

TOWN COUNCIL MEETING - WEDNESDAY EVENING - OCTOBER 19, 2011

PRESENT: Marshall, Barboza, Teixeira, Herreshoff and Parella

ALSO PRESENT: Diane C. Mederos, Town Administrator (arrived at 7:45 o'clock PM)

Jeanne M. Scott, Esq., Asst. Town Solicitor
Marshall J. Netto, Town Sergeant

The Council met in regular session on Wednesday evening, October 19, 2011 in the Town Hall, Council Chambers beginning at 7:02 o'clock PM, Council Chairman Marshall presiding:

Prior to the commencement of this evening's regular agenda, Council Chairman Marshall observed the presence of several members of Bristol Troop 6, Boy Scouts of America. The Scouts led the assembly in the Pledge of Allegiance to the Flag.

Also prior to the commencement of this evening's regular agenda, Councilman Herreshoff suggested that the Council might consider adding an item to the agenda concerning the animal shelter capital project. The Council agreed, by consensus, that the matter will be considered on Thursday, October 20, 2011 at the Capital Project Committee meeting to be held on that day. It was also agreed that the Capital Project Committee will be asked to provide a status report at the Council Meeting of November 9, 2011.

MOTION RE: CONSENT AGENDA - TO APPROVE THE CONSENT AGENDA

Teixeira/Barboza - Voted
unanimously to approve the Consent
Agenda withholding agenda item AA1
for discussion along with agenda
item K4.

After the vote taken, Councilman Barboza suggested that the Council would consider combining agenda items C1 and G1. The Council agreed to do so by consensus.

A. SUBMISSION OF MINUTES OF PREVIOUS MEETING(S)

1. Tri-Town Council Meeting - August 10, 2011

Teixeira/Parella - Voted
unanimously to continue this matter
until the meeting of November 9,
2011.

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Prior to the vote taken, the Clerk informed the Council that these minutes are undergoing revision and will be ready in time for the next regular meeting of the Council. He added that the action items are all resolved.

2. Town Council Meeting - September 7, 2011

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

3. Town Council Meeting - September 21, 2011

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

4. Town Council Meeting - September 28, 2011

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

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

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

1. Harbor Commission - September 12, 2011

It is hereby noted for the record that these minutes were considered along with agenda item K4.

2. Board of Fire Engineers - October 3, 2011

3. Planning Board - September 13, 2011

4. Historic District Commission - September 1, 2011

5. Harbor Commission - October 3, 2011

6. Conservation Commission - July 11, 2011

B. OLD BUSINESS

1. Bid #733 - (Rebid) Collection of Residential Curbside Trash, **continued from September 7, 2011**

Barboza/Teixeira - Voted
unanimously to place this matter on
the table pending a report from the
Town Administrator.

2. Rev. Daniel Randall, First Congregational Church, 281 High Street - request for a mid-block crosswalk and warning signs, **continued from September 28, 2011**

Barboza/Herreshoff - Voted
unanimously to refer this matter to
Police Chief Canario and also to
continue said matter until the
meeting of November 9, 2011.

Prior to the vote taken, Councilman Herreshoff expressed concern that the placing of a crosswalk mid-block may be problematic since motorists do not customarily anticipate a mid-block crosswalk.

Councilman Herreshoff added that he observed that there is a mid-block crosswalk located in front of St. Michael's Episcopal Church and is therefore inclined to agree with the request of the First Congregational Church.

Police Chief Canario stated that he discussed the matter with Pastor Randall and also Lt. Burke and former Public Works Director McBride. He explained that national guidelines for crosswalks discourage the practice of mid-block crosswalks. He added that he cannot justify the request since there is already a crosswalk on the northern end of the church property.

Police Chief Canario also stated that a crosswalk should typically be located in a place that has a stop sign or stop light as a traffic control device.

Councilman Barboza asked to know if the addition of the crosswalk would eliminate parking spaces with Police Chief Canario stating that it would likely eliminate parking spaces. Councilman Barboza expressed concern that the parking in the area was already sparse.

Councilwoman Parella asked to know if the crosswalk could be installed at the intersection of High and Congregational Streets with Police Chief Canario responding that the petition seems to indicate a diagonal crosswalk terminating

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in a driveway. He added that the Department of Transportation would advise against crosswalks in driveways since this may pose an unsafe situation when motorists exit the driveway - backing-out in particular.

Councilwoman Parella suggested that the crosswalk might be installed at Congregational Street and that this crosswalk would be perpendicular to the sidewalk. She added that the use of the portable crosswalk signs would be helpful also.

Police Chief Canario responded that the portable signs have been placed regularly within the already existing crosswalk at High and Bradford Streets.

Councilwoman Parella suggested that the portable signs would work equally well at the corner of Congregational Street.

Police Chief Canario reminded the Council that the highway guidelines recommend against mid-block crosswalks where there are no stop signs. He added that he is aware of other such crosswalks in Bristol, however.

Councilman Barboza read from the Police Department's report concerning this matter and reminded those present that the installation of a crosswalk is more complicated than simply painting lines on a street. He added that the State guidelines also object to this mid-block crosswalk.

Helen Sousa, representing the First Congregational Church informed the Council that she was promised the crosswalk by Town Administrator Mederos and representatives from the Department of Public Works. She stated that she wishes to have the same benefit provided to other church buildings.

Ms. Sousa also informed the Council that she does not wish to have the crosswalk terminate in a driveway and did not know where that request originated. She added that children and elderly persons cross the street mid block and that she finds this activity, minus a bona-fide crosswalk to be unsafe.

Ms. Sousa also informed the Council that her "first concern" is for the children crossing the street since motorists tend to "whip through" the area. She repeated that the area is dangerous and also that there appears to be a great deal of vehicular activity in the area.

Councilman Barboza stated that Ms. Sousa raises valid concerns. He added that St. Mary's Church does not have a mid-block crosswalk.

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Councilman Herreshoff asked to know if the crosswalk was necessary only on Sundays with Ms. Sousa responding that the Church workers cross the street during weekdays.

Councilman Herreshoff asked to know if the Church might wish to have a "proctor" to direct traffic and help people cross the street on Sundays.

Ms. Sousa stated that it may be possible to have a proctor.

Councilwoman Parella stated that she supports the idea of a crosswalk since "(some) people are crazy and blow through the stop signs at State Street."

Police Chief Canario asked the Council to consider a continuance so as to allow the Police Department to monitor the traffic patterns and pedestrian crossing problems for several weeks.

Ms. Sousa noted that previous police monitoring of the situation may have been inexact since this was done during summer months when church attendance is low.

Councilwoman Parella asked to know the time of the church services with Ms. Sousa responding that the services begin at 10:00 o'clock AM.

Councilman Barboza stated that a crosswalk at Congregational Street may be appropriate.

Ms. Sousa informed the Council that she would agree to a crosswalk at the corner of Congregational Street.

3. Administrative report re Midland Farms signage, **continued from September 28, 2011**

Barboza/Herreshoff - Voted unanimously to allow the licensee five (5) business days, commencing immediately, to become compliant with the ruling of the Historic District Commission as noted in the letter of Oryann Lima, Chairman, dated September 6, 2011, and to impose a fine for non-compliance in the amount of \$100 per day thereafter.

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Prior to the vote taken, Director of Community Development Williamson reported that the establishment's signs remain non-complaint as of October 18, 2011. She added that the Historic District Commission approved another sign for the front façade of the building which is not yet installed. She also added that she is uncertain as to what may be the circumstances of the new sign.

Councilman Herreshoff stated that he was concerned that the proprietor of the establishment seems to present a pattern of disregard for legal requirements. He suggested that the Council should assure that the regulations are enforced.

Councilman Barboza noted that the establishment's owner was cited for the selling of cigarettes illegally and suggested that the Council may wish to impose a fine of \$50 per day for non-compliance to the Historic District Commission regulations.

Director of Community Development Williamson agreed that a fine was prudent. It was noted that the ordinance allows for a fine of \$100 per day. The Council agreed that the proprietor should be allowed a "last chance" to comply prior to the imposition of the fine.

Councilman Teixeira agreed with Councilman Barboza that the licensee "has trouble with compliance."

4. Director of Community Development Williamson re cancellation of DCS Energy solar panel project, **continued from September 28, 2011**

Barboza/Herreshoff - Voted unanimously to receive and place this matter on file with thanks to the parties.

Prior to the vote taken, Director of Community Development Williamson recalled that the Council considered this matter at its meeting held on September 28 and that of the buildings initially considered for solar panel installation, the compost building and the new fire station headquarters remain as possibilities since the roofs of these buildings are pitched.

Since that time she discussed the matter with Water Pollution Control Superintendent Calderiso and Fire Chief Martin and the department managers are "inclined not to go forward" with the project. She added that the decision not to go forward was predicated on a general lack of confidence

in the program.

Director of Community Development Williamson reported that she will "keep on this (renewable energy agenda)" and find a new, more suitable, program for the Town.

Councilman Herreshoff stated that he believes that the matter requires further study and that the Town may wish to consider a "test project." He further stated that the overall idea may have merit.

Director of Community Development Williamson reported that the Town was approached to participate and that she, Police Chief Canario and Water Pollution Control Superintendent Calderiso met with the parties initially. She added that the program allowed for a third-party investor to reap the energy-related tax credit benefits and that only municipalities were allowed to participate. She also added that the Town was required to enter into a contract.

Director of Community Development Williamson explained that the Town would receive the electricity and also an "educational component." The third-party would receive the tax credits for three (3) years and that the Town would own the system thereafter.

Director of Community Development Williamson reported that the Town identified eight (8) buildings and that six (6) of these have flat roofs. She added that the Town had to declare a commitment to participate before September in order to have a place in the "queue." She further reported that the vendor failed and that the DCS Energy attempted to secure another vendor and that the process was "complicated."

Director of Community Development Williamson explained that the vendor's financial failure rendered the program impossible to continue. She added that the program was based upon a successful model used within the State of Connecticut.

Councilman Herreshoff suggested that the Town should "forget about it" but also remain interested for another program in the future.

Council Chairman Marshall suggested that the Town should review its energy requirements with National Grid and should also investigate energy efficient lights, motors, etc.

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Director of Community Development Williamson responded that she will do so.

5. Principal Planner Tanner re boundary marker signs for identifying Town-owned open space parcels

Herreshoff/Teixeira - Voted unanimously to receive and place this matter on file with thanks to the parties.

Prior to the vote taken, Council Chairman Marshall explained the need for the markers and further explained that the Town has taken action to preserve many acres of open space.

Councilman Barboza reported that he spent several days in the State of Vermont and observed similar markers noting protected open space.

Director of Community Development Williamson reported that the markers will be affixed to trees on lot-lines and that these markers will be affixed to the trees in a "sensitive" manner which is designed not to damage the trees.

Town Administrator Mederos arrived at this point in the meeting (7:45 o'clock PM).

6. Town Treasurer Goucher re request for authorization to continue participation in R.I. Energy Aggregation Program (REAP) energy contract as offered through the Rhode Island League of Cities and Towns

Parella/Barboza - Voted unanimously to authorize the Town Administrator to sign the agreement and also to negotiate on behalf of the Town.

Prior to the vote taken, Town Treasurer Goucher reported that 36 of the 39 cities and towns in Rhode Island participate in this program and the program is based upon a "good RFP."

Councilman Herreshoff observed that the program appears to be "a no brainer." He asked to know the amount of the likely savings.

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Town Treasurer Goucher noted that the likely savings has some flexibility and also that the Town's specific savings must be negotiated as part of the program.

Council Chairman Marshall asked to know if the School District may also participate in the program.

BB. SPECIAL/STATUS REPORTS

1. Town Administrator Mederos re Department Head Reports
 - a. Fire and Rescue - January 2011 through September 2011
 - b. Parks and Recreation - prepared October 11, 2011
 - c. Building Inspection - June 1, 2011 to September 30, 2011
 - d. Public Works - June, July and August, 2011
 - e. Community Development - June 2011 through September 2011, inclusive
 - f. Tax Assessor's Office - prepared October 14, 2011
 - g. Center for Economic Development - prepared August 2, 2011

Herreshoff/Barboza - Voted unanimously to receive and place this matter on file with satisfaction and great interest.

It is hereby noted for the record that the Council members were aware of the contents of the police department report as discussed below, however the report was not received until after the meeting and will appear under Special/Status Reports on the November 9, 2011 agenda.

the police department report discussed below the council members were aware of the contents of the police as discussed below however was received until after the meeting and will appear on

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Prior to the vote taken, Councilman Barboza referred to the police department report and announced that the Citizens Police Academy will begin on November 1. He added that the "take-back" drug and gun "buy-back" program will be held also.

Councilman Herreshoff thanked the department heads for providing these reports.

A discussion ensued regarding the use of Town gasoline by the Housing Authority, etc., with Town Administrator Mederos responding that other-than-Town departmental users of the gasoline must reimburse the Town for the cost of same.

Council Chairman Marshall thanked the various participant department heads for the economic forum held last week. He noted that department head participants should be thanked for their assistance and also explained that Commissioner Gist and several business leaders were also in attendance.

Council Chairman Marshall noted that many of the proposed action items have been already implemented in Bristol and that Bristol was an economic development "model."

Council Chairman Marshall also noted that Mike Davis filmed the meeting and that it was on television. Mr. Davis reported that the playback is available on the internet via the Town's website.

C. PUBLIC HEARINGS

1. Tess M. Riley and Liz Lombardi, d/b/a Boutique at 346, 346 Wood Street - request for a Junk and Second Hand Dealer's License
 - a. Tess M. Riley and Liz Lombardi re amendment of d/b/a name to Unique Boutique
 - b. Recommendation - Chief of Police

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

Herreshoff/Barboza - 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, Council Chairman Marshall opened the public hearing. There was no remonstrance presented in favor or in opposition to the petition.

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

2. Transportation Improvement Program (TIP) Project Proposals
 - a. Director Of Community Development Williamson re proposed projects for TIP FFY 2013-2016

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

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

Speaking in favor of the proposals was Director of Community Development Williamson who provided a brief outline.

Director of Community Development Williamson explained that the Town must submit a list of project proposals to be considered and outlined those appearing in both the proposal and also the notice of public hearing.

Councilman Teixeira asked to know if the plan includes specific intersections with Director of Community Development Williamson responding affirmatively and that these specific intersections are known to be hazardous. She agreed to provide a report outlining these at a later date.

Councilman Teixeira asked to know if the proposed roundabout would provide a "shortcut" to the Roger Williams University entrance with Director of Community Development Williamson reporting that the proposed roundabout was coordinated with University officials and also officials of the State. She explained that the current "island" intersection is dangerous and that the proposal for the roundabout is safer. She added that the roundabout will be attractive and provide an improved "gateway" into Town.

Director of Community Development Williamson also reported

that the new entrance at RWU was designed so as to accommodate the roundabout should this be built.

Councilman Herreshoff stated that roundabouts may be controversial but also that the location on Ferry Road may be the best location for a roundabout.

Councilman Barboza explained that the planned roundabout is not a traditional "rotary" intersection.

D. ORDINANCES

1. Ordinance #2011-09 as amended, CHAPTER 11, Fees and Charges, Section 11-1, Comprehensive schedule of fees, (43) Mooring and docking fees, and (new) (76) Recreation department summer camp fee, **2nd reading for adoption (continued from September 28, 2011 concerning Section 11-1 (43), Mooring and docking fees)**

- a. Town Treasurer Goucher re budgetary impact of harbor fee modifications
- b. James Dollins, Vice Chairman, Harbor Commission, re recommendation

Parella/Teixeira - Voted unanimously to continue this matter until the meeting of November 9, 2011 and in the interim the Clerk is hereby instructed to set a special meeting at the convenience of the parties to further consider this matter.

Prior to the vote taken, Council Chairman Marshall noted that the fee ordinance proposal was the result of discussions taken place during Council budget deliberations. He explained that the Town departments were asked to identify sources of revenue and that the Harbor Master's office provided information to indicate that harbor-related fees were undervalued. He also explained that the Council accepted the recommendation for fee increases and sent the same through the ordinance adoption process.

Council Chairman Marshall informed those present that the Harbor Commission was asked to advise on this proposal and that he understands that a three (3) year phase-in of the new fees at 15% per year would be acceptable to the parties.

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Council Chairman Marshall also explained that it would likely be an ethical conflict for those in an official capacity, also holding moorings to make a recommendation regarding the fee change.

Councilman Barboza cautioned that those in this circumstance should perhaps consult the State Ethics Commission prior to doing so.

Councilman Teixeira expressed concern that the Town's revenue budget was based upon an increase in fees resulting in those fees proposed by the ordinance. He expressed further concern that there would be a significant shortfall should the Council agree to raise fees by 5%.

Councilman Herreshoff asked to know the assumed increase that is factored into the budget with Town Treasurer Goucher responding that the budget assumes a 50% increase. She added that the Recreation budget was adopted in consideration of a fee increase and also that the recreation fees were accordingly increased already.

Town Treasurer Goucher added that each of the departments was asked to look at whether or not fees were appropriately assessed and that each department's fees are unique. She added that some fees are controlled by State statute.

Councilman Herreshoff stated that the Town should be consistent when it applies fees.

Town Treasurer Goucher stated that the Town analyzed fees individually. She noted that fire department fees were increased by 12%.

Councilman Barboza stated that the "salient point" of the issue is that an increase of 15% "leaves a hole" in the budget.

Councilman Teixeira asked to know if the Town's reserve funds must be tapped in order to fill this void with Town Treasurer Goucher responding affirmatively.

Robert Hamel, representing the Bristol Yacht Club, informed the Council that the Club has 325 member families. He added that he has two (2) moorings and also dock space.

Mr. Hamel stated that he believes that the fees are arbitrary as compared to other towns and that he believes that the percentage of increase is too high since the cost of living went up less than 5%. Mr. Hamel added that he

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believes that the increase is arbitrary and should be reconsidered since boating "feeds" the Town's economy. Mr. Hamel also added that he may be able to afford an increase but also that many persons cannot.

Mr. Hamel suggested that the Town should look at the Town of Jamestown fees as an example and also to investigate cost-cutting measures.

Councilman Barboza asked Mr. Hamel his opinion of a 15% increase in each of the next three (3) years with Mr. Hamel responding that the increase was too high. He again suggested that the Town should explore cost cutting measures.

Al Alix, of 1115 Hope Street, informed the Council that he objects to the proposed fee increase. He explained that he has three (3) children and no college fund. He added that he expects that the Town Council members should be "good stewards" of the Town and that he hopes that Bristol will "not be like other towns." Mr. Alix added that he believes the 15% fee increase to be "ridiculous."

Councilman Herreshoff stated that the Town's burdens should be shared and further stated that the Town's cost's for its harbor-related expenses are covered by the current fees.

Town Treasurer Goucher reported that the fees appear to cover only the direct costs and that the indirect costs are borne by the tax rate. She added that these indirect costs are not included in the Harbor Patrol budget.

Councilman Barboza asked Mr. Alix if he was aware that the cost of a mooring would increase by \$45 per year with Mr. Alix responding that he has two moorings.

Councilwoman Parella stated that the Town is considering raising harbor fees at this time. She added that the Town considered raising building fees and other fees at different times when the fee structures were brought to the attention of the Council by the departments.

Councilwoman Parella added that the Council must periodically examine the various user fees and also recalled that the fire department raised rates for ambulance service. She suggested that the Council should review all fees every five (5) years and that this should be kept in mind.

James Dollins, a member of the Harbor Commission, informed the Council that he has been a member of the Commission for

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ten (10) years and also that the Commission's purpose is to gauge public opinion. He added that he has a mooring and is also a boat owner and that his children and grandchildren also have boats and moorings.

Mr. Dollins explained that everyone on the Harbor Commission has boats and that the Council should terminate his membership on the Commission if it does not wish to have his opinion.

Mr. Dollins reported that he had a meeting in the Harbor Master's office with Town Administrator Mederos and Town Treasurer Goucher and that he does not agree with the Treasurer's figures and thinks these should be lower.

Mr. Dollins further reported that the Harbor Commission held three (3) public meetings and a workshop to consider the fee proposals and that all of these meetings were well-attended.

Mr. Dollins alleged that the survey provided by the Harbor Master's office was incomplete or inaccurate and also that the Harbor Master and Assistant Harbor Master were not present at the Harbor Commission meetings when the fees were considered. Mr. Dollins informed the Council that he was disappointed that the Harbor Master's office was not in attendance to support its position on the fees.

Mr. Dollins reported that the fee-related meetings were held in the Burnside Memorial Building due to the anticipated attendance and also that no one present at the public meetings spoke in favor of the fee proposal.

Mr. Dollins also reported that the Harbor Master and Assistant Harbor Master received notice of the meetings. He also expressed concern that fee issues were brought to the Harbor Commission prior to their consideration as a Town ordinance in the past but that the practice was reversed this time. He also noted that members of the Harbor Commission read on the Council agenda that fees were to be considered and were not made aware of this otherwise.

Mr. Dollins stated that a fee increase of 5% was "logical" and that the proposed increase - which he calculates at 37.5%, is not logical.

Mr. Dollins expressed concern that the Town expended \$50,000 on projects which were not put out to bid.

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Mr. Dollins noted that the proposed increases seem to carry no additional services and also that the Harbor Master's office plans to be open one-half hour less per day.

Mr. Dollins suggested that the Town may find additional revenues on the rental of Town moorings but that this did not appear to be practical since "it is difficult to get hold of the Harbor Master." He also suggested that this matter "needs to be addressed."

Mr. Dollins also suggested that the Town may increase revenues by hiring a college student who will check moorings and charge those persons who may be moored otherwise unauthorized to use the mooring. He further suggested that the student should visit each of these prior to 7:00 o'clock AM and assure that the transient user has a receipt for his or her payment.

Mr. Dollins noted that sometimes fees for the use of Town moorings is collected in cash and that this practice is "absurd." He added that the Harbor Commission asked for information regarding these fees and received no answer.

Mr. Dollins stated that he finds "astonishing" that the cost of maintaining these moorings appears to exceed the revenue. He added that the Elks Club and Herreshoff Marine Museum make a "profit" on their transient moorings.

Councilwoman Parella stated that it is "discouraging" to learn that the year is nearly 75% over and that the Harbor Commission and Harbor Master's office is not "together" concerning this matter. She added that the two (2) entities should work more closely.

Councilwoman Parella asked to know the standing of these ideas concerning cost savings and/or increased revenue. She noted that none of these had been previously brought to the attention of the Council.

Mr. Dollins noted that some of these issues were discussed as part of the Harbor Master's job description and also that these were brought to the attention of the Town Administrator. Mr. Dollins also noted that these matters were also brought to the attention of the former Council liaison and that the liaison "ignored" the issue, citing the Harbor Master's vast experience.

Mr. Dollins stated that it would be "crazy" if Harbor Commission members could not speak publicly about harbor

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fees and if this were the case, he would resign his position.

Mr. Dollins stated that the Harbor Master's office needs "sound business logic."

Mr. Dollins also suggested that the Town may increase revenues through the sub-let of moorings while the mooring holder was away from Town.

Mr. Dollins noted that the planned transient docks will accommodate 5-6 vessels and that the revenue from this source should be used to support the transient docks. He added that the docks should be "policed" for revenues.

Mr. Dollins suggested that the Town should examine the "cost side of its business" and also that it has untapped opportunities to increase revenues.

Mr. Dollins explained that he is retired and living on a fixed income and also that the fee increases should be reasonable and that he did not find 15% or 35% increases to be justifiable. He added that he believes that 5% is justifiable.

Mr. Dollins suggested that the Council should "get its [harbor] costs in order."

Council Chairman Marshall thanked the Harbor Commission for its work. He expressed concern that the topic may have "gone off on tangents" and suggested that the matter of the harbor fees would be better understood if discussed in a "workshop" setting at a special meeting prior to further consideration of the subject ordinance. He further suggested that the workshop should include the Town Administrator, Town Council, Town Treasurer, Harbor Master and Harbor Commission.

A discussion ensued regarding the issue of the ethics of those with moorings weighing-in on mooring fees. It was noted that the opinion of the ethics commission should be considered when there is a question of ethics.

Councilwoman Parella asked to know if anyone other than boaters and those with dock space and moorings were present at the Harbor Commission meetings when the fees were discussed.

Mr. Dollins stated that he understood Councilwoman Parella's point.

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Councilwoman Parella noted that should the Council not adopt the fee structure as proposed in the ordinance there would be a problem with the anticipated budget revenues. She added that she would be interested to learn more about Mr. Dollins suggestions for additional revenues.

Mr. Dollins stated that he would be pleased to prepare a "blueprint" regarding this matter but added that the Harbor Master is "paid to do it."

Councilman Teixeira stated that he was disappointed to learn in October about something that he thought was already decided before July.

Councilman Herreshoff stated that he plans to look back 5-6 years for information concerning receipts and expenditures.

Council Chairman Marshall noted that Councilman Herreshoff is now liaison to the Harbor Commission.

2. Ordinance #2011-18, CHAPTER 16, Motor Vehicles and Traffic, Article IV, Operation of Vehicles, Section 16-111, Speed limits (Platt Street, 15 mph), **2nd reading for adoption**

Barboza/Teixeira - Voted unanimously to consider this action to constitute the second reading for adoption of Ordinance #2011-18. Advertise in local newspaper.

3. Ordinance #2011-19, CHAPTER 11, Fees and Charges, Section 11-1, Comprehensive schedule of fees, (62) Zoning Board, (special use permit for the keeping of non-domesticated animals, etc.), **1st reading**

Barboza/Teixeira - Voted unanimously to consider this action to constitute the first reading of Ordinance #2011-19. Advertise in local newspaper.

4. Ordinance #2011-20, CHAPTER 8, Boats, Docks and Waterways, Article I, In General (various sections), Article II, Harbor Regulation (various sections), **1st reading**

- a. Dominic Franco, Chairman, and James Dollins, Vice Chairman, Harbor Commission, re proposed ordinance amendments

Barboza/Teixeira - Voted unanimously to consider this action to constitute the first reading of Ordinance #2011-20. Advertise in local newspaper and instruct the Clerk to ascertain the recommendation of the Harbor Master in considering the proposed ordinance.

Prior to the vote taken, Councilman Teixeira asked to know if the Harbor Master approves of these ordinance amendments with Mr. Dollins explaining that the Assistant Harbor Master participated in the preparation of these amendments.

It was agreed that the Council, through the Clerk, would seed a formal recommendation from the Harbor Master concerning these amendments.

(CA) E. BUDGET ADJUSTMENTS

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

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

(CA) F. APPOINTMENTS

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

1. Public Service Appointments
 - a. Christmas Festival Committee
 1. (Antonio Teixeira, Chairman, Christmas Festival Committee) re recommended 2011-2012 membership

Parella/Barboza - Voted to confirm the membership of the Christmas Festival Committee as proposed.

Voting in favor of the motion were Council members Marshall, Barboza, Herreshoff and Parella. Councilman Teixeira (the proponent of the action, as Festival Committee Chairman) abstained from the vote.

- b. Council Clerk Cirillo re Newport and Bristol County Convention and Visitors Bureau (ratify term of office)

Parella/Herreshoff - Voted unanimously to ratify the term of office as so noted in the Clerk's memorandum.

G. LICENSING BOARD - NEW PETITIONS

- 1. Tess M. Riley and Liz Lombardi, d/b/a Boutique at 346, 346 Wood Street - request for a Junk and Second Hand Dealer's License (see agenda item C1 also)

- a. Tess M. Riley and Liz Lombardi re amendment of d/b/a name to Unique Boutique
- b. Recommendation - Chief of Police

It is hereby noted for the record that this matter was considered concurrently with agenda item C1 and the discussion and action concerning same appears above.

- 2. Maria Amaral, d/b/a M.A.K. Bristol Nutrition, 576 Wood Street - request for a Victualling License

- a. Recommendation - Department of Water Pollution Control

LATE ITEM

- b. Recommendation - Chief of Police

Teixeira/Barboza - Voted unanimously to grant this license per the recommendations received and subject to conformance to all laws and ordinances, payment of all fees, taxes and levies, and also with hours of operation daily from

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7:00 o'clock AM until 6:00 o'clock PM.

Prior to the vote taken, Anna Vasconcellos, representing the petitioner, Ms. Amaral, stated that the establishment will be selling "healthy shakes." She added that the products will be sold and/or sampled at the premises.

Responding to questions posed, Ms. Vasconcellos stated that the hours of operation (omitted from the petition) would be from 8:00 o'clock AM until 6:00 o'clock PM. She also reported that the Health Department requires the installation of a hand-washing sink and that this will be installed prior to opening.

It was noted that the license will be withheld pending clearance from the Health Department and that this is per usual practice.

3. Michael Ferreira, d/b/a The Anchor Tavern, 29 State Street - request for transfer of BV Intoxicating Beverage License to Gary Simon, d/b/a British Beer Company, **call for a public hearing (date TBD)**

Herreshoff/Teixeira - Voted unanimously to set the public hearing to consider this transfer for January 11, 2012 beginning at 7:00 o'clock PM. Advertise in local newspaper.

Prior to the vote taken, the Clerk explained that the proposed transferee is neither a Rhode Island individual nor is the company a Rhode Island corporation and also that non-Rhode Island entities are disallowed from holding alcoholic beverage licenses according to the statute. He also reported that the proposed transferee may be a "formula business" requiring a Special Use Permit granted by the Town.

The Clerk also explained that Assistant Solicitor Teitz suggested that the Council's action might be held in the future after the consideration of the Special Use Permit and also the establishment of the proprietor or business as a Rhode Island entity.

Director of Community Development Williamson noted that the Zoning Board of Review may not be able to hear this matter until December and suggested that the date of the public

hearing might be scheduled for January 11, 2012 in order to assure sufficient time for advertising, etc.

H. LICENSING BOARD - RENEWALS

(CA) I. UTILITY PETITIONS

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

1. Director of Public Works - Road Cut Permits

J. PETITIONS - OTHER

1. Paula Wolfgang, 7 Leonard Street, Warren, re claim for property damage

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

2. John Perry, 47 Roosevelt Drive, re claim for property damage

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

3. Lynn M. Shaw on behalf of Downtown Bristol Merchants Association, et al re request for permission to hold Annual Snowflake Raffle on December 18, 2011, closing a portion of State Street, and also for Council support of event

Herreshoff/Barboza - Voted unanimously to grant the Association permission to hold the Annual Snowflake Raffle event per past practice and also to appropriate \$1000 from the Council Contingency Fund to offset the cost of the raffle.

K. OTHER NEW BUSINESS REQUIRING TOWN COUNCIL ACTION

1. Brian Jordan, Ph.D., Federal Preservation Officer, U. S. Department of the Interior, Bureau of Ocean Energy Management, Regulation and Enforcement re Notice of Intent to

prepare an Environmental Assessment (request to review and comment on proposed action concerning wind energy leasing)

Barboza/Teixeira - Voted unanimously to refer this matter to the Town Administrator, the Director of Community Development, the Harbor Master, and the Harbor Commission so as to receive a recommendation concerning same as appropriate.

2. Teresa Pavao, 58 Everett Avenue, re payment of water bill

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

3. Director of Community Development Williamson re request for Executive Session pursuant to RIGL § 42-46-5(a) (5) Acquisition of Property

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

4. Michael J. Cabral, (Chairman of the Personnel Board), et al re (draft) Harbor Master job description

It is hereby noted for the record that this agenda item was considered concurrently with agenda item AA1.

Barboza/Teixeira - Voted unanimously to approve this job description, as amended, and to forward same to the Town Administrator for filing in accordance with Section 1202 of the Town Charter.

Prior to the vote taken, Mr. Cabral reported that this was the first job description under consideration by the Personnel Board and that the Board researched the matter on the internet and through discussion with the Harbor Commission. He added that many of the other job descriptions researched were "verbatim" versions of the one provided.

He added that he attempted to discuss same with the Harbor Master but that there was no interaction with the Harbor Master within the process of developing the description.

Councilman Barboza noted that the "emergency" section should be amended to read "police and emergency management" since this is the current heading of same.

Councilman Herreshoff asked to know if Town Administrator Mederos was in agreement with the proposal with Town Administrator Mederos responding that the job description was "comprehensive."

Councilman Teixeira stated that he has experience writing job descriptions and that he appreciates the time taken to complete these.

5. Council Chairman Marshall re Anthony Rego, Mount Hope Farm Board of Trustees, updated financials and physical conditions

Barboza/Herreshoff - Voted unanimously to call for a public hearing to be held on Thursday, November 3, 2011, beginning at 7:00 o'clock PM, to consider an unbudgeted appropriation to the Mount Hope Trust in Bristol in the amount of \$53,400 per Section 410 of the Town Charter.

Prior to the vote taken, Council Chairman Marshall welcomed the representatives of Mount Hope Trust.

Anthony Rego, of 1176 Hope Street, the Town's representative on the Trust thanked the Council and Town Administrator for the opportunity to provide a report. He stated that Bristol is "the best Town in Rhode Island" and also that the Town officials "do a great job."

Mr. Rego introduced Marcia Blount, Mount Hope Trust Treasurer, and Janet Zwolinski, the Executive Director. He stated that the purpose of the report was to both inform the Council and also to seek its assistance.

Council Chairman Marshall stated that he appreciates Mr. Rego's comments regarding the Town government. He noted that the Town is a "model" due to its many volunteers and also that the Town's many non-profit entities are to its credit.

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Ms. Blount informed the Council that she became treasurer of the Trust in January and that the first financial statement indicated a loss of \$225,000. She reported that the Trust has instituted "internal controls" and plans to break-even this year in its \$464,000 annual budget.

Ms. Blount also reported that the Trust has been re-associated with its auditor and also that its financial statements for 2007-2010 are being set in order.

Ms. Zwolinski informed the Council that she was hired as Executive Director of the Trust last year and that she is a resident of Barrington and also a graduate of Roger Williams University with seventeen (17) years of experience in Historic Preservation.

Ms. Zwolinski reported that the Farm is open to the public 364 days per year and is closed only on Christmas Day. She noted that the Farm is visited by "droves" of persons and that many guests of the bed and breakfast provide fuel to local businesses, etc.

Ms. Zwolinski added that in addition to its fundraising events, the Trust holds many events free to the public. She also added that the 4th of July Ball was held this year at Mount Hope Farm and that the 4th of July Committee plans to hold next year's ball there also.

Ms. Zwolinski stated that the Trust experienced some "unforeseen" issues and these include much damage from Hurricane Irene and also a failure in the Farm's main septic system and that this system serves the Governor Bradford House, the Pool House and the Farm offices.

Joseph Brito, Jr., of 161 Poppasquash Road, President of the Mount Hope Trust informed the Council that he is involved in the Trust due to his admiration for Bristol and also his interest in preserving the Farm's open space. He also informed the Council that Trust members have been meeting twice-monthly and have many achievements to report including a #1 rating from Travelocity for its Country Inn.

Mr. Brito termed the septic failure as a "catastrophe" and reported that the septic system must be pumped every 2-3 days.

Mr. Brito reported that the Trust may count on volunteer support for the system's repair and that this volunteer support will offset the cost by \$20,000. He added that the

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remaining cost to the Trust will be \$53,400 and that the Trust "falls through the cracks" when considered by the Town's septic loan program.

Town Treasurer Goucher reported that the Town's loan program is only for residential septic systems and that this particular one is not "residential."

Mr. Brito suggested that the Council might approve a loan to the Trust and provided a proposed payback schedule to the Council. Mr. Brito stated that his goal would be to pay back the loan as soon as possible.

He added that the Trust will be able to purchase all equipment and materials at "vendor prices" and that these are very advantageous to the Trust.

Council Chairman Marshall asked to know if the Trust received competitive bids for the septic work with Mr. Brito responding that the emergency nature of the work precluded taking the time to receive formal bids.

Mr. Brito added that the labor charge of \$6,500 per building appeared to be a bargain and that the situation was catastrophic for the Farm.

Councilman Barboza stated that he understands the Trust's predicament and that he has consistently supported Mount Hope Farm in the past.

Assistant Town Solicitor Scott noted the new Charter provision requiring a public hearing for any unbudgeted expenditures exceeding \$25,000. She also noted that the expenditure topic was not specifically listed on this evening's agenda.

Mr. Brito suggested that the Council may wish to view the expenditure "per building" thus leaving each expenditure below the \$25,000 threshold.

Assistant Town Solicitor Scott advised against splitting up the expenditure since this would be potentially considered as "circumventing" the Town Charter.

A discussion ensued regarding the Charter provision with the Clerk noting that Town Solicitor Ursillo advised that the matter of the public hearing should be similar to other public hearing requirements. He added that he was advised by Town Solicitor Ursillo at the time of passage of the Charter amendments that a public hearing would require

detailed advertising in the newspaper of the proposed expenditure and that the public must be given notice of the public hearing at least seven days prior to same.

Councilman Herreshoff suggested that the Trust may wish to accept \$25,000 from the Town and find the remainder elsewhere. He asked to know if the Council could vote to provide the \$25,000 at this time.

Assistant Town Solicitor Scott reminded the Council that the matter of an expenditure of any amount was not specifically outlined on the Council's docket.

Councilwoman Parella suggested that the Council may wish to advertise the public hearing in the Providence Journal.

The Clerk reported that the Town sometimes advertises in the Providence Journal but that this process is very costly as compared to the Bristol Phoenix.

Councilman Herreshoff suggested that advertising in the Bristol Phoenix may allow for a "cleaner" process.

Assistant Town Solicitor Scott noted that the new Charter provision also requires the Town Treasurer to certify that there are sufficient funds available to cover any unbudgeted appropriation.

Mr. Brito agreed to wait for the notification period and public hearing and thanked the Council for its willingness to do so.

Mr. Rego stated that he is of the opinion that the Mount Hope Trust must become totally self-sustaining and that it should not repeatedly return to the Council for financial support.

Councilman Herreshoff stated that he appreciates Mr. Rego's comments.

Councilman Teixeira expressed concern that the repair of the septic system at Mount Hope Farm may disturb certain "archeological sites." He stated that he wished for those involved to be aware that this may be an issue for the project.

L. BILLS & EXPENDITURES

1. Bid #739 - Phase 4 and 5 Cleaning and CCTV Inspection of Gravity Sewer

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Barboza/Herreshoff - Voted
unanimously to refer this matter to
the Town Administrator and Water
Pollution Control Superintendent to
act in the best interest of the
Town.

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

National Water Main Cleaning	Canton, MA	\$128,050.50
New England Pipe Cleaning	Watertown, CT	\$159,110.50
Truax Corporation	Plainville, MA	\$149,771.00

2. Bid #740 - 2011 Fall Tree Planting

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

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

All Island Landscape	Portsmouth, RI	\$7,178.50
M-O-N Landscaping	North Dartmouth, MA	\$5,937.50
Yard Works, Inc.	Warwick, RI	\$7,184.00

(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, October 14, 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."**

1. Kathleen M. Silvia, Newport City Clerk re
resolution to repeal new tax on local tour
operators

2. Wendy J.W. Marshall, CMC, Middletown Town Clerk re resolution to repeal tax on tours (see agenda item Q1 above)
3. Tracey Nelson Hay, Richmond Town Clerk - request for support of resolution re the aftermath of tropical storm Irene

(CA) R. DISTRIBUTIONS/COMMUNICATIONS

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

1. RIDOT - Community Update re Hope Street Project, October 3-7, 2011
2. Town Administrator Mederos to Aquidneck Construction, Inc. of Portsmouth, RI re award of Bid #734 - Town Beach Stormwater Quality Project
3. Coastal Resources Management Council - October 2011 Calendar
4. Coastal Resources Management Council - October 2011 Calendar (corrected 10-5-2011)
5. Warrant - Joseph S. DeMelo, BCWA Board of Directors
6. Warrant - Dr. Paul L. Bishop, BCWA Board of Directors
7. Town Administrator Mederos to Landscaping Services, Inc. of Bristol re award of Bid #738 - State Street Dock Improvements
8. Recommendation of Police Chief Canario re request of Lynn M. Shaw on behalf of the DBMA to hold a sidewalk sale event, October 7-9, 2011 (granted September 28, 2011)
9. Warrant - Marjorie McBride, Juvenile Hearing Board
10. Warrant - Sandra Carlin McCormack, Board of Tenants' Affairs

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11. Warrant - Jerry W. Dauterive, First Alternate Member of the Economic Development Commission

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

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

1. North and East Burial Grounds Commission - November 28, 2011
2. Harbor Commission - October 3, 2011
3. Christmas Festival Committee - October 5, 2011
4. Bristol Warren Regional School District - schedule of meetings, week of October 3, 2011
5. Bristol Warren Regional School Committee - Policy/Community Affairs Subcommittee, October 3, 2011
6. Recreation Board - October 11, 2011
7. Bristol County Water Authority - Special Board Meeting, October 6, 2011
8. Bristol County Water Authority - Public Relations/Personnel Committee, October 6, 2011
9. Bristol County Water Authority - Audit Finance Committee, October 6, 2011
10. Bristol County Water Authority - Engineering Committee, October 6, 2011
11. Bristol County Water Authority - Ad Hoc Committee, October 6, 2011
12. Bristol County Water Authority - Search Committee, October 6, 2011
13. Bristol County Water Authority - Board of Directors, October 12, 2011

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14. Bristol Warren Regional School District - schedule of meetings, week of October 10, 2011
 15. Bristol Warren Regional School Committee - Budget/Facilities Subcommittee, October 11, 2011
 16. Bristol Warren Regional School Committee-workshop, October 11, 2011
 17. Board of Tax Assessment Review - October 12, 2011
- S. TOWN SOLICITOR
- Z. INDIVIDUAL COUNCIL MEMBERS AGENDA ITEMS
1. MARSHALL
 - a. Thank You Mike Davis and Mark Bucolo - Council Chairman Marshall thanked Messrs. Davis and Bucolo for filming this evening's meeting.
 - b. Halloween - Council Chairman Marshall extended the Council's best wishes for a happy and safe Halloween holiday.
 - c. DeMelo Appointment - Council Chairman Marshall stated that some of his comments regarding the appointment of Joseph DeMelo to the Bristol County Water Authority were inappropriate and apologized to Mr. DeMelo for making these comments.
 - d. Pension Reform - Council Chairman Marshall informed Town Administrator Mederos that the based upon recent recommendations and actions by the Governor and General Treasurer, the Town should prepare a plan to manage the Town's future pension costs. He noted that the situation of each of the State's municipalities appears to be somewhat unique and that each will have its own expectation for remediation.

Town Administrator Mederos agreed with Council Chairman Marshall and reported that he League of Cities and Towns Board of Directors is evaluation the highlights of the Governor/General Treasurer's report.

Councilwoman Parella suggested that the Council and Administrator might have a special meeting to discuss the report and also to determine where Bristol will "fit" in the plan.

Councilman Teixeira noted that three of the Town's labor contracts are in negotiation and suggested that the pension issue become part of the negotiations.

Council Chairman Marshall suggested that he and perhaps another Council member should work with Town Administrator Mederos to develop a "stabilizing plan."

Councilman Herreshoff volunteered to work on this committee and find places where the Town will spend less. He added that the Town should not "dip into surplus."

Council Chairman Marshall stated that all interested parties should move forward with this matter.

Councilwoman Parella suggested that the Post-Employment Benefits Fund Board of Trustees should also participate.

2. BARBOZA

a. Fire Apparatus - Councilman Barboza reported that the Town is in receipt of the \$175,000 grant to support the purchase of the new Engine 1.

b. RWU Presidential Inauguration - Councilman Barboza reported that he, Council Chairman Marshall, Councilman Herreshoff, and Councilman Teixeira attended the Inauguration of Roger Williams President Donald J. Farish and also reported that Town Administrator Mederos represented the Town well.

Councilman Barboza also reported that President Farish appears to be interested in a good relationship with the Town.

c. Joint Finance Committee - Councilman Barboza reported that he will soon call a meeting of the Bristol Warren Regional Joint Finance so as to

move forward with the aforementioned budget sub-committee. He suggested that Joint Finance Committee members should "think about it" and prepare for the meeting. He also reported that he will be contacting the Warren members of the Committee.

d. Asylum Road - Councilman Barboza noted that someone expressed interest in renaming Asylum Road and asked the Clerk to determine the process for renaming a road.

3. TEIXEIRA

a. Tri-Town Water Authority Legislative Committee - Councilman Teixeira noted that the legislative committee will be meeting on November 1, 2011 in Warren.

4. HERRESHOFF

a. Inauguration - Councilman Herreshoff agreed with Councilman Barboza that the Inauguration of President Farish was elaborate and that he looks forward to the President's many planned accomplishments.

b. Budget - Councilman Herreshoff suggested that the Council members should devise a plan to save \$1 million from the municipal budget and also \$1 million from the school budget. He suggested that should this be realized the Town will save approximately \$1.67 million due to its proportional share of the regional school budget.

c. Captain Halsey Chase - Councilman Herreshoff recalled certain adventures with his late maternal grandfather, Captain Halsey Chase. He added that his grandfather was adventuresome and not intimidated by signs reading "private property."

5. PARELLA

a. Halloween Walkabout - Councilwoman Parella noted the upcoming annual Halloween Walkabout event to be held in downtown Bristol on October 30, 2011 from 1:00 until 3:00 o'clock PM.

Linda C. Arruda, a member of the audience, informed the Council that the Mount Hope Farm will

host a "haunted barn" event on the same day beginning at 3:30 o'clock PM. She added that the cost of admission is minimal.

b. Joint Finance Committee Sub-committee "mission" - Councilwoman Parella stated that it may be difficult to establish a "mission" for the Sub-committee during the meeting and asked if the members should bring their suggestions to the meeting in draft form.

Councilman Barboza expressed concern that "the zealots" may misinterpret this action as an illegal meeting and file another complaint with the Attorney General. He suggested that Council members should "proceed cautiously" and discuss the mission at the meeting only.

Councilman Barboza also reported that there appears to be different opinions as to the purpose and responsibility of the sub-committee as initially proposed by Council Chairman Marshall. He reported that he expects that this should be resolved at the meeting.

ZZ. TOWN ADMINISTRATOR AGENDA ITEM(S)

a. Halloween - Town Administrator Mederos cautioned that parents and children should celebrate the Halloween holiday safely. She reported that the Police Department plans to have extra personnel on duty during the observance.

CITIZENS PUBLIC FORUM

Herreshoff/Barboza - Voted unanimously to adjourn into Executive Session pursuant to RIGL § 42-46-5 (a) (5) to consider matters relative to the acquisition of certain private property at 10:25 o'clock PM.

Barboza/Herreshoff - Voted unanimously to resume open session and seal the minutes of the

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Executive Session at 10:55 o'clock
PM.

There being no further business upon a motion by Councilman Barboza, seconded by Councilman Herreshoff and voted unanimously, Council Chairman Marshall declared this meeting to be adjourned at 10:56 o'clock PM.

Louis P. Cirillo, CMC, Council Clerk

DRAFT