

TOWN COUNCIL MEETING - WEDNESDAY EVENING - SEPTEMBER 15, 2010

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

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

The Council met in regular session on Wednesday evening, September 15, 2010, in the Town Hall, Council Chambers, beginning at 7:10 o'clock PM, Council Chairman Marshall presiding:

Prior to the vote taken, Councilman Herreshoff asked that an Executive Session might be added to the agenda to discuss a property acquisition.

Herreshoff/Cordeiro - Voted
unanimously to add an Executive
Session to the Council Docket this
evening at the conclusion of the
public agenda.

Also, prior to the commencement of this evening's regular order of business, Councilman Cordeiro reported that Rogers Free Library will host adult education classes on Tuesdays and Wednesdays, offering a math and writing program for those wishing to obtain a GED.

Councilman Cordeiro noted that there will be a petition forthcoming from the proprietor of Kate & Co. asking for Council permission to have street vendors in her neighborhood for a sidewalk shopping event.

Councilman Barboza noted the presence this evening of a new reporter for the *Bristol Phoenix*, Eric Dickervitz.

Council Chairman Marshall informed the Council that he attended a ribbon-cutting at the Culter Mills in Warren; this building being recently rehabilitated by Avtek Software. He noted that the renovated mill offers new jobs and serves as an "economic engine" for the region. He noted that the Councils of Bristol and Warren were involved in this project through the Mt. Hope Enterprise Zone headed by J. Alan Crisman.

Council Chairman Marshall observed that the voter turnout for the Primary held on September 14, 2010 was low. Council Chairman Marshall also observed that Rep. Douglas Gablinske had lost his bid for re-election. He thanked Rep. Gablinske for his years of service and offered the Council's congratulations to all of the winners.

Council Chairman Marshall noted that children have returned to school and that he was present at the Recreation Department's Senior Citizen Picnic held on September 1, 2010 at the Town Beach.

Council Chairman Marshall also announced that the Town Beach parking lot project was well underway and that this will be considered as a "model" project in the region.

MOTION RE: CONSENT AGENDA - TO APPROVE THE CONSENT AGENDA

Herreshoff/Parella - Voted
unanimously to approve the Consent
Agenda as prepared and presented.

A. SUBMISSION OF MINUTES OF PREVIOUS MEETING(S)

1. Town Council Executive Session - March 24,
2010 (sealed - Council only)

Cordeiro/Barboza - Voted unanimously
to unseal these minutes.

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

2. Town Council Special Meeting - July 27, 2010

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

3. Town Council Meeting - August 18, 2010

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

4. Tri-town Special Council Meeting - August 25,
2010

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

5. Town Council Meeting - July 28, 2010

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

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

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

1. Harbor Commission - August 2, 2010
2. Bristol Housing Authority - June 10, 2010
3. Board of Fire Engineers - August 2, 2010
4. Mosaico CDC Board of Directors - July 16, 2010
5. Animal Shelter Capital Project Committee -
July 15, 2010
6. Board of Fire Engineers - August 30, 2010
7. East Bay Energy Consortium - August 16, 2010
8. Fourth of July Committee - October 13, 2009
9. Fourth of July Committee - November 18, 2009
10. Fourth of July Committee - January 5, 2010
11. Fourth of July Committee - February 17, 2010
12. Fourth of July Committee - March 11, 2010
13. Fourth of July Committee - April 7, 2010
14. Fourth of July Committee - May 6, 2010
15. Fourth of July Committee - May 17, 2010
16. Fourth of July Committee - June 9, 2010
17. Fourth of July Committee - June 22, 2010
18. Historic District Commission - August 5, 2010

B. OLD BUSINESS

1. Dominic Raiola, 45 Shore Road re flooding from recent storm (spring 2010), **continued from August 18, 2010**

Barboza/Herreshoff - Voted
unanimously to continue this matter
until the meeting of September 29,
2010.

Prior to the vote taken, Council Chairman Marshall expressed concern that this matter appeared to have no movement and no commitment from the FEMA officials. He explained that he has spoken to Mr. Raiola and that Mr. Raiola will bring his documents relating to this matter to the Town Clerk's office so that these might be provided to Council members and others as required.

Council Chairman Marshall also noted that he contacted Sen. Sheldon Whitehouse's office to report that there had been no resolution of this matter.

Councilman Herreshoff asked to know if this situation, as described previously by Mr. Raiola and his daughter Alicia, was typical with Town Administrator Mederos reporting that she was aware that others accepted the settlements as proposed by FEMA but that these persons were not necessarily totally satisfied with the amount of the remuneration.

Councilman Herreshoff asked if there was evidence to indicate why the Raiola case appeared to be different with Town Administrator Mederos responding that this matter appeared to be confounding.

Councilman Herreshoff stated that Sen. Jack Reed "rode around Town" to survey the damages and perhaps this matter might be brought to his attention also.

Town Administrator Mederos noted that the Town has been working with Sen. Whitehouse's office but that she could send information to Sen. Reed's assistants also.

Councilwoman Parella again noted that this matter appeared to be a "disconnect" between the FEMA field agents and the bureaucrats in Washington, D. C.

Councilman Herreshoff noted that larger bureaucracies tend to be inefficient as described by Councilwoman Parella.

Councilman Cordeiro noted that a fundamental issue concerning the Raiola matter is that the FEMA officials appear to have reneged on their earlier agreement to pay him for his damage.

2. Ardy Jagne, d/b/a My Shisha Café, 261 Wood Street - request for a Victualling License, **continued from August 18, 2010**

The Council agreed by consensus to consider this agenda item and agenda item G1 concurrently.

Herreshoff/Barboza - Voted to grant this license per the recommendations received and subject to conformance to all laws and ordinances and payment of all applicable fees, taxes, and levies and also provided that the licensee does not permit hookah or other smoking activities within the licensed premises due to detrimental health effects. Voting in favor of this motion were Council members Marshall, Barboza, and Herreshoff. Voting opposed were Council members Cordeiro and Parella.

Prior to the vote taken, Ardy Jagne, the applicant, appeared before the Council.

Councilman Herreshoff asked to know if Mr. Jagne had any remaining issues with Mr. Jagne responding that he received approval from the Board of Health.

Councilman Herreshoff expressed concern that the operation of this type of establishment appears to be contrary to the laws prohibiting smoking in public places. He asked to know if this exception was acceptable.

Town Solicitor Ursillo responded that apparently it is an allowable exception to the "no smoking" regulations he added that there appear to be similar establishments operating in other locations within the State.

Police Chief Canario reported that Sgt. Burke spoke to the applicant and that he (Sgt. Burke) did not have reservations concerning the granting of a Victualling License.

It was noted that there are approximately twelve (12) similar establishments in Providence, one (1) in South Kingstown, and (1) in Newport.

Council Chairman Marshall stated that the Council may wish to consider a trial period of six (6) months for this applicant. He added that it was not unusual for the Council to grant new licenses for a "trial period."

Councilman Barboza stated that he was "amazed" to learn that the Rhode Island Department of Health did not object to this type of establishment since the type of smoking encouraged at the similar establishments is unhealthy.

Councilwoman Parella noted that there is an exception to allow for "cigar bars" and that this is likely viewed similarly by the State. She agreed that this type of establishment is found in Providence and that she was not sure as to the location of other like places. She added that these seem to be found near colleges and the practice of hookah smoking appears to be inconsistent with Mr. Jagne's earlier testimony that he wishes to sell healthy food to his future patrons.

Councilman Barboza noted that the Town-sanctioned and supported Substance Abuse Prevention Task Force is actively opposed to tobacco use in Bristol.

Councilman Cordeiro agreed with Council Chairman Marshall that any license issued should be considered for a trial period.

Councilman Herreshoff stated that the petitioner appears to be "a good person" and that he was deserving of respect. He added that he (Councilman Herreshoff) has "mixed feelings" regarding the proposed establishment since he was pleased to learn of Mr. Jagne's plan to provide healthy food but concerned about the health questions concerning smoking. He added that he was inclined to object to the granting of this license since the young person frequenting the establishment may be jeopardizing their health.

Councilman Cordeiro reminded the Council that the Board of Health does not seem to readily object to this type of establishment.

Councilman Herreshoff asked the applicant if he would consider operating a vicutalling house without hookahs with Mr. Jagne responding that he did not wish to do so.

Councilman Herreshoff stated that he would agree to the granting of the license if it was restricted to exclude hookah use.

Mr. Jagne stated that he was in conformance with the police regarding this application.

Town Solicitor Ursillo informed the Council that it could consider the granting of a Victualling License with restrictions at this time.

3. Raymond F. Brierly, d/b/a Bristol Kayak Center, 251 Thames Street - request for permission to park a trailer for the storage of kayaks, adjacent to the State Street boat ramp, from April 1st through October 31st,
continued from August 18, 2010

Late Item

- a. Raymond F. Brierly, d/b/a Bristol Kayak Center, 251 Thames Street - request to continue above matter until the meeting of October 20, 2010

Cordeiro/Herreshoff - Voted
unanimously to continue this matter
until the meeting of October 20,
2010.

4. Chairman Marshall - request to schedule and invite the public to a ribbon cutting ceremony for the new Fire Department Headquarters,
continued from August 18, 2010

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

Prior to the vote taken, Town Administrator Mederos reported that the Town will be offering a "Public Safety Day" at the new Fire Department Headquarters on Sunday, October 3, 2010 between the hours of 12:00 and 4:00 o'clock PM. She added that the event will include CPR training, finger printing of children, equipment demonstrations, etc.

Councilman Barboza asked to know if any funds will be needed for promotion or refreshments with Town Administrator Mederos reporting that she and the Fire and Police Chiefs will work on the plan and return for an appropriation if necessary.

Councilman Herreshoff suggested that the event should be well-publicized in order to attract many participants.

Town Administrator Mederos agreed to assure that the event receives adequate publicity.

5. (Sandra Mack, Esq., BCWA Counsel to Town Solicitor Ursillo) re revised RFP for performance audit of the Bristol County Water Authority operations

Herreshoff/Barboza - Voted unanimously to authorize this request for proposals.

Herreshoff/Barboza - Voted unanimously to authorize \$10,000 to represent the Town's share of this performance audit.

Prior to the vote taken, Councilman Herreshoff expressed concern that the RFP may be too complex and that the emphasis of the audit should be "management" of the Water Authority.

Town Solicitor Ursillo agreed that there may be more work in the RFP than the available funds will cover and also that there may be some "add/subtract alternates" to consider.

6. Council Clerk Cirillo re LNG Matching funds to Save the Bay

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

After the vote taken, Councilman Herreshoff noted that the program with Save the Bay appeared to be working well. He suggested that the Council may wish to contact the agency in order to complete the program.

Councilwoman Parella suggested that it was appropriate to remind those in attendance and viewing tonight's meeting on television of the program and that the Town continues to match gifts to Save the Bay from Bristol residents and businesses 100 percent.

Councilwoman Parella reviewed the matching program and also noted that every donation will be matched up to the agreed-to sum, "no matter how small."

Councilman Herreshoff noted that recent natural gas accidents in Colorado and California seem to "magnify" the reasons why the LNG plan carries potential danger.

Councilman Cordeiro expressed concern that the United States Coast Guard seems to "flip-flop" on this issue.

Councilman Barboza noted that the congressional delegation in Massachusetts appears to be "on the right track" by attempting to remove the authority to approve the Mount Hope Bay terminal from FERC.

Council Chairman Marshall stated that Hess should take its LNG terminal and place it elsewhere.

7. Councilman Herreshoff re Animal Shelter project

Herreshoff/Cordeiro - Voted unanimously to review the matter as submitted by Councilman Herreshoff and also to continue this matter until the meeting of September 29, 2010.

Prior to the vote taken, Councilman Herreshoff noted that the Town is in favor of an improved animal shelter. He explained that he provides a two page memorandum with some thoughts regarding this shelter.

Councilman Herreshoff added that he hopes that the result will be a much improved shelter and that this shelter will be constructed within its proposed budget.

Councilman Herreshoff suggested that Council members would read his memorandum so that it may be discussed at the next Council meeting.

8. Councilman Herreshoff re curbing on Ferry Road

Parella/Barboza - Voted unanimously to request that the Town Administrator and Council Clerk send a letter to the Congressional delegation and also to the State Director of Transportation concerning the need for curbing along Ferry Road and to remind these authorities of the five (5) pages of "shovel ready" projects submitted as

part of the Federal stimulus public works projects program.

Prior to the vote taken, Councilman Herreshoff suggested that the Town should "keep the pressure on" regarding the repair of Ferry Road since the curbing remaining after the road repaving project is "broken and helter-skelter."

Council Chairman Marshall noted that there is a significant amount of new curbing and sidewalk repaving in Warren and Portsmouth achieved through the Federal stimulus program and no such improvements in Bristol despite the Town's "scenic highway" designation.

Councilman Cordeiro added that the work completed in Warren and Portsmouth can be measured in miles.

Town Administrator Mederos reported that the Town is in receipt of Federal stimulus funds and that these funds are allocated toward some road rebuilding projects within the Town and that there are two (2) contracts on this evening's bid list. She asked if the Council would like to support the Town's request for additional funding via a letter.

Council Chairman Marshall stated that a letter should be sent to Director Lewis asking that curbing might be added to the Ferry Road repaving project.

Town Administrator Mederos stated that it may be helpful if the letter came from both the Council and Administrator.

Councilman Cordeiro suggested that this letter should be also sent to the Congressional delegation explaining that there are additional projects which merit funding.

Councilwoman Parella recalled that there were many projects submitted when the Federal stimulus program began.

Councilman Cordeiro noted Council Chairman Marshall's suggestion that a photograph of the disorderly curbing along Ferry Road might be included with the letter. Councilman Cordeiro added, again, that it may be useful to also ask Congress for help in this matter.

Town Administrator Mederos agreed to work with the Clerk to prepare the letter.

9. Councilman Herreshoff re "Streetscape" concerning the Department of Transportation Hope Street Project

Herreshoff/Parella - Voted unanimously to continue this matter until the meeting of September 29, 2010 in order to receive and review a "white paper" on this project as provided by the Director of Community Development.

Prior to the vote taken, Councilman Herreshoff expressed concern that the project for the rehabilitation of the downtown section of Hope Street may be awarded to the lowest bidder regardless of the bidder's ability to do the job properly.

Councilman Herreshoff explained that the area will receive work that is "one shot in fifty years" and that the block between State and Court Streets is "precious" and must be done properly. He suggested that the Town should "take trouble to emphasize that high quality" is needed and that the existing stairs should be "made perfect" to preserve the quality of the area.

Town Administrator Mederos explained that a great many hours have been devoted to the rehabilitation plan thus far and that there was a public hearing held last week as arranged by Rep. Gablinske. She added that there will be an additional public hearing in the future and that the project has taken a long time since it has been subjected to many levels of planning.

Councilman Herreshoff asked if the road will be widened with Town Administrator Mederos reporting that the topic is still being vetted.

A discussion ensued regarding the location of stairs, etc. Director of Community Development Williamson added that the State and Town will likely keep the roadway at the current width since any widening might "kick-in" new regulations requiring a widening of the street which would essentially take most, if not all, of the tree line and narrow some sidewalks.

Director of Community Development Williamson also reported that the project has been the topic of three or four "walks" by DOT and Town officials and that the DOT has been very thorough in its planning stage. She added that the plan has paid attention to the details.

Director of Community Development Williamson agreed to provide a brief "white paper" concerning the planning aspects of the project for the Council's review.

A discussion ensued regarding parking within the block from Byfield Street to Constitution Street with Councilwoman Parella suggesting that the Town may wish to lease spots at the "Pick and Pay" parking lot for public use.

Director of Community Development Williamson reported that the Town leases twenty-five (25) spaces from Russell Karian and that this lot is nearby the area in question. She added that any change to the width of the street in the area in question will change the "comfortableness" of the block. She added, again, that this widening would cause the Town to lose its "grandfathered" exceptions to the road width standards.

Public Works Director Serbst added that the road would have to be widened approximately ten (10) feet in order to conform to current standards.

Kerry Tyson of 30 Walley Street asked to know if there were considerations for a bicycle lane and also if there was a "second phase" of the road rehabilitation project planned for the future.

Town Administrator Mederos reported that the plan is to rehabilitate the southern part of Hope Street in the future and that the overall plan calls for the work to continue to the intersection with Ferry Road.

She added that the narrowness of the existing roadway would likely preclude the addition of a bicycle lane; particularly in the downtown area.

Councilwoman Parella asked to know if the plan also calls for the portion of the road north to the Warren Town Line with Town Administrator Mederos explaining that the State placed that part of the project "on hold."

Director of Community Development Williamson noted that the original plan to pave Hope Street "morphed" into a plan to include curbing and sidewalk rehabilitation.

Councilman Herreshoff noted that the State is capable of managing a "perfect" road project since Bellevue Avenue in Newport is "perfect."

BB. SPECIAL /STATUS REPORTS

C. PUBLIC HEARINGS

1. Ordinance #2010-03, CHAPTER 28, Zoning, Articles I through XI, Divisions 1 through 6, Sections 28-1 through 28-411, (various amendments to the Zoning Ordinance), **2nd reading for adoption (continued from August 18, 2010 concerning only proposed Section 28-150 (j), Special use standards for wind energy conversion systems)**

Herreshoff/Cordeiro - Voted unanimously to continue this matter until the meeting of October 20, 2010.

Prior to the vote taken, Councilman Herreshoff noted that the ordinance is in need of further "fine tuning" and suggested the continuance.

D. ORDINANCES

1. Ordinance #2010-03, CHAPTER 28, Zoning, Articles I through XI, Divisions 1 through 6, Sections 28-1 through 28-411, (various amendments to the Zoning Ordinance), **2nd reading for adoption (continued from August 18, 2010 concerning only proposed Section 28-150 (j), Special use standards for wind energy conversion systems)** (see item C1 also)

It is hereby noted for the record that the discussion and vote concerning this matter took place as part of agenda item C1 above.

2. Ordinance #2010-14, CHAPTER 8, Boats, Docks and Waterways, Article II, Harbor Regulations, Section 8-69, Permitting of outhauls, **2nd reading for adoption**

Barboza/Parella - Voted unanimously to consider this action to constitute the Second Reading for adoption of Ordinance #2010-14. Advertise in local newspaper.

After the vote taken, Councilman Cordeiro commended Code Compliance Coordinator Evans and Assistant Harbor Master

Calouro; Mr. Evans for rectifying an outfall situation very quickly and Mr. Calouro for his work on this ordinance.

3. Ordinance #2010-15, CHAPTER 16, Motor Vehicles and Traffic, Article V, Stopping, Standing and Parking, Section 16-146, Parking time limited in designated places, (Franklin Street), **2nd reading for adoption**

- a. Raymond Cordeiro and Oryann Lima, 73 Franklin Street - request to amend proposed Ordinance #2010-15

Late Item

- b. Mark Alano, DC, 450 Hope Street - request to amend proposed Ordinance #2010-15

Barboza/Herreshoff - Voted unanimously to instruct the Town Solicitor to resubmit language to create a one-hour parking area on High and Franklin Streets adjacent to the former fire/rescue building.

Herreshoff/Barboza - Voted unanimously to place Ordinance 2010-15 on the table.

Prior to the vote taken, Councilman Cordeiro renewed his recusal concerning this matter.

Bruce Cox, representing Mark Alano, suggested that the portion on the northerly side of Franklin Street should revert to conform to its adjacent residential parking and that the property adjacent to the Alano property on the westerly side of High Street should become one-hour parking.

Town Solicitor Ursillo noted that this appeared to be a substantive change from the proposed ordinance and this would be inappropriate for an amendment. He suggested that new language should be substituted and provided to the Council for first reading at its next meeting.

The Clerk suggested that ordinance number should also be updated with Town Solicitor Ursillo adding that the existing ordinance should then be tabled with the agreement that a new ordinance and ordinance number will be forthcoming.

4. Ordinance #2010-16, CHAPTER 16, Motor Vehicles and Traffic, Article V, Stopping, Standing and

Parking, Section 16-35, Designated residential parking streets, (State Street and Wood Street), **2nd reading for adoption**

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

5. Ordinance #2010-17, CHAPTER 16, Motor Vehicles and Traffic, Article V, Stopping, Standing and Parking, Section 16-143, Parking prohibited at all times, (one space across from 38 Congregational Street), **1st reading**

Herreshoff/Cordeiro - Voted unanimously to consider this action to constitute the First Reading of Ordinance #2010-17. Advertise in local newspaper.

6. Ordinance #2010-18, CHAPTER 17, Offenses and Miscellaneous Provisions, Article I, In General, (new) Section 17-9.3, Underage possession and consumption of Alcohol, **1st reading**

Cordeiro/Barboza - Voted unanimously to consider this action to constitute the First Reading of Ordinance #2010-18 with minor edits to the language provided. Advertise in local newspaper.

Prior to the vote taken, Town Administrator Mederos reported that the new ordinance will allow for the matters related to underage drinking by adults to be adjudicated in the Municipal Court.

Councilman Herreshoff expressed concern that the proposed language found in subsection (c) was somewhat misleading with Town Solicitor Ursillo agreeing to "beef up" this language prior to the Second Reading of the ordinance.

(CA) E. BUDGET ADJUSTMENTS

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

1. Tax Assessor Spagnolo - Recommended Abatements & Additions for August, 2010

(CA) F. APPOINTMENTS

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

1. Public Service Appointments
 - a. Fourth of July Committee
 1. Patricia Squatrito, Corresponding Secretary, Fourth of July Committee re proposed 2010-2011 membership list

Barboza/Parella - Voted unanimously to approve the list of Fourth of July Committee members for 2010-2011 as presented and recommended by the Committee.
 - b. Economic Development Commission (2) (terms to expire September, 2013)
 1. E. Keith Maloney, 60 Van Wickle Lane - interest/reappointment

Councilwoman Parella nominated Mr. Maloney for reappointment.

There were no counter-nominations.

Parella/Cordeiro - Voted unanimously to close nominations and to instruct the Clerk to cast one ballot in favor of Mr. Maloney, term to expire in September, 2013.

2. Keith Maloney, Chair, Economic Development Commission re David Parker, 1st alternate member

Parella/Barboza - Voted unanimously to accept the resignation of Mr. Parker pending the Clerk's receipt of confirmation of Mr. Parker's intention to resign.

Barboza/Parella - Voted unanimously to elevate the Second Alternate, Peter Ferreira to the position of First Alternate based upon the confirmation of the resignation of Mr. Parker. Advertise the vacancy in local newspaper.

G. LICENSING BOARD - NEW PETITIONS

1. Ardy Jagne, d/b/a My Shisha Café, 261 Wood Street - request for a Victualling License, **continued from August 18, 2010** (see item B2 also)

It is hereby noted for the record that this matter was discussed and voted upon as combined with agenda item B2 above.

H. LICENSING BOARD - RENEWALS

(CA) I. UTILITY PETITIONS

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

J. PETITIONS - OTHER

1. Victoria Palmer, 274½ Wood Street re claim for property damage

Herreshoff/Cordeiro - Voted unanimously to refer this matter to the Town Solicitor with authority to refer said matter to the Interlocal Trust at his discretion.

2. Allstate Property and Casualty Insurance Company, for Hazelanne Sousa, 1014 Hope Street, Apt. M6 re claim for property damage

Barboza/Cordeiro - Voted unanimously to refer this matter to the Insurance Committee.

3. Pamela Burns, 82 Washington Street - request for a handicap parking space across from residence, **1st reading**

- a. Recommendation - Town Administrator and Director of Public Works
- b. Recommendation - Police Chief

Herreshoff/Barboza - Voted unanimously to consider this action to be the First Reading of the request for a handicap parking space. Continue this matter to the meeting scheduled for September 29, 2010 for Second Reading.

4. David Williams, d/b/a Daily Bread, 87 Gooding Avenue, f/k/a Bristol Bakery - request for recognition re change of establishment name

Barboza/Cordeiro - Voted unanimously to allow the file to reflect the change of name.

5. (Ronald) Ron Rodrigues, Member, Redevelopment Agency re proposed ordinance concerning the establishment of "Local Tax Credits For Historic Residences"

Barboza/Herreshoff - Voted unanimously to receive and place this matter on file with copies provided to the Historic District Commission, Town Treasurer Goucher and Assistant Solicitor Teitz; requesting an investigation of this concept.

Prior to the vote taken, Councilman Herreshoff stated that the proposal of Mr. Rodrigues has "eventual merit," adding that it may be difficult to implement at the present time.

Councilman Cordeiro noted that a similar proposal was considered in the past with conclusions drawn that it was difficult and expensive to administer.

Councilwoman Parella stated that the idea deserved additional consideration and suggested that the proposal might be referred to the Historic District Commission with the Commission providing a recommendation for Council review.

Council Chairman Marshall stated that this idea should be part of the "larger conversation" regarding making the Historic District Commission more positive and streamlined.

Councilwoman Parella suggested that the Historic District Commission should sponsor workshops with contractors, etc., and that these should have little or no cost since there may be qualified volunteers willing to provide technical expertise regarding restoration issues and techniques. She further suggested that the Historic District Commission should plan to have these in the very near future.

Council Chairman Marshall suggested that these may be co-sponsored or staffed by the Roger Williams University masters in Historic Preservation program in cooperation with Growsmart RI.

Director of Community Development Williamson reported that Susan Church and she were working on a Certified Local Government (CLG) Grant for October and that the idea for the workshops appeared to be a good-fit for the grant application.

Councilwoman Parella stated that it was a good idea to pursue the CLG Grant but rather suggested that her idea would be more informal and at little or no cost. She suggested that the Historic District Commission and Director of Community Development Williamson should pursue a dual track to have both programs but that the Town should not become "bogged down" in the grant instead of having the less-formal, volunteer program.

Council Chairman Marshall suggested that the idea for a tax-credit for historic properties, as suggested by Mr. Rodrigues, could be phased-in over a five (5) year period.

Councilwoman Parella, with the Council in agreement, suggested that the Historic District Commission, Town Treasurer Goucher and Assistant Solicitor Teitz might provide some insight into this concept.

6. Kerry Tyson, 30 Walley Street - request to designate Walley Street as a two-way street with a dead end at its intersection with Hope Street

Herreshoff/Barboza - Voted
unanimously to refer this matter to
Town Administrator Mederos and
Police Chief Canario and also to

continue said matter until the meeting of October 20, 2010.

Ms. Tyson, the petitioner, explained that this street, although designated for one-way traffic, is sometimes used as a two-way street. She added that rubbish collection and emergency vehicles often back in and out of the street rather than following the established west-east traffic pattern.

Ms. Tyson added that the corner of Walley and Hope Streets is "a dangerous corner" and continued to describe the traffic patterns regarding same.

Councilman Barboza asked to know what Ms. Tyson would like for the Town to do with Ms. Tyson responding that she would like the road to be closed along Hope Street to vehicular traffic. She further suggested that the end of the street might be planted with grass and shrubs. She added that parking along the street lacks uniformity and that many Hog Island visitors park on the street for long periods. She also added that there are few parking places to accommodate the number of residents found in the area.

Councilman Barboza noted that the problems described by Ms. Tyson could be considered as enforcement issues and that it may be possible to step-up police patrols and improve signage in the area. He added that Walley Street is one of the oldest streets in Town and that it was historically open to vehicular traffic.

Councilman Herreshoff agreed with Councilman Barboza concerning the historic use of the street and further stated that the Town is generally not in favor of dead-ends. He added that current "dead end" streets have wide cul-de-sacs.

Councilman Herreshoff agreed with Ms. Tyson that problems exist but that he would be in favor of a different solution. He suggested that this matter might be referred to Police Chief Canario for a recommendation.

Councilman Cordeiro suggested that the area might be designated for no overnight parking by non-residents and also a two-hour limit in order to prevent long-term parking

After the vote taken, Ms. Tyson again stated that the roadway was "tight." Town Administrator Mederos suggested that Ms. Tyson should contact the police department when problems are observed.

Ms. Tyson added that the intersection of Walley and Hope Streets is painted with a "stop line" despite the fact that traffic in the area is not supposed to travel in westerly direction. She noted that the presence of the stop line exacerbates the problem earlier described.

K. OTHER NEW BUSINESS REQUIRING TOWN COUNCIL ACTION

1. Joe (Arruda), (President), Save Bristol Harbor - request for Council to schedule a special meeting re Save Bristol Harbor's 2009 and preliminary 2010 Bristol Harbor Water Results

Parella/Barboza - Voted unanimously to instruct the Clerk to schedule a special meeting to receive this report combining same with other agenda items as these become pending before the Council.

Prior to the vote taken, a discussion ensued regarding this matter with Council members suggesting that this might be discussed at a regular meeting. The Clerk noted that he was informed by Mr. Arruda that the topic may take more time than that which is generally available at regular meetings; thus the request for a special meeting.

Council members were reluctant to plan a single-item agenda and agreed that this matter should be discussed at a special meeting and that the Clerk may schedule same as soon as additional items for this special meeting agenda are known.

2. Town Administrator Mederos re report on efforts concerning expansion of recycling operations

Parella/Barboza - Voted unanimously to contact Ms. Ava Havas and suggest that she may help prepare public relations materials to be included in tax bills correlating recycling and the tax rate.

Prior to the vote taken, Town Administrator Mederos reported the receipt of a check in the amount of \$11,215.00 from the Rhode Island Resource Recovery Corp., in payment for the Town's recycling. Town Administrator Mederos added that the Town is engaged in a new recycling program with the condominium complexes and also the businesses.

Director of Community Development Williamson reported that the new condominium recycling program is a "model" within the State and that it involves five (5) condominium associations.

She added that the Town will soon be targeting restaurants for the recycling program and that the response from local business thus far has been positive.

Councilman Barboza noted that the Town's school buildings have a contract with a rubbish hauling company that will run through 2012 but that the Town might begin planning with School District officials in order to incorporate recycling within the schools in any new rubbish contract.

Town Administrator Mederos and Director of Community Development Williamson reported that Ava Havas of North Farm Condominiums has been a great advocate for this condominium recycling program.

Councilwoman Parella noted that there appears to be a taxpayer disconnect regarding the cost of trash removal and the tax rate. She suggested that if there was a greater understanding of the link between the two, more citizens would readily recycle.

Councilwoman Parella added that the rate of recycling in Smithfield is 30-32% while it is only 16% in Bristol. She suggested that the Town may wish to place an eye-catching notice in with tax bills to promote a higher level of recycling.

Councilwoman Parella also observed that the regulations regarding bottle caps has changed and that it is now allowable for #1 and #2 bottles to be recycled with their caps in place.

Councilwoman Parella suggested that it may be advisable to have flyers and/or signs in supermarkets, etc., to indicate this change and to encourage recycling.

Town Administrator Mederos stated that it may be worthwhile to have some type of public workshop on recycling with Councilwoman Parella suggesting that some of the volunteers may wish to participate. She again stressed that connecting the value of recycling to the tax rate would be a good idea.

Town Administrator Mederos agreed with Councilwoman Parella and added that perhaps the Town may participate in a recycling program with the local schools.

3. Lori L. Hagan, Providence Second Deputy City Clerk - request for support of resolution recognizing the month of September as "Ovarian Cancer Awareness Month"

Barboza/Parella - Voted unanimously to support this measure as prepared and presented.

4. Director of Community Development Williamson re request for the authorization of funds to match Grant received for the construction of a transient dock at Rockwell Park

Herreshoff/Barboza - Voted unanimously to approve this request subject to the availability of funding and to request that the Town Treasurer will return to the Council with recommendation for a funding source.

After the vote taken, Town Treasurer Goucher noted that there were discretionary capital funds available although there were already some priorities identified for the use of same. She further suggested that the Council may wish to refine these priorities.

Director of Community Development Williamson reported that the grant period had already been extended.

5. Roy Leffingwell, Scoutmaster, Troop 6 re invitation to Eagle Scout Court of Honor for Kevin Spencer on September 19, 2010

Cordeiro/Herreshoff - Voted unanimously to instruct the Clerk to prepare a congratulatory message for the recipient.

6. Peter G. Collias, attorney for Copley Operating Group, LLC, d/b/a Ricc's Ristorante, 200 Gooding Avenue re temporary interruption of business operation

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

L. BILLS & EXPENDITURES

Prior to the consideration of the bids as provided below, the Council requested that the detail information on the bids received should be filed and not read into the Council record.

1. Bid #702 - Road Resurfacing, Contract 1

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

2. Bid #703 - Road Resurfacing, Contract 2

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

3. Bid #704 - Design & Installation of Turn-Key Solar Array (time extended until October 20, 2010)

Herreshoff/Cordeiro - Voted unanimously to continue this matter until the meeting of October 20, 2010.

4. Bid #705 - 2010 Fall Tree Planting

Herreshoff/Cordeiro - Voted unanimously to refer this matter to Town Administrator Mederos and Director of Community Development Williamson to act in the best interest of the Town.

5. Bid #706 - Drainage Improvements, Cedar Park Project

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

6. Bid #707 - Replacement of Doors/Windows,
Defiance Fire Station

Herreshoff/Cordeiro - Voted
unanimously to refer this matter to
Town Administrator Mederos and Fire
Chief Martin to act in the best
interest of the Town.

7. Bid #708 - Masonry Restoration, Ever Ready
Fire Station

Herreshoff/Cordeiro - Voted
unanimously to refer this matter to
Town Administrator Mederos and Fire
Chief Martin to act in the best
interest of the Town.

(CA) M. ROUTINE REPORTS

(CA) N. FINANCIAL REPORTS

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

P. PROCLAMATIONS & CITATIONS

1. Commendation - Marc Rabideau, Eagle Scout
Court of Honor

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

2. Commendation - Connor White, Eagle Scout Court
of Honor

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

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

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

1. Coastal Resources Management Council - Semi-Monthly Meeting, August 24, 2010 (amended 8-17-2010)
2. Coastal Resources Management Council - August 2010 Calendar
3. Council Clerk Cirillo to Director of Parks and Recreation Burke re letter in support of Town's Tiger II Grant application for the rehabilitation of Poppasquash/Asylum Road
4. Council Clerk Cirillo to Marcia MacClary, Director Public Affairs, Weaver's Cove Energy re submission of questions and request for possible dates to schedule question and answer forum concerning Weaver's Cove LNG project
5. Reimbursement Resolution re expenditure of funds prior to issuance of Bonds for the Animal Shelter project (signed copy)
6. Ronald J. Rodrigues, CPA, 209 Hope Street to Susan C. Church, Staff Assistant, Historic District Commission re response to July 1, 2010 letter received by the Historic District Commission concerning work completed at 10 Summer Street
7. Town Administrator Mederos to Ron Blanchard, Site Engineering, Inc. re award of RFP #701 - Engineering Consultant Services for Animal Shelter Site Evaluation
8. Town Administrator Mederos to Anthony Davidson, Coastal Recycling, Inc. re award of Bid #696 - Condominium Complex Recycling Collection
9. Town Treasurer Goucher to Manuel Metz, 12 Vantage Point Drive re denial of claim
10. Town Administrator Mederos to Alan A. Nunes, President, Anthony A. Nunes, Inc. re award of Bid #688 - (Sub-Contract Renovations to) 9 Court Street, Ramp & Stairs, (and Railing) (as amended)
11. Town Administrator Mederos to Jean Truax, Truax Corporation re award of Bid #700 - Phase

III Cleaning and CCTV Inspection of Gravity Sewer

12. Coastal Resources Management Council - September 2010 Calendar
13. Warrant - Richard Scott Medeiros, Harbor Commission Advisory Committee
14. Warrant - Anthony D. Murgo, Harbor Commission Advisory Committee
15. Warrant - Robert S. Hamel, Harbor Commission Advisory Committee
16. Warrant - Jeffrey Luiz, Post Retirement Benefits Fund - Board of Trustees
17. Denise Panichas, Executive Director, The Samaritans of Rhode Island re thank you for support
18. Grady Miller, Narragansett Town Manager re resolution in opposition to unfunded mandates
19. Trustee approved Mount Hope Trust By-Laws Revisions (Final Version approved by Town Council August 18, 2010)
20. Robert A. Smith, P.E., Deputy Chief Engineer, RI Department of Transportation to Town Administrator Mederos re list of local roadway damage related to the March 30, 2010 storm eligible for Federal Highway Administration funding

(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 August 16, 2010
2. Bristol Warren Regional School Committee - August 16, 2010

3. Bristol Warren Regional School Committee
Budget/Facilities Subcommittee - August 16,
2010
4. Bristol Warren Regional School Committee
Personnel/Contract Negotiation Subcommittee -
August 16, 2010
5. Bristol Warren Regional School Committee
Personnel/Contract Negotiation Subcommittee -
August 19, 2010
6. Animal Shelter Capital Project Committee -
August 26, 2010 (continued from August 19,
2010)
7. Bristol Warren Regional School Committee
Personnel/Contract Negotiation Subcommittee -
August 25, 2010
8. Bristol County Water Authority Audit Finance
Committee - September 1, 2010
9. Bristol County Water Authority Engineering
Committee - September 1, 2010
10. Bristol County Water Authority Public
Relations/Personnel Committee - September 1,
2010
11. Bristol County Water Authority Board of
Directors - September 15, 2010
12. Bristol County Water Authority Public
Relations/Personnel Committee - September 1,
2010 (revised)
13. Bristol Warren Regional School District -
Schedule of Meetings, Week of August 30, 2010
14. Bristol Warren Regional School Committee
Policy/Community Affairs Subcommittee - August
30, 2010
15. Bristol Warren Regional School District -
Schedule of Meetings, Week of September 6,
2010
16. Harbor Commission - September 13, 2010

17. Bristol Warren Regional School District -
Schedule of Meetings, Week of September 13,
2010
18. Bristol Warren Regional School Committee
personnel/Contract Negotiation Subcommittee -
September 14, 2010

S. TOWN SOLICITOR

1. Town Solicitor Ursillo to Town Treasurer
Goucher re 24 Verndale Circle real estate
closing
 - a. Resolution re conveyance of property
located at 24 Verndale Circle to
Generations, LLC

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

2. Motor Vehicle Excise Tax Appeal Form
 - a. Tax Assessor Spagnolo to Town
Administrator Mederos re above-mentioned
Form

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

Prior to the vote taken, Town Solicitor Ursillo noted that this form was prepared in support of the existing appeal process. He noted that anyone who believes that their assessment may be erroneous due to confusion regarding its make and model, etc., may appeal the assessment by filling out this particular form.

Council Chairman Marshall asked to know the appeal period with Tax Assessor Spagnolo responding that taxpayers may file an appeal within ninety (90) days of the first tax-bill due date.

Tax Assessor Spagnolo added that taxpayers are allowed to appeal their assessments annually.

Z. INDIVIDUAL COUNCIL MEMBERS AGENDA ITEMS

1. MARSHALL

a. Davis - Council Chairman Marshall thanked Mr. Davis for taping this evening's meeting.

b. Last Night - Council Chairman Marshall congratulated the Last Night Committee and the various Town departments which worked on the successful event.

2. CORDEIRO

a. Last Night - Councilman Cordeiro added his congratulations to the Last Night participants and in particular recognized Joan E. Roth and Denise Asciola.

b. President Champagne - Councilman Cordeiro welcomed the new interim president of Roger Williams University on behalf of the Council.

3. PARELLA

a. Aging Gas Pipes - Councilwoman Parella drew attention to the recent accidents occurring elsewhere in the country due to aging gas pipes. She suggested that the Town might contact the natural gas provider so as to ascertain the condition of the pipes in Bristol streets.

Councilwoman Parella noted that a 2002 law requires that utilities must inspect their street pipes and further suggested that the utility operators might be invited to provide a report or presentation for the benefit of the Council and the public at large.

Town Administrator Mederos agreed with Councilwoman Parella and also agreed to determine if a report or presentation could be made available.

4. BARBOZA

a. Last Night/Concerts on the Common - Councilman Barboza recognized the Last Night sponsors and in particular thanked Taco and the White family for their continued support of this annual event. He added that the Fire, Police, DPW and the residents and business owners in the neighborhood deserved particular thanks for their work and cooperation toward the success of the event.

Councilman Barboza noted that the Committee members include Town Administrator Mederos, Denise Asciola,

Madeline Grimo, Nancy Horne and also Paul Mello and Roger Belmore of the DPW.

Councilman Barboza also announced that there may be a donation of \$10,000 to have fireworks next year although this was not confirmed at this time.

5. HERRESHOFF

a. Joan Roth - Councilman Herreshoff agreed with Councilman Barboza regarding the Last Night and Common concerts. He further observed that Joan Roth, a mainstay in these activities, is "terrific" and deserving of some "conspicuous recognition." He further noted that Ms. Roth has been active in these activities for at least twenty years and suggested that the Clerk might prepare something for Ms. Roth on behalf of the Council.

The Clerk gladly agreed to do this.

b. Street Signs - Councilman Herreshoff complimented the newly installed street signs placed within the Historic District. He noted that some streets might benefit in the future with additional signs facing in the opposite direction.

Town Administrator Mederos explained that Councilman Herreshoff's idea was on the "to do list."

It was agreed that this matter will be referred to budget time.

ZZ. TOWN ADMINISTRATOR AGENDA ITEM(S)

a. National Take-Back Day - Town Administrator Mederos announced a National Take-Back Day to be held in Bristol (Police Station) and Warren (Government Center) on September 25. During this event, out of date pharmaceuticals will be accepted for safe disposal.

Clerk's Prerogative:

September 14 Primary - The Clerk informed the Council that the statewide primary held on Tuesday, September 14, 2010 was successfully executed in Bristol and he congratulated the Council for selecting an excellent Board of Canvassers and

also thanked the Council for providing sufficient funds for the Board's operation.

The Clerk also observed that all of the sixty (60) poll workers and the Clerk's own staff was required to work long hours which began prior to 5:30 AM and ended for some after 11:00 PM. The Clerk also explained that many of the poll workers are of advanced age and should be congratulated for working the long hours as essentially volunteers since their stipend is relatively low. The Clerk was also gratified to report that many of the poll workers indicated to the Board of Canvassers their willingness to work at the upcoming general election on November 2, 2010.

CITIZENS PUBLIC FORUM

Barboza/Cordeiro - Voted unanimously to adjourn into Executive Session pursuant to RIGL § 42-46-5 (a) (5).

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

There being no further business, upon a motion by Councilman Barboza, seconded by Councilman Cordeiro and voted unanimously, Council Chairman Marshall declared this meeting to be adjourned at 10:11 o'clock PM.

Louis P. Cirillo, CMC, Council Clerk