

TOWN COUNCIL MEETING - WEDNESDAY EVENING - MAY 25, 2011

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

ALSO PRESENT: Diane C. Mederos, Town Administrator (arrived at 8:05 o'clock PM)

Jeanne Scott, Esq., Assistant Town Solicitor
Marshall J. Netto, Town Sergeant

The Council met in regular session on Wednesday evening, May 25, 2011, in the Town Hall, Council Chambers beginning at 7:13 o'clock PM, Council Chairman Marshall presiding:

Prior to the commencement of this evening's regular agenda, Council Chairman Marshall explained that a new memorial commemorating those Bristolians lost at sea was dedicated earlier today at Independence Park.

SPECIAL RECOGNITION

Captain John W. McBride
Hall of Heroes, Wall of Gallantry

Council Chairman Marshall also asked Councilman Barboza to read the following Council Commendation into the record:

State of Rhode Island and Providence Plantations
Town of Bristol
Commendation
awarded to

John W. McBride, CAPT/USCG/Ret.

John W. McBride, CAPT/USCG/Ret., Class of 1968, United States Coast Guard Academy, and citizen of the Town of Bristol, was inducted into the Hall of Heroes, Wall of Gallantry on April 22, 2011. The Hall of Heroes/Wall of Gallantry honors United States Coast Guard Academy graduates who have performed heroic service to the United States Coast Guard and the Nation.

His citation reads: For meritorious service while attached to and serving in USCGC *Yakutat* (WHEC-380) as Damage Control Officer during the period of 3 August to 4 August during combat operations (in Vietnam). Lieutenant (junior grade) McBride led a rescue and assistance party to the Jennings County where a serious engine room fire has reflashed out of control. His accurate appraisal of the gravity of the situation resulted in bringing the *Yakutat* alongside with minimum delay. His outstanding on the scene coordination and direction of the firefighters contributed significantly toward isolating and extinguishing the fire. Lieutenant

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(junior grade) McBride's professionalism and devotion to duty reflected great credit upon himself and were in keeping with the highest traditions of the United States Naval Service.

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 Capt. John W. McBride. We applaud this well deserved recognition, and acknowledge the great honor it brings to our Town. At the same time, we recognize him as a good and faithful citizen and on behalf of said Town, we further offer to John W. McBride, CAPT/USCG/Ret., his family, friends and associates the sincerest best wishes of a very proud community.

IN WITNESS WHEREOF we have hereunto set our hand and affixed the Seal of the Town of Bristol, this 25th Day of May, 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

Prior to the commencement of this evening's regular agenda, Council Chairman Marshall suggested that an item should be added to the agenda to consider the Tanyard Brook bid.

Barboza/Teixeira - Voted
unanimously to add an item to the
agenda concerning the Tanyard Brook
project bid (discussion on this
matter took place as part of agenda
section Z as noted below).

Also prior to the commencement of this evening's regular agenda, Council Chairman Marshall recommended that matters relating to new and/or expanded liquor licenses should be considered at the upcoming workshop with Police Chief Canario regarding license policies, etc., with the date TBD.

Barboza/Teixeira - Voted
unanimously to continue agenda
items J1 and J8 (concerning liquor

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licenses) to the aforesaid workshop.

MOTION RE: CONSENT AGENDA - TO APPROVE THE CONSENT AGENDA

Parella/Teixeira - Voted unanimously to approve the Consent Agenda withholding agenda items I1 and Q1.

Prior to the vote taken, Councilman Teixeira suggested that the Council may consider agenda item I1 further and Councilman Barboza suggested that agenda item Q1 may also be withheld.

Also at this time, Council Chairman Marshall suggested that agenda item K7 might be brought forward and discussed at this time.

Barboza/Teixeira - Voted unanimously to amend the order of business to consider agenda item K7 at this time (the discussion and action regarding this matter is reflected in-order below).

A. SUBMISSION OF MINUTES OF PREVIOUS MEETING(S)

1. Town Council Budget Workshop - March 21, 2011

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

2. Town Council Budget Workshop - March 22, 2011

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

3. Town Council Meeting - May 4, 2011

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

At this point in the Council's agenda, Council Chairman Marshall welcomed newly appointed Public Works Director Kevin McBride.

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

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

1. North and East Burial Grounds Commission - February 28, 2011
2. Fourth of July Committee - March 10, 2011
3. Board of Fire Engineers - May 2, 2011
4. Harbor Commission - May 2, 2011
5. Historic District Commission - April 7, 2011
6. Zoning Board of Review - March 7, 2011
7. Zoning Board of Review - April 4, 2011
8. Bristol Warren Regional School Committee - bi-monthly meeting, January 24, 2011
9. Bristol Warren Regional School Committee - special meeting, January 31, 2011
10. Bristol Warren Regional School Committee - workshop, February 14, 2011
11. Bristol Warren Regional School Committee - bi-monthly meeting, February 28, 2011
12. Bristol Warren Regional School Committee - bi-monthly meeting, March 14, 2011
13. Bristol Warren Regional School Committee - bi-monthly meeting, March 28, 2011
14. Bristol Warren Regional School Committee - bi-monthly meeting, April 11, 2011
15. Bristol Housing Authority - April 14, 2011
16. Harbor Commission - appeals hearing, May 9, 2011
17. Conservation Commission - February 7, 2011
18. Conservation Commission - March 7, 2011

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19. Conservation Commission - April 4, 2011

B. OLD BUSINESS

1. Councilwoman Parella re Garfield Avenue (Mary Gaspar), **continued from May 4, 2011**

a. Karen M. Bradbury, Caseworker, Office of U.S. Senator Sheldon Whitehouse to Mary Gaspar re FEMA response

Herreshoff/Teixeira - Voted
unanimously to continue this matter
until the meeting of June 15, 2011.

Prior to the vote taken, Ms. Gaspar informed the Council that the letter from Sen. Whitehouse's office was "bogus" and that FEMA did nothing for her. She added that the gentleman who represented FEMA with whom she spoke was rude.

Ms. Gaspar also asserted that Mr. (Domenic) Raiola received the support of the Council and that she did not receive support of the Council.

Ms. Gaspar also complained about her furnace and that the "woman (from FEMA) did not care to listen to" her. She added that she "went through hell" with FEMA and has no use for that agency.

Ms. Gaspar also informed the Council of her belief that undeserving persons received assistance from FEMA and that she does not wish to have anyone from FEMA at her residence.

Council Chairman Marshall noted that Ms. Gaspar's experience with FEMA may be a "blessing in disguise" since some persons have been charged with fraud. He added that the Town is attempting to address flooding and drainage problems with its Tanyard Brook project.

Ms. Gaspar informed the Council that she has not yet heard from Town Solicitor Ursillo.

Council Chairman Marshall asked if she transferred the property to her son with Ms. Gaspar responding that the property is in a "living trust will."

Council Chairman Marshall suggested that Ms. Gaspar and her son might speak to Councilwoman Parella regarding a report on damages with Ms. Gaspar responding that the pool

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maintenance man found a "thick green" substance; took a picture of it and went away.

Councilwoman Parella asked to know if the pool maintenance person provided a report with Ms. Gaspar responding that the person did not provide a report. She added that she is concerned that the pool will collapse.

Councilwoman Parella stated that she understood that the pool maintenance person was to take samples and provide a report with Ms. Gaspar responding that the gentleman took no samples and did not provide a report and that he "left."

Council Chairman Marshall speculated that pool maintenance companies are busy at this time of year.

Ms. Gaspar asked when she will get her cellar "done" with Council Chairman Marshall asking if Ms. Gaspar has received a price for the work to be done.

Ms. Gaspar reported that she did provide prices with Councilwoman Parella reporting that she has not had time to "put together" Ms. Gaspar's information. Councilwoman Parella added that Ms. Gaspar has obtained many prices from different vendors.

Councilwoman Parella stated that Ms. Gaspar's information must be listed and provided to the Town Council and that she will try to "catch-up" with Ms. Gaspar but that she was very busy at this time.

Ms. Gaspar reported that the contractor has been "ready to go."

Council Chairman Marshall suggested that Ms. Gaspar and her son should meet with Town Solicitor Ursillo and that Ms. Gaspar should "pull together the numbers" so that the parties might move forward.

Councilwoman Parella stated that she expects that Ms. Gaspar's information, listed by property, will be available in time for the next Council meeting (June 15, 2011).

Ms. Gaspar asked to know if she will be hearing from the Town Solicitor with Council Chairman Marshall explaining that the Solicitor has regular office hours on Tuesday each week and also that there may be a need for Ms. Gaspar and the Solicitor to schedule a special time to meet.

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Councilwoman Parella agreed to contact Ms. Gaspar during the upcoming weekend.

2. David W. Piccerelli, President and CEO, Rhode Island PBS re proposed closure of the Bristol public access studio, **continued from May 4, 2011**
 - a. David W. Piccerelli re decision to re-evaluate proposed closure and request that a tri-town Service Area 5 PEG Access Users Promotion Committee be established

Parella/Herreshoff - Voted unanimously to instruct the Clerk to provide information regarding the availability of the studio to various boards and commissions and also to investigate the possibility of an in-studio program for public access television with a focus on drainage, etc.

Barboza/Parella - Voted unanimously to instruct the Clerk to investigate the details of the Citizens' Advisory Committee, its makeup, responsibilities and current membership, and provide same as a "white paper" for the meeting to be held on June 15, 2011 and also to send a letter of thanks to Mr. Piccerelli on behalf of the citizens of the three Bristol County Towns in response to his decision to keep the studio open for the ensuing year.

Prior to the vote taken, Council Chairman Marshall noted that there was "news" in that Mr. Piccerelli informs the Council of his plan to have the studio remain open for one year in order to solicit more business for same.

Councilman Herreshoff stated that the various proponents of the studio should "feel good" about this action but cautioned that the studio must be adequately used going forward in order that it may remain open.

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Councilman Herreshoff encouraged the Council to promote a "small project" in order to help the studio remain open and suggested that the Council may wish to have a workshop to "drum up" business for the studio.

Council Chairman Marshall noted that he has been contemplating quarterly "recognition meetings" and that Council commendations might be awarded at this time. He suggested that these quarterly recognitions could be held at the studio.

Councilwoman Parella suggested that Public Works Director McBride could plan a round-table discussion on the Tanyard Brook project including maps and other drainage issues.

Councilman Herreshoff stated that Councilwoman Parella has a good idea and further suggested that this Tanyard Brook program should include engineers and hydraulics experts.

Councilwoman Parella noted that drainage projects will take many \$ millions to resolve and that the program could include "good visuals." She suggested that many viewers would find this to be interesting.

Nancy Horne of 1014 Hope Street suggested that the Fourth of July Committee could use the studio and create programs about the Committee's events such as the Miss Fourth of July Pageant.

Councilwoman Parella in crafting her following motion suggested that the Council should "reach-out" to the various boards and commissions regarding the availability of the studio and to recommend that the boards - particularly the Historic District Commission - make programs that would be of interest to the television public. She repeated her earlier suggestion that the Town prepare a half-hour program focusing upon drainage and the Tanyard Brook and that this may be accomplished by Public Works Director McBride, Mike Davis and Town Administrator Mederos and also a "water person," a representative of the State Department of Environmental Management and other experts as necessary.

Councilman Barboza noted that the Council appeared to be discussing two different matters concurrently and that the primary objective should be to resurrect and/or re-establish the PEG Access Citizens' Advisory Committee.

Councilman Barboza also suggested that the Clerk might send a letter to School Superintendent Thies and also to the

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School Committee in order to generate interest in Studio usage.

A discussion ensued regarding the Citizens' Advisory Committee with Council Chairman Marshall asking to know who served on this Committee in past years. It was noted that Harold Demopulos and Seymour Glantz were past members.

Councilman Barboza suggested that the Advisory Committee should be reactivated and also another committee might be appointed to promote the studio.

Council Chairman Marshall suggested that the Council should send a letter to Barrington and Warren Town Councils regarding the Citizens' Advisory Committee since the group is intended to represent the County he added that he recalls that both Towns had representatives on this Committee.

Councilman Barboza reminded the Council that the reason for the representation is related to the fees charged on cable bills for this purpose.

Councilwoman Parella stated that the Advisory Committee is part of the State Statute.

3. Councilman Teixeira re Town vehicles; usage and markings, **continued from May 4, 2011**

LATE ITEM

- a. Town Administrator Mederos re Town vehicles

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

Prior to the vote taken, Councilman Teixeira thanked Town Administrator Mederos for providing the information. Councilman Herreshoff stated that perhaps some of the vehicle markings could be more "significantly" displayed.

Councilman Teixeira asked Councilman Herreshoff if he was referring to some DPW vehicles with Councilman Herreshoff responding affirmatively.

Town Administrator Mederos agreed to examine the vehicle markings in question.

Council Chairman Marshall noted that the logos placed upon the vehicles are typically magnetic and that these may be added and removed as necessary.

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Councilman Barboza noted that there appear to be valid reasons for occasionally having Town vehicles unmarked with Town Administrator Mederos added that there is an occasional need for anonymity.

BB. SPECIAL /STATUS REPORTS

C. PUBLIC HEARINGS

1. James L. Toppa, d/b/a Sub Station #1, 271 Wood Street - request for transfer of Class BV Limited Intoxicating Beverage License to Joseph E. DeFeo, Jr., d/b/a WiseGuys

It is hereby noted for the record that agenda items C1 and G1 were considered simultaneously.

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

Barboza/Teixeira - Voted
unanimously to grant the transfer
of this license subject to
conformance to all laws and
ordinances and payment of all fees,
taxes, and levies.

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

Speaking in favor of the petition was Sebastian Wordell, the owner of the subject property.

Mr. Wordell informed the Council that he was present this evening in support of the petition of Mr. DeFeo and explained that Mr. DeFeo made suitable repairs to the building and also that the granting of this transfer would enable a new business.

No other remonstrance was presented either in favor or in opposition to the petition.

D. ORDINANCES

1. Ordinance #2011-07, CHAPTER 10, Environment, Article II, Noise, Section, 10-35, Exception from article provisions (decrease dBA level

in HPC zone), (as amended) **2nd reading for adoption**

Barboza/Parella - Voted to consider this action to constitute the second reading for adoption of Ordinance #2011-07 (as amended). Advertise in local newspaper. Voting in favor of this motion were Council members Marshall, Barboza, and Parella. Councilman Teixeira and Councilman Herreshoff abstained from the vote.

Prior to the vote taken, Councilman Herreshoff stated that he believes that the members of the Noise Study Committee recommended a top-limit of 60 dBA with Councilman Barboza explaining that the minutes of the Committee indicate that the motion to accept 60 dBA failed and that the 65 dBA limit was approved as a compromise. He added that 65 dBA is the Committee's recommendation.

Councilman Herreshoff asked to know if the Police Department can "make this work" and added that the measurement of sound is a "complicated technical" matter. He also asked to know if the Police Department has a "protocol" for handling this issue.

Police Chief Canario explained that the officers are trained in the operation and calibration of the meter and that he is confident in their capabilities.

Councilman Herreshoff asked to know if the instructions regarding same were in written form with Police Chief Canario responding that there are written procedures.

Councilman Herreshoff asked to know where the officers intend to measure the noise readings with Police Chief Canario responding that the measurements will be taken at the property line.

Councilman Barboza provided minutes of the meeting to Councilman Herreshoff with Councilman Herreshoff thanking the Committee for its work but adding that the matter remains controversial.

Councilman Barboza responded that if the currently considered ordinance does not work the parties will be welcome to return to request some amendments or other options.

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Councilman Herreshoff again noted that the measurement of sound is complicated technically since there are "spikes."

Kathleen Norden of 40 VanWickle Lane informed the Council that she believes that 65 dBA is too loud. She also informed the Council that she would prefer if the Council returned the noise limit to the "residential" limit and that she believes that 60 dBA would be a better option.

Councilman Barboza asked to know what the opinion was based upon with Ms. Norden explaining that she took a reading of the sound. She added that she plans to return to the Council in three (3) weeks to ask for further consideration of her request.

Susan Maloney of 60 VanWickle Lane informed the Council that Joseph Antinucci, also a neighbor and member of the Noise Study Committee recommends 60 dBA. She read a statement expressing her concerns on behalf of her and her husband Keith Maloney.

Ms. Maloney also read a statement on behalf of David Long of 2 Ambrose Drive and provided a copy of Mr. Long's statement for the record.

Ms. Maloney added that she and others are "all tired of this" and that during her first year of residence Blithewold held thirty (30) weddings. She added that the following year there were eighty (80) events which she finds to be "intolerable."

Ms. Maloney added that she believes a volume of 60 dBA +/- a marginal amount would be acceptable.

Melinda Birs of 80 VanWickle Lane also informed the Council that she believes the proposed noise level to be excessive.

Karen Binder, Blithewold Executive Director, informed the Council that she agrees that the issue is "highly emotional." She explained that the estate depends upon the revenue generated by events for survival and that without it Blithewold may have to cease operations. She also explained that Blithewold brings 35,000 visitors to Bristol annually; this benefiting local business.

Ms. Binder noted also that the sound was measured at 74-80 dBA prior to Blithewold's installation of its "sound barrier" and that the barrier effected a reading reduction from 65-70 dBA.

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Ms. Binder added that the Newport Mansion events are allowed a higher level of sound emission and that Blithewold intends to adhere to the proposed ordinance limits. She recommended passage of the measure.

Council Chairman Marshall noted that the Noise Study Committee was formed to address noise issues in general and not specifically for the Blithewold neighborhood. He added that these general noise problems include RWU students, downtown "bars," etc. He added that the Committee gained from the expertise of Lt. Steven Contente and also the police officer from the Newport Police who attended meetings.

Council Chairman Marshall also noted that Blithewold seemed to take precedent with this Committee. He added that Blithewold invited community participation in its master planning process and that the master plan potentially considered additional noise reductions.

Ms. Binder noted that she plans to make a presentation of the master plan to the membership on June 8. She added that she received correspondence from a neighbor indicating that last summer was "the best yet" regarding sound mitigation.

Council Chairman Marshall explained that he had initially hoped for a solution to the problem through mediation and a reasonable compromise. He stated that the Committee's work and ordinance was the result of the process to date and informed Ms. Binder that it was in her best interest to make a concerted effort toward compliance.

Ms. Binder agreed to make a best-effort and also asked that the Council should allow the measure some time to work and expressed concern that the new sound level would be immediately reconsidered without the benefit of a tryout period.

Councilman Teixeira stated that he was "not comfortable" with a plan that would not allow for the Council to revisit the issue at its next meeting.

Councilwoman Parella stated that the Council may always revisit an issue but that she hopes that the parties will allow the measure a fair chance to work.

Councilman Herreshoff agreed with Councilwoman Parella and added that he has "huge respect" for Karen Binder and the Blithewold group. He also stated that he hopes that the

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measure will work and encourages Blithewold to try to "do more." He added that he plans to abstain from the vote on this ordinance out of respect for those who have asked the Council for a different solution.

Councilman Teixeira stated that he plans to abstain also.

Council Chairman Marshall observed that should the Council choose to reject this ordinance; the sound level limit will remain at 70 dBA.

Councilman Barboza asked Ms. Binder to attempt to remain between 62-65 dBA and that he is well-aware that the Council will "do what it has to do."

2. Ordinance #2011-08, CHAPTER 16 Motor Vehicles and Traffic, Article V, Stopping, Standing and Parking, Section 16-43, parking prohibited at all times (Reid Street), **1st reading**

Barboza/Teixeira - Voted unanimously to consider this action to constitute the first reading of Ordinance #2011-08. 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."

1. Public Service Appointments

- a. Juvenile Hearing Board

1. Scott J. Brum, 4 Echo Farm Drive - letter of resignation

Teixeira/Herreshoff - Voted unanimously to accept this resignation with regret and instruct the Clerk to send a letter of thanks for service.

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Councilman Teixeira nominated Matthew Cabral, currently the alternate member of the Juvenile Hearing Board, to the position of full member to fill the unexpired term of Mr. Brum.

There were no counter-nominations.

Teixeira/Herreshoff - Voted unanimously to close nominations and to instruct the Clerk to cast one ballot for Mr. Cabral with term to expire in December 2011 and also to advertise the vacancy for the alternate position in order to fill the unexpired term formerly held by Mr. Cabral.

- b. Capital Project Commission (4 regular members) (to serve initial one, two, three, and four-year staggered terms) (1 alternate member) (to serve initial one or two-year term), **continued from March 9, 2011**

1. William Goneau, 11 Smith Street - interest/appointment
2. Susan H. Rabideau, 17 Sandra Drive - interest/appointment
3. Matthew White, 1 Overlook Drive - interest/appointment
4. Eric A. Sponseller, 130 High Street - interest/appointment (see workshop minutes of May 18, 2011)

LATE ITEM

5. Edward J. Correia, 46 Varnum Avenue - interest/appointment

LATE ITEM

6. Raymond Cordeiro, 73 Franklin Street - interest/appointment

Councilman Barboza nominated Mr. Correia for the four (4) year term; Mr. Cordeiro for the three (3) year term; Mr. White for the two (2) year term; Ms. Rabideau for the one (1) year term; and Mr. Goneau for a one (1) year term as alternate member.

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There were no counter-nominations.

Barboza/Parella - Voted unanimously to close nominations and to instruct the Clerk to cast one ballot each in favor of the slate as nominated with terms as noted to expire in May of each year.

- c. Historic District Commission - Auxiliary Member (to fill vacancy, term to expire in July 2013)
 - 1. Eric A. Sponseller, 130 High Street - interest/appointment
 - 2. Timothy Pray, 724 Hope Street - interest/appointment

Councilwoman Parella nominated Mr. Pray for appointment.

There were no counter-nominations.

Parella/Teixeira - Voted unanimously to close nominations and to instruct the Clerk to cast one ballot in favor of Mr. Pray with term to expire in July 2013.

After the vote taken, Councilwoman Parella noted that Mr. Sponseller was a very willing and well-qualified candidate and suggested that the Clerk might correspond with him regarding additional volunteer public service opportunities.

G. LICENSING BOARD - NEW PETITIONS

- 1. James L. Toppa, d/b/a Sub Station #1, 271 Wood Street - request for transfer of Class B-V Limited Intoxicating Beverage License to Joseph E. DeFeo, Jr., d/b/a WiseGuys (see agenda item C1 also)

It is hereby noted for the record that action regarding this petition is recorded as part of agenda item C1.

- 2. Michael Ferreira, d/b/a Gillary's Tavern, 198 Thames Street - request for a One-Day Sunday Dancing and Entertainment License on May 29, 2011

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- a. Recommendation - Town Administrator and Chief of Police

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

3. Michael Ferreira, d/b/a Gillary's Tavern, 198 Thames Street - request for a One-Day Sunday Dancing and Entertainment License on July 3, 2011

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

Prior to the vote taken, Police Chief Canario provided a verbal recommendation in favor of granting this license.

4. Nancy Chace, d/b/a Sea Rose Cottage, 21 Constitution Street - request for a Junk and Second Hand Dealer's License, **call for a public hearing on June 15, 2011**

Barboza/Teixeira - Voted unanimously to call for a public hearing to consider this license for Wednesday, June 15, 2011 in the Town Hall, Council Chambers beginning at 7:00 o'clock PM. Advertise in local newspaper.

Prior to the vote taken, Ms. Chace informed the Council that she received information from Zoning Officer Tanner that her proposed business was in conformance with the Zoning Code.

5. Uzma Baig and Zaheer Abbas, d/b/a Midland Farms, Inc. 2, 573 Hope Street - request for a Victualling License, **continued from May 4, 2011**

- a. Town Solicitor Ursillo re legal opinion

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Barboza/Teixeira - Voted
unanimously to continue this matter
until the meeting of June 15, 2011.

Prior to the vote taken, Council Chairman Marshall stated that he has "reservations" regarding the granting of this license since some of the products sold in the petitioner's Wood Street store may be inappropriate for sale nearby an elementary school.

The petitioner stated that he intends to obey the rules and that he will not sell anything illegal. He added that his son will be attending Colt-Andrews School and that he did not wish to negatively impact the neighborhood.

Councilman Barboza asked to know about signage with Director of Community Development Williamson reporting that the petitioner is meeting with the Historic District Commission regarding signage.

Councilman Barboza expressed concern that the store is within the Historic District and that it should not have signage similar to the signage appearing in the windows of the Wood Street store.

Director of Community Development Williamson stated that the use of "paper signs" was not specifically allowed.

Councilman Herreshoff asked to know if the store was part of the Midland Farms franchise with the petitioner explaining that this company does not provide franchises in Rhode Island and that he uses the name of the store independently. He added that he occasionally sells Midland Farms products but that these are purchased through a Fall River, Massachusetts, distributor. He added that he purchases these based upon price and will occasionally change products if prices are lower.

Councilman Teixeira stated that he walked by the proposed location and observed work going on inside. He asked to know if the petitioner had building permits for this work.

The petitioner stated that he contracted with Buddy Sousa (F & S Electric) and that Mr. Sousa was responsible for the applicable permits.

Councilman Teixeira asked if the petitioner has permits for the carpentry in process with the petitioner responding that the carpentry is for a movable counter and shelving and that

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he did not believe that these improvements required a building permit.

Director of Community Development Williamson explained that the petitioner did visit the Building Official's office and explained his plans.

Planner Tanner informed the Council that the installation of shelving would not typically require a building permit.

Councilman Teixeira stated that he looked in the windows of the building and observed "quite a bit of work" going on.

The petitioner stated that he did not wish to violate any regulations and that if he was doing so unintentionally he would appreciate being told this.

Councilwoman Parella stated that she did not believe that anything was specifically illegal but rather that the signage and some of the products sold might be "in bad taste" and/or "inappropriate" for a convenience store in the middle of the downtown area.

The applicant stated that he sells drinks, chips, sandwiches, and "whatever;" with Council Chairman Marshall asking if the applicant plans to sell everything that is for sale at the Wood Street location.

The applicant again stated that he will sell only what it allowed.

Council Chairman Marshall asked to know if the applicant plans to utilize the existing "flower cooler" for foodstuffs with the applicant explaining that this cooler will be retrofitted for use in the store.

Councilwoman Parella stated that she was not certain if the Town could restrict the sale of only those items found to be "in good taste and appropriate."

Assistant Solicitor Scott informed the Council that she discussed this matter with Town Solicitor Ursillo and that the Council cannot restrict sales. She added that the establishment must meet Health Department requirements and if it does there is not much that the Town can do to restrict or withhold the license. She added that any license may be considered for revocation for cause.

Councilman Herreshoff asked questions regarding the type of sandwiches which the petitioner plans to serve with the

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petitioner responding that these are premade packaged sandwiches.

Councilman Barboza suggested that the petitioner should assure the Council that everything is in order since the granting of this license appears to be very controversial.

Councilman Herreshoff suggested that the Council might withhold the granting of this license until all permits; Health Department, etc., are in place. He asked the petitioner if he has Health Department clearance.

The petitioner informed the Council that he made application to the Health Department and that the Department plans to inspect the premises prior to his opening.

Councilman Herreshoff asked to know when the petitioner plans to open the establishment with the petitioner responding that he hopes to open "soon."

Councilman Herreshoff suggested that the matter might be continued until the petitioner secures all of the applicable permits.

The petitioner explained that he is concerned that the permits will be issued next week and that the next Council meeting will be held on June 15.

Councilwoman Parella asked to know the status of the Petitioner's application for Historic District Commission approval with Director of Community Development Williamson responding that the Historic District Commission will be meeting on June 2, 2011 regarding this matter.

Councilman Herreshoff noted that there appear to be issues to resolve concerning the Health Department and the Building Official. He again requested that the Council might anticipate having all of the permits in place prior to the granting of the license.

The petitioner informed the Council that the refrigerator is "in good shape" and that the repairs including new insulation will be installed in one day.

6. Uzma Baig and Zaheer Abbas, d/b/a Midland Farms, Inc. 2, 573 Hope Street - request for a Holiday Sales License, **continued from May 4, 2011**

- a. Town Solicitor Ursillo re legal opinion

TOWN COUNCIL MEETING - WEDNESDAY EVENING - MAY 25, 2011

Barboza/Teixeira - Voted
unanimously to continue this matter
until the meeting of June 15, 2011.

H. LICENSING BOARD - RENEWALS

1. Sidewalk Use License - renewals for 2011-2012
(license renewal petitions attached)
 - a. Recommendation - Code Compliance
Coordinator
 - b. Recommendation - Town Administrator and
Chief of Police
 - c. Common Pub and Grille - license
renewal petition

LATE ITEM

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

(CA) I. UTILITY PETITIONS

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

1. Public Works Department - Road Cut Permits

Teixeira/Parella - Voted
unanimously to continue this matter
to the meeting of June 15, 2011
anticipating a response from
Administration.

Prior to the vote taken, Councilman Teixeira expressed
concern that a road cut, not an emergency, was done by
National Grid, prior to its securing permission regarding
same.

Town Administrator Mederos agreed to investigate and report
back to the Council regarding this matter.

J. PETITIONS - OTHER

TOWN COUNCIL MEETING - WEDNESDAY EVENING - MAY 25, 2011

1. Albert P. Quito, d/b/a Quito's Restaurant, 411 Thames Street - request for consideration re (temporary seasonal) expansion of existing Class BV Intoxicating Beverage License, adding an outdoor bar with seating and limited menu

It is hereby noted for the record that this agenda item was continued to a workshop with a date TBD as mentioned above.

2. Michelle Cousineau for First Congregational Church, 281 High Street - request to hold a Crafts Fair, exhibiting crafts along the fence on June 25, 2011
 - a. Recommendation - Town Administrator and Chief of Police

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

3. James Casalegno, (15 Acacia Road) - request for consideration re the establishment of a tax revaluation advisory committee

Teixeira/Parella - Voted unanimously to continue this matter until the meeting of June 15, 2011 and to also refer this matter to the Town Solicitor.

Prior to the vote taken, Mr. Casalegno read from his proposal.

Council Chairman Marshall stated that he appreciates Mr. Casalegno's comments. He added that the Council will likely ask the Town Solicitor to review the proposal and also determine if the Council may make any amendments without a change to the Town Charter or any other applicable laws.

It was noted that the process includes an appeal to the assessment firm, the Tax Assessor and also the Board of Tax Assessment Review.

TOWN COUNCIL MEETING - WEDNESDAY EVENING - MAY 25, 2011

Mr. Casalegno stated that he believes that his assessment was subjective and that his property should be considered as outside of the Highlands neighborhood.

Councilman Barboza asked to know if there had been any resolution regarding the Highlands line move.

Councilman Herreshoff noted that there appears to be an increase in assessment of \$120,000 with Mr. Casalegno responding affirmatively.

Councilman Herreshoff noted that this problem is not a new one and that there had been previous assessment difficulties with "rich/poor locales" located next to each other.

Councilman Barboza noted the appeal process and asked Mr. Casalegno if he plans to appeal the assessment.

Mr. Casalegno stated that he used the problem with the "line" as an example to support the need for more definitive rules. He added that he believes that the tax assessment should be supported by the value of a sold property within the neighborhood.

4. Kathleen A. Sousa, Land Planning Manager, Cumberland Farms, Inc. re Cumberland Farms, 390 Metacom Avenue - request for consideration to extend hours of operation, opening at 5:00 AM, **call for a public hearing on July 6, 2011**

Parella/Barboza - Voted unanimously to schedule a public hearing regarding this matter for July 6, 2011 beginning at 7:00 o'clock PM. Advertise in local newspaper.

5. Kara Milner, Chairperson, Bristol Warren Education Foundation - request to address Council re the establishment of a budget task force

Teixeira/Parella - Voted unanimously to refer this matter to Joint Finance Committee Chairman Barboza.

Prior to the vote taken, Ms. Milner read from her letter and indicated that she represented the various parties listed therein.

TOWN COUNCIL MEETING - WEDNESDAY EVENING - MAY 25, 2011

Council Chairman Marshall observed that the authority to consider the matters relating to the School District budget rests with the Joint Finance Committee. He suggested that the matter should be referred to Councilman Barboza who is also the Chairman of the Joint Finance Committee and perhaps Chairman Barboza will call a meeting of the Committee to consider the request of Ms. Milner, et al.

Ms. Milner asked to know if there was a "time line" for this process with Councilman Barboza explaining that he will attempt to have a meeting of the Joint Finance Committee during the month of June.

6. Anthony B. Morettini, 46 Highland Road, et al
- request for the closure of Ledge Road
(between Gibson and Forest Roads) for Bristol Highlands Improvement Association Centennial Celebration on July 2, 2011

Barboza/Teixeira - Voted
unanimously to continue this matter
until the meeting scheduled for
June 15, 2011; anticipating a
recommendation from Police Chief
Canario at that time.

Prior to the vote taken, Mr. Morettini explained that all of the petitioners are neighbors on the subject road.

Police Chief Canario informed the Council that he had not yet reviewed the petition and asked for a continuance in order that he may do so prior to making a recommendation.

7. Nancy E. Dobie, Rhode Island Ocean Tides
Senior Games - request opportunity to address
Council re 4th annual event

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

Prior to the vote taken, Ms. Dobie explained the details of her program and distributed a program booklet.

Councilwoman Parella suggested that Ms. Dobie might wish to utilize the PEG studio to promote the Senior Games.

TOWN COUNCIL MEETING - WEDNESDAY EVENING - MAY 25, 2011

Ms. Dobie stated that Ms. Parella provided a "wonderful idea" and added that the "Wide World of Sports" intends to cover the event.

Ms. Dobie also presented Town Administrator Mederos with an updated plaque commemorating the Senior Games.

8. George Gatos, d/b/a Bristol House of Pizza, 55 State Street - request for consideration re upgrade of existing Class B-V Limited Intoxicating Beverage License to a full Class B-V license and expansion of restaurant to include premises next door

It is hereby noted for the record that this agenda item was continued to a workshop with a date TBD as mentioned above.

K. OTHER NEW BUSINESS REQUIRING TOWN COUNCIL ACTION

1. Stephan Brigidi, Bristol Representative, Newport and Bristol County Convention and Visitors' Bureau re report of activities, May 5, 2011

Teixeira/Barboza - Voted
unanimously to refer this matter to
Town Administrator Mederos with
thanks to Mr. Brigidi.

2. Kara Milner, BWEF (Bristol Warren Education Foundation) Board Chairperson re thank you for support of Bodacious Bee and invitation to announcement of grant awards on June 15, 2011

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

3. Councilman Barboza re commemoration of the tenth anniversary of the September 11 attacks

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

Prior to the vote taken, Councilman Barboza informed the Council that he had planned a first year commemoration of the attacks and would now like to also similarly plan a tenth year commemoration.

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Councilman Barboza suggested that an ad-hoc committee might include Town Administrator Mederos, Council Chairman Marshall, Fire Chief Martin, Mr. Amana, and himself. The Council, by consensus, agreed that this committee may proceed with a commemoration of the tenth anniversary of the September 11 attacks.

4. (Draft) Resolution - Bristol Fourth of July Celebration 2011

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

5. Director of Community Development Williamson and Principal Planner Tanner - request for executive session pursuant to RIGL §42-46-5 (a) (5) open space acquisitions

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

6. Melinda L. Thies, Superintendent, Bristol Warren Regional School District - request for advice re the placement of a modular classroom at Guiteras School

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

Prior to the vote taken, Superintendent Thies read her letter to the Council. She added that she was not present this evening to seek permission but rather to solicit the Council's advice concerning the location of the portable classroom.

Council Chairman Marshall asked to know if the additional space was needed with Superintendent Thies responding affirmatively.

Council Chairman Marshall asked to know if the School Committee wished to utilize the same modular building that was previously located near the Byfield School with Superintendent Thies responding that it was the same modular building in question.

TOWN COUNCIL MEETING - WEDNESDAY EVENING - MAY 25, 2011

Councilwoman Parella asked to know if the plan might include placing the building "in back of" the Guiteras School with Superintendent Thies responding that any plan to locate the modular classroom would include its location in the least objectionable place; possibly on the north side of the Guiteras gymnasium wing.

George Simmons of the School District provided a sketch of the location as noted by Superintendent Thies.

Councilman Herreshoff noted the recent expansion at Andrews School and asked to know the status of that particular building.

Superintendent Thies reported that the Colt and Andrews Memorial buildings are at capacity.

Councilman Herreshoff noted that the modular classroom is "not beautiful" and asked to know how it may be placed on the Guiteras property.

Superintendent Thies reported that the modular classroom would be placed so that it would be screened from view from Hope Street so as not to compromise the historic vista.

Superintendent Thies asked to know what the "protocol" would be if the School District were to seek permission to locate the modular classroom.

Council Chairman Marshall suggested that the matter might be referred to Town Administrator Mederos and Director of Community Development Williamson and that the Administrator and Director could investigate the issues relating to this request.

Director of Community Development Williamson reported her concern that the location of the modular classroom near Silver Creek may need special consideration by state agencies since the area is a flood zone. She added that there may be certain DEM issues also.

Councilman Herreshoff asked to know when the additional classroom space will be required with Superintendent Thies responding that the classroom space will be needed this year in the fall.

Councilwoman Parella commented that there did not appear "too much choice" regarding this issue with Superintendent Thies reporting that the enrollments have been larger than originally anticipated. She also asked to know if this was a

TOWN COUNCIL MEETING - WEDNESDAY EVENING - MAY 25, 2011

"spike" or a "trend" and how long the modular classroom might be needed

Councilwoman Parella asked to know the status of the earlier discussed "voluntary" program to locate elementary school students from Bristol to Hugh Cole School in Warren with Superintendent Thies noting that Hugh Cole appears to be at capacity also. She added that the District is looking at student/teacher ratios and also investigating consolidations but that the time frame for the modular classroom need was difficult to predict.

Council Chairman Marshall suggested that any fees associated with the installation of the modular classroom might be waived.

Director of Community Development Williamson noted the short time-frame were the installation to be completed by September and agreed to "get to work right away."

Councilwoman Parella suggested that Director of Community Development Williamson may wish to speak to state officials regarding the possibility of building an addition on the Guiteras School in the future.

Superintendent Thies reported that the School District is considering only "code and compliance" capital improvements at this time.

Director of Community Development Williamson stated that she would schedule a Technical Review Committee meeting to discuss the modular classroom idea.

Superintendent Thies thanked the Council for helping determine a "course of action" regarding this matter.

7. Director of Community Development Williamson re proposal to form East Bay HOME Consortium
 - a. (Draft) Resolution in support of forming the East Bay HOME Consortium and authorizing Town Administrator Mederos to enter into a Cooperative Agreement
 - b. Mutual Cooperation Agreement of the East Bay HOME Consortium

Barboza/Teixeira - Voted
unanimously to support the
formation of the East Bay HOME

TOWN COUNCIL MEETING - WEDNESDAY EVENING - MAY 25, 2011

Consortium and to authorize Town Administrator Mederos to sign the agreement on behalf of the Town.

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

Prior to the vote taken, Director of Community Development Williamson introduced David Bachrach, City Planner for the City of East Providence. Director of Community Development Williamson explained that East Providence is taking the lead in the East Bay HOME Consortium similarly to the way that Bristol took the lead in the Energy Consortium. She added that this consortium will allow the partner towns to apply for additional HUD funding for affordable housing, first time home buyers and housing rehabilitation.

Mr. Bachrach explained that there is approximately \$890,000 available in additional funding for the region and also that the granting authorities seem to favor those applicants which are "regionally based."

Councilman Herreshoff asked to know if the overall objective was to secure additional funding with Mr. Bachrach responding affirmatively.

Councilman Herreshoff asked to know how the funds are apportioned with Mr. Bachrach explaining that the consortium will develop its own rules. He added that he anticipates that the group will adopt a 'one town/one vote' policy.

Mr. Bachrach provided a map of the area participating in the consortium.

Councilman Herreshoff asked to know if a town is independently successful in its securing of these funds will this success be interrupted by the consortium with Mr. Bachrach explaining that the two are considered as separate entities in the application process.

Council Chairman Marshall noted that this arrangement appears to be similar to the East Bay Energy Consortium.

Councilwoman Parella stated that she was pleased to learn that the planners were involved in this consortium. She added that regional initiatives were a "good step in the right direction." She added a "word of caution" that the administration of the consortium should not become its own entity.

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Councilman Teixeira concurred with Councilwoman Parella that this was a "great idea." He also noted that the program seems to require some matching funds and asked to know the source of the match with Mr. Bachrach explaining that the City of East Providence plans to provide its match through its Housing Authority funds.

Councilman Teixeira asked to know if there were any issues regarding the matching funds with Mr. Bachrach responding that there did not appear to be any issues.

Councilwoman Parella asked for a "clarification" further asking if the projects will be considered as "mix and match" and that some of the ten (10) participating communities may not have a project approved specifically with Mr. Bachrach explaining that each community will remain an autonomous participant in the "pool."

Councilman Herreshoff asked if the distribution of funds will be per the provided map with Mr. Bachrach explaining that the distribution will be based upon the HUD formulae.

8. Principal Planner Tanner re Stormwater Phase II, Year 6 (2009) Annual Report, **1st reading and call for a public hearing on June 15, 2011**

Barboza/Teixeira - Voted unanimously to schedule a public hearing regarding this matter for June 15, 2011, beginning at 7:00 o'clock PM. Advertise in local newspaper.

9. Principal Planner Tanner re Stormwater Phase II, Year 7 (2010) Annual Report, **1st reading and call for a public hearing on June 15, 2011**

Barboza/Teixeira - Voted unanimously to schedule a public hearing regarding this matter for June 15, 2011, beginning at 7:00 o'clock PM. Advertise in local newspaper.

10. Town Solicitor Ursillo re request by Bristol Marine Holdings, LLC to transfer tax

TOWN COUNCIL MEETING - WEDNESDAY EVENING - MAY 25, 2011

stabilization agreement from Goetz Custom Boats, 115 Broadcommon Road to Bristol Marine Holdings, LLC

Herreshoff/Teixeira - Voted unanimously to approve this agreement per the memorandum received.

L. BILLS & EXPENDITURES

1. Bid #732 - Collection of Residential Curbside Trash

Barboza/Teixeira - Voted unanimously to refer this matter to the Town Administrator and Director of Public Works for review and to report back to the Council.

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

| | |
|--|---|
| Waste Management Newport, Rhode Island | Option 1 - \$621,600.00 Option 2 - \$586,080.00 Condo Recycling - \$52,000.00 |
| Coastal Recycling, Inc. N. Smithfield, Rhode Island | Option 1 - \$549,000.00 Option 2 - \$478,000.00 Condo Recycling - \$2.50/unit/month |
| Allied Waste Services Fall River, Massachusetts | Option 1 - \$572,000.00 Option 2 - \$542,000.00 Condo Recycling - \$45,000.00 |
| ABC Disposal Service, Inc. New Bedford, Massachusetts | Option 1 - \$635,129.86 Option 2 - \$573,314.40 Condo Recycling - \$45,626.53 |
| MTG Disposal Seekonk, Massachusetts | Option 1 - \$459,000.00 Option 2 - \$439,000.00 Condo Recycling - \$39,856.00 |

(CA) M. ROUTINE REPORTS

(CA) N. FINANCIAL REPORTS

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

TOWN COUNCIL MEETING - WEDNESDAY EVENING - MAY 25, 2011

1. (Town Treasurer Goucher) re Revenue and Expenditure Statement, May 19, 2011

P. PROCLAMATIONS & CITATIONS

1. Commendation - Mt. Hope High School DECA Students, placing at 2011 Rhode Island DECA Career Development Conference

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

2. Commendation - Kickemuit Middle School Girls Soccer Team, 2010 Middle School State Championship

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

3. Commendation - Douglas Hendrix, Eagle Scout Court of Honor

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

4. Commendation - Mt. Hope High School JV Cheerleading, 2010-2011 Winter Competition Cheerleading Championship

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

(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."

TOWN COUNCIL MEETING - WEDNESDAY EVENING - MAY 25, 2011

1. Anthony Mega, Vice Chairperson, South Kingstown School Committee - resolution proposing amendments to funding formula

Barboza/Parella - Voted unanimously to support this resolution.

Prior to the vote taken, Councilman Barboza noted that the Council may wish to support this resolution.

2. Anthony Mega, Vice Chairperson, South Kingstown School Committee - resolution in support of House Bill 5297 and Senate Bill 0071, extending lay-off notice deadline for teachers to June 1, and opposition to House Bill 5639 and Senate Bill 0403, requiring the recall of teachers be based on seniority (legislation attached)
3. Jeffrey J. Mutter, Chairperson, Cumberland School Committee - resolution in support of Senate Bill 0071, extending lay-off notice deadline for teachers to June 1 (see agenda item Q2 also)

(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. Class F license granted to St. Elizabeth Church/Holy Trinity Committee, 577 Wood Street for event to be held on June 17, 18 & 19, 2011
2. Janet Coit, Director, Rhode Island Department of Environmental Management re notification to property owners subject to Rhode Island Cesspool Act 2007
3. Coastal Resources Management Council - semi-monthly meeting agenda, May 4, 2011
4. Robert LaFleur, North Smithfield School Committee - resolution in opposition to mandatory binding arbitration for teachers

TOWN COUNCIL MEETING - WEDNESDAY EVENING - MAY 25, 2011

5. Class F license granted to First Congregational Church, 281 High Street for event to be held on June 4, 2011
6. A. Lawton Langford, President and CEO, Municipal Code Corporation to Council Clerk Cirillo re internet subscription cost increase
7. Town Clerk Cirillo to Nancy L. Pace, National Customer Service Manager, Passport Services re new regulations preventing Clerk's Office from continuing as a Passport Acceptance Facility
8. Lisa A. Mattscheck, Office Manager, Coastal Resources Management Council re meeting notice, May 10, 2011 - review of the Town's application to construct and maintain new transient vessel floats at Rockwell Marina
9. Cumberland School Committee - resolution in opposition to proposed legislation providing mandatory binding arbitration for teachers
10. Resolution authorizing Town Administrator Mederos to file CDBG-DR application (signed copy)
11. Class F license granted to Roger Williams University/Sailing Team, 1 Old Ferry Road, Global Heritage Hall for event to be held on May 14, 2011
12. Michael A. Solomon, President, Providence City Council re House Bill 5785, requiring non-profits to pay 25% of assessed property tax
13. Council Clerk Cirillo to Sen. David E. Bates, et al re agreement with Burrillville resolutions to support amendments to RIGL §44-5-2 Maximum Levy and to oppose Senate Bill 0052, relating to audit of accounts and installation of systems
14. Council Clerk Cirillo to Sen. David E. Bates, et al re support of amendments to RIGL §17-18-11, changing the statewide poll closing time to 8:00 PM

TOWN COUNCIL MEETING - WEDNESDAY EVENING - MAY 25, 2011

15. Resolution in support of House Bill 5088 to amend RIGL §17-18-11, changing the statewide poll closing time to 8:00 PM (signed copy)
16. Council Clerk Cirillo to Keith W. Stokes, Executive Director, Rhode Island Economic Development Corporation re Town of Bristol Marine Inland Transport Route report
17. Council Clerk Cirillo to J. David Smith, Executive Director, Rhode Island Emergency Management Agency re Town of Bristol Marine Inland Transport Route report
18. Council Clerk Cirillo to Denise Asciola re thank you for service on the Police Pension Fund Board of Trustees
19. Maureen Cotter, Chairperson, South Kingstown School Committee - resolution in opposition to mandatory binding arbitration for teachers
20. Council Clerk Cirillo to Director of Public Works re designation of handicap parking space, 129 Bradford Street
21. Warrant - Gerald Mederos, Alternate Member of the Board of Tax Assessment Review
22. Coastal Resources Management Council - semi-monthly meeting, May 24, 2011
23. North Smithfield School Committee - resolution in opposition to mandatory binding arbitration for teachers
24. Warrant - Frederico Pacheco, Police Pension Fund - Board of Trustees

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

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

1. East Bay Energy Consortium - May 2, 2011
2. Harbor Commission - May 2, 2011

TOWN COUNCIL MEETING - WEDNESDAY EVENING - MAY 25, 2011

3. North and East Burial Grounds Commission - June 27, 2011
4. Bristol Warren Regional School Committee - workshop, May 9, 2011
5. Bristol Warren Regional School Committee - BWEA Contract Negotiation Subcommittee, executive sessions, May 19 & 25, 2011
6. Bristol Warren Regional School District - schedule of meetings, week of May 9, 2011
7. Bristol Warren Regional School Committee - Budget/Facilities Subcommittee, May 9, 2011
8. Recreation Board - May 10, 2011
9. Harbor Commission - appeals hearing, May 9, 2011
10. Animal Shelter Capital Project Committee - May 12, 2011
11. Bristol Warren Regional School District - schedule of meetings, week of May 16, 2011
12. Bristol Warren Regional School Committee - Budget/Facilities Subcommittee, May 16, 2011
13. Conservation Commission - May 16, 2011
14. Bristol County Water Authority - Public Relations/Personnel Committee, May 18, 2011
15. Bristol County Water Authority - Audit Finance Committee, May 18, 2011
16. Bristol County Water Authority - Engineering Committee, May 18, 2011
17. Bristol County Water Authority - annual meeting, May 26, 2011
18. Bristol County Water Authority - Board of Directors, May 26, 2011
19. Bristol Warren Regional School Committee - Policy/Community Affairs Subcommittee, May 20, 2011

TOWN COUNCIL MEETING - WEDNESDAY EVENING - MAY 25, 2011

20. Bristol Warren Regional School District -
schedule of meetings, week of May 23, 2011
21. Bristol Warren Regional School Committee -
May 23, 2011
22. Bristol Warren Regional School Committee -
Personnel/Contract Negotiation Subcommittee,
May 23, 2011

S. TOWN SOLICITOR

Z. INDIVIDUAL COUNCIL MEMBERS AGENDA ITEMS

ADD ITEM Tanyard Brook Discussion

Council Chairman Marshall explained that the available funding does not appear to be sufficient for the bids as received and suggested that the Council may wish to reject the bids and re-bid the project with a reduced scope of work.

Assistant Solicitor Scott advised that the Council should take no specific action at this time since the matter was not part of the published agenda.

The Clerk suggested that the matter might be considered, with appropriate notice, at the special meeting scheduled for May 31, 2011.

1. MARSHALL

a. Thank You Steve Roth - Council Chairman
Marshall thanked Mr. Roth for filming this evening's meeting.

Council Chairman Marshall also thanked Mike Davis for providing his expert testimony regarding the Bristol PEG Studio.

b. Tough Decisions - Council Chairman Marshall noted that the Council may often make "tough decisions." He added that he is "proud" that these are accomplished respectfully by Council members.

c. Best of the Road - Council Chairman Marshall noted that there is a contest sponsored by map company Rand-McNalley entitled "best of the road."

He suggested that citizens may wish to visit www.bestoftheroad.com and nominate Bristol.

2. BARBOZA

a. Welcome Kevin McBride - Councilman Barboza extended the welcome and best wishes of the Council to the new Public Works Director, Kevin McBride.

b. Jane F. Howlett - Councilman Barboza noted that Associate Municipal Court Justice Jane F. Howlett is being considered for the RI Family Court bench.

c. Joint Finance Committee Complaint - Councilman Barboza noted a recent article appearing in the *Bristol Phoenix* concerning the Bristol Warren Regional Joint Finance Committee. He added that the allegations regarding violations to the Open Meetings Law filed with the Attorney General are completely unfounded.

d. Little League Photo - Councilman Barboza noted that the Town Administrator, Clerk, and Council members sponsored a Little League team. He explained that this sponsorship did not involve public funds. He provided a photograph of the team and suggested that this photograph might be properly displayed at Town Hall.

3. TEIXEIRA

a. Metacom Traffic Lights - Councilman Teixeira reported that some of the traffic signal lights along Metacom Avenue appeared to be in need of adjustment. He added that the light at Fatima Drive was particularly troublesome; allowing only three (3) cars at a time to pass before changing.

Police Chief Canario agreed to contact the State Department of Transportation regarding this matter.

Councilman Barboza observed that he earlier reported the same issue to the Town Administrator's office and that the Administrator's assistant, Denise Asciola, had already contacted the State.

TOWN COUNCIL MEETING - WEDNESDAY EVENING - MAY 25, 2011

b. Memorial Day Weekend - Councilman Teixeira reported that the outside temperature for the upcoming Memorial Day weekend promises to be in the 80s.

c. Day of Portugal - Councilman Teixeira reported that the "Day of Portugal" is planned for June 10, 2011.

4. HERRESHOFF

a. BJ Stephens - Councilman Herreshoff noted that "the Town looks good" and observed the work of the Bristol Garden Club at the intersections of Wood Street and Ferry Road. He suggested that the Clerk might send a letter of thanks to BJ Stephens, the outgoing Club president.

b. Hope Street Trees - Councilman Herreshoff noted that some of the trees along Hope Street are growing larger and that the tree roots may be now "strangled" by the bricks surrounding them. He suggested that some of the bricks might be removed to allow more room for the roots.

Public Works Director McBride noted that the State Department of Transportation will be trimming trees along Hope Street and that he would suggest that the State attend to the brick problem also.

c. Bicycle Path Intersections - Councilman Herreshoff expressed concern that certain East Bay Bicycle Path intersections were unsafe. He suggested that the Clerk should correspond with Rep. Raymond E. Gallison, Jr., in order to ask for more effective signage along the path.

Councilwoman Parella asked to know which intersections specifically were of concern with Councilman Herreshoff responding that the one at Poppasquash Road and also at Asylum Road.

Town Administrator Mederos noted that these were State maintained roads.

d. Memorial Day - Councilman Herreshoff noted the approaching Memorial Day observance.

5. PARELLA

TOWN COUNCIL MEETING - WEDNESDAY EVENING - MAY 25, 2011

a. Memorial Day - Councilwoman Parella also noted the approaching Memorial Day activities.

b. Town Common Area Parking Status - Councilwoman Parella asked if all of the parking problems previously discussed had been resolved with Town Administrator Mederos reporting that all had been addressed but cautioned that the parking problems tend to "morph" into previously unaffected areas. Police Chief Canario agreed to monitor the parking issue.

ZZ. TOWN ADMINISTRATOR AGENDA ITEM(S)

CITIZENS PUBLIC FORUM

Barboza/Teixeira - Voted unanimously to adjourn into Executive Session pursuant to RIGL §42-46-5 (a) (5) to discuss possible land acquisition.

Barboza/Parella - Voted unanimously to resume open session and seal the minutes of the Executive Session at 11:15 o'clock PM.

There being no further business, upon a motion by Councilman Barboza, seconded by Councilwoman Parella and voted unanimously, the Chairman declared this meeting to be adjourned at 11:16 o'clock PM.

Louis P. Cirillo, CMC, Council Clerk