

TOWN COUNCIL MEETING - WEDNESDAY EVENING - JULY 28, 2010

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

ALSO PRESENT: Diane C. Mederos, Town Administrator
Andrew M. Teitz, Assistant Town Solicitor
Marshall J. Netto, Town Sergeant

The Council met in regular session on Wednesday evening,
July 28, 2010 in the Town Hall, Council Chambers, beginning
at 7:10 o'clock PM, Council Chairman Marshall presiding:

Proclamation - John M. Day, Town Treasurer,
continued from July 7, 2010

Prior to the commencement of this evening's regular agenda,
Council Chairman Marshall presented former Town Treasurer
Day with a plaque "from an extremely grateful Town"
commemorating the Treasurer's thirty years of service.

Council Chairman Marshall also read the following joint
Proclamation into the record:

State of Rhode Island and Providence Plantations
Town of Bristol

Be it hereby known to all that:

WHEREAS, John M. Day has served the Town of Bristol in the
capacity of Town Treasurer for thirty years and has
fulfilled this great responsibility with excellent work,
unsurpassed distinction, and unparalleled professionalism;
and

WHEREAS, the accomplishments of **Town Treasurer John M. Day**
are many-fold, including the successful completion of
countless capital projects, modernization of systems and
procedures, a firm financial position, and a well-run
department; and

WHEREAS, John M. Day has performed his duties under six Town
Administrators and many Council members of both political
parties with rational and responsible actions and advice -
always in the best interest of the Town; and

WHEREAS, Town Treasurer John M. Day, has been well respected
and admired for his good work, prudence, and expertise and
has brought to our Town the highest level of distinction and
regard.

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THEREFORE, BE IT HEREBY RESOLVED, that the Honorable Town Council and Honorable Town Administrator of the Town of Bristol, State of Rhode Island and Providence Plantations, by virtue of the authority vested in them by the citizens of Bristol, on their behalf, and by these presents, extend to **John M. Day** their collective best wishes for a job well done; and

BE IT FURTHER RESOLVED, that said Council and Administrator, in consideration of all of the above, do hereby proclaim that **John M. Day** will forever-after hold the title of "**Town Treasurer Emeritus**" in formal and grateful recognition of his years of incomparable loyalty and dedication to our beloved Town.

In witness whereof we have hereunto set our hands and affixed the seal of the Town of Bristol on adoption this 28th Day of July, A. D. Two-thousand ten.

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

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

Council Chairman Marshall also presented Town Treasurer Emeritus Day with a second plaque commemorating his new title.

Town Treasurer Emeritus Day thanked the Council for the honor and indicated that his tenure as Town Treasurer was a pleasant experience.

Also prior to the commencement of the evening's regular agenda, Town Administrator Mederos suggested that agenda item B8 might be brought forward for discussion at this time.

Barboza/Cordeiro - Voted
unanimously to amend the order of
business and to bring forward
agenda item B8 for discussion and
action at this time.

Barboza/Cordeiro - Voted
unanimously to adopt the Town's
Hazard Mitigation Plan and

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resolution as prepared and presented.

Prior to the vote taken, Town Administrator Mederos also reported that the Town was particularly honored to have representatives from the State Emergency Management Agency and also the Federal Emergency Management Agency present.

Town Administrator Mederos reported that the Town was the first in Rhode Island to file its "Hazard Mitigation Plan." She added that this "milestone" opens many avenues to the Town in terms of securing grant funding for public improvements to mitigate potential damage which could be caused by natural disasters.

Rhode Island Emergency Management Agency Executive Director J. David Smith informed the Council that the Town of Bristol has been a "great partner" in this process. He added that the Hazard Mitigation Plan allows Bristol to qualify for Federal funds.

These funds might be available to support strategies and plans to redirect flood waters and also may be available for construction of culverts, etc.

Director Smith noted that Town Administrator Mederos, Director of Community Development Williamson, and Principal Planner Tanner were due congratulations for their work toward completion of this Plan. He added that the entire Town was also due congratulations and that he considered this to be "great work" that the Town has accomplished.

Ryan Velasco of FEMA noted that the Director of Community Development's Staff "stepped up to the plate" to complete the Plan. He added that Bristol's Plan is "held up as a model" for other Towns which are now working on their plans.

Council Chairman Marshall stated that it was fortunate that the new Fire Headquarters building was completed during the week prior to the flood disaster and was able to immediately thereafter function as the area command center for FEMA, etc.

He added that all witnessed the fine work which took place at the command center and that he was pleased that the building was available to aid the East Bay. He also thanked the FEMA and State EMA personnel for their participation.

After the vote taken, Councilwoman Parella asked to know if some of these Federal funds might be applied for to help

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with the Tanyard Brook with Town Administrator Mederos responding that it would be possible to do so.

Councilwoman Parella asked to know the status of that project with Town Administrator Mederos reporting that the last details must be approved by National Grid and the State DOT since the work will cross Hope Street. She further reported that the current schedule calls for the bids to be sent out in September and that plans were at the 99% completion stage.

Council Chairman Marshall suggested that the Council might have a workshop with the engineer to discuss the plan.

Reports: Frank J. Champi, CPA, Principal, Lefkowitz, Garfinkel, Champi & DeRienzo P.C.

Mr. Champi addressed the Council and provided an outline of his report. He noted that Judith Ventura headed-up the audit and that Joan Tracey provided technical services in order to facilitate the Town's financial statements. He introduced both women who were present.

Mr. Champi noted that the Town has a three (3) year contract with his firm and that he intends to communicate with the Council throughout this process; this being part of the communication effort.

A discussion ensued pursuant to the hand-out provided by Mr. Champi.

Mr. Champi reminded the Council that he and his company and staff have no interest in the Town going beyond the purposes of the audit and that much of the audit considers emphasis on the understanding of the Town's internal controls.

Mr. Champi also reported that the audit is progressing in a "normal" fashion and that "everything takes time."

Councilman Herreshoff asked to know if the "materiality" of \$1.8 million as found on page 11 was cause for alarm with Mr. Champi responding that this was not alarming.

Council Chairman Marshall asked to know if the subsequent years of the audit contract will move along more quickly than the first year with Ms. Tracey responding that the unrestricted funds were split-up into "buckets." These buckets are Business/Non-asset, Fund/Non-spendable, Restricted/Outside Parties or Legislation, and

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Committed/Requiring action of the Town Council that is not retroactive.

Councilman Herreshoff noted that he was concerned about the surplus.

Council Chairman Marshall stated that it was useful to get audit information through the process. Councilman Barboza agreed.

Keith Maloney, Chairman, Economic Development Commission (EDC)

Mr. Maloney provided a summary of EDC accomplishments to date including the Commission's findings based upon the results of a survey. He further explained that the survey was taken in the fall of last year and has taken some time to prepare a report.

Mr. Maloney also noted that there was a need to have an alternate member and he encouraged interested persons to apply for the position.

Mr. Maloney reported that the survey yielded a nine percent (9%) response from local companies and that this was a typical response and that the findings were significant.

Mr. Maloney provided a list of accomplishments and provided a power point presentation of the survey results.

MOTION RE: CONSENT AGENDA - TO APPROVE THE CONSENT AGENDA

Barboza/Cordeiro - Voted
unanimously to approve the Consent
Agenda withholding Consent Agenda
item AA7.

Prior to the vote taken, Councilman Herreshoff asked that agenda item AA7 might be withheld for further discussion.

A. SUBMISSION OF MINUTES OF PREVIOUS MEETING(S)

1. Town Council Special Meeting - June 9, 2010
(preliminary - action items only), **continued
from July 7, 2010**
 - a. Complete minutes of July 9, 2010

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

2. Town Council Meeting - July 7, 2010

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

3. Town Council Special Meeting - July 15, 2010

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

4. Town Council Executive Session - May 5, 2010
(sealed - Council only)

Cordeiro/Barboza - Voted
unanimously to unseal the minutes
of the Executive Session of May 5,
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. Historic District Commission - June 3, 2010
2. Board of Fire Engineers - July 1, 2010
3. Bristol County Water Authority Board of
Directors - June 9, 2010
4. Bristol County Water Authority Audit Finance
Committee - July 7, 2010
5. Bristol County Water Authority Engineering
Committee - July 7, 2010
6. Bristol County Water Authority Public
Relations/Personnel Committee - July 7, 2010

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7. Animal Shelter Capital Project Committee -
June 17, 2010

Cordeiro/Herreshoff - Voted unanimously to instruct the Clerk to set a special meeting/workshop with the Capital Project Committee at a time convenient to the parties.

Prior to the vote taken, Councilman Herreshoff stated that he was committed to carry-out the wishes of the voters and to accomplish same with good decisions; financially and architecturally.

He added that there should also be an overall goal with all capital projects that future operating costs should be considered. He added that there was a need to review the "charge" of the Animal Shelter Capital Project Committee and offered a memorandum dated July 28, 2010.

Councilman Herreshoff stated that he never liked the initial design for the Animal Shelter as provided by the "friends" group since this appears to be "overly large and complicated."

Councilman Herreshoff added that it appeared to be premature to hire engineering support since there was no acceptable plan at this time. He further suggested in his memorandum that there was no continuing commitment to use the architect of the original design.

Council Chairman Marshall suggested that the Council should have a workshop with the Capital Project Committee in order to discuss these matters.

Council Chairman Marshall agreed that there was no commitment on behalf of the Town to use the architect of the original scheme.

Councilwoman Parella stated that the architect of the original plan is reputed to have certain expertise in the design of animal shelter buildings. She added that this architect should not be discount nor should the Council "hamstring" the Capital Project Committee.

Councilwoman Parella also noted that the library "boondoggle" took ten (10) years and that the Council should be fair to the Capital Project Committee including Town

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Treasurer Goucher, Director of Community Development Williamson, and Police Chief Canario.

Councilman Herreshoff stated that he is not trying to select an architect but rather that he would like the Council to be a participant in the process. He added that he believes the Council wishes to have built a good building to last thirty (30) years and also that it be built efficiently so that it does not cost \$4 million. He added that the enlarged library came with an enlarged operating cost.

He suggested that a newly designed animal shelter should be completed so as to prevent an increase in operating cost and that the Council does have the last word on financial issues.

Councilwoman Parella stated that the Council appears to be in agreement that it does not wish to increase animal shelter operating costs. She added that the original designed-shelter contains pods for quarantine and disease mitigation. She added that she did not believe that Councilman Herreshoff was an expert in animal shelter design.

Councilman Herreshoff suggested that Councilwoman Parella was misrepresenting his comments and that his desire is to make the project successful.

Council Chairman Marshall expressed concern that the discussion was going off-topic. He explained his understanding that Councilman Herreshoff wishes to get a rationale for the \$50,000 engineering study and also that he (Councilman Herreshoff) would like to have regular updates from the Committee outlining its progress.

Councilwoman Parella stated that she, too, is opposed to the project doubling in cost.

Council Chairman Marshall suggested that the group should have a workshop with the Capital Project Committee regarding the project.

After the vote taken, Town Treasurer Goucher reported that Capital Project Committee member John Lannan has been in contact with the original architect in order to scale-back the project to a \$1.5 million budget. She added that the Committee plans to discuss the issue of animal shelter annual operating cost at its next meeting.

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Town Treasurer Goucher added that the Committee wishes to have the \$50,000 in order to explore the engineering issues related to the site and also that the Committee must first have a proper site before it makes decisions regarding the building.

Councilwoman Parella stated that she was of the opinion that the request was acceptable since the Committee is considering a new site at Minturn Farm. She added that the Council appears to be in agreement that the Minturn Farm site is preferable to the original site and also that a site must be selected prior to proceeding with a building design.

Water Pollution Control Superintendent Calderiso noted that the land in question was overgrown and the preparation of proper engineering reports would require some effort.

Council Chairman Marshall asked to know if the \$50,000 was budgeted with Town Treasurer Goucher reporting that the amount would have to come from the bonded funds.

See agenda item B9 below.

8. Bristol Warren Regional School Committee - May 24, 2010
9. Bristol Warren Regional School Committee - Workshop/Meeting, June 14, 2010

B. OLD BUSINESS

1. John J. Flanagan, Esquire, for Marie C. Kiefer re claim for personal injury (filed by predecessor counsel and referred to Interlocal Trust October 28, 2009)

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

2. Herb Moitoso, President, Fourth of July Chief Marshal's Association - request to maintain the War of Independence Monument (located at Independence Park) and surrounding grounds

Cordeiro/Herreshoff - Voted unanimously to grant the Fourth of July Chief Marshal's Association permission to maintain this Town

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property. Provide a copy of this agenda item to the Parks and Recreation Director.

3. Chairman Marshall re invoice submitted by Attorney DeSisto for services provided concerning Mount Hope Trust loan agreement, **continued from July 7, 2010**

Barboza/Cordeiro - Voted unanimously to appropriate this amount from the Council Contingency fund.

4. 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 7, 2010**

- a. Sandra Matrone Mack, Esq., Hinckley, Allen & Snyder, LLP for Bristol County Water Authority re participation at Tri-Town meeting

Cordeiro/Herreshoff - Voted unanimously to instruct the Clerk to reschedule the meeting at a time convenient to the parties and to continue this matter until the meeting of August 18, 2010.

5. Domenic Raiola, 45 Shore Road re flooding from recent storm, **continued from July 7, 2010**

Cordeiro/Herreshoff - Voted unanimously to continue this matter until the meeting of August 18, 2010.

Prior to the vote taken, Town Administrator Mederos reported that she has been speaking to George Carvalho of Senator Whitehouse's office regarding this matter and that he continues to work on behalf of Mr. Raiola.

Councilwoman Parella noted that there are other persons experiencing difficulty with FEMA and perhaps Mr. Carvalho might work on their behalf also.

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6. Ardy Jagne, d/b/a My Shisha, 261 Wood Street
- request for a Victualling License,
continued from July 7, 2010

a. Recommendation - Town Administrator and
Chief of Police

Late Item

- b. Ardy Jagne, d/b/a My Shisha Café, 261
Wood Street re supplemental information
concerning petition

Cordeiro/Barboza - Voted
unanimously to combine agenda items
B6 and G1.

Herreshoff/Barboza - Voted
unanimously to continue this matter
until the meeting of August 18,
2010.

Prior to the vote taken, Councilman Barboza reported that he investigated on the Internet the type of establishment planned by Mr. Jagne and provided a handout explaining a device called a Hookah (or Shisha) which is a single or multi-stemmed water pipe used for smoking.

Councilman Barboza expressed concern that this type of establishment may be unhealthy and that the Council might ask the Substance Abuse Prevention Task Force to weigh-in on the matter.

Councilwoman Parella stated that the menu - absent the references to the "hookah" offerings appeared to be acceptable.

Town Administrator Mederos reported that she just learned of Mr. Jagne's plan to have this type of establishment and noted that this was the Town's first such request.

Councilman Cordeiro stated that he is familiar with the character of the applicant and that he is an "outstanding" soccer athlete. He expressed caution, however, regarding the smoking aspects of the proposed establishment.

Councilwoman Parella suggested that Town officials may wish to speak to Mr. Jagne regarding the smoking issue with Town Administrator Mederos reporting that Police Chief Canario plans to speak to the applicant.

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7. Judith M. Anderson, 117 Constitution Street, et al - request to enact proposed ordinance amendment (pursuant to Town Charter Section 503) to Chapter 14 of the Town Code re Historic Preservation, **continued from July 7, 2010**

- a. Judith M. Anderson, 117 Constitution Street - request for enabling resolution to create a committee to help establish a more user-friendly process for maintaining, restoring, and constructing property in the Historic District

Late Item

- b. Judith M. Anderson, 117 Constitution Street to Town Solicitor Ursillo re request for advice concerning Council consideration to repeal ordinance expanding the historic district

Barboza/Parella - Voted unanimously to instruct the Town Solicitor to develop the framework for a "blue ribbon" committee, including as a member Ms. Anderson, to examine the "whole (Historic District Commission) process" and other issues relating to same and to establish a time limit for when a final report will be forthcoming and also to call for a workshop with the Historic District Commission prior to the establishment of the "blue ribbon" committee.

Barboza/Herreshoff - Voted unanimously to place the matter of the original petition (agenda item B7) on the table.

Prior to the vote taken, Council Chairman Marshall thanked Ms. Anderson regarding this matter with Ms. Anderson responding that she had a "great" conversation with Assistant Solicitor Teitz regarding the formation of a committee to examine the workings of the Historic District Commission. Ms. Anderson added that she hoped that the Council would follow the recommendation and vote to establish the committee.

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Assistant Solicitor Teitz noted that this discussion was essentially a continuation of conversations taking place over the past several years regarding the Town's desire to make the Historic District Commission more user-friendly. He reminded the Council that it chose a consultant some time ago (Arnold Robinson) who proposed some changes to the Town's Historic District Commission regulations and that some of these have been implemented and others await Council consideration.

He added that there were informational notices sent in this year's tax bills and also that the information regarding tax credits, etc., has become more accessible.

Assistant Solicitor Teitz also noted that there is a need to provide a "broader perspective" regarding the Historic District Commission's duties and responsibilities since many persons who are not directly familiar with the operation of the Commission and who reside and own property outside of the district signed Ms. Anderson's petition.

Councilman Barboza noted that Assistant Solicitor Teitz provided good suggestions and also observed that the Historic District Commission was positive for the local economy and he was uncertain if this was widely known. He added that the majority of businesses in Town believe that the Historic District is good for their business. He added that the Historic District Commission needs to have its parameters defined.

After the votes taken, Councilwoman Parella stated that the original scope of the authority of the Historic District Commission appears to have been changed from its initial ordinance which was essentially driven by the homeowner's request for a building permit. She added that landscaping, and other projects which do not generally require a building permit were not included in the scope of the Historic District Commission.

Councilwoman Parella suggested that the Council should re-examine the purview of the Historic District Commission.

Councilwoman Parella also expressed concern that the "buzz" in Town is that applicants at Historic District Commission meetings are treated badly by Commissioners. She added that she was in support of having the restrictions of an historic district because it is not in the best interest of the Town to abolish it.

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Councilwoman Parella also observed the recent addition to the historic Daniel Child building in Warren noting that this addition is not at all in keeping with the historic building. She added that similar poor design could happen in Bristol were the Historic District Commission to be abolished or stripped of its authority.

Councilwoman Parella noted that the idea for the "Blue Ribbon" Committee was a great compromise.

Councilman Herreshoff asked to know who drafted the outline for the "Blue Ribbon" Committee with Assistant Solicitor Teitz responding that he drafted the suggestion. Councilman Herreshoff stated that it was "commendable" and asked if the Committee would have any authority with Assistant Solicitor Teitz responding that the authority of the Committee is to make recommendations to the Council.

Councilman Barboza noted that the Historic District Commission has been a hard-working group since 1987 and that the goal of the Committee should be to take the time to take a look at its operation and not to denigrate it.

Councilwoman Parella suggested that the Blue Ribbon Committee should also be charged with investigating technology and to balance these with the historic considerations.

Councilman Cordeiro expressed concern that the Historic District Commission was being subjected to this "outside" scrutiny and analysis when the Council when dealing with problems encountered with the Zoning Board of Review and Planning Board called for workshops with the boards directly.

Councilman Barboza suggested that the Council had a workshop already with the Historic District Commission and that there were still complaints coming forward.

Councilman Cordeiro suggested that the Commission should be given the opportunity to explain its position prior to being examined by another entity. He noted that any Council action to the contrary would be disrespectful to the members of the Historic District Commission.

Councilman Herreshoff stated that he was in support of the position raised by Councilman Cordeiro and that it appeared to be a responsibility of the Council to give its boards the opportunity to explain any perceived problems.

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Councilwoman Parella stated that she did not have a problem with having workshops with board members. She noted that workshops in the past have prompted "tweaks" to the Zoning Code and the Planning Regulations. She noted that the Council did not change the Historic District Commission ordinance after meeting with the group the last time.

Council Chairman Marshall stated that he did not object to allowing the Historic District Commission the opportunity to address the Council regarding this matter. He noted also that Cities and Towns have recently addressed issues with their Historic District Commissions and that the Providence Historic District Commission ordinance has been streamlined.

Council Chairman Marshall added that he concurred with Councilman Cordeiro and Councilman Herreshoff's idea for a workshop with the Historic District Commission prior to the appointment of a Blue Ribbon Committee.

Ms. Anderson suggested that the Historic Zone should not be increased with Councilman Barboza noting that he did not support any idea for increasing the Historic District at this time.

Council Chairman Marshall suggested that the inventory of "historic district stock" should be updated and asked that Director of Community Development Williamson might put this matter on her list of projects.

Jack Baillarger on of 7 St. Theresa Avenue informed the Council that he never "ragged" on the Historic District Commission but rather talked about the Comprehensive Plan. He added that he was concerned that the Secretary of the Interior's Standards were considered as "iron clad" by the Historic District Commission. Mr. Baillarger suggested that citizens were afraid of the Historic District Commission.

Mr. Baillarger also stated that he was of the opinion that the Council should involve additional persons in this matter and also informed the Council that he lives outside of the Historic District. He also suggested that the proposed Blue Ribbon Committee might redefine the Historic District Commission process and that this would be better than deciding this matter via the elector's ballot.

Councilman Herreshoff stated that he would prefer speaking to the Historic District Commission prior to the appointment of a Blue Ribbon Committee with Council Chairman Marshall in

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agreement that the members should be given an opportunity to speak.

8. Director of Community Development Williamson
- request for adoption of the Town's Natural Hazard Mitigation Plan
 - a. Resolution re approval of Natural Hazard Mitigation Plan

It is hereby noted for the record that discussion and action on this agenda item took place at the commencement of this evening's regular agenda as noted above.

9. Town Treasurer Goucher - request for authorization of funds for the purpose of obtaining professional services to evaluate the proposed Animal Shelter site

Barboza/Herreshoff - Voted
unanimously to continue this matter to the planned special meeting/workshop with the Animal Shelter Capital Project Committee.

It is hereby noted for the record that this agenda item was considered along with consent agenda item AA7 above.

10. Samuel C. Kinder, Tree Warden to Town Administrator Mederos re winter moth control program

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

Prior to the vote taken, Town Administrator Mederos reported that the Town Council had asked for this report in the past.

Councilman Herreshoff asked to know if the spraying program is working with Town Administrator Mederos reporting that it appears to be effective.

Councilman Barboza asked to know if there was a budget available to continue with the spraying program with Town Administrator Mederos responding that there was no specific budget for this purpose.

Councilman Herreshoff stated that the Town may wish to put together a program for Spring 2011 spraying with Town

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Administrator Mederos stating that Tree Warden Kinder should be asked for a recommendation.

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 7, 2010 concerning only proposed Section 28-150 (j), Special use standards for wind energy conversion systems)**

Barboza/Cordeiro - Voted
unanimously to continue this public
hearing until August 18, 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)

Barboza/Cordeiro - Voted
unanimously to continue this matter
until the meeting of August 18,
2010.

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), **1st reading**

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

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(CA) E. BUDGET ADJUSTMENTS

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

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

(CA) F. APPOINTMENTS

1. Public Service Appointments
 - a. Historic District Commission (to fill vacancy, term to expire July, 2013)
 1. Georgina Macdonald, 125 Poppasquash Road - interest/appointment
 2. Sara Butler, 133 Windward Lane - interest/appointment
 3. Victor Cabral, 122 Mt. Hope Avenue - interest/appointment
 4. Ethan M. Tucker, 59 River Street - interest/appointment

Barboza/Cordeiro - Voted to close nominations and to instruct the Clerk to cast one ballot in favor of Ms. Butler, term to expire in July, 2013. Voting in favor of this motion were Councilmen Marshall, Cordeiro, Barboza, and Herreshoff. Councilwoman Parella abstained from the vote.

Prior to the vote taken, Councilman Herreshoff nominated Ms. Macdonald for appointment.

Councilman Cordeiro nominated Mr. Cabral for appointment.

Councilman Barboza noted that Ms. Butler was currently serving as an Auxiliary Member and asked if the Council may wish to consider Ms. Butler for a full-position.

Councilman Herreshoff and Councilman Cordeiro withdrew their earlier nominations.

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Councilwoman Parella stated that Ms. Butler was appointed very recently to her Auxiliary Member position and that there did not appear to be a compelling need to offer her the full position at this time. Councilwoman Parella also informed the Council that this was a very important appointment in consideration of the earlier discussion concerning the Historic District Commission and that she was generally in support of Ms. Macdonald for the full position based upon Ms. Macdonald's interview and experience.

b. Historic District Commission - Auxiliary Member (term to expire July, 2013)

1. Sara Butler, 133 Windward Lane - interest/reappointment

Herreshoff/Cordeiro - Voted unanimously to close nominations.

Voting in favor of Mr. Cabral were Councilmen Marshall, Cordeiro, and Barboza.

Voting in favor of Ms. Macdonald were Councilwoman Parella and Councilman Herreshoff.

Council Chairman Marshall declared that Mr. Cabral had been duly elected by majority.

Prior to the votes taken, it was noted that since Ms. Butler was elevated to full member status, a vacancy exists in the Auxiliary member position.

Council Chairman Marshall called for nominations for the position formerly held by Ms. Butler.

Councilman Herreshoff nominated Ms. Macdonald for appointment.

Councilman Cordeiro nominated Mr. Cabral for appointment.

c. Harbor Master Cabral re (dispatcher) appointment of Walter P. Monroe, 43 King Philip Avenue

Cordeiro/Herreshoff - Voted unanimously to approve this appointment per the recommendation received.

(CA) 2. Public Service Appointments for August

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

G. LICENSING BOARD - NEW PETITIONS

1. Ardy Jagne, d/b/a My Shisha, 261 Wood Street - request for a Victualling License, **continued from July 7, 2010** (see item B6 also)

- a. Recommendation - Town Administrator and Chief of Police

Late Item

- b. Ardy Jagne, d/b/a My Shisha Café, 261 Wood Street re supplemental information concerning petition

See agenda item B6 above.

2. Richard Devault for Bristol County Elks, 1 Constitution Street - request for a One-Day Sunday Dancing and Entertainment License, August 29, 2010

- a. Recommendation - Town Administrator and Chief of Police

Barboza/Cordeiro - 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. Stephen Oliveira, d/b/a S. Oliveira Construction Corp., 217 Stafford Road, Tiverton - request for a Drainlayer's License

Late Item

- a. Recommendation - Director of Public Works

Cordeiro/Barboza - Voted unanimously to grant this license for a six (6) month trial period per the recommendations received and subject to conformance to all laws and ordinances and payment of all fees, taxes, and levies.

TOWN COUNCIL MEETING - WEDNESDAY EVENING - JULY 28, 2010

H. LICENSING BOARD - RENEWALS

1. Veronica Ramos, d/b/a SRC PI, 11 Broadcommon Road - Private Investigator's License renewal petition modifying name and address of company (license granted July 7, 2010)

Cordeiro/Barboza - Voted
unanimously to amend this license
to include a new business name and
address.

Prior to the vote taken, Town Administrator Mederos reported that there appeared to be no issues with this licensee and recommended approval of the license amendment.

(CA) I. UTILITY PETITIONS

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

1. The National Grid - request to install a pole at 85 Franklin Street
 - a. Recommendation - Town Administrator and Director of Public Works

Cordeiro/Herreshoff - Voted
unanimously to approve this
petition per the recommendations
received.

(CA) 2. DPW - Road Cut Permits

(CA) 3. WPCF - Sewer Permit

J. PETITIONS - OTHER

1. George W. Burns, III, 82 Washington Street re claim for personal injury

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

2. Patrick & Lynn Shaw, 12 Carol Avenue re claim for property damage

TOWN COUNCIL MEETING - WEDNESDAY EVENING - JULY 28, 2010

Barboza/Cordeiro - Voted
unanimously to refer this matter to
the Town Solicitor, the Town
Administrator and the Interlocal
Trust, if applicable.

Prior to the vote taken, Council Chairman Marshall asked to
know if Sen. Whitehouse's staff might intercede on behalf of
these petitioners with Town Administrator Mederos responding
that she will ask for this on behalf of Mr. and Mrs. Shaw.

3. Mark Alano, 450 Hope Street - request for
ordinance amendment re parking on Franklin
Street

Barboza/Herreshoff - Voted to refer
this matter to the Town Solicitor
so that he may draft the
appropriate ordinance language.
Councilman Cordeiro recused.

Prior to the vote taken, Councilman Cordeiro recused himself
from the discussion and vote.

- * (Amend)** 4. M. Luz Rego, 102 Peck Avenue, et al re
flooding on Peck Avenue

Herreshoff/Cordeiro - Voted
unanimously to refer this matter to
the Town Administrator.

Prior to the vote taken, Town Administrator Mederos reported
that she will discuss this matter with the Town's engineer.

K. OTHER NEW BUSINESS REQUIRING TOWN COUNCIL ACTION

1. Coastal Resources Management Council - notice
that Chapter 2 of the RI Coastal Resources
Management Program has been amended and the
public comment period extended to August 6,
2010 for public hearing scheduled on August
24, 2010 (revised notice)

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

2. Director of Community Development Williamson
and Principal Planner Tanner - request for

TOWN COUNCIL MEETING - WEDNESDAY EVENING - JULY 28, 2010

Executive Session pursuant to RIGL §42-46-5
(a) (5)

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

3. Town Treasurer Goucher re resolution for Community Septic System Loan Program

- a. Resolution re Community Septic System Loan Program

Late Item

- b. Sandra Mack, Bond Counsel - Borrowing Resolution re Community Septic System Loan Program

Barboza/Cordeiro - Voted unanimously to adopt the Community Septic System Loan Program Resolution as prepared and presented.

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

4. Grady Miller, Narragansett Town Manager re support of resolution requesting suspension of the current catch share/sector management in the Northeast implemented by the National Oceanic and Atmospheric Administration

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

5. (Harbor Master Cabral) re proposed ordinance amendment concerning Town Code Section 8-69, Permitting of outhauls

Herreshoff/Cordeiro - Voted unanimously to refer this matter to the Town Solicitor so that he may draft the appropriate ordinance language.

After the vote taken, Councilman Cordeiro agreed to contact the Harbor Master's Office concerning this matter to ask the Harbor Master to inform the owners of existing outhauls.

TOWN COUNCIL MEETING - WEDNESDAY EVENING - JULY 28, 2010

6. Rhode Island Ethics Commission - Request for Comment re proposed new General Commission Advisory re Historic Architect Who are Members of Historic District Commissions, matter to be heard September 14, 2010

Barboza/Herreshoff - Voted unanimously to deliver a copy of this correspondence to the Historic District Commission.

7. Town Administrator Mederos re correspondence provided by Town Treasurer Goucher concerning recommended amounts to be re-appropriated and carried forward to 2010-2011 budget

Barboza/Cordeiro - Voted to approve the re-appropriations as recommended. Voting in favor of this motion were Council members Marshall, Cordeiro, Parella and Barboza. Voting opposed was Councilman Herreshoff.

Prior to the vote taken, Councilman Herreshoff stated that the practice as described was customary for Capital projects and not for operating funds.

Councilwoman Parella stated that the carry-forward amounts were typically "project related."

Town Treasurer Goucher noted that the funds "are not really encumbered" with Councilwoman Parella asking to know how this matter was handled in the past.

Town Treasurer Goucher explained that the funds were re-appropriated in the past.

- * **(Amend)** 8. Mildred Balzano, d/b/a Tweet's Family Restaurant, 180 Mt. Hope Avenue - request for Council advice re BV Intoxicating Beverage License

Herreshoff/Barboza - Voted unanimously to recognize that the diagram on file did not contain an outdoor bar due to an oversight and to advise the licensee to provide a new, complete, diagram for the license file.

TOWN COUNCIL MEETING - WEDNESDAY EVENING - JULY 28, 2010

Prior to the vote taken, Council Chairman Marshall noted that the bar in question was eliminated from the file diagram due to an oversight.

Council members agreed that the outdoor bar could remain in operation.

The Clerk asked that Mrs. Balzano might provide an updated diagram for the file with Mr. John Balzano agreeing to do so.

L. BILLS & EXPENDITURES

(CA) M. ROUTINE REPORTS

(CA) N. FINANCIAL REPORTS

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

1. (Town Treasurer Goucher) re Revenue and Expenditure Statement, July 23, 2010

P. PROCLAMATIONS & CITATIONS

1. Proclamation - Dudley Hallagan, Chief Marshal for 2010 Fourth of July Celebration

Cordeiro/Parella - Voted unanimously to adopt the proclamation as prepared and presented.

2. Commendation - Mt. Hope High School Boys Lacrosse, Division II State Championship for 2010

Cordeiro/Parella - Voted unanimously to adopt the 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."

TOWN COUNCIL MEETING - WEDNESDAY EVENING - JULY 28, 2010

1. Resolution - Authorizing the Assessment of Valuations and levy of Taxes, Sewer Service Fees and Sewer Assessments (signed copy)
2. Jon Wellinghoff, Chairman, Federal Energy Regulatory Commission re response to January 7, 2010 correspondence concerning Weaver's Cove Energy, LLC's Bay Berth Project (previously received FERC communication attached)
3. Mortgage Deed between Mount Hope Trust and Town of Bristol (recorded in Land Evidence July 8, 2010, Book 1544 Page 1)
4. Promissory Note and Agreement between Mount Hope Trust and Town of Bristol
5. Resolution drafted by LNG Working Group re collective opposition to Hess Weaver's Cove LNG Facility (signed copy)
6. Bruce James, Director of Baptist Convention of New England Disaster Relief, et al to Town Administrator Mederos - Certificate of Appreciation re support of volunteers in 2010 flood recovery efforts
7. Coastal Resources Management Council - July 2010 Calendar (amended June 30, 2010)
8. Warrant - Halsey C. Herreshoff, Blue Ribbon LNG Technical/Engineering Committee
9. Warrant - George J. Tamaro, Blue Ribbon LNG Technical/Engineering Committee
10. Warrant - Patrick J. Barosh, Blue Ribbon LNG Technical/Engineering Committee
11. Elyse R. LaForest, Program Manager, Federal Lands to Parks Program, National Park Service, U.S. Department of the Interior to Joseph Calcara, Deputy Assistant Secretary of the Army For Installations and Housing, et al re approval of Town's application to acquire the Quinta-Gamelin U.S. Army Reserve Center and request for assignment of subject property to the National Park Service for conveyance

TOWN COUNCIL MEETING - WEDNESDAY EVENING - JULY 28, 2010

12. Town Clerk/Council Clerk Cirillo to W. Lincoln Mossop, Barret & Company re thank you for participation at the War of Independence Monument dedication and request for copy of speech for Town records
13. Council Clerk Cirillo to Herb Moitoso, President, 4th of July Past Chief Marshal's Association re thank you for presentation of the War of Independence Monument on July 4, 2010
14. Dedication Program - War of Independence Monument (July 4, 2010)
15. Town Clerk/Council Clerk Cirillo to Melanie Wolfe, Historic District Commission re thank you for service
16. Jamestown Town Council Press Release and Advisory re Jamestown Councilor Ellen Winsor's efforts in promoting an LNG Joint Resolution are those of a private citizen not on behalf of the Town of Jamestown

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

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

1. Bristol County Water Authority Audit Finance Committee - July 7, 2010
2. Bristol County Water Authority Engineering Committee - July 7, 2010
3. Bristol County Water Authority Public Relations/Personnel Committee - July 7, 2010
4. Bristol County Water Authority Board of Directors - July 14, 2010
5. Harbor Commission - July 12, 2010
6. Zoning Board of Review - July 12, 2010
(revised agenda)
7. Conservation Commission - July 12, 2010

TOWN COUNCIL MEETING - WEDNESDAY EVENING - JULY 28, 2010

8. Bristol Warren Regional School District -
Schedule of Meetings, Week of July 12, 2010
9. Bristol Warren Regional School Committee -
July 12, 2010
10. (Bristol Warren Regional School Committee)
Personnel/Contract Subcommittee - July 12,
2010
11. Fire Department (& Rescue/Training
Headquarters) Capital Project Committee -
July 15, 2010
12. Animal Shelter Capital Project Committee -
July 15, 2010
13. Zoning Board of Review - July 19, 2010
14. Bristol County Water Authority - August 2010
Meetings
15. Bristol Warren Regional School District -
Schedule of Meetings, Week of July 19, 2010
16. Bristol Warren Regional School Committee
Budget/Facilities Subcommittee - July 19,
2010
17. Bristol Warren Regional School District -
Schedule of Meetings, Week of July 26, 2010

S. TOWN SOLICITOR

1. Request for Executive Session pursuant to
RIGL §42-46-5 (a) (2) & (5)

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

Prior to the vote taken, Assistant Solicitor Teitz informed the Council that there was no longer a need to hold an Executive Session regarding litigation (2) matters.

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

Z. INDIVIDUAL COUNCIL MEMBERS AGENDA ITEMS

TOWN COUNCIL MEETING - WEDNESDAY EVENING - JULY 28, 2010

1. MARSHALL

- a. Thank You Mike Davis - Council Chairman
Marshall thanked Mr. Davis for taping this evening's meeting.
- b. Congratulations Department Heads and Staff -
Council Chairman Marshall congratulated all participants regarding the recent recognition by FEMA for the Hazard Mitigation program.
- c. Congress of Councils - Council Chairman
Marshall noted that the meeting of the "Congress of Councils" concerning the LNG plans for Mount Hope Bay will take place September 8, 2010 at 9:30 o'clock in Jamestown.

2. CORDEIRO

- a. Courteous Police Officer - Councilman
Cordeiro commended the police officer who paid particular attention to an elderly citizen who was affected by the high temperatures on July 5, 2010. He noted that the officer offered the citizen a drink of water and remained with her until she appeared to have recovered. He offered his thanks to the officer with Police Chief Canario noting that he would relay the Councilman's thanks to the Town's police force.
- b. Plaque for those lost at sea - Councilman
Cordeiro noted that he, Recreation Director Burke and Assistant Harbormaster Calouro are working on a plaque to be located at Independence Park to commemorate those from Bristol lost at sea.

3. PARELLA

- a. David St. Germain - Councilwoman Parella
extended the sympathy of the Council to the family of David St. Germain, a former Bristol resident who recently passed away. She noted that Mr. St. Germain had been a well-known advocate for the homeless in Rhode Island.

4. BARBOZA

5. HERRESHOFF

ZZ. TOWN ADMINISTRATOR AGENDA ITEM(S)

TOWN COUNCIL MEETING - WEDNESDAY EVENING - JULY 28, 2010

a. Pub Recognition - Town Administrator Mederos reported that Director of Community Development Williamson's husband's pub business in Cumberland was recognized this year by Rhode Island Monthly Magazine as the "Best Neighborhood Pub in Rhode Island."

b. Places to Visit - Town Administrator Mederos also reported that the magazine named Bristol's Wood Street neighborhood (particularly Van's Spa and Goglia's Market) as one of four (4) best neighborhoods to visit in Rhode Island.

CITIZENS PUBLIC FORUM

Barboza/Parella - Voted unanimously to resume open session and seal the minutes of the Executive Session at 10:58 o'clock PM.

There being no further business upon a motion by Councilwoman Parella, seconded by Councilman Barboza and voted unanimously, the Chairman declared this meeting to be adjourned at 10:59 o'clock PM.

Louis P. Cirillo, CMC, Council Clerk