General Assembly and that she was awaiting a final answer regarding revenue sharing to the various cities and towns from the General Assembly.

Councilwoman Parella stated that it was "unfair" to consider all of the various cities and towns as inefficient since this label was certainly untrue concerning Bristol. She also suggested that the State should look to certain municipalities for budget advice since some of these are more successful than the State itself.

6. Director of Community Development Williamson re Federal Economy Stimulus Package plan for Town of Bristol

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

Prior to the vote taken Town Administrator Mederos noted that the Town was submitting, through the State Department of Administration, a comprehensive list of projects "ready to go" this totaling \$68,111,700.

Town Administrator Mederos credited Director of Community Development Williamson for completing the list prior to the deadline and submitting same to the State.

Council members observed that the list appeared complete and with priorities.

Councilwoman Parella commented that the list also provides the Council with a "good checklist" for anticipated capital improvements and also provides a "good status report" on same.

Council Chairman Marshall read the list aloud; including a brief description of the following projects:

- Tanyard Brook Drainage
- Repair Historic Armory (Community Center)
- Bristol Industrial Park Revitalization
- Town Wide Utility Efficiency (Improvements)
- Wastewater Treatment Upgrade
- Town wide Drainage
- Rehabilitation of 9 Court Street
- Rehabilitation of Byfield School
- Fire Headquarters, EOC, Rescue
- State Street Dock Improvements
- Rehabilitation of Walley School
- Silver Creek Restoration
- Poppasquash Road Seawall, Repaving
- Waste water storage
- Hope Street Sidewalks
- Mosaico sidewalk and park upgrade
- Mt Hope Pump Station
- Sewer System Repairs

- Town Beach Parking
- Town Beach Recreation
- Rockwell Park Waterfront
- Independence Park Improvements
- Animal Shelter
- Concert Band Shell

Town Administrator Mederos congratulated Director of Community Development Williamson for a job well-done.

7. Town Administrator Mederos re Business Brochure

Barboza /Parella - Voted unanimously to receive and place this matter on file with thanks to the Planning Department.

Prior to the vote taken, Town Administrator Mederos noted that this brochure was prepared by the Planning Department based upon an idea that surfaced during the "Voices" forum.

She also noted that there was great interest in the brochure by members of the public.

8. Fire Chief Martin to Town Administrator Mederos re proposed Fire Department purchases

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

Prior to and after the vote taken, Councilman Cordeiro noted for the record that the proposal, as noted by Fire Chief Martin, will not impact the Tax Rate.

L. BILLS & EXPENDITURES

1. Town Treasurer Day re Intradepartment Line Item Transfer Request

Barboza/Cordeiro - Voted unanimously to approve this transfer of funds.

Prior to the vote taken, Councilwoman Parella asked to know what these funds will be used for with Council Chairman Marshall informing the Council that the transfer will pay for the new Town Beach parking lot.

TOWN COUNCIL MEETING - WEDNESDAY EVENING - JANUARY 28, 2009

(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 - Monthly/Quarterly Report Fiscal Year Ending December 31, 2008
2. Town Treasurer Day - Revenue and Expenditure Statement, January 22, 2009

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 Dealer's License Renewal Petition re John White, d/b/a Center Chimney, 39 State Street (granted December 17, 2008)
2. Class F Intoxicating Beverage License - St. Elizabeth's Church/Holy Trinity, January 31, 2009
3. Warrant - Andrew Tyska, Economic Development Commission
4. Warrant - Thomas G. Breslin, M.D., CRMC Alternate Subcommittee
5. Warrant - Manuel N. Cotta, Bristol Housing Authority
6. Warrant - Lorraine Magee, Board of Tenants' Affairs
7. Warrant - Rita P. Ayres-Gaulin, Board of Tenants' Affairs
8. Warrant - Joseph Cabral, Harbor Master
9. Warrant - Matthew J. Cabral, Assistant Harbor Master

TOWN COUNCIL MEETING - WEDNESDAY EVENING - JANUARY 28, 2009

10. Warrant - David A. Sartrys, Assistant Harbor Master
11. Warrant - Nathan M. Gallison, Assistant Harbor Master
12. Warrant - Charles A. Lombardo, Assistant Harbor Master
13. Warrant - Aristotle Gatos, Assistant Harbor Master
14. Warrant - Alan D. Leach, Auxiliary Harbor Master
15. Warrant - Arthur M. Franco, Auxiliary Harbor Master
16. Warrant - George Gatos, Auxiliary Harbor Master
17. Warrant - Thomas Carroll, Substance Abuse Prevention Task Force
18. Warrant - Sara Simmons, Substance Abuse Prevention Task Force
19. Warrant - Warren Rensehausen, Substance Abuse Prevention Task Force
20. Warrant - Victoria White, Substance Abuse Prevention Task Force
21. Warrant - Steven E. Johnson, Waypoysset Trust
22. Warrant - Samuel Kinder, Tree Warden
23. Warrant - Howard P. Brelsford, North and East Burial Grounds Commission
24. Warrants - Special Constables/Fire Police 2009
25. Town Administrator Mederos to Gregory Raposa re award of Bid #670 - Surplus Sale, 2002 Crown Victoria
26. Warrant - Joseph DeMelo, Jr., Personnel Board

TOWN COUNCIL MEETING - WEDNESDAY EVENING - JANUARY 28, 2009

27. Warrant - Lindsay Green, Open Space Committee
28. Warrant - Jennifer Astrella, Substance Abuse Prevention Task Force
29. Warrant - Scott Brum, Juvenile Hearing Board
30. Warrant - Owen E. Trainor, III, Conservation Commission
31. Warrant - Maria Ursini, Substance Abuse Prevention Task Force
32. Environmental News in New England for Municipal Leaders, Winter 2009
33. Coastal Resources Management Council Newsletter, Fall 2008
34. Council Clerk Cirillo to Sen. Jack Reed, et al re Economic Stimulus
 - a. Resolution re Economic Stimulus

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

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

1. Historic District Commission - Meeting Schedule for 2009
2. Conservation Commission - Meeting Schedule for 2009
3. Municipal Court - Meeting Schedule for 2009
4. Fourth of July Committee - Meeting Schedule for 2009
5. Zoning Board - Meeting Schedule for 2009
6. Planning Board - Meeting Schedule for 2009
7. Harbor Commission - Meeting Schedule for 2009
8. Redevelopment Agency - Meeting Schedule for 2009

TOWN COUNCIL MEETING - WEDNESDAY EVENING - JANUARY 28, 2009

9. Downtown Public Building Blue Ribbon Committee - Meeting Schedule for 2009
10. Economic Development Commission - Meeting Schedule for 2009
11. Bristol Housing Authority - Meeting Schedule for 2009
12. North and East Burial Grounds Commission - Meeting Schedule for 2009
13. Bristol Warren Regional School Committee - Meeting Schedule for 2009
14. Bristol Warren Regional School Committee Policy/Community Affairs Subcommittee - January 5, 2009
15. Bristol County Water Authority/Audit Finance Committee - January 7, 2009
16. Bristol County Water Authority/Public Relations/Personnel Committee - January 7, 2009
17. Bristol County Water Authority/Engineering Committee - January 7, 2009
18. Bristol County Water Authority/Board of Directors - January 14, 2009
19. Coastal Resources Management Council - January 2009 Calendar
20. Coastal Resources Management Council - (Amended) January 2009 Calendar
21. Coastal Resources Management Council - January 13, 2009
22. Bristol Warren Regional School Committee - January 12, 2009
23. Bristol Warren Regional School District - Schedule of Meetings, Week of January 12, 2009
24. Bristol Warren Regional School Committee

TOWN COUNCIL MEETING - WEDNESDAY EVENING - JANUARY 28, 2009

- Budget/Facilities Subcommittee - January 20, 2009
- 25. (Bristol Warren Regional School Committee) Bond Project Building Committee - January 22, 2009
- 26. Bristol County Water Authority - February 2009 Meetings
- 27. Redevelopment Agency - January 22, 2009
- 28. Downtown Public Building Blue Ribbon Task Force - January 22, 2009
- 29. North and East Burial Ground Commission - January 26, 2009
- 30. Coastal Resources Management Council - January 27, 2009
- 31. Bristol Warren Regional School Committee - January 26, 2009
- 32. Bristol Warren Regional School Committee/BWEA Contract Negotiation Subcommittee - January 27, 2009
- 33. Bristol Warren Regional School Committee Personnel/Contract Subcommittee - January 26, 2009
- 34. Bristol Warren Regional School Committee Personnel/Contract Subcommittee - BWEA Grievance Hearing, January 26, 2009
- 35. Bristol Warren Regional School District - Schedule of Meetings, Week of January 26, 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 filming this evening's meeting.

b. Wastewater Workshop - Council Chairman Marshall noted the subject of the Town Council Special Meeting held on January 21, 2009. He noted the successful completion of several capital projects totaling \$1.896 million - this being added to improve the Town's infrastructure assets.

Town Administrator Mederos noted that many of the Town's good works go on "behind the scenes."

c. Advertise RFPs on Website - Council Chairman Marshall asked if the Town's bids and RFPs might be advertised on the Town website with Town Solicitor Ursillo explaining that this was possible but that the statutory requirements of newspaper advertisements would still be in force.

d. Remain vigilant - Council Chairman Marshall suggested that Bristolians should care for their neighbors and be aware of their neighbor's needs.

2. CORDEIRO

3. PARELLA

a. Mike Davis' Birthday - Councilwoman Parella noted Mike Davis' birthday and extended the Council's best wishes.

4. BARBOZA

5. HERRESHOFF

ZZ. TOWN ADMINISTRATOR AGENDA ITEM(S)

CITIZENS PUBLIC FORUM

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 9:47 o'clock PM.

Louis P. Cirillo, CMC, Council Clerk

DRAFT