

**TOWN COUNCIL MEETING - WEDNESDAY EVENING - APRIL 1, 2009**

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

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

The Council met in regular session on Wednesday evening,  
April 1, 2009 in the Town Hall, Council Chambers beginning  
at 7:05 o'clock PM, Council Chairman Marshall presiding:

Prior to the commencement of this evening's regular agenda,  
Council Chairman Marshall noted the recent opening of the  
"new vocational school" on upper Franklin Street as part of  
the redevelopment of that area. The International Yacht  
Restoration School's Marine Systems Training opened last  
week-end.

Council Chairman Marshall commented that the recent  
redevelopment activities "brought back life into an area  
that had been run-down for over twenty (20) years."

Council Chairman Marshall suggested that the Clerk might  
prepare commendations for the project's principal as well as  
a key investor. It was further suggested that these  
citations might be presented at the next Council meeting to  
be held on April 22, 2009.

Councilman Cordeiro stated that he was of the opinion that  
this would be a good idea as did Town Administrator Mederos  
and the Council, by consensus, instructed the Clerk to  
prepare the joint-citations.

**Rhode Island Blood Center re citation for participation in  
blood drive sponsorships.**

Town Administrator Mederos introduced representatives from  
the Rhode Island Blood Center who expressed their gratitude  
to the citizens of Bristol for their blood donations number  
in excess of 16,000 since the opening of the blood center in  
1979. The inscription on the plaque is as follows:

Town of Bristol  
Thank you for your years of service and continued support in  
helping those in need

2009  
Rhode Island Blood Center

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Sarah Perez, the blood drive coordinator representing the Rhode Island Blood Center informed those present that since each blood donation can help as many as three individuals, the Town's contribution over the years has likely impacted over 48,000 lives.

Town Administrator Mederos and also Council Chairman Marshall thanked the representatives for their kind words and the plaque with Town Administrator Mederos noting that she will find a suitable place for its display within the Town Hall.

Also prior to the commencement of this evening's regular agenda, Council Chairman Marshall noted upon the advice of Assistant Solicitor Teitz a need to hold an emergency executive session.

Herreshoff/Barboza - Voted  
unanimously to add an emergency  
executive session to this evening's  
agenda pursuant to RIGL 42-46-5 (a)  
(2).

Town Administrator Mederos explained that several high school students were in the audience to address the Council relative to agenda item J7 concerning the recycling of compact fluorescent lights. Town Administrator Mederos asked the Council's indulgence in consideration of this matter at this point in the agenda.

Cordeiro/Herreshoff - Voted  
unanimously to bring forward agenda  
item J7 for deliberation at this  
time.

*It is hereby noted for the record that the Council's action concerning this agenda item is reflected below under item J7.*

Council Chairman Marshall noted several agenda items relating to the Bristol County Water Authority and stated that the Council may wish to hear from Water Authority Director Frank J. Sylvia who was present.

Assistant Solicitor Teitz stated that since no specific action item was related to the Water Authority, he recommended that Mr. Sylvia may be asked to speak "for informational purposes, only."

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Cordeiro/Barboza - Voted  
unanimously to add an item to this  
evening's agenda to allow Mr.  
Sylvia of the Bristol County Water  
Authority to address the Council  
for "informational purposes only."

After the vote taken, Mr. Sylvia provided information concerning the upcoming bid for repainting the Authority's water towers. Mr. Sylvia stated that the project recently held a pre-bid conference and that the project will likely take one and one half (1.5) years to complete.

Councilman Cordeiro asked to know the status of the long-awaited hydraulic study with Mr. Sylvia noting that the flow-test may be concluded by the end of April.

Council Chairman Marshall thanked Mr. Sylvia for his attendance at the Council meeting and providing the update information.

Council Chairman Marshall also noted the planned 'opening day' for the King Philip Little League scheduled for April 25, 2009 at 10:00 AM.

**MOTION RE: CONSENT AGENDA - TO APPROVE THE CONSENT AGENDA**

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

**A. SUBMISSION OF MINUTES OF PREVIOUS MEETING(S)**

**1. Town Council Meeting - March 11, 2009**

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

**2. Town Council Budget Workshop - March 16, 2009**

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

**3. Town Council Budget Workshop - March 17, 2009**

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

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4. Town Council Budget Workshop - March 18, 2009

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

5. Town Council Budget Workshop - March 23, 2009

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

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

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

1. Historic District Commission - February 5, 2009
2. Planning Board - February 10, 2009
3. Bristol County Water Authority/Engineering Committee - March 4, 2009
4. Bristol County Water Authority/Audit Finance Committee - March 4, 2009
5. Bristol County Water Authority/Public Relations/Personnel Committee - March 4, 2009
6. Bristol County Water Authority/Board of Directors - January 14, 2009
7. Bristol County Water Authority/Board of Directors - February 11, 2009
8. Bristol County Water Authority/Board of Directors - February 18, 2009
9. Bristol Housing Authority - February 12, 2009
10. Harbor Commission - March 2, 2009
11. Bristol Warren Regional Joint Finance Committee - March 4, 2009
12. (Mosaico CDC - Board of Directors) - January 23, 2009

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13. Mosaico CDC (Board of Directors) - February 20, 2009

B. OLD BUSINESS

1. Councilman Herreshoff re Public Works suggestions (High Street Speed Bumps), **continued from March 11, 2009**

Cordeiro/Herreshoff - Voted unanimously to continue this matter until the meeting of April 22, 2009.

Prior to the vote taken, Town Administrator Mederos reported that Public Works Director Serbst continues to get cost estimates for this project the least thus far being \$7,000.

Councilman Herreshoff asked if the entire road must be rebuilt under the speed bumps with Town Administrator Mederos responding affirmatively.

2. Jessica Silvia, 110 State Street - request for removal of handicap parking space at 108 State Street, **2nd reading for adoption**

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

3. Cara Cromwell, Co-chair, Colt-Andrews Schoolyard Committee re schoolyard appropriation

- a. Appropriation to Guiteras playground (Council Minutes, March 26, 2008)

Barboza/Cordeiro - Voted unanimously to appropriate \$5000 from the Council Contingency fund for this purpose.

Prior to the vote taken, Councilman Herreshoff observed that the area in question was once a grassy space; this space was paved with asphalt, the asphalt was later removed and

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replaced with a grassy space that was later repaved with asphalt.

Council Chairman Marshall suggested that Tree Warden Kinder and the Conservation Commission might become involved in this project. Town Administrator Mederos agreed to explore the matter.

It was noted for the record that the Council provided earlier grants to the Rockwell and Guiteras School playgrounds each in the amount of \$5000.

4. Brian C. Newbury, State Representative, District 48 re (draft) Resolution to Eliminate Straight Party Vote (continued from Citizens Public Forum, March 11, 2009 - William Grapentine)

Parella/Herreshoff - Voted to support this resolution as prepared and presented. Voting in favor of this motion were Councilwoman Parella and Councilman Herreshoff. Voting opposed were Councilmen Marshall, Cordeiro and Barboza. Motion failed.

Cordeiro/Barboza - Voted to refer this matter to the Town Solicitor and the Board of Canvassers in order to seek their opinion regarding same. Voting in favor of this motion were Councilmen Marshall, Cordeiro, Barboza and Herreshoff. Voting opposed was Councilwoman Parella.

Prior to the votes taken, Mr. Grapentine thanked the Council for consideration of this "important issue." He noted that the presence of the master lever has created voter confusion and generally discriminates against those seeking election in non-partisan races. Mr. Grapentine reminded the Council that the Bristol Warren Regional School Committee is elected in non-partisan races and that these races typically receive substantially fewer overall votes.

Mr. Grapentine noted that the matter is receiving significant media attention including a *Providence Journal* editorial entitled "End Master Lever."

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Mr. Grapentine also noted that the proposed legislation does not disenfranchise any voters since the ballots would be otherwise the same and also that there are no additional costs associated with this change.

Mr. Grapentine stated that the measure appears to have the support of some powerful union officials within the state and also the support of many legislators on both sides of the aisle.

Mr. Grapentine also informed the Council that all of the New England states, except Rhode Island, have eliminated the "master lever."

Councilwoman Parella stated that she supported the elimination of the "master lever" for over thirty (30) years and that the most compelling argument in favor of its elimination relates to the under-votes observed state-wide in non-partisan races for city and town office holders. Councilwoman Parella also stated that she has never voted by "master lever" and sees no need for it. She suggested that the Council should go on record of support of its elimination.

Councilman Herreshoff agreed with Councilwoman Parella that the races for Regional School Committee in Bristol have fewer votes cast than those races of a partisan nature. He also stated that the elimination of the "master lever" by the other five New England states was another good reason for Rhode Island to do the same.

Councilman Cordeiro stated that he was not in favor of elimination of the "master lever" and suggested that the Council might refer this matter to the Town Solicitor for an advisory opinion. He also suggested that the Board of Canvassers might be asked for an advisory opinion on the matter.

At this point in the meeting (7:40 o'clock PM), Council Chairman Marshall declared a recess in order for the Council to attend the 4<sup>th</sup> of July Committee's meeting when the 2009 Chief Marshal will be announced.

The Council resumed its meeting at 8:40 o'clock PM.

Council Chairman Marshall announced for the benefit of those present that Messrs. Joseph Coelho Sr., and Joseph Coelho, Jr., were named co-Chief Marshals for this year's celebration. Messrs. Coelho are local business owners.

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5. Councilman Barboza re BVFD Emergency Dialer program (continued from Budget Session)

Barboza/Cordeiro - Voted  
unanimously to appropriate \$1000  
from Council Contingency to support  
this program.

Prior to the vote taken, Councilman Barboza noted that the program has a waiting list for thirty-five (35) units and the current budget and appropriation planned for 2009-2010 will not provide enough funds to fulfill the requests of the waiting list. Councilman Barboza suggested that the Council might appropriate another \$1000 from its contingency.

Councilman Barboza also noted for the record that those persons wishing to participate in this program should contact Edward Carusi, Human Services Director. Councilman Barboza also explained the purpose of the Council Contingency fund.

6. Council Clerk Cirillo re Status of Revaluation Bill

Parella/Herreshoff - Voted  
unanimously to instruct the Clerk  
to send a new letter of support for  
Senate Bill 0061 - An Act Relating  
to Taxation - Local Property  
Assessment.

Prior to the vote taken, the Clerk reported that the General Assembly had not yet taken action on the subject bill.

7. Council Clerk Cirillo re Election Legislation Recommendations

Barboza/Cordeiro - Voted  
unanimously to correspond to the  
local General Assembly delegation  
and also the Chairmen of the  
various House and Senate Committee  
in support of the Clerk's  
recommendation as prepared and  
presented.

BB. SPECIAL /STATUS REPORTS

C. PUBLIC HEARINGS

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1. Ordinance #2009-02, CHAPTER 16, Motor Vehicles and Traffic, Article V, Stopping, Standing, and Parking, Section 16-143, Parking prohibited at all times (Old Ferry Road), **2nd reading for adoption**

Herreshoff/Parella - Voted unanimously to continue this public hearing until the meeting of May 13, 2009 and to request Town Administrator Mederos to ascertain the pleasure of the State officials concerning this matter.

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

Police Chief Canario reviewed the issue and informed the Council that he recommended that the State officials designate six (6) parking spaces for the use of fishermen in the area along the easterly side of the street between the first parking lot and the cul-de-sac.

Councilman Herreshoff asked to know why only six (6) spaces were recommended with Police Chief Canario responding that this is the quantity that will fit in the designated area. He also indicated that the State may find this solution to be acceptable.

Councilman Cordeiro suggested that there might be a time limit imposed with the police department allowed discretion concerning the use of the spaces by fishermen.

Councilman Herreshoff asked to know if Roger Williams University has a position regarding this matter with Councilman Cordeiro responding that he was unaware of any specific University position on this matter.

There was no remonstrance presented in favor of the ordinance.

Speaking in opposition to the ordinance was Robert A. Sousa of 15 First School Street (one of the petitioners). Mr. Sousa informed the Council that the area is well-known as a popular fishing spot. He stated that he appreciated a plan to provide six (6) parking spaces since many rights of way to the shore lack parking.

Council Chairman Marshall noted for the record that Old Ferry Road is a state managed road and that any plan for

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parking, etc., would be under the auspices of the State. He did explain, however, that based upon the report presented by Police Chief Canario, the State appears to be receptive to the parking plan for the six (6) spaces.

Council Chairman Marshall noted that the State has a fairly large lot that it uses for a "staging area" for bridge repairs adjacent to the bridge anchorage. He suggested that some spaces for fishermen, etc., might be assigned within the lots when these are not used for construction projects. Town Administrator Mederos agreed to investigate this possibility.

Mr. Sousa suggested that the parking spaces within the lot might be available during the summer only.

Assistant Solicitor Teitz suggested that a formal request to use some of the State property for parking might be best considered as part of a future agenda item.

Police Chief Canario was asked to report back to the Council regarding the State Traffic Commission's deliberation regarding this matter.

It was suggested that the Council might continue this matter pending a report from the State. It was further suggested that the public hearing and ordinance might be continued until the May meeting.

D. ORDINANCES

1. Ordinance #2009-02, CHAPTER 16, Motor Vehicles and Traffic, Article V, Stopping, Standing, and Parking, Section 16-143, Parking prohibited at all times (Old Ferry Road), **2nd reading for adoption** (See item C1 also)

Herreshoff/Parella - Voted  
unanimously to continue this public  
hearing until the meeting of May  
13, 2009 pursuant to item C1 above.

(CA) E. BUDGET ADJUSTMENTS

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

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1. Tax Assessor Spagnolo - Recommended Abatements & Additions for March, 2009

(CA) F. APPOINTMENTS

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

1. Public Service Appointments
  - a. Zoning Board of Review (term to expire March, 2014)
    1. Bruce I. Kogan, 18 Greylock Road - interest/appointment
    2. David P. Raposa, 6 Rego Avenue - interest/appointment
    3. Michael A. DeMello, 856 Hope Street - interest/appointment

Council Chairman Marshall called for nominations.

Councilman Barboza nominated Mr. Kogan for appointment to full-member.

Barboza/Cordeiro - Voted unanimously to close nominations and to instruct the Clerk to cast one ballot in favor of Mr. Kogan, term to expire in March 2014.

- b. Zoning Board of Review - Alternate (2) (terms to expire March, 2011)
  1. Bruce I. Kogan, 18 Greylock Road - interest/reappointment
  2. Edward P. Stuart, Jr., 31 Birchwood Road - interest/reappointment
  3. David P. Raposa, 6 Rego Avenue - interest/appointment

Council Chairman Marshall called for nominations for First Alternate:

Councilman Barboza nominated Mr. Stuart for reappointment to serve in the capacity as First Alternate.

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

Council Chairman Marshall called for nominations for Second  
Alternate.

Councilman Barboza nominated Mr. Raposa for the position of  
Second Alternate.

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

- c. Planning Board (term to expire April,  
2012)
  - 1. Anthony D. Murgo, 5 Karen Ann Drive  
- interest/reappointment
  - 2. Steven E. Skuba, 32 Ridge Road -  
interest/appointment

Council Chairman Marshall called for nominations.

Councilman Cordeiro nominated Mr. Murgo for reappointment.

Cordeiro/Barboza - Voted  
unanimously to close nominations  
and to instruct the Clerk to cast  
one ballot in favor of Mr. Murgo,  
term to expire in April 2012.

After the vote taken, several Council members noted Mr.  
Skuba's resume and suggested that the Clerk might contact  
him and ask if he might be interested in a different board  
or commission having a vacancy. The Clerk agreed to  
communicate with Mr. Skuba.

- d. Police Pension Fund - Board of Trustees  
(2) (term to expire April, 2012 &  
unexpired term to expire April, 2010)
  - 1. Raymond C. Falcoa, 55 Brooks Farm  
Drive - interest/reappointment

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2. Gregory Raposa, 145 Franklin Street, #2 - interest/appointment

Council Chairman Marshall called for nominations.

Councilman Barboza nominated Mr. Falcoa for reappointment.

Barboza/Herreshoff - Voted unanimously to close nominations and to instruct the Clerk to cast one ballot in favor of Mr. Falcoa, term to expire in April 2012 and also to re-advertise for the vacancy.

- e. Conservation Commission (2) (term to expire December, 2011 & unexpired term to expire December, 2011)

1. John Stafford, 89 Kickemuit Avenue interest/appointment

Barboza/Cordeiro - Voted unanimously to instruct the Clerk to set an interview for this candidate.

- f. Citizens' Revaluation Advisory Committee

1. John W. Patton, 36 Acacia Road - interest/appointment
2. James Casalegno, 15 Acacia Road - interest/appointment

**Late Item**

3. Ann Gardner, 17 Acacia Road - interest/appointment

Barboza/Cordeiro - Voted unanimously to continue this matter until the special meeting to be held on April 2, 2009.

- g. Recreation Board (unexpired term to expire February, 2010)

1. Crystal Pacheco, 7 Evelyn Drive - interest/appointment

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Council Chairman Marshall called for nominations.

Councilman Cordeiro nominated Fernando DaSilva (a current Recreation Board Auxiliary Member) for a full-position.

Cordeiro/Herreshoff - Voted unanimously to close nominations and to instruct the Clerk to cast one ballot in favor of Mr. DaSilva, term to expire in February 2010, and to instruct the Clerk to set an interview for Ms. Pacheco for the position of Auxiliary Member.

Prior to the vote taken, Councilman Cordeiro stated that he was in favor of elevating Mr. DaSilva since Mr. DaSilva no longer serves as president of an athletic league using Town facilities. Councilman Cordeiro reiterated his opinion that league leaders should not serve on the Recreation Board.

**G. LICENSING BOARD - NEW PETITIONS**

1. Berta Raposo for St. Elizabeth Church/Santo Cristo Committee, 577 Wood Street - request for One-Day Dancing and Entertainment License, June 12, 13 & 14, 2009

**Late Item**            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.

**H. LICENSING BOARD - RENEWALS**

**(CA) I. UTILITY PETITIONS**

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

1. Road Cut Permit - DPW

**J. PETITIONS - OTHER**

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1. Elisabeth Vincze, Choral Conductor, Kickemuit Middle School - request to use the Town Common to hold "All Choral Concert", May 28, 2009 (rain date June 1, 2009)

- a. Recommendation - Town Administrator and Director of Parks and Recreation

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

2. James V. Doherty, 106 Bradford Street - request for handicap parking space at 106 Bradford Street, **1<sup>st</sup> reading**

- a. Recommendation - Town Administrator and Police Chief

Cordeiro/Herreshoff - Voted unanimously to consider this action to constitute the first reading of the request for a handicap parking space and consider same for second reading and adoption on April 22, 2009.

3. Councilman Herreshoff - request for removal of No Parking sign across from Roberto's Restaurant, 301 Hope Street

Herreshoff/Barboza - Voted unanimously to refer this matter to the Town Solicitor so that he might prepare ordinance language regarding same and also to continue said matter until the meeting of April 22, 2009.

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Prior to the vote taken, Councilman Herreshoff noted that the restriction regarding parking in this area was to accommodate those turning right when leaving the adjacent mini-mart parking lot. Councilman Herreshoff speculated that there was sufficient area to allow for a small parking space provided that the area adjacent to the driveway might remain a no-parking area designated by diagonal striping.

Town Administrator Mederos noted that the area in question is on a State road and that the State must give its approval to a new parking arrangement.

4. Francisco daSilva, 101 Mt. Hope Avenue - request for No Parking Sign at entrance to field by 101 Mt. Hope Avenue

Herreshoff/Barboza - Voted  
unanimously to continue this matter  
until the meeting of April 22,  
2009.

Prior to the vote taken, Town Administrator Mederos asked for a continuance since she would appreciate additional time to study the matter.

5. Christopher Slattery, 137 Sunrise Drive re claim for automobile damage

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

6. Emily Quintin, 20 Lafayette Drive re claim for automobile damage

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

7. Cordelia Boyle, 56 Burton Street, (Mt. Hope High School Student) - request for collection bin(s) for disposal of Compact Fluorescent Light Bulbs

- a. Recommendation - Public Works

Cordeiro/Herreshoff - Voted  
unanimously to refer this matter to  
Town Administrator Mederos and

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Public Works Director Serbst for future consideration.

Prior to the vote taken, Christopher Raiola and Cordelia Boyle, Mt. Hope High School students informed the Council that their service learning project studied the proper disposal of the fluorescent light bulbs.

Ms. Boyle informed the Council that she was aware of the many obstacles relating to the proper use and disposal of the energy-efficient bulbs. She recommends the conversion from incandescent light bulbs but the concern for adequate disposal of spent compact fluorescent bulbs remains since these bulbs contain mercury.

Ms. Boyle stated that the nearest known disposal site is located at the Home Depot store in Middletown, Rhode Island and that the transport of spent bulbs to this store by Bristol residents is likely impractical.

Ms. Boyle further stated that the need for a safe disposal place in Bristol is apparent.

Councilman Cordeiro asked to know if the Eco-Depot arranged by the State can take the bulbs with Town Administrator Mederos explaining that the concern for the hazards of mercury contamination has precluded the establishment of a local disposal site. Town Administrator Mederos also explained that she and Public Works Director Serbst will continue to research the matter.

Councilman Cordeiro asked that Town Administrator Mederos might report back and that the Council will inform Ms. Boyle et al with any additional information should this become available.

8. Joseph Mello, 54 Woodlawn Avenue - request for removal of Fifteen (15) minute parking space on the corner of Bradford and Wood Streets

Barboza/Cordeiro - Voted unanimously to refer this matter to Town Solicitor Ursillo so that he might draft the proper language for a new ordinance and to continue said matter until the meeting of April 22, 2009.

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9. St. Elizabeth Church, 577 Wood Street - request to use the Town Common to host a fundraising carnival, October 1 - 4, 2009
- a. Recommendation - Town Administrator and Director of Parks and Recreation

Barboza/Parella - 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 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.

10. Louis daSilva, 113 Union Street - request for handicap parking space at 113 Union Street, **1<sup>st</sup> reading**

**Late Item**

- a. Recommendation - Town Administrator and Police Chief

Cordeiro/Herreshoff - Voted unanimously to consider this action to constitute the first reading of the request for a handicap parking space and to consider same for second reading and adoption on April 22, 2009.

11. Stephen Elmasian, Armenian National Committee of Rhode Island - request to fly Armenian flag on April 24, 2009

Cordeiro/Parella - Voted unanimously to grant this petition.

12. Ronald Krupinski & Maria Terra, 22 Lafayette Drive re claim for automobile damage

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

K. OTHER NEW BUSINESS REQUIRING TOWN COUNCIL ACTION

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1. Town Treasurer Day re authorization for abatement of 1998 tax balances

Herreshoff/Cordeiro - Voted unanimously to authorize these abatements per the recommendation of the Town Treasurer.

Prior to the vote taken, the Council expressed concern about the amount presented for abatements with Town Treasurer Day explaining that the amount was less than 2/1000 of the total levy and that this amount was less than or equal to those amounts abated for similar reasons in past years.

Town Treasurer Day also explained that tax bills over ten (10) years old are legally uncollectable.

2. Louise R. Phaneuf, Burrillville Town Clerk re support of opposition to House Bill 2009 - H 5679, an act limiting the appointments of city or town managers and other municipal officers to three (3) years

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

3. Councilman Barboza re change in Town's fiscal year

Barboza/Cordeiro - Voted unanimously to continue this matter pending a report from Town Treasurer Day.

Prior to the vote taken, Councilman Barboza explained that he placed this matter on the docket for the Council's deliberation in consideration of the problems associated with the attempts of its honorable body to prepare a budget for the Town departments and School District when the amount of any State aid remains questionable. He further noted that the Council was "painfully aware" of this fact particularly this year.

He suggested that the fiscal year might be changed to October 1.

Councilman Herreshoff noted that the change to October 1 might be problematic for the schools since the budget will

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not be finalized until after the beginning of the school year.

Town Treasurer Day agreed to speak to other towns with different fiscal years to uncover the "pitfalls" of same.

The Clerk reminded the Council that the Town's fiscal year is dictated by Town Charter and that any change to same might be a topic for study by the Charter Review Commission.

4. Kathleen Viera Beaudoin, Portsmouth Town Clerk re support of resolution opposing House Bill 2009 - H 5122, an act turning the jurisdiction of Rhode Island's bridges over to the Rhode Island Department of Transportation rather than the Turnpike and Bridge Authority

Barboza/Parella - Voted unanimously to continue this matter until the meeting of April 22, 2009 and to seek an advisory opinion from Representative Gallison concerning same.

Prior to the vote taken, Councilman Herreshoff noted that he was generally in favor of keeping the Rhode Island Turnpike and Bridge Authority in charge of the bridges since he was of the opinion that the group did a better job in general than the Department of Transportation.

It was suggested that the Council might ask the opinion of Representative Gallison.

Councilwoman Parella expressed concern that bridges in Rhode Island are generally in disrepair with the exception of those under the control of the Rhode Island Turnpike and Bridge Authority.

5. Stephan Brigidi, Chairman, State Street Dock Upgrade Committee re Conceptual Design Plan Proposal

Cordeiro/Barboza - Voted unanimously to authorize proceeding with Phase I of the rehabilitation plan to the extent that funding is budgeted and available.

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Prior to the vote taken, Stephan Brigidi, Chairman of the Committee informed the Council that the Committee has worked for eighteen (18) months. Mr. Brigidi noted that the plan was presented so as to allow for improvements in phases as the funding allows. He also noted that it was recommended that the structural improvements should be made as soon as possible and that Kevin McBride of Caputo and Wick Engineers would discuss these should the Council so desire to hear from him.

Mr. Brigidi reviewed some of the design elements of the plan including the fact that the plan accommodates the offloading of fish, etc. from larger vessels and barges; this wharf being the only place remaining where this activity is possible.

Councilman Herreshoff suggested some modification to the design due to the prevailing southwest wind with Mr. Brigidi agreeing to investigate the suggestions of Councilman Herreshoff.

Councilman Cordeiro asked to know the overall scope of the plan with Mr. Brigidi explaining that the committee's goal is to update and improve the overall structure.

Councilman Herreshoff asked to know if funds were available to complete this work with Mr. Brigidi responding that the Town has some funds available.

Director of Community Development Williamson added that the Council has appropriated toward this project in previous years' budgets and that funds were available for the first phase of work. She noted that the Council has put aside approximately \$150,000 during the past three years but that some of these funds had been expended for the engineering work available this evening.

Director of Community Development Williamson also explained that the Committee plans to recommend going forward with the first phase. She congratulated the Committee and also Principal Planner Edward Tanner for his work "staffing" the Committee. Director of Community Development Williamson also noted that the Committee is unanimous in its acceptance of the plan and the idea for phased improvements.

Mr. McBride explained that the structure of the dock is in disrepair and that the best first step is to address those structural issues.

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Mr. McBride also explained that the second phase of work will consider the "aesthetic" improvements recommended by the Committee.

Council Chairman Marshall stated that he and the Council were pleased to know that the project will be moving forward. He congratulated the Committee and staff on its efforts.

Mr. Brigidi stated that there should be few impediments to the rehabilitation work on the dock since the Coastal Resources Management Council considers the plan as a "repair," this requiring a relatively simple permitting process.

Mr. McBride suggested that there might be some grant funding available to pay for the rehabilitation with Councilman Cordeiro expressing concern that the dock should remain a "Town dock" for the benefit of Bristol citizens and that the Council maintains its concern that outside funding may force the Town to lose its ultimate control over the use and access to the property.

L. BILLS & EXPENDITURES

1. Bid #671 - Care and Maintenance of Grounds

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

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

Machado's Landscaping of Bristol, RI	\$150,000.00
DaPonte's Landscaping Serv., Inc. of Bristol, RI	137,000.00

2. Bid #672 - Silver Creek Salt Marsh  
Restoration & Walkover

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

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

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SumCo Eco-Contracting, LLC of Salem, MA	\$ 58,900.00
Lannan Trucking, Inc. of Bristol, RI	67,407.00
Ramsay's Inc. of Bristol, RI	142,492.81
James P. Tavares Construction Inc. of Bristol, RI	328,500.00

3. Bid #673 - 2009 Spring Tree Planting

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

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

Machado's Landscaping, Inc. of Bristol, RI	\$10,649.00
Samuel Kinder & Bro., Inc. of Bristol, RI	5,180.00
All Island Landscaping, Inc. of Portsmouth, RI	9,532.00

4. Bid #674 - Type I, 2009 Medium Duty Emergency Medical Rescue Vehicle

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

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

Greenwood Emergency Vehicles of N. Attleboro, MA	\$206,379.00
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5. Bid #675 - Two (2) 2009 Chevrolet Tahoe Special Service Vehicles

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

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

Mirak Chevrolet, Inc. of Arlington, MA	\$56,254.00
Paul Masse Chevrolet of E. Providence, RI	56,598.00
Liberty Chevrolet, Inc. of Wakefield, MA	55,960.00

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MHQ Municipal Headquarters of Marlborough, MA	56,596.00
Colonial Automotive Group of Acton, MA	55,854.00

6. Bid #676 - Sub-Contract Renovations to 9 Court Street; Electrical, HVAC, Elevator, and Plastering

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

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

Freedom Lifts of Danielson, CT	\$56,427.00
RG Electrical of Bristol, RI	33,500.00
Wayne Electric, Inc. of Bristol, RI	13,561.00
Van's Electric, Inc. of Bristol, RI	31,800.00
Century Sheet Metal Inc. of Riverside, RI	38,500.00
F&S Electric, Inc. of Bristol, RI	35,360.00
Eagle Elevator Company of Cranston, RI	96,395.00

Councilman Herreshoff asked to know if funding was available for this project with Town Administrator Mederos responding that the Town has expended only \$10,000 thus far for materials since the physical labor was provided by existing employees.

Town Treasurer Day explained that the Town maintains a fund available for improvements to Town buildings this being derived from the sale of the former Hayman School (American Legion Hall) on Franklin Street.

Town Treasurer Day also stated that some of the planned capital funds for 2009-2010 might be allocated to this project as necessary.

7. Re-Bid #668 - Phase 1 Repairs to the Naval Reserve Armory (Community Center)

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

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

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East Coast Masonry & Restoration of Johnston, RI \$ 98,325.00  
NER Construction Management, Inc. of Randolph, MA 119,600.00

It was noted for the record that this was a rebid with an amended scope of work in consideration of the available funds obtained through the efforts of Director of Community Development Williamson; these being a \$100,000 historic preservation grant obtained through the Rhode Island Historical Preservation and Heritage Commission.

It was also noted that the Town contacted the three lowest responsible bidders and only two of these chose to participate in the rebidding process based upon the bids received.

(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, March 27, 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. Class F Intoxicating Beverage License - St. Elizabeth Church/Pico da Pedra, 577 Wood Street for March 21, 2009
2. Commendation - Christopher Azar, Eagle Scout Court of Honor
3. Commendation - Mason Wetherald, Eagle Scout Court of Honor
4. Warrant - Dominic Franco, Harbor Commission
5. Warrant - John Black, Deputy Fire Chief
6. Warrant - David Coccio, Assistant Fire Chief

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7. Warrant - Thomas Prezioso, Assistant Fire Chief
8. Warrant - Marc Proulx, Assistant Fire Chief
9. Council Clerk Cirillo to Director of Public Works Serbst re removal of handicap parking space, 26 Shaw's Lane
10. Council Clerk Cirillo to Mayor Jeanne-Marie Napolitano, City of Newport re thank you for invitation to participate in St. Patrick's Day Parade with regrets
11. Council Clerk Cirillo to Sen. David E. Bates, et al re support of West Warwick resolution regarding end of the Caruolo Act
12. Memorandum of Agreement re East Bay Energy Consortium (signed Copy)
13. Council Clerk Cirillo to Alan Crisman, Director, Mount Hope Enterprise Zone re Creating the Bristol Industrial Park Revitalization Plan Steering Committee
14. Council Clerk Cirillo to Lyle Fain, Wood Street Investors, Inc. re Creating the Bristol Industrial Park Revitalization Plan Steering Committee
15. Council Clerk Cirillo to Isaac Shalom, Bristol Properties, re Creating the Bristol Industrial Park Revitalization Plan Steering Committee
16. Council Clerk Cirillo to Gary Branch, Guaranty Properties, re Creating the Bristol Industrial Park Revitalization Plan Steering Committee
17. Resolution re Creating the Bristol Industrial Park Revitalization Plan Steering Committee (signed Copy)
18. Cheri Charpentier and Lane Speakman, Co-chair, The Guiteras Community Group Playground Committee re thank you for support of project

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19. Rick Baccus, Administrator, Rhode Island Veterans Home to Fire Chief Martin - thank you for response re gas leak at the Veterans Home
20. Bristol County Water Authority - Board of Directors
21. Recommendation - Town Administrator Mederos and Police Chief re a One-Day Dancing and Entertainment License for Antonio F. Avila, St. Elizabeth Church/Pico da Pedra, 577 Wood Street (conditionally granted March 11, 2009)

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

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

1. Bristol Warren Regional School Committee/ Student Hearing Subcommittee - March 12, 2009
2. Bristol County Water Authority/Board of Directors - March 11, 2009
3. Bristol County Water Authority - April 2009 Meetings
4. (Bristol Warren Regional School Committee) Future Enrollment & Facilities Task Force - March 18, 2009
5. Bristol Warren Regional School Committee/ Budget/Facilities Subcommittee - March 16, 2009
6. Bristol Warren Regional School District - Schedule of Meetings, Week of March 16, 2009
7. Planning Board/Technical Review Committee - March 24, 2009
8. (Planning Board)/Technical Review Committee - March 24, 2009
9. Board of (Tax) Assessment Review - March 25, 2009

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10. Bristol County Water Authority - April 2009 Meetings (revised)
11. Bristol Warren Regional School District - Schedule of Meetings, Week of March 23, 2009
12. Bristol Warren Regional School Committee - March 23, 2009
13. (Bristol Warren Regional School Committee)/ Personnel/Contract Subcommittee - March 23, 2009
14. Recreation Board - March 24, 2009
15. North and East Burial Ground(s) Commission - April 27, 2009
16. Coastal Resources Management Council - Semi-Monthly Meeting, March 24, 2009
17. Bristol Warren Regional School Committee/ Policy/Community Affairs Subcommittee - March 30, 2009
18. Bristol Warren Regional School District, Schedule of Meetings, Week of March 30, 2009
19. Coastal Resources Management Council re notice of intention to change management plans, policies, procedures and regulations (Rescheduled to April 14, 2009)

**S. TOWN SOLICITOR**

1. Town Solicitor Ursillo to Town Administrator Mederos re resolution supporting legislative amendments to protect Rhode Island cities and towns and their public officials/employees
  - a. (draft) Resolution supporting legislative amendments to protect Rhode Island cities and towns and their public officials/employees

Herreshoff/Cordeiro - Voted unanimously to approve this resolution as prepared and presented and to instruct the Clerk to transmit same to the Rhode

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Island League of Cities and Towns  
for submission to the General  
Assembly.

Z. INDIVIDUAL COUNCIL MEMBERS AGENDA ITEMS

1. MARSHALL

a. Thank You Mike Davis - Council Chairman  
Marshall thanked Mr. Davis for his work to film  
this evening's meeting.

b. Autism - Council Chairman Marshall noted a  
story of a family who were pessimistically  
discouraged by a physician when their child was  
diagnosed with autism. He further noted that the  
child far exceeded the expectations as described  
by the physician. He explained that the "moral of  
the story" is to have a positive attitude in the  
face of adversity.

c. Council Commendation - James Annis - Council  
Chairman Marshall suggested that the Council may  
wish to provide a Citation to James Annis for an  
heroic act. The Clerk agreed to prepare same and  
ask Mr. Annis to attend a future Council meeting  
and receive the citation.

d. Science Fair - Council Chairman Marshall made a  
similar request for recent Science Fair award  
winners.

2. CORDEIRO

a. Autism - Councilman Cordeiro agreed with  
Council Chairman Marshall regarding those with  
autism and noted that professional golfer Ernie  
Els recently brought autism into the spotlight  
when he announced that his son, Ben, is autistic.

3. PARELLA

a. Directions to Historic Waterfront -  
Councilwoman Parella thanked Town Administrator  
Mederos for arranging to have DOT signs on Metacom  
Avenue directing motorists to the downtown  
historic district and waterfront.

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b. Easter - Councilwoman Parella noted the upcoming Easter Week and expressed her well wishes to all regarding same.

4. BARBOZA

a. Expansion of Historic District - Councilman Barboza reminded the Council of its intention to expand the historic district and asked that Director of Community Development Williamson should advise the Council on this process.

b. Easter Greetings - Councilman Barboza noted the upcoming Easter week and Passover observances.

5. HERRESHOFF

ZZ. TOWN ADMINISTRATOR AGENDA ITEM(S)

a. Foreclosure Workshop - Town Administrator Mederos noted the availability of a foreclosure workshop to be held on April 30, 2009 at the Herreshoff Meeting Room of the Rogers Free Library. She noted that details of same will be available on the Town website.

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**CITIZENS PUBLIC FORUM**

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Barboza/Herreshoff - Voted  
unanimously to adjourn into  
Executive Session pursuant to RIGL  
42-46-5 (a) (2).

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

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

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Louis P. Cirillo, CMC, Council Clerk