

TOWN COUNCIL MEETING - WEDNESDAY EVENING - MARCH 24, 2010

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, March 24, 2010 in the Town Hall, Council Chambers, beginning at 7:07 o'clock PM, Council Chairman Marshall presiding:

Proclamation: Parks and Recreation, RIRPA 2009 Distinguished Department

Prior to the commencement of this evening's regular agenda, Council Chairman Marshall noted that the Bristol Parks and Recreation Department was in receipt of the 2009 "Distinguished Department of the Year Award" as presented by the Rhode Island Recreation and Parks Association. He read the following Proclamation aloud:

State of Rhode Island and Providence Plantations
Town of Bristol

Proclamation

Be it hereby known to all that:

WHEREAS, the Bristol Parks and Recreation Department has been recognized as the Distinguished Department of the Year for 2009 by the Rhode Island Recreation & Parks Association; and

WHEREAS, this prestigious award calls to mind the tireless energy and devotion to our Town's recreational mission as displayed by Parks and Recreation Director Walter Burke and Assistant Director Sarah Klein and their dedicated staff; and

WHEREAS, this prestigious award also calls to mind this Distinguished Department's stewardship of our Town's beautiful and accommodating parks, some old and some new; all well utilized, held dear by our citizens, and central to the quality of life in Bristol; and

WHEREAS, this prestigious award also calls to mind this Department's superior recreational program made available to enrich the lives of our citizens; fostering appreciation for leisure time activities including the arts and athletics, providing a safe

TOWN COUNCIL MEETING - WEDNESDAY EVENING - MARCH 24, 2010

haven and wholesome amusement for our youth and elderly, and fulfilling the Town's commitment to health and well being of all Bristolians.

THEREFORE, be it hereby RESOLVED that the Honorable Town Administrator and Honorable Town Council of the Town of Bristol, State of Rhode Island and Providence Plantations, individually, collectively and by these presents send their greetings and proclaim their congratulations, in earnest, to the Bristol Parks and Recreation Department upon the occasion of its recognition as Distinguished Department of the Year for 2009 by the Rhode Island Recreation & Parks Association; and further extend the sincerest best wishes to its dutiful Recreation Board, dedicated personnel, and countless participants on behalf of the entire Bristol community.

In witness whereof we have hereunto set our hand and affixed the seal of the Town of Bristol on adoption this twenty-fourth day of March, A. D. Two-thousand ten.

/s/ Diane C. Mederos, Town Administrator
/s/ Kenneth A. Marshall, Council Chairman
/s/ Raymond Cordeiro, Council Vice-chairman
/s/ Mary A. Parella, Councilwoman
/s/ David E. Barboza, Councilman
/s/ Halsey C. Herreshoff, Councilman

Attest: /s/ Louis P. Cirillo, CMC, Town Clerk

Commendations: Mt. Hope High School 2009-2010 Winter Wrestling
- Varsity

Mt. Hope High School 2009-2010 Winter
Gymnastics - Varsity

Council Chairman Marshall also presented commendations to the Mt. Hope High School Winter Wrestling and Winter Gymnastics teams as follows:

State of Rhode Island and Providence Plantations
Town of Bristol
Commendation
awarded to

Mt. Hope High School - Winter Varsity Wrestling
in recognition of their achievement in winning the
Wrestling Division II & Sectional Championship 2010

TOWN COUNCIL MEETING - WEDNESDAY EVENING - MARCH 24, 2010

As the duly elected representatives of the citizens of the Town of Bristol we note with particular pleasure that this championship is the first divisional wrestling championship since the Bristol Warren regionalization, and hereby recognize and commend these participants of the Mt. Hope High School Winter Wrestling Varsity Team upon their great success and extend the heartfelt congratulations of an appropriately proud community:

Players: Kyle Andrade, Benjamin Arruda, Corey Burke, John Cabral, Jeremy Cimbron, Zachery Dias, Michael D. Ferrara, David Ferreira, Louis Francis III, Jacob Grantham, Will Jaycox, Thomas Lombardo, Kenneth Marshall, Richard L. Pavao, Chris Riley, Douglas Sampson, Kyle Sousa, Alan St. Vincent, Jonathan Teixeira, Byron Thibaudeau, Bailey Ziobro, Zachary Ziobro, Kevin Zuniga

Head Coach: Brian Latessa
Assistant Coach: George Nathan Webster

Team Volunteers: Ben Classen, Eric Labrie

In witness whereof we have hereunto set our hand and affixed the seal of the Town of Bristol on adoption this twenty-fourth day of March, A. D. Two-thousand ten.

/s/ Diane C. Mederos, Town Administrator
/s/ Kenneth A. Marshall, Council Chairman
/s/ Raymond Cordeiro, Council Vice-chairman
/s/ Mary A. Parella, Councilwoman
/s/ David E. Barboza, Councilman
/s/ Halsey C. Herreshoff, Councilman
Attest: /s/ Louis P. Cirillo, CMC, Town Clerk

State of Rhode Island and Providence Plantations
Town of Bristol
Commendation
awarded to

Mt. Hope High School - Winter Gymnastics Varsity
in recognition of their achievement in winning the
Gymnastics Division II State Champions for 2010.

As the duly elected representatives of the citizens of the Town of Bristol we hereby recognize and commend these participants of the Mt. Hope High School Winter Gymnastics

TOWN COUNCIL MEETING - WEDNESDAY EVENING - MARCH 24, 2010

Varsity Team upon their great success and extend the heartfelt congratulations of an appropriately proud community:

Players: Kara Blake, Allison Borowick, Nicole Brown, Kaitlyn B. DaSilva, Caitlin Fortier, Chelsea Francis, Kailey Grantham, Kylie Grossman, Erin Hebert, Lauren Irons, Kyle McGovern, Kaitlan McQueeney, Brianna McQueeney, Mariah Monzi, Audra Morrow, Ashley Ramsay, Kiley Ramsay, Ashley Silva, Lily Sirpenski

*Head Coach: Melissa Gendreau
Team Volunteer: Kayla Dallaire*

In witness whereof we have hereunto set our hand and affixed the seal of the Town of Bristol on adoption this twenty-fourth day of March, A. D. Two-thousand ten.

/s/ Diane C. Mederos, Town Administrator
/s/ Kenneth A. Marshall, Council Chairman
/s/ Raymond Cordeiro, Council Vice-chairman
/s/ Mary A. Parella, Councilwoman
/s/ David E. Barboza, Councilman
/s/ Halsey C. Herreshoff, Councilman
Attest: /s/ Louis P. Cirillo, CMC, Town Clerk

MOTION RE: CONSENT AGENDA - TO APPROVE THE CONSENT AGENDA

Cordeiro/Barboza - Voted unanimously to approve the Consent Agenda withholding agenda item R18 and also to consider agenda item R10 in combination with agenda item K7.

Prior to the vote taken, Councilman Barboza asked that agenda item R18 might be withheld for further discussion and that agenda item R10 might be considered in combination with K7.

A. SUBMISSION OF MINUTES OF PREVIOUS MEETING(S)

1. Town Council Executive Session (sealed - Council only) - October 28, 2009

Barboza/Cordeiro - Voted unanimously to unseal these minutes.

TOWN COUNCIL MEETING - WEDNESDAY EVENING - MARCH 24, 2010

Barboza/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. Noise Study Committee - January 26, 2010
2. Board of Fire Engineers - March 1, 2010
3. Zoning Board of Review - January 4, 2010
4. Charter Review Commission - February 18, 2010
5. Historic District Commission - January 7,
2010
6. Historic District Commission - February 4,
2010
7. Planning Board - February 9, 2010
8. Bristol County Water Authority/Board of
Directors - Special Meeting, February 17,
2010
9. Bristol County Water Authority/Audit Finance
Committee - March 3, 2010
10. Bristol County Water Authority/Engineering
Committee - March 3, 2010
11. Bristol County Water Authority/Public
Relations/Personnel Committee - March 3, 2010
12. Bristol Housing Authority - February 11, 2010

B. OLD BUSINESS

1. Brian W. Kirsch, 28 Paine Avenue - request to
designate Paine Avenue as a one-way street,
continued from March 3, 2010

Herreshoff/Cordeiro - Voted
unanimously to continue this matter

TOWN COUNCIL MEETING - WEDNESDAY EVENING - MARCH 24, 2010

awaiting a further report from the Chief of Police.

Prior to the vote taken, Police Chief Canario distributed a report including information derived from the "Speed Sentry Trailer" and also an interview of neighborhood residents concerning speeding automobiles and this petition for a one-way street.

Police Chief Canario's report included reports from Patrolman Corey Lamirande and also Sergeant James Motta concerning this issue.

Police Chief Canario noted that the reports outline ten (10) days of data and also a survey of residents concerning the petitioner's request. He provided detailed information, explaining that less than 2% of motorists traversing the neighborhood were found to be speeding. He also explained that officers interviewed residents finding that, of ten (10) homes surveyed, three (3) residents were in favor of Paine Avenue becoming a one-way street; six (6) residents were opposed to the one-way street; and the remaining residence was not contacted after several attempts to do so.

Police Chief Canario also reported that those residents of Coggeshall Avenue surveyed object to the idea of a one-way street. He also noted that in-house data reveals no repeat accidents and no records for calls for service.

Police Chief Canario recommended that his department will continue to monitor the area for speeding, etc., and recommended further that signage in the area might be improved.

Police Chief Canario further reported that the traffic pattern on these roads should remain as-is; noting that Paine Avenue is a narrow road. He also offered information provided by the Cranston Police Department Inspector who revealed that, at times, the institution of a one-way road will likely increase the amount of traffic.

Mr. Kirsch, the petitioner, thanked Police Chief Canario and the Council stating that he appreciated seeing police officers in the area. He noted that he perceives the problem related to three components these being vehicle speed, vehicle volume, and the bi-directional traffic.

Mr. Kirsch also noted that he was concerned that the results of the traffic study may have been skewed since the presence

TOWN COUNCIL MEETING - WEDNESDAY EVENING - MARCH 24, 2010

of the police officers in the area likely deterred the speeding earlier observed by him and his neighbors.

Mr. Kirsch asked to know if Police Chief Canario might provide data as to the traffic volume on the street with Police Chief Canario responding that he did not have that data available at this time.

Mr. Kirsch informed the Council that a police officer informed him that there were 98, 84, and 139 automobiles counted on the street on three sequential days. Mr. Kirsch speculated, based upon this data and assuming that traffic in any one direction could be logically doubled, that as many as 200 - 300 vehicles might traverse the street on any given day.

Mr. Kirsch noted that a sign indicating "no thru traffic" appears on his street. He asked to know the meaning of this sign. Mr. Kirsch also informed the Council that his primary concern is for the young children riding bicycles on the street and contends that the amount of traffic on the street is excessive and threatens the bicyclists' safety.

Mr. Kirsch also stated that he was of the opinion that a "one way" sign would be a better long-term deterrent than the police presence on occasion.

Councilman Cordeiro noted that he was concerned that most of the residents appeared to be opposed to the idea of a one-way street.

Mr. Kirsch reported that all but two residents signed his petition for a one-way street.

Councilman Barboza asked Police Chief Canario for his recommendation with Police Chief Canario responding that he plans to maintain high police visibility in the area and also to monitor vehicle speeds with radar patrols.

Councilman Herreshoff stated that he was inclined to support Police Chief Canario's recommendation although Mr. Kirsch presents a compelling argument. He suggested that the Council might leave the matter open to further consideration and anticipate a report from the police department; perhaps in the summer months.

Police Chief Canario noted that three residents of Coggeshall Avenue appear to oppose the idea of a one-way street.

TOWN COUNCIL MEETING - WEDNESDAY EVENING - MARCH 24, 2010

Mr. Kirsch again asked if there is a penalty associated with the "no thru street" notice, with Councilman Barboza noting that the purpose of the sign was that of a deterrent to those wishing to use the street as a thoroughfare and not just for local traffic use.

Councilwoman Parella noted that there appeared to be some confusion regarding those on Paine Avenue who prefer a one-way street to those who do not. She also stated that she was "amazed" to learn the volume of traffic on this relatively out-of-the-way street and suggested that the situation might warrant an "undercover" investigation so as to determine why so many vehicles are present.

Police Chief Canario stated that this would be a valid approach. He also stated that it was the department's policy to "educate first" and provide traffic citations as a second step.

2. Frank R. Vento, Sr., 16 Charlotte Drive - request for abandonment of a portion of Leahy Drive, **continued from March 3, 2010**

- a. Michael S. Grant, Real Estate Representative, National Grid re proposed abandonment
- b. Recommendation - Planning Board

Herreshoff/Barboza - Voted unanimously to continue this matter until the meeting of April 14, 2010.

Prior to the vote taken, Council Chairman Marshall noted that the Planning Board recommended that the Council should deny the request of Mr. Vento.

Council Chairman Marshall asked to know if Mr. Vento spoke to Director of Community Development Williamson with Director of Community Development Williamson reporting that she spoke with Mr. Vento and outlined his options and that Mr. Vento indicated that none of these options were suitable.

Councilwoman Parella asked to know if Mr. Vento was aware that his property will still lack sufficient land for a legal two-family dwelling even if the abandonment would be approved with Mr. Vento responding that he was aware of

TOWN COUNCIL MEETING - WEDNESDAY EVENING - MARCH 24, 2010

this. Mr. Vento also informed the Council that he wished to have this land in order to have a larger setback.

Mr. Vento added that he was granted a two (2) family variance by the Zoning Board of Review in 1982.

Councilman Herreshoff asked to know if there is a two (2) family residence occupied on the property at this time with Mr. Vento responding that there is but that there is apparently a condition that the second residence is for an "in-law."

He further stated that he would like to be assured that he may continue to rent the second residence to someone other than a family member.

Director of Community Development Williamson reported that the 1982 variance was for an in-law apartment and that Mr. Vento now wishes to make an addition to the existing in-law apartment. Director of Community Development Williamson further reported that a condition of the 1982 Zoning Board of Review decision was to require that the second dwelling unit must be rented to a family member.

Town Solicitor Ursillo noted that the condition for an in-law apartment did not create a "two family" dwelling.

Mr. Vento asserted that the Zoning Board of Review decision granted him the rights of a two-family residence.

Director of Community Development Williamson agreed to provide the minutes of the meeting from 1982.

Councilman Herreshoff asked to know if the residents of the building were all relatives with Mr. Vento responding affirmatively. He added that he, however, did rent to non-relative college students in the past.

Town Solicitor Ursillo agreed that the matter required further study and agreed to review the files with Director of Community Development Williamson.

3. Councilman Barboza re interim report of the Noise Study Committee, **continued from March 3, 2010** (consider appropriation not to exceed \$2600 for noise meter and training)
 - a. Council Clerk Cirillo re Council Contingency FY 2009-2010

TOWN COUNCIL MEETING - WEDNESDAY EVENING - MARCH 24, 2010

Barboza/Cordeiro - Voted unanimously to re-appropriate \$4,000 from the Council's "Grant Procurement" line item to the "Contingency" line item and to appropriate \$2600 for the aforementioned noise meter and its associated training

Barboza/Parella - Voted unanimously to appropriate from the remaining Council Contingency up to \$600 for a Council Minutes Record Book, \$1000 to support the BVFD Dialer program, and also \$1000 to support the plans and specifications as requested by the Bristol Art Museum.

Prior to the vote taken, Councilman Herreshoff expressed concern that the Town would be purchasing a noise meter and that this meter may not be used. He noted that the previous noise meter was complicated to operate and that the police reported that it was not often used to collect evidence.

Police Chief Canario reported that he intends to train all officers in the use of the new meter and that it will "absolutely" be used. He also noted that this meter was purposely chosen so that it would be able to provide the needed evidence.

Councilman Herreshoff stated that he was pleased to know that the proper meter was chosen.

Police Chief Canario explained that training on the use of this meter should be accomplished during the next month.

Councilman Herreshoff noted that the training was "reassuring." He suggested that Police Chief Canario should develop a policy for use of the meter since the officers should be aware of the travel of the sound, etc.

Police Chief Canario stated that there is a protocol for meter use that is incorporated into the training.

Councilman Cordeiro asked to know if the new meter was easier to use than the previous one with Police Chief Canario responding that this new meter was the most modern and that the City of Newport police department uses a similar model.

TOWN COUNCIL MEETING - WEDNESDAY EVENING - MARCH 24, 2010

4. Kathy and Greg Norden, 40 Van Wickle Lane re noise issues

LATE ITEM

- a. Susan and Keith Maloney, 60 Van Wickle Lane re noise issues

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

5. Judith Squires, General Chairman, 4th of July Committee - request permission to sell food items and be given the authority to contract outside vendors for the various 4th of July events; Aerial Photo, Orange Crate Derby, Concert Series, **continued from March 3, 2010**

Cordeiro/Barboza - Voted unanimously to refer this matter to the Town Solicitor.

Prior to the vote taken, Town Solicitor Ursillo noted that the holders of valid Hawkers and Peddlers Licenses could not be excluded from the public streets surrounding the places where the 4th of July activities were taking place.

It was noted that allowing the Committee to grant licenses for activities similarly to the way they are allowed to grant licenses on the day of the Independence Day Parade may require an ordinance change.

Town Solicitor Ursillo agreed to investigate same and report back to the Council.

6. Paul Rodrigues for East Bay ARC of RI - request for motor vehicle tax exemption, **continued from March 3, 2010**

LATE ITEM

- a. Tax Assessor Spagnolo re tax exemption for East Bay Arc of RI

Barboza/Parella - Voted unanimously to increase the 2010-2011 Human Resources provisional budget figure for East Bay ARC by \$400.

7. Ellen Winsor, Jamestown Town Council re testimony of Weaver's Cove Energy to Rhode

TOWN COUNCIL MEETING - WEDNESDAY EVENING - MARCH 24, 2010

Island Senate LNG Task Force presented on
March 9, 2010

Herreshoff/Cordeiro - Voted
unanimously to receive and place
this matter on file; instructing
the Clerk to send an e-mail of
thanks to the Honorable Ellen
Winsor.

8. Councilman Herreshoff re additional LNG hearing
 - a. Marcia MacClary, Director Public Affairs, Weaver's Cove Energy re thank you for opportunity to address LNG project on March 3, 2010 and invitation to return for future discussion
 - LATE ITEM** b. Gregg Landes, Vice President, Project Manager, Weaver's Cove Energy re information on LNG ships

Herreshoff/Cordeiro - Voted
unanimously to refer this matter to
Council Chairman Marshall, Town
Administrator Mederos and the Clerk
to contact Weaver's Cove, arrange
for a suitable meeting place and
videography, and report to the
Council regarding same at the
meeting of April 14, 2010.

Prior to the vote taken, Councilman Herreshoff noted receipt of the information sought from Mr. Landes and further noted that some of the data provided was "questionable" since he believes that Weaver's cove provided the height of the ship's hull only and that the data provided did not include the height of the gas tanks.

Councilman Herreshoff noted that it is useful to "get into the specifics" since these provide the opportunity to ask more direct questions.

Councilman Cordeiro noted that it is typical that suspension bridges may spring up and down with the velocity of the wind, etc. and that any calculation of the bridge height from the water should take this observable fact into consideration.

TOWN COUNCIL MEETING - WEDNESDAY EVENING - MARCH 24, 2010

Councilman Herreshoff also calculated that the Weaver's Cove testimony concludes that the time needed for the ship to pass under the bridge, including the required safety zone was approximately nine (9) minutes but if the calculation is based upon a traveling speed of 5 knots, the actual time will be approximately thirty-seven (37) minutes.

Council Chairman Marshall noted that the City of Fall River has "heard enough" and that the leaders from that city are not interested in hearing another presentation from the Weaver's Cove contingent.

Councilman Herreshoff suggested that although it may be interesting to hear further from Weaver's Cove, it may be more important to "press" the five members of the FERC Board.

Councilman Herreshoff suggested that any additional meeting with the Weaver's Cove representatives might be held at the High School auditorium.

Council Chairman Marshall agreed to work with Town Administrator Mederos and the Clerk to set this meeting.

Mike Davis reported that the conditions at the High School would likely prevent a live television broadcast but rather that a tape would be available for the cable stations.

9. Gerry Turbeville, CDBG Program Manager re Block Grant for FY 2010
 - a. Community Development Block Grant projects and programs
 - b. Resolution re authorization for Town Administrator Mederos to file CDBG application

Barboza/Herreshoff - Voted
unanimously to authorize Town
Administrator Mederos to sign this
application on behalf of the Town.

10. Director of Community Development Williamson re Animal Shelter Capital Project Committee, etc.

Cordeiro/Herreshoff - Voted
unanimously to instruct the Clerk
to advertise for the "member of the

TOWN COUNCIL MEETING - WEDNESDAY EVENING - MARCH 24, 2010

general public" position and to designate the Capital Project Committee to include Town Treasurer Day, Director of Community Development Williamson, Police Chief Canario or his designee, John Lannan and two Town Council ex-officio/liaison members to be later named.

Prior to the vote taken, Council Chairman Marshall noted that there was a workshop concerning this matter held on March 11, 2010. He further noted that the workshop considered that a Capital Project Committee should be formed and that this Committee should be allowed to expend up to \$50,000 from the approved bond funding for the purposes of studying the site, preparation of plans, etc.

Councilman Herreshoff noted that "suitable deliberations" were necessary so as to determine whether or not the animal shelter would be a rehabilitation project or new construction.

Councilman Herreshoff also suggested that the Committee, once appointed, should look at buildings currently available for sale and determine if these are suitable for an animal shelter.

Council Chairman Marshall noted that it would be advisable for the Council to plan to name a Capital Project Committee.

Councilwoman Parella noted that the Charter provides for a member of the public at large to serve on Capital Project Committees and that the Town should advertise for same.

After a discussion, it was suggested that the Committee might consist of Town Treasurer Day, Director of Community Development Williamson, Police Chief Canario, John Lannan representing the "Friends" and one member at large. It was also noted that the Council would name two members as project liaisons.

Councilwoman Parella noted that Arnold Robinson's participation thus far has been worthwhile. She suggested that he might continue to advise the group.

A discussion ensued regarding the proposed site with Director of Community Development Williamson agreeing to set up site visits.

TOWN COUNCIL MEETING - WEDNESDAY EVENING - MARCH 24, 2010

11. Save Bristol Harbor re special appropriation for LNG opposition

Cordeiro/Parella - Voted unanimously to continue this matter until the meeting to be held on April 14, 2010.

Prior to the vote taken, Councilwoman Parella stated that she hoped that the Bristol funds would be used to match those of other towns and local citizens and businesses.

Councilman Cordeiro asked to know if other towns had participated already with Council Chairman Marshall reporting that he was aware of a contribution of \$1000 made to Save the Bay.

Councilwoman Parella asked to know if Save Bristol Harbor had a plan for the matching funds with the Clerk reporting that the inquiry sent to Mr. Arruda received a response to indicate that the organization is working in concert with Save the Bay.

Councilman Herreshoff noted that the Town already provided \$10,000 to Save the Bay and that he was certain that this was put to good use. He also noted that the up to \$15,000 amount considered in this year's yet to be adopted budget might be used exclusively to match funds from Bristol citizens and businesses; with a report coming forward at Council Meetings and the Council approving a matching appropriation for each set of reported contributions.

12. Town Administrator Mederos (Edward M. Tanner, Principal Planner) re update on Hope Street Roadway Reconstruction Project

Cordeiro/Herreshoff - Voted unanimously to refer this matter to Town Administrator Mederos and the Clerk to send a letter to Director Lewis with copies to the Federal congressional delegation regarding the matter of sewer overflows and flooding in the area.

Prior to the vote taken, Town Administrator Mederos reported that there has been "some movement" concerning this matter with State officials and that she will be meeting with Rhode Island Department of Transportation Director Michael P.

TOWN COUNCIL MEETING - WEDNESDAY EVENING - MARCH 24, 2010

Lewis regarding same. She reported that hopefully this project will be completed this season.

Council Chairman Marshall suggested that the Council and Administrator together should communicate with Director Lewis, with copies to the Federal congressional delegation, requesting intervention toward the resolution of this matter similarly to the project completed recently at the Silver Creek outfall.

Council Chairman Marshall further suggested that the matter should be described as a "critical emergency" since the sanitary sewer overflows jeopardize the health, safety, etc., of the community.

BB. SPECIAL /STATUS REPORTS

C. PUBLIC HEARINGS

1. Director of Community Development Williamson re zoning map change application of Charles Alexandre/Alexandre Family Trust for property located at 418 Metacom Avenue (Plat 155, Lot 20) from R-10SW (Residential) to LB (Limited Business), **2nd reading**
 - a. Recommendation - Planning Board
 - b. Christopher and Amy Vitale, et al re objection to zone change

LATE ITEM

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

Barboza/Cordeiro - Motion to grant this zone change per the stipulations *in toto* as outlined in the Planning Board Findings of Fact and Recommendation. Voting in favor of this motion were Councilman Barboza and Councilman Cordeiro. Voting opposed were Council Chairman Marshall, Councilwoman Parella and Councilman Herreshoff. Motion failed.

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

TOWN COUNCIL MEETING - WEDNESDAY EVENING - MARCH 24, 2010

Speaking in favor of the petition was Attorney Alfred Rego who noted Mr. Alexandre's attempt to sell the property as a residence solely and that the location adjacent to the Dunkin Donuts auto service window hampered the sale. He further noted that the interaction between the Dunkin Dounts employees and their customers is noisy thus making a residential use of the subject property generally difficult.

He noted that the petitioner has a buyer who is interested in the property as a residence with a home occupation of pet grooming and that the proposed zone change would allow for this home occupation while allowing the proprietor to have more than one employee in addition to himself.

Mr. Rego also explained that Mr. Alexandre appeared before the Zoning Board of Review and his application was denied due to a technical problem concerning the need for additional employees. Mr. Rego noted that the owner of the aforementioned home occupation would like to have three (3) part-time employees. He also noted that the proprietor could not guarantee that all three (3) part-time employees would not be on premises at the same time due to the sporadic nature of the business.

Charles Alexandre, the petitioner, responding to questions as posed by Mr. Rego noted that he represents the Trust owner of the subject property and that this property was previously owned by his parents after they purchased it in 1949.

Mr. Rego asked Mr. Alexandre how long the property has been for sale with Mr. Alexandre responding that the property had been for sale since August of last year.

Mr. Rego asked to know if there was interest in the property expressed by prospective owners with Mr. Alexandre responding that there was little interest; attributing same to the traffic and noise related to the surrounding buildings. He further noted that only Richard Kinsella, who wishes to purchase the property for the pet grooming home occupation, has been the only serious buyer.

Mr. Rego asked if Mr. Alexandre's inability to sell the property was causing a hardship with Mr. Alexandre stating that it would be a hardship if he could not sell the property.

Mr. Rego asked Mr. Alexandre if renting the property was an option with Mr. Alexandre stating that he was not interested

TOWN COUNCIL MEETING - WEDNESDAY EVENING - MARCH 24, 2010

in trying to rent the property since he was aware of "too many horror stories" concerning rentals.

Mr. Rego asked Mr. Alexandre if he was deriving any benefit from the ownership of the subject property with Mr. Alexandre responding that the sale of the property to Mr. Kinsella for his home occupation appears to be his only option to receive a benefit. Mr. Alexandre also noted that the home occupation ordinance provides that there should be no more than six (6) business related trips on a home occupation premises. Mr. Alexandre stated that he did not believe that the proposed home occupation would exceed this limit.

Councilwoman Parella asked to know of the ownership of the empty lot nearby with Mr. Alexandre stating that he never owned this empty lot.

Council Chairman Marshall asked to know if there were specific parking requirements with Mr. Alexandre explaining that the ordinance specifies the number required and that there were eight (8) identified parking spaces on the property. He added that eight (8) spaces appeared to be sufficient for the intended use.

Council Chairman Marshall asked to know if two (2) half-time employees would equal one employee with Town Solicitor Ursillo responding that it may be possible to consider two (2) half-time as one full-time but it would be a stretch to consider it so.

Mr. Rego explained that Mr. Kinsella plans to have no more than three (3) employees at any one time when the business was exceptionally busy.

Council Chairman Marshall noted that the standard for home occupation would be met if the home occupation employer had only one full time employee beyond the proprietor.

Mr. Alexandre noted that his petition for zone change from residential to Limited Business was supported by the fact that nearly all properties on the same side of the street south to Franklin Street are now commercial and not residential.

Councilwoman Parella noted that it is difficult to keep the property as residential since the noise emanating from the nearby businesses impact the residential use.

TOWN COUNCIL MEETING - WEDNESDAY EVENING - MARCH 24, 2010

Councilman Herreshoff stated that he found that the petitioner's argument had merit but that he was compelled to consider the concerns of the sixty-two (62) persons who signed the petition in opposition to the change.

Mr. Rego noted that the very complaints raised by the neighbors in the petition are the reasons that Mr. Alexandre cannot sell the property.

Council Chairman Marshall suggested that Mr. Kinsella may wish to change his business plan so as to make it conform to the conditions allowing a home occupation.

Councilwoman Parella asked Mr. Rego to qualify his earlier statement concerning the complaints with Mr. Rego explaining that the neighbors are concerned that the new zoning will bring noise, parking problems, etc. He further explained that these issues are already present mostly due to the Dunkin Donuts and the subject property's proximity to Dunkin Donuts makes it un-saleable. Mr. Rego also suggested that the Council may wish to re-examine Mr. Kinsella's plan and consider the number of dogs being serviced at any one time, etc.

A discussion ensued regarding the number of employees in addition to the proprietor/occupant with Town Solicitor Ursillo noting that it may be possible to consider two (2) half-time employees as a single full-time employee but adding others would likely be problematic.

The discussion further ensued with Councilwoman Parella asking to know why Mr. Kinsella would need four (4) persons (including himself) working at one time with Mr. Rego responding that the business has certain more active periods when persons might be needed to check-in the dogs, bathe them, etc., while Mr. Kinsella trims and grooms the dogs.

Council Chairman Marshall asked if the matter might be delayed so as to afford the Council further study with Mr. Alexandre noting that there are certain Federal tax credits available in the short term and that Mr. Kinsella will have to close on the sale before the deadline which is near.

Council Chairman Marshall asked to know if Mr. Kinsella's plan was a clear home occupation allowable with the current zoning with Town Solicitor Ursillo noting that he would have to clarify the matter with the Zoning Officer.

TOWN COUNCIL MEETING - WEDNESDAY EVENING - MARCH 24, 2010

Mr. Rego noted that the neighbors appeared at the Zoning Board of Review in opposition to the petition "no matter what."

Council Chairman Marshall asked to know if the decision of the Zoning Board of Review might be appealed with Mr. Rego responding that the petitioner is present since the home occupation clause prohibits more than one employee and that Mr. Kinsella's business requires as many as three (3) employees in addition to himself.

Town Solicitor Ursillo stated that three (3) part-time employees on premises at any one time constituted a "problem" for a home occupation.

Richard Kinsella appeared before the Council.

Mr. Rego asked Mr. Kinsella if he intended to purchase and use the property with Mr. Kinsella responding that he did and intended to relocate his existing dog-grooming business to the site. He further noted that he has a daughter and intends to make the property his family home; living on the second floor of the house and operating his business on the first floor.

Mr. Rego asked if parking on the property would pose a problem with Mr. Kinsella responding that he did not expect that parking would be a problem.

Mr. Rego explained that Mr. Kinsella would rather own than rent and that he needed flexibility in terms of the working hours for his part time employees. He asked Mr. Kinsella his planned hours of operation with Mr. Kinsella responding that he plans to operate this business between the hours of 8:30 AM until 3:30 PM, Monday through Saturday.

Mr. Rego asked Mr. Kinsella his plan for employees with Mr. Kinsella responding that he would have no full-time employees but rather have a "flexible" schedule using part time employees.

Councilwoman Parella asked to know if Mr. Kinsella could operate his business with fewer employees with Mr. Kinsella responding that he needs the flexibility of the several employees in order to react to opportunities serving customers' needs.

Council Chairman Marshall asked to know the percentage of time it will be necessary to have the three (3) employees together on site with Mr. Kinsella estimating this at 20-25%

TOWN COUNCIL MEETING - WEDNESDAY EVENING - MARCH 24, 2010

of the time. He also noted that the business has "lulls and peaks."

Mr. Rego asked Mr. Kinsella to explain what these employees will be doing with Mr. Kinsella responding that the employees are expected to wash, dry, and prep the animals for grooming.

Mr. Rego presented William J. McGovern as an expert witness in real estate appraisals and provided Mr. McGovern's resume to the Council.

Responding to questions posed by Mr. Rego, Mr. McGovern informed the Council that he was familiar with the subject property.

Mr. McGovern also provided copies of his analysis of the property for Council consideration.

Mr. McGovern summarized his analysis informing the Council that the analysis was conducted according to the uniform standards for real-estate appraisers and that his fee was not contingent upon approval of the zone change.

Mr. McGovern also reported that he observed the site on Metacom Avenue and points south and that the neighborhood was a mix of industrial and residential.

Mr. McGovern also noted the photographs provided on page 3 of the analysis and also the site analysis on page 4.

Mr. McGovern noted that there appears to be space for five (5) automobiles on the property and easement allowing for passage.

Mr. McGovern explained that there is a "speaker bay" on the east side of the Dunkin Donuts building and a "pickup window" on the north side and that these were inherently noisy.

Mr. McGovern also explained the zoning map, provided on page 5 and further explained that this map was confusing since a portion of the Alexandre property appears to be within a GB zone.

Mr. McGovern reported that there is a portion of the analysis, provided on Page 6 of same, that explains the highest and best use and that it is reasonable and feasible to have a pet grooming establishment on the premises.

TOWN COUNCIL MEETING - WEDNESDAY EVENING - MARCH 24, 2010

Mr. McGovern also testified that the analysis conclusions on page 5 of the document note that the proposed use of the property is suited to the LB Zone. He also stated that the granting of the zone change would not change the character of the neighborhood nor would it violate the Comprehensive Plan or Zoning Ordinance. He added that the property just south of the subject property is in a GB Zone and he observed that the current zoning map seems to indicate that the subject property may be partially included in the same GB Zone.

Mr. McGovern also testified that the information provide on Page 8 of the analysis explains that the Dunkin Donuts issues discourage residential use of the subject property and that the property is "deserving" of its inclusion in a business zone, that there appear to be no problems with health or safety and that the change would fit into the Metacom Avenue management plan and fulfill the Town goal of preserving the visual and minimizing traffic flows (noting that pet grooming generates little traffic).

Mr. McGovern testified that the traffic from the proposed use would likely go unnoticed, that existing buffers would be preserved, and that property values would remain stable or possibly improve.

Mr. McGovern testified that he concurred with the Planning Board recommendation that the zone change was necessary to allow the change of use. He added that he was of the opinion that the change would not upset the neighborhood nor would it disrupt the Comprehensive Plan or Zoning Ordinance.

Mr. Rego asked if any Zone other than LB would be appropriate with Mr. McGovern responding that there would be no other appropriate Zone.

Councilman Cordeiro noted that he was familiar with the traffic near Academy Avenue and that it was difficult to turn out of this road.

Mr. Rego noted that the subject property was unique in consideration of the right-of-way and Dunkin Donuts and that the property evolved since its original residential use and that this evolution and the Alexandres were not a party to the evolution. He also noted that other property owners in the neighborhood have benefited from the evolution.

Mr. Rego also explained that the zone change will afford Mr. Kinsella the opportunity to be with his child. He also

TOWN COUNCIL MEETING - WEDNESDAY EVENING - MARCH 24, 2010

repeated that the Planning Board is in favor of this zone change.

Mr. Rego also explained that the proposed zone change will "clean up a mess."

There was no further testimony presented in favor of the petition.

Speaking against the petition was Natalie Ferreira of 16 Academy Avenue. Ms. Ferreira stated that Mr. Alexandre's petition for relief was heard by the Zoning Board of Review on November 2, 2009. She further stated that she attended the Zoning Board hearing and at that time asked to know how many cages Mr. Kinsella planned to have at the animal grooming business with Mr. Kinsella responding that he planned to have sixteen (16) cages and also that these cages will be sometimes filled to capacity.

Ms. Ferreira stated that she was concerned that sixteen (16) filled cages would lead her to believe that there would be significant resulting automobile traffic. She further stated that it is now difficult to turn from Academy Avenue on to Metacom Avenue at 3:00 o'clock PM.

Ms. Ferreira also informed the Council that she "can't figure" six (6) parking spaces on the subject property since these do not logically fit into the available land area. She concluded that there would be a parking problem associated with this zone change.

Ms. Ferreira also noted that at the Zoning Board of Review the home occupation was not advertised as "commercial." She also noted that her question about the many dogs' defecating was answered in that the animals will be confined to a fenced-in area for this purpose.

Mr. Kinsella responded that he has twenty-two (22) cages and that these are never filled to capacity. He added that the amount of business traffic he anticipates will be well within that which is allowed by ordinance for home occupations. He further noted that there is a small space between the house and garage that will be designated for dog defecation. He also noted that most dogs do not require to be taken out of doors for this purpose but that his assistants would take the occasional dog in need outdoors to the designated spot.

Councilwoman Parella stated that she thought that the planned closing time of 3:30 PM was "odd" since many persons

TOWN COUNCIL MEETING - WEDNESDAY EVENING - MARCH 24, 2010

might wish to pick up their groomed dogs after work with Mr. Kinsella responding that it is rare for him to have dogs on premises for a full day and that most customers leave dogs for approximately 3-4 hours. He also noted that the closing time fluctuates and that he sometimes closes before 3:30 o'clock PM.

Councilwoman Parella asked Mr. Kinsella how he plans to configure the inside of the house with Mr. Kinsella responding that the actual plans are not finalized but that he essentially wishes to "live up and work down."

Councilwoman Parella asked to know more specifics concerning the plans for parking with Mr. Kinsella responding that he has only one car and that he and one employee plan to park their cars in the existing garage. He also stated that he did not at all anticipate having more than four (4) customers on premises at any one time.

Councilman Cordeiro asked to know if Mr. Kinsella planned to "board" dogs at his business with Mr. Kinsella responding that it was not his intention to do so.

Mary Caouette of 437 Metacom Avenue expressed concern regarding parking and traffic in the area of the proposed zone change. She also observed that the traffic control light at Annawamscutt Drive does not appear to be working properly thus exacerbating the traffic problems on Metacom Avenue.

Ms. Caouette also speculated that Mr. Kinsella's customers will rather park on Academy Avenue since this may be easier than negotiating a parking space on the subject property.

Town Administrator Mederos and Police Chief Canario agreed to investigate the traffic control light problem and get this repaired as needed.

Ms. Caouette observed that it sometimes already takes an inordinate amount of time to leave her driveway and that the future tenant of the former "Blockbuster" store will likely add to the already difficult traffic situation.

Ms. Caouette stated that she did not find this particular home occupation as described to be acceptable for the neighborhood.

Councilwoman Parella noted that traffic issues in this area are "not a surprise" and that the Dunkin Dounts noise and traffic make the situation difficult insofar as the property

TOWN COUNCIL MEETING - WEDNESDAY EVENING - MARCH 24, 2010

remaining as a single-family residence only is concerned. She further noted that there did not appear to be any "perfect solution" to this problem.

Ms. Caouette stated that the main problem with the proposal was that of parking.

Councilwoman Parella asked to know the zoning of the properties directly across the street from the subject property with Director of Community Development Williamson responding that the area is zoned residential.

Councilwoman Parella commented that a hair salon or doctor/dentist office might create a larger parking problem since those customers/patients are waiting to receive their services while their automobiles are parked outdoors. She noted that customers of dog groomers drop off their pets fairly quickly and do not have a reason to linger. She also stated that the property was not a suitable residence only due to the Dunkin Donuts drive through window and noise related to deliveries, etc.

Domenic Calarco of 413 Metacom Avenue stated that he "knows" Dunkin Donuts and that his concern is that of the parking problem perceived for the area.

Mr. Calarco informed the Council that he receives his hair cuts next-door to the premises where Mr. Kinsella currently operates his business and that he observed many automobiles in the parking lot and he surmised that the automobiles were related to the dog grooming business since the barber shop was essentially empty and no other businesses were operating at the time.

Mr. Calarco stated that he was of the opinion that the business was too large for the property in question.

Mr. Calarco also noted that Mr. Kinsella testified before the Zoning Board of Review that he plans to operate one Sunday per month. He expressed concern that barking dogs may disturb the neighborhood.

Council Chairman Marshall asked if parking restrictions on Academy Avenue might help resolve the problem with Mr. Calarco responding that he did not think that this would help since the business described needs more parking than that which is available on the subject property.

Councilwoman Parella asked to know when Mr. Calarco observed the parking problem near the barber shop with Mr. Calarco

TOWN COUNCIL MEETING - WEDNESDAY EVENING - MARCH 24, 2010

stating that he observed this at approximately 8:45 AM and that this same circumstance was observed on more than one Saturday.

Mr. Calarco stated that the previous testimony was correct regarding the subject property's use as a residence since "no one will live there." He stated that the property should be used for a business.

Mr. Calarco also informed the Council of the various activities at Dunkin Donuts including the arrival and departure of large delivery trucks with back-up alarms and relayed a litany of activity regarding same.

Mr. Calarco reported that the owner of the Dunkin Donuts was most cooperative but that the business was naturally noisy and often noisy at odd-hours. He concluded that the Alexandre residence was "no place for a family" but rather would be suitable for a "little" business.

Dorothy Nappi of 10 Academy Avenue informed the Council that she lives directly behind the subject property and that the Dunkin Donuts has been "a disaster." She stated that she did not wish to have dog noise in addition to the noise emanating from Dunkin Donuts.

Ms. Nappi stated that she agreed that Mr. Alexandre appeared to have a hardship case but concluded that the addition of a dog grooming business would create a hardship for her also. She stated that she would agree to a "small scale" business that did not include animals.

Ms. Nappi also expressed concern that the size of the house on the subject property was inadequate for a residence in addition to a dog grooming business.

Raymond Brum of 1 Hopeworth Avenue stated that he did not object to Mr. Alexandre but rather that he objected to the business aspects of the proposal. Mr. Brum speculated that the business will be very successful and that this success will result in progressively worsening traffic and parking problems creating a "bigger monster."

At this point, the Council voted to close the public hearing as noted above.

Councilman Herreshoff stated that he was sympathetic to the circumstances of Mr. Alexandre but that he was convinced by the evidence provided that the petition should be denied.

TOWN COUNCIL MEETING - WEDNESDAY EVENING - MARCH 24, 2010

He added that it would be difficult to ignore the concerns as expressed by the neighbors.

Councilwoman Parella stated her conclusion that the building was no longer suitable to be a residence and that a business use would be preferred. She stated that she was not certain which of the business zones would suit the property best.

Councilwoman Parella noted that the proposed business appeared to be both busy and successful and stated that the Council's decision considering this matter might be easier if the business was not as successful. She expressed concern regarding the amount of activity early on Saturday mornings when there may also be peak activity next-door at Dunkin Donuts.

Councilwoman Parella also stated that she could understand the plight of Mr. Kinsella since the property appears to be affordable for his purposes and that it may be to his advantage to own his premises rather than rent them.

Councilwoman Parella also questioned if there was sufficient space to construct a driveway circle in front of the house in order to accommodate those dropping off and picking up their pets.

Councilman Cordeiro stated that he believed that parking was the primary issue. He also stated that if the business had more than four customer cars it would be problematic for the neighbors.

Councilwoman Parella expressed concern that the noise emanating from the Dunkin Donuts may frighten the dogs leading to barking, etc. She also speculated that the dogs may be already frightened by the grooming and that the Dunkin Donuts noise may make matters worse.

Councilman Barboza stated that he appreciated the concerns as expressed by the various speakers and noted that he has tried to keep an open mind. He noted also that the Planning Board is in favor of this zone change after its study of the matter.

Council Chairman Marshall asked to know if Mr. Kinsella could move forward with his plans having only one full-time equivalent employee in the form of two (2) half-time employees. He added that there appeared to be no easy solution to the problem for either side of the matter.

TOWN COUNCIL MEETING - WEDNESDAY EVENING - MARCH 24, 2010

Councilwoman Parella stated that she was of the opinion that changing the zone to allow for business was a good idea.

Councilman Barboza noted that the restrictions as noted by the Planning Board were a "safeguard" since the non-restricted change of zone may lead to more difficulty.

Councilwoman Parella expressed concern that the zone change with restrictions may be problematic since a subsequent property owner will likely return to the Council to lift or change the restrictions should Mr. Kinsella decide to relocate.

Councilman Cordeiro stated that he would "feel better" about the petition if the Council were able to control the parking situation.

Town Solicitor Ursillo suggested that parking restrictions could be part of the Council's overall restrictions concerning this zone change. This would then become an issue of enforcement.

Councilman Herreshoff asked if the Council could restrict parking on the property and the adjoining streets with Town Solicitor Ursillo responding that the Council could not restrict parking as it relates to the proposed business on the adjoining streets.

Councilman Barboza noted that there appeared to be no control over the use of the property as a home occupation were it not for the issue of number of employees under consideration.

Councilman Herreshoff stated that he was in agreement that parking was the primary issue and that Mr. Kinsella's business appeared to be a good one. He stated that his concern was that there would be too much commotion in the area and the business proximity to Dunkin Donuts was unsuitable for the dogs.

Council Chairman Marshall noted that it was not the Council's responsibility to determine how a proprietor operates his business.

Councilwoman Parella asked Director of Community Development Williamson to confirm the current zoning of the property with Director of Community Development Williamson reporting that the property was clearly not in a GB Zone.

TOWN COUNCIL MEETING - WEDNESDAY EVENING - MARCH 24, 2010

Council Chairman Marshall asked if the discrepancy in the map was arguable with Town Solicitor Ursillo noting that the written word would supersede the map.

Director of Community Development Williamson reported that the Comprehensive Plan does not consider this specific change but that the LB Zone allows for home occupations in residence structures. She further noted that if the business was scaled back to allow for the requisite number of employees there would be no need for a zone change.

Councilwoman Parella stated that she was of the opinion that eight (8) vehicles on the property was too many and asked to know if the Council could restrict the type and scale of business in this case with Town Solicitor Ursillo responding that the Council has every right to make restrictions when granting specific requests for zoning, licenses, etc.

Councilman Herreshoff stated that he would have no problem if the home occupation was for a "mom and pop shop baking pies" but that the noise of animals and other difficulties in the area does not sensibly allow for this zone change.

Councilwoman Parella stated that she would prefer to have additional information since she cannot envision the use of space on the property for these purposes.

D. ORDINANCES

1. Ordinance #2010-08, CHAPTER 16, Motor Vehicles and Traffic, Article V, Stopping, Standing and Parking, Section 16-146, Parking time limited in designated places, (Wood Street), **2nd reading for adoption**

Barboza/Cordeiro - Voted
unanimously to consider this action
to constitute the Second Reading
for adoption of Ordinance #2010-08.
Advertise in local newspaper.

2. Ordinance #2010-09, CHAPTER 16, Motor Vehicles and Traffic, Article IX, Residential Parking, Section, 16-343, Residential parking zone (Columban Drive), **1st reading**

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

Ordinance #2010-09. Advertise in local newspaper.

3. Ordinance #2010-07, CHAPTER 11, Fees and Charges, Section 11-3, GeoTMS User Fee, **2nd reading for adoption**, (continued from March 3, 2010)

Herreshoff/Cordeiro - Voted unanimously to place this matter on the table.

Prior to the vote taken, Councilman Herreshoff noted that the Council discussed this matter in some detail during the budget deliberations and the consensus was that the Town should take no action on this matter at this time.

(CA) E. BUDGET ADJUSTMENTS

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

(CA) F. APPOINTMENTS

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

1. Public Service Appointments
 - a. Board of Fire Engineers
 1. Fire Chief Martin re Board of Fire Engineers 2010

Councilman Barboza nominated the slate of candidates for Board of Fire Engineers as presented for appointment pursuant to Town Code Sec. 12-57 for the ensuing term.

There were no counter-nominations.

Barboza/Cordeiro - Voted unanimously to close nominations and to instruct the Clerk to cast one ballot each in favor of the slate of candidates as presented.

- b. Harbor Commission (2) (terms to expire 3/2013)

TOWN COUNCIL MEETING - WEDNESDAY EVENING - MARCH 24, 2010

1. John Evans, 4 Hillside Road - interest/reappointment
2. David F. Miller, 70 Gibson Road - interest/reappointment
3. John Troiano, 707 Hope Street - interest/appointment

Councilman Cordeiro nominated Messrs. Evans and Miller for reappointment.

There were no counter-nominations.

Cordeiro/Barboza - Voted unanimously to close nominations and to instruct the Clerk to cast one ballot each in favor of Messrs. Evans and Miller, term to expire in March, 2013.

- c. Zoning Board of Review (term to expire 3/2015)
 1. David R. Simoes, 5 Echo Farm Drive - interest/reappointment

Councilman Cordeiro nominated Mr. Simoes for reappointment.

There were no counter-nominations.

Cordeiro/Barboza - Voted unanimously to close nominations and to instruct the Clerk to cast one ballot in favor of Mr. Simoes, term to expire in March, 2015.

- d. Board of Canvassers (term to expire 3/2016)
 1. Council Clerk Cirillo to John E. Faria, Chairman, Democratic Town Committee re Board of Canvassers' appointment
 - a. John E. Faria, Chairman, Democratic Town Committee re recommendation - Charles Alexandre, 23 Cottage Street

TOWN COUNCIL MEETING - WEDNESDAY EVENING - MARCH 24, 2010

2. Council Clerk Cirillo to Thomas M. Carroll, Chairman, Republican Town Committee re Board of Canvassers appointment

Councilman Barboza nominated Mr. Alexandre 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. Alexandre, term to expire in March, 2016.

- e. Board of Canvassers - Alternate Member (vacancy, term to expire 3/2014)
 1. John E. Faria, Chairman, Democratic Town Committee re recommendation - Herculano Falcoa

Councilman Cordeiro nominated Mr. Falcoa for appointment.

There were no counter-nominations.

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

- f. Post Retirement Benefits Fund - Board of Trustees
 1. Lee P. Traibman, 30 Maple Road, Warren - resignation

Cordeiro/Parella - Voted unanimously to accept this resignation, to send a letter of thanks for service to Mr. Traibman, and also to advertise for candidates to fill this vacancy.

- g. Historic District Commission
 1. Stephan Brigidi, 93 Highland Road - resignation

TOWN COUNCIL MEETING - WEDNESDAY EVENING - MARCH 24, 2010

Herreshoff/Cordeiro - Voted unanimously to accept this resignation and to send a letter of thanks for service.

2. Eric Hertfelder, 9 Howe Street - interest/appointment

Councilman Herreshoff nominated Mr. Hertfelder for appointment to a full position filling the unexpired term of Mr. Brigidi.

Herreshoff/Cordeiro - Voted unanimously to close nominations and instruct the Clerk to both cast one ballot in favor of Mr. Hertfelder with term to expire in July 2011 and also to advertise for the now-vacant Auxiliary Member position.

(CA) 2. Public Service Appointments for April

G. LICENSING BOARD - NEW PETITIONS

1. Ruth Vermilyea, d/b/a East Bay Consignment, 156 Bayview Avenue - request for a Junk and Second Hand Dealer's License to sell furniture consignments and used books, **call for a public hearing on April 14, 2010**

LATE ITEM

- a. Recommendation - Chief of Police

Barboza/Cordeiro - Voted unanimously to set a public hearing regarding this matter for Wednesday evening, April 14, 2010, beginning at 7:00 o'clock PM. Advertise in local newspaper.

2. Karen A. Alegria, d/b/a King Philip Inn, 400 Metacom Avenue - request for transfer of BV Intoxicating Beverage License to John DaSilva, d/b/a Accommodating Catering, **call for a public hearing on April 14, 2010**

LATE ITEM

- a. Recommendation - Water Pollution Control Facility

TOWN COUNCIL MEETING - WEDNESDAY EVENING - MARCH 24, 2010

- LATE ITEM** b. Recommendation - Town Administrator and Chief of Police

Barboza/Cordeiro - Voted unanimously to set a public hearing regarding this matter for Wednesday evening, April 14, 2010, beginning at 7:00 o'clock PM. Advertise in local newspaper.

H. LICENSING BOARD - RENEWALS

1. Cesspool License Renewals for 2010-2011
- a. Recommendation - Town Administrator and Water Pollution Control Facility

Cordeiro/Barboza - Voted unanimously to grant renewals for these licenses subject to conformance to all laws and ordinances and payment of all fees, taxes, and levies.

2. Tattoo License Renewals for 2010-2011

- LATE ITEM** a. Recommendation - Chief of Police

Barboza/Cordeiro - Voted to grant renewals for these licenses subject to conformance to all laws and ordinances and payment of all fees, taxes, and levies. Voting in favor of this motion were Council Members Marshall, Cordeiro, Parella and Barboza. Voting opposed was Councilman Herreshoff.

3. Ron Moran, 213 Mt. Hope Avenue, d/b/a R.M.T., Inc. - six (6) month review of Drainlayer's License

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

Cordeiro/Herreshoff - Voted unanimously to extend this license for a full-term based upon the recommendations received and

TOWN COUNCIL MEETING - WEDNESDAY EVENING - MARCH 24, 2010

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. DPW - Road Cut Permits

J. PETITIONS - OTHER

1. Craig/is Ltd. Investigative Group for Main Street America Assurance Company a/s/o David Almeida re claim for property damage

Barboza/Herreshoff - Voted unanimously to refer this matter to the Town Solicitor and the Interlocal Trust.

2. Sandra Tolley, Chair, First Congregational Church Fund Raising Event - request to hold "Art Affair on the Fence" on the corner of Bradford and High Streets, August 21, 2010 (rain date August 28, 2010)

LATE ITEM

- a. Recommendation - Chief of Police

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

K. OTHER NEW BUSINESS REQUIRING TOWN COUNCIL ACTION

1. Kathy Silva, Newport City Clerk - request for support of resolution encouraging the return of the America's Cup challenge to Newport

Cordeiro/Parella - Voted unanimously to support this resolution.

2. Councilman Herreshoff re dedication of American Revolution Monument at Independence Park, July 4, 2010

TOWN COUNCIL MEETING - WEDNESDAY EVENING - MARCH 24, 2010

Barboza/Cordeiro - Voted
unanimously to endorse and approve
the plan for the monument
dedication as presented.

Prior to the vote taken, Councilman Herreshoff noted that the plan to dedicate this new monument should not conflict with any other activities occurring on that day and should fit-well within the schedule for July 4, 2010.

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

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

4. Lane Sparkman, Coordinator, Sense of Pride - presentation re Mosaico's Sense of Pride Program

Barboza/Cordeiro - Voted
unanimously to continue this matter
until the meeting of April 14,
2010.

Prior to the vote taken, the Clerk informed the Council that Ms. Sparkman was present earlier but was compelled to leave due to the late hour. He noted Ms. Sparkman's request for a continuance.

5. Dan Beardsley, Executive Director, Rhode Island League of Cities and Towns - request for Council consideration of draft resolution in opposition to Senate Bill 2010 - S 2603; mandating terms and conditions of expired teacher contracts remain effective until a collective bargaining agreement is reached (legislation attached)

- a. Draft resolution re above matter

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

TOWN COUNCIL MEETING - WEDNESDAY EVENING - MARCH 24, 2010

6. Harry L. Staley, Chairman, Rhode Island Statewide Coalition - request for Council consideration of draft resolution re repeal of financial mandates pertaining to municipal and school employee pensions, health insurance cost-sharing, and public school employee health care benefits

- a. Draft resolution re above matter

Barboza/Cordeiro - Voted
unanimously to refer this matter to
the Town Solicitor.

7. Louise R. Phaneuf, Burrillville Town Clerk re opposition to House Bill 2010 - H 7276; An Act Relating to Taxation - Tax Sales (legislation attached)

Barboza/Cordeiro - Voted
unanimously to refer this matter to
the Town Solicitor.

L. BILLS & EXPENDITURES

1. Bid #694 - Replacement Tree Planting, Independence Park

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

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

Yardworks, Inc.	\$10,900
Samuel Kinder & Bro.	\$11,695

Councilman Herreshoff noted that the two bids may not necessarily be exactly comparable and suggested that the Town Administrator should consider these bids carefully; including the level of service expected, etc.

2. Bid #695 - Picnic Tables

Barboza/Cordeiro - Voted
unanimously to refer this matter to
the Town Administrator and

TOWN COUNCIL MEETING - WEDNESDAY EVENING - MARCH 24, 2010

Recreation Director to act in the best interest of the Town.

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

Interior Woodworking Solutions	\$15,000 (\$500 each)
R & D Construction	\$13,740 (\$458 each)
R. A. Coelho Construction	\$12,390 (\$413 each)
Philip J. Berretto Construction	\$19,800 (\$640 each)
Ravenswood Construction	\$23,100 (\$780 each)

3. Bid #696 - Condominium Complex Recycling Collection

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

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

Coastal Recycling	\$1,435/mo (incl. N. Farm)
	\$ 945/mo (excl. N. Farm)
	\$2.50-5.50/mo add/delete

4. Town Treasurer Day - Inter-department Line Item Transfer Request re June 30, 2009 Audit

Cordeiro/Barboza - Voted unanimously to authorize this transfer of funds as requested.

5. Town Treasurer Day - Inter-department Line Item Transfer Request re contribution to Save the Bay in opposition to LNG proposal

Cordeiro/Herreshoff - Voted unanimously to authorize this transfer of funds as requested.

(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 - MARCH 24, 2010

1. (Town Treasurer Day) re Revenue and Expenditure Statement, March 19, 2010

P. PROCLAMATIONS & CITATIONS

1. Commendation - Detective Scott A. Ramsey, years of service to the Police Department

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

2. Commendation - Sergeant Steven P. Calenda, years of service to the Police Department

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

3. Commendation - Brian Dutra, Eagle Scout Court of Honor

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

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

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

1. Council Clerk Cirillo to Beverly Najarian, Deputy Chief of Staff, Office of the Governor re thank you for assistance in keeping DCYF offices in Bristol open
2. Coastal Resources Management Council - March 2010 Calendar
3. Coastal Resources Management Council re consideration of application by Alfred & Maria DosAnjos to alter the location and layout of a previously authorized residential boating facility at 41 Shore Road

TOWN COUNCIL MEETING - WEDNESDAY EVENING - MARCH 24, 2010

4. Council Clerk Cirillo to Lorraine A. Derois, CMC, Barrington Council Clerk, et al re request for support of House Bill 7014; concerning bridge safety
5. Warrant - David Charette, 3rd Alternate Member to the Redevelopment Agency
6. Council Clerk Cirillo to Richard L. Nagle, Vice President, Appraisal Resource re award of RFP #691 - 2010 Statistical Update Reappraisal and Complete Revaluation
7. James C. Dollins, Vice Chairman, Harbor Commission to Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission re proposed transport/storage of LNG in Rhode Island/Southeastern Massachusetts waters
8. Warrant - Stephan Brigidi, Newport & Bristol County Convention & Visitors Bureau
9. Council Clerk Cirillo to Gregg Landes, Vice President, Weaver's Cove Energy re thank you for attending March 3rd Council meeting and agreeing to provide additional information concerning the Weaver's Cove/Hess LNG proposal
10. (Tina W. Freeman, Foster Town Clerk) re resolution requesting support in opposition to House Bill 5931 and Senate Bill 606; reduce RI Housing foreclosure period

It is hereby noted for the record that this item was discussed as part of item B5 above.

11. Amy Rose Weinreich, Charlestown Deputy Town Clerk re request for support of resolution re the establishment of a "Blue Alert" program in the State of Rhode Island
12. Mary LeBlanc, Westerly Deputy Town Clerk re resolution opposing mandatory binding arbitration on monetary matters for teachers
13. Council Clerk Cirillo to U.S. Sen. Jack Reed re thank you for action concerning proposed LNG terminal and request to provide

TOWN COUNCIL MEETING - WEDNESDAY EVENING - MARCH 24, 2010

recommendation for upcoming appointment to
FERC board

14. Dale S. Holberton, CMC, South Kingstown Town Clerk re consideration of resolution in support of House Bill 2010 - H 7014; concerning bridge safety
15. Lisa A. Mattscheck, Office Manager, Coastal Resources Management Council - Meeting Notice for March 23, 2010 to consider the application of Gunter Hafer to construct a residential boating facility at 333 Poppasquash Road
16. Rhode Island Interlocal Risk Management Trust re meetings scheduled to report developments at The Trust, March 18, 19 & 24, 2010
17. W. Michael Sullivan, Director, Department of Environmental Management re approved appointment of Samuel C. Kinder as official tree warden for 2010
18. U.S. Sen. Jack Reed, et al to Hon. Hillary Clinton, Secretary of State, U.S. Department of State, et al re resolution expressing support for the people affected by the natural disasters on Madeira Island

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

Prior to the vote taken, Councilman Barboza noted that the Portuguese Class at Mt. Hope High School held a fundraising bake sale to help those impacted by this disaster.

19. Tax Assessor Spagnolo to Town Administrator Mederos re sewer assessment abatements concerning Courtyard Condominiums
20. Michael J. Mendoza, d/b/a Hot Bodeez Tanning Center, 349 Metacom Avenue re Holiday Sales License Renewal petition (granted October 28, 2009)
21. Council Clerk Cirillo re letter in support of Save Bristol Harbor's LNG presentation

TOWN COUNCIL MEETING - WEDNESDAY EVENING - MARCH 24, 2010

22. Town Administrator Mederos to Samuel Kinder, Kinder & Brother, Inc. re award of Bid #693 - Spring Tree Planting
23. Warrant - Adam McGovern, Economic Development Commission

(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/Board of Directors - March 10, 2010
2. Bristol County Water Authority/Public Relations/Personnel Committee - March 3, 2010
3. Bristol County Water Authority/Engineering Committee - March 3, 2010
4. Bristol County Water Authority/ Audit Finance Committee - March 3, 2010
5. Charter Review Commission - March 3, 2010 (amended)
6. Fire Department (& Rescue/Training Headquarters) Capital Project Committee - March 4, 2010
7. Bristol Warren Regional School District - Schedule of Meetings, Week of March 8, 2010
8. Bristol Warren Regional School Committee - Workshop, March 8, 2010
9. Recreation Board - March 9, 2010
10. Bristol County Water Authority - March 2010 Meetings
11. Fire Department (& Rescue/Training Headquarters) Capital Project Committee - March 11, 2010
12. Charter Review Commission - March 18, 2010

TOWN COUNCIL MEETING - WEDNESDAY EVENING - MARCH 24, 2010

13. Bristol Warren Regional School District -
Schedule of Meetings, Week of March 15, 2010
14. Bristol Warren Regional School Committee
Budget/Facilities Subcommittee - March 15,
2010
15. Bristol County Water Authority - April 2010
Meetings
16. Charter Review Commission - March 24, 2010
17. North and East Burial Grounds Commission -
March 22, 2010
18. Rogers Free Library/Board of Trustees - March
24, 2010
19. Bristol Warren Regional School District -
Schedule of Meetings, Week of March 22, 2010
20. Bristol Warren Regional School Committee
Personnel/Contract Subcommittee - March 22,
2010
21. Bristol Warren Regional School Committee -
March 22, 2010
22. Bristol Warren Regional School Committee -
Meeting with JFC, March 25, 2010

S. TOWN SOLICITOR

1. Ian C. Ridlon, Esq., General Counsel and
Director of Legal Services, Rhode Island
Interlocal Risk Management Trust - request
for support of draft resolution re H7278,
H7777, H7277, H7280, and S2349; proposed
legislative amendments to protect public
officials/employees against personal lawsuits
(legislation attached)
 - a. Draft resolution re above matter
 - b. Previous Council action from April 1,
2009 re above matter

Barboza/Cordeiro - Voted
unanimously to adopt this

TOWN COUNCIL MEETING - WEDNESDAY EVENING - MARCH 24, 2010

resolution as prepared and presented.

Prior to the vote taken, Town Solicitor Ursillo informed the Council that this recommended resolution was similar, if not identical, to those approved by its honorable body at least twice in the past. He further noted that this legislation would protect public officials from certain lawsuits.

Z. INDIVIDUAL COUNCIL MEMBERS AGENDA ITEMS

1. MARSHALL

a. Thank You Mike Davis and Steve Roth - Council Chairman Marshall extended the Council's gratitude to Messrs. Davis and Roth for taping this evening's meeting.

b. Joint Finance Committee and Commissioner Gist - Council Chairman Marshall noted that the Bristol Warren Regional School District Joint Finance Committee will be meeting tomorrow evening beginning at 5:00 o'clock PM and also that RI Commissioner of Education Deborah A. Gist would be present at the outset of the meeting with deliberation of this year's budget proposal following.

2. CORDEIRO

a. Joint Finance Committee - Councilman Cordeiro also suggested that interested parties should attend the Joint Finance Committee Meeting. He also noted that the School Committee is a separate entity and those persons seeking information from the School Committee should make their requests to the School Committee and not the Council.

b. Mt. Hope High School Athletics - Councilman Cordeiro extended his congratulation to the Mt. Hope High School Wrestling, Gymnastics, and Cheerleading squads and also noted the recent Mt. Hope High School Hockey championship; congratulating Coach Matt Grieve and also Kevin Nerone who scored the winning goal.

3. PARELLA

4. BARBOZA

TOWN COUNCIL MEETING - WEDNESDAY EVENING - MARCH 24, 2010

a. Thank You Town Administrator Mederos and Assistant Asciola - Councilman Barboza noted a recent request for a sign to be installed that was handled expeditiously by Town Administrator Mederos' office. Councilman Barboza thanked Town Administrator Mederos' Assistant Denise Asciola for her assistance.

5. HERRESHOFF

a. Flooding - Councilman Herreshoff noted that storm drains at the intersection of Thames and Hope Streets and also at the intersection of Hope Street and Ferry Road were "geysering-up" and suggested that a plan to resolve same should include a study of the hydraulics of the areas. Councilman Herreshoff suggested that the water in both places needs "a better exit." Councilman Herreshoff also noted that he plans to speak to Town Administrator Mederos and also engineers from Beta Group in greater detail regarding this matter.

Town Administrator Mederos noted the upcoming Special Meeting concerning the Town's plan for the Tanyard Brook and suggested that the various parties might be available on April 6, 2010, in the Town Hall, Council Chambers beginning at 7:00 o'clock PM.

Councilwoman Parella noted that she will be away at a work-related conference on that date but agreed that the Council should continue since the matter is of urgency.

Councilwoman Parella also suggested that Mrs. Gaspar of Garfield Avenue should be invited to attend the special meeting since her property has been considered for inclusion in the plan for Phase I.

b. High School Pursuits - Councilman Herreshoff stated that he was pleased to observe the Town's recognition of the athletic champions earlier in the meeting. He also noted that the schools equally emphasize the accomplishments of "intellectual" pursuits and suggested that the Council should recognize these also.

TOWN COUNCIL MEETING - WEDNESDAY EVENING - MARCH 24, 2010

c. Yachting Speaker - Councilman Herreshoff noted that he and Councilman Cordeiro arranged for Gary Jobson, a noted sailing expert, to speak at Roger Williams University on April 8, 2010. Councilman Herreshoff noted that the lecture will be free and open to the public and that those seeking additional information should call Sarah at the Herreshoff Marine Museum (401) 253-5000.

ZZ. TOWN ADMINISTRATOR AGENDA ITEM(S)

CITIZENS PUBLIC FORUM

Cordeiro/Barboza - Voted
unanimously to adjourn into
Executive Session pursuant to RGIL
42-46-5 (a) (5) acquisition of
property.

Parella/Herreshoff - Voted
unanimously to resume open session
and seal the minutes of the
Executive Session at 11:20 o'clock
PM.

There being no further business, upon a motion by Councilman Barboza seconded by Councilwoman Parella and voted unanimously, the Chairman declared this meeting to be adjourned at 11:21 o'clock PM.

Louis P. Cirillo, CMC
Council Clerk