

TOWN COUNCIL MEETING - WEDNESDAY EVENING - MAY 13, 2009

PRESENT: Marshall, Cordeiro, Barboza, and Herreshoff

ALSO PRESENT: Diane C. Mederos, Town Administrator
(arrived at 7:40 o'clock PM)
Jeanne Scott, Esq., Assistant Town Solicitor
(arrived at 7:57 o'clock PM)

ABSENT: Parella

The Council met in regular session on Wednesday evening, May 13, 2009 in the Town Hall, Council Chambers beginning at 7:08 o'clock PM, Council Chairman Marshall presiding:

Prior to the commencement of this evening's regular agenda Council Chairman Marshall announced that Assistant Solicitor Scott will be arriving late this evening and he suggested that any matters involving the Solicitor should be postponed until her arrival.

Council Chairman Marshall also announced an upcoming fair at the Coggeshall Farm Museum to be held on Saturday, May 16, 2009.

Council Chairman Marshall also informed those present that the Town of Bristol was in receipt of a tourism award from the State of Rhode Island and that this award was presented this date at the Westin Hotel in Providence. Council Chairman Marshall explained that tourism can sometimes be a mixed blessing and although it is generally good for the local economy, residents may be inconvenienced by increased traffic, etc. Council Chairman Marshall noted that the Council's goal is to balance the positives and negatives of the town's tourism interests.

Councilman Barboza asked that agenda item K8 might be brought forward for discussion at this time

Barboza/Cordeiro - Voted
unanimously to bring forward agenda
item K8 (the action and discussion
on this matter is reflected below)

MOTION RE: CONSENT AGENDA - TO APPROVE THE CONSENT AGENDA

Barboza/Cordeiro - Voted
unanimously to approve the Consent
Agenda withholding items R13 and
R17 for further discussion.

A. SUBMISSION OF MINUTES OF PREVIOUS MEETING(S)

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1. Town Council Meeting - April 22, 2009
Cordeiro/Barboza - Voted
unanimously to approve these
minutes as prepared and presented.
2. Town Council Public Hearing - April 27, 2009
Cordeiro/Barboza - Voted
unanimously to approve these
minutes as prepared and presented.
3. Town Council Special Meeting - May 6, 2009
Cordeiro/Barboza - 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. Redevelopment Agency - February 28, 2008
2. Redevelopment Agency - April 24, 2008
3. Redevelopment Agency - May 22, 2008
4. Redevelopment Agency - June 26, 2008
5. Redevelopment Agency - July 24, 2008
6. Redevelopment Agency - August 12, 2008
7. Redevelopment Agency - October 23, 2008
8. Redevelopment Agency - November 20, 2008
9. Redevelopment Agency - January 22, 2009
10. Planning Board - March 10, 2009
11. Bristol Housing Authority - April 8, 2009
12. North and East Burial Ground(s) Commission -
February 23, 2009
13. Zoning Board of Review - April 6, 2009

B. OLD BUSINESS

1. Jeffrey Hirsch, d/b/a The Lobster Pot, Inc., 119-121 Hope Street - Intoxicating Beverage License review re compliance with State fire regulations, **continued from January 28, 2009**

Barboza/Cordeiro - Voted
unanimously to combine this agenda
item with agenda item H1 below.

Barboza/Herreshoff - Voted
unanimously to grant this licensee
a three month license extension
based upon the recommendation of
the Fire Chief and to continue this
matter until August 5, 2009 for
further review.

Prior to the vote taken, Fire Chief Martin reported that the matter of fire regulation compliance remained incomplete with this licensee although drawings were nearly approved for the installation of the fire protection systems and that the licensee should be obtaining his cost estimates imminently. Fire Chief Martin suggested that the process should be completed within a three month period and recommended that the Council should extend the license for an equal time frame.

2. Councilman Herreshoff - request for removal of No Parking sign across from Roberto's Restaurant, 301 Hope Street, **continued from April 1, 2009**

- a. Council Clerk Cirillo to Robert Rocchio, P.E., Secretary/Technical Advisor, State Traffic Commission re parking area at 300 Hope Street

Late Item

- b. Robert Rocchio, P.E., Secretary, State Traffic Commission re meeting concerning above matter scheduled for May 13, 2009

Herreshoff/Cordeiro - Voted
unanimously to continue this matter
until the meeting of June 3, 2009.

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Prior to the vote taken, it was noted for the record that the matter was discussed at the State Traffic Commission meeting held this date and that no report of the Commission's findings were available at this time. The Clerk reported that the State Traffic Commission's staff did contact him so as to clarify some details of the request; confirming that the Commission would be reviewing the matter.

3. Richard J. Goulart, 4 Goulart Avenue - request for No Parking in front of residence, **continued from April 22, 2009**

Late Item a. Police Chief Canario to Town Administrator Mederos re parking at 4 Goulart Avenue

Late Item b. Recommendation - Police Chief

Late Item c. Recommendation - Director of Public Works

Barboza/Cordeiro - Voted unanimously to approve this request based upon the recommendations received and to refer same to the Town Solicitor so that he might draft the proper ordinance language.

Prior to the vote taken, the Clerk noted the late-item recommendations favoring the petitioner's request.

4. Assistant Town Solicitor Teitz re steps necessary for expansion of local Historic District, **continued from April 22, 2009**

Barboza/Herreshoff - Voted unanimously to continue this matter until the meeting of June 24, 2009.

Prior to the vote taken, Director of Community Development Williamson reported that she and Susan Church, Historic District Commission Staff Assistant, have been working on this project and that a consultant has been retained to complete the field work. She further noted that the proposal will be presented to the Historic District Commission for its approval in June.

Liquefied Natural Gas Concerns (Added Agenda Item)

Barboza/Cordeiro - Voted unanimously to add an item related to LNG to the agenda per the request of the Chairman.

Barboza/Cordeiro - Voted unanimously to send a letter to the Congressional Delegation and also to Roger Williams University President Roy Nirschel soliciting their assistance in opposition to the proposed Mount Hope Bay LNG terminal.

Prior to the vote taken and at this point in the agenda, Council Chairman Marshall noted an "emergency" situation in that he was informed that despite the Town's and others efforts to the contrary the plan for the location of a liquefied natural gas (LNG) terminal in Mount Hope Bay was moving forward for approval by the Federal Energy Regulatory Commission.

Council Chairman Marshall suggested that the Council should contact its Congressional delegation and solicit its support in regard to the Council's grave concern about the safety problems and potential disruptions anticipated with the installation of said facility.

Council Chairman Marshall also suggested that the assistance of Roger Williams University President Roy Nirschel might be solicited since the University and its 5,000+ students are housed within the "blast zone."

Council Chairman Marshall called the LNG plan an "ill conceived idea" and that the potential for trouble with the new plan was "worse than (the terminal planned for) Weaver's Cove."

Councilman Cordeiro suggested that the Council might send a letter to the United States Coast Guard since their opposition to this plan appears to be waning.

Councilman Barboza stated that he was informed that Police Chief Canario and Fire Chief Martin attended several workshops concerning this proposal and that the officials report a "bad feeling" that the plan was practically a "done deal."

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Council Chairman Marshall stated that Representative Gallison continues his efforts in opposition to the LNG plan and that the Council should remain also proactive and "turn up the heat" on this matter.

Council Chairman Marshall also reported that the rationale for establishing the terminal seems to be flawed since there appears to be no demonstrated need for increased LNG capacity. He further explained that he is informed that the local need for LNG is declining.

Councilman Cordeiro supported the idea to involve RWU President Nirschel; noting the many students residing on the campus and consequently in harm's way.

Police Chief Canario noted that he and Fire Chief Martin considered the matter of the student population nearby Mount Hope Bay and shared this concern along with the Town's concern for other traffic and safety issues relating to this project.

Councilman Cordeiro stated that the LNG terminal plan was ill-advised and "ridiculous."

Council Chairman Marshall noted that many of the parents of students attending Roger Williams University are likely influential in their own states and communities and perhaps the message to President Nirschel might solicit the help of these prominent individuals.

5. Town Solicitor Ursillo re Division of Public Utilities and Carriers v. Prudence Ferry, Inc.

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

6. Ed Carusi, Program Administrator, BVFD Emergency Dialer Network - request for additional funding re the purchase of emergency dialers

Herreshoff/Barboza - Voted
unanimously to appropriate \$520
from the Council Contingency fund
to support this program.

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7. Ronald Krupinski, 22 Lafayette Drive - request for appeal re denial of claim for automobile damage (See Item R11 also)

Herreshoff/Barboza - Voted unanimously to continue this matter to the meeting of June 3, 2009 and to request information from Town Solicitor Ursillo concerning same.

Prior to the vote taken, Mr. Krupinski appeared before the Council and described the nature of his claim and appeal. He noted that his automobile sustained considerable damage and that a report was filed with the Bristol Police.

Mr. Krupinski noted that although he received a denial from Town Solicitor Ursillo, the document did not provide a reason for the denial and that he attempted to contact Town Solicitor Ursillo this date to inquire as to the reason for the denial of the claim.

Mr. Krupinski informed the Council that he was told by both the police and the Department of Public Works personnel that the alleged pothole on Annawamscutt Drive was present for one and one half weeks and he further stated that he was of the opinion that the Town was negligent in this case since it did not repair the hole in a timely fashion.

Public Works Director Serbst took exception to the claim of negligence and informed the Council that his department placed three (3) tons of cold-patch asphalt on Annawamscutt Drive in numerous regular attempts to repair surface problems. He also informed the Council that the cold-patch material is the only solution available to the Town during the winter months and that the patching material does "wash-out" during periods of rain and must be replaced.

Public Works Director Serbst also stated that his department reacted to all reports of road damage and that these were repaired as soon as practicable.

Mr. Krupinski informed the Council that he was aware of and had avoided the subject pot hole several times before driving his automobile into same. He explained that the accident occurred during the dark of night and when it was raining. He also informed the Council that "I could not see."

Councilman Herreshoff stated that he was of the opinion that the Council should receive a report from Town Solicitor

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Ursillo prior to making a decision and asked Mr. Krupinski if he objected to waiting for his answer also with Mr. Krupinski responding that he did not object to the Council's continuance of the matter in order to obtain the report.

Town Administrator Mederos arrived at this point in the meeting (7:40 o'clock PM).

BB. SPECIAL /STATUS REPORTS

1. Town Administrator Mederos re Department Head Reports

- a. Building Inspection - February 1, 2009 - February 27, 2009
- b. Building Inspection - March 1, 2009 - March 31, 2009
- c. Building Inspection - April 1, 2009 - April 30, 2009
- d. Public Works - February 2009
- e. Public Works - March 2009
- f. Community Development - October 2008 - May 2009
- g. Rogers Free Library - May 5, 2009
- h. Fire & Rescue - Quarterly Report, May 6, 2009

Late Item i. Tax Assessor - May 7, 2009

Late Item j. Police - May 2009

Late Item k. Public Works - April 2009

Herreshoff/Barboza - Voted unanimously to receive and place this matter on file along with thanks to those who provided the reports.

Prior to the vote taken, Councilman Barboza drew attention to the report submitted by Police Chief Canario and noted the positive comments received from the Interlocal Trust.

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Councilman Barboza also noted the new fingerprint device made available through donations from local organizations.

Councilman Barboza also noted the increased patrols in response to the Town's concern for excessive motorcycle noise.

Councilman Cordeiro noted the report of the Recreation Department and expressed concern that the Department was speaking to the YMCA concerning the proposed recreation center at the Quinta-Gamelin building. He stated emphatically that he was not interested in partnering with the YMCA on the project since he disagrees with some of the organization's rules.

Town Administrator Mederos stated that the meeting with the YMCA was a "courtesy" and that she did not think that the Town would partner with the organization.

Councilman Herreshoff stated that he was pleased with the progress on the Silver Creek bridge and that this was a "bright spot."

Councilman Herreshoff expressed concern that some of the park benches along the Independence Park boardwalk were rusty and also that he objected to the use of weights on flag poles.

Councilman Herreshoff suggested an alternate method of securing the flags and offered to help design same. Town Administrator Mederos stated that she would be pleased to accept Councilman Herreshoff's assistance.

Upon her arrival, Town Administrator Mederos noted the award received from the Tourism Council as discussed earlier.

C. PUBLIC HEARINGS

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 (continued from April 1, 2009)**

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

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 (continued from April 1, 2009)** (See Item C1 also)

Herreshoff/Cordeiro - Voted unanimously to continue this matter until the meeting of June 3, 2009 and to refer same to Town Solicitor Ursillo so that he may draft the appropriate amendment.

Prior to the vote taken, Police Chief Canario reported that the State Traffic Commission has agreed that twelve (12) parking spaces will be allowed in the area.

The Clerk suggested that the Council should continue this matter so as to allow the Town Solicitor time to draft a suitable amendment.

2. Ordinance #2009-04, CHAPTER 16, Motor Vehicles and Traffic, Article V, Stopping, Standing and Parking, Section 16-146, Parking time limited in designated places (removal of Fifteen (15) minute parking space on the corner of Bradford and Wood Streets), **2nd reading for adoption**

Cordeiro/Herreshoff - Voted unanimously to consider this action to constitute the second reading for adoption of Ordinance #2009-04. Advertise in local newspaper.

3. Ordinance #2009-05, CHAPTER 22, Sewers and Sewage Disposal, Article IV, Private Wastewater Disposal, Division 2, Onsite Wastewater Management, Sections 22-130 through 22-141, **1st reading**
 - a. Principal Planner Tanner re Proposed On-Site Wastewater Management Ordinance

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Barboza/Cordeiro - Voted
unanimously to consider this
action to constitute the first
reading of Ordinance #2009-05.
Advertise in local newspaper.

Prior to the vote taken, Water Pollution Control
Superintendent Calderiso informed the Council that this
ordinance is presented so as to correlate Town ordinance
with DEM regulations. Water Pollution Control
Superintendent Calderiso also reported that inspections will
be made by a licensed inspector.

Councilman Herreshoff asked to know how the Town will inform
its citizens regarding these requirements with Water
Pollution Control Superintendent Calderiso responding that
brochures will be prepared and made available to explain the
process.

*Assistant Solicitor Scott arrived at this point in the
meeting (7:57 o'clock PM).*

4. Ordinance #2009-06, CHAPTER 2,
Administration, Article V, Finance, Division
1, Generally, Section 2-176, Balanced Budget,
1st reading

Barboza/Cordeiro - Voted
unanimously to consider this
action to constitute the first
reading of Ordinance #2009-06.
Advertise in local newspaper.

(CA) E. BUDGET ADJUSTMENTS

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

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

(CA) F. APPOINTMENTS

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

1. Public Service Appointments

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a. Charter Review Commission (9), **continued from April 22, 2009**

1. Joyce Bryant, 67 Collins Street - interest/appointment
2. Diana Campbell, 40 Seal Island Road - interest/appointment
3. William H. Rizzini, 16 Harbor View Avenue - interest/appointment
4. Barbara H. Healy, 10 Dolly Drive - interest/appointment
5. Harold E. Tucker, 10 Noyes Avenue - interest/appointment
6. Gregory Raposa, 145 Franklin Street, #2 - interest/appointment
7. John Francis IV, 636 Metacom Avenue - interest/appointment
8. Antonio Teixeira, 21 Cottage Street - interest/appointment
9. Edward J. Correia, 46 Varnum Avenue - interest/appointment
10. Joseph F. Parella, 1 Cedar Drive - interest/appointment
11. Michael A. DeMello, 856 Hope Street - interest/appointment
12. Thomas G. Breslin, M.D., 7 Dana Road - interest/appointment
13. Fausto Anguilla, 55 Peck Avenue - interest/appointment

Cordeiro/Herreshoff - Voted unanimously to continue this matter for final consideration on June 3, 2009 and to accept no new applications after the close of business on May 14, 2009.

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- b. Police Pension Fund - Board of Trustees
(2) (to fill vacancy to serve at the pleasure of the Police Union & unexpired term to expire April, 2010)
 - 1. Ricardo Morato, Bristol Police Union re appointment of Sergeant James Motta
 - 2. Raymond J. Dutelle, 356 High Street - interest/appointment

Councilman Barboza nominated Sergeant Motta for confirmation.

Barboza/Cordeiro - Voted unanimously to close nominations and to instruct the Clerk to cast one ballot in favor of Sergeant Motta to serve at the pleasure of the Police Union.

Councilman Barboza nominated Mr. Dutelle for appointment.

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

G. LICENSING BOARD - NEW PETITIONS

- 1. Town Clerk Cirillo re limiting the allowable number of Peddlers' Licenses granted

Cordeiro/Barboza - Voted unanimously to limit the number of Peddler's Licenses to ten (10) for the ensuing year.

- 2. Michael J. Ferreira, d/b/a Gillary's, 198 Thames Street - request for a One-Day Sunday Dancing and Entertainment License, May 24, 2009

- a. Recommendation - Police Chief and Town Administrator

Barboza/Cordeiro - Voted unanimously to grant this license

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based upon the recommendations received and subject to conformance to all laws and ordinances and payment of all fees, levies and taxes.

3. Bonnie Blue, d/b/a Sea Star, 227 Thames Street - request for a Holiday Sales License

Barboza/Cordeiro - Voted unanimously to grant this license contingent upon the receipt of positive recommendations and subject to the conditions of same and also subject to conformance to all laws and ordinances and payment of all fees, levies and taxes.

H. LICENSING BOARD - RENEWALS

1. Jeffrey Hirsch, d/b/a The Lobster Pot, Inc., 119-121 Hope Street - Intoxicating Beverage License review re compliance with State fire regulations, **continued from January 28, 2009** (See Item B1 also)

See item B1 above for Council action regarding this matter.

(CA) I. UTILITY PETITIONS

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

J. PETITIONS - OTHER

1. John M. Evans, 4 Hillside Road - request for a curb cut
 - a. Recommendation - Director of Public Works

Herreshoff/Barboza - Voted unanimously to grant this curb cut based upon the recommendations received provided that all expenses shall be borne by the petitioner.

2. Anne D. Ricci, 5 Francine Street - claim for automobile damage

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Barboza/Cordeiro - Voted
unanimously to continue this matter
to the meeting of June 3, 2009 and
to request information from Town
Solicitor Ursillo concerning same.

3. North and East Burial Grounds Commission -
request for approval of Proposed Fee Schedule

Barboza/Cordeiro - Voted
unanimously to approve the Fee
Schedule as prepared and presented.

4. Guy Gauvin, General Manager, Goetz Custom
Technologies - request for support of a
Federal Grant Application re "Supplemental
Grants for Assistance to Small Shipyards"
through the American Recovery and
Reinvestment Act, 2009

Cordeiro/Barboza - Voted
unanimously to instruct the Clerk
to draft and provide letters of
Council support in favor of this
application and to also provide
same in favor of the applications
of the International Yacht
Restoration School and Museum of
Yachting and Outerlimits Offshore
Powerboats.

Prior to the vote taken, Council Chairman Marshall informed the Council that he was in receipt of similar requests from the International Yacht Restoration School and Outerlimits Powerboats. Council Chairman Marshall suggested that the Council would support the applications of these organizations also.

5. Town Treasurer Day - request for termination
of lighting agreement between the Town and
Roger Williams University

Barboza/Cordeiro - Voted
unanimously to continue this matter
until the meeting of June 3, 2009.

Prior to the vote taken, Council Chairman Marshall informed those present that he discussed this matter with Town Treasurer Day and that the Town will endeavor to incorporate this agreement into the Town/University PILOT program.

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6. Miguel Medeiros, 14 Hopeworth Avenue - claim for automobile damage

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

7. Herb Moitoso, President, Fourth of July Past Chief Marshal's Association - request for support of establishing a War of Independence Monument

Barboza/Cordeiro - Voted
unanimously to support the efforts
of the Chief Marshal's Association
and to approve the placement of
said monument subject to the
concurrence of Recreation Director
Burke.

Prior to the vote taken, Councilman Barboza stated that he was generally in favor of the proposal but was concerned that the placement of the proposed monument might conflict with the prospective idea for the placement of a permanent band shell.

Councilman Herreshoff stated that the two ideas should be carefully coordinated lest the monument may have to be relocated at some future point.

Councilman Barboza agreed with Councilman Herreshoff and stated that the moving of the monument once it is established would be unacceptable.

In a related matter, Councilman Cordeiro suggested that the Council should consider a permanent marker at the State Street Wharf to honor those fishermen lost at sea. Councilman Cordeiro asked that the Clerk might add this matter to the Council Docket of June 3, 2009.

K. OTHER NEW BUSINESS REQUIRING TOWN COUNCIL ACTION

1. Town Administrator Mederos re Emergency Declaration due to deterioration of the concrete floor at the Dreadnaught Fire Station

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

Prior to the vote taken, Fire Chief Martin informed the Council that cracks in the floor are allowing water to pass through to the basement. He further noted that the existing floor was never intended to support the weight of a 38,000 lb. fire engine. Fire Chief Martin also stated that the repair to the floor was being designed by a structural engineer.

Councilman Herreshoff stated that it would be advisable to receive a properly designed solution.

Fire Chief Martin informed the Council that he is informed that the plan will include a reinforced floor; pitching same toward a center drain.

Council Chairman Marshall asked to know if the funds available \$10,500 would be sufficient for this project with Fire Chief Martin responding affirmatively.

Responding to questions posed by Councilman Herreshoff, Fire Chief Martin informed the Council that the funds were available in the 2008-2009 capital budget. Fire Chief Martin also stated that he anticipated that the work would be completed prior to July 4, 2009.

Councilman Herreshoff stated that he was of the opinion that it was "fair" to constitute this repair as an emergency.

2. Edward P. Mara, Ed.D., Superintendent,
Bristol Warren Regional School District -
request for resolution supporting proposed
amendments to Article VII, Type of District
of the Enabling Legislation created in 1991

Herreshoff/Cordeiro - Voted
unanimously to continue this matter
until the meeting of June 3, 2009.

Prior to the vote taken, Council Chairman Marshall informed those present that he spoke with Supt. Mara regarding this matter and that he (Council Chairman Marshall) was of the opinion that the request for this action was premature.

Councilman Herreshoff stated that the busing of children across the town lines is "a hot issue" and that citizens appear to be opposed to same.

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Councilman Barboza stated that he is informed that the Warren Town Council voted unanimously to reject this proposal. He also suggested that the School Committee should "sit up and pay attention" to the availability of the Byfield and Reynolds Schools. He also noted that the School Committee voted to decommission the Byfield and Reynolds Schools despite a recommendation from school administration not to do so.

Councilman Herreshoff stated that the use of the former (Reynolds and Byfield) schools provides a solution to the concern for elementary school overcrowding and that he was informed that the Reynolds School, in particular, could be readily reused since it was recently made accessible by means of an elevator.

Councilman Barboza termed the idea of changing the enabling legislation as "suspicious" and speculated that some School Committee members may have a hidden agenda.

Council Chairman Marshall again stated that the discussion regarding this matter appeared to be premature and again suggested that the matter should be continued. He further stated that the Council should consider the Hugh Cole School in Warren as it appears to be underutilized.

Councilman Herreshoff stated that he would prefer to see a diagram of facts and figures of school enrollment projections, etc. versus simple verbiage concerning this matter.

Councilman Cordeiro stated that the idea to build a new school "sets me off," with Councilman Barboza noting that the taxpayers are "not in the mood" to build a new school.

3. Council Chairman Marshall - request for monthly real estate trends from January, 2008 to present

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

Prior to the vote taken, Council Chairman Marshall stated that he was interested in receiving a report that was Bristol specific and not one that considered any trends out of the Town. He noted that the report might include actual sales versus assessed values.

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Town Administrator Mederos stated that Tax Assessor Spagnolo was working on such a report and reviewing sales data. She agreed to inform the Council when the data was available.

4. (Bond Counsel) re Amended and Restated Borrowing Resolutions

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

Prior to the vote taken, Town Treasurer Day noted a particular project for the parking area at the Town Beach. Recreation Director Burke elaborated on same indicating his plan to replace the current parking area with one that is less susceptible to pollution of the adjoining beach by bird droppings.

Recreation Director Burke further explained that the rehabilitated parking lot will include "rain gardens" of trees and other plantings. He also noted that the new parking lot will be more aesthetically pleasing than the current one.

Recreation Director Burke also stated that a 36" storm drain on the northerly side of the beach property will be replaced with a "meandering stream."

Councilman Herreshoff deemed the projects as "fine ideas" and cautioned against low-lying shrubbery within the parking area these creating a potential hazard for children in that the shrubbery will obstruct the view of motorists.

Recreation Director Burke further explained that the parking area will be redesigned with the assistance of a landscape architect and that he planned to hire same.

5. Director of Community Development Williamson and Principal Planner Tanner - request for Executive Session pursuant to RIGL Sec. 42-46-5(a)(5)

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

6. Resolution re Bristol Fourth of July Celebration - 2009

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

7. (Bond Counsel) re Resolutions for the Securing of Loan Funds

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

8. Councilman Barboza re update on local response to outbreak of H1N1 (Swine Flu) influenza

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

Prior to the vote taken, Councilman Barboza noted that this matter was receiving considerable media attention of late and that he would like to update the Council on those precautions taken on by the Town's emergency personnel. He asked Fire Chief Martin to provide details:

Fire Chief Martin reported that the Town was part of an emergency response team joining with the towns of Barrington and Warren and also with Miriam Hospital. Fire Chief Martin noted that the group enjoyed good communication and that training was taking place and also that emergency supplies were being stockpiled.

Fire Chief Martin also reminded those present to take serious the practice of washing hands, sanitizing surfaces, etc.

Councilman Barboza thanked Fire Chief Martin for his report.

Councilman Herreshoff asked to know if the threat of this influenza was similar to the epidemic of 1918 with Fire Chief Martin reporting that the situation could be similar with the influenza strain laying dormant over the summer and resurging with the return of cold weather. He also reported that the emergency plans anticipate that a serum for immunization will become available prior to the cold weather months and that the emergency team is working on a distribution plan.

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Councilman Herreshoff asked to know if airline travel worsens the spread of influenza with Fire Chief Martin responding that the rapid travel of persons who might be infected with the virus is cause for concern since it might quicken the spread of same.

Councilman Cordeiro stated that he was pleased to hear that the Town was responding proactively to the problem.

9. Town Administrator Mederos re Rhode Island Interlocal Risk Management Trust - Liability Risk Assessment, Bristol Police Department

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

Prior to the vote taken, Town Administrator Mederos noted that the assessment was positive and congratulated the participants.

Councilman Herreshoff termed the assessment a "strong endorsement."

10. Town Administrator Mederos re Bristol selected by *Newsmax* Magazine as one of the Top 25 Cities & Towns with the Best American Values

Barboza/Cordeiro - Voted
unanimously to receive and place
this matter on file and to also
instruct the Clerk to send a letter
of acknowledgement to Peter
Greenberg with a copy to Meredith
Vieira.

Prior to the vote taken, Town Administrator Mederos noted Bristol's placement as #9 in the top twenty five cities and towns with the best American values as identified by *Newsmax* Magazine. Town Administrator Mederos attributed the recognition to the Town's selection as one of the Dozen Distinctive Destinations as recently announced by the National Trust for Historic Preservation.

Councilman Cordeiro suggested that the Town should send an official acknowledgement of the honor and that a copy of this acknowledgement should be provided to Meredith Vieira since Ms. Vieira is a presenter/journalist with a local heritage.

TOWN COUNCIL MEETING - WEDNESDAY EVENING - MAY 13, 2009

11. Kristen Swanberg, President, East Bay Tourism Council re merging Bristol County to improve tourism

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

12. Nancy E. Dobie, Rhode Island Ocean Tides Senior Games - request to present information re 2nd Annual Event

Barboza/Herreshoff - Voted
unanimously to appropriate \$250
from the Council Contingency fund
to support this program.

Prior to the vote taken, Ms. Dobie of 38 Sullivan Lane addressed the Council and thanked the various sponsors of the program. Ms. Dobie also described in detail the planned individual events.

The Council thanked Ms. Dobie for her report.

13. Council Chairman Marshall - request for Executive Session pursuant to RIGL Sec. 42-46-5(a)(2)

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

L. BILLS & EXPENDITURES

(CA) M. ROUTINE REPORTS

(CA) N. FINANCIAL REPORTS

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

1. Town Treasurer Day - Monthly/Quarterly Report Fiscal Year Ending March 31, 2009
2. Town Treasurer Day - Revenue and Expenditure Statement, May 8, 2009

P. PROCLAMATIONS & CITATIONS

1. Commendation - James Annis, heroic act

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

2. Commendation - Capt. John Jannitto, 40th
Anniversary as Captain

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

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

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

1. Council Clerk Cirillo to John E. Faria,
Chairman, Democratic Town Committee re
recommendation for Board of Canvassers
appointment
2. Peder A. Schaefer, Chief, RI Department of
Revenue to Town Administrator Mederos re
approval of Notice of Proposed Property Tax
rate Change for fiscal year 2009-2010
3. Warrant - Charles Alexandre, Board of
Canvassers
4. Proclamation re Silver Star Banner Day 2009
5. Council Clerk Cirillo to Director of Public
Works Serbst re handicap parking space, 113
Union Street
6. Council Clerk Cirillo to Director of Public
Works Director Serbst re handicap parking
space, 106 Bradford Street
7. Sen. David E. Bates re Senate bills 2009-S
0252, 2009-S 0325, 2009-S 0617 and 2009-S
0424
8. Sen. David E. Bates re Senate bill 2009-S
0061

TOWN COUNCIL MEETING - WEDNESDAY EVENING - MAY 13, 2009

9. Town Treasurer Day to Christopher Slattery, 137 Sunrise Drive re denial of claim
10. Town Treasurer Day to Emily Quintin, 20 Lafayette Drive re denial of claim
11. Town Treasurer Day to Ronald Krupinski & Maria Terra, 22 Lafayette Drive re denial of claim
12. Robert A. Shawver, P.E., Associate Chief Engineer, RI Department of Transportation re Roadway Investment - Local Equity Aid Program workshop rescheduled to May 7, 2009
13. A. Ralph Mollis, Secretary of State to Steven M. Costantino, Chairman, House Finance Committee re opposition to Article 4, An Act Relating to Municipal Elections

Barboza/Herreshoff - Voted unanimously to instruct the Clerk to send a letter in support of Secretary Mollis' position regarding this matter.

14. Code Compliance Coordinator Evans to Gina (Digati), Lisa (Digati) & Santo Digati, Jr., 42 Union Street re of Town Code Section 10-41 (j) Disorderly house
15. Eastern Rhode Island Conservation District - Annual Report, July 1, 2007 - June 30, 2008
16. Resolution re Authorization for Town Administrator Mederos to file CDBG application (signed copy)
17. Karen Lynch, Chairperson, Future Enrollment & Facilities Task Force, Bristol Warren Regional School District re Meeting scheduled for May 13, 2009

Herreshoff/Barboza- Voted unanimously to nominate Councilman Barboza and Council Chairman Marshall to serve as members of the task force.

TOWN COUNCIL MEETING - WEDNESDAY EVENING - MAY 13, 2009

Prior to the vote taken, Town Administrator Mederos reported that she attended the subject meeting prior to her attendance this evening; this being the reason for her tardy arrival.

Town Administrator Mederos noted that the group was beginning to form and that it was the intention of same not to have meetings on the same evening as regular Town Council meetings.

Councilman Herreshoff suggested that Councilman Barboza might represent the Town as part of the task force. Town Administrator Mederos endorsed the idea of having Councilman Barboza serve in this capacity and noted that some of the task force members suggested that Council Chairman Marshall might serve.

Councilman Herreshoff suggested that the Council might ask both Council Chairman Marshall and Councilman Barboza to serve concurrently.

18. Town Clerk/Council Clerk Cirillo to Ed Cifune, Historic District Commission re thank you for service
19. Town Clerk/Council Clerk Cirillo to Pierrette S. Farley, President, Bristol Garden Club re appreciation for beautification of Town
20. Dan Beardsley, Executive Director, RI League of Cities and Towns to Municipal Finance Directors & Treasurers re FY 2010 Membership Dues
21. Cara Cromwell, Co-Chair, Colt-Andrews Schoolyard Committee re thank you for contribution towards schoolyard renovation
22. Harry L. Staley, Chairman, Rhode Island Statewide Coalition to Town Administrator Mederos re Elimination of the Straight Party Ballot in Rhode Island Elections
23. Warrant - David S.R. Andreozzi, Historic District Commission
24. Coastal Resources Management Council - notice of re-scheduling of public hearing re intention to change management plans,

TOWN COUNCIL MEETING - WEDNESDAY EVENING - MAY 13, 2009

policies, procedures and regulations, July 28, 2009

25. Warrant - John Stafford, Conservation Commission
26. Coastal Resources Management Council - Semi-Monthly Meeting, May 12, 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 District - Schedule of Meetings, Week of May 11, 2009
2. Board of (Tax) Assessment Review - May 6, 2009
3. Bristol Warren Regional School Committee Personnel/Contract Subcommittee - April 27, 2009
4. Bristol Warren Regional School Committee - April 27, 2009
5. Bristol Warren Regional School District - Schedule of Meetings, Week of April 27, 2009
6. Coastal Resources Management Council - Semi-Monthly Meeting, April 28, 2009
7. Bristol Warren Regional School Committee - Workshop/Meeting, May 11, 2009
8. Bristol Warren Regional School Committee - Special Meeting, May 9, 2009
9. Bristol Warren Regional School Committee Policy/Community Affairs Subcommittee - May 4, 2009
10. Bristol Warren Regional School Committee Personnel/Contract Subcommittee - May 4, 2009
11. Bristol Warren Regional School District - Schedule of Meetings, Week of May 4, 2009

TOWN COUNCIL MEETING - WEDNESDAY EVENING - MAY 13, 2009

12. Coastal Resources Management Council - May 2009 Calendar
 13. Bristol County Water Authority/Public Relations/Personnel Committee - May 6, 2009
 14. Bristol County Water Authority/Engineering Committee - May 6, 2009
 15. Bristol County Water Authority/Audit Finance Committee - May 6, 2009
 16. Bristol County Water Authority/Board of Directors - May 28, 2009
 17. Bristol County Water Authority - Annual Meeting, May 28, 2009
 18. Bristol County Water Authority/Board of Directors - Special Meeting, May 6, 2009
 19. Harbor Commission - May 4, 2009
 20. Bristol Warren Regional School Committee Future Enrollment & Facilities Task Force - May 13, 2009
- S. TOWN SOLICITOR
- Z. INDIVIDUAL COUNCIL MEMBERS AGENDA ITEMS
1. MARSHALL
 - a. Thank You Mike Davis - Council Chairman Marshall thanked Mr. Davis for filming this evening's meeting.
 - b. Budget Concerns - Council Chairman Marshall noted for the record that the Council cut the Town budget in order to provide for a no-tax increase but he expressed concern that deferred maintenance might create future problems.

Council Chairman Marshall also expressed concern that the budget cuts and also the reductions within the State for State Aid and services have "shifted the burden" to the Town department heads.

Council Chairman Marshall stated that he was hopeful that the Town "will come out ok in the

TOWN COUNCIL MEETING - WEDNESDAY EVENING - MAY 13, 2009

future" but that the reality of the situation is that the cost might outweigh the savings.

2. CORDEIRO

a. Sign Repair - Councilman Cordeiro noted that a street sign in the vicinity of the rescue station was askew. Town Administrator Mederos agreed to bring this matter to the attention of Public Works Director Serbst.

3. PARELLA

4. BARBOZA

a. Economic Development Commission - Councilman Barboza observed that the newly appointed Economic Development Commission was found to be "hospitable and focused."

b. Mrs. "Davis" - Councilman Barboza noted that Mike Davis's wife Priscilla was to have an operation and wished her well on behalf of the Council.

c. Salvatore Parella - Councilman Barboza noted for the record that Councilwoman Parella's father Salvatore Parella was seriously ill and that this was the reason for the Councilwoman's absence. Councilman Barboza expressed the concern of the Council regarding Mr. Parella's illness.

5. HERRESHOFF

a. Parking Lot Gulls - Councilman Herreshoff noted that seagulls might be deterred from open spaces by stringing monofilament line from the tops of lamp posts.

Recreation Director Burke agreed with Councilman Herreshoff and noted that the plans for the Silver Creek island includes the installation of monofilament line since this practice also deters the Canada Geese. Recreation Director Burke explained that the geese damage the island's vegetation and will be humanely excluded from the island via the installation of the line.

b. Hope Street Steps and Tree - Councilman Herreshoff observed the deterioration of the steps

adjacent to the Bristol Bagel Works along Hope Street. Councilman Herreshoff also observed that a tree across the street from same had been removed with Town Administrator Mederos responding that the State had recently removed some dead trees along the street.

Town Administrator Mederos agreed to investigate both matters and institute repair and replacement.

c. Street Paving - Councilman Herreshoff asked to know if the Town will be repaving some deteriorated streets with Town Administrator Mederos reporting that she and Public Works Director Serbst have been meeting with the State regarding same in anticipation of a funding cycle.

d. Budget - Councilman Herreshoff informed those present that he viewed the upcoming budget year as a time for "temporary belt tightening." He also noted that he did not advocate abandonment of Town projects but was generally of the opinion that non-emergency projects should be postponed until the economy improves.

ZZ. TOWN ADMINISTRATOR AGENDA ITEM(S)

1. Edward Byrne Memorial Justice Assistance program - Town Administrator Mederos introduced Police Chief Canario who informed the Council regarding his application for funding from the subject grant-in-aid program.

Police Chief Canario noted that the Town is seeking \$36,000 to replace outdated equipment and that the application is in progress.

The Council thanked Town Administrator Mederos and Police Chief Canario for their report concerning this matter and enthusiastically supported the application.

2. Manny Correira - Town Administrator Mederos informed the Council regarding her attendance at the RI Interscholastic League Hall of Fame event where Manuel C. "Manny" Correira was inducted into the Hall. Town Administrator Mederos noted Mr. Correira's recognition as a "prolific scribe" and further noted that this distinction was well deserved and extremely prestigious.

CITIZENS PUBLIC FORUM

Herreshoff/Barboza - Voted
unanimously to adjourn into
Executive Session pursuant to RIGL
42-46-5 (a) (2) and (5) at 9:15
o'clock PM.

Barboza/Herreshoff - Voted
unanimously to resume open session
and seal the minutes of the
Executive Session at 9:45 o'clock
PM.

There being no further business, upon a motion by Councilman
Barboza, seconded by Councilman Herreshoff and voted
unanimously, the Chairman declared this meeting to be
adjourned at 9:46 o'clock PM.

Louis P. Cirillo, CMC, Council Clerk