

TOWN COUNCIL MEETING - WEDNESDAY EVENING - OCTOBER 28, 2009

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

ALSO PRESENT: Diane C. Mederos, Town Administrator
Michael A. Ursillo, Town Solicitor

ABSENT: Marshall J. Netto, Town Sergeant

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

Prior to the commencement of this evening's regular agenda, Council Chairman Marshall and Councilman Barboza noted the passing of Victoria Sousa, a 12 year old girl who was afflicted with the H1N1 virus. The passing of former Town Treasurer Alfred N. Nunes and former Town Councilman Conrad A. Beauregard was also noted for the record. Councilman Barboza observed that both gentlemen had served on the Town's original Charter Commission in 1969 et seq.

Those assembled observed a moment of silence in memory of the three individuals.

Council Chairman Marshall introduced Dr. David Gifford, Director of the State Health Department and also Commissioner Deborah Gist who were both present during this evening's meeting due to the death of Ms. Sousa. Council Chairman Marshall stated that the purpose for the appearance of Dr. Gifford and Commissioner Gist was essentially to "keep the public informed" on the issue and to reassure the public that there is a "coordinated effort" on the public health issue of H1N1.

Dr. Gifford informed those present that preliminary test results indicate that Ms. Sousa was found to have the H1N1 virus but that the actual cause of death was not yet determined. He further stated that the results of the further testing would not be available for some time.

Dr. Gifford also reported that the Health Department is focusing its attentions on the spread of the H1N1 virus and that over 100 schools in Rhode Island are experiencing high rates of absenteeism (up to 30%) - these likely attributable to the virus.

He noted that New England appears to be the last region of the United States to experience the virus since cases have been observed elsewhere for some time. He noted that

TOWN COUNCIL MEETING - WEDNESDAY EVENING - OCTOBER 28, 2009

prevention is available by means of the vaccine although this vaccine is in short supply. He noted that some in-school clinics will begin next week and continue as the vaccine becomes available.

Dr. Gifford explained that the virus spreads by means of droplets in the air emitted from persons coughing and so forth and also by means of hand to face contact. He suggested that good prevention practice includes frequent hand washing with soap and water and antibacterial gel, coughing into one's elbow, and wiping down surfaces with antibacterial solutions.

Dr. Gifford explained that the virus "lives" two (2) to three (3) hours outside of the body and that the sometimes used practice of closing schools does not appear to deter the spread of the virus.

Dr. Gifford also reported that some persons will "get very sick" from the virus and that fatalities are possible. He explained that persons with "underlying conditions" such as heart disease, etc., should obtain some anti-viral medication if the disease is contracted and that this medication "may help."

Dr. Gifford explained that persons who fall ill and appear to get better and then suddenly worsen should contact their physician.

Commissioner Gist noted that the Department of Education is working closely with the Health Department on this issue and reiterated the recommended prevention measures as previously described. She also stated that children who exhibit the flulike symptoms should remain at home and that they should not return to school until being fever-free (without fever reducing medicines) for at least twenty-four (24) hours.

Commissioner Gist confirmed the Department's decision to have schools remain open. She also noted that her office maintains close contact with the State's various school departments through a weekly conference call and that the Department of Education is helping to coordinate the vaccination clinics within the schools.

Council Chairman Marshall informed both Director Gifford and Commissioner Gist that the Town's resources "were at their disposal."

Dr. Gifford noted that his office is working closely with the various emergency management offices throughout the

TOWN COUNCIL MEETING - WEDNESDAY EVENING - OCTOBER 28, 2009

State. He also noted the existence of a statewide emergency hotline, this operating daily from 8:30 until 4:30 and may be dialed at 222-8022 and that information is available on the website www.health.ri.gov and that those requesting a vaccination must first complete the requisite consent form.

A discussion ensued regarding the allocation of vaccine nationwide with Councilman Herreshoff asking to know if Rhode Island is getting its fair share of same.

Dr. Gifford explained the process for manufacturing the vaccine and further explained that the vaccine is being allocated fairly based upon the amount that becomes available from the manufacturer. He also explained that the manufacturers that produce the vaccine are the same ones that have produced the seasonal influenza vaccine for some time. He noted that the strain for the H1N1 was identified approximately six (6) months ago and that the vaccine takes six (6) months to mature and there are no shortcuts available in the manufacturing process. He also expressed his opinion that the vaccine was safe to use.

Councilwoman Parella thanked the guests for attending this evening's meeting and asked to know the amount of time for the vaccine to become effective once administered with Dr. Gifford responding that the vaccine becomes effective within eight to ten (8-10) days.

Council Chairman Marshall asked to know if those persons with egg allergies are able to receive the vaccine with Dr. Gifford explaining that this will depend upon the severity of the allergy. He also noted that there are "teams" available to administer the vaccine including emergency response personnel in the event of an allergic reaction in an individual.

Council members thanked Dr. Gifford and Commissioner Gist for their attendance and expressed condolences to the family of Victoria Sousa.

Councilman Barboza noted the recent rescue and recovery concerning a tip over of a gas truck on Narrows Road. Town Administrator Mederos explained that the Fire and Police Departments were in receipt of thank-you letters from Howard Horsman of Arrow Gas of Swansea, Massachusetts. Town Administrator Mederos provided copies of these letters for inclusion in the record of this meeting.

Council Chairman Marshall noted a request to continue the matter of the public hearing scheduled for this evening

TOWN COUNCIL MEETING - WEDNESDAY EVENING - OCTOBER 28, 2009

concerning the Comprehensive Plan. Director of Community Development Williamson reported that the posting for the Planning Board's participation in this public hearing was not completed according to the requirements of the statute. It was suggested that the public hearing should be continued until the regular meeting of November 11, 2009.

Council Chairman Marshall opened the public hearing for consideration of a continuance.

Cordeiro/Barboza - Voted
unanimously to continue this public
hearing until November 11, 2009
beginning at 7:00 o'clock PM in the
Town Hall, Council Chambers.

Prior to the vote taken, Kenneth J. Marshall, a member of the Planning Board present, agreed that a continuance was necessary and agreed that the Planning Board's public hearing would also be continued to November 11, 2009 and that this would be a joint public hearing with the Town Council.

Council Chairman Marshall suggested that the matter of the Comprehensive Plan amendments may require time unavailable at the upcoming regular Town Council meeting and that a further continuance, at the convenience of the Council and Planning Board, may be announced on November 11, 2009.

The Clerk noted the request of the 4th of July Committee to continue agenda item J2 until November 11, 2009.

Herreshoff/Cordeiro - Voted
unanimously to continue agenda item
J2 until November 11, 2009.

MOTION RE: CONSENT AGENDA - TO APPROVE THE CONSENT AGENDA

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

A. SUBMISSION OF MINUTES OF PREVIOUS MEETING(S)

1. Special Town Council Meeting - October 3, 2009

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

TOWN COUNCIL MEETING - WEDNESDAY EVENING - OCTOBER 28, 2009

2. Town Council Meeting - October 7, 2009

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. North and East Burial Grounds Commission - April 27, 2009
2. Historic District Commission - September 3, 2009
3. Harbor Commission - Appeal Hearing, October 5, 2009
4. Harbor Commission - October 5, 2009
5. Bristol Warren Regional School Committee - July 13, 2009
6. Bristol Warren Regional School Committee - August 3, 2009
7. Bristol Warren Regional School Committee - August 17, 2009
8. Bristol Warren Regional School Committee - September 14, 2009
9. Planning Board - September 8, 2009
10. Bristol County Water Authority/Public Relations/Personnel Committee - October 7, 2009
11. Bristol County Water Authority/Engineering Committee - October 7, 2009
12. Bristol County Water Authority/Audit Finance Committee - October 7, 2009
13. Bristol County Water Authority/Board of Directors - September 9, 2009

TOWN COUNCIL MEETING - WEDNESDAY EVENING - OCTOBER 28, 2009

14. Fire Department (& Rescue/Training Headquarters) Capital Project Committee - September 24, 2009

B. OLD BUSINESS

1. Town Administrator Mederos re overnight parking in vicinity of Town Common, **continued from August 26, 2009**

Herreshoff/Cordeiro - Voted unanimously to continue this matter until the meeting of December 9, 2009

Prior to the vote taken, Town Administrator Mederos reported that the Police Department is collecting data concerning this matter and asked for a continuance in order to allow the Department time to finish its analysis of same.

Councilman Herreshoff noted that the next meeting is two weeks from this evening's meeting and suggested that a continuance of two meetings would be appropriate.

2. Phyllis Bravo, 155 Franklin Street, Unit 5F (Crow's Nest Condominiums) - request for reimbursement re past real estate assessments, **continued from October 7, 2009**

- a. Town Solicitor Ursillo to Phyllis Bravo re petition concerning review of past tax assessments

Herreshoff/Cordeiro - Voted unanimously to continue this matter until the meeting of November 11, 2009.

Prior to the vote taken, Town Solicitor Ursillo reported that he sent a letter to Ms. Bravo and that Ms. Bravo disagrees with his analysis of the matter.

Councilman Herreshoff asked to know if the various properties were assessed equitably with Tax Assessor Spagnolo responding that the properties were assessed equitably.

Ms. Bravo informed the Council that there are eight (8) units in the complex and she was of the opinion that four

TOWN COUNCIL MEETING - WEDNESDAY EVENING - OCTOBER 28, 2009

(4) of the units were assessed correctly and four (4) of the units were not assessed correctly.

Ms. Bravo also noted that Town Solicitor Ursillo did not meet with her regarding this matter and that she would prefer to have some documentation proving that the properties were assessed correctly.

A discussion ensued regarding this matter with Tax Assessor Spagnolo explaining that the subject properties were formerly rented apartments and that these were converted to condominium ownership. Tax Assessor Spagnolo also reported that some of the units may not have received certificates of occupancy at the same time leading to differences in the property assessments.

Council members asked Ms. Bravo to outline her request with Ms. Bravo informing the Council that she believes that she is due additional abatements.

Tax Assessor Spagnolo agreed to provide information for the Council meeting to be held on November 11, 2009.

3. Councilman Herreshoff re Ferry Road Repair,
continued from October 7, 2009

Herreshoff/Cordeiro - Voted
unanimously to continue this matter
until the meeting of November 11,
2009.

Prior to the vote taken, Councilman Herreshoff again expressed concern that the road bed should be stabilized prior to the planned curb-to-curb paving and that the Council should maintain its interest in the project.

Council Chairman Marshall recalled the State's plan to install a roundabout near the intersection of the Roger Williams University entrance and asked if the Town might determine if the State could add this feature to the road/sidewalk rebuilding contract currently underway in Portsmouth.

Director of Community Development Williamson stated that the matter of the roundabout was in the design phase and she was not certain if the design was complete. She agreed to inquire regarding same.

4. (Councilman Barboza) re rental apartment
house at 629 Wood Street

TOWN COUNCIL MEETING - WEDNESDAY EVENING - OCTOBER 28, 2009

- a. Town Code Section 10-41 (j), Disorderly house

Barboza/Herreshoff - Voted unanimously to receive and place this matter on file providing a copy to Town Solicitor Ursillo and also reserving a copy for the to-be-formed Noise Committee.

Prior to the vote taken, Councilman Barboza stated that he did not typically react to unsigned correspondence but that he considered the receipt of this information to be extraordinary. Councilman Barboza also noted that the advertisement as found on the internet on "Craig's List" was particularly contemptible since the listed rental specifically provides information concerning the rental property's proximity to local alcoholic beverage drinking establishments and that the property owner has been cited twice already for maintaining a "disorderly house."

Councilman Barboza stated that the advertisement seems to seek tenants to create an "animal house."

Town Solicitor Ursillo stated his intention to work with the Building Official and Code Compliance Coordinator to cite the property owner.

A discussion ensued regarding the provisions of the "disorderly house" ordinance with Councilman Barboza noting that the ordinance might be amended to include some punitive measures for repeat-offender landlords; holding these persons accountable for the disturbances emanating from their properties.

Town Solicitor Ursillo stated that he was aware of some needed ordinance amendments and was working with Police Chief Canario and Code Compliance Coordinator Evans on these.

Councilwoman Parella stated that the reference to the local "bars" as noted in the advertisement was "outrageous" and also observed that the advertisement was appearing well in advance of the property's availability.

Council Chairman Marshall noted that the problem appears to be state-wide and that the Town may seek assistance from the various members of the General Assembly toward a more far reaching solution. He also noted that students at Rutgers

University in New Jersey along with that state's department of health prepared a model ordinance that was adapted by the cities and towns.

5. Establishment of Noise Study Committee

Barboza/Parella - Voted unanimously to appoint Councilman Barboza to the yet to be formed Noise Committee and to postpone action on appointments until November 11, 2009.

Prior to the vote taken, a discussion ensued regarding the matter of noise with Council members in agreement that the matter is more far reaching than the Blithewold matter which precipitated the discussion.

Councilwoman Parella expressed concern that the issue of noise seems to be worsening and that she was uncertain as to whether or not a single committee would be capable to resolve all of the Town's noise issues.

Councilman Barboza noted that the Council should examine all of the various issues and perhaps have different committees to consider the different issues.

Councilman Cordeiro noted that the problem is far reaching and that it does not just emanate from student activities.

BB. SPECIAL /STATUS REPORTS

C. PUBLIC HEARINGS

1. Director of Community Development Williamson re proposed amendments to 2008 Comprehensive Plan required by RI Statewide Planning Department, **2nd reading**

It is hereby noted for the record that action on this docket item was taken at the commencement of this evening's agenda and is so noted above.

2. Intoxicating Beverage License Renewals for 2009-2010
 - a. Recommendation - Town Administrator and Police Chief

TOWN COUNCIL MEETING - WEDNESDAY EVENING - OCTOBER 28, 2009

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

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

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

There was no remonstrance presented in favor or in opposition to the renewal of the subject licenses.

Councilman Barboza suggested that the various establishments might post signs indicating that patrons leaving the places of business might do so quietly.

The Clerk reported that he was informed by the Police Department of the receipt of the payment from the Common Pub as noted in the recommendation of Police Chief Canario.

D. ORDINANCES

1. Ordinance #2009-14, CHAPTER 29, Soil Erosion, Runoff, and Sediment Control, Article I, In General, Sections 29-2 and 29-3, Article II, Provisions--Procedure, Sections 29-26, 29-27 and 29-33, Article III, Soil Erosion, Runoff and Sediment Control Plan, Sections 29-58 through 29-63, **2nd reading for adoption**

Barboza/Parella - Voted unanimously to consider this action to constitute the Second Reading for adoption of Ordinance #2009-14. Advertise in local newspaper.

2. Ordinance #2009-15, CHAPTER 19, Peddlers, Hawkers and Itinerant Vendors, Article I, In General, Section 19-2, Rules governing peddlers, **1st reading**

Cordeiro/Parella - Voted unanimously to consider this action to constitute the First Reading of Ordinance #2009-15.

Advertise in local newspaper.

(CA) E. BUDGET ADJUSTMENTS

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

1. Tax Assessor Spagnolo re Recommended Abatements & Additions for October, 2009
2. Tax Assessor Spagnolo re Recommended Abatements & Additions for October, 2009

(CA) F. APPOINTMENTS

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

1. Public Service Appointments
 - a. Noise Study Committee
 1. Nathan Calouro, 66 Charles Street - interest/appointment
 2. Christy Nadalin, (9 Church Street) - interest/appointment
 3. Peter B. Wilbur, Strategic Planning & Government Relations, Roger Williams University - interest/appointment
 4. Joseph D. Antinucci, (90 Van Wickle Lane) - interest/appointment
 5. Thomas A. Pasqual, Jr., 37 Prospect Street - interest/appointment
 6. David P. Raposa, 6 Rego Avenue - interest/appointment
 - Late Item** 7. Michael Ferreira, 47 Viking Drive - interest/appointment
 - Late Item** 8. Stephen Barker, 68 Constitution Street - interest/appointment

TOWN COUNCIL MEETING - WEDNESDAY EVENING - OCTOBER 28, 2009

It is hereby noted for the record that the Council took no action on the above and continued the matter until the meeting of November 11, 2009.

b. North and East Burial Grounds Commission

1. Reinhard Battcher, III, 190 Wood Street - letter of resignation

Parella/Barboza - Voted unanimously to accept the resignation of Mr. Battcher with regret and to send a letter of thanks for service.

2. Charles Cavalconte, 88 Church Street - interest/appointment

Councilwoman Parella nominated Mr. Cavalconte for appointment as full-member of the North and East Burial Ground Commission.

There were no counter nominations.

Parella/Barboza - Voted unanimously to instruct the Clerk to cast one ballot in favor of Mr. Cavalconte to fill the unexpired term; term to expire in January 2010.

G. LICENSING BOARD - NEW PETITIONS

1. Jen Cavallaro, d/b/a The Beehive Café, 10 Franklin Street - request for a BV Limited Intoxicating Beverage License

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

Prior to the vote taken, the Clerk informed the Council that there were no licenses available at this time but that there may be a license available in the near future.

Council members expressed concern that Ms. Cavallaro's business is basically a "coffee shop" and that this type of establishment does not normally serve alcoholic beverages.

Ms. Cavallaro informed the Council that her goal was to have beer and wine available for those persons wishing to have same with their sandwich at lunch and that she had no

interest in changing the nature of her business or expanding same.

It was suggested that the petitioner should contact the Clerk's office regularly to determine if a license may come available.

H. LICENSING BOARD - RENEWALS

1. Intoxicating Beverage License Renewals for 2009-2010 (see item C2 also)

It is hereby noted for the record that action on this agenda item took place as part of agenda item C2 as noted above.

2. Sunday Sales License Renewals for 2009-2010
 - a. Recommendation - Town Administrator and Police Chief

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

3. Victualling License Renewals for 2009-2010
 - a. Recommendation - Town Administrator and Police Chief
 - b. Recommendation - Water Pollution Control Facility

Late Item

- c. Laurie DiOrio, Assistant Administrator, (RI) Services for the Blind and Visually Impaired - request for fee waiver

Cordeiro/Barboza - Voted unanimously to grant renewal of these licenses based upon the recommendations as received and subject to conformance to all laws and ordinances and payment of all fees, taxes, and levies; waiving the fee for the "Coffee Plus" establishment as requested.

TOWN COUNCIL MEETING - WEDNESDAY EVENING - OCTOBER 28, 2009

Prior to the vote taken, it was noted that there was a request from the RI Services for the Blind to waive the annual fee for "Coffee Plus." Council members observed that the organization reports fee waivers in other Rhode Island communities for their projects.

4. Amusement Devices/Game Room License Renewals for 2009-2010

Late Item

- a. Recommendation - Town Administrator and Police Chief

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

5. Holiday Sales License Renewals for 2009-2010

- a. Recommendation - Town Administrator and Police Chief

Barboza/Parella - Voted to grant approval of these licenses based upon the recommendations received and subject to conformance to all laws and ordinances and payment of all fees, taxes, and levies. Councilman Herreshoff recused.

Prior to the vote taken, Councilman Herreshoff recused himself since one of the applicants is the Herreshoff Marine Museum and he is associated with that establishment.

6. Carriage License Renewal for 2009-2010

- a. Recommendation - Town Administrator and Police Chief

Cordeiro/Parella - Voted unanimously to grant approval of this license based upon the recommendations received and subject to conformance to all 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. WPCF - Sewer Permits
2. DPW - Road Cut Permits
3. The National Grid - petition to relocate pole on Annawamscutt Drive
 - a. Recommendation - Director of Public Works

Cordeiro/Barboza - Voted unanimously to grant this petition based upon the recommendation received.

J. PETITIONS - OTHER

1. Gerald T. Murphy, Esquire for Marie C. Kiefer, 24 Obery Street, Plymouth, MA re claim for personal injury

Barboza/Herreshoff - Voted unanimously to refer this matter to the Interlocal Trust with a copy provided to Town Solicitor Ursillo.
2. Edward J. Correia for 4th of July Committee - request use of Town Beach to host a carnival/fair, August 6 - 15, 2010
 - a. (Edward J. Correia) re 4th of July Committee proposal
 - b. Recommendation - Director of Parks and Recreation

It is hereby noted for the record that this matter was continued as per the action taken at the commencement of this evening's agenda as noted above.

3. Director of Parks and Recreation Burke - request for funding re Silver Creek Field Studies project

TOWN COUNCIL MEETING - WEDNESDAY EVENING - OCTOBER 28, 2009

Barboza/Parella - Voted unanimously to allocate \$1000 from the Council Contingency account for this purpose.

Prior to the vote taken, Recreation Director Burke and Robert Aldrich of 7 Fox Hill Avenue, representing Save Bristol Harbor, informed the Council that the program so noted was educational with much of the funding coming from other sources.

The program will consider some of the ecological issues of Silver Creek, measuring salinity and investigating protection measures. They requested a Council contribution of \$1000.00 for this purpose.

4. Berta Raposo for St. Elizabeth Church, 577 Wood Street - request use of Town Common to host a fundraising carnival, September 16 - 19, 2010

Cordeiro/Barboza - Voted unanimously to grant this petition based upon the recommendation received and subject to the rules and regulations of the Parks and Recreation Department including the securing of a certificate of insurance.

Prior to the vote taken, Recreation Director Burke, who was present, informed the Council that he initially thought there was a conflict with this date and the annual "touch a truck" event but after investigating same he determined there was no conflict and recommended that the petition be granted.

5. William Tomasko, Member, Rhode Islanders for Fair Elections - request to address Council re endorsement of legislation creating a voluntary public financing system for elections in RI

Barboza/Parella - Voted unanimously to continue this matter until the meeting of December 9, 2009.

Prior to the vote taken, Kurt Walters and Emily Koo, representing the Rhode Islanders for Fair Elections, informed the Council that their issue has the support of the

TOWN COUNCIL MEETING - WEDNESDAY EVENING - OCTOBER 28, 2009

League of Women Voters and the State Council of Churches. They also noted that the practice of voluntary publicly financed elections is found in other states including Maine, Connecticut, and Arizona. They explained the anticipated process in that candidates must "qualify" by obtaining a certain amount of support within their constituency.

Councilman Barboza asked to know from where the funding will be derived with the representatives responding that the State will provide the funds through various revenue sources.

Councilman Herreshoff asked to know the anticipated cost with the representatives responding that the anticipated cost is \$4 million per election. Councilman Herreshoff noted that the State is "broke" and expressed doubt if the measure would pass the General Assembly solely based upon the State's financial condition.

Councilwoman Parella commented that the principle is admirable with the larger problem lying in the fact that there is a general unwillingness on the part of the candidates to accept the public financing since it has certain limits.

Council Chairman Marshall asked to know the group's timeline for consideration of the measure with the representatives responding that they hoped to secure the necessary support during the upcoming winter with possible consideration by the General Assembly in the spring.

K. OTHER NEW BUSINESS REQUIRING TOWN COUNCIL ACTION

1. Jean M. Fecteau, Gloucester Town Clerk - request support of resolution in opposition to Gov. Carcieri's plan for additional cuts to cities and towns

Barboza/Cordeiro - Voted
unanimously to support this measure

2. Town Administrator Mederos re IRS Seminar concerning American Recovery and Reinvestment Act tax credits and benefits, November 18, 2009

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

TOWN COUNCIL MEETING - WEDNESDAY EVENING - OCTOBER 28, 2009

Prior to the vote taken, Town Administrator Mederos reported that this item was placed on the agenda for the Council's information.

3. Town Administrator Mederos re adoption of Gov. Carcieri's Executive Order 04-10 concerning designation of National Incident Management System

Cordeiro/Parella - Voted
unanimously to adopt the National
Incident Management system as
outlined in Executive Order 04-10.

4. Director of Community Development Williamson re application for zoning map change of Christopher Francis for ELJ, Inc., 703 Metacom Avenue, from GB (General Business) to M (Manufacturing) with conditions for property located on the northerly side of Tupelo Street (Plat 92A, Lots 35 & 59), **1st reading and call for public hearing on December 9, 2009**

Barboza/Cordeiro - Voted
unanimously to consider this action
as the first reading of the
amendment to the Zoning Map of the
Town of Bristol and to call for a
Public Hearing regarding same on
December 9, 2009.

5. Rhode Island Ethics Commission re meeting scheduled concerning draft of new General Commission Advisory 2009-4 relating to Secondary Employment for Public Officials and Employees, November 3, 2009

Herreshoff/Cordeiro - Voted
unanimously to receive and place
this matter on file and to
anticipate an e-mail from Town
Solicitor Ursillo concerning the
details of this Advisory.

6. Director of Community Development Williamson re Fire Department Headquarters/Rescue Station selected for a "Green Building of America Award" by Real Estate & Construction Review

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

7. Director of Community Development Williamson
- request matter re funding for permit
tracking software be referred to Town
Solicitor to draft a User Fee ordinance

Barboza/Parella - Voted unanimously
to refer this matter to Director of
Community Development Williamson
for a "white paper" analysis of the
proposal and Town Solicitor Ursillo
to draft the appropriate ordinance
language.

Prior to the vote taken, Director of Community Development Williamson reported that this matter was before the Council during budget deliberations and that the main purpose for the system was to let the various disciplines "red flag" permits within a computer system thus allowing for better and easier coordination during the stages of a project.

Director of Community Development Williamson also reported that the user-fee ordinance, as proposed, will provide the funding necessary to support the system.

Councilman Herreshoff questioned the need for such a system and also the cost to maintain same. He also questioned as to whether or not the new system would have undisclosed personnel requirements.

Town Administrator Mederos stated that the proposed system, as discussed at length during budget deliberations, would streamline and increase accuracy within the permitting process.

Councilman Herreshoff asked to have an analysis of the proposed system including cost of purchase and personnel.

8. (Principal Planner Tanner) for Raymond Payson, Chair, Conservation Commission/Member, Open Space Committee and Stephan Brigidi, Co-Chair, Open Space Committee - request consideration of dissolving the Open Space Committee and

appointing interested members to the
Conservation Commission

Barboza/Herreshoff - Voted unanimously
to continue this matter until the
meeting of November 11, 2009.

Prior to the vote taken, Principal Planner Tanner informed the Council that the Open Space Committee, as established by Council resolution, has been successful. He noted that the Committee has made recommendations for property acquisition and also completed the open space plan.

Principal Planner Tanner noted that most of the work of the Open Space Committee overlaps the responsibility of the Conservation Commission and therefore it may better serve the Town to meld the two together.

It was noted that some current Open Space Committee members might be interested in serving on the Conservation Commission and that the Commission has at least one vacancy and some members who may wish to step aside in favor of new ones.

Town Solicitor Ursillo also reported that the Council may wish to name non-voting ex-officio members if there is more interest than available seats.

It was suggested that those interested in appointment should apply through the Clerk's office.

Councilwoman Parella asked to know if the proposal would essentially create a "mission change" for the Conservation Commission with Principal Planner Tanner responding that the general "charge" of the Open Space Committee would fall within the spectrum of responsibilities of the Conservation Commission.

L. BILLS & EXPENDITURES

1. Bid #685 - 2009 Drainage Improvement Project

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

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

TOWN COUNCIL MEETING - WEDNESDAY EVENING - OCTOBER 28, 2009

DaPonte's Landscaping Service	\$ 58,237.00
Atlantic Control Systems	\$109,400.00
American Site Corporation	\$ 63,127.75
Aquidneck Construction, Inc.	\$ 57,000.00
Site-Tech Corporation	\$ 81,560.00

2. Bid #686 - 2009 Fall Tree Planting

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

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

Yard Works, Inc.	\$6,580.00
M-O-N Landscaping, Inc.	\$7,900.00
Samuel Kinder, & Bro., Inc.	\$7,662.00

Councilman Herreshoff cautioned that the trees provided as subject to this bid may not be of equal quality. He suggested that the quality of the trees should be examined prior to the awarding of the bid.

3. Bid #687 - Document Shelving

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

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

DuPont Systems	\$3,775.00
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The Clerk reported that no Town funds will be expended as a result of this project this being funded by a grant and the records preservation trust fund.

(CA) M. ROUTINE REPORTS

(CA) N. FINANCIAL REPORTS

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

TOWN COUNCIL MEETING - WEDNESDAY EVENING - OCTOBER 28, 2009

1. (Town Treasurer Day) re Revenue and Expenditure Statement, October 22, 2009

P. PROCLAMATIONS & CITATIONS

1. Commendation - Joao B. Valentim, Bristol Sports Club 2009 "Man of the Year"

Barboza/Parella - 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. Notice of Town Code Violation re Section 10-41 (j) Disorderly house at 56 DeWolf Avenue
2. Resolution re opposition to State law mandating binding arbitration for school teachers (signed copy)
3. Susan DeSack, Chairperson, Exeter-West Greenwich Regional School Committee re resolution opposing mandatory binding arbitration for teachers
4. Jean Ann W. Guliano, Chairperson, East Greenwich School Committee re resolution opposing legislation mandating binding arbitration for teacher contracts
5. Coastal Resources Management Council - Maintenance Certificate M 2009-10-011 granted to perform maintenance work to storm water drainage system at the junction of Thames and State Streets
6. Kim Casci, East Providence City Clerk re resolution opposing mandatory binding arbitration legislation for teacher contracts
7. Class F Intoxicating Beverage License granted to St. Elizabeth Church/Holy Ghost, 577 Wood Street for a Fundraising Event on October 24, 2009

TOWN COUNCIL MEETING - WEDNESDAY EVENING - OCTOBER 28, 2009

8. Class F Intoxicating Beverage License granted to St. Elizabeth Church/CYO, 577 Wood Street for a Fundraising Event on November 7, 2009
9. Town Clerk/Council Clerk Cirillo to Beryl Borden, President, Eastern R.I. Cooperative Extension re current job description and candidate profile for appointment to the board of director's position
10. Town Solicitor Ursillo to Henry Sousa re denial of pension request for service on the board of canvassers
11. Council Clerk Cirillo to Sen. David Bates, et al re resolution in opposition to binding arbitration for teachers
12. (Kathleen Viera Beaudoin, Portsmouth Town Clerk) re resolution in opposition to binding arbitration for teacher contracts
13. Catherine Kaiser, Chairperson, Jamestown School Committee re resolution re opposition to binding arbitration legislation for teacher contracts
14. Warrant - William Cain, Auxiliary Member to the Recreation Board
15. Richard B. Iannitelli, Chairperson, Smithfield School Committee re resolution in opposition to mandatory binding arbitration for teachers
16. Donna L. Giordano, MMC, Westerly Town Clerk re resolution opposing mandatory binding arbitration for teachers
17. Bristol County Water Authority - Executive Director's Report, October 2009 (miscellaneous correspondence)
18. Town Solicitor Ursillo to Stephen D. Lombardi, West Des Moines, IA re use of the town seal for unofficial business
19. Town Clerk Cirillo to Fausto Anguilla, Chairman, Charter Review Commission re Charter Review Questions 1984-2004

TOWN COUNCIL MEETING - WEDNESDAY EVENING - OCTOBER 28, 2009

20. Sandra M. Giovanelli, Cumberland Town Clerk
re resolution in opposition to binding
arbitration for teacher contracts

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

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

1. Bristol Warren Regional School District -
Schedule of Meetings, Week of October 5, 2009
2. Bristol Warren Regional School Committee
Student Hearing Subcommittee - October 5,
2009
3. Bristol Warren Regional School Committee
Budget/Facilities Subcommittee - October 5,
2009
4. Bristol Warren Regional School Committee
Policy/Community Affairs Subcommittee -
October 6, 2009
5. Board of Fire Engineers - October 5, 2009
6. Bristol County Water Authority/Public
Relations/Personnel Committee - October 7,
2009
7. Bristol County Water Authority/Engineering
Committee - October 7, 2009
8. Bristol County Water Authority/Audit Finance
Committee - October 7, 2009
9. Bristol County Water Authority/Board of
Directors - October 14, 2009
10. Fire Department (& Rescue/Training
Headquarters) Capital Project Committee -
October 8, 2009
11. Recreation Board - October 13, 2009
12. Zoning Board of Review - November 2, 2009

TOWN COUNCIL MEETING - WEDNESDAY EVENING - OCTOBER 28, 2009

13. Bristol Warren Regional School Committee -
Schedule of Meetings, Week of October 12,
2009
14. Bristol Warren Regional School Committee -
October 13, 2009
15. Bristol Warren Regional School Committee
Student Hearing Subcommittee - October 13,
2009
16. Bristol Warren Regional School Committee
Budget/Facilities Subcommittee - October 19,
2009
17. Bristol County Water Authority - November
2009 Meetings
18. Bristol Warren Regional School District -
Schedule of Meetings, Week of October 19,
2009
19. Bristol Warren Regional School Committee
Budget/Facilities Subcommittee - October 19,
2009
20. Fire Department (& Rescue/Training
Headquarters) Capital Project Committee -
October 22, 2009
21. Charter Review Commission - Meeting Schedule
22. Charter Review Commission - October 20, 2009
23. Charter Review Commission - November 3, 2009
24. Bristol Warren Regional School District -
Schedule of Meetings, Week of October 26,
2009
25. Bristol Warren Regional School Committee -
October 26, 2009
26. Bristol Warren Regional School Committee
Future Enrollment & Facilities Task Force -
October 27, 2009
27. Bristol Warren Regional School Committee
Personnel/Contract Subcommittee - October 26,
2009

TOWN COUNCIL MEETING - WEDNESDAY EVENING - OCTOBER 28, 2009

S. TOWN SOLICITOR

1. Request for Executive Session pursuant to RIGL §42-46-5 (a) (5)

It is hereby noted for the record that this matter was taken up at the conclusion of the public agenda so noted below.

Z. INDIVIDUAL COUNCIL MEMBERS AGENDA ITEMS

1. MARSHALL

a. Thank You Mike Davis - Council Chairman Marshall thanked Mr. Davis for his services this evening and noted that it was particularly important to provide timely messages to the public as in the case of those presented by Dr. Gifford and Commissioner Gist this evening.

b. Bristol Youth Soccer Association (BYSA) - Council Chairman Marshall congratulated BYSA President upon that organization's recent award from RI Special Olympics.

c. Sousa Condolences - Council Chairman Marshall repeated the Council's expressions of sympathies to the family of Victoria Sousa.

2. CORDEIRO

a. Sousa Condolences - Councilman Cordeiro echoed the sentiments of Council Chairman Marshall concerning the Sousa family.

3. PARELLA

a. Sousa Condolences - Councilwoman Parella echoed the Sousa condolences also.

b. Safe Halloween - Councilwoman Parella noted the approaching Halloween observance and cautioned that the various participants should act in a safe manner.

4. BARBOZA

a. Sousa Condolences - Councilman Barboza echoed the sentiments as expressed by Council members earlier.

5. HERRESHOFF

a. Cable TV Broadcast - Councilman Herreshoff echoed the sentiments of Council Chairman Marshall concerning the importance of providing information to the public via the public television.

b. "Cigarette" boats - Councilman Herreshoff noted that the high speed cigarette boats appear to be again violating the agreement that forbade high speed travel within the confines of Bristol Harbor. Town Administrator Mederos agreed to speak to Harbor Master Cabral regarding this matter.

ZZ. TOWN ADMINISTRATOR AGENDA ITEM(S)

a. St. Mary's Cemetery - Town Administrator Mederos reported that the Town was in receipt of the CRMC Certification to begin work on the Cemetery drainage pipe repair and relining.

b. Sousa Condolences - Town Administrator Mederos expressed her condolences to the Sousa family stating that "Bristol's heart is broken."

CITIZENS PUBLIC FORUM

Herreshoff/Barboza - Voted unanimously to adjourn into Executive Session pursuant to RIGL 42-46-5 (a) (5) at 9:56 o'clock PM.

Herreshoff/Parella - Voted unanimously to resume open session and seal the minutes of the Executive Session at 10:50 o'clock PM.

There being no further business, upon a motion by Councilman Herreshoff, seconded by Councilwoman Parella and voted unanimously, the Chairman declared this meeting to be adjourned at 10:51 o'clock PM.

Louis P. Cirillo, CMC, Council Clerk