

TOWN COUNCIL MEETING - THURSDAY EVENING - MARCH 31, 2011

PRESENT: Marshall, Barboza, Teixeira, and Parella

ABSENT: Herreshoff

ALSO PRESENT: Diane C. Mederos, Town Administrator
Michael A. Ursillo, Esq., Town Solicitor

The Council met in regular session on Thursday evening, March 31, 2011 in the Town Hall, Council Chambers beginning at 7:05 o'clock PM.

It is hereby noted for the record that this meeting was originally scheduled to be held on March 30, 2011 and all matters were continued to this date due to a delayed posting. It is also noted that Councilman Herreshoff was unable to reschedule his attendance due to a long-standing public speaking commitment out of Town.

Special Recognition

Michael B. Siino

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

*State of Rhode Island and Providence Plantations
Town of Bristol*

*Commendation
awarded to*

Michael Siino

in recognition of his admirable and unselfish action in returning a large sum of lost & found money to its rightful owner. In granting this commendation, the Honorable Town Council and Honorable Town Administrator of the Town of Bristol, State of Rhode Island and Providence Plantations, individually, collectively and by these presents; on behalf of all of the citizens of said Town, extend their congratulations and best wishes to Michael Siino, applaud his good citizenship, and further commend his excellent example.

*Presented this
31st Day of March, A. D. 2011.*

IN WITNESS WHEREOF we have hereunto set our hand and affixed the Seal of the Town of Bristol.

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/s/ Diane C. Mederos, Town Administrator
/s/ Kenneth A. Marshall, Town Council Chairman
/s/ David E. Barboza, Town Council 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

Special Recognition

Ann Morrill

Council Chairman Marshall also presented the following joint-Proclamation:

*State of Rhode Island and Providence Plantations
Town of Bristol*

PROCLAMATION

Be it hereby known to all that:

WHEREAS, for decades the name of **Ann Morrill**, has been synonymous with the Kickemuit River Council in support of its efforts to protect one of our most valuable natural resources; and

WHEREAS, **Ann Morrill** has been the consummate volunteer, whose love for and dedication to the Kickemuit has been second to none; and

WHEREAS, **Ann Morrill**, through her vast knowledge of the Kickemuit and its species, has worked tirelessly to help her fellow citizens recognize and appreciate the value of the incomparable treasures that are the Kickemuit River and its surrounding waterways; and

WHEREAS, **Ann Morrill's** accomplishments have been many; and through her determination, demeanor, honesty, forthrightness, and tenacity, has brought forth positive change for the benefit of future generations. She has been known to quote the inscription found on the Senator John H. Chafee statue in Colt State Park, "what we do today we do for our children and our children's children."

NOW, THEREFORE, BE IT RESOLVED that the Honorable Town Council and Honorable Town Administrator of the Town of Bristol, State of Rhode Island and Providence Plantations do

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*proclaim and by these presents further recognize the many achievements and continuing contributions of **Ann Morrill** and, individually and collectively, and on behalf of all of the citizens of Bristol, offer their compliments and felicitations; and*

BE IT FURTHER RESOLVED, that the Honorable Town Council and Honorable Town Administrator of the Town of Bristol, State of Rhode Island and Providence Plantations, by the authority vested in them, do further proclaim congratulations to **Ann Morrill**, and extend to her, her family, friends, and the entire Kickemuit River Council the gratitude and best wishes of a proud community upon this most auspicious occasion.

IN WITNESS WHEREOF we have hereunto set our hand and affixed the Seal of the Town of Bristol on adoption this 31st day of March, A.D. 2011.

/s/ Diane C. Mederos, Town Administrator
/s/ Kenneth A. Marshall, Town Council Chairman
/s/ David E. Barboza, Town Council 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

4th of July Walk of Freedom

Also prior to the commencement of this evening's regular agenda, Council Chairman Marshall announced that the 4th of July Committee continues to sell inscribed bricks and granite pavers for its "Walk of Freedom" on the Town Common.

Save the Bay

Council Chairman Marshall also recognized Jonathan Stone, Executive Director of Save the Bay who was present. Mr. Stone presented the Council with a plaque commemorating the Town's matching funds program in support of the Save the Bay effort to prevent the installation of an LNG terminal in Mount Hope Bay. Mr. Stone observed that the available matching funds were exceeded by donations from Bristol residents and businesses. (See agenda item B6)

Council Chairman Marshall observed that the Town and Save the Bay must continue their affiliation and cannot become complacent.

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Council Chairman Marshall also noted for the record that Councilwoman Parella designed the matching program and Councilwoman Parella reported the program to be a "great partnership" between the Town and Save the Bay.

MOTION RE: CONSENT AGENDA - TO APPROVE THE CONSENT AGENDA

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

A. SUBMISSION OF MINUTES OF PREVIOUS MEETING(S)

1. Town Council Meeting - March 9, 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. Building Code Board of Appeals - July 14, 2010
2. Fire Department (& Rescue/Training Headquarters) Capital Project Committee - February 9, 2011
3. Zoning Board of Review - January 3, 2011
4. Zoning Board of Review - February 7, 2011
5. Planning Board - December 14, 2010
6. Planning Board - February 8, 2011
7. Historic District Commission - January 6, 2011
8. Historic District Commission - February 10, 2011
9. Bristol County Water Authority - Board of Directors, February 10, 2011
10. Bristol County Water Authority - Audit Finance Committee, March 2, 2011

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11. Bristol County Water Authority - Engineering Committee, March 2, 2011
12. Bristol County Water Authority - Public Relations/Personnel Committee, March 2, 2011
13. Harbor Commission - March 7, 2011
14. Bristol Housing Authority - February 10, 2011
15. Recreation Board - October 12, 2011
16. Recreation Board - November 30, 2011
17. Recreation Board - January 11, 2011

B. OLD BUSINESS

1. Councilwoman Parella re Garfield Avenue (Mary Gaspar), **continued from March 9, 2011**

Barboza/Parella - Voted unanimously to continue this matter until the meeting of April 13, 2011.

Prior to the vote taken, Ms. Gaspar presented the Council with a series of photographs of her property illustrating damage to same. Council Chairman Marshall suggested that the Town should attempt to "re-engage" the Congressmen and U.S. Senators previously contacted concerning flood damage.

Ms. Gaspar reported that she has mold and also that her paneling is coming apart.

Council Chairman Marshall again stated that the Town could "reach-out" to the Senators and FEMA representatives with Ms. Gaspar responding that she provided the same series of photographs as noted above.

Councilwoman Parella suggested that this matter might be included along with the Raiola matter with Town Administrator Mederos reporting that it was already included.

Ms. Gaspar stated that FEMA said "no" and also that the situation was a "vicious game."

Council Chairman Marshall explained that there were funds provided to the State for the purposes of mitigating flood

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damage and also that Governor Chafee was attempting to facilitate the disbursement of same. Director of Community Development Williamson reported that these funds are available through a community development block grant (CDBG) for disaster recovery and that she would try to determine if Ms. Gaspar would qualify.

Council Chairman Marshall suggested that Town Administrator Mederos might contact the Senators, Representatives and also Governor Chafee on behalf of Ms. Gaspar.

Director of Community Development Williamson agreed to follow-up on the CDBG potential.

Councilman Teixeira stated that the photographs provided by Ms. Gaspar appear to be accurate.

Councilwoman Parella reported that she visited Ms. Gaspar's home but was not shown the basement since Ms. Gaspar's dog was housed in the basement.

Ms. Gaspar stated that Councilwoman Parella could return and visit the basement if she wished to do so.

Councilwoman Parella noted that the Council is not informed of the amount of Ms. Gaspar's claim and suggested that Ms. Gaspar should provide a cost estimate with Ms. Gaspar informing the Council that she is "still collecting bills."

Ms. Gaspar also reported that she is parking her car on the street during storms.

Councilman Teixeira stated that he examined the area in question during a rain storm and that the drainage appears to be working properly.

Ms. Gaspar asked to know the status of the catch-basin at 3 Woodlawn Avenue with Council Chairman Marshall reporting that Kevin Aguiar is adding this catch basin to the contract for Tanyard Brook Phase I.

2. **Burrillville Resolutions, continued from
March 9, 2011**

a. Recommendation - Town Treasurer

Barboza/Teixeira - Voted
unanimously to support the
resolutions per the recommendation
of the Town Treasurer.

3. Removal of Town trees, **continued from March 9, 2011**

Parella/Teixeira - Voted unanimously to refer this matter to the Town Administrator and Community Development Department, in consultation with the appropriate authorities, in order that a recommended policy will be forthcoming for the meeting to be held on May 4, 2011.

Prior to the vote taken, Council Chairman Marshall noted the information provided by Wilhelm Woelfle of 18 Clifton Road and explained that the Council would provide Tree Warden Kinder the opportunity to respond to Mr. Woelfle's concerns.

Mr. Woelfle informed the Council that after he testified before the Council he was stopped on the street and in stores and also that he is of the opinion that a conflict of interest exists. He added that he does not blame Mr. Kinder but rather recognizes that the Town Council "makes the rules." He also explained that others have indicated to him that they fear "retribution" were they to complain also.

Mr. Woelfle explained that he is not a tree expert and if the tree was afflicted with a fungal canker he was not aware of this affliction. He added that he is of the opinion that there are worse trees than the one formerly adjacent to his property.

Tree Warden Kinder reported that the tree in question was determined to be a safety hazard and that a large amount of heavy deadwood was observed in the upper reaches of the tree thus leading to the decision to remove the tree. He added that he submitted "tree warden's notes" and the removal was approved. He further explained that the "notify law" has a safety exception and also that this "notification clause" has been essentially "shuffled aside" during his lifetime. He added that this is the first time in his experience when there has been an "issue."

Tree Warden Kinder further explained that most often requests come from citizens in favor of tree removal and also that it was unfortunate that the Town tree near Mr. Woelfle's property had to come down because Mr. Woelfle "loved the tree."

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Tree Warden Kinder added that the notification clause appears to "kick in" only when no hazard exists.

Councilman Teixeira observed that there are many claims brought against the Town as the result of tree damage. He suggested that Tree Warden Kinder should "post" tree removals whenever possible in the future.

Tree Warden Kinder responded that paper notices might be too susceptible to vandalism and weather related damage. He suggested that the trees to be removed might be marked with some type of code.

Town Administrator Mederos agreed that it might be possible to both mark the tree with a code and also with a notice. She agreed to work with the Tree Warden on an acceptable procedure.

Councilman Teixeira clarified his earlier statement indicating that he did not intend to require "a lot of publicity" but rather would like to provide some notice to the abutting homeowner. Tree Warden Kinder agreed to provide same.

Mr. Woelfle informed the Council that he "disagreed" with the Tree Warden and does not believe that the subject tree was diseased albeit he agreed that Tree Warden Kinder is an expert.

Mr. Woelfle asked if the Town will assume responsibility with Town Solicitor Ursillo responding that if Town property causes damage to someone's personal property, the matter is typically referred to the Insurance Committee which is authorized to make a certain level of determination.

Council Chairman Marshall asked to know if there will be a new tree planted where the earlier one was removed with Tree Warden Kinder agreeing to do so. He further stated that he would include the Clifton Road address on the list for spring planting.

Councilwoman Parella asked to know what becomes of the 'firewood' with Tree Warden Kinder responding that the workers are instructed to chip the "brush" and that the heavy wood will be left behind for the abutting property owner provided that he or she asks for it and agrees to remove it safely.

Tree Warden Kinder also observed that he does not sell firewood.

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Mr. Woelfle contended that the tree removal workers wished to retain the firewood and suggested that these workers might be selling it. He suggested that there should be an investigation.

Tree Warden Kinder informed those present that the workers always chip the brush and will leave behind the large diameter logs.

Tree Warden Kinder introduced Hal Hunt who has worked for him for twenty (20) years and was foreman of the crew on the job to remove the subject tree. Mr. Hunt reported that he lives in the same neighborhood as Mr. Woelfle and questioned Mr. Woelfle's opinion regarding the health of the tree. He added that it is difficult for an untrained person to absolutely determine the health of any tree and informed the Council that removal of this particular tree was "a no brainer." He added that the upper branches of the tree may have fallen and caused serious damage to nearby healthy trees. He added that power lines in the area were also in jeopardy and that the condition of the tree was "hazardous."

Mr. Hunt reported that most neighbors are thankful when a diseased tree is removed and that he always tries to "work with people."

Mr. Hunt also reported that he recalled the circumstances of the day in question and that it was rainy. He added that when Mr. Woelfle arrived on the scene he appeared to be "agitated."

Mr. Hunt also reported that due to safety concerns, it is policy that the brush is chipped since people will leave this behind and it may create a hazard if not removed properly. He also described that Mr. Woelfle entered the work area and began to remove branches.

Tree Warden Kinder explained that Mr. Hunt is a very dedicated worker and that he is concerned regarding the accusations leveled against him by Mr. Woelfle.

Michael Boyce of 23 Union Street informed the Council that "with no warning" a tree in front of his home was removed by the Town. He noted that the tree was planted in 1938 by the Tingley family at their own expense. He also informed the Council that the tree was damaged by a hurricane in 1954 and the Tingleys paid to have it reinforced with a stainless steel rod and cable.

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Mr. Boyce also informed the Council that he did not agree that this tree should have been removed and that it was "gone before they knew it."

Mr. Boyce asked to know if the Tree Warden has a conflict of interest with Town Solicitor Ursillo responding that it would not be considered unusual for a tree warden to both decide regarding the removal of the tree and complete the work.

Councilwoman Parella suggested that the Tree Commission and/or Conservation Commission should draft a policy regarding tree removal and to also take into account all safety considerations.

Tree Warden Kinder stated that "certain judgments are not imperial in nature" and that there seems to be a mistaken opinion that "things are out of control." He added that he would typically rather not remove any of the Town's trees but his duty is to both look after the trees and protect the public interest. He added that the "lion's share" of tree work is related to concerns for apparent hazards and also that the Town has a lot of trees and little comparative money to care for all of these. He also added that he intends to comply with the rules regarding notice.

Councilwoman Parella stated that she does not at all believe that Tree Warden Kinder is "feathering his nest" with decisions to remove healthy trees.

Town Solicitor Ursillo stated that according to State Statute the tree warden makes the determination and also presides over any public hearing regarding the removal of a tree.

Sylvia Reinhold of 14 Clifton Road read a letter from her husband this becoming part of the record of this meeting.

Mr. Woelfle volunteered to be a part of any policy committee with Council Chairman Marshall stating that it would be a good idea if Mr. Woelfle would serve in that capacity.

Tree Warden Kinder noted that the State statute provides that the Tree Warden might appoint any one of a number of deputies and suggested that Mr. Woelfle might wish to serve as a Deputy Tree Warden.

Town Administrator Mederos reported that although the Tree Warden is appointed by the Town Council; her office receives the many requests for tree maintenance. She added that

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there are many requests for trimming and removal versus objections to same.

Councilwoman Parella again stated that she is not at all questioning the validity of the Tree Warden's judgment.

Councilman Barboza stated that he would volunteer to be part of the policy committee if needed.

4. Pasquale DeLise, P.E., Executive Director, Bristol County Water Authority to Town Solicitor Ursillo re Anawan Club agreements and BCWA Annual Report 2010 to the Massachusetts Department of Environmental Protection

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

Prior to the vote taken, Town Solicitor Ursillo reported that the BCWA and its predecessor Bristol County Water Company have legal agreements concerning the Anawan Reservoir dating from 1912. He also explained that there is a more current agreement (1986) that allows either party to terminate and also that the BCWA must file with the Commonwealth of Massachusetts on an annual basis.

Town Solicitor Ursillo also reported that the Shad Reservoir litigation was concluded in favor of the Water Authority.

Town Solicitor Ursillo explained that the "performance audit" is pending and that the completion of this audit is delayed for what appear to be legitimate reasons and that much of the information was not readily available and had to be "pulled together from scratch." He added that the consultants did not anticipate the additional work to do this but do not plan to charge for it either.

Councilwoman Parella asked to know if the BCWA information was at all computerized with Town Solicitor Ursillo responding that he believes that technology upgrades will be part of the consultant's recommendations.

Councilman Teixeira noted that page 3 of one of the early documents appears to be missing with Town Solicitor Ursillo noting that these were provided for "historical reference" and that the provisions of the old contracts were superseded by more recent ones.

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5. (Assistant Town Solicitor Teitz) - U.S. Coast Guard Assistant Commandant decision in response to RIDEM appeal of the Captain of the Port and First District Commander Letter of Recommendation to FERC re Weaver's Cove LNG proposal

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

Prior to the vote taken, Town Solicitor Ursillo reported that the Coast Guard Assistant Commandant essentially upheld the earlier decision. Council Chairman Marshall added that the decision was based upon the "narrow scope" of navigational hazards and did not consider any of the other factors and potential hazards identified.

Town Solicitor Ursillo agreed that the decision of the Assistant Commandant represents only a "small piece of the puzzle."

Council Chairman Marshall noted that there was "a new issue" relating to the ownership of the land upon which Weaver's Cove would like to build.

Town Solicitor Ursillo stated that he was not aware of this new issue but would investigate same.

6. Council Clerk Cirillo re LNG matching funds to Save the Bay (Notification #8 - February 1, 2011 through February 28, 2011)

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

See also "Save the Bay" above.

7. E. Keith Maloney, Chairman, Economic Development Commission re Intoxicating Beverage License restrictions

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

Prior to the vote taken, Mr. Maloney informed the Council that his correspondence was self-explanatory and that it had

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been brought to his attention regarding the Council's no-bar policy.

He added that the matter was discussed at the Economic Development Commission (EDC) and also that the Commission wishes for the Council to reconsider its policy.

Councilman Barboza stated that the license for the Hourglass and several other recent licenses were "created with restrictions" in order to control the use of these licenses and also to assure that the establishments do not "morph" into a "bar" or "nightclub." He added that liquor licenses tax the resources of the police department and that these less-troublesome non-bar restaurants were the Council's alternative to no additional liquor licenses.

Mr. Maloney cautioned the Council that its posture on this particular issue may be perceived as non-supportive to business. He added that the letter as provided has the unanimous support of the EDC membership. He added that the proprietors of Leo's Ristorante would also like to be allowed a "bar" in order to be competitive with those establishments having them.

Council Chairman Marshall reminded those present that the license was created with conditions and was done so despite the objections, in general, from the police department.

Councilwoman Parella stated that the posture of the EDC exasperated her since the licensee was well informed of the Council's regulations. She added that she was concerned that several licenses were created with this same condition imposed and that those licensees may wish to also change their license restrictions. She also added that she would be amenable to an upgrade of this license to include distilled liquors at some point going forward.

Councilwoman Parella informed those present that most towns require potential licensees to wait until a license becomes "available" due to the closure of another establishment and will not "create" new licenses. She added that the former and current police chiefs have advocated that the Council should "set a number" of licenses and have that number remaining constant. She also expressed surprise at the request of Leo's Ristorante as noted by Mr. Maloney since Leo's management has never approached the Council with this request.

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Peter Calvet, Chairman of the Redevelopment Agency suggested that the Council's policy was "muddied" and that he did not generally understand the reason for this policy.

A discussion ensued regarding "bars" versus "fine dining" with the Council understanding that these different types of establishments cannot be differentiated within the provisions of a Class B Victualler license as allowed by State statute.

Mr. Maloney informed the Council that he prefers to sit at a bar when dining alone and his position on this matter is related to what he hears from the business community.

Councilman Barboza stated that he wishes Mr. Ahmed well and that the Council created the license for the Hourglass in order to allow Mr. Ahmed a "level playing field" selling and serving beer and wine. He added that the Council's primary concern is to be cautious about what might become of the license should Mr. Ahmed wish to transfer it to another proprietor.

Mr. Maloney cautioned the Council that these non-bar establishments may have to close if the Council does not lift the restrictions.

Councilwoman Parella questioned the effectiveness of Mr. Ahmed's marketing efforts since these have not been abundantly obvious to her. She also repeated that the Council set-up this particular license at the request of the proprietor who was made clearly aware of the Council's restrictions.

Councilwoman Parella also stated that the difference between a food establishment that sells liquor and a liquor establishment that sells food is a "fine line" and that a "switch-over" can happen without the control of the Council. She added that this matter is an overall policy decision and that it should not be decided based upon the request or circumstances of a single proprietor.

Council members expressed concern that Mr. Ahmed was rallying support from his customers with the intention to "lobby" the Council on this issue with Council Chairman Marshall noting that it appeared as though the customers were promoting the bar seating on their own and not necessarily at the behest of Mr. Ahmed.

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Mr. Maloney stated that the request to the Council is made with the "purest of intentions" and was not intended to be an accusation.

Councilman Teixeira stated that he did not understand fully the no-bar policy and suggested that the policy might be revisited.

8. (Draft) resolution re support of House Bill 5088 to amend RIGL §17-18-11, changing the statewide poll closing time to 8:00 PM

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

9. Councilman Teixeira re Personnel Board (continued from March 9, 2011)

Teixeira/Barboza - Voted unanimously to instruct the Clerk to contact the remaining members of the Personnel Board and request that said Board should have a meeting to discuss pending issues.

10. Town Administrator Mederos re dissolution of the Fire Department (& Rescue/Training Headquarters) Capital Project Committee

Barboza/Teixeira - Voted unanimously to discharge the Capital Project Committee with thanks and praise and to authorize the transfer of capital funds per the recommendation received.

Prior to the vote taken, Town Administrator Mederos suggested that this matter should be taken after the conclusion of the public hearing (agenda item C1).

BB. SPECIAL /STATUS REPORTS

C. PUBLIC HEARINGS

1. Sale of property known as "The Rescue Station," 349 High Street on Assessor's Plat 13, Lot 1

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LATE ITEM a. Edward Tanner, Zoning Officer re sale of property known as "The Rescue Station"

LATE ITEM b. (Assistant Solicitor Teitz) re (draft) resolution to Sell Surplus Real Property Former "Rescue Station" - 349 High Street, Plat 13, Lot 1

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

Barboza/Teixeira - Voted unanimously to adopt the resolution to "Sell Surplus Real Property" as prepared and presented.

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

There was no remonstrance presented in favor or in opposition to the sale of the subject surplus property.

D. ORDINANCES

1. 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) **2nd reading for adoption**

Teixeira/Barboza - Voted unanimously to consider this action to constitute the second reading for adoption of Ordinance #2011-04. Advertise in local newspaper.

(CA) E. BUDGET ADJUSTMENTS

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

(CA) F. APPOINTMENTS

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

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1. Public Service Appointments
 - a. Capital Project Commission
 1. Council Clerk Cirillo to Nathan Calouro re withdrawn application

Barboza/Teixeira - Voted unanimously to receive and place this matter on file.
 2. William Goneau, 11 Smith Street - interest/appointment

Barboza/Teixeira - Voted unanimously to set an interview at the convenience of the parties.
 - b. Historic District Commission - Auxiliary Member (to fill vacancy; term to expire in July 2013)
 1. Eric A. Sponseller, 130 High Street - interest/appointment

Barboza/Parella - Voted unanimously to set an interview at the convenience of the parties.

G. LICENSING BOARD - NEW PETITIONS

1. Anthony B. Morettini for Bristol Highlands Improvement Association - request for a One-Day Dancing and Entertainment License (non-profit), fundraising event to be held at 22 Gibson Road on July 2, 2011
 - a. Recommendation - Town Administrator and Chief of Police

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

H. LICENSING BOARD - RENEWALS

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1. Cesspool License renewals for 2011-2012
 - a. Recommendation - Town Administrator and Superintendent of Water Pollution Control

2. Tattoo License renewals for 2011-2012
 - a. Recommendation - Town Administrator and Chief of Police

Parella/Teixeira - Voted unanimously to grant renewals of these licenses per the recommendations received and subject to conformance to all laws and ordinances and payment of all applicable fees, taxes, and levies.

LATE ITEM

- b. Ender's Ink and Art LLC - license renewal petition

Parella/Teixeira - Voted unanimously to grant renewals of these licenses per the recommendations received and subject to conformance to all laws and ordinances and payment of all applicable fees, taxes, and levies.

(CA) I. UTILITY PETITIONS

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

1. Public Works Director Serbst - Road Cut Permits

J. PETITIONS - OTHER

1. Sandra Tolley for First Congregational Church, 281 High Street - request to hold a fundraising event, exhibiting art along the fence located on the corner of Bradford and High Street, August 20, 2011 (rain date August 27, 2011)
 - a. Recommendation - Town Administrator and Chief of Police

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Teixeira/Barboza - Voted
unanimously to grant this petition
per the recommendations received
and subject to conformance to all
laws and ordinances.

2. Rizwan Ahmed, (d/b/a Hourglass Brasserie,) 382 Thames Street - request permission to have bistro chairs at the service counter

Barboza/Teixeira - Voted
unanimously to continue this matter
until the meeting scheduled for
April 13, 2011 anticipating a
report from Police Chief Canario at
that time concerning liquor
licenses.

Prior to the vote taken, Mr. Ahmed noted that his first year has been "tough" and that an allowance for bar-stools would help.

Town Solicitor Ursillo stated that any amendment to the conditions of the granted license would require a public hearing.

Councilwoman Parella stated that there are several liquor licenses which have restrictions and that she did not wish to change the Council policy at this time.

Town Solicitor Ursillo repeated that any amendment to the condition of the license would require a public hearing. He added that the Council would be "on shaky ground" to change its policy for a single licensee and not consider the others with similar circumstances.

Councilwoman Parella stated that she was concerned that a change to the Council's no bar-seating policy would result in an "opening of the flood gates." She also reminded the Council that "fine dining" is not a license class.

Councilman Barboza suggested that the Council may try to impose some type of "sunset clause" in that the license would revert to the Town and become non-transferable.

A discussion ensued regarding the configuration of the table arrangement at the Hourglass.

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Councilman Teixeira asked to know the capacity of the establishment with Mr. Ahmed noting that the seating accommodates 42 persons.

Councilwoman Parella stated that there are several restaurants with similar restrictions and any change to the conditions of this particular license should be reviewed as an overall policy decision and not be specific to the Hourglass.

Police Chief Canario informed the Council that he is aware of a study of eighteen similarly sized communities and Bristol is in the top-5 when considering the number of liquor licenses.

Council Chairman Marshall suggested that this matter should be continued until the Council has the opportunity to examine the study noted by Police Chief Canario.

Police Chief Canario also expressed concern that there can be difficulties when a license is transferred in that the original licensee may have not been troublesome and the new one is problematic.

Responding to questions posed by Council members, Police Chief Canario noted that the Police Department "gets calls (regarding bar/restaurant patrons) on Thames Street from SS Dion to the Elks."

Council Chairman Marshall asked to know if it was possible to impose a "sunset clause" on liquor licenses with Town Solicitor Ursillo stating that this was possible although it may be difficult to impose since the value of a particular property diminishes if there is no liquor license to go along with it.

Councilman Barboza stated that he did not wish to consider amendment to the no bar-seating policy if the Council cannot impose a "sunset clause."

Council Chairman Marshall asked if it was possible to have the liquor license study from the Police Department in time for the next meeting with Police Chief Canario responding that this would be possible.

Mr. Ahmed stated that he would supervise his establishment so that it does not become problematic with Police Chief Canario noting that there will be times when this will not be possible and also that the alcohol related problems may not be specifically observed within the establishment.

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Mr. Maloney agreed that it is very likely that Leo's and Le Central will also ask for bar-stools.

3. Rizwan Ahmed, (d/b/a Hourglass Brasserie,) 382 Thames Street re the addition of outside tables

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

It is hereby noted for the record that the property in question was determined to be private property under the control of the establishment and therefore not subject to Council control for "sidewalk dining." It was also noted that the area is not included in the service area as delineated for liquor sales.

K. OTHER NEW BUSINESS REQUIRING TOWN COUNCIL ACTION

1. Stephen Elmasian, Co-chairman, Armenian National Committee of RI - request that the Town fly the Armenian flag over the weekend of April 24, 2011

Barboza/Teixeira - Voted
unanimously to grant this request
per past practice.

2. Dan Beardsley, Executive Director, RI League of Cities and Towns re on-line availability of 2011 workshop presentations

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

3. RI Department of Environmental Management, Office of Water Resources, Water Quality Certification Program - Notice re consideration of the Town of Bristol application requesting Water Quality Certification to construct and maintain new transient vessel floats at Rockwell Marina

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

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4. Councilman Teixeira re Harbor Commission

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

Prior to the vote taken, Councilman Teixeira observed that he earlier thought that a provision to allow fisherman participation on the Harbor Commission was a Charter requirement but was rather found as part of the Harbor Management Plan and apologized for the confusion.

5. Director of Parks and Recreation Burke re
Canada Geese abatement

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

6. Melinda L. Thies, Superintendent, Bristol
Warren Regional School District re watershed
drainage issues at Mt. Hope High School
fields

Barboza/Teixeira - Voted
unanimously to authorize the Town
through its Parks and Recreation
Department to partner with the
School District concerning the
application for certain flood-
mitigation grants for the Mt. Hope
High School athletic fields.

Prior to the vote taken, Town Administrator Mederos stated that the Superintendent appeared to be seeking a Town/School partnership on a grant program for making certain flood mitigation improvements to the High School Fields.

Council Chairman Marshall suggested that there might be a Council/School Committee workshop scheduled to discuss this matter in more detail and perhaps that Roger Williams University should also be a participant.

Councilman Teixeira stated that it is important for the schools and Town to partner on these issues.

Council Chairman Marshall noted that the Town may be a "conduit" for certain grant funds that would not generally be considered as related to the school district's "educational pursuits."

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Council members expressed concern that the Town should provide expertise but not necessarily any liability on the condition of these fields. It was suggested that the Clerk should obtain the express approval of the solicitor on the wording of the Council's motion.

L. BILLS & EXPENDITURES

1. Bid #728 - Solid Waste Transfer Station and Special Waste Area Materials Hauling Services Contract

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

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

Coastal Recycling	N. Smithfield, RI	\$88-115/haul
MTG Disposal	Seekonk, MA	\$165/haul

2. Bid #729 - Fire Fighter Gear Washer/Extractor

Barboza/Teixeira - Voted unanimously to refer this matter to the Town Administrator to act in the best interest of the Town.

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

Automatic Laundry	W. Newton, MA	Rigid Mount \$6805
		Soft Mount \$8250

Brigham Industries	Paxton, MA	\$6749
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3. Council Clerk Cirillo re appropriations considered at budget workshop (March 23, 2011); American Legion Boys State Program, Community String Project, and Bristol Art Museum

LATE ITEM

- a. David Silvia, Secretary, RI Boys State Program re request for support

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Barboza/Parella - Voted unanimously to authorize these transactions as outlined in the Clerk's memorandum.

4. Council Clerk Cirillo re appropriation considered at budget workshop (March 24, 2011); Benjamin Church Senior Center elevator inspection

Barboza/Parella - Voted unanimously to authorize these transactions as outlined in the Clerk's memorandum.

(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, March 24, 2011

P. PROCLAMATIONS & CITATIONS

1. Citation - Hildeberto "Herbie" Moitoso, New England Patriots "Fan of the Year"

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

(CA) Q. CITY & TOWN RESOLUTIONS NOT PREVIOUSLY CONSIDERED (to be received and filed by Council)

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

1. Kathleen Viera Beaudoin, Portsmouth Town Clerk - resolution re RIDEM criteria for arsenic-only impacted soil
2. Jean M. Fecteau, CMC, Gloucester Town Clerk - request for support of resolution endorsing amendment to RIGL §16-7-23, preventing a Regional School District from presenting an overall budget reflecting prior year(s) debt service

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(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 - George Lima, Substance Abuse Prevention Task Force
2. Class F1 Intoxicating Beverage License granted to Bristol Highlands Improvement Association for event to be held at 22 Gibson Road on July 2, 2011
3. Resolution re support of legislative amendments to protect Rhode Island cities and towns and their public officials/employees (signed copy)
4. Warrant - Thomas Prezioso, Deputy Fire Chief/Board of Fire Engineers
5. Warrant - Jeffrey Mascola, Assistant Fire Chief/Board of Fire Engineers
6. Warrant - David Coccio, Assistant Fire Chief/Board of Fire Engineers
7. Warrant - Marc Proulx, Assistant Fire Chief/Board of Fire Engineers
8. Warrant - Walter Monroe, Assistant Harbor Master
9. (Bristol County Water Authority) re BCWA in the News, Miscellaneous Correspondence - March 2011
10. Warrant - James C. Dollins, Harbor Commission
11. Warrant - Thomas G. Breslin, Harbor Commission
12. Warrant - John Troiano, Alternate Member of the Harbor Commission
13. Warrant - Steven Roth, Alternate Member of the Harbor Commission

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14. Warrant - A. William Josephs, Zoning Board of Review
15. Warrant - Edward P. Stuart, Jr., Alternate Member of the Zoning Board of Review
16. Warrant - David P. Raposa, Alternate Member of the Zoning Board of Review
17. Michael J. Goetz, Chief, Risk Analysis Branch, FEMA Region 1 to Town Administrator Mederos re Risk Mapping, Assessment, and Planning Discovery Meeting, April 6, 2011
18. Warrant - Sean McCormack, Second Alternate of the Redevelopment Agency
19. Town Administrator Mederos to Heritage Restoration, Inc. of Providence, RI re award of Bid #722 - Storm Window Replacement, Dreadnaught Fire Station
20. Town Administrator Mederos to Samuel Kinder & Brother, Inc., 315 Hope Street re award of Bid #727 - 2011 Spring Tree Planting
21. Council Clerk Cirillo to Sen. David E. Bates, et al re request to support Town of Burrillville resolution relating to RIGL §16-41.1 and §40-13.2-4
22. Department of Environmental Management - approved appointment of Samuel C. Kinder as Tree Warden for 2011
23. Council Clerk Cirillo to Michael J. Abbruzzi, CEO and General Manager, 2nd Story Theatre re Dancing and Entertainment License
24. Council Clerk Cirillo to Sen. David E. Bates, et al re opposition to mandatory binding arbitration for teachers
25. Enzly Ramsay, d/b/a Ramsay's, Inc. - Drainlayer's License renewal petition (granted November 10, 2010)
26. Director of Parks and Recreation Burke to Robert M. Gates, Secretary of Defense re

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transfer of the Quinta-Gamelin Army Reserve Center

27. Warrant - Gail Thorpe, Substance Abuse Prevention Task Force
28. Resolution re King Estate, property acquisition (signed copy)
29. Cheryl A. Fernstrom, CMC, Jamestown Town Clerk - resolution in support of Legislation (H5804) to amend RIGL §17-11-1, eliminating the maximum number of 1900 voters assigned to any polling location
30. Cheryl A. Fernstrom, CMC, Jamestown Town Clerk - resolution in support of Legislation (H5088) to amend RIGL §17-18-11, changing the statewide poll closing time to 8:00 PM
31. Council Clerk Cirillo to John Black re thank you for service as Assistant Fire Chief

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

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

1. Harbor Commission - March 7, 2011
2. Regional Joint Finance Committee - March 15, 2011
3. Regional Joint Finance Committee - March 29, 2011
4. Historic District Advisory Committee - March 10, 2011
5. Planning Board - January 11, 2011 (cancelled)
6. Bristol Warren Regional School District - schedule of meetings, week of March 14, 2011
7. Bristol Warren Regional School Committee - Budget/Facilities Subcommittee, March 14, 2011

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8. Bristol Warren Regional School Committee - workshop/meeting, March 14, 2011
 9. Bristol Warren Regional School Committee - March 15, 2011 and March 29, 2011
 10. Bristol County Water Authority - Board of Directors, March 9, 2011
 11. Bristol County Water Authority - April 2011 Meetings
 11. Bristol Warren Regional School District - schedule of meetings, week of March 21, 2011
 12. Bristol Warren Regional School Committee - Budget/Facilities Subcommittee, March 21, 2011
 13. Zoning Board of Review - April 14, 2011
 14. Historic District Advisory Committee - March 24, 2011
 15. Bristol Warren Regional School District - schedule of meetings, week of March 28, 2011
 16. Bristol Warren Regional School Committee - Personnel/Contract Negotiation Subcommittee, March 28, 2011
 17. Bristol Warren Regional School Committee - March 28, 2011
- S. TOWN SOLICITOR
- Z. INDIVIDUAL COUNCIL MEMBERS AGENDA ITEMS
1. MARSHALL
 - a. Thanking Mike Davis, etc. - Council Chairman Marshall thanked Mr. Davis and also Steve Roth for their services taping this evening's meeting.
 - b. Budget Concerns - Council Chairman Marshall noted that the Council continues with its budget deliberations and that the task is arduous.
 2. BARBOZA

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a. Joint Finance Committee - Councilman Barboza noted a negative letter appearing in the local press regarding the Joint Finance Committee meeting held on Tuesday evening, March 29, 2011. He explained that as Chairman of this Committee it is his responsibility to keep order and also to be fair to all of the participants; those both speaking and those there to listen. He added that he plans to reply to the letter.

3. TEIXEIRA

a. Walkabout - Councilman Teixeira reported that he noticed an electrical box pulled from the ground near the corner of Shaw's Lane and Wood Street.

b. Franklin Street Parking - Councilman Teixeira observed that the no-parking signs have been removed from Franklin Street across from the former Rescue Station. He also observed that the no-parking boxes remain as painted on the street. Town Administrator Mederos reported that the Public Works Department plans to black-paint these in the near future.

4. HERRESHOFF

5. PARELLA

ZZ. TOWN ADMINISTRATOR AGENDA ITEM(S)

1. Healthy County - Town Administrator Mederos reported a recent study indicating that Bristol County is "the healthiest county in Rhode Island.

2. Lost at Sea Memorial - Town Administrator Mederos reported that Recreation Director Burke was arranging for the dedication of the previously discussed memorial with a bronze marker to be placed at Independence Park.

Councilwoman Parella asked to know if families of those lost at sea were being contacted with Town Administrator Mederos reporting that former Councilman Cordeiro was working on this.

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 10:35 o'clock PM.

Louis P. Cirillo, CMC, Council Clerk