

TOWN COUNCIL MEETING - WEDNESDAY EVENING - AUGUST 5, 2009

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

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

Special Presentations:

Commendation - Bristol Garden Club

Council Chairman Marshall presented a Council Commendation to the Bristol Garden Club on behalf of the Town with many members of the Club in attendance.

B. J. Stephens, president of the Club accepted on behalf of the Club and thanked the Council for its consideration.

Commendation - Bayberry Garden Club

Council Chairman Marshall presented a Council Commendation to the Bayberry Garden Club on behalf of the Town with many members of the Club in attendance.

The Club President, Anne Marie Viera, accepted the Club's commendation with thanks to the Council for its consideration.

Council Chairman Marshall noted the recent Bristol Boat Show and congratulated its committee members for their success as follows:

Joseph Cabral, Chairman; Jack Evans, Joseph DaRosa, Steven Roth, Anthony Souto, William Stephens, David Sartrys, Raymond Ouellette, Gregory Marsilli, and Gregory Gatos.

Council Chairman Marshall noted that the group distributed \$9000 in proceeds to local area charities.

Council Chairman Marshall also acknowledged the participation of Thundermist Power Boats, Inc., a local company that provided a new boat as the raffle prize. Council Chairman Marshall noted that this company had made a similar donation to the boat show in past years.

Councilman Herreshoff asked that two items might be added to this evening's docket under new business: Bicycle Path Safety and Fire Department Tent Safety.

Herreshoff/Cordeiro - Voted
unanimously to add these items to
the agenda per the request of
Councilman Herreshoff.

Councilman Herreshoff also noted the presence of State Representative Raymond E. Gallison, Jr. and suggested that the Council might suspend the order of business to consider Docket item B7 at this time.

The Council's action concerning same is reflected below under B7.

Council Chairman Marshall noted that National Grid is sponsoring free energy audits in Aquidneck and Jamestown. He suggested that Town Administrator Mederos and Director of Community Development Williamson might determine if this program is available in Bristol also.

Council Chairman Marshall also noted that the Economic Development Commission will be conducting a survey of business owners so as to determine any assistance to business that might come from the Town. He noted that the survey can be found at www.bristolri.us/community/survey.php on the internet.

Council Chairman Marshall also noted the presence of the "Preserve Bristol" blog organizer, Lindsay Green, and congratulated Ms. Green for the quality of the information provided therein. Other Council members present agreed that the information was useful and well-presented.

MOTION RE: CONSENT AGENDA - TO APPROVE THE CONSENT AGENDA

Cordeiro/Herreshoff - Voted
unanimously to approve the Consent
Agenda withholding item R13 for
further consideration.

Prior to the vote taken, Councilman Barboza asked that item R13 might be held for further discussion.

A. SUBMISSION OF MINUTES OF PREVIOUS MEETING(S)

1. Town Council Meeting - July 15, 2009

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

2. Town Council Executive Session (sealed - Council only) - May 13, 2009

Cordeiro/Herreshoff - Voted unanimously to unseal the minutes of the Executive Session.

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

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

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

1. Historic District Commission - June 4, 2009
2. Rogers Free Library Capital Project Committee - April 28, 2009
3. Harbor Commission - July 6, 2009

B. OLD BUSINESS

1. Alison C. Sweeney, 38 Clipper Way - request for abandonment of a portion of Evelyn Drive, **continued from June 24, 2009**
 - a. Recommendation - Planning Board

Herreshoff/Barboza - Voted unanimously to continue this matter until the meeting of September 16, 2009

Prior to the vote taken, Ms. Sweeney stated that she was not interested in a License to Maintain but would rather go forward with a public hearing for the abandonment of the subject portion of Evelyn Drive.

Town Solicitor Ursillo stated that the "standards were high" for an abandonment of a public roadway and that the petitioner would be responsible for all of the costs regarding same. He informed Ms. Sweeney that she and any other petitioners for the abandonment must prove that the property no longer serves a public purpose. He also stated that the Council would require a legal description of the property including meets and bounds.

Councilman Herreshoff suggested that the matter might be continued in order to give Ms. Sweeney time to make a final decision. He also stated that although it is Town Council policy to allow public hearings on similar matters, he did not believe that timing was particularly critical in this case and that a continuance would not damage the case.

Council Chairman Marshall agreed with Councilman Herreshoff and stated that he was concerned that Ms. Sweeney may have to undertake considerable expense and that she may wish to take this under advisement.

Ms. Sweeney stated that the roadway is in very close proximity to her front door and that she is of the opinion that were the road to be eventually built it would devalue her property.

Ms. Sweeney further stated that she would like to go forward with the abandonment.

Councilwoman Parella stated that abandonments were commonplace in the past and that the Town would later regret its doing so when land was needed for sewer easements, etc.

Councilman Barboza stated that the Council tends to rely heavily upon the recommendations of its boards when abandonments are considered. It was further noted that the Planning Board does not appear to be in favor of abandonments.

2. 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 May 13, 2009**

Barboza/Herreshoff - Voted
unanimously to continue this matter
until the meeting of August 26,
2009.

Prior to the vote taken, Fire Chief Martin informed the Council that the Lobster Pot remains non-compliant and that he has spoken to the property owner and also has "walked" the building. Fire Chief Martin also reported that he is informed that the project will begin on or about the 17th of August, 2009, and suggested that the matter might be continued until August 26, 2009 for a report regarding same.

3. Stephen Cornwall, (Rogers Free) Library Capital Project Committee re completion of project, **continued from July 15, 2009**

Herreshoff/Barboza - Voted unanimously to continue this matter until the meeting of August 26, 2009.

Prior to the vote taken, Council Chairman Marshall noted that there was a new project manager assigned by the contractor and that this would allow for the close out of the operations and maintenance manuals.

Councilman Herreshoff asked to know if there was a "punch list" with Council Chairman Marshall and Councilman Cordeiro responding that there was a small amount of unresolved issues and that these would likely be worked-out within one month.

Council Chairman Marshall expressed concern that someone must become acquainted with how the automated systems for lights, utilities, etc., within the library will work.

Councilman Herreshoff agreed that this was an "important point" and suggested that the Town should identify someone who will be responsible for same.

Director of Community Development Williamson stated that these systems will likely require the supervision of a "technically advanced" individual.

Town Administrator Mederos and Director of Community Development Williamson agreed to speak with library personnel and report back concerning this issue.

4. Councilman Herreshoff re Tree Infestation, **continued from July 15, 2009**

Herreshoff/Barboza - Voted unanimously to continue this matter until the meeting of August 26, 2009.

Prior to the vote taken, it was noted for the record that the Tree Warden is in the process of preparing a report and plan for the Council's future consideration.

Town Administrator Mederos explained that she has been in contact with Tree Warden Kinder's office and this report and plan should be available for the next Council meeting.

5. Tax Assessor re Recent Sales Data, **continued from July 15, 2009**

a. Tax Assessor re (amended) 2009 sales

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

Prior to the vote taken, Council Chairman Marshall stated that he was pleased to receive this report and that he was of the opinion that the report was very useful. He complimented Clipboard on their efforts to bring about the report and also asked to know if this was a regular report available through that company.

Tax Assessor Spagnolo informed the Council that the report was developed by Clipboard at the request of the Council.

Councilman Herreshoff asked to know if the data was complete for 2008 with Tax Assessor Spagnolo responding that the data did not include that portion removed due to foreclosures and bank transfers but it did include "short sales."

Councilman Herreshoff asked to know when the next revaluation will occur with Tax Assessor Spagnolo responding that the next revaluation will take place in 2010 and that this would be a statistical revaluation with the process taking approximately one year.

Councilman Herreshoff agreed with Council Chairman Marshall that the report was "a useful document."

6. Council Chairman Marshall re condition and use of Town Common, **continued from July 15, 2009**

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

Prior to the vote taken, Council Chairman Marshall reported that he and Town Administrator Mederos are in agreement that something must be done to rectify this situation albeit that this year's rainy season seemed to exacerbate the problem.

Town Administrator Mederos explained her plan to meet with the 4th of July Committee and Recreation Director Burke to discuss alternatives.

Councilman Barboza stated that he was informed that one of the Town's electrical meters was broken into during the carnival's stay and that the Town's electricity may have been taken illegally.

7. Councilman Herreshoff re opposition to LNG

Herreshoff/Parella - Voted unanimously to amend the order of business and consider this matter prior to the commencement of the regular agenda.

Barboza/Parella - Voted unanimously to send a letter of concern to the Superintendent of the Coast Guard concerning the Town's objection to the Coast Guard's approval of the LNG terminal in Mount Hope Bay and also provide a copy of same to our Congressional Delegation, the Federal Energy Regulatory Commission, the Office of Homeland Security, and the White House.

Prior to the vote taken, Rep. Gallison expressed concern that the United States Coast Guard, formerly in opposition to the location of the LNG terminal in Mount Hope Bay, has issued a positive recommendation concerning same.

Rep. Gallison reiterated his earlier concern that the proposed terminal will service large tanker vessels - these being of an above waterline height within five (5) feet of the area beneath the Mount Hope Bridge central span.

Rep. Gallison stated that the new position of the Coast Guard does not make sense as compared to its previous position and speculated that the new position may have been politically motivated.

Rep. Gallison reminded the Council that the Mount Hope Bridge had been damaged by a large vessel in the past this resulting in a long period of closure while repairs were undertaken and that the proposed safety zone of the LNG tankers would be two (2) miles ahead, one (1) mile behind and one thousand (1000) yards on either side.

Rep. Gallison also noted that the previous Coast Guard opinion concluded that navigation would be difficult for the tanker vessels and that the new opinion did not consider the issue of navigation.

Rep. Gallison concluded that the Rhode Island Congressional delegation appears to share his and the Town's opposition to the LNG terminal and that any correspondence, etc., concerning same should include "scientific based" evidence in support of the opposition. He suggested that this evidence should include information regarding the local earthquake faults, testimony from the experts of Save the Bay, Save Bristol Harbor, experts on diesel fuel emissions, sea life populations, and dredging. He also noted that Councilman Herreshoff might send correspondence relating to his sailing and navigational expertise.

Rep. Gallison assured the Council that he intends to remain proactive concerning this matter and encouraged anyone who might possess certain applicable knowledge to provide documentation in opposition to the terminal.

Rep. Gallison reported that Attorney General Lynch is also providing assistance in the courts.

Councilwoman Parella asked to know if the Town should set-aside funding in order to pay for expert witnesses.

Rep. Gallison added that the local economy may already experience the effects of the proposed terminal since large cruise ships do not appear to be placing Newport on their cruise itineraries.

A discussion ensued regarding some of the technical issues relating to the proposed terminal. Rep. Gallison concluded that the nearby electrical generating plants may be the largest customers of the natural gas products.

Councilman Herreshoff asked to know if there would be a public hearing on the matter with Rep. Gallison reporting that there were none scheduled at this time but that he was assured these public hearings would be held locally.

Councilman Herreshoff suggested that the Town might contact the commandant of the Coast Guard and indicate that the latest recommendation was ill-advised and that it should be re-examined.

Town Solicitor Ursillo suggested that his office might help prepare the letter of concern.

After the vote taken, Council Chairman Marshall asked Rep. Gallison if he could help prepare a "plan of action" with Rep. Gallison responding that the best action at this time is to make the public aware of the problem.

Council Chairman Marshall suggested that the Council might sponsor a "public referendum" on the subject with Councilman Herreshoff adding that the referendum might take the form of a petition campaign with many persons participating.

8. Lorraine Derois, Barrington Town Clerk to Town Clerk Cirillo re tri-Town Council meeting (with the Bristol County Water Authority)

Herreshoff/Cordeiro - Voted unanimously to set this meeting for Saturday morning, October 3, 2009 in the Town Hall, Council Chambers beginning at 9:00 o'clock AM with the alternate date being October 17, 2009 at the same time and place and to instruct the Clerk to provide information regarding same to the Town Councils of Warren and Barrington and also the Bristol County Water Authority.

Prior to the vote taken, Council Chairman Marshall reminded the Council of the Council's plan to meet with Councils of Barrington and Warren concerning Bristol County Water Authority issues. He noted that the previously discussed hydraulic study would soon be complete and that this will be distributed to Council members prior to the meeting.

Council Chairman Marshall also noted that the Authority's water tank on Hope Street near Tupelo Street was being painted and that the two Towers near Metacom Avenue will be soon painted also these costing approximately \$450,000 each.

Council Chairman Marshall also noted that there will soon be a new Water Authority tower near Roger Williams University and that the cost of this tower will be borne by the University for the benefit of the Water Authority's rate payers. This tower costing \$2.5 million will improve water pressure in the southern part of Town.

Councilman Herreshoff stated that Fire Chief Martin should be thanked for this water tower since the impetus for its construction is to provide sufficient water pressure for fire fighting in the University's dormitories.

Councilman Herreshoff also stated that the water treatment plant in Warren should be a topic for discussion since it was the intention that this plant should remain operational.

Councilwoman Parella agreed that this plant should be made and kept operational and that it was a requirement that was entered into the legislation as prepared by her (as a former State Senator) and former Rep. Charles E. Millard, Jr.

Council Chairman Marshall suggested that all interested parties should attend this public meeting.

9. Councilman Herreshoff re Ferry Road repair

Herreshoff/Cordeiro - Voted
unanimously to continue this matter
until the meeting of August 26,
2009.

Prior to the vote taken, Councilman Herreshoff noted that the portion of Ferry Road excavated due to utility work in the area was plagued with large sink holes. Councilman Herreshoff expressed concern that these holes were treacherous to motorists; particularly those operating motorcycles. Councilman Herreshoff called the situation "deplorable."

He suggested that the Town might contact officials at the Water Authority, Roger Williams University and also the State Department of Transportation and "raise hell."

Councilman Cordeiro agreed that the road was in poor condition and that he had first-hand experience regarding same since he traverses the road daily.

Town Administrator Mederos informed the Council that she has been in contact with Pasquale DeLise of the Water Authority since the project is under the auspices of the Authority. She further informed the Council that Mr. DeLise assures her that the contractor will repair the road as needed in plan for a curb-to-curb repaving once the roadbed has settled (90 days).

A discussion ensued regarding the proper ways to assure that the roadbed is properly installed.

Town Administrator Mederos reported that "a lot of eyes" are watching this project and that her office has been continually "nagging and prodding" the responsible individuals.

Councilman Herreshoff expressed concern that the repaving should not be done until the roadbed is properly compacted lest it be prone to future cave-ins.

Councilman Barboza noted that he brought up this matter at the last meeting and appreciates that it has been given a goodly level of attention.

Councilman Cordeiro expressed concern that the repaving may not take place for another 90 days and stated that it would be difficult to "put up with" the inferior road during this time period.

Council Chairman Marshall noted that the most pressing issue seems to be the dangerous ruts and that he was pleased to hear that Mr. DeLise was attending to these.

10. Director of Community Development Williamson re proposed new zoning district

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

Prior to the vote taken, Director of Community Development Williamson reported that the information provided herein was a result of the Council's interest in the Bristol "gateway" and that it serves as an interim report.

Council Chairman Marshall suggested that the Council might receive an interim report on the salient points of the proposed ordinance change prior to the request to adopt same.

Councilwoman Parella stated that she was of the opinion that the Council should take action to manage the mass and scale of the buildings along this portion of the waterfront area.

11. Council Chairman Marshall re St. Mary's Cemetery/Silver Creek drainage line

Cordeiro/Herreshoff - Voted
unanimously to continue this matter
until the meeting of August 26,

2009 and to also schedule a workshop concerning this matter and other drainage issues for Monday evening, August 17, 2009.

It is hereby noted for the record that Councilman Barboza continued his recusal considering this matter.

Prior to the vote taken, Town Administrator Mederos reported that she and her staff have been meeting with Kevin McBride concerning this matter and will be prepared to discuss the details of the project during the week of August 17.

Councilman Cordeiro explained that the matter was in need of expediting.

Town Administrator Mederos agreed with Councilman Cordeiro and stated that the problem with the cemetery drainage is more complex than originally anticipated and that Mr. McBride will make a presentation regarding the problem and potential solutions at a special meeting.

Councilwoman Parella asked to know if it was necessary to cover the portion of Silver Creek running through the cemetery in the first place and suggested that a potential solution might include uncovering the stream and that this might be more picturesque.

Town Administrator Mederos stated that there will be options to discuss and these will all carry a cost that will require diversion of available funds from other Town drainage projects.

BB. SPECIAL /STATUS REPORTS

1. Tax Assessor - July 31, 2009

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

C. PUBLIC HEARINGS

1. Majestic Catering, Inc., Jeff L. Eaton, d/b/a Majestic Catering, 400 Metacom Avenue - request for a Class BV Intoxicating Beverage License (transfer of Class B alcoholic beverage license from Karen Alegria, d/b/a King Philip Inn)

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

Prior to the vote taken, Council Chairman Marshall opened the Public Hearing and asked to hear from those wishing to speak in favor of the petition.

Jeff Eaton, President of Majestic Catering informed the Council that he would like to operate a banquet facility in the subject premises and that he is an experienced caterer operating in some other local establishments including the Bay Queen.

Karen Alegria, owner of the subject premises informed the Council that she was present in the audience in order to answer any questions should these arise. Ms. Alegria also informed the Council that she was in favor of the petition.

There was no remonstrance presented in opposition to the petition the granting of which is outlined in Section G as noted below.

2. Topside Lounge, Inc., Bruce Seveney, d/b/a Topside Lounge, 805 Hope Street to Liberatos Lounge and Restaurant, LLC, Dennis Liberatos, d/b/a Topside Restaurant, 805 Hope Street - request for transfer of Class BV Intoxicating Beverage License
 - a. Diane V. Pinelli, Credit Manager, McLaughlin & Moran, Inc. re objection to transfer of license
 - b. Recommendation - Town Administrator and Police Chief
 - Late Item** c. Paul J. Pisano, Esquire re objection to transfer of license
 - Late Item** d. Herman L. Mello, President, Mello's Fruitland, Inc. re objection to transfer of license

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

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

Speaking in favor of the petition and representing the transferee was William Paul Dennis, Esq. an attorney with offices in Bristol.

Mr. Dennis explained that the transferee is also the operator of the Thames Waterside restaurant and that this is essentially a family-run business.

Councilwoman Parella asked to know if the transferee might outline its plans for the establishment with Mr. Liberatos explaining that his company plans to operate the business similarly to the existing proprietor and to institute change over time.

Councilman Barboza noted that there did not appear to be any police-related issues with the Thames Waterside restaurant.

There was no remonstrance presented in opposition to the transfer of license with the Council noting that all objectors as noted above must release their objections prior to the issuing of the transferred license to the new licensee.

3. Principal Planner Tanner re Stormwater Phase II, Year 5 Annual Report, **2nd reading for adoption**

Barboza/Cordeiro - Voted unanimously to consider this action to be the Second Reading for adoption of this report as prepared and presented.

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

Principal Planner Tanner informed the Council that the document represents a summary of activities concerning the Town's storm water mitigation efforts and that this is presented as a joint effort between the various departments.

Council Chairman Marshall asked to know if the Environmental Protection Agency (EPA) will receive this report with Mr. Tanner responding that this will be provided to the State DEM as agent for the EPA.

Town Administrator Mederos noted that Mr. Tanner was responsible for assembling the report and congratulated him regarding same.

D. ORDINANCES

1. Ordinance #2009-10, CHAPTER 17, Offenses and Miscellaneous Provisions, Article II, Alcoholic Beverage Establishments, Division 2, License, Section 17-82, Number of licenses, **2nd reading for adoption**

Barboza/Parella - Voted unanimously to consider this action to constitute the Second Reading for adoption of Ordinance #2009-10. Advertise in local newspaper.

2. Ordinance #2009-11, CHAPTER 16, Motor Vehicles and Traffic, Article V, Stopping, Standing and Parking, Section 16-143, Parking prohibited at all times (portion of St. Elizabeth Street), **1st reading**

Barboza/Cordeiro - Voted unanimously to consider this action to constitute the First Reading of Ordinance #2009-11. Advertise in local newspaper.

3. Ordinance #2009-12, CHAPTER 16, Motor Vehicles and Traffic, Article V, Stopping, Standing and Parking, Section 16-143, Parking Prohibited at all times (portion of Wayland Road), **1st reading**

Barboza/Cordeiro - Voted unanimously to consider this action to constitute the First Reading of Ordinance #2009-12. Advertise in local newspaper.

(CA) E. BUDGET ADJUSTMENTS

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

1. Tax Assessor Spagnolo re Recommended Abatements and Additions for July, 2009

Late Item

- a. Tax Assessor Spagnolo re Additional Recommended Abatements and Additions for July, 2009

(CA) F. APPOINTMENTS

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

1. Public Service Appointments
 - a. Harbor Commission Advisory Committee (term to expire August, 2012)
 1. Leeds Mitchell III, 14 Griswold Avenue - interest/reappointment

Councilman Cordeiro nominated Mr. Mitchell for reappointment.

There were no counter nominations.

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

- b. Post Retirement Benefits Fund - Board of Trustees (term to expire August, 2012)
 1. Jeffrey L. Mascola, 75 River Street - interest/reappointment

Councilman Barboza nominated Mr. Mascola for reappointment.

There were no counter nominations.

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

- c. Elizabeth G. Brito, Chair, Rogers Free Library (Board of Trustees) re appointment of Engracia Rodrigues

Cordeiro/Parella - Voted unanimously to confirm the appointment of Engracia Rodrigues

as recommended by the Rogers Free Library Board of Trustees.

G. LICENSING BOARD - NEW PETITIONS

1. Majestic Catering, Inc., Jeff L. Eaton, d/b/a Majestic Catering, 400 Metacom Avenue - request for a Class BV Intoxicating Beverage License (transfer of Class B alcoholic beverage license from Karen Alegria, d/b/a King Philip Inn) (see item C1 also)

Barboza/Parella - Voted unanimously to grant this license per the recommendations received and subject to conformance to all applicable laws and ordinances, payment of all fees, taxes and levies and also subject to the release of all relevant claims.

2. Jeff L. Eaton, d/b/a Majestic Catering, 400 Metacom Avenue - request for a Victualling License, **continued from July 15, 2009**

- a. Recommendation - Town Administrator and Police Chief

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

3. Jeff L. Eaton, d/b/a Majestic Catering, 400 Metacom Avenue - request for a Dancing and Entertainment License, **continued from July 15, 2009**

- a. Recommendation - Town Administrator and Police Chief

Cordeiro/Barboza - Voted unanimously to grant this license per the recommendations received and subject to conformance to all applicable laws and ordinances, and

payment of all fees, taxes and levies.

4. Topside Lounge, Inc., Bruce Seveney, d/b/a Topside Lounge, 805 Hope Street to Liberatos Lounge and Restaurant, LLC, Dennis Liberatos, d/b/a Topside Restaurant, 805 Hope Street - request for transfer of Class BV Intoxicating Beverage License (see item C2 also)

- a. Diane V. Pinelli, Credit Manager, McLaughlin & Moran, Inc. re objection to transfer of license

- b. Recommendation - Town Administrator and Police Chief

Late Item

- c. Paul J. Pisano, Esquire re objection to transfer of license

Late Item

- d. Herman L. Mello, President, Mello's Fruitland, Inc. re objection to transfer of license

Barboza/Cordeiro - Voted unanimously to grant the transfer of this license per the recommendations received and subject to conformance to all applicable laws and ordinances, payment of all fees, taxes and levies, and also subject to the release of all relevant claims.

5. Dennis Liberatos, d/b/a Topside Restaurant, 805 Hope Street - request for a Victualling License

- a. Recommendation - Water Pollution Control Facility

- b. Recommendation - Town Administrator and Police Chief

Barboza/Cordeiro - Voted unanimously to grant this license per the recommendations received and subject to conformance to all applicable laws and ordinances, and

payment of all fees, taxes and levies.

6. Dennis Liberatos, d/b/a Topside Restaurant, 805 Hope Street - request for a Dancing and Entertainment License

- a. Recommendation - Town Administrator and Police Chief

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

7. Dennis Liberatos, d/b/a Topside Restaurant, 805 Hope Street - request for an Amusement Devices License (up to 10; current licensee has 8)

- a. Recommendation - Town Administrator and Police Chief

Herreshoff/Barboza - Voted unanimously to grant this license for eight (8) amusement devices per the recommendations received and subject to conformance to all applicable laws and ordinances, and payment of all fees, taxes and levies.

8. Dick Devault for Bristol County Elks Lodge #1860, 1 Constitution Street - request for a One-Day Dancing and Entertainment License, August 22, 2009

- a. Recommendation - Town Administrator and Police Chief

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

9. Dick Devault for Bristol County Elks Lodge #1860, 1 Constitution Street - request for a One-Day Dancing and Entertainment License, September 20, 2009

- a. Recommendation - Town Administrator and Police Chief

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

H. LICENSING BOARD - RENEWALS

1. David F. Lucas, d/b/a ACE Construction Company, Inc., 269 Greenville Avenue, Johnston, RI - six (6) month review of Drainlayer's License

- a. Recommendation - Director of Public Works

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

(CA) I. UTILITY PETITIONS

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

1. DPW - Road Cut Permits

J. PETITIONS - OTHER

1. Charles J. Vucci, Esquire for Erica Callamore, 30 Harris Avenue, Warren, RI re claim for personal injuries

Barboza/Herreshoff - Voted unanimously to refer this matter to

the Town Solicitor Ursillo and the Interlocal Trust

2. Robert J. Arsenault, BW Community String Project - request for support of program

Herreshoff/Barboza - Voted unanimously to continue this matter until the meeting of August 26, 2009 and to instruct the Clerk to investigate same.

Prior to the vote taken, the Council discussed the possibility of considering this matter at budget preparation time for Fiscal Year 2010/2011.

Councilman Herreshoff asked to know if there might be a more immediate need and suggested that the Clerk might investigate this matter on behalf of the Council prior to the next meeting.

3. Town Clerk Cirillo re Charter Review Commission - Clerical Assistance

Cordeiro/Herreshoff - Voted unanimously to approve the expenditure of an amount up to \$750 from the Council Contingency fund for this purpose.

K. OTHER NEW BUSINESS REQUIRING TOWN COUNCIL ACTION

1. Coastal Resources Management Council re Public Hearing scheduled for consideration of proposed changes to the RI Coastal Resources Management Program on September 8, 2009

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

2. Resolution - Authorizing the Assessment of Valuations and levy of Taxes, Sewer Service Fees and Sewer Assessments

Barboza/Cordeiro - Voted unanimously to adopt the Resolution to levy as prepared and presented.

3. Director of Community Development Williamson re business survey by the Economic Development Commission

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

It is hereby noted for the record that discussion on the above item took place prior to the commencement of the regular agenda.

4. Town Administrator Mederos re drainage projects

It is hereby noted for the record that this matter was resolved in conjunction with item B11 as noted above.

5. Town Administrator Mederos re hurricane readiness

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

Prior to the vote taken, Town Administrator Mederos reported that she met with all departments last week and stated that she was satisfied with the Town's level of preparedness. Town Administrator Mederos further stated that she would obtain a supply of hurricane resource guides from the State.

It was suggested that the Town's hurricane plan might be placed on the Town website.

Council Chairman Marshall suggested that the preparedness guides should also be placed in the Senior Center and Rogers Free Library.

6. Council Chairman Marshall - request to schedule workshop re Animal Shelter Project

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

Prior to the vote taken, Council Chairman Marshall stated that he did not wish to "lose sight" of the animal shelter project and that it might be useful to have a meeting with the various parties concerning same.

Councilman Barboza stated that he has received many inquiries regarding the future of this project.

Director of Community Development Williamson suggested that this meeting should include the various professional experts; engineering, wetlands, etc.

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

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

8. Council Chairman Marshall - request to schedule Bristol Warren Regional Joint Finance Committee quarterly meeting

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

Prior to the vote taken, Councilman Barboza stated that he is planning to call for this meeting during late-September or early-October. He suggested that the Council members might e-mail agenda points for his consideration.

9. Council Chairman Marshall re Fire Department Rescue/Training Headquarters Capital Project

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

Prior to the vote taken, Council Chairman Marshall asked that the Council might receive a progress report on this project to include:

- Summary of the status to date
- Schedule for completion
- Budget status
- Fundraising status
- Change orders approved or pending

Director of Community Development Williamson, a member of the Capital Project Committee, agreed to provide same.

10. Coastal Resources Management Council re Public Hearing scheduled for consideration of

proposed changes to the RI Coastal Resources Management Program on September 22, 2009

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

Add Item 11. Coastal Resources Management Council -
August 2009 Calendar

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

Add Item 12. Councilman Herreshoff re Bicycle Path

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

Prior to the vote taken, Councilman Herreshoff stated that he has observed some of the bicycle path intersections and suggested that these might be better marked since there appear to be some hazards.

He noted that the intersection at Poppasquash Road might be particularly dangerous.

Councilman Cordeiro asked Police Chief Canario to know who has the right of way at these intersections with Police Chief Canario responding that the motorist has the right of way but agreed that those on bicycles do not always practice caution.

Council Chairman Marshall suggested that the Town might send a letter to the DEM concerning better signage with Police Chief Canario agreeing to place the portable crosswalk signs at certain difficult intersections.

Add Item 13. Councilman Herreshoff re Tent Safety

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

Prior to the vote taken, Councilman Herreshoff expressed concern that the rules for tent fire safety were not being applied uniformly throughout the state and expressed concern that Bristol's requirement might be too demanding.

Councilwoman Parella noted that the Council discussed this matter in the past and relaxed the requirements for "private" tents.

Council Chairman Marshall noted that the owners of a certain tent rental company informed him that each city and town in Rhode Island appear to have different rules.

Councilman Barboza stated that the appeal to the rules as imposed locally by the fire department rests with the state board of appeals. He further suggested that the matter might be better discussed with Fire Chief Martin present since Fire Chief Martin recently left the meeting due to a reported dwelling fire underway.

Councilman Herreshoff agreed to meet with Town Administrator Mederos and Fire Chief Martin concerning this matter.

Councilwoman Parella suggested that if the State law is unclear, the Fire Chief's Association might be encouraged to recommend a "model ordinance" for tent safety.

Councilman Herreshoff stated that he was of the opinion that the State law is being interpreted more liberally in some towns.

Town Administrator Mederos suggested that she and Councilman Herreshoff should discuss this matter with Fire Chief Martin.

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) re Revenue and Expenditure report - July, 2009

P. PROCLAMATIONS & CITATIONS

1. Commendation - Bayberry Garden Club

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

2. Commendation - Bristol Garden Club

Cordeiro/Herreshoff - 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. Raymond DeLeo, 328 High Street to Jerome Squatrito, Chairman, Planning Board re opposition to Proposed Mount Hope Farm Institutional Master Plan
2. Bristol Warren Regional School District re Strategic Plan 2010-2015
3. Warrant - Fausto Anguilla, Charter Review Commission
4. Warrant - Joseph Parella, Charter Review Commission
5. Warrant - Michael DeMello, Charter Review Commission
6. Warrant - William Rizzini, Charter Review Commission
7. Warrant - Edward Correia, Charter Review Commission
8. Warrant - John Francis IV, Charter Review Commission
9. Warrant - Barbara Healy, Charter Review Commission
10. Warrant - Gerald Walsh, Charter Review Commission
11. Council Clerk Cirillo to David Swanson, Chairman, Rogers Free Library Capital Project Committee, et al re completion of project and thank you for service

12. Resolution re opposition to the reinstatement of tolls on the Mount Hope Bridge
 - a. Council Clerk Cirillo to David A. Darlington, President, Rhode Island Turnpike and Bridge Authority re opposition to reinstatement of tolls on the Mount Hope Bridge
13. Kevin Bowen and Dick Devault, Co-chairmen, Orange Crate Derby (OCD) Subcommittee, 4th of July Committee re thank you to Department of Public Works

Barboza/Cordeiro - Voted
unanimously to receive and place
this matter on file.
14. Coastal Resources Management Council re Semi-Monthly Meeting, July 28, 2009
15. Vincent J. Palumbo, P.E., Managing Engineer, RI Department of Transportation to Director of Public Works Serbst re Improvements to Poppasquash Road Structures - Type Study Report
16. RI Public Expenditure Council re nominations for Public Service Awards
17. Council Clerk Cirillo to Hon. June Speakman, President, Barrington Town Council re tri-Town meeting with the Bristol County Water Authority
18. Council Clerk Cirillo to Hon. David Frerichs, President, Warren Town Council re tri-Town meeting with the Bristol County Water Authority
19. Jean M. Fecteau, Gloucester Town Clerk re Resolution opposing rate hikes proposed by Blue Cross and United Health
20. Joanne M. Mower, Deputy Town Clerk, Town of Portsmouth re Resolution supporting U.S. Supreme Court Opinion in Carcieri v. Salazar

(CA) RR. DISTRIBUTIONS/NOTICE OF MEETINGS

(office copy only)

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

1. Bristol County Water Authority - August 2009 Meetings
2. Bristol Warren Regional School Committee Budget/Facilities Subcommittee - July 20, 2009
3. Bristol Warren Regional School District - Schedule of Meetings, Week of July 20, 2009
4. Bristol Warren Regional School District - Schedule of Meetings, Week of July 27, 2009
5. (Bristol Warren Regional School Committee) Future Enrollment & Facilities Task Force (Subcommittee) - July 28, 2009
6. Bristol Fire Department Rescue/Training Headquarters Capital Project Committee - July 30, 2009
7. Harbor Commission - August 3, 2009
8. Building Code Board of Appeals - August 12, 2009
9. Bristol Warren Regional School Committee - Workshop, August 3, 2009
10. Bristol Warren Regional School District - Schedule of Meetings, Week of August 3, 2009

S. TOWN SOLICITOR

Z. INDIVIDUAL COUNCIL MEMBERS AGENDA ITEMS

1. MARSHALL

a. Davis and Roth - Council Chairman Marshall thanked Messrs. Davis and Roth for filming this evening's meeting.

b. Quinta-Gamelin Center - Council Chairman Marshall noted that the new Army Reserve in Newport is planned to be complete next summer. He

further noted that the Quinta-Gamelin center in Bristol should be available for the Town's use shortly thereafter.

Council Chairman Marshall suggested that the various parties involved in this project should examine the relative issues and prepare for the eventual availability with Town Administrator Mederos reporting that the Town is "on track" with this project and that the various issues are "on the radar."

c. Ordinance #2007-01 - Council Chairman Marshall noted that the various mediation issues relating to the subject ordinance (noise levels in HPC zones) are not going well. He suggested that the Council may wish to return the noise limitation to the previous decibel level with Town Solicitor Ursillo agreeing to prepare a new ordinance for the Council's consideration.

d. Sidewalk Heaves - Council Chairman Marshall noted that there was a serious sidewalk heave on Chestnut Street with Town Administrator Mederos agreeing to investigate same.

2. CORDEIRO

a. Church Street Dock Parking - Councilman Cordeiro reported that he will be meeting with Harbor Master Cabral regarding parking problems on the Church Street Dock and will be recommending a policy change in the future.

b. Outhaul Ordinance - Councilman Cordeiro explained that there is an apparent problem with the new Harbor Ordinance relating to outhauls and that he and Harbor Master Cabral will be recommending an amendment to this ordinance in the near future.

c. State Street Dock Upgrade - Councilman Cordeiro asked for a status report on the planned upgrade to the State Street Dock with Director of Community Development Williamson reporting that the latest design changes have been forwarded to the members of the Committee for their consideration.

Councilman Cordeiro also noted that the area adjacent to the dock was in need of weeding with Town Administrator Mederos agreeing to investigate same.

3. PARELLA

a. Parking Issues Wood Street et al - Councilwoman Parella noted that some motorists are parking cars for entire week-ends adjacent to the East Burial Ground on Wood Street, these exacerbating the problem for parking on Saturday and Sunday for nearby church services. The matter was referred to Town Administrator Mederos.

4. BARBOZA

a. Motorcycle Noise - Councilman Barboza noted that there was a new motorcycle noise ordinance in place in East Greenwich and that the Town was taking same under advisement.

b. Town Common near Pearse Avenue - Councilman Barboza noted that the steps leading to the Town Common near Pearse Avenue were washed-out. He also noted the presence of an oily sheen on the street adjacent to same.

Town Administrator Mederos noted that this area has a drainage problem and agreed to investigate the oily sheen.

c. Fall River Herald Article - Councilman Barboza noted that a recent article featuring Bristol businesses on Wood Street (Goglia's Market, etc.) by the Fall River Herald appeared on the internet.

5. HERRESHOFF

ZZ. TOWN ADMINISTRATOR AGENDA ITEM(S)

CITIZENS PUBLIC FORUM

Barboza/Cordeiro - Voted
unanimously to adjourn into

Executive Session pursuant to RIGL
42-46-5 (a) (2) Litigation issues
at 10:10 o'clock PM.

Barboza/Herreshoff - Voted
unanimously to resume open session
and seal the minutes of the
Executive Session at 10:29 o'clock
PM.

There being no further business, upon a motion by
Councilwoman Parella, seconded by Councilman Barboza and
voted unanimously, the Chairman declared this meeting to be
adjourned at 10:30 o'clock PM.

Louis P. Cirillo, CMC
Council Clerk