

**TOWN COUNCIL MEETING - WEDNESDAY EVENING - SEPTEMBER 7, 2011**

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

ALSO PRESENT: Diane C. Mederos, Town Administrator  
Michael A. Ursillo, Esq., Town Solicitor  
Marshall J. Netto, Town Sergeant

The Council met in regular session on Wednesday evening, September 7, 2011, in the Town Hall, Council Chambers, beginning at 7:09 o'clock PM, Council Chairman Marshall presiding:

Prior to the commencement of this evening's regular agenda, Council Chairman Marshall noted the upcoming tenth anniversary of the 9/11 terrorist attacks and informed those present that there will be a ceremony dedicating a memorial at the Fire Department Headquarters building on September 11, 2011 at 9:30 o'clock AM.

Council Chairman Marshall also observed that he considers the events of September 11, 2001 as a call to community service for him and that the attacks were upon American freedoms and ideals.

Council Chairman Marshall also noted the efforts relating to the recent Hurricane Irene and publicly thanked the departments, the State Police and also the National Guard for their service.

Council Chairman Marshall commented that the community at-large also helped with the cleanup and that he was impressed with the efforts toward returning the Town to normal and added that there is always room for improvement.

Council Chairman Marshall extended his personal thanks to Town Administrator Mederos, Police Chief Canario and Fire Chief Martin for their roles during and after the emergency.

Councilman Barboza informed those present that there will be a "ceremony of reflection" held on Sunday, September 11, 2011 on the Town Common at dusk. He noted that the program will include the Bristol County Chorus, Michael DiMucci and some of the local clergy. He added that this is designed specifically not to be a political event.

Councilman Barboza added his thanks to Town Administrator Mederos, etc., for work done during and after the recent hurricane. He added that the Town had a good plan in place for emergency response and well-executed that plan.

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He added that the Police Department was able to "seamlessly" help a local nursing home when its generator failed.

Councilman Barboza stated that he was very proud of the Town of Bristol in its handling of this crisis.

Councilman Teixeira echoed the sentiments expressed by Council Chairman Marshall and Councilman Barboza and added that the two previous speakers "summed it up" well.

Councilwoman Parella noted that the planning and redundancy of plans is important and that the removal of debris thus-far has been "amazing." She added that residents should keep in mind that there were no fatalities and also no extensive flooding.

Councilman Herreshoff stated that he wished to "echo" the previous statements and also to congratulate the citizens upon their success in weathering the storm.

Councilman Herreshoff also asked that an item might be added to the agenda to consider underground utility conduits.

Barboza/Teixeira - Voted  
unanimously to add an agenda item  
for discussion concerning  
underground utility conduits (see  
agenda item K3)

Also prior to the commencement of this evening's regular agenda, Council Chairman Marshall congratulated the Last Night Committee for another successful RI Philharmonic concert this year.

Council Chairman Marshall also observed that the Recreation Department held its annual senior citizen picnic at the Town Beach earlier this date.

In reaction to the earlier commentary concerning Hurricane Irene, Town Administrator Mederos observed that she was proud of the Town employees and also that all of the accomplishments were a team effort.

Town Administrator Mederos added that she plans a "thorough review" of the events related to the storm and will investigate possible improvements to the Town's emergency response plan.

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Town Administrator Mederos also added that some of the "technology" failed in the emergency but that this failure did not impede the Town's ability to respond.

At this point in the agenda, Council Chairman Marshall asked that the order of business might be suspended in order to consider agenda item J4 at this time.

Barboza/Parella - Voted unanimously to suspend the regular order of business in order to consider agenda item J4 at this time. (The discussion and action concerning this agenda item is reflected in-place below)

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

Barboza/Parella - Voted unanimously to approve the Consent Agenda.

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

1. Town Council Special Meeting - July 20, 2011

Herreshoff/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. Substance Abuse Prevention Task Force - July 5, 2010 [sic]
2. Bristol Warren Regional School Committee - bi-monthly meeting, July 18, 2011
3. Bristol Warren Regional School Committee - bi-monthly meeting, August 11, 2011

**B. OLD BUSINESS**

1. Bid #733 - (Rebid) Collection of Residential Curbside Trash, **continued from July 27, 2011**

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Barboza/Teixeira - Voted  
unanimously to continue this matter  
until the meeting of October 19,  
2011.

Prior to the vote taken, Town Administrator Mederos suggested that the matter be continued pending the appointment of a new Public Works Director.

2. RFP #737 - Pre-Construction/Construction Management Services for New Animal Shelter Project, **continued from August 17, 2011**

- a. Director of Community Development Williamson re proposals received

Barboza/Teixeira - Voted  
unanimously to continue this matter  
until the meeting of September 28,  
2011.

Prior to the vote taken, Director of Community Development Williamson reported that the Capital Project Committee plans to interview the three (3) lowest cost proposals. She also reported that the Committee will later make a recommendation to the Council based upon these interviews.

Councilman Herreshoff asked to know if the Committee is considering a new location for the Animal Shelter with Director of Community Development Williamson responding that the Committee still plans to place the building on land near the transfer station. She added that the "Friends" group must fundraise in order to pay for the new road.

Councilman Herreshoff stated that the building itself is "primary" and that the Committee should simplify its plan in order to have a functional building; moving it if necessary in consideration of the cost of roads, etc.

Councilman Herreshoff stated that he believes that the Committee should have a plan prior to retaining a construction management services person since this action would be premature otherwise.

Police Chief Canario reported that the pre-construction person will not be involved in the road issue.

Councilman Herreshoff agreed that the pre-construction services should not include the road.

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Police Chief Canario confirmed the earlier statement of Director of Community Development Williamson in that the road, if built, will be the result of "Friends'" fundraising efforts.

Councilman Herreshoff stated that the Committee must be cognizant of the limitations of their funding and that most of the available \$2 million should be allocated to the building. He added that he has been informed that there may be ledge present in the planned building site and that this may be expensive to resolve.

Councilman Herreshoff suggested that the Committee should consider building the new building on the site of the present animal shelter.

Police Chief Canario noted that the Committee will weigh the "Friends'" ability to provide funds for the road in its selection of the building site.

Councilman Herreshoff stated that it may be difficult to fundraise in the current economy.

Council Chairman Marshall stated that the Committee's focus should on the zoning and planning aspects of the project. He added that the land was available from St. Gobain and also that the road should not be part of the project.

Councilman Herreshoff stated that the Committee should consider placing the building near an already existing road.

Councilman Barboza stated that the questionable road is a "secondary road" and that the proposed location has an existing road.

Police Chief Canario agreed with Councilman Barboza that there is an existing road and the other road which may possibly be built is "secondary."

3. Joanne Burke, 8 Bay View Avenue re request for a handicap parking space in front of residence, **2<sup>nd</sup> reading**

- a. Recommendation - Chief of Police

Barboza/Teixeira - Voted  
unanimously to consider this action  
to constitute the second reading of  
a request to remove a handicap  
parking space per the

recommendation received. Inform  
Public Works Director.

4. Council Clerk Cirillo re request for removal of handicap parking space at 19 Baker Street, **2<sup>nd</sup> reading**

Herreshoff/Teixeira - Voted  
unanimously to consider this action  
to constitute the second reading of  
a request to remove a handicap  
parking space. Inform Public Works  
Director.

5. Emily Fernandes, 116 State Street re request for removal of handicap parking space at 116 State Street, **2<sup>nd</sup> reading**

- a. Recommendation - Chief of Police

Herreshoff/Teixeira - Voted  
unanimously to consider this action  
to constitute the second reading of  
a request to remove a handicap  
parking space per the  
recommendation received. Inform  
Public Works Director.

6. Julie A. Coelho, CMC, Warren Town Clerk re list of directives re Bristol County Water Authority directors

- a. Council Clerk Cirillo re additional Council directives

- b. Councilman Herreshoff re proposed recommendations concerning Bristol County Water Authority

Barboza/Teixeira - Voted  
unanimously to refer this matter to  
the next Tri-Town Council meeting  
with a date to be determined.

After the vote taken, Councilman Herreshoff suggested that the Clerk should keep all of the materials relating to the Water Authority in a binder for Council reference.

7. Councilwoman Parella re Garfield Avenue (Mary Gaspar), **continued from August 17, 2011**

Parella/Barboza - Voted unanimously to refer this matter to the Town Solicitor and to continue same until the meeting of September 28, 2011.

Prior to the vote taken, Councilwoman Parella reported that Ms. Gaspar's information has been compiled and that this information is the basis for a claim.

Ms. Gaspar reported that her "cellar is a mess" and that she wheezes.

Councilwoman Parella suggested that the matter might be referred to Town Solicitor Ursillo.

Town Solicitor Ursillo informed the Council that he will prepare a proposal.

Ms. Gaspar stated that the gate to the reservoir was left open and the result was a proliferation of flies and mosquitoes. She added that her tenant is troubled by these flies and mosquitoes and that she recommended that her tenant should report same to the health department.

Town Solicitor Ursillo suggested that Ms. Gaspar's concerns will be addressed in the proposal he will prepare.

8. Council Clerk Cirillo re defining Class B Victualler and Class B Limited Victualler license holder's establishments

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

Prior to the vote taken, Councilman Barboza stated that the Council has concern that all license holders do not operate the same type of establishment.

Town Solicitor Ursillo suggested that the Council's concern may be addressed through Town-granted entertainment licenses. He added that the Town may be able to enact an ordinance to place certain restrictions on entertainment licenses.

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Councilwoman Parella expressed concern that any restrictions on reversion clauses would not necessarily control the action of the existing owner/licensee but would rather be useful only if a license is transferred.

9. Administrative report re Midland Farms signage, **continued from August 17, 2011**

Herreshoff/Barboza - Voted  
unanimously to continue this matter  
until the meeting of September 28,  
2011

Prior to the vote taken, Councilman Teixeira observed that the establishment's signage appears to be "growing."

Director of Community Development Williamson agreed that the signage is problematic and added that some of the signs "seem to come and go" being taped to the door, etc. She added that if the pattern continues it will become an "enforcement issue."

Council Chairman Marshall suggested that the Clerk should consult with the licensee's counsel regarding the Council's concern.

**BB. SPECIAL /STATUS REPORTS**

**C. PUBLIC HEARINGS**

1. Demetrula Gatos and George Gatos, Bristol House of Pizza, Inc., d/b/a Bristol House of Pizza, 55 State Street - request for expansion of Class B Limited Intoxicating Beverage License

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

Barboza/Herreshoff - Voted  
unanimously to grant the petition  
subject to conformance to all laws  
and ordinances and payment of all  
fees, taxes, and levies.

*It is hereby noted for the record that this matter was considered concurrently with agenda item G1.*

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

Speaking in favor of the petition was Greg Gatos, representing the petitioner and Linda Arruda, representing the Downtown Bristol Merchants Association.

There was no remonstrance presented in opposition to the petition.

**D. ORDINANCES**

1. Ordinance #2011-12, CHAPTER 25, Streets, Sidewalks and Other Public Places, Article I, Streets, Sidewalks and Parks, Section 25-5, Streets, parks or common excavation, (road cut penalties), **2<sup>nd</sup> reading for adoption, (continued from August 17, 2011)**

Barboza/Teixeira - Voted unanimously to consider this action to constitute the second reading for adoption of Ordinance #2011-12. Advertise in local newspaper.

2. Ordinance #2011-13, CHAPTER 16, Motor Vehicles and Traffic, Article V, Stopping, Standing and Parking, Section 16-143, parking prohibited at all times (Summer Street), **2<sup>nd</sup> reading for adoption**

Herreshoff/Teixeira - Voted unanimously to consider this action to constitute the second reading for adoption of Ordinance #2011-13. Advertise in local newspaper.

Prior to the vote taken, Council Chairman Marshall asked for a report on the suggestion raised during the meeting of August 17, 2011 that this restriction may no longer be necessary.

The Clerk reported that he spoke to the original petitioner, Mr. Ronald Rodrigues, who indicated that the restriction was still necessary and also that the report that his tenant had relocated was incorrect.

3. Ordinance #2011-14, CHAPTER 17, Offenses and Miscellaneous Provisions, Article II,

Alcoholic Beverage Establishments, Division 2, License, Section 17-82, Number of licenses (increase B-V licenses from 28 to 29), 1<sup>st</sup> reading

Barboza/Herreshoff - Voted unanimously to consider this action to constitute the first reading of Ordinance #2011-14. Advertise in local newspaper.

4. Ordinance #2011-15, CHAPTER 17, Offenses and Miscellaneous Provisions, Article II, Alcoholic Beverage Establishments, Division 2, License, Section 17-82, Number of licenses (reduce B limited licenses from 7 to 6), 1<sup>st</sup> reading

Barboza/Herreshoff - Voted unanimously to consider this action to constitute the first reading of Ordinance #2011-15. Advertise in local newspaper.

Prior to the vote taken, a discussion ensued regarding ordinance proposals #2011-14, 15, 16, and 17, collectively.

Councilwoman Parella re-stated her concern that the reversion clause will not prevent a business owner from changing the complexion of his or her business. She brought attention to a recent newspaper article which described the changing character of restaurants in the Federal Hill section of Providence. She added that Federal Hill has evolved into a "big bar scene" and that this has been problematic for the city and the neighborhood.

Councilwoman Parella suggested that Providence may be consulted regarding its efforts to place controls on entertainment licenses and further suggested that Town Solicitor Ursillo might contact Providence Board of Licenses Chairman Andrew Annaldo regarding same.

Council Chairman Marshall asked to know if the goal would be to place categories on entertainment licenses with Councilwoman Parella responding affirmatively. She added that the problem is the noise levels and that this noise can travel for several streets if the level is too high.

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After the vote taken, Councilman Teixeira asked to know if the entertainment license would impact church events with the Clerk explaining that entertainment licenses are sought by non-profit organizations on a case by case basis and only when the organization is requesting a liquor license for an event with tickets sold at the door and not specifically a private party.

5. Ordinance #2011-16, CHAPTER 17, Offenses and Miscellaneous Provisions, Article II, Alcoholic Beverage Establishments, Division 2, License, Section 17-82, Number of licenses (limit bar seating to 6), **1<sup>st</sup> reading**

Barboza/Herreshoff - Voted unanimously to consider this action to constitute the first reading of Ordinance #2011-16. Advertise in local newspaper.

6. Ordinance #2011-17, CHAPTER 17, Offenses and Miscellaneous Provisions, Article II, Alcoholic Beverage Establishments, Division 2, License, (new) Section 17-93, Reversion of licenses, **1<sup>st</sup> reading**

Barboza/Herreshoff - Voted unanimously to consider this action to constitute the first reading of Ordinance #2011-17. Advertise in local newspaper.

**(CA) E. BUDGET ADJUSTMENTS**

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

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

**(CA) F. APPOINTMENTS**

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

1. Public Service Appointments
  - a. Economic Development Commission (4)  
(terms to expire in September 2014 & to

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fill a vacancy, term to expire in September 2013)

1. Michael T. Byrnes, 7 Leyland Court - interest/reappointment
2. Georgina MacDonald, 125 Poppasquash Road - interest/reappointment
3. Jaimie Russell, 9 Easterbrooks Avenue - interest/appointment

**LATE ITEM**

4. Mark Astrella, 1051 Hope Street - interest/reappointment

Councilman Teixeira nominated Mr. Byrnes, Ms. Macdonald, and Mr. Astrella for reappointment.

There were no counter-nominations.

Teixeira/Barboza - Voted unanimously to close nominations and to instruct the Clerk to cast one ballot each in favor of the nominees with terms to expire in September 2014.

Councilman Barboza nominated Ethan Tucker to fill the unexpired term.

There were no counter-nominations.

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

Teixeira/Barboza - Voted unanimously to instruct the Clerk to set an interview for Ms. Russell at the convenience of the parties.

- b. Economic Development Commission - Alternate Members (2) (term to expire in September 2014 & to fill vacancy of second alternate, term to expire in September 2014)

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**LATE ITEM**

1. Ethan M. Tucker, 39 River Street - interest/reappointment

*See agenda item Fla for action on this item.*

- c. Newport and Bristol County Convention and Visitors' Bureau (term to expire in September 2013)

1. Stephan Brigidi, 4 Franklin Street - interest/reappointment

**LATE ITEM**

2. Tony M. Brum, 240 Franklin Street - interest/appointment

Barboza/Teixeira - Voted unanimously to instruct the Clerk to set interviews for these candidates at the convenience of the parties.

- d. Fourth of July Committee

1. Patricia Squatrito, Corresponding Secretary, Fourth of July Committee re recommended list of Fourth of July Committee members for 2011-2012

Councilman Barboza nominated the slate of Committee members as proposed by the Fourth of July Committee for the ensuing term.

There were no counter-nominations.

Barboza/Herreshoff - Voted unanimously to instruct the Clerk to cast one ballot each in favor of the nominees as proposed for the ensuing term.

- e. Redevelopment Agency

1. Ronald J. Rodrigues, (209 Hope Street) re resignation

Barboza/Teixeira - Voted unanimously to accept the resignation with thanks for service and to instruct the Clerk to send a

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letter to Mr. Rodrigues regarding same.

f. Bristol County Water Authority - Board of Directors

1. David L. Dugan, (16 Fesser Avenue) re resignation

Barboza/Teixeira - Voted unanimously to accept the resignation with thanks for service and to call for a special meeting for September 21, 2011 for the purposes of conducting interviews for this position and others as may be pending.

Prior to the vote taken, a discussion ensued regarding the Council's appointments to the Bristol County Water Authority.

The Council agreed to hold a special meeting for the purpose of conducting pending interviews on September 21, 2011.

g. Board of Tenants' Affairs (to fill vacancy, term to expire in January 2013)

1. Martha Reed, 21 Sunset Road - interest/appointment

Barboza/Herreshoff - Voted unanimously to instruct the Clerk to set an interview at the convenience of the parties.

h. Citizens Property Revaluation Advisory Committee

Barboza/Teixeira - Voted unanimously to continue this matter until the meeting of September 28, 2011.

i. Oryann Lima, Chairman, Historic District Commission re Commission representative State Street Dock Committee (ratify)

Barboza/Teixeira - Voted unanimously to ratify the action of

the Historic District Commission;  
appointing Commissioner Cabral to  
the State Street Dock Committee as  
the Commission representative.

G. LICENSING BOARD - NEW PETITIONS

1. Demetrula Gatos and George Gatos, Bristol House of Pizza, Inc., d/b/a Bristol House of Pizza, 55 State Street - request for expansion of Class B Limited Intoxicating Beverage License (combine with agenda item C1 above)

*See agenda item C1 for discussion and action on this item.*

2. Anita K. Randall for East Bay Food Pantry, (150 Franklin Street) - request for a One-Day Dancing and Entertainment License, September 11, 2011 (event to be held at the Herreshoff Marine Museum Tent, Hope Street)

a. Recommendation - Chief of Police

Barboza/Teixeira - Voted  
unanimously to place this matter on  
the table.

Prior to the vote taken, Linda Arruda, a member of the audience, informed the Council that the event had been postponed until possibly next year.

H. LICENSING BOARD - RENEWALS

(CA) I. UTILITY PETITIONS

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

- (CA) 1. Water Pollution Control Facility - Sewer Permits
- (CA) 2. Public Works Department - Road Cut Permits
3. National Grid - request to install a joint owned pole on Tupelo Street

Barboza/Teixeira - Voted  
unanimously to approve this  
request.

Prior to the vote taken, Councilman Herreshoff noted that National Grid seems to have a policy to install "skinny" telephone poles in Bristol when "husky" poles are also available. Town Administrator Mederos agreed to ascertain the reason for the "skinny" pole installation in Bristol.

J. PETITIONS - OTHER

1. Richard Chartier, 36 Platt Street, et al - request to reduce the speed limit on Platt Street from 25 to 15 mph

Barboza/Teixeira - Voted  
unanimously to refer this matter to  
the Town Solicitor so that he may  
draft the proper ordinance.

2. Antonio Lima, 35 Roma Street - request for a "no parking" space opposite driveway at 35 Roma Street

a. Recommendation - Chief of Police

Barboza/Herreshoff - Voted  
unanimously to deny the petition  
based upon the recommendation  
received.

Prior to the vote taken, Councilman Teixeira stated that the location of certain parked pick-up trucks is the root of the problem.

3. Christine Frizzell, 15 Sandy Lane - request to reduce the Zoning Board of Review application fee for certain special use permits

Barboza/Teixeira - Voted  
unanimously to refer this matter to  
Director of Community Development  
Williamson for a recommendation and  
to continue same until the meeting  
of September 28, 2011.

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Prior to the vote taken, Councilman Barboza stated that he thought the cost of a special use permit to keep minimal chickens was excessive.

Director of Community Development Williamson agreed to prepare a report concerning same and to provide this report to the Council at its next meeting.

4. Alayne White, d/b/a Alayne White Spa, 259 Thames Street on behalf of the Downtown Bristol Merchants Association - request to discuss recent power outage

**LATE ITEM**

- a. Alayne White re questions for discussion

Herreshoff/Barboza - Voted unanimously to instruct the Clerk to correspond with Governor Chafee, asking his assistance to urge the insurance industry to aid the business owners.

Prior to the vote taken, Ms. White addressed the Council and stated that she believes the Town did its best to provide information during the past storm event. She suggested that the various parties might benefit from a "post storm" meeting to review the events and make suggestions for improvements. She read from a prepared statement (included in the record materials of this meeting) and informed the Council that she believes that National Grid could have been better-prepared and also reacted to the storm damage more quickly.

Ms. White also stated that the communication from National Grid was lacking and that she was also disappointed that the "Town" did not reach-out to the business owners although some Town officials did have contact with them.

She added that she hopes that the Town will help with the business owners' claims for damages and lost business and also that National Grid was culpable for its "gross misconduct."

Ms. White noted that she was disheartened by road information signs which seemed to indicate that Hope Street was closed as part of the reconstruction project and suggested that better signage would inform customers and visitors that the street and its businesses are open during the project.

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Councilman Barboza stated that Congressman Cicilline is working to provide assistance to businesses. He further noted that the Small Business Administration is working with FEMA officials and also that the State Economic Development Commission has \$ .5 million available for low interest loans.

Ms. White explained that some of this information was provided by Alan Crisman.

Council Chairman Marshall noted that Mr. Crisman is also working with the State Department of Labor and Training.

A discussion ensued regarding business interruption insurance claims and coverage with Ms. White explaining that loss of business due to electricity is not generally covered but that losses would be covered if a tree fell through the roof of a business, etc.

Councilman Barboza stated that he thought business interruption insurance would cover all types of disruptions.

Paul Mancieri, a DBMA member and proprietor of Leo's Ristorante, informed the Council that "full" insurance is very costly and also informed the Council that he was in agreement with the comments made by Ms. White. He added he "shared the day" with Town workers along Hope Street.

Mr. Mancieri explained that he wishes to be "part of the community" and part of the planning concerning Town emergencies. He added that he is volunteering to provide assistance and not to be adversarial.

Mr. Mancieri explained that he was frustrated by finding the need to throw away spoiled food and would have preferred to provide this food to charity or some other suitable place. He added that he would have done so had he known the time that the electricity would be unavailable.

Council Chairman Marshall stated the Bristol's merchant community is a "resource" for the Town and that he appreciates any help offered by the merchants.

Jeff Hirsh, proprietor of The Lobster Pot restaurant and also DBMA member, informed the Council that he appreciates the Council's willingness to listen to the merchants. He added that he also appreciates Town Administrator Mederos' and Police Chief Canario's williness to listen.

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Mr. Hirsh explained that he thought his insurance was a "Cadillac" policy and found out that he did not have the coverage anticipated. He suggested that the Council should "ride the State" in order to provide for better insurance regulations. He added that he spoke to U.S. Sen. Jack Reed and that Sen. Reed agreed to call the Governor's office concerning this issue. He added that the State Department of Business Regulation should also "ride" the insurance industry.

The Council agreed to provide correspondence to the Governor's office asking his assistance in this matter.

Town Solicitor Ursillo agreed to provide the Clerk with some appropriate language for the correspondence.

Councilman Barboza stated that the insurance industry appears to be refusing to provide hurricane related coverage.

Councilwoman Parella observed that hurricane coverage typically carries a higher deductible than regular coverage.

Town Solicitor Ursillo agreed with Councilwoman Parella and stated that some deductibles may reach fifteen percent (15%) of the damage. He added that many insurance companies refuse to provide coverage due to Hurricane Katrina. He added that interruption of business coverage is typically related to a singular direct event such as a tree falling through the roof of a business.

Councilwoman Parella suggested that the Town should investigate "robo-calling" further suggesting that Town-generated calls to the citizens might provide basic information concerning "what's going on" in an emergency situation. She speculated that the cost to do this would not be prohibitive and that the Town may be able to "piggyback" on the School District's existing program.

Town Administrator Mederos noted that the Town did explore this in the past and found the cost to be excessive. She agreed, however, that technology has become more accessible and that the price may be more reasonable at this time.

Council Chairman Marshall suggested that this matter might be discussed as part of the quarterly workshop.

Councilwoman Parella asked to know if the hurricane-felled trees were some that were recommended for removal but were not removed due to public objection.

Director of Community Development Williamson responded that perhaps some of these were part of the initial tree removal scheme but she was not positive if this was the case.

Councilwoman Parella commented that Hope Street appeared "naked." She also expressed concern that many of the remaining trees appear to be oddly shaped due to storm damage.

Director of Community Development Williamson reported that the State DOT has flagged trees suggested for removal and has asked for Town input regarding these particular trees.

Councilman Teixeira reported a large hole in a tree located three trees south of the corner of Church Street. Director of Community Development Williamson stated that she would check on the status of this tree.

K. OTHER NEW BUSINESS REQUIRING TOWN COUNCIL ACTION

1. Councilman Herreshoff re National Grid

Herreshoff/Teixeira - Voted unanimously to instruct the Clerk to write a "well crafted" letter, voicing the Council's concerns regarding this matter and to provide a copy of same to the local General Assembly delegation and to the neighboring towns.

Prior to the vote taken, Councilman Herreshoff stated that he believed that National Grid's communication would benefit from its having a local presence.

Councilman Barboza stated that Narragansett Electric used to have crews placed in every town when an emergency was pending.

Councilman Barboza suggested that the Town may ask the PUC to determine if National Grid was adequately prepared to react to Hurricane Irene.

Councilwoman Parella speculated that National Grid may have been ill-prepared.

Council Chairman Marshall noted that the storm lasted longer than anticipated and also that National Grid had "staged"

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contractors around the State. He added that the utility could have done a better job at assessing the damage.

The Council gave praise to Gen. Kevin McBride for his action in hurricane preparedness and during the aftermath of the storm.

2. Councilman Herreshoff re DOT transparency

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

Prior to the vote taken, it was noted that the State will provide project updates regularly. Director of Community Development Williamson stated that the Town will post these updates in Town and on the website.

A discussion ensued regarding the water main upgrade as part of the Hope Street project with Council Chairman Marshall noting that the Water Authority lost its low-interest funding due to the "negative public rhetoric" concerning the Water Authority.

Council Chairman Marshall asked to know the location of the project headquarters with Town Administrator Mederos reporting that the State has offices on Gooding Avenue. She added that Principal Planner Tanner attends meetings to represent the Town. Town Administrator Mederos also reported that the Town's suggestions for improvements are acted upon immediately and also suggested that these suggestions should be forwarded to her office for communication to the DOT.

Linda Arruda, representing the DBMA, informed the Council that Director of Community Development Williamson and Principal Planner Tanner have brought the DBMA into the discussions concerning the project and also that the DBMA supports the idea of one-way streets during the construction phase (Hope and Thames).

Ms. Arruda also reported that the State DOT reports are published weekly in the *Providence Sunday Journal*.

**ADD ITEM** 3. Councilman Herreshoff re utility conduits

Barboza/Teixeira - Voted  
unanimously to refer this matter to  
the Town Administrator.

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Prior to the vote taken, Councilman Herreshoff noted that past discussions considered the matter of underground utilities and suggested that the main downtown area may be the best area for these in the future.

Councilman Herreshoff suggested that the Hope Street project (from Constitution to Washington Streets) might be amended to allow for an empty 6-8 inch pipe to be buried along the street. He noted that this would be "an eleventh hour change."

Councilman Herreshoff also explained that the pipe would accommodate the utility lines in the future and that the transformers may be relocated to side streets thus eliminating the cost of placing these underground also.

Councilman Barboza asked who should pay for this pipe and that perhaps National Grid might do so. Councilman Herreshoff agreed and stated "they owe it to us."

Councilwoman Parella asked to know if the discussion regarding underground utilities was part of the Hope Street plan.

Director of Community Development Williamson reported that the matter was discussed but was not acted upon due to the projected cost, tree removal, location of the pipe, attachment to buildings, etc.

Councilman Herreshoff agreed that the suggestion to add the empty pipe is late but that it would be worthwhile to request same.

Town Administrator Mederos agreed to ask about the empty pipe.

Councilman Teixeira suggested that the matter would be a good topic to discuss with National Grid.

Councilwoman Parella asked to know if there was any research to prove that underground utilities are more reliable than those placed above ground. She asked if the proposed expense of \$1 million per mile was cost effective.

Councilman Herreshoff noted that most "new" towns place utilities underground.

Director of Community Development Williamson noted that the Hope Street contractor must work within the available timing

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"window." She expressed concern that any change to the plan might cause an unacceptable delay.

Town Administrator Mederos noted that the Ferncliffe Farm area has underground utilities and experienced a long blackout after the hurricane.

L. **BILLS & EXPENDITURES**

(CA) M. **ROUTINE REPORTS**

(CA) N. **FINANCIAL REPORTS**

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

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

P. **PROCLAMATIONS & CITATIONS**

(CA) Q. **CITY & TOWN RESOLUTIONS NOT PREVIOUSLY CONSIDERED**

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

(CA) R. **DISTRIBUTIONS/COMMUNICATIONS**

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

1. Warrant - Michael A. Lenarcic, Post Retirement Benefits Fund - Board of Trustees
2. Warrant - Kevin J. Ledwell, Harbor Commission Advisory Committee
3. East Bay Food Pantry, (150 Franklin Street) - Class F License petition for event to be held at the Herreshoff Marine Museum Tent, Hope Street on September 11, 2011 (approved August 19, 2011)
4. Town Administrator Mederos re executive order, declaring a state of emergency effective August 26, 2011
5. Coastal Resources Management Council - September 2011 Calendar

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6. John M. Jannitto, Chairman, Bristol County Water Authority - Board of Directors re appointment of Joseph Granata as "Assistant Executive Director"
7. Police Chief Canario - recommendation re request of St. Elizabeth Church, 577 Wood Street to host a fundraising carnival on the Town Common, September 22 - 25, 2011 (granted August 17, 2011)
8. Gov. Lincoln D. Chafee to Town Administrator Mederos re Community Development Block Grant

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

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

1. Bristol Warren Regional School District - schedule of meetings, week of August 15, 2011
2. Bristol Warren Regional School Committee - special meeting, August 11, 2011 (revised)
3. Board of Tax Assessment Review - August 17, 2011
4. Board of Tax Assessment Review - August 22, 2011
5. Board of Tax Assessment Review - August 24, 2011
6. Bristol Warren Regional School District - schedule of meetings, week of August 22, 2011
7. Bristol Warren Regional School Committee - Personnel/Contract Negotiation Subcommittee, August 22, 2011
8. Bristol Warren Regional School Committee - August 22, 2011
9. Bristol Warren Regional School Committee - BWEA Contract Negotiation Subcommittee, August 25, 2011

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10. Board of Tax Assessment Review - August 31, 2011
11. Bristol Warren Regional School District - schedule of meetings, week of August 29, 2011

S. TOWN SOLICITOR

1. Town Solicitor re discussion and action on recommendation to bring declaratory judgment action and request for mandatory injunctive relief against the Bristol Warren Regional School Committee to include the Joint Finance Committee in their Rhode Island Interlocal Trust policy
  - a. Town Solicitor re Joint Finance Committee Insurance Coverage

Barboza/Parella - Voted unanimously to instruct the Town Solicitor to put in order the necessary paperwork in preparation for legal action concerning this matter.

Prior to the vote taken, Town Solicitor Ursillo noted that the Joint Finance Committee is a body of the Regional School District. He added that the Interlocal Trust indicated that insurance for same was accepted practice in other regional districts in Rhode Island and also that the coverage would be provided to the School District at no cost.

He added that this information was provided by the Trust's legal counsel to the School Committee which in turn voted to deny coverage to the Joint Finance Committee. Town Solicitor Ursillo also added that the situation appeared to be "government gone awry."

Town Solicitor Ursillo explained that he was aware of no other way to obtain the necessary insurance.

Councilman Barboza agreed that the Joint Finance Committee is a subset of the Regional School District and that it would not exist otherwise. He added that the action proves that the School Committee has no respect for the Joint Finance Committee.

Councilman Barboza also reported that the Joint Finance Committee appropriated as much as it could without exceeding

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the state-law imposed cap and that people have made "frivolous comments" regarding same.

Councilman Barboza expressed concern that the Joint Finance Committee is viewed by some to be "the enemy" and suggested that this adversarial situation must end. He called upon the leadership of the School Committee to take appropriate action.

**Z. INDIVIDUAL COUNCIL MEMBERS AGENDA ITEMS**

**1. MARSHALL**

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

b. Congratulations to Stan Dimock - Council Chairman Marshall reported that Mr. Dimock was named Citizen of the Year by the East Bay Chamber of Commerce. He offered the Council's congratulations to Mr. Dimock.

c. 9/11 Activities - Council Chairman Marshall reminded those present about the Town's planned commemorative activities on September 11.

**2. BARBOZA**

a. 9/11 - Councilman Barboza also noted the Town's planned activities for September 11.

**3. TEIXEIRA**

a. \$50 Million Emergency Response Funds - Councilman Teixeira reported that Sen. Jack Reed sent him an e-mail concerning the availability of \$50 million and suggested that the Town should find a way to "tap into that."

b. Storm Debriefing - Councilman Teixeira suggested that the Council might be debriefed at a meeting in the future to consider hurricane issues.

**4. HERRESHOFF**

a. Last Night - Councilman Herreshoff congratulated the Last Night Committee for another successful event.

b. Shad Pipeline - Councilman Herreshoff suggested that the matter of his previous memorandum concerning the Water Authority and in particular the Shad Pipeline should be brought forth to the meeting of September 28, 2011 for further consideration.

5. PARELLA

a. Hurricane Irene - Councilwoman Parella indicated her thanks to the various parties noting that the storm was "handled well." She added her relief that there was no loss of life or major property damage.

ZZ. TOWN ADMINISTRATOR AGENDA ITEM(S)

a. 9/11 Invitation - Town Administrator Mederos recognized Fire Chief Martin who described the upcoming September 11 monument dedication. Fire Chief Martin noted that the event will "not be grandiose" but will rather be a reminder of the fateful occurrence and a chance to reflect upon same.

Councilman Herreshoff noted that many persons continue to face afflictions as a result of the terrorist attacks.

Councilwoman Parella informed those present that there are many upcoming television specials commemorating September 11, 2001. She added that those providing the perspective of former President George W. Bush and former New York City Mayor Rudolph Giuliani promise to be well worth the viewer's time.

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CITIZENS PUBLIC FORUM

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There being no further business, upon a motion by Councilman Barboza, seconded by Councilman Herreshoff and voted unanimously, the Chairman declared this meeting to be adjourned at 10:13 o'clock PM.

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Louis P. Cirillo, CMC, Council Clerk