

**TOWN COUNCIL MEETING - WEDNESDAY EVENING - MARCH 9, 2011**

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

ALSO PRESENT: Andrew M. Teitz, Esq., Assistant Town Solicitor  
Marshall J. Netto, Town Sergeant

ABSENT: Diane C. Mederos, Town Administrator (on vacation)

Special Recognition  
Hildeberto "Herbie" Moitoso  
New England Patriots "Fan of the Year"

Prior to the commencement of this evening's regular agenda, Council Chairman Marshall presented the following citation:

*State of Rhode Island and Providence Plantations  
Town of Bristol  
Citation  
awarded to*

*Hildeberto "Herbie" Moitoso*

*New England Patriots "Fan of the Year"*

*Herbie Moitoso was named the 2010 New England Patriots Fan of the Year during an on-field ceremony on Sunday, January 2, 2011 at Gillette Stadium in Foxboro, Massachusetts. He received the Joseph R. Mastrangelo Memorial Trophy, honoring the fan who exemplifies a higher standard of dedication, passion and loyalty to the New England Patriots and the communities of New England.*

*As the duly elected representatives of all of the citizens of the Town of Bristol, the Honorable Town Administrator and Honorable Town Council of said Town of Bristol, State of Rhode Island and Providence Plantations, individually, collectively, and by these presents, extends greetings and offers sincerest congratulations to Herbie Moitoso. We applaud this grand success and acknowledge the honor it brings to our Town. At the same time, we recognize him as a good and faithful citizen; a successful businessman - owning and operating the venerable Viola's Liquors for over a quarter century; and further acknowledge his well reputed as a kind, generous, and thoughtful individual; and on behalf of said citizens of the Town, offer to Hildeberto "Herbie" Moitoso, his family, friends and associates the sincerest best wishes of a very proud community.*

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*IN WITNESS WHEREOF we have hereunto set our hand and affixed the Seal of the Town of Bristol, this 9th Day of March, A. D. 2011.*

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

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

Also prior to the commencement of the regular agenda, Councilman Teixeira asked Council consideration to add an item to the agenda concerning Town tree removal. He noted that he intended for this item to be part of the Councilmember prerogatives but would rather discuss it at this time.

Teixeira/Herreshoff - Voted  
unanimously to add an agenda item  
concerning tree removal for  
discussion.

After the vote taken, Wilhelm Woelfle of 18 Clifton Road read a prepared statement concerning his displeasure over the removal of a tree from Town property adjoining his residence. A copy of this statement is included in the records of this meeting.

A discussion ensued regarding the ownership of the tree and the width of the Town-owned street area.

Council Chairman Marshall explained that it is typically Council policy to hear from all parties in any dispute. He further noted that it would not be advisable for the Council to render an opinion in this matter prior to hearing from the Tree Warden. He suggested that the matter might be considered further during the meeting to be held on March 30, 2011.

Council Chairman Marshall also noted that Mr. Woelfle has raised some legitimate concerns of policy and that the Council may wish to establish a policy change concerning the removal of Town trees.

Mr. Woelfle explained that the matter of the tree abutting his property was now moot and that he was concerned to know what the Town might do in the future under similar circumstances.

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A further discussion ensued regarding the width of the street in the area with Assistant Solicitor Teitz noting for the record that the area in question is part of the Town-owned street albeit only a portion of the street is typically paved. He also affirmed that the area in question is not simply a "right of way" but is rather bona-fide Town property and the trees planted on this land are also property of the Town.

Mr. Woelfle asked if it was the responsibility of the Town to determine the finite dimensions of private property with Assistant Solicitor Teitz responding that it is the responsibility of the property owner to make this determination prior to purchasing the property.

Councilwoman Parella noted that since this item was not part of the legally published agenda it is impossible for the Council to provide any suitable answers at this time.

Council Chairman Marshall stated that he would approve of a system of notifying abutting property owners when Town trees will be removed. Councilman Barboza suggested that a new policy might require the placing of notification upon the tree to be removed.

Barboza/Herreshoff - Voted  
unanimously to refer this matter to  
the Tree Warden, and also to  
continue same to the meeting to be  
held on March 30, 2011.

**MOTION RE: CONSENT AGENDA - TO APPROVE THE CONSENT AGENDA**

Barboza/Teixeira - Voted  
unanimously to approve the consent  
agenda.

**A. SUBMISSION OF MINUTES OF PREVIOUS MEETING(S)**

1. Town Council Special Meeting - February 2,  
2011

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

2. Town Council Special Meeting - February 9,  
2011

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

3. Town Council Meeting - February 16, 2011

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

4. Town Council Special Meeting - February 24,  
2011

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

5. Town Council Executive Session - February 16,  
2011

Barboza/Teixeira - 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. Bristol Housing Authority - January 13, 2011
2. Fire Department (& Rescue/Training  
Headquarters) Capital Project Committee -  
December 9, 2010
3. Animal Shelter Capital Project Committee -  
November 18, 2010
4. Animal Shelter Capital Project Committee -  
December 16, 2010
5. Historic District Advisory Committee -  
January 13, 2011
6. Historic District Advisory Committee -  
January 27, 2011
7. Historic District Advisory Committee -  
February 10, 2011

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8. Harbor Commission - February 7, 2011
9. Board of Fire Engineers - February 28, 2011
10. Animal Shelter Capital Project Committee -  
January 13, 2011
11. Harbor Commission - March 7, 2011

B. OLD BUSINESS

1. Councilwoman Parella re Garfield Avenue (Mary Gaspar), **continued from February 16, 2011**

Barboza/Herreshoff - Voted  
unanimously to continue this matter  
until the meeting to be held on  
March 30, 2011.

Prior to the vote taken, Ms. Gaspar reported that her furnace stopped working shortly after the last Council meeting. She further reported that representatives of National Grid and her plumber replaced the system's regulator. She also reported that the plumber vacuumed the furnace and also installed new components.

Council Chairman Marshall asked to know if National Grid replaced the meter with Ms. Gaspar reporting that she believes it is a new unit.

Council Chairman Marshall asked to know if the furnace is now working properly with Ms. Gaspar reporting that the unit appears to be working properly.

Council Chairman Marshall asked to know if water was observed within the gas line with Ms. Gaspar reporting that she did not know if water was observed within the gas line.

Ms. Gaspar also reported that she still has many problems and that she has been seeking resolution of these problems since last year. She added that her insurance premium increased by \$100.

Ms. Gaspar informed the Council that there is a water-line on her metal door and also that there is "toxic" residue in her garage. She also explained that some of her belongings were ruined and must be replaced.

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Ms. Gaspar noted that Council members have not visited her as previously discussed with Councilman Barboza responding that Ms. Gaspar does not have an answering machine.

Ms. Gaspar suggested that either the Town Administrator's assistant or the Clerk might make an appointment on behalf of Council Chairman Marshall or Councilman Barboza.

Councilman Barboza agreed that the Town should examine the catch-basins nearby Ms. Gaspar's property with Ms. Gaspar informing the Council that she expects to be compensated for the reported damage. Councilman Barboza asked to know if any of the reported damage was covered by Ms. Gaspar's insurance carrier.

2. **Burrillville Resolutions, continued from February 16, 2011**
  - a. Director of Parks and Recreation Burke - support of Burrillville resolution in favor of amending RIGL §16-48.1-4, §16-48.1-5, and §40-13.3-4 re local police department fees for performing child care BCI checks (see B2, February 16, 2011 agenda item K12)

Herreshoff/Barboza - Voted unanimously to support Burrillville resolution in favor of amending RIGL §16-48.1-4, §16-48.1-5, and §40-13.3-4 re local police department fees for performing child care BCI checks and to also continue the remaining Burrillville resolutions for further consideration on March 30, 2011.

Prior to the vote taken, Assistant Solicitor Teitz reported that Town Solicitor Ursillo reviewed the set of resolutions as provided by the Town of Burrillville and suggested that February 16, 2011 were deserving of further study. He suggested that agenda items K4, K5, K9, K10 and should be referred to the Treasurer and K8, K9, K10, K12, K13, K14, K15, and K16 referred to the Police Chief for recommendations.

Councilwoman Parella suggested that representatives of the administrations should read the details of the legislation prior to providing a recommendation since this may vary from the sentiments expressed in the Burrillville resolutions.

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Town Treasurer Goucher explained that she had reviewed the legislation in addition to the resolutions and was prepared to provide a verbal recommendation concerning some of the resolutions.

Councilman Herreshoff stated that he was of the opinion that the Council should support only those resolutions with a direct and tangible impact upon the Town and that it should remain neutral on those solely impacting other communities.

A discussion ensued regarding the particulars of some of the resolutions with Councilman Herreshoff stating that he would prefer to have a written recommendation coming forward and also that that this matter should be continued until the recommendations, if any, are forthcoming.

3. Police Chief Canario re Wood Street cleanliness, **continued from February 16, 2011**

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

Prior to the vote taken, Police Chief Canario reported that all of the area proprietors were receptive to the idea of sidewalk cleanup.

Councilman Teixeira reported that he again toured the area and found it to be tidier.

Council Chairman Marshall suggested that Mosaico may wish to participate in future area clean-ups.

4. Council Clerk Cirillo re LNG matching funds to Save The Bay (Notification #7 - January 1, 2011 through January 31, 2011)

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

Prior to the vote taken, Council Chairman Marshall explained that the matter of LNG remains unresolved and also that citizens must remain vigilant concerning same.

Councilman Herreshoff noted that there were remaining matching funds and encouraged those who wish to make a contribution to this effort to take advantage of the Town's match.

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5. Samuel C. Kinder, Tree Warden to Town Administrator Mederos re proposal for spring 2011 winter moth control

Herreshoff/Teixeira - Voted unanimously to refer this matter to the Town Administrator, Town Treasurer and Recreation Director to negotiate the fee with Mr. Kinder and other vendors, if necessary, and to also refer this matter to budget deliberations for future funding.

Prior to the vote taken, a discussion ensued regarding the circumstances of this recommendation and as to whether or not this was based upon a competitive bid. A discussion ensued regarding the timing of the recommended remediation treatment with Recreation Director Burke noting that this must be completed before the trees "bud-out."

The Clerk reminded the Council that this matter appeared to be an additional phase of an ongoing remediation program and that the Tree Warden was encouraged to make further recommendations and proposals after the initial treatments were completed.

Councilman Herreshoff asked to know if the project was budgeted and also asked if the matter might be considered during budget deliberations. The Clerk agreed to remind the Council of its intention to discuss the matter of next-year's winter moth remediation during budget time.

Assistant Solicitor Teitz suggested that the matter of price and scope of the project could be negotiated with both Samuel Kinder and Bro. and other vendors if applicable.

Councilman Teixeira asked that the Conservation Commission might provide a recommendation regarding this matter with Director of Community Development Williamson noting that this matter appears to be out of the scope of the Conservation Commission.

Recreation Director Burke again noted that the timing of the application of the treatment was critical and also that the Tree Warden spent a great amount of time researching both the problem and its remedy on behalf of the Town.

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Councilman Herreshoff suggested that the Town should not vary the treatment as recommended by the Tree Warden but perhaps it may wish to revisit the matter of cost.

6. Councilman Teixeira re Tanyard  
Brook/construction timeline

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

Prior to the vote taken, Councilman Teixeira noted the time line for the project as follows:

- Bid advertisement: March 17, 24, and 31, 2011
- Pre-bid meeting: April 5, 2011 at 10:00 AM
- Bid opening: April 27, 2011
- Award recommendation to Town Council at May 4 meeting
- Work anticipated to begin after July 4, 2011
- Construction expected to be fully completed, including property restorations by November 12, 2011
- Catch basins are being replaced on Woodlawn Avenue in the vicinity of the culvert
- Catch basins will be reconstructed on Garfield Avenue along with road paving to improve the drainage in the vicinity of the culvert. New catch basins may be needed to replace the existing catch basins; however that determination will be made during construction

A discussion ensued regarding the Woodlawn Avenue catch basins with Public Works Director Serbst informing the Council that the matter is being addressed.

Councilman Teixeira noted a new development in the area and asked if there was a problem with the easement.

Director of Community Development Williamson explained that the property owners are "on board" with the plan and also that the timing of work in the vicinity of the driveway and the related utility work must be coordinated.

Councilman Teixeira stated that he walked by the area in question and anticipates a conflict.

Director of Community Development Williamson agreed to discuss this matter with Kevin Aguiar, the project engineer, and will continue to monitor same.

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7. Councilman Teixeira re Town Charter/implementation

Herreshoff/Teixeira - Voted unanimously to ask Town Administrator Mederos and Town Solicitor Ursillo to prepare a Charter revision "implementation checklist."

Prior to the vote taken, Councilman Teixeira reported that the Charter amendments were approved by a sub-committee of the General Assembly. Assistant Solicitor Teitz noted that there should not be any difficulty getting these approved by the entire Assembly since its vote is to ratify the action of the voters.

A discussion ensued regarding the various provisions of the Charter in need of implementation due to the changes approved by the voters. It was agreed that an implementation list would be helpful.

8. Councilman Teixeira re Personnel Board; job descriptions and chairman terms

Teixeira/Barboza - Voted unanimously to request that Chairman Harvey should convene a meeting of the Personnel Board in order that it might make a plan for implementation of its Charter responsibilities and also to correspond with Town Administrator Mederos regarding an update of the Department Head job descriptions.

Prior to the vote taken, Councilman Teixeira asked to know if the Personnel Board was currently active and the last time that the group had a meeting.

Joseph DeMelo, a member of the Board present, indicated that it had been some time since a meeting was held since there have been no tests administered for police promotions. He added that the primary responsibility of the Personnel Board is to proctor tests.

A discussion ensued regarding the Personnel Board's responsibility to prepare job descriptions for department managers with Councilman Barboza noting that there were job

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descriptions thoroughly completed when he was Chairman of the Personnel Board some time ago.

Mr. DeMelo informed the Council that he has not worked on job descriptions since becoming a member of the Personnel Board.

Councilman Teixeira noted that the job descriptions should be updated and also that the Harbor Management Plan indicates that a job description for the Harbor Master must be completed within six (6) months of the adoption of the Plan.

Council Chairman Marshall noted that the Town Administrator appoints most of the department managers and the Council appoints the Harbor Master. He suggested that the approval of job descriptions may require a "two-pronged approach."

Council Chairman Marshall noted that Elizabeth Harvey is the current Chairman of the Personnel Board. He suggested that the Council should request that the Personnel Board should convene its body and set goals toward the update of the job descriptions and also that the Council should communicate this request to Town Administrator Mederos.

Councilman Teixeira noted that the Citizens Police Academy provides an organizational chart of the Police Department. He suggested that the Personnel Board might develop an organizational chart for the entire Town government.

**BB. SPECIAL /STATUS REPORTS**

**C. PUBLIC HEARINGS**

1. Luis M. Junco, d/b/a Countrywide Gold Buyers, 450 Hope Street - request for a Junk and Second Hand Dealer's License (see item G2 also)

**LATE ITEM**

- a. Recommendation - Chief of Police

Barboza/Teixeira - Voted unanimously to continue this public hearing until the meeting to be held on May 4, 2011 and also to continue the matter of the subject license (G2) until the meeting of May 4, 2011.

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Prior to the vote taken, Council Chairman Marshall opened the public hearing and recommended that the Council should continue this public hearing until the matters relating to this business currently before the Zoning Board of Review and also the Historic District Commission were resolved.

D. ORDINANCES

1. Ordinance #2011-03, CHAPTER 11, Fees and Charges, Section 11-1, Comprehensive schedule of fees, (eliminate Holiday Sales License fee of \$100 and reduce Junk and Secondhand Dealers License fee from \$25 to \$10), **2<sup>nd</sup> reading for adoption**

Parella/Teixeira - Voted to consider this action to constitute the second reading for adoption of Ordinance #2011-03. Advertise in local newspaper. (Voting in favor of this motion were Council members Barboza, Teixeira, Herreshoff and Parella; Council Chairman Marshall recused from the vote.) *N. B. See further action regarding this matter below.*

Prior to the vote taken, Council Chairman Marshall renewed his recusal concerning this matter and excused himself from the Council table, relinquishing the gavel to Council Vice-chairman Barboza.

After the vote taken, the Clerk reminded the Council that this ordinance was essentially a companion ordinance to Ordinances #2011-01 and #2011-02. He also reminded the Council of its decision to postpone action on this matter until the conclusion of the upcoming budget workshops.

Parella/Teixeira - Voted to reconsider the matter of the adoption of Ordinance #2011-03 thus rescinding the vote to adopt this ordinance. (Voting in favor of this motion were Council members Barboza, Teixeira, Herreshoff and Parella; Council Chairman Marshall recused from the vote.)

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Parella/Teixeira - Voted to continue this matter until the meeting of May 4, 2011. (Voting in favor of this motion were Council members Barboza, Teixeira, Herreshoff and Parella; Council Chairman Marshall recused from the vote.)

2. Ordinance #2011-04, CHAPTER 18, Parks and Recreation, Article I, In General, Sections 18-1 - 18-3, 18-5 - 18-7, and 18-9 - 18-11, Article II, Recreation Board, Sections 18-41, 18-42, 18-44, and 18-45, (various amendments to the Parks and Recreation ordinance) **1<sup>st</sup> reading**

- a. Director of Parks and Recreation Burke re proposed ordinance

Herreshoff/Teixeira - Voted to consider this action to constitute the first reading of Ordinance #2011-04. Advertise in local newspaper. (Voting in favor of this motion were Council members Barboza, Teixeira, Herreshoff and Parella; Council Chairman Marshall was absent from the vote.)

**(CA) E. BUDGET ADJUSTMENTS**

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

1. Tax Assessor Spagnolo - Recommended Abatements & Additions for March, 2011

**(CA) F. APPOINTMENTS**

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

1. Public Service Appointments
  - a. Zoning Board of Review (term to expire in March 2016)

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1. A. William Josephs, 4 Old Orchard Farm Road - interest/reappointment

Councilman Herreshoff nominated Mr. Josephs for reappointment.

There were no counter-nominations.

Herreshoff/Teixeira - Voted to close nominations and to instruct the Clerk to cast one ballot in favor of Mr. Josephs with term to expire in March 2016. (Voting in favor of this motion were Council members Barboza, Teixeira, Herreshoff and Parella; Council Chairman Marshall was absent from the vote.)

- b. Zoning Board of Review - Alternates (2) (terms to expire in March 2013)
  1. David P. Raposa, 6 Rego Avenue - interest/reappointment
  2. Edward P. Stuart, Jr., 31 Birchwood Road - interest/reappointment

Councilman Teixeira nominated Messrs. Raposa and Stuart for reappointment.

There were no counter-nominations.

Teixeira/Parella - Voted to close nominations and to instruct the Clerk to cast one ballot in favor of Messrs. Raposa and Stuart with terms to expire in March 2013. (Voting in favor of this motion were Council members Barboza, Teixeira, Herreshoff and Parella; Council Chairman Marshall was absent from the vote.)

- c. Harbor Commission (2) (terms to expire in March 2014)
  1. James C. Dollins, 37 Clifton Road - interest/reappointment

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2. Thomas G. Breslin, 7 Dana Road - interest/reappointment
3. Richard "Scott" Medeiros, 8 Herzig Street - interest/appointment
4. Sean McCormack, 66 Ferry Road - interest/appointment
5. John Troiano, 707 Hope Street - interest/appointment

Councilwoman Parella nominated Messrs. Dollins and Breslin for reappointment.

There were no counter-nominations.

Parella/Herreshoff - Voted to close nominations and to instruct the Clerk to cast one ballot each in favor of Messrs. Dollins and Breslin with terms to expire in March 2014. (Voting in favor of this motion were Council members Barboza, Teixeira, Herreshoff and Parella; Council Chairman Marshall was absent from the vote.)

Prior to the vote taken, Councilman Teixeira asked for a continuance regarding these appointments explaining that there were no candidates to represent commercial fishermen. He added that the inclusion of commercial fisherman was a requirement of the provisions of the Town Charter.

Councilwoman Parella stated that both nominees have served well on the Harbor Commission and that she supports their reappointment due to the quality of their past service. Councilwoman Parella suggested that the Council may wish to accommodate the commercial fishermen by another means and not at the expense of Messrs. Dollins and Breslin.

Councilman Herreshoff agreed with Councilwoman Parella that the nominees had been loyal and effective members of the Harbor Commission and also that they were deserving of reappointment.

Councilman Teixeira stated that he was not against either nominee but also wished to address the Charter requirement to include fisherman on the Commission.

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Assistant Solicitor Teitz reviewed the provisions of the Charter, as adopted and amended, and reported that there appeared to be no specific requirement to include commercial fishermen on the Commission. He also reported that the Harbor Commission Advisory Committee, as established by ordinance, calls for representatives of the various geographic areas of the Town but that the membership of this Committee does not specifically include commercial fishermen.

- d. Harbor Commission - Alternates (2)  
(terms to expire in March 2014)
  - 1. Steven Roth, 1 Riverview Avenue -  
interest/reappointment
  - 2. John Troiano, 707 Hope Street -  
interest/reappointment

Councilman Teixeira nominated Messrs. Roth and Troiano for reappointment.

There were no counter-nominations.

Teixeira/Parella - Voted to close nominations and to instruct the Clerk to cast one ballot each in favor of Messrs. Roth and Troiano with terms to expire in March 2014. (Voting in favor of this motion were Council members Barboza, Teixeira, Herreshoff and Parella; Council Chairman Marshall was absent from the vote.)

- e. Board of Fire Engineers
  - 1. (Fire Chief Martin) - list of  
members for appointment to the  
Board of Fire Engineers

Councilman Herreshoff nominated the slate of nominees as proposed by Fire Chief Martin.

There were no counter-nominations.

Herreshoff/Parella - Voted to close nominations and to instruct the Clerk to cast one ballot each in

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favor of the nominees as presented for the ensuing term. (Voting in favor of this motion were Council members Barboza, Teixeira, Herreshoff and Parella; Council Chairman Marshall was absent from the vote.)

Herreshoff/Parella - Voted to send a letter of thanks for service to former Assistant Chief John Black. (Voting in favor of this motion were Council members Barboza, Teixeira, Herreshoff and Parella. Council Chairman Marshall was absent from the vote.)

Prior to the vote taken, Councilman Barboza noted the years of dedicated service provided by former Assistant Chief Black.

- f. Capital Project Commission (4)  
(staggered terms of one (1), two (2), three (3), and four (4) years) &  
Alternate (term TBD)
  - 1. Matthew White, 1 Overlook Drive -  
interest/appointment
  - 2. Ilidio Contente, (6 Betsy Drive) -  
interest/appointment
  - 3. Susan H. Rabideau, 17 Sandra Drive  
- interest/appointment
  - 4. Nathan Calouro, 17 Fesser Avenue -  
interest/appointment

**LATE ITEM**

Herreshoff/Teixeira - Voted to continue this matter until May 4, 2011. (Voting in favor of this motion were Council members Barboza, Teixeira, Herreshoff and Parella; Council Chairman Marshall was absent from the vote.)

After the vote taken, the Clerk suggested that the Council may wish to begin its interview process, perhaps during the Budget Workshop Sessions, and also reported that an

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advertisement for additional candidates will continue to appear in the newspaper.

Council Chairman Marshall returned to the Council table and reassumed the gavel at this point in the meeting.

Councilwoman Parella expressed concern that she did not wish to have long periods of time between interviews and Council Chairman Marshall stated that he would prefer to interview all candidates at the same time.

Councilman Herreshoff stated that he was of the opinion that the Council should be very deliberate in its selection since the Commission will be in need of financial and engineering expertise.

Councilman Teixeira asked to know if the new Commission will replace any existing Capital Project Committees as formed under the former Charter provisions with Assistant Solicitor Teitz reporting that those Committees will remain in place until the completion of their respective assignments.

The Clerk also reported that the matter of the term of the alternate member of the Commission appears ambiguous. Assistant Solicitor Teitz agreed to investigate the matter and report back prior to the appointment of same.

- g. Town Clerk/Council Clerk Cirillo re Bernard "Ben" Rajkumar, 23 Hamlet Court - interest of appointment as a member of the Golf Course Committee (to replace retiring member, Louis Medeiros)

Councilman Barboza nominated Mr. Rajkumar for appointment based upon the recommendation of the Committee.

There were no counter-nominations.

Barboza/Teixeira - Voted unanimously to close nominations and to instruct the Clerk to cast one ballot in favor of Mr. Rajkumar to serve at the pleasure of the Council.

**(CA)** 2. Public Service Appointments for April

G. LICENSING BOARD - NEW PETITIONS

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1. Michael J. Abbruzzi, for 2<sup>nd</sup> Story Theatre, 28 Market Street, Warren - request for a Dancing and Entertainment License (to hold an event at the Statehouse, 240 High Street between June 1 and June 30, 2011)

**LATE ITEM**

- a. Recommendation - Chief of Police

Barboza/Teixeira - Voted unanimously to grant this license based upon the recommendations received, waiving the fee for same, and subject to conformance to all laws and ordinances; to instruct the Clerk to relay the Council's concern regarding parking in the area; and to ask Mr. Abbruzzi to attend the meeting when the full-year license is considered.

Prior to the vote taken, Councilwoman Parella expressed concern that the 4<sup>th</sup> of July Carnival will be occupying the Town Common during a portion of the time-frame requested by the 2<sup>nd</sup> Story Theatre. She expressed further concern that parking will be problematic and suggested that the 2<sup>nd</sup> Story Theatre staff and patrons might be encouraged to park elsewhere.

The Clerk reported that Mr. Abbruzzi was also encouraged to apply for a year-round license for additional performances planned for the Statehouse with Council Chairman Marshall stating that he was not generally in favor of a year-round license but might rather wish to consider granting licenses for individual events.

Councilwoman Parella stated that she was concerned in general regarding parking in the area since the Recreation Department has "Zumba" and other activities in the John Post Reynolds School. She added that she has been overlooking the parking problems since she assumes that the difficulty will subside once Recreation moves to the Quinta-Gamelin Center on Asylum Road.

The Clerk was instructed to correspond with Mr. Abbruzzi and suggest that he should appear before the Council regarding future activities at the Statehouse.

2. Luis M. Junco, d/b/a Countrywide Gold Buyers, 450 Hope Street - request for a Junk and

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Second Hand Dealer's License (see item C1 and C1a also)

*It is hereby noted for the record that this item was considered along with agenda item C1 above.*

3. Xiang Wei Lin, d/b/a Lucky House, 576 Metacom Avenue (formerly China Moon) - request for a Victualling License

**LATE ITEM** a. Xiang Wei Lin re change of establishment name from Lucky House to Lucky Garden

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

**LATE ITEM** c. Recommendation - Water Pollution Control Facility

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

H. LICENSING BOARD - RENEWALS

(CA) I. UTILITY PETITIONS

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

1. Public Works Director Serbst - Road Cut Permits
2. Water Pollution Control Superintendent Calderiso - Sewer Permits

J. PETITIONS - OTHER

1. George Foster, 175 Mt Hope Avenue re claim for property damage

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

2. Rev. Henry P. Zinno, Jr., Pastor, Our Lady of Mount Carmel Church, 141 State Street -

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request permission for the use of the Town Common to hold annual Feast event from July 11 until July 18, 2011

**LATE ITEM**

- a. Recommendation - Chief of Police

Herreshoff/Parella - Voted unanimously to grant this petition based upon the recommendation received and subject to conformance to all laws and ordinances and also subject to the rules and regulations of the Parks and Recreation Department including the securing of a certificate of insurance.

3. Elaine F. Silva of Bristol re claim for personal injury

Parella/Teixeira - Voted unanimously to refer this matter to the Town Solicitor and the Interlocal Trust.

4. Lynn M. Shaw, d/b/a Harbor Bath & Body, on behalf of the Downtown Bristol Merchants Association, et al - request for permission to hold a sidewalk sale event in the downtown district (as noted on petition), April 29 through May 1, 2011, 10 AM - 6 PM

**LATE ITEM**

- a. Recommendation - Chief of Police

Teixeira/Parella - Voted unanimously to grant this request per the recommendation received and subject to conformance to all laws and ordinances

Parella/Barboza - Voted unanimously to allow a rain-date for this event upon sufficient notice to the Chief of Police and to waive any event-specific permit fees.

Prior to the vote taken, Linda C. Arruda appeared before the Council on behalf of Ms. Shaw. Ms. Arruda reported that the sidewalk sale would not include food or liquor.

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Council Chairman Marshall suggested that this event might be promoted through the Convention and Visitors Bureau with Ms. Arruda reporting that her group is working closely with this Bureau.

Councilwoman Parella suggested that the Council approval of this event should include an optional "rain date" since it may not be possible for the promoters to return for alternate dates should this become necessary.

Councilman Teixeira suggested that the Town's traffic control message boards might be programmed to promote the sidewalk sale. Ms. Arruda stated that her group did not wish to interfere with public safety messages with Police Chief Canario agreeing that the primary use of the message boards is for public safety messages. He agreed to determine if both the public safety messages and the event advertisement could be accomplished without compromising public safety.

**K. OTHER NEW BUSINESS REQUIRING TOWN COUNCIL ACTION**

1. David W. Piccerelli, President and CEO, WSBE to Council Clerk Cirillo re closure of the Bristol Public Access T.V. Studio

Herreshoff/Parella - Voted unanimously to refer this matter to J. Alan Crisman with instruction to aid Mr. Piccerelli in finding a more suitable and cost-effective premises and also to request that Mike Davis may be consulted regarding the technical aspects of this studio.

Prior to the vote taken, Councilman Barboza asked Mike Davis to speak to this matter.

Mr. Davis reported that the establishment of the facility was part of an agreement put in place in 2005 and that a portion of the fees collected by cable subscribers is intended to support five (5) public access studios within the State.

Mr. Davis also reported that the idea of the local studio was rooted in an agreement from 2001 with Cox Communications in that the Councils of Barrington, Bristol and Warren "demanded" manned studio facilities in Bristol County.

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Mr. Davis noted that the current facility is seldom manned and also that the facility has four (4) purposes:

1. Studio for producing public access programs
2. Automatic equipment to play programs on Cox channels 17 and 18
3. Television equipment for loan to the public
4. Editing equipment for use of those producing programming

Mr. Davis informed the Council that the reason for the closure of the studio is related to the ending of the lease. He suggested that the Town may wish to provide Mr. Piccerelli with a less-costly location for the studio.

Mr. Davis also reported that if the studio is to close, those wishing to drop-off programs for broadcast must take these to Providence, Pawtucket or Portsmouth.

Mr. Davis also reported that the Warren Town Council voted to oppose the closure during its meeting held last evening.

2. Maureen Cotter, Chairperson, South Kingstown School Committee re resolution in opposition to mandatory binding arbitration on monetary matters for teachers

Herreshoff/Parella - Voted  
unanimously to instruct the Clerk  
to send correspondence to the local  
General Assembly delegation  
indicating the Council's opposition  
to any and all legislative bills  
that propose binding arbitration on  
monetary matters for teachers.

Prior to the vote taken, Councilwoman Parella observed that the Council has considered this matter in the past and has as a matter of record indicated its opposition to binding arbitration bills. She suggested that this position should be articulated to the local members of the General Assembly.

3. Stephen C. Waluk, Mayor, City of Newport re invitation to participate in the 55<sup>th</sup> Annual St. Patrick's Day Parade on March 12, 2011

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

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4. Coastal Resources Management Council - public notice re the Town of Bristol's application to construct and maintain new transient vessel floats at Rockwell Marina

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

Prior to the vote taken, Council Chairman Marshall noted that there appears to be \$6 million available through the Department of Environmental Management. He suggested that the Town may wish to apply for some of this funding in order to make improvements to the boat launch and pier facilities at Independence Park.

Director of Community Development Williamson agreed to investigate this matter.

5. Coastal Resources Management Council - public hearing re proposed regulations scheduled to be held on April 12, 2011

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

6. Louise R. Phaneuf, Burrillville Town Clerk - request for support of resolution in favor of Senate Bill 2011-S0063 and House Bill 2011-H5187, validating and ratifying amendments to the Burrillville Home Rule Charter

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

7. Louise R. Phaneuf, Burrillville Town Clerk - resolution in favor of amending RIGL §17-18-10, establishing an opening time of 7:00 AM and changing the closing time to 8:00 PM of polling locations statewide

Herreshoff/Barboza - Voted  
unanimously to support this measure  
and to instruct the Clerk to  
prepare a resolution for  
consideration on March 30, 2011.

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After the vote taken, a discussion ensued regarding the proliferation of city and town resolutions concerning pending legislation and other issues. It was suggested that these might be designated in a separate category as part of the established "Consent Agenda" providing the Council the opportunity to bring forward only the matters of Council interest.

The Clerk reported that he will create a new Docket category "Q" entitled "City and Town Resolutions" and include this in the consent agenda with a notation that these will be typically "received and placed on file."

**L. BILLS & EXPENDITURES**

1. RFP #721 - Sale of "The Rescue Station" (349 High Street)

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

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

Wilkes McClave	Hanover, NH	\$311,000
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2. Bid #727 - 2011 Spring Tree Planting

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

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

JH Landscaping & Construction	Somerset, MA	\$19,070
Samuel Kinder & Bro.	Bristol, RI	6,254
Yard Works, Inc.	Warwick, RI	6,990
Brito's Landscaping Serv.	E. Greenwich, RI	13,700
M-O-N Landscaping, Inc.	N. Dartmouth, MA	6,620

(CA) M. ROUTINE REPORTS

**(CA)** N. FINANCIAL REPORTS

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

1. (Town Treasurer Goucher) re Revenue and Expenditure Statement, March 4, 2011

**P. PROCLAMATIONS & CITATIONS**

1. Proclamation - Roger Williams University Day (February 14, 2011), 55<sup>th</sup> Anniversary

Herreshoff/Teixeira - Voted unanimously to adopt this Proclamation as prepared and presented.

After the vote taken, Council Chairman Marshall noted that this Proclamation, as worded by the Clerk and delivered by Town Administrator Mederos, was well-received.

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

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

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

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

1. Warrant - Nancy Horne, Recreation Board
2. Warrant - Edward J. Quinn, Recreation Board
3. Warrant - William B. Cain, Auxiliary member of the Recreation Board
4. Warrant - James F. Riccio, North and East Burial Grounds Commission
5. Warrant - Marcia Bickford Torrey, North and East Burial Grounds Commission
6. Warrant - Thomas M. Carroll, Substance Abuse Prevention Task Force

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7. Warrant - Donna Lynn Darmody, Substance Abuse Prevention Task Force
8. Warrant - Sara Simmons, Substance Abuse Prevention Task Force
9. Warrant - Warren Rensehausen, Substance Abuse Prevention Task Force
10. Warrant - Charles Lombardo, Assistant Harbor Master
11. Warrant - George Gatos, Auxiliary Harbor Master
12. Warrant - Aristotle Gatos, Auxiliary Harbor Master
13. Gina M. Raimondo, General Treasurer to Council Clerk Cirillo re advice concerning divesting municipal retirement funds of Hess stock
14. Town Administrator Mederos to Central Systems Co., Inc. of Bridgewater, MA re award of Bid #723 - Installation of Waste Oil Heater (DPW)
15. Jodi P. LaCroix, CMC, Charlestown Town Clerk re resolution in favor of enacting comprehensive EPR legislation based on the *Framework Principals for Product Stewardship Policy*
16. Borrowing Resolutions re General Obligation Bonds (signed copy)
17. Town Administrator Mederos to Jacobs Technology, Inc. of Portsmouth, RI re award of Bid #724 - Fault Tolerant and Disaster Recovery System (Police and Fire Departments)
18. Town Administrator Mederos to George Seyer, III and David Squillante, d/b/a Doghouse, 2 Turner Road re award of Bid #725 - Town Beach Concession (Parks and Recreation Department)
19. Warrant - Mark Grey, Auxiliary Harbor Master

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20. Warrant - Alan D. Leach, Assistant Harbor Master
21. Council Clerk Cirillo to James Toppa of Portsmouth, RI re Class B-Victualler Limited Liquor License renewal for Sub Station #1, 271 Wood Street
22. Warrant - Steven Roth, Auxiliary Harbor Master
23. Warrant - Ethan M. Tucker, First Alternate of the Economic Development Commission
24. Town Administrator Mederos to Sara Strachan, Registrar, RI Division of Motor Vehicles re Registry closings in the East Bay area
25. Louise R. Phaneuf, Burrillville Town Clerk - resolution in support of amendments to RIGL §17-11-1, repealing the maximum number of voters in a polling place
26. Coastal Resources Management Council - March 2011 Calendar
27. Council Clerk Cirillo to Sen. David E. Bates, et al re request for support of resolution concerning vicious dogs
28. Resolution re criminal liability for owners of vicious dogs (signed copy)
29. Borrowing Resolutions re Rhode Island Clean Water Finance funding for sewer capital projects (signed copy)
30. Coastal Resources Management Council - Semi-Monthly Meeting, March 8, 2011

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

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

1. Zoning Board of Review - March 7, 2011

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2. Bristol Warren Regional School District - schedule of meetings, week of February 21, 2011
3. Bristol Warren Regional School Committee - Budget/Facilities Subcommittee, February 22, 2011
4. Historic District Advisory Committee - February 24, 2011
5. Bristol Warren Regional School District - schedule of meetings, week of February 28, 2011
6. Bristol Warren Regional School Committee - Personnel/Contract Negotiation Subcommittee, February 28, 2011
7. Bristol Warren Regional School Committee - February 28, 2011
8. Bristol Warren Regional School Committee - BWEA Contract Negotiation Subcommittee, March 3 & 24, 2011
9. Bristol County Water Authority - Engineering Committee, March 2, 2011
10. Bristol County Water Authority - Public Relations/Personnel Committee, March 2, 2011
11. Bristol County Water Authority - Audit Finance Committee, March 2, 2011
12. Bristol County Water Authority - Board of Directors, March 9, 2011
13. North and East Burial Grounds Commission - March 28, 2011
14. Bristol Warren Regional School District - schedule of meetings, week of March 7, 2011
15. Bristol Warren Regional School Committee - Policy/Community Affairs Subcommittee, March 7, 2011

S. TOWN SOLICITOR

**TOWN COUNCIL MEETING - WEDNESDAY EVENING - MARCH 9, 2011**

1. Town Solicitor Ursillo - resolution in support of legislative amendments to protect Rhode Island's cities and towns and their public officials/employees

Barboza/Teixeira - Voted unanimously to adopt this resolution as prepared and presented and to forward a copy of same to the Interlocal Trust.

Prior to the vote taken, Assistant Solicitor Teitz reminded the Council that this is a similar resolution to one that was adopted in the past and that the Interlocal Trust recommends adoption.

2. Town Solicitor Ursillo re King Estate, property acquisition resolution (ratify)

Herreshoff/Barboza - Voted unanimously to ratify the action regarding the acquisition of the King Estate, as described in the property acquisition resolution.

Prior to the vote taken, Assistant Solicitor Teitz noted that the property was acquired based upon the action taken on several occasions during Council executive sessions. He further explained that this resolution is a collective document including all of the previous action.

**Z. INDIVIDUAL COUNCIL MEMBERS AGENDA ITEMS**

1. MARSHALL

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

- b. Serious Budget - Council Chairman Marshall observed that this year's budget deliberations, including those with the Regional Joint Finance Committee will be "serious" and also that the action of the Governor will also impact the process. He observed that the Town must often build its budget based upon an assumed level of State aid but that this is difficult since the assumptions are often incorrect.

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Council Chairman Marshall added that the budgeting process is a collaborative effort between the Town Administrator, department heads, and the Town of Warren.

2. BARBOZA

a. Pawtucket Avenue Fire - Councilman Barboza congratulated the Town's emergency services upon their reaction to a recent Pawtucket Avenue fire.

b. Police Department - Councilman Barboza also congratulated the Police Department upon its "high caliber" of service.

c. Nathan Calouro - Councilman Barboza suggested that the Clerk should send a letter to Mr. Calouro in consideration of his application to serve on the Capital Project Commission as noted previously in the "Appointments" section of the Council Docket.

3. TEIXEIRA

a. RI Housing - Councilman Teixeira noted that the RI Housing workshop will be held on Tuesday, March 15, 2011 in the Mt. Hope High School Cafeteria. He further explained that the "Hardest Hit RI" fund has some \$80 million for mortgage and tax payments.

b. Citizen of the Year (?) - Councilman Teixeira informed the Council that Michael Siino of Nacho Mama's restaurant recently discovered a parcel containing \$28,000 and was able to return it to its owner who rewarded him with \$1000 for his good deed.

4. HERRESHOFF

a. Punctuality - Councilman Herreshoff asked Mike Davis if the commencement of the Council meeting on time was critical to the television audience with Mr. Davis reporting that the "live" broadcast includes the lag time between 7:00 PM and the actual commencement of the meeting. Mr. Davis further explained that this lag time is edited from the tape so that the replays are made to appear as if starting on time.

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b. Litter Ride - Councilman Herreshoff suggested that he may wish to accompany Public Works Director Serbst on a ride through Town in order to identify those places in need of litter removal. Councilman Herreshoff added that he was of the opinion that the Town was generally clean but there were some places in need of particular attention.

c. Tax Bills - Councilman Herreshoff observed that the result of the property tax revaluation will be announced shortly and that taxpayers should be aware that due to the revaluation some property values will be reduced. Councilman Herreshoff also cautioned that the bills will be the product of the valuation and the tax rate and each factor should be considered.

d. Street Cleanliness - Councilman Herreshoff informed those present that citizens in France hose-down their sidewalks and that he was hopeful that citizens in Bristol might take out their brooms in order to make the Town "spic-and-span."

5. PARELLA

a. Late Night Disturbance - Councilwoman Parella observed that line crews from one or more of the locally-serving utilities were observed working on Town streets very late at night. Councilwoman Parella also observed that it appeared to be unusual since no emergency was apparent. Police Chief Canario informed Councilwoman Parella that line-crews are not normally out at night. He suggested that anyone observing unusual behavior should contact the Police Department.

b. Credit Card Payment - Councilwoman Parella asked Town Treasurer Goucher to explain the Town's credit card charge policy since the amount paid by someone who paid their tax bill by credit card appeared to be excessive.

It was noted that anyone paying by credit card must pay the entire commission collected by the card company since the Town will receive its payment in full and not have to pay any commission.

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The Clerk noted that some of the other departments have opted not to accept credit card payments due to the commission issue. It was also observed that anyone using a credit card for tax payments is informed of the commission charge up-front.

c. St. Patrick and St. Joseph - Councilwoman Parella observed the approaching feast days of St. Patrick and St. Joseph and extended well wishes concerning same.

ZZ. TOWN ADMINISTRATOR AGENDA ITEM(S)

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**CITIZENS PUBLIC FORUM**

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There being no further business, upon a motion by Councilman Barboza, seconded by Councilman Teixeira and voted unanimously, the Chairman declared this meeting to be adjourned at 10:21 o'clock PM.

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Louis P. Cirillo, CMC, Council Clerk