

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

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

The Council met in regular session on Wednesday evening, June 24, 2009, in the Town Hall, Council Chambers beginning at 7:04 o'clock PM, Council Chairman Marshall presiding:

Prior to the commencement of this evening's regular agenda, the Council considered the following matters:

Special Recognition - Bristol Colts (U12 Girls' Soccer Team), RI State Championship.

Commendation - Anna Mack, St. George's Medal 2009

Council Chairman Marshall noted for the record that the Bristol Colts and Ms. Mack were unable to attend this meeting due to a scheduling problem. He requested that the individuals should be invited to attend the next meeting to be held on July 15, 2009 with the Clerk agreeing to provide an invitation.

Introduction - Lefkowitz, Garfinkel, Champi & DeRienzo P.C.

The Council heard from Mr. Frank Champi and Ms. Joan Tracey who will be performing the Town's audit functions during the next several years. Judith Ventura, also with the audit firm, was introduced. The firm provided an outline of its program which is included in the back-up materials filed for this meeting.

During the presentation, a discussion ensued as to whether or not it was acceptable to have members of the same audit firm conduct the audit and also prepare financial statements with Mr. Champi responding that Ms. Tracey will be completing the Town's financial statements and that she will essentially be working for Town Treasurer Day while carrying out this task.

Several Council members expressed concern that the arrangement might give the appearance of a conflict of interest with Town Treasurer Day explaining that the method to be employed was approved by the State Auditor General.

Mt. Hope High School Marching Band re Presentation to Council

N. Diane Davis presented the Council with a photograph taken during the Mt. Hope High School Marching Band's trip to Washington, D. C., for the Cherry Blossom Festival. Ms. Davis thanked the Council for its support of this program.

American Legion Boy's State Program

David Silvia of the American Legion Boy's State program introduced Jonathan Silva who was a participant in this year's program.

Mr. Silva informed the Council of the highlights of his experience and presented the Council with commemorative pins.

Council Chairman Marshall read a legislative bill concerning free press for public school students that was prepared as part of the program by Mr. Silva, aloud.

Councilman Barboza congratulated Messrs. Silvia and Silva upon the success of the program and explained that he had been a participant in Boys State while a youngster.

Councilman Barboza presented Mr. Silva with a commemorative pin from the Town of Bristol.

Councilwoman Parella commented that it was beneficial for the Council to receive feedback from those who receive financial support. She thanked Mr. Silvia and Ms. Davis for reporting back to the Council concerning their youth programs.

MOTION RE: CONSENT AGENDA - TO APPROVE THE CONSENT AGENDA

Cordeiro/Barboza - Voted
unanimously to approve the Consent
Agenda withholding items R9 and R14
for further discussion.

Prior to the vote taken, Council Chairman Marshall asked that item R14 might be withheld for further discussion and Councilman Barboza asked that item R9 might also be withheld.

A. SUBMISSION OF MINUTES OF PREVIOUS MEETING(S)

1. Town Council Meeting - June 3, 2009

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

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

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

1. Harbor Commission - June 1, 2009
2. Historic District Commission - May 7, 2009
3. Bristol Warren Regional School Committee - March 23, 2009
4. Bristol Warren Regional School Committee - Workshop, April 13, 2009
5. Bristol Warren Regional School Committee - Special Meeting, April 22, 2009
6. Bristol Warren Regional School Committee - April 27, 2009
7. Bristol County Water Authority/Board of Directors - May 28, 2009
8. Bristol County Water Authority/Public Relations/Personnel Committee - June 3, 2009
9. Bristol County Water Authority/Engineering Committee - June 3, 2009
10. Bristol County Water Authority/Audit Finance Committee - June 3, 2009
11. (Harbor Commission) - June 8, 2009
12. Planning Board - May 12, 2009

B. OLD BUSINESS

1. Assistant Town Solicitor Teitz re steps necessary for expansion of local Historic District, **continued from May 13, 2009**
 - a. Director of Community Development Williamson re proposed expansion of Historic District, **1st reading and call for public hearing on July 15, 2009**

- b. Oryann Lima, Vice Chairman, Historic District Commission re approval of proposed Historic District expansion

Late Item

- c. Recommendation - Planning Board

Barboza/Cordeiro - Voted unanimously to consider this action to constitute the first reading of the amendment to the zoning map to extend the Historic District and to call for a public hearing regarding same on July 15, 2009 beginning at 7:00 o'clock PM.

- 2. DeWolf and Martha Fulton, 28 Monkey Wrench Lane re proposed amendment to parking area approved October 22, 2008

- a. Recommendation - Town Administrator and Police Chief

- b. Recommendation - Director of Public Works

Barboza/Parella - Voted unanimously to grant the proposed amendment per the recommendations received and also subject to the conditions as previously voted.

- 3. Councilman Herreshoff re Future Revaluations

Herreshoff/Cordeiro - Voted unanimously to refer this matter to Town Solicitor Ursillo and anticipate a review of a new revaluation ordinance on September 16, 2009 and to receive and place this matter on file.

Prior to the vote taken, Councilman Herreshoff expressed a need to establish Council guidelines for future revaluations and he urged the Council to "draw up a roadmap" that might include criteria for the selection of the revaluation firm and to also possibly impose limits on the level of valuation change that might be allowed versus the current valuation.

Councilman Herreshoff suggested that the next revaluation might allow for a "more liberal" change in order to correct

any current valuation problems and then to "settle-in" on smaller change restrictions.

Council Chairman Marshall stated that the Council had considered this matter in the past and he suggested that Town Solicitor Ursillo might examine the "laundry list" of issues surrounding revaluation and to suggest an ordinance for the Council's consideration during the month of September.

4. Tax Assessor Spagnolo to Town Administrator Mederos re Monthly Sales Report

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

BB. SPECIAL /STATUS REPORTS

1. Bristol County Water Authority - Annual Report for 2009

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

C. PUBLIC HEARINGS

1. Manuel and Margarita Metz, 13 Vantage Point Drive - request for a license to maintain Town property
 - a. Robert and Kathleen Twomey, 6 Overlook Drive re objection to proposed petition
 1. Robert and Kathleen Twomey, 6 Overlook Drive to Director of Community Development Williamson re correspondence concerning proposed petition
 - b. William M. McMullen, Chairman, Zoning Board of Review re petition of Manuel and Margarita Metz

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

Barboza/Herreshoff - Voted
unanimously to deny the petition.

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

Speaking in favor of the petition was the petitioner, Mr. Metz, who described the area in question and presented a diagram of same. He stated that it was his intention to grow plantings in the area similar to those found on his adjacent property. Mr. Metz also informed the Council that he has been maintaining the subject property since he acquired his home.

Speaking against the petition was Mr. Twomey who informed the Council that the property in question abuts his property and that he objected to the granting of a license to maintain to Mr. Metz. Mr. Twomey expressed concern that Mr. Metz' plan to install plants and shrubs was unacceptable to him and he reminded the Council that he (Mr. Twomey) provided a letter of objection for this evening's agenda.

Mr. Twomey also noted that his property, adjacent to the Metz property line, contains a drainage easement. Mr. Twomey questioned as to whether the drainage easement might be compromised due to the installation of plants and shrubs and requested that the property be maintained as it has been in the past with a mowed grassy area.

Councilman Barboza stated that he visited the area in question and found it to be already well maintained.

Councilman Herreshoff commented that the landscaping in the area would appear "odd" if the license was to be granted and the abutting neighbors each chose a different style of landscaping.

Public Works Director Serbst stated that the inclusion of shrubs and other plantings along the drainage easement may make future drainage improvements planned for the area difficult. He recommended that the Town property remain as a grassy area.

Councilman Herreshoff asked to know where the drainage will flow, with Public Works Director Serbst responding that the plan for the not-yet constructed drainage system will flow toward the East Bay Bicycle Path. Public Works Director Serbst also stated that the suggested bushes and plantings would have to be excavated were these to block access to the easement.

Councilman Herreshoff asked Public Works Director Serbst to confirm that the plantings, as proposed by Mr. Metz, would be problematic with Public Works Director Serbst responding affirmatively.

Mr. Metz noted that his request was to maintain land exclusive of the drainage easement with Town Solicitor Ursillo noting that the plan as submitted by Mr. Metz is within the Town-owned street directly in front of the easement area. He also explained that the easement ends at the street-edge because the entire street is Town property and that the Town was not in need of any easement along its owned street.

After the votes taken, Council members thanked Mr. Metz for his interest in maintaining Town property but noted that the objection of the neighbors and the further concern for future access to the drainage easement made their agreement to his request difficult.

Councilman Cordeiro stated that he was familiar with some of those families who own property in the neighborhood and was assured that these persons would not agree to the planting of shrubs, etc. along the street line.

Mr. Metz thanked the Council for hearing his request and expressed concern that his planned plantings would not interfere with views since these would be ground cover plants and very low shrubs. He further stated that some of the arguments in opposition to his petition were "absurd."

Council Chairman Marshall stated that the rationale in opposition to the plan of Mr. Metz "weighed heavily" upon his decision in this matter.

2. Michael Ferreira, d/b/a Gillary's Tavern, 198 Thames Street - request for expansion of BV Intoxicating Beverage License to allow for service of alcohol in driveway area on July 3, 2009, 7:00 PM - 1:00 AM
 - a. Recommendation - Town Administrator and Police Chief

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

Barboza/Cordeiro - Voted
unanimously to grant this expansion

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

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

Speaking in favor of the petition was a representative of Mr. Ferreira, the petitioner, who informed the Council that he was available to answer any questions which might arise.

There was no further remonstrance presented in favor of or in opposition to the petitioner's request

D. ORDINANCES

1. Ordinance #2009-07, CHAPTER 16, Motor Vehicles and Traffic, Article V, Stopping, Standing and Parking, Section 16-143, Parking prohibited at all times (Goulart Avenue), **2nd reading for adoption**

Cordeiro/Barboza - Voted unanimously to consider this action to constitute the Second Reading for adoption of Ordinance #2009-07. Advertise in local newspaper.

2. Ordinance #2009-08, CHAPTER 16, Motor Vehicles and Traffic, Article V, Stopping, Standing and Parking, Section 16-142, Overnight parking prohibited, **1st reading**

Barboza/Cordeiro - Voted unanimously to consider this action to constitute the First Reading of Ordinance #2009-08. Advertise in local newspaper.

3. Ordinance #2009-09, CHAPTER 16, Motor Vehicles and Traffic, Article V, Stopping, Standing and Parking, Section 16-158, Parking of boats and trailers, **1st reading**

Barboza/Herreshoff - Voted unanimously to consider this action to constitute the First Reading of

Ordinance #2009-09. Advertise in local newspaper.

Prior the votes taken on items D2 and D3, Town Administrator Mederos reported that the Town was utilizing this parking lot on a trial basis having obtained same from its owner Russell Karian for a \$1 per year lease.

Town Administrator Mederos further noted that overnight and trailer parking will not be allowed on the site; these stipulations being the reason for the two ordinances.

Councilwoman Parella suggested that the parking lot should be outfitted with signage to clearly define the parking rules.

Councilman Herreshoff asked to know if the Town will be monitoring the parking lot use with Town Administrator Mederos responding affirmatively.

(CA) E. BUDGET ADJUSTMENTS

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

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

(CA) F. APPOINTMENTS

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

1. Public Service Appointments
 - a. Charter Review Commission (9), **continued from June 3, 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
14. Gerald Walsh, 33 Byfield Street - interest/appointment

Council Chairman Marshall called for nominations for the office of Charter Review Commission.

Town Solicitor Ursillo suggested that the Council members might individually indicate their choices for Charter Review Commission on a ballot and that he would tally same.

The votes per candidate were as follows:

Voting for **Joyce Bryant** was Councilwoman Parella (1).

Voting for **Diana Campbell** was Councilwoman Parella (1).

Voting for **William H. Rizzini** were Council Members Marshall, Cordeiro, Parella, Barboza and Herreshoff (5).

Voting for **Barbara H. Healy** were Council Members Marshall, Cordeiro, Parella, Barboza and Herreshoff (5).

Voting for **Harold E. Tucker** were Council Members Parella and Herreshoff (2).

No votes were cast for **Gregory Raposa** (0).

Voting for **John Francis IV** were Council Members Marshall, Cordeiro, Barboza and Herreshoff (4).

Voting for **Edward Correia** were Council Members Marshall, Cordeiro, and Barboza (3).

Voting for **Joseph F. Parella** were Council Members Marshall, Cordeiro, Parella, Barboza and Herreshoff (5).

Voting for **Michael DeMello** were Council Members Marshall, Cordeiro, and Barboza (3).

Voting for **Thomas Breslin M. D.** were Council Members Parella and Herreshoff (2).

Voting for **Fausto C. Anguilla** were Council Members Marshall, Cordeiro, Parella, Barboza and Herreshoff (5).

Voting for **Gerald Walsh** were Council Members Marshall, Cordeiro, Barboza, and Herreshoff (4).

Town Solicitor noted that the following nominees received at least three (3) votes:

William H. Rizzini, Barbara H. Healy, John Francis IV, Antonio Teixeira, Edward Correia, Joseph F. Parella, Michael DeMello, Fausto C. Anquilla, and Gerald Walsh.

Council Chairman Marshall declared that those nine (9) receiving three (3) votes or more were duly appointed to serve, term to expire per Section 1305 of the Home Rule Charter. The Clerk was instructed to arrange for the inaugural meeting of the Charter Review Commission.

- b. Historic District Commission (3) (terms to expire July, 2012)

1. Oryann Lima, 73 Franklin Street - interest/reappointment
2. John Allen, 60 Church Street - interest/reappointment
3. Reginald L. McCarthy, 34 First Street - interest/reappointment

It is hereby noted for the record that Councilman Cordeiro recused himself from the discussion and vote concerning the Historic District Commission.

Councilman Barboza nominated Ms. Lima, Mr. Allen, and Mr. McCarthy for reappointment.

There were no counter-nominations.

Barboza/Parella - Voted to close nominations and to instruct the Clerk to cast one vote each in favor of Ms. Lima, Mr. Allen, and Mr. McCarthy; terms to expire in July 2012. Councilman Cordeiro was recused from the vote.

- c. Planning Board - Auxiliary Members (2)
(terms to expire July, 2012)
 1. Nathan T. Calouro, 66 Charles Street - interest/reappointment
 2. Michael W. Rossi, 686 Hope Street - interest/reappointment

Councilman Barboza nominated Messrs. Calouro and Rossi for reappointment.

There were no counter nominations.

Barboza/Parella - Voted unanimously to close nominations and to instruct the Clerk to cast one ballot in favor of Messrs. Calouro and Rossi, terms to expire in July 2012.

G. LICENSING BOARD - NEW PETITIONS

1. Dwayne A. Davis, d/b/a S & S Novelty, 245 California Avenue, Providence - request for a Hawkers and Peddlers License to sell novelty items during the fireworks, July 3, 2009

- a. Recommendation - Police Chief

Herreshoff/Parella - Voted unanimously to empower the 4th of July Committee to grant this and additional licenses for 4th of July Celebration Activities to be held on July 3, 2009 only.

Prior to the vote taken, the Clerk noted that the moving of the fireworks to July 3 has become problematic concerning vending licenses since the 4th of July Committee had been delegated the responsibility to issue same for July 4 activities many years ago. He noted that the Clerk's Office received several inquiries for peddler's licenses particularly for the fireworks and that there was no precedent for these.

The Clerk asked if the Council might consider delegating its authority to issue vendor licenses for the July 3, 2009 fireworks with Town Solicitor Ursillo noting that it would be possible for the Council to do so.

2. Dick Devault for Bristol County Elks, 1 Constitution Street - request for a One-Day Dancing and Entertainment License, June 28, 2009

- a. Recommendation - Town Administrator and Police Chief

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.

3. Dick Devault for Bristol County Elks, 1 Constitution Street - request for a One-Day Dancing and Entertainment License, July 12, 2009

- a. Recommendation - Town Administrator and Police Chief

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.

- 4. Dick Devault for Bristol County Elks, 1 Constitution Street - request for a One-Day Dancing and Entertainment License, July 19, 2009

- a. Recommendation - Town Administrator and Police Chief

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.

- 5. Paul Sousa, d/b/a The Cake Gallery, 555 Hope Street - request for a Victualling License (new location)

- a. Recommendation - Town Administrator and Police Chief

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

- 6. Paul Sousa, d/b/a The Cake Gallery, 555 Hope Street - request for a Sidewalk Use License

- a. Recommendation - Town Administrator and Police Chief

Barboza/Herreshoff - Voted unanimously to grant this petition based upon the recommendations

received and subject to conformance to all laws and ordinances, demonstration of adequate insurance coverage indemnifying the Town, and payment of all fees, taxes and levies.

7. Jennifer Cavallaro, d/b/a The Beehive Café, 10 Franklin Street - request for a Hawkers and Peddlers License to sell coffee and baked goods at the 4th of July celebration concert series

Late Item

- a. Jennifer Cavallaro, (d/b/a The Beehive Café, 10 Franklin Street) - request to withdraw Hawkers and Peddlers License petition

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

8. Rebecca Hanos, 7 Gorham Place - request for a Hawkers and Peddlers License

Late Item

- a. Rebecca Hanos, 7 Gorham Place - request to withdraw Hawkers and Peddlers License petition

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

H. LICENSING BOARD - RENEWALS

1. Bernard Catalano, d/b/a Catalano Construction, Inc., 10 Nate Whipple Highway, Cumberland, RI - six (6) month review of Drainlayer's License

- a. Recommendation - Town Administrator and Director of Public Works

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

2. Public Laundry License Renewals for 2009-2010

- a. Recommendation - Town Administrator and Police Chief

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

3. Hawkers and Peddlers License Renewals for 2009-2010

- a. Recommendation - Town Administrator and Police Chief

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

4. Dancing and Entertainment License Renewals for 2009-2010

- a. Recommendation - Town Administrator and Police Chief

Late Item

- b. Dancing and Entertainment License Renewal petitions (supplemental)

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

(CA) I. UTILITY PETITIONS

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

J. PETITIONS - OTHER

1. Karl Antonevich for VFW Post 237 - request to hold Poppy Drive at Stop & Shop, August 14 & 15, 2009
 - a. Recommendation - Town Administrator and Police Chief

Barboza/Cordeiro - Voted
unanimously to grant the petition
per the recommendations received.

Prior to the vote taken, Council members asked to know why the petitioner was seeking the permission of the Council for this activity since the activity will take place on private property (Stop and Shop) with the Clerk responding that the tradition of the Council's granting of a license to allow this activity was a carry-over from many years ago when the VFW sold "Buddy Poppy" keepsakes on street corners.

The Clerk further explained that since the VFW asked to have the Council's permission and endorsement, and he was certain that it would be granted, he saw no need to dispense with the long standing tradition which began Nationally in the 1920s.

2. Susan O'Donnell, d/b/a Sue Casa, 39 State Street - request to hang a projecting sign over Town sidewalk

Barboza/Cordeiro - Voted
unanimously to grant this petition
provided that the petitioner
maintains the requisite amount of
liability insurance; naming the
Town as additional insured.

Prior to the vote taken, it was noted for the record that the petitioner must also obtain the necessary building permits and approval from the Historic District Commission.

3. Nicholas Kearney, d/b/a Striper Moon, 11 State Street - request to hang a projecting sign over Town Sidewalk

Barboza/Cordeiro - Voted
unanimously to grant this petition
provided that the petitioner
maintains the requisite amount of

liability insurance; naming the Town as additional insured.

Prior to the vote taken, it was noted for the record that the petitioner must also obtain the necessary building permits and approval from the Historic District Commission.

4. Gildon Stillings, 44 Harrison Street - request for a license to maintain Town property, **call for a public hearing on July 15, 2009**

Cordeiro/Herreshoff - Voted unanimously to hold a public hearing concerning this license to maintain Town property on Wednesday evening, July 15, 2009 beginning at 7:00 o'clock PM. Advertise in local newspaper (the cost of this advertising to be borne by the petitioner).

5. Alison C. Sweeney, 38 Clipper Way - request for abandonment of a portion of Evelyn Drive, **call for a public hearing on August 5, 2009**

Barboza/Cordeiro - Voted unanimously to call for a public hearing regarding this matter on Wednesday evening, August 5, 2009 and to advise the petitioner of the Council's concern regarding same and the further option available in a "license to maintain." Advertise in local newspaper, the cost of same to be borne by the petitioner.

Prior to the vote taken, Director of Community Development Williamson reported that the Planning Board has been reluctant in recent years to recommend any abandonment. Director of Community Development Williamson expressed concern that the petitioner may be subject to a substantial expense and should be forewarned that the approval of the abandonment was doubtful.

The Council agreed to allow the Public Hearing to go forward at the discretion of the petitioner and also instructed the Clerk to inform the petitioner of the anticipated cost of same and also the option of a "license to maintain."

6. Francis McCaughley, 10 Colt Avenue - request to hold wedding ceremony at Walley Beach, August 8, 2009

Late Item

- a. Recommendation - Director of Parks and Recreation

Barboza/Herreshoff - Voted unanimously to grant this petition as per the recommendation received and provided that the petitioner shall obtain a certificate of insurance indemnifying the Town.

7. Stephen Cornwall, (Rogers Free) Library Capital Project Committee re completion of project

- a. Town Treasurer Day re (Rogers Free) Library project

Herreshoff/Barboza - Voted unanimously to continue this matter until the meeting of July 15, 2009.

Prior to the vote taken, Council Chairman Marshall suggested that prior to the disbanding of the Capital Project Committee; the various parties might look for some sort of compromise with the General Contractor.

It was suggested that the matter might be continued for further consideration at the Council's next meeting.

8. Director of Parks and Recreation Burke re Bristol Mustang's shed

Late Item

- a. John Olsen, President, Bristol Mustangs re loan for storage building

Herreshoff/Barboza - Voted unanimously to appropriate the remaining balance in the Council Contingency toward the completion of this project.

Prior to the vote taken, Recreation Director Burke explained that this program had been storing its equipment in the Community Center and later at the Walley School and that both storage places are no longer suitable.

Recreation Director Burke reported that the School Committee has agreed to allow the construction of the proposed shed at the far end of the High School parking lot.

It was noted that the labor to construct the structure will be provided free of charge and that the funds requested would provide materials only. The Bristol Mustangs suggested that the Council might advance them the funds to build the structure and that these would be "repaid" out of the group's annual Human Resources funding.

Councilman Barboza reminded the Council that its honorable body was considering the elimination of the annual funding since the Human Resources trust fund has not produced enough income to support same.

Council Chairman Marshall agreed with Councilman Barboza and suggested that the Council might prefer to provide a one-time grant to the project and not a repayment over time allocation. He noted that there was approximately \$2000 remaining in the Council's contingency and that this could be given toward the completion of the project with the Bristol Mustangs raising the remainder.

Councilwoman Parella noted that the Mustangs will receive \$1250 in the upcoming fiscal year and this coupled with the Council's Contingency Fund balance should provide nearly \$3250.

K. OTHER NEW BUSINESS REQUIRING TOWN COUNCIL ACTION

1. Amy Rose Weinreich, Charlestown Deputy Town Clerk re Resolution opposing rate hikes proposed by Blue Cross and United Health

Barboza/Parella - Voted unanimously to support the Resolution.

2. Amy Rose Weinreich, Charlestown Deputy Town Clerk re Resolution opposing electric rate increase

Barboza/Parella - Voted unanimously to support the Resolution sending a copy of the Council's action regarding this matter to the Public Utilities Commission.

3. Director of Community Development Williamson re proposed amendments to Subdivision and Development Review Regulations

Barboza/Cordeiro - Voted unanimously to continue this matter until the meeting of July 15, 2009 and to anticipate a report from Director of Community Development Williamson outlining the salient details of the regulation amendments.

Prior to the vote taken, Director of Community Development Williamson noted that the regulation amendments were in process and that these were mostly related to the Metacom Avenue development plan.

Director of Community Development Williamson further explained that the regulations would provide design guidelines for new development and that these were prepared with the assistance of the Town's consulting architect and engineer.

Director of Community Development Williamson agreed to outline the changes for the Council's information and to provide a "white paper" for the next Council meeting.

After the vote taken, Council Chairman Marshall asked to know if the Rhode Island Department of Transportation was involved in the development of these regulations with Director of Community Development Williamson responding that the regulations do not include any improvements anticipated for the road itself but rather concerns the property development along the road.

4. Zsolt Orban, M.D. and Richard V. Simpson, Bristol DVD Project re contribution to the new Fire and Rescue building project

Herreshoff/Barboza - Voted unanimously to accept the donation with appreciation to the donors.

5. Councilman Herreshoff re Bristol Parks

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

Prior to the vote taken, Councilman Herreshoff suggested that Rockwell Park was in need of "review" since some of the paths, etc. had deteriorated.

Councilman Herreshoff also noted that the boardwalk at Firemen's Park was in need of replacement and he suggested that this item might be included in the Capital Budget for 2010.

Councilman Herreshoff also noted the three trees planted within the ellipse at Independence Park and questioned as to whether or not these should be in place.

Town Administrator Mederos agreed that Rockwell Park was in need of a "spruce up" and that she plans to replace the planks at the boardwalk.

Town Administrator Mederos also stated that she reviewed the original plan for the ellipse at Independence Park and found that the three beech trees were part of the original plan as designed by Bob Weygand.

Tree Warden Samuel C. Kinder, agreed with Town Administrator Mederos and informed those present that he recalled the planting of the beech trees, these being included in the Weygand design.

Councilman Herreshoff stated that he did not recall that the trees were part of the original plan, but did recall conversations with Mr. Weygand that this area should remain open for impromptu play and large gatherings.

Councilman Herreshoff asked to know if it would be possible to relocate the beech trees with Tree Warden Kinder responding that it would be possible but likely extremely expensive and therefore impractical in consideration of the cost. Tree Warden Kinder also explained that the trees might not have been specifically noticed by Councilman Herreshoff until these have reached their current substantial size.

Tree Warden Kinder also explained that it is not at all unusual to have grouping of plantings in threes, this being a "quite beautiful" design feature. He also noted that the beech trees selected were compatible with the shoreline and will provide some needed shade on sunny days.

Councilman Herreshoff agreed that the trees were likely part of the original plan but cautioned that no additional trees should be planted within the ellipse. Tree Warden Kinder

agreed that installing additional trees within the ellipse would be inadvisable.

Councilman Herreshoff stated that he was pleased to know that there was consensus that no additional trees should be planted with Tree Warden Kinder observing that he was in agreement that the opportunity for impromptu play should not be compromised by adding too many obstructions within the ellipse.

6. Councilman Herreshoff re 2009 Paving Program

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

Prior to the vote taken, Councilman Herreshoff asked to know if there was a plan to repave the northerly section of Wood Street adjacent to the Veterans Park with Town Administrator Mederos reporting that funds were forthcoming from the Federal Government and also from the State for repaving.

It was reported that Mr. DaPonte, who operates a business in the area of concern, will assist with the rebuilding of the road and also provide gravel for same.

Councilman Herreshoff expressed concern that the worst section of the road is adjacent to the newly renovated Veterans Park and that he was "delighted" to learn of a plan to improve same.

7. Councilman Herreshoff re State project at
Hope and Washington Streets

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

Prior to the vote taken, Councilman Herreshoff expressed concern that the recent drainage improvements to the area at the junction of Hope and Washington Streets were ineffective since there appears to be recurrent flooding.

Town Administrator Mederos reported that the State DOT personnel continue to monitor the tidal action in the area.

8. Councilman Herreshoff re Tree Infestation

Herreshoff/Cordeiro - Voted
unanimously to continue this matter
until the meeting of July 15, 2009.

Prior to the vote taken, a discussion ensued regarding the observed insect infestation in certain parts of Town.

Councilman Herreshoff asked Tree Warden Kinder if something might be done to remove the insects that are devouring the leaves of the Town's trees. Councilman Herreshoff also noted that a spraying program at the Juniper Hill Cemetery appeared to be successful at removing the insects.

Tree Warden Kinder explained that the vegetation is being consumed by the larvae of the Winter Moth that has been present in the area, and particularly strong in the East, for approximately 3-4 years.

Tree Warden Kinder also explained that the moth is easier to control on private property since the spray used to eliminate same is problematic when sprayed on public property; raising public concern for safety. He also noted that the spray is poisonous to bees and that he is reluctant to use same when bee populations might be compromised.

Tree Warden Kinder also noted that, if left untreated, the effect of the Winter Moth can be devastating.

Clem DesJardins, an employee of Mr. Kinder and noted tree expert, explained that the pest emigrated from Europe to Nova Scotia in the 1950s and has been gaining strength. He also noted that there is a program in Massachusetts to rear a predatory wasp that destroys the larvae of the Winter Moth. He noted that this wasp might provide the best solution to the problem but that there is limited commercial availability of the wasp for introduction into the ecosystem.

Councilman Herreshoff suggested that Tree Warden Kinder and Mr. DesJardins should prepare a plan for addressing the Winter Moth in Bristol in time for next year's budget.

Mr. DesJardins confirmed Tree Warden Kinder's concern for the devastation that may be caused by the Winter Moth, noting that its larvae many damage several species of local street trees including maples and especially cherries.

Councilwoman Parella stated that she was concerned regarding the toxicity of a spraying program. She asked if the Town might be able to acquire the predatory wasp.

Mr. DesJardins stated that it is not possible to use a combination of spray and predatory wasp since the spray will also destroy the wasps.

Recreation Director Burke informed those present that he plans to spray approximately forty (40) trees at the Town Beach.

9. Rhode Island Ethics Commission - Request for Comment (July 14, 2009) re proposed General Commission Advisory 2009-1; Nepotism for meeting on July 21, 2009

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

10. Town Hall employees re participation in Pizzas 4 Patriots program

Barboza/Cordeiro - Voted
unanimously to receive and place
this matter on file with thanks to
the Town Hall employees and Town
Administrator Mederos.

Prior to the vote taken, Town Treasurer Day explained that he asked that this item might be placed on the Council's docket so as to generate interest in the project.

Town Administrator Mederos offered to make a donation to this effort from her contingency account on behalf of the Town.

11. Councilman Barboza re Ferry Road repair

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

Prior to the vote taken, Councilman Barboza commented that Ferry Road was "a disaster" and asked who was responsible to repave same with Town Administrator Mederos responding that Public Works Director Serbst "was on top of it."

Public Works Director Serbst commented that the trench was excavated in the center of Ferry Road so as to accommodate a new water main for the Bristol County Water Authority. Public Works Director Serbst expressed concern that the low-

bidder contractor which was hired by the Water Authority was "difficult" and that the road bed did not appear to be properly compacted.

Public Works Director Serbst also explained that the State Department of Transportation officials were monitoring the progress of the work and that he was awaiting word from those officials.

Council Chairman Marshall asked to know if some of the stimulus infrastructure repair funds might be allocated to curb-to-curb pave the road with Town Administrator Mederos responding that she would investigate same.

12. Principal Planner Tanner re Potential Open Space Donation, Jones Avenue (Assessor's Plat 22, Lots 39 & 40)

Cordeiro/Herreshoff - Voted unanimously to accept this donation and to send a letter of thanks to the donating parties.

Prior to the vote taken, Director of Community Development Williamson explained that the Open Space Committee was in favor of accepting this donation and that it was the recommendation of the Committee that this property should remain open-space in perpetuity.

L. BILLS & EXPENDITURES

1. Bid #679 - Camera Monitoring System

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:

Mt. Pleasant Alarm, Inc. of Providence, RI	\$37,675.00
Shanix, Inc. of Cranston, RI	29,990.81

(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, June 19, 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. Bristol County Water Authority - Board of Directors (5-29-09)
2. Recommendation - Police Chief Canario re Holiday Sales License for Bonnie Blue, d/b/a Sea Star, 227 Thames Street
3. Certificate of Accomplishment - Marcia King, et al, Amgen Rhode Island Science and Engineering Fair
4. Assistant Town Solicitor Teitz to Keith Stokes, Board of Directors, Rhode Island Economic Development Corporation re Kaiser Mill, a/k/a Bristol Industrial Park, 500 Wood Street
5. Colleen M. Bodziony, Membership Service Manager, Rhode Island Interlocal Risk Management Trust re 2008 Annual Report
6. Peter McWalters, Commissioner, Rhode Island Department of Education re *State Report Card* 2009
7. Council Clerk Cirillo to Coastal Resources Management Council re CRMC File No. 2007-02-061 - Mt. Hope Fishing Access
8. Coastal Resources Management Council - Semi-Monthly Meeting, June 10, 2009
9. Jeffrey P. Lynch, Chief, Portsmouth Fire Department to Town Administrator Mederos re assistance of Bristol Fire Department

Barboza/Herreshoff - Voted
unanimously to receive and place
this matter on file with accolades
to the Fire Department.

Prior to the vote taken, Councilman Barboza noted the receipt of this correspondence, outlined the details, and suggested that the Council might acknowledge same.

10. Warrant - Sergeant James Motta, Police Pension Fund - Board of Trustees
11. Donna L. Giordano, MMC, Westerly Town Clerk re Resolution supporting U.S. Supreme Court Opinion in *Carcieri V. Salazar*
12. Leigh Botello, East Greenwich Town Clerk re Opposition to House Bill 2009 - H5123, An Act Relating to Property - Mortgage Foreclosure and Sale
13. Patricia Woods, Member, Economic Development Commission re article published in the *Bristol Phoenix* concerning the Economic Development Commission
14. Dale J. Venturini, President/CEO, RI Hospitality Association re Regional Tourism Award

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

15. Lloyd Adams, Bristol Harbor Inn to Fire Chief Martin re inspection of tent at Bristol Harbor Inn
16. Stu Gaskell, President, Bristol Youth Soccer Association to Town Administrator Mederos re U12 girls' Bristol Colts soccer team, RI State Champions
17. Recommendation - Police Chief Canario re request of C. Lynne Turnbull, d/b/a 195 Franklin, 195 Franklin Street to hold Farmer's market in parking area
18. Coastal Resources Management Council - Newsletter, Winter/Spring 2009

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

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

1. Harbor Commission - June 1, 2009
2. Bristol County Water Authority/Public Relations/Personnel Committee - June 3, 2009
3. Bristol County Water Authority/Engineering Committee - June 3, 2009
4. Bristol County Water Authority/Audit Finance Committee - June 3, 2009
5. Bristol County Water Authority/Board of Directors - June 10, 2009
6. Recreation Board - June 9, 2009
7. Bristol Warren Regional School District - Schedule of Meetings, Week of June 8, 2009
8. Bristol Warren Regional School Committee - Workshop, June 8, 2009
9. Bristol County Water Authority - July 2009 Meetings
10. Bristol Warren Regional School District Elementary Bond Projects' Building Committee - June 17, 2009
11. Bristol Warren Regional School Committee Council 94 Contract Negotiation Subcommittee - June 16, 2009
12. Bristol Warren Regional School Committee Budget/Facilities Subcommittee - June 15, 2009
13. Bristol Warren Regional School Committee - Special Meeting, June 15, 2009
14. Bristol Warren Regional School District - Schedule of Meetings, Week of June 15, 2009

15. Rogers Free Library Capital Project Committee
- June 16, 2009
16. Rogers Free Library/Board of Trustees - June
16, 2009
17. Bristol Warren Regional School Committee
Personnel/Contract Subcommittee - June 22,
2009
18. Bristol Warren Regional School Committee
Future Enrollment & Facilities Task Force -
June 23, 2009
19. Bristol Warren Regional School Committee -
June 22, 2009
20. Bristol Warren regional School District -
Schedule of Meetings, Week of June 15, 2009

S. TOWN SOLICITOR

Z. INDIVIDUAL COUNCIL MEMBERS AGENDA ITEMS

1. MARSHALL

a. Thanks to Davis and Roth - Council Chairman Marshall expressed the Council's thanks to Messrs. Davis and Roth for filming this evening's meeting.

b. Whitehouse Discussion re Healthcare - Council Chairman Marshall noted an upcoming meeting where Sen. Sheldon Whitehouse will discuss healthcare issues. This meeting will take place at the Vasco Da Gama organization in Newport on July 1, 2009 beginning at 6:00 o'clock PM.

c. Reed and Whitehouse re LNG - Council Chairman Marshall noted a recent letter from Sen. Reed and Sen. Whitehouse to the Coast Guard concerning LNG in Narragansett Bay.

Councilman Herreshoff commented that Representative Gallison "did the right thing" when he refused to attend a meeting with FERC and be "muzzled" afterwards.

Councilman Herreshoff further suggested that the Council might agree to pay the air fare for Rep.

Gallison's attendance at FERC meetings in Washington, D. C.

Council Chairman Marshall noted that the FERC Chairman apologized to Rep. Gallison concerning the fracas, and expressed a guarantee that the subsequent meetings concerning Narragansett Bay LNG transport, etc. will be held in our area. Council Chairman Marshall also noted that the FERC Chairman explained that the treatment of Rep. Gallison at the controversial meeting was improper.

The Clerk agreed to contact Rep. Gallison so as to determine the next scheduled FERC meeting.

d. Cemetery Easement - Council Chairman Marshall asked to know the status of the drainage easement through St. Mary's Cemetery with Town Administrator Mederos responding that town officials plan to meet with the consulting engineer on this matter tomorrow.

Council Chairman Marshall expressed concern that the project was not moving along and that it would be important to complete this during the summer months.

e. 4th of July - Council Chairman Marshall expressed best wishes for the 4th of July holiday.

2. CORDEIRO

a. School Maintenance - Councilman Cordeiro expressed concern that there were lights left on during the late night hours at Colt and Andrews Schools since this obviously wastes electricity. The Council asked the Clerk to send a letter of inquiry regarding same.

b. 4th of July - Councilman Cordeiro noted the upcoming Independence Day and suggested that everyone might thank a veteran for his or her service.

c. Fr. Costanza - Councilman Cordeiro offered the Council's congratulations to Fr. Jared Costanza who is completing ten years in the priesthood.

3. PARELLA

a. 4th of July Carnival - Councilwoman Parella expressed concern that the 4th of July Carnival arrived particularly early and that this arrival was disruptive to local area businesses and home owners. Councilwoman Parella also expressed concern that the large trucks were causing deep ruts and ruining the lawn upon the Town Common.

Councilwoman Parella suggested that the Town should be more "vigilant" concerning same in light of the upcoming Town Common events; the Mt. Carmel Celebration and also the planned carnival for St. Elizabeth's Church. She further suggested that the Council should grant permission for the carnival set-up time as part of the overall permitting of the activities since the Council's resolution for the 4th of July did not include the time for set up. She also suggested that the promoters/operators might be required to appear before the Council at the time the permission is sought.

Councilwoman Parella also stated that she was of the opinion that the amount of time allowed for set up of the carnival rides, etc. was excessive, and although she was concerned that safety should not be compromised.

Councilwoman Parella stated that the Town should speak to the vendor who will supply the St. Elizabeth Carnival.

Town Administrator Mederos explained that the unusually wet weather has complicated the process and also exacerbated the usual impact upon the Town Common lawns. She agreed that the 4th of July resolution should include the set-up time and that this must be clearly defined in the contract between the Committee and the carnival vendor.

Councilwoman Parella stated that she found the attitude of those in charge of the carnival to be "nonchalant" and that these parties were not at all concerned that the Town Common was torn up.

b. Expressions of Condolence - Councilwoman Parella thanked those present for the expressions

of sympathy extended to her family upon the recent passing of her father Salvatore Parella.

Councilwoman Parella expressed her thanks for the Council's understanding of her recent absences from Council meetings due to her father's recent illness and obsequies.

4. BARBOZA

a. Outgoing Rotary President - Councilman Barboza congratulated Mike Davis upon his completion of a year as the President of Bristol Rotary.

b. Gallison v. FERC - Councilman Barboza congratulated Rep. Gallison upon his firm stand in opposition to the FERC meeting rules and "carrying the load" on behalf of the Town.

c. Regionalization Bonus - Councilman Barboza thanked Rep. Gallison for helping save the \$800,000 regionalization bonus that had been temporarily cut from the State Budget.

d. Preserve Bristol "Blog" - Councilman Barboza noted that the Preserve Bristol blog was most informative and he thanked Lindsay Green for preparing same.

e. Joint Finance Committee - Councilman Barboza explained that he was in the process of calling a meeting of the Joint Finance Committee in order to "bring the members up to speed."

f. 4th of July - Councilman Barboza wished everyone a happy 4th of July.

5. HERRESHOFF

a. Sunshine Society Donations - Councilman Herreshoff expressed concern that the Sunshine Society's healthcare equipment, formerly held in the basement of the building at 9 Court Street, was missing with Director of Community Development Williamson noting that much of this equipment had been unused for many years and the serviceable equipment was donated to a Rhode Island charity that was in the practice of providing same to the needy.

The Clerk explained that the local Sunshine Society chapter was essentially defunct and that little had been done in recent years to maintain this equipment. He also informed the Council that much of the equipment was obsolete and/or in disrepair.

The Clerk further explained that some of the best equipment remains in storage and in the possession of the Town and will be made available to those in need locally and the remainder was indeed donated to a bona-fide charity as noted by Director of Community Development Williamson. The Clerk also agreed to assist anyone who was in need of utilizing any of the equipment.

b. Happy Summer and 4th of July - Councilman Herreshoff expressed his best wishes for a pleasant summer season and 4th of July to all present.

ZZ. TOWN ADMINISTRATOR AGENDA ITEM(S)

a. Newport and Bristol County Tourism Council - Town Administrator Mederos reported that Rep. Gallison introduced legislation to create the newly configured tourism council as previously discussed.

b. Mt. Hope High School Graduation - Town Administrator Mederos noted her presence at the recent Mt. Hope High School graduation exercises and further noted that the addresses by the Valedictorian, Salutatorians and Class President were most impressive.

c. Grants - Town Administrator Mederos announced grants from Statewide Planning for a self-assessment of the Town's economic development policy and also \$140,000 received from the Rhode Island Economic Development Council's Renewable Energy Fund for the wind farm study.

d. Happy 4th of July - Town Administrator Mederos wished all present a happy 4th of July.

CITIZENS PUBLIC FORUM

There being no further business, upon a motion by Councilman Barboza, seconded by Councilman Cordeiro and voted unanimously, the Chairman declared this meeting to be adjourned at 10:25 o'clock PM.

Louis P. Cirillo, CMC, Council Clerk