

TOWN COUNCIL MEETING - WEDNESDAY EVENING - AUGUST 18, 2010

PRESENT: Marshall, Cordeiro, Parella, Barboza, and Herreshoff (arrived at 7:33 o'clock PM)

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, August 18, 2010 in the Town Hall, Council Chambers beginning at 7:10 o'clock PM, Council Chairman Marshall presiding:

Prior to the commencement of this evening's regular agenda, Council Chairman Marshall noted that there were several non-agenda items to consider:

Report: Gary Puryear, Base Transition Coordinator re the Quinta-Gamelin Center

Town Administrator Mederos introduced Mr. Puryear who is the coordinator for the Town's acquisition of the Quinta-Gamelin Center from the United States Army. Mr. Puryear reported that the Town was easy to work with as compared to other communities and also that the Town has a fine organization.

He further reported that he anticipated that the new Army Reserve Center in Newport which will house the activities currently at the Quinta-Gamelin Center will be completed in one year. He also noted that the Town's Federal sponsor is satisfied with the progress made to date. He further explained that within six (6) to eight (8) months the Town will be contacted by the Federal Government in order to determine exactly how the ownership of the property will be transitioned to the Town. He further noted that this contact will come from the Army Corps of Engineers from Concord, Massachusetts and barring anything "kooky" the transition will be completed.

Mr. Puryear also reported that it will take approximately two (2) months for the units to relocate into the new facility after its construction is completed. He also explained that it is the Army's policy to leave the building in excellent condition so that improvements to the building will continue until the Army departs.

He added that all of the environmental considerations will be revisited prior to the Army's departure but that the Government will maintain its responsibility for any environmental problems into the future.

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Council Chairman Marshall noted that the Town will miss the Army Reserve Center since this has been a good neighbor for many years.

Town Administrator Mederos reported that Mr. Puryear is being "modest" since he is responsible for the smooth nature of the transition to date.

Councilwoman Parella stated that the Town must plan for the budget for the new building and suggested that the Clerk may wish to remind the Council that this new acquisition will require operational funding in the future.

Recreation Director Burke reported that the Army has installed two new boilers in the building and also that all of the improvements made to the building thus-far have been "top-notch."

Council Chairman Marshall noted recent contributions to charity by the committee sponsoring the annual Boat Show. He further noted that this event has raised \$70,000 during the past nine (9) years. He offered the Council's congratulations to Harbor Master Cabral and his committee.

Council Chairman Marshall also shared that this year's Boat Show proceeds grant recipients were the East Bay Food Pantry (\$1000), Bristol Good Neighbors Soup Kitchen (\$1000) BVFD Dialer Program (\$1000), National Autism Project(\$1500), Motorcycle Diabetes Fundraiser (\$1000), Young Mariners (\$500), and others.

Councilman Cordeiro noted that this annual show is well done and that citizens should support it and its charities.

Council Chairman Marshall further explained that the Autism Project provides locating bracelets for persons with autism. Fire Chief Martin reported that the Town of Bristol has partnered with the Towns of Portsmouth and Warren on this program. He further reported that this system works similarly to the Lojack locating system.

Councilwoman Parella and Fire Chief Martin suggested that anyone interested in this program or in need of same should contact the Fire Chief's office.

Councilman Herreshoff arrived at this point in the meeting (7:33 o'clock PM).

Councilwoman Parella suggested that the Fire and Police Chiefs might provide a presentation at the next or

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subsequent Town Council meeting regarding this important program.

Council Chairman Marshall agreed that it was essential that people become aware of the availability of these life-saving programs.

Special Announcement re Conveyance of Riparian Rights
by Robin Industries, Inc.

Council Chairman Marshall also noted that there was a press-conference held recently at the Church Street Dock and no press representatives were in attendance. He added that the reason for the press conference was to announce the transfer of the riparian rights from Russell Karian owner of the Robin Rug complex to the Town of Bristol.

Council Chairman Marshall explained that this will be a benefit to all Bristolians.

Councilman Barboza noted that the existing waterfront boardwalk will be extended on the water side of the Robin Rug property.

Council Chairman Marshall noted that the transfer was accomplished through the generosity of the owner and also the cooperative effort between the various Town boards and commissions.

Councilman Cordeiro noted the recent opening of the Mount Hope Bay boat launch, with Council Chairman Marshall adding this is the first ADA compliant boat launch facility in Rhode Island. He credited the efforts of Director Sullivan and Bob Sousa who worked on this project in cooperation with Representative Gallison and Town agencies.

Councilman Cordeiro added that there may be a fishing pier added to the boat launch area in the future.

MOTION RE: CONSENT AGENDA - TO APPROVE THE CONSENT AGENDA

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

- A. SUBMISSION OF MINUTES OF PREVIOUS MEETING(S)
 - 1. Town Council Meeting - July 28, 2010
(preliminary - action items only)

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Barboza/Parella - Voted unanimously to continue this matter until the meeting of September 15, 2010.

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

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

1. Mosaico CDC Board of Directors - March 9, 2010
2. Mosaico CDC Board of Directors - April 15, 2010
3. Mosaico CDC Board of Directors - May 21, 2010
4. Mosaico CDC Board of Directors - June 18, 2010
5. Harbor Commission - July 12, 2010
6. Substance Abuse Prevention Task Force - June 21, 2010
7. Historic District Commission - July 1, 2010
8. Harbor Commission - August 2, 2010
9. Noise Study Committee - May 11, 2010
10. Bristol County Water Authority Board of Directors - July 14, 2010
11. Bristol County Water Authority Audit Finance Committee - August 4, 2010
12. Bristol County Water Authority Engineering Committee - August 4, 2010
13. Bristol County Water Authority Public Relations/Personnel Committee - August 4, 2010

B. OLD BUSINESS

1. Domenic Raiola, 45 Shore Road re flooding from recent storm, **continued from July 28, 2010**

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Barboza/Herreshoff - Voted
unanimously to continue this matter
until the meeting of September 15,
2010.

Prior to the vote taken, Council Chairman Marshall noted that Senator Whitehouse's office is speaking directly to FEMA regarding this matter.

Mr. Raiola reported that the repairs to his house will total \$70,000 and that \$20,000 of this expense is for cleaning. He added that his daughter (present) has been doing his laundry and feeding him during this period.

Mr. Raiola explained that the cost to stay in a nearby hotel was \$165 per day exclusive of laundry and meals so that he opted to stay with his daughter instead of the hotel.

Mr. Raiola further reported that FEMA "has him on a merry-go-round" regarding whether or not his home contains a cellar. He noted that he paid an engineer \$1000 to provide evidence that his residence is sixteen (16) feet above mean high-tide level and that Webster Bank requires that he should have a flood insurance policy - this policy providing \$30,000 for structure and \$4,000 for contents.

Mr. Raiola reported that surveyor Steve Murgio completed work for him recently and Mr. Murgio's father did his original survey work thirty years ago.

Mr. Raiola reported that Mr. Drewhouse of FEMA did not accept his claim and he found it ironic that FEMA recently sent him a bill for the continuation of his flood insurance policy. He noted that he must pay the bill since Webster Bank will not allow him to let the policy lapse.

Mr. Raiola stated that he never asked the Town for anything since the flood damage occurred and added that the valuation of his home is \$1.1 million.

Mr. Raiola also reported that Water Pollution Control Superintendent Calderiso informed him that the damage occurred due to "an act of God" and that he was certain that God did not want to place feces in his basement. He also informed the Council that he has up to one year to file a lawsuit and that he does not know what he will do at this point in time.

Council Chairman Marshall explained that the Council voted that this matter should remain as "old business" on its

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docket since it did not wish to lose sight of Mr. Raiola's problem. He further explained that Town Administrator Mederos has been working on Mr. Raiola's behalf and asked her to report on the topic.

Town Administrator Mederos replied that she has been in contact with George Carvalho and that FEMA reports that it is still reviewing the certificate of elevations and the agency has not reported any other findings on this issue to her.

Mr. Raiola reported that Mr. Drewhouse and Mr. Durgin (insurance adjuster) wanted to provide him with \$9,000 versus the \$20,000 cleaning bill. He noted that Mr. Durgin later offered \$6,000 instead of the original amount of \$9,000.

Councilman Cordeiro suggested that the Town, through Senator Whitehouse's office, might impress upon FEMA to visit Mr. Raiola with Mr. Raiola responding that the FEMA authorities have already visited his home.

Alicia Raiola informed the Council that she was "heartsick" and that past hurricanes did not damage her father's house. She noted that the water in the basement released a "disgusting stench" and the water entered the building in a "gush like a waterfall" in the open staircase; rising to four feet in depth. She further noted that the water contained excrement and toilet paper and that the gushing from the sink and shower drains lasted two and one half days. She further noted that she was "mortified" by the circumstances and had to take a personal day to take inventory of the contents' damage.

Ms. Raiola stated that "someone is responsible" and that she cries every day and that the circumstances are "disgusting."

Ms. Raiola reported that she calls FEMA every day regarding the insurance claim which she believes is "going nowhere." She added that she wishes to put the house "back together" and that she believes that Whitehouse and Drewhouse might be "passing the buck."

Ms. Raiola also reported that the cleaners were required to receive hepatitis shots and she apologized for being "brassy" with her comments. She added that she hoped that something could be done to resolve the issue.

Mr. Raiola reported that someone from RISE visited him, went down the cellar and offered him new light fixtures which he

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found to provide inferior lighting and he has since removed them.

Councilwoman Parella asked Mr. Raiola if he has returned to live in the house with Mr. Raiola responding that he has since the odor is now gone.

Councilwoman Parella stated that the story "bothers her" and that it is the worst account she has heard versus several others and that the others with damage were also not pleased with the relief received. She added that the emergency "officials" appear to mean well and leave believing that something will be accomplished but that the assistance can become tied-up in the Washington bureaucracy and that some agencies do suffer from "ineptitude."

Mr. Raiola also reported that the last request from FEMA required that he should report the number of electrical sockets and "to the penny" wiring costs which was provided by his son-in-law.

Councilman Herreshoff asked Water Pollution Control Superintendent Calderiso what the FEMA "norm" was with Water Pollution Control Superintendent Calderiso responding that the results are privately arranged with the agency and the homeowner and that this information is not generally available.

Town Administrator Mederos agreed with Water Pollution Control Superintendent Calderiso and added that the agency has spoken to the Town regarding the Raiola matter since Mr. Raiola agreed to this.

Councilman Herreshoff asked if the Town might be able to contact the FEMA representative in order to determine the reasoning of this particular case.

Mr. Raiola stated that a Mr. Oliver had a problem and the Town paid for the repair since it was a pump failure. He added that he (Mr. Raiola) does not have a pump.

Councilman Herreshoff expressed a desire to help Mr. Raiola with dealing with FEMA.

Councilwoman Parella noted that the problem appears to be related to sewer and not to flooding with Ms. Raiola stating that the policy specifically states that sewer damage is covered.

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Council Chairman Marshall suggested that some of the unallocated funds relating to the storm coming to Rhode Island might be available for this problem. He suggested that Governor Carcieri might be contacted regarding this possibility.

Council Chairman Marshall suggested that the Town might communicate with Sens. Whitehouse, Reed and Rep. Kennedy with Mr. Raiola informing the Council that he has a letter provided by Governor Carcieri already.

2. Council Chairman Marshall - request for consideration of draft RFP for Performance Audit of the Bristol County Water Authority (with CDM's final report re evaluation of BCWA) and to schedule a Tri-town workshop, **continued from July 28, 2010**

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

Prior to the vote taken, the Clerk reported that a majority of the participants appear to be available for a special Tri-town meeting to be held on August 25, 2010, beginning at 7:00 o'clock PM in the Town Hall, Council Chambers.

Councilman Herreshoff expressed concern that the Water Authority may be "stonewalling" the process. He also expressed concern that the idea to audit the operation of the Water Authority was envisioned some time ago. Councilman Herreshoff added that he was of the opinion that the Councils should focus on the business practice issue and "get the study done."

3. Ardy Jagne, d/b/a My Shisha Cafe, 261 Wood Street - request for a Victualling License, **continued from July 28, 2010**
 - a. Sebastian J. Wordwell of Can Corporation, 261 Wood Street re agreement with petitioner approving use of space

Cordeiro/Herreshoff - Voted
unanimously to continue this matter
until the meeting of September 15,
2010.

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Prior to the vote taken, it was noted that the petitioner wishes to have a continuance.

Councilman Barboza asked to know if this type of establishment is allowed under the State law concerning smoking with Town Solicitor Ursillo noting that several of these establishments operate within the state and are considered a type of "cigar bar."

Councilman Herreshoff asked why the petitioner wished to continue the matter with Mr. Jagne explaining that he wished to do additional research in order to "do it right."

4. Michael Gerhardt, Interim Executive Director, Mount Hope Trust in Bristol re request for approval of proposed revisions to Articles III and IV of the Mount Hope Trust Bylaws

It is hereby noted for the record that Town Solicitor Ursillo and Councilman Barboza recused themselves regarding this matter.

Herreshoff/Cordeiro - Voted to approve these amendments including the detail changes in the language as agreed. Voting in favor of this motion were Council members Marshall, Cordeiro, Parella and Herreshoff. Councilman Barboza recused.

Prior to the vote taken, Mr. Gerhardt explained the Bylaws amendments as proposed and approved by the Mount Hope Trust Board of Trustees. He noted that the Trustees approved these unanimously and that these Bylaws must be ratified by the Town Council.

A discussion ensued regarding paragraph ii of Article IV with Councilman Herreshoff suggesting that the Town appointed member should be excluded from the vote to elect new trustees. The Clerk explained that if those voting did not include the Town-appointed trustee, there may be an insufficient number of persons voting to elect a full slate. It was agreed that all existing trustees should elect the incoming trustees.

He also noted that there is a transitional paragraph (iv) which provides that all existing trustees will elect their successors once these new Bylaws amendments are adopted.

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Councilman Herreshoff asked to know if Trustees in the future will be elected by a Mount Hope Farm membership with Mr. Gerhardt explaining that there is no membership at this point but that there may be one in the future.

Councilman Herreshoff asked to know if the Trustees may return with further amendments to these Bylaws should there be a membership organization in the future with Mr. Gerhardt responding affirmatively.

A discussion ensued regarding the donor intent concerning the nine (9) acre parcel west of Metacom Avenue with Council Chairman Marshall noting that there was an intention that this property should be held as open space in perpetuity but that this agreement was never recorded in Land Evidence documents.

Mr. Gerhardt agreed that this agreement was never formalized but that there was a plan to move forward with this at present.

Councilwoman Parella questioned the need to continue having a Town Council appointment to the Board of Trustees. She stated that she does not agree that the Town Council should have an appointee and that continuing with this practice concerns her. She further stated that she views this appointment as a "transitional issue" and that it should be ultimately eliminated.

Mr. Gerhardt noted that he will discuss this matter with the Board of Trustees and explained that there could be a change to the level of Council involvement in the future.

Councilwoman Parella again stated her opinion that the Mount Hope Trust should be "separate and apart" from the Town government. She also agreed that the Trustees have made great progress in a short period of time but that there still appeared to be needed work.

Council Chairman Marshall asked to know how one would become a Board member with Mr. Gerhardt explaining that the Nominating Committee is accepting applications from the public at large. He further explained that that mailing address for applications is Post Office Box 66, Bristol.

Councilwoman Parella asked to know if this was also on the Mount Hope Farm website with Mr. Gerhardt agreeing that it should be also on the website. He added that the deadline for applications is August 31, 2010.

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After the vote taken, Councilman Herreshoff stated that he was impressed by the amount of progress made at Mount Hope Farm in a short time. Councilman Cordeiro concurred.

5. Anthony DeSisto, Esq. re supplemental invoice for services provided concerning Mount Hope Trust loan agreement

It is hereby noted for the record that Town Solicitor Ursillo recused himself regarding this matter.

It was noted for the record that Councilman Barboza recused himself from this matter.

Cordeiro/Herreshoff - Voted to approve this payment appropriating same from the Council Contingency fund. Voting in favor of this motion were Council members Marshall, Cordeiro, Parella and Herreshoff. Councilman Barboza recused from the vote.

Prior to the vote taken, the Clerk noted that the previous invoice was approved by the Council and already paid.

After the vote taken, Councilman Barboza returned to the Council table and a discussion ensued regarding Mount Hope Farm in general with Council Chairman Marshall noting that the leaders of the Newport County Chamber of Commerce wish to meet with representatives of the Trust with Mr. Gerhardt agreeing to contact the Chamber.

Councilman Barboza noted the recent fundraiser (Cool Jazz) with Mr. Gerhardt reporting that Co-chairmen Betty and Joseph Brito, Jr. ran a very successful event with net proceeds of \$45,000. Mr. Gerhardt added that this amount was three times the budgeted revenue.

Mr. Gerhardt also noted that the Trust is planning a "Community Day" in October, 2010, to invite residents to visit the Farm.

Council Chairman Marshall suggested that Mr. Gerhardt should use the Council forum for similar announcements in the future.

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

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

7. Director of Community Development Williamson
re "white paper" concerning conservation
easements for Mount Hope Trust properties

It is hereby noted for the record that Town Solicitor
Ursillo recused himself regarding this matter.

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

*It is hereby noted for the record that this agenda item was
discussed concurrently with agenda item B4.*

8. Town Solicitor Ursillo re legal opinion
concerning the request to allow the operation
of a "mobile catering truck" by Joyce A.
Walker, 235 School Street, Westminster,
Vermont

Herreshoff/Parella - Voted
unanimously to deny this request
based upon the opinion received.

Prior to the vote taken, Town Solicitor Ursillo reported
that he reviewed the request and that there were no
provisions in the Town Code to allow this type of stationary
business. He added that it would be essentially unfair to
taxpaying restaurant establishments to allow this type of
enterprise, particularly when there is no demonstrated need
for eating places in Bristol.

Councilman Herreshoff stated that he was grateful for the
report provided by Town Solicitor Ursillo.

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 July 28,
2010 concerning only proposed Section 28-150**

(j), Special use standards for wind energy conversion systems)

Cordeiro/Barboza - Voted unanimously to continue this matter until the meeting of September 15, 2010.

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 July 7, 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 action on this agenda item took place as part of agenda item C1 above.

2. Ordinance #2010-13, CHAPTER 16, Motor Vehicles and Traffic, Article V, Stopping, Standing and Parking, Section 16-143, Parking prohibited at all times, (remove no parking areas on High Street at Reynolds and Byfield schools), **2nd reading for adoption**

Barboza/Parella - Voted unanimously to consider this action to constitute the Second Reading for adoption of Ordinance #2010-13. Advertise in local newspaper.

3. Ordinance #2010-14, CHAPTER 8, Boats, Docks and Waterways, Article II, Harbor Regulations, Section 8-69, Permitting of out hauls, **1st reading**

Cordeiro/Barboza - Voted unanimously to consider this action to constitute the First Reading of Ordinance #2010-14. Advertise in local newspaper.

4. Ordinance #2010-15, CHAPTER 16, Motor Vehicles and Traffic, Article V, Stopping, Standing and Parking, Section 16-146, Parking

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time limited in designated places, (Franklin Street), **1st reading**

Barboza/Cordeiro - Voted unanimously to consider this action to constitute the First Reading of Ordinance #2010-15. Advertise in local newspaper.

5. 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) **1st reading**

Barboza/Cordeiro - Voted unanimously to consider this action to constitute the First Reading of Ordinance #2010-16. Advertise in local newspaper.

Prior to the vote taken, a discussion ensued regarding overnight parking on the Town Common with Town Administrator Mederos reporting that she recalled that there were "No Overnight Parking" signs within the Common lot. She agreed to check to assure that these remained in place.

(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. Harbor Commission Advisory Committee (3) (terms to expire August, 2013)
 1. Richard Scott Medeiros, 8 Herzig Street - interest/reappointment

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2. Robert S. Hamel, 859 Hope Street - interest/reappointment

Late Item

3. Anthony D. Murgo, 5 Karen Ann Drive - interest/reappointment

Councilman Barboza nominated Messrs. Medeiros, Hamel, and Murgo for reappointment.

There were no counter-nominations.

Barboza/Parella - Voted unanimously to close nominations and to instruct the Clerk to cast one ballot each in favor of Messrs. Medeiros, Hamel, and Murgo; terms to expire in August, 2013.

- b. Post Retirement Benefits Fund - Board of Trustees (2) (term to expire August, 2013 & to fill vacancy, term to expire August, 2011)

1. Jeffrey Luiz, 7 Tobin Lane - interest/reappointment

Councilwoman Parella nominated Mr. Luiz for reappointment.

There were no counter-nominations.

Parella/Barboza - Voted unanimously to close nominations and to instruct the Clerk to cast one ballot in favor of Mr. Luiz; term to expire in August, 2013 and also to re-advertise for the remaining vacancy.

- (CA)** 2. Public Service Appointments for September

G. LICENSING BOARD - NEW PETITIONS

1. Ardy Jagne, d/b/a My Shisha, 261 Wood Street - request for a Victualling License, **continued from July 28, 2010** (see item B3 also)

For action and discussion concerning this agenda item see item B3 above.

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2. Michael Ferreira, d/b/a Gillary's Tavern, 198 Thames Street - request for a One-Day Sunday Dancing and Entertainment License on September 5, 2010

- a. Recommendation - Town Administrator and Police Chief

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

3. Michael Ferreira, d/b/a Gillary's Tavern, 198 Thames Street -request for a One-Day Sunday Dancing and Entertainment License on October 10, 2010

- a. Recommendation - Town Administrator and Police Chief

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

4. Jodi Leffingwell, President, East Bay Food Pantry, Inc., 150 Franklin Street - request for a One-Day Sunday Dancing and Entertainment License on September 12, 2010 (event to be held at the Herreshoff Marine Museum Tent)

- a. Recommendation - Town Administrator and Police Chief

Cordeiro/Parella - 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. Voting in favor of this license were Council members Marshall, Cordeiro, Parella, and Barboza. Councilman Herreshoff recused.

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Prior to the vote taken, Councilman Herreshoff recused himself from the vote regarding this matter.

5. Geoffrey C. Morin, d/b/a Bristol Total Fitness, 685 Metacom Avenue - request for a Victualling License
 - a. Recommendation - Water Pollution Control Facility
 - b. Recommendation - Town Administrator and Fire Chief
 - c. Recommendation - Police Chief

Late Item

Barboza/Parella - Voted unanimously 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.

H. LICENSING BOARD - RENEWALS

1. Rebecca Hanos, 7 Gorham Place, d/b/a Just Dogs - review of Hawkers and Peddlers License (allowing petitioner to sell at the "Concerts on the Common" and "Last Night" events)

Barboza/Parella - Voted unanimously to extend this license for the remainder of the regular term for Hawkers and Peddlers Licenses to expire July 3, 2011, subject to conformance to all laws and ordinances and payment of all fees, taxes, and levies.

Prior to the vote taken, Councilman Barboza reported that this licensee has operated during the "Concerts on the Common" series and has "blended in" to the program.

(CA) I. UTILITY PETITIONS

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

1. DPW - Road Cut Permits

J. PETITIONS - OTHER

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1. Manuel Metz, 13 Vantage Point Drive (to Town Treasurer Goucher) re claim for property damage

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

2. 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

Late Item

- a. Recommendation - Town Administrator and Police Chief

Herreshoff/Barboza - Voted
unanimously to continue this matter
until the meeting of September 15,
2010.

Prior to the vote taken, Town Administrator Mederos reported that the proposed area was not suitable for the trailer described.

Director of Community Development Williamson reported that the petition was reviewed and that her office looked at the available space and also alternate spaces in the area. She noted that there is some Town-owned property adjacent to the paved area at the State Street Dock which may be suitable and that any use of this property by a private entity would require Council approval.

Mr. Brierly stated that he can rent more boats than he can store on his premises and would like to have more in order to satisfy his customers.

A discussion ensued regarding this possibility and also the nearby private property. Councilman Herreshoff stated that he was generally opposed to allowing this trailer on Town land but suggested that the abutting property owner, Mr. Azevedo, may wish to rent a small area to Mr. Brierly. He agreed to speak to Mr. Azevedo if Mr. Brierly wished for him to do so.

Councilwoman Parella agreed that it would not be advisable to allow Mr. Brierly to use Town property at no cost but that it might be possible to rent or lease some space to him for these purposes.

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Council Chairman Marshall asked if there were considerations regarding this matter since there are plans to install a boardwalk, etc.

Director of Community Development Williamson suggested if the Town wishes to consider a lease of property that it should be granted on a year-to-year basis and not long term. She added that she will continue to work with Mr. Brierly.

3. William E. Hill for Bristol County Elks Lodge #1860, 1 Constitution Street - request for consideration to have the Historic District Commission's assessed fine rescinded

It is hereby noted for the record that Councilman Cordeiro and Councilman Barboza recused themselves regarding this matter.

Parella/Herreshoff - Voted to deny this request and recommend that Mr. Hill might seek funding for his organization's Thanksgiving Day basket program from the Town's Dress-down Fund. Councilman Cordeiro and Councilman Barboza recused.

Prior to the vote taken, Council Chairman Marshall noted that he would like to help Mr. Hill with this problem but he did not wish to "open Pandora's Box" on this matter.

Mr. Hill noted that his organization could pay the fee but that this would impact his ability to provide food baskets for needy families at Thanksgiving time.

Councilwoman Parella suggested that the Elks might pay the fine and ask for a contribution to support the Thanksgiving food basket program.

Town Administrator Mederos suggested that the Elks might apply to the Town's Dress-down fund for a contribution to the basket program.

The Clerk noted that the Dress-down fund would likely look favorably upon a contribution and that this contribution may be done annually should the Elks apply.

4. Albert Vitorino, 38 Congregational Street - request to prohibit parking across from the driveway opening at 38 Congregational Street

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

Barboza/Parella - Voted unanimously to approve this request based upon the recommendations received and to refer same to the Town Solicitor so that he might draft the proper ordinance language.

- 5. Mark Alano, DC, 450 Hope Street - request for a grant of tax stabilization re property known as "The Rescue Station," 349 High Street, Plat 13, Lot 1

Barboza/Parella - Voted to grant this petition as stipulated. Voting in favor of this motion were Council members Marshall, Parella, Barboza, and Herreshoff. Councilman Cordeiro recused.

Prior to the vote taken, Councilman Cordeiro renewed his recusal concerning the subject property.

Bruce Cox, Esq., representing the petitioner, noted that the petition was not unlike others granted in the past. He noted that Dr. Alano will be making improvements to the building in order to conduct his business there.

Mr. Cox added that Paul Prindiville is available to answer questions regarding the financing of this project.

Councilman Barboza noted that he was familiar with the nature of the request and that the Town has supported similar economic development initiatives.

Councilman Herreshoff asked to know if this tax stabilization was similar to those granted in the past with Mr. Cox responding affirmatively.

- 6. Lois A. Castigliero Ferreira, 53 Sowams Drive - request for consideration to amend ordinance re maintenance of property

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Barboza/Parella - Voted unanimously to refer this matter to Town Solicitor Ursillo.

Prior to the vote taken, Ms. Ferreira explained that there is a problem with the property owner adjacent to the property owned by her family members on Beatrice Lane.

She explained that the property owned by her family members was once poorly maintained and was cleaned and orderly developed once her family acquired it some time ago. She further explained that her family's property is now meticulously maintained.

She further explained that the adjacent property is vacant and allowed to become overgrown and is generally unkempt.

Ms. Ferreira informed the Council that there is a barn on the subject property with a tarpaulin for a roof and that the lot is littered with debris.

Ms. Ferreira informed the Council that the problem of the unkempt property was reported to Code Compliance Coordinator Evans who explains that his "hands are tied" since the Town Code does not dictate how someone might keep their grass mowed, etc.

Councilwoman Parella expressed concern that rodents may be proliferating on the problem property.

Town Solicitor Ursillo suggested that the matter might be referred to him for an investigation and he agreed to contact Building Official Pimenta and Code Compliance Coordinator Evans.

7. Manuel Alves, III, 8 Mason Avenue re request for consideration concerning speeding on Mason Avenue and Mt. Hope Avenue, incorrect GPS mapping, and the initiation of a program to provide "safety shirts" for senior citizens

Barboza/Cordeiro - Voted unanimously to refer this matter to Police Chief Canario and Rita Ayers-Gaulin for a future report.

Prior to the vote taken, Council Chairman Marshall asked Police Chief Canario and Fire Chief Martin to look into the GPS problem. He also observed that the roads nearby the bus

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stop at Benjamin Church Manor appear to be unsafe. Police Chief Canario agreed to investigate this area.

Council Chairman Marshall also suggested that Rita Ayres-Gaulin may wish to provide some input regarding making bright-colored vests available to pedestrians. He suggested that the matter might be referred to Ms. Ayres-Gaulin for a recommendation.

Councilwoman Parella noted that the brightly-colored vest concept was "interesting" and observed that it may be a grant opportunity for "senior safety."

Council Chairman Marshall also suggested that the Town's signage on Mount Hope Avenue near Mason Avenue might be improved. Police Chief Canario agreed to investigate the signage.

A discussion ensued regarding smoking on and near the Town Common playground with Recreation Director Burke explaining that signs prohibiting smoking in the area had been placed some time ago. He agreed to replace any missing signs at the playground.

Police Chief Canario suggested that parents might be educated regarding smoking near the children's play areas.

K. OTHER NEW BUSINESS REQUIRING TOWN COUNCIL ACTION

1. Town Administrator Mederos re award of Non-Utility Scale Renewable Energy Program grant for the purpose of installing solar panels at the compost facility

Barboza/Parella - Voted unanimously to authorize that this project may proceed.

Prior to the vote taken, Town Administrator Mederos reported that the Town was in receipt of a grant of \$60,000 for this project. She explained that Water Pollution Control Superintendent Calderiso and Director of Community Development Williamson were working on bid documents.

2. Town Treasurer Goucher re Reimbursement Resolution for Animal Shelter
 - a. (Sandra Matrone Mack, Bond Counsel) Reimbursement Resolution for Animal Shelter

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Herreshoff/Parella - Voted unanimously to approve this resolution including the memorandum as provided by Town Treasurer Goucher in support of its interpretation.

Prior to the vote taken, Councilman Herreshoff expressed concern that the Council may wish to approve any expenditure in advance. He expressed further concern that the Capital Project Committee may wish to reimburse the previous architect expenses.

Town Solicitor Ursillo explained that Town Treasurer Goucher's letter provided information in support of Councilman Herreshoff's position. He suggested that the Treasurer's letter might be incorporated into the Council's motion to approve the borrowing but no specific expenditures without Council approval.

3. Town Administrator Mederos re Department of Transportation TIGER II Discretionary Grant Program

Barboza/Herreshoff - Voted unanimously to instruct the Clerk to prepare and provide a letter of support on behalf of the Council.

Prior to the vote taken, Town Administrator Mederos reported that this grant proposal would provide funds to repair Poppasquash Road and Asylum Road and the bicycle path to improve access to Colt State Park. She noted that Recreation Director Burke has been meeting with State Department of Transportation and Department of Environmental Management officials regarding this possibility.

Recreation Director Burke explained that the Tiger II program requires that a project cost in excess of \$10 million on an 80/20 Federal/match basis. The project to improve both roadways and to install a sewer line up to Bristol Marine is estimated at \$18 million and the State has \$2 million available to improve its portion of Asylum Road.

The Town in cooperation with the State agencies will apply for the whole project, with the State providing the match as its available Asylum Road funds. He added that the Department of Environmental Management and Bristol Marine will provide the remainder of the needed matching funds and that the cost to Bristol will be \$0.

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Recreation Director Burke added that this was a "very competitive grant" but he was encouraged due to the nature of the collaborative aspect of the project.

Councilwoman Parella suggested that a plan might include a bicycle path along Poppasquash Road.

Recreation Director Burke suggested that a future committee for this project might include representatives from Save the Bay and Save Bristol Harbor.

4. Chairman Marshall - request to schedule and invite the public to a ribbon cutting ceremony for the new Fire Department Headquarters

Barboza/Parella - Voted unanimously to continue this matter until the meeting of September 15, 2010.

Prior to the vote taken, Council Chairman Marshall informed those present that he discussed this matter in advance with Fire Chief Martin. He explained that the new Fire Department building was opened last weekend and that all in attendance enjoyed the opportunity to tour the building.

He added that the public announcement of the opening did not receive prominent press coverage and many may have missed the invitation. He suggested that a subsequent "grand opening" might benefit from more public announcements.

Councilwoman Parella stated that she was in agreement with a second opening and asked if the Fire Department may wish to place an advertisement in the newspaper.

Councilman Barboza asked to know if the Department was in need of funds to pay for the cost of refreshments and advertising. Fire Chief Martin agreed to speak to the Board of Fire Engineers regarding this matter and report back to the Council if funds were necessary.

Councilman Cordeiro suggested that the Department may wish to distribute flyers announcing the opening.

Councilwoman Parella noted that the building does belong to the public and citizens should be encouraged to visit it at any reasonable time.

5. Chairman Marshall re smoking on the Town Common

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

It is hereby noted for the record that discussion regarding this agenda item took place during the Council's deliberation on agenda item J7 above.

L. BILLS & EXPENDITURES

1. Bid #700 - Phase III Cleaning and CCTV Inspection of Gravity Sewer

Herreshoff/Parella - Voted unanimously to refer this matter to the Town Administrator and Water Pollution Control Superintendent to act in the best interest of the Town.

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

New England Pipe Cleaning Watertown, Connecticut	\$122,590.00
National Water Main Cleaning Co. Canton, Massachusetts	\$ 85,960.50
Truax Corporation Lakeville, Massachusetts	\$ 72,430.50

2. RFP #701 - Engineering Consultant Services for Animal Shelter Site Evaluation

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

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

Fuss & O'Neill Providence, Rhode Island	\$60,800.00
Site Engineering, Inc. Bristol, Rhode Island	\$31,500.00

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InSite Engineering Services, LLC \$49,900.00

(CA) M. ROUTINE REPORTS

(CA) N. FINANCIAL REPORTS

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

1. (Town Treasurer Goucher) re Revenue and Expenditure Statement, August 12, 2010

P. PROCLAMATIONS & CITATIONS

1. Proclamation - John M. Day, Town Treasurer

Barboza/Cordeiro - Voted
unanimously to adopt this
Proclamation 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. Town Administrator Mederos to William R. Van Voast, Van's Electric Inc. re award of Bid #676 - Renovations to 9 Court Street, Electrical
2. Town Administrator Mederos to Charles Patterson, Century Sheet Metal, Inc. re award of Bid #676 - Renovations to 9 Court Street, HVAC
3. Contract Agreement between the Town of Bristol and Paramedic Systems, Inc.
4. Purchase and Sale Agreement between the Town of Bristol and Mark V. Alano, DC
5. Mosaico CDC News - July 26, 2010
6. Borrowing Resolution re Community Septic System Loan Program (signed copy)

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7. Resolution re Community Septic System Loan Program (signed copy)
8. Resolution re Natural Hazard Mitigation Plan (signed copy)
9. Updated 2010 Dock Slip & Mooring Field Waiting List submitted by the Harbor Master's Office, posted July 30, 2010
10. Vincent J. Palumbo, P.E., Managing Engineer, RI Department of Transportation to Town Administrator Mederos re Authorization to advertise for construction of the Federal/State Roadway Investment Local Equity Aid Program (RI-LEAP) funded project
11. W. Lincoln Mossop, Jr., Barrett & Company to Council Clerk Cirillo re key-note address given at War of Independence Monument dedication on July 4, 2010
12. Town Treasurer Goucher to Cathleen Balbato, 17 Sowamsett Avenue, Warren re denial of claim
13. Town Solicitor Ursillo to Russ Godwin, RI Interlocal Risk Management Trust re referral of property damage claim from Patrick and Lynn Shaw of 12 Carol Avenue
14. Warrant - Victor Cabral, Historic District Commission (Auxiliary Member)
15. Colleen M. Bodziony, Membership Service Manager, RI Interlocal Risk Management Trust re 2009 Annual Report, "It's All In Our Name"
16. Class F1 Intoxicating Beverage License granted to East Bay Food Pantry, Inc., 150 Franklin Street for a Fundraising Event to be held at the Herreshoff Marine Museum Tent on September 12, 2010
17. Warrant - Sara Butler, Historic District Commission
18. Michael Schnack, President, Jamestown Town Council - invitation to a Congress of

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Councils re opposition to proposed LNG site on September 8, 2010

19. Cheryl A. Fernstrom, CMC, Jamestown Town Clerk re press release of the Jamestown LNG Threat Committee concerning correspondence received from counsel representing Weaver's Cove Energy
20. Elizabeth Raky, Ph.D., 457 Ten Rod Road, North Kingstown re support of LNG WG Resolution and opposition to recent advisory of Jamestown Town Council
 - a. Elizabeth Raky, Ph.D. re supplemental correspondence
21. Stephen G. Bernardo, 4 Wood Street to Town Administrator Mederos re request for consideration concerning potential open space acquisition of Plant Avenue, Plat 161, Lot 8
22. Harbor and Marine Rights Bargain and Sale Deed between Robin Industries, Inc. and Town of Bristol

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

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

1. Harbor Commission - August 2, 2010
2. Bristol County Water Authority Audit Finance Committee - August 4, 2010
3. Bristol County Water Authority Engineering Committee - August 4, 2010
4. Bristol County Water Authority Public Relations/Personnel Committee - August 4, 2010
5. Bristol County Water Authority Board of Directors - August 11, 2010
6. Bristol Warren Regional School District - Schedule of Meetings, Week of August 2, 2010

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7. Bristol Warren Regional School District -
Schedule of Meetings, Week of August 9, 2010
8. Animal Shelter Capital Project Committee -
August 19, 2010
9. (Bristol Warren Regional School Committee)
Personnel/Contract negotiation Subcommittee -
August 13, 2010
10. Bristol County Water Authority - September
2010 Meetings

S. TOWN SOLICITOR

Z. INDIVIDUAL COUNCIL MEMBERS AGENDA ITEMS

1. MARSHALL

a. Thank You Messrs. Davis and Roth - Council
Chairman Marshall thanked the gentlemen who taped
this evening's meeting.

b. Letter to FERC - Council Chairman Marshall
noted that the Congressional Delegation
recommended that the FERC Board should visit Mount
Hope Bay. He noted that the Town extended a
similar invitation to President Barack Obama.

Councilman Cordeiro with Councilwoman Parella in
agreement recommended that the parties might be
sent a photograph taken from the Mount Hope Bridge
on a clear day with sailboats under sail in the
distance.

2. CORDEIRO

a. Boat Show - Councilman Cordeiro recommended
that everyone should attend and support the
Bristol Boat Show in the future since the proceeds
from same support charities.

3. PARELLA

a. Last Night - Councilwoman Parella noted that
the summer was passing quickly and that the annual
Last Night concert will be held at Independence
Park on September 5, 2010.

4. BARBOZA

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a. Concerts on the Common - Councilman Barboza noted that the annual Concerts on the Common series continues on Thursday evenings until Labor Day. He further noted that the various concerts are also broadcasted on Full Channel TV.

b. Outdoor Film - Councilman Barboza noted that the Parks and Recreation Department will show "Avatar" for public viewing on a large screen at Independence Park on September 4 during the evening.

c. Prof. William Sweeney - Councilman Barboza noted the passing of Professor Sweeney late of Bristol, who had been a community activist, dedicated volunteer, and well known Professor Emeritus at Bryant University. Councilman Barboza extended the Council's condolences to the Sweeney family

5. HERRESHOFF

ZZ. TOWN ADMINISTRATOR AGENDA ITEM(S)

a. Boat Launch Area - Town Administrator Mederos noted the recent opening of the new Mount Hope Bay Boat Launch. She further noted that the dedication ceremony will be available on cable television for those who were unable to attend.

CITIZENS PUBLIC FORUM

There being no further business, upon a motion by Councilman Herreshoff, seconded by Councilwoman Parella and voted unanimously, the Chairman declared this meeting to be adjourned at 10:23 o'clock PM.

Louis P. Cirillo, CMC, Council Clerk