

TOWN COUNCIL MEETING - WEDNESDAY EVENING - NOVEMBER 30, 2011

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

ALSO PRESENT: Diane C. Mederos, Town Administrator
Michael A. Ursillo, Esq., Town Solicitor
(arrived at 7:30 o'clock PM)
Marshall J. Netto, Town Sergeant

The Council met in regular session on Wednesday evening, November 30, 2011 in the Town Hall, Council Chambers, beginning at 7:10 o'clock PM, Council Chairman Marshall presiding:

SPECIAL RECOGNITION

Gil's Television & Appliances
50th Anniversary

Prior to the commencement of this evening's regular agenda, Council Chairman Marshall read the following commendation aloud:

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

Gil's Television & Appliances

in proud recognition of its 50th Anniversary.

For five decades, Gil's Television & Appliances has been the Town and regional source for quality home appliance and entertainment goods. This family-owned company is well-known to provide excellent value and product selection, and its attention to detail has resulted in a reputation for quality and customer service superiority, second to none.

As the duly elected representatives of all of the citizens of the Town of Bristol, the Honorable Town Administrator and Honorable Town Council of said Town of Bristol, State of Rhode Island and Providence Plantations, individually, collectively, and by these presents, extends greetings and offers sincerest congratulations to Gil's Television & Appliances. We applaud its many successes, and express gratitude and admiration for its many contributions toward the betterment of the community at-large, and in support of the fine tradition of business excellence in Bristol. We further extend best wishes on behalf of all of the people of our Town to the Almeida, Parella, and Sienkiewicz families

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and everyone at Gil's Television & Appliances, upon this most auspicious occasion.

IN WITNESS WHEREOF we have hereunto set our hands and affixed the Seal of the Town of Bristol, on adoption, this 19th Day of October, A. D. 2011.

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

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

Lisa Sienkiewicz, speaking on behalf of her family, stated that she appreciated the Council's recognition and also informed the Council that her late father, Gil Almeida, would have been very proud of the accomplishment.

Council Chairman Marshall noted that JayEl Trophies, another Bristol company, is also celebrating its 50th anniversary and suggested that the Council may wish to present a commendation to that company.

Councilman Teixeira noted the presence of Mike Davis who has been selected as this year's "Spirit of Christmas" award winner. Mr. Davis displayed his commemorative medal.

Councilman Herreshoff suggested that the Council may wish to consider adding an agenda item relating to the Bristol County Water Authority. It was noted that this matter appeared already as part of the Consent Agenda.

Councilman Barboza noted the passing of Derek William Gablinske, son of former State Rep. Douglas and Mrs. Patricia Gablinske. He offered the Town's condolences on behalf of the Council.

Councilman Teixeira provided an outline of the Town's upcoming Christmas Festival activities including the "Grand Illumination" which will be held on Sunday evening, December 4, 2011. He added that a schedule of events is available on the Town of Bristol's website.

MOTION RE: CONSENT AGENDA - TO APPROVE THE CONSENT AGENDA

Teixeira/Parella - Voted
unanimously to approve the Consent

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Agenda withholding agenda items AA3 to be combined with B2, AA6-AA12, and R20 and R22.

Prior to the vote taken, Councilman Herreshoff asked that agenda items AA6-AA12, and R20 and R22 might be withheld for further discussion.

Councilman Teixeira asked that agenda item AA3 might be withheld to be combined with B2.

A. SUBMISSION OF MINUTES OF PREVIOUS MEETING(S)

1. Town Council Special Meeting - September 26, 2011

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

2. Town Council Special Meeting - November 2, 2011

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

3. Town Council Public Hearing - November 3, 2011

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

4. Town Council Meeting - November 9, 2011

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

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

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

1. North and East Burial Ground Commission - May 2, 2011
2. North and East Burial Ground Commission - June 27, 2011

3. Bristol County Water Authority Legislative Study Committee - November 1, 2011

It is hereby noted for the record that this matter was discussed and action taken as part of agenda item B2 below.

4. Zoning Board of Review - September 12, 2011
5. Zoning Board of Review - October 3, 2011
6. Bristol County Water Authority Board of Directors - October 12, 2011

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

Prior to the vote taken, Councilman Herreshoff noted the contents of these minutes and observed that the Water Authority may have an excessive quantity of sub-committees. He suggested that the Authority should "simplify and focus."

Councilman Herreshoff also observed that the minutes refer to an "anticipated rate increase" and stated that he thought that there was to be no new rate increase and suggested that the matter may require further study.

Town Solicitor Ursillo arrived at this point in the meeting (7:30 o'clock PM).

7. Bristol County Water Authority Public Relations/Personnel Committee - November 2, 2011

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

8. Bristol County Water Authority Audit Finance Committee - November 2, 2011

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

Prior to the vote taken, Councilman Herreshoff stated that more detail may be needed to understand these minutes. He added that the Water Authority should take not-spending-

money more seriously and questioned a calendar of expenditures.

Councilman Herreshoff suggested that the Water Authority should cut 100 small items from its budget in order to save money. He added that there appeared to be nothing in these minutes to indicate that the Authority has changed its *modus operandi*.

9. Bristol County Water Authority Engineering Committee - November 2, 2011

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

Prior to the vote taken, Councilman Herreshoff stated that the Water Authority is in need of an effective Executive Director. He suggested that the Council should promote this idea with the Authority.

10. Bristol County Water Authority Ad Hoc Committee - November 2, 2011

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

11. Bristol County Water Authority Search Committee - November 2, 2011

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

Prior to the vote taken, Councilman Herreshoff asked to know why the Water Authority took five (5) months prior to placing an advertisement for an Executive Director in the Providence Journal. He added that he believes the matter of the Executive Director search has not been afforded sufficient focus and suggested that the Authority should "drop other things and focus upon getting a star."

Councilman Herreshoff also questioned the value of spending Water Authority resources in order to investigate those persons who raised issues concerning the Authority. He deemed any such investigation as a "despicable witch hunt." He added that the Authority should "drop [the investigation] right now and enforce freedom of speech."

Council Chairman Marshall asked to know if Councilman Herreshoff raised these issues with the appointed Directors with Councilman Herreshoff stating that he speaks with these Directors from time to time but not recently. He added that the information he shared earlier was gleaned from reports (minutes) placed on this Council agenda by the Water Authority.

Council Chairman Marshall noted the topic of the East Providence connection and asked to know if Councilman Herreshoff visited same with Councilman Herreshoff responding that he has studied the maps and visited the area some time ago with Water Authority Executive Director Pasquale DeLise. He added that he believes that the East Providence connection may be the most practical solution to the redundancy problem.

Councilman Herreshoff stated that he believes the Water Authority should have more "fire and energy." He expressed concern that the reports do not indicate the needed cultural change.

Councilman Barboza stated that he spoke to some of the Water Authority appointed directors and learned that there are eighteen (18) applicants for Executive Director thus far.

Councilman Herreshoff stated that the Water Authority is in need of a "kick in the pants" and that he is concerned regarding the Authority's "cultural problem." He added that he has no sense that the Authority is "getting anywhere."

Council Chairman Marshall noted that the Aquidneck Island water rate will soon increase by 22%. He added that Aquidneck Island is seeking a bond for \$85 million.

A discussion ensued regarding the need for a redundant water supply and various options for same.

Councilman Herreshoff stated that he would prefer if Pawtucket Water satisfied the redundant water supply issue.

Councilman Barboza stated that he believes that the Water Authority may share Councilman Herreshoff's opinion regarding Pawtucket.

Council Chairman Marshall stated that he believes that the Council's concerns "are not falling on deaf ears."

12. Bristol County Water Authority - Special Board Meeting, November 2, 2011

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

13. Bristol Housing Authority - October 13, 2011
14. Substance Abuse Prevention Task Force -
September 19, 2011
15. Substance Abuse Prevention Task Force -
October 17, 2011

At this point in the agenda, the Council, by consensus and at the request of Councilman Barboza agreed to combine agenda items C1, G1, G2, and G3.

B. OLD BUSINESS

1. Rev. Daniel Randall, First Congregational Church, 281 High Street - request for a mid-block crosswalk and warning signs, **continued from November 9, 2011**

Barboza/Herreshoff - Voted
unanimously to grant the crosswalk
as requested.

Prior to the vote taken, Council Chairman Marshall noted that the weather may be cooperating with this request since it has been unseasonably warm this year.

Jennifer Johnson, representing the Congregational Church, appeared before the Council.

Town Solicitor Ursillo informed the Council that he addressed this matter with the Interlocal Trust and that the Trust reports that there does not appear to be a significant incident difference between those crosswalks located at street corners and those located mid-block.

Councilman Barboza noted that the Council requested a mid-block crosswalk near Chestnut Street some time ago and also that the State DOT agreed to same.

Town Solicitor Ursillo stated that there remains some "technical issues" that must be considered by the Public Works Department.

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Councilman Herreshoff suggested that the crosswalk should be made highly visible perhaps with cross-hatch lines.

Ms. Johnson asked to know when the crosswalk will be installed with Town Administrator Mederos reporting that the crosswalk will be completed as soon as possible.

Councilwoman Parella stated that she hoped that the project has been "penciled-in" based upon the earlier discussions.

2. Allan Klepper, Barrington Director, Bristol County Water Authority re Monthly Reports, October 24 & November 1, 2011 and BCWA Board of Directors meeting minutes of September 14, 2011, **continued from November 9, 2011**

It is hereby noted for the record that this matter was considered concurrently with agenda item AA3.

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

Prior to the vote taken, Carolyn Medina, the appointee to the legislative/bylaws review committee, informed the Council that the committee met several times and will be presenting its report at the Tri-town Meeting to be held next week.

She added that this committee was "very functional and insightful" and that it reviewed past events and will address thirteen (13) recommendations for amendments to the enabling legislation and bylaws.

Council Chairman Marshall thanked Ms. Medina and also Councilman Teixeira who served on this committee. He noted that he (Council Chairman Marshall) sat-in on committee meetings and found the dialogue to be constructive.

3. Shannon L. Butler, 9 Murphy Avenue - request for a handicap parking space in vicinity of residence, **2nd reading for adoption**

Barboza/Herreshoff - Voted unanimously to consider this action to constitute the second reading for approval of a handicap parking space. Inform the Public Works Department.

4. Director of Community Development Williamson re request of the Animal Shelter Capital Project Committee for consideration for the abandonment of a portion of a paper street located off Metacom Avenue (between 136 Express and St. Gobain)

Barboza/Teixeira - Voted
unanimously to call for a public
hearing regarding this matter to be
held on a date to be determined.

Prior to the vote taken, Councilman Herreshoff stated that the map provided was helpful. He expressed concern that there was ledge present in the area and that it would be advisable to relocate the building to the site of the present animal shelter versus removing the ledge and rocks.

It was suggested that the Capital Project Committee should make the case for the road abandonment at the public hearing.

Council Chairman Marshall noted that the plan provided was "conceptual" and also that the Capital Project Committee may wish to relocate the building eventually meeting the requirements to Councilman Herreshoff's idea.

Councilman Herreshoff stated that he believes there is resistance to locating the new building in place of the existing one.

Council Chairman Marshall stated that any road abandonment might be made contingent to the eventual location of the building.

Director of Community Development Williamson stated that no project funds will be expended on the road and that if the road is to be built the expense must be borne by the "Friends" group through its fundraising. She reviewed the plans, as submitted, and noted that the St. Gobain authorities (abutting property owner) has tentatively agreed to convey their half ($\frac{1}{2}$) of the unimproved road back to the Town.

Councilman Herreshoff suggested that the map might be amended to provide more detail prior to the public hearing.

The Council agreed to hold a public hearing on this matter at the request of the Capital Project Committee at a date to be determined.

5. Manuel DaSilva, d/b/a DaSilva Barber Shop, 589 Wood Street - request for parking restriction, **continued from November 9, 2011**

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

Prior to the vote taken, the Clerk reported that there is currently an ordinance in place for two (2), one-hour parking spaces in the vicinity of the DaSilva Barber Shop. He added that only one of the parking spaces is currently designated and that it would require that the Public Works Department should place striping and signage to indicate the other. This accommodation should satisfy Mr. DaSilva's request as indicated to Councilman Barboza as noted at the last meeting. He also added that the petition incorrectly listed the address as 598 Wood Street.

BB. SPECIAL /STATUS REPORTS

C. PUBLIC HEARINGS

1. Application for transfer of Class BV liquor license from Michael Ferreira, The Anchor Tavern, Inc., d/b/a The Anchor Tavern, 29 State Street to Gary Simon, Bristol BBC, LLC, d/b/a British Beer Company, 29 State Street

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

Barboza/Teixeira - Voted
unanimously to approve the transfer
of this license subject to
conformance to all laws and
ordinances, payment of all fees,
taxes and levies and also
contingent upon obtaining all
necessary approvals.

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

Alfred Rego, representing Mr. Simon, provided a floor plan and menu for the proposed establishment. Mr. Rego explained that the applicant would have "low-key" entertainment intended to attract a "mature" clientele.

Mr. Simon informed the Council that entertainment was not the primary goal of the establishment.

Councilwoman Parella noted that this is a restaurant chain and asked to know the "history" of the business with Mr. Simon responding that the first British Beer Company opened in Plymouth, Massachusetts, fourteen (14) years ago and that the Plymouth establishment is approximately the same size as the one planned for Bristol. He added that it is a "traditional English pub."

Councilwoman Parella noted that the menu was brief and asked to know if Mr. Simon planned a more extensive menu.

Mr. Simon replied that the menu will be as presented and that he did not plan to add to it.

Councilwoman Parella asked to know where else the company operates pubs and also if he experienced any problems with the police.

Mr. Simon stated that he had no experience with policing problems and recited a list of communities in which he operates the British Beer Company, all in Massachusetts, including Cedarville, Sandwich, Pembroke, Walpole, Franklin, Westford, and Hyannis.

Councilwoman Parella asked to know the typical clientele with Mr. Simon responding that his clientele is a "Noah's Ark" - ranging from families with children to elderly persons.

Councilwoman Parella asked to know the type of entertainment that Mr. Simon plans for Bristol with Mr. Simon responding that he anticipates one (1) or two (2) persons; perhaps playing a guitar and singing. He added that the floor area of the proposed premises is very small.

Councilwoman Parella asked to know if there will be a manager on premises with Mr. Simon introducing Valerie who lives in Rhode Island and who currently commutes to one of his Massachusetts restaurants.

Councilwoman Parella noted that some of the other branches are located in "college" towns. She asked if Mr. Simon foresaw the establishment catering to students with specials on Thursday evenings.

Councilman Teixeira stated that he wished to have more information regarding the proposed entertainment license with Michael Ferreira, the current proprietor of the premises, stating that the British Beer Company operates a "higher-end" establishment than the one that he has been operating. He added that the prior proprietor used to have rock bands in the establishment.

No further testimony was presented in favor or in opposition to the proposed license.

2. Intoxicating Beverage License Renewals for 2011-2012 (supplemental)

LATE ITEM

a. Recommendation - Town Administrator and Chief of Police

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

Herreshoff/Teixeira - Voted unanimously to grant renewal of the Intoxicating Beverage License for The Hourglass, Inc. based upon the recommendations received and subject to conformance to all laws and ordinances and payment of all fees, taxes, and levies.

Herreshoff/Barboza - Voted unanimously to grant renewal of the license held by Prince Investment Group, LLC, in receivership, for a period of three (3) months only based upon the recommendations received and subject to conformance to all laws and ordinances and payment of all fees, taxes, and levies.

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

A discussion ensued regarding the status of the Prince Investment Group license with the Clerk noting that this company is in receivership and that the receiver indicated that he may wish to transfer the license to a new owner.

Alfred Rego, representing the landlord of Ricc's Ristorante objected to the renewal of the license since his client is unaware of any new proprietor taking over the establishment. Mr. Rego added that he spoke with the receiver and determined that the aforementioned transfer arrangement has failed.

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 November 9, 2011 concerning Section 11-1 (43), Mooring and docking fees)**
 - a. (Town Treasurer Goucher) re recommended ordinance amendments
 - b. Domenic Franco, Chairman, Harbor Commission re recommendation of additional ordinance amendments

Herreshoff/Barboza - Voted unanimously to consider this action to constitute the second reading for adoption of Ordinance #2011-09, as amended to include those further amendments as recommended by the Harbor Commission, appearing in D1b above. Advertise in local newspaper.

Prior to the vote taken, Councilman Herreshoff stated that this appears to be a "suitable compromise" and suggested that the further amendments included in agenda item D1b should be included.

Councilman Teixeira asked to know why there should be a further amendment since all of the parties seemed to have approved the earlier version of the ordinance (D1a).

Councilman Herreshoff noted that the Harbor Commission, as a body, was afforded the opportunity to react to the proposal (D1a) and that the proposed further amendment has a minimal revenue impact.

Councilman Barboza asked to know the budget revenue deficit caused by the two (2) amendments with Town Treasurer Goucher

responding that the revenue deficit is approximately \$100,000.

Councilwoman Parella stated that the situation was "disappointing" and that there were too many changes to the original proposal. She added that the parties cannot repeatedly return to the Council when a few are dissatisfied. She suggested that no further recommendations should be brought to the Council unless all parties are "on board" with these. She added that this process, in particular, indicates a "big break-down" in communication.

James Dollins, a member of the Harbor Commission, reported that the last two (2) meetings indicated a "great spirit of cooperation."

Council Chairman Marshall suggested that the Council may wish to consider a line item in order to segregate certain harbor revenues for "maintenance of infrastructure" as part of future Town budgets.

Councilman Herreshoff suggested that the practice of doing so may become problematic since it may allow departments to "dip-in" inappropriately. He noted that any policy concerning designated funds cannot be "willy-nilly."

Councilman Herreshoff noted that \$48,000 was spent on harbor-related emergency repairs during the past year and speculated that it would be more advisable to have a regular maintenance program and avoid the emergencies.

Councilman Barboza noted that it would be advisable for interested parties representing the Harbor Commission to attend budget hearings.

2. Ordinance #2011-20, CHAPTER 8, Boats, Docks and Waterways, Article I, In General (various sections), Article II, Harbor Regulation (various sections), **2nd reading for adoption (continued from November 9, 2011)**

Barboza/Teixeira - Voted unanimously to consider this action to constitute the second reading for adoption of Ordinance #2011-20. Advertise in local newspaper.

Prior to the vote taken, Councilman Herreshoff asked to know if there are to be any changes with Mr. Dollins reporting that the amendments proposed are recommended in order to

have the ordinance comply with the adopted Harbor Management Plan. He added that these amendments are intended to "provide clarity."

Town Solicitor Ursillo reported that his office reviewed the amendments.0

(CA) E. BUDGET ADJUSTMENTS

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

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

(CA) F. APPOINTMENTS

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

1. Public Service Appointments
 - a. Patricia Squatrito, Corresponding Secretary, Fourth of July Committee re resignation of Committee members Sharon Mulligan, Charles Francis and Gerald Morris (effective October 12, 2011)

Herreshoff/Barboza - Voted unanimously to accept the resignations of those presented.

(CA) 2. Public Service Appointments for December

G. LICENSING BOARD - NEW PETITIONS

1. Michael Ferreira, The Anchor Tavern, Inc., d/b/a The Anchor Tavern, 29 State Street - request for transfer of Class BV liquor license to Gary Simon, Bristol BBC, LLC, d/b/a British Beer Company, 29 State Street

It is hereby noted for the record that this matter was considered, and the vote recorded, following the public hearing as noted in agenda item C1 above.

2. Gary Simon, d/b/a British Beer Company, 29 State Street - request for a Victualling License, **continued from November 9, 2011**

It is hereby noted for the record that this matter was considered, following the public hearing as noted in agenda item C1 above.

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

3. Gary Simon, d/b/a British Beer Company, 29 State Street - request for a Dancing and Entertainment License, **continued from November 9, 2011**

It is hereby noted for the record that this matter was considered, following the public hearing as noted in agenda item C1 above.

Barboza/Herreshoff - Voted unanimously to grant this license subject to review after a period of three (3) months from the date of issuance and also subject to conformance to all laws and ordinances and payment of all fees, taxes, and levies.

Prior to the vote taken, Councilwoman Parella asked to know if the new restrictions were in place with Town Solicitor Ursillo responding affirmatively.

Councilwoman Parella explained the new stipulations. She added that she views the granting of this license essentially as a "transfer" and that she would not necessarily look favorably upon "new" licenses. She asked to know if it would be acceptable to grant this license for a trial period of three (3) months. Mr. Simon replied that this would be acceptable to him.

It was agreed that the three (3) month period would begin upon the date of issuance.

It was noted for the record that Mr. Simon plans to open the establishment in January.

4. Berta Raposo, on behalf of St. Elizabeth Church/Santo Cristo Committee, 577 Wood

Street - request for a One-Day Dancing and Entertainment License, December 3, 2011

LATE ITEM

- a. Recommendation - Town Administrator and Chief of Police

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

5. Berta Raposo, on behalf of St. Elizabeth Church/Santo Cristo Committee, 577 Wood Street - request for a One-Day Dancing and Entertainment License, January 28, 2012

LATE ITEM

- a. Recommendation - Town Administrator and Chief of Police

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

6. Robert R. Millard, Jr., 7 Carol, Avenue - request for a Private Investigator's License

LATE ITEM

- a. Recommendation - Town Administrator and Chief of Police

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

7. Lizabeth Lombardi, d/b/a Unique Boutique, 346 Wood Street - request to change existing name of establishment (to Lizzie's Loft) and ownership (to Lizabeth Lombardi as sole license holder)

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

8. Paul A. Mancieri, Leo's Pizzeria & Deli, Inc., d/b/a Leo's Ristorante, 365 Hope Street - request for amendment to existing Class BV liquor license to include bar seating (recently adopted Ordinance 2011-16 attached), **call for a public hearing on December 21, 2011**

Teixeira/Barboza - Voted unanimously to call for a public hearing to consider this matter for December 21, 2011, beginning at 7:00 o'clock PM. Advertise in local newspaper.

9. Joao (a/k/a John) DaSilva, Accommodating Catering Corporation, d/b/a Up on the Roof Banquet Facility, 400 Metacom Avenue - request for transfer of Class BV liquor license to Karen Alegria, 390-400 Metacom Avenue, LLC, d/b/a Up on the Roof, 400 Metacom Avenue, **call for public hearing on December 21, 2011**

Barboza/Teixeira - Voted unanimously to call for a public hearing to consider this matter for December 21, 2011, beginning at 7:00 o'clock PM. Advertise in local newspaper.

10. Karen Alegria, d/b/a Up on the Roof, 400 Metacom Avenue - request for a Victualling License

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

11. Kara Rocha, d/b/a Nutrition 4 Life, 705 Metacom Avenue - request for a Victualling License (new ownership)

Barboza/Teixeira - Voted unanimously to grant this license based upon receipt of a positive recommendation from administration and subject to conformance to all laws and ordinances and subject to payment of all fees, taxes and levies.

H. LICENSING BOARD - RENEWALS

1. Intoxicating Beverage license renewals for 2011-2012 (supplemental)

LATE ITEM a. Recommendation - Town Administrator and Chief of Police

It is hereby noted for the record that this matter was considered, and the vote recorded, as part of agenda item C2 above.

2. Maria Amaral, d/b/a M.A.K. Bristol Nutrition, 576 Wood Street - renewal of Victualling License for 2011-2012

LATE ITEM a. Recommendation - Town Administrator and Chief of Police

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

(CA) I. UTILITY PETITIONS

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

1. Public Works Director Galuska - Road Cut Permits

J. PETITIONS - OTHER

1. Filomena Simas, 83 Franklin Street - request for removal of a handicap parking space, 1st reading

Herreshoff/Parella - Voted unanimously to consider this action to constitute the first reading of a request for removal of a handicap parking space, to continue said matter for second reading on December 21, 2011, and to send a letter of thanks to the petitioner.

2. John Oliveira, 6 Wilson Street re revaluation of property

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

Prior to the vote taken, Council Chairman Marshall asked to know what Mr. Oliveira was seeking with Mr. Oliveira indicating that Lot 42 was a problem.

Town Solicitor Ursillo asked to know if the Tax Assessor changed his valuation with Mr. Oliveira responding that the Tax Assessor did not change his valuation.

Town Solicitor Ursillo asked to know if Mr. Oliveira appealed this matter to the Board of Tax Assessment Review with Mr. Oliveira responding that the problem was caused by a "Warwick firm" and that he met with the Board of Tax Assessment Review and also that the Board recommended that he should bring his concerns to the Town Council.

Town Solicitor Ursillo agreed to meet with Mr. Oliveira and suggested that this meeting should take place on December 6, 2011 at 2:30 o'clock PM. Town Solicitor Ursillo added that the Town Council has no jurisdiction to change property valuations.

3. Steven P. Sabra, Esq., for Susan Cabeceiras - claim for personal injuries

Barboza/Teixeira - Voted unanimously to refer this matter to the Interlocal Trust.

4. Vincent M. Troiano, 72 Oliver Street - request for a handicap parking space in vicinity of residence, **1st reading**

Barboza/Teixeira - Voted unanimously to consider this action to constitute the first reading of a request for a handicap parking space. Continue this matter until the meeting of December 21, 2011 for second reading.

Prior to the vote taken, a discussion ensued regarding a discrepancy on the petition form. It was noted for the record that Mr. Troiano is a resident of Oliver Street and is requesting a handicap parking space in the vicinity of his residence.

K. OTHER NEW BUSINESS REQUIRING TOWN COUNCIL ACTION

1. Town Treasurer Goucher - request for Council consideration re adoption of GASB 54 Fund Balance Policy (attached) and approval of the designation of funds as recommended

Barboza/Herreshoff - Voted to adopt this policy as presented and also to approve the designation of funds per the recommendation received. Voting in favor of this motion were Council Chairman Marshall, Councilman Barboza, Councilman Herreshoff and Councilwoman Parella. Voting opposed was Councilman Teixeira.

Prior to the vote taken, Town Treasurer Goucher explained the purpose of the policy and added that the Council has authority to make this type of regulation.

Councilman Teixeira stated that he was confused and concerned regarding this policy. He asked to know who oversees the revenues and expenditures that are handled at the departmental level.

Town Treasurer Goucher responded that each department oversees its revenues and expenditures and that these are also overseen by the Treasurer and also subject to the annual audit. She added that "there is definitely oversight."

Councilman Teixeira asked that the Treasurer should confirm that the oversight includes both revenues and expenditures with Town Treasurer Goucher responding affirmatively.

Councilwoman Parella asked to know if these are specifically budgeted with Town Treasurer Goucher responding that these are not all budgeted but rather part of the budget process and that the administration checks on these when budgets are prepared.

Councilman Barboza stated that he understood the process and recalled that \$300,000 was collected for fire safety and that the process was not "willy-nilly."

Councilwoman Parella stated that the administration must "keep on top" of these funds since the funds are typically restricted for a particular purpose.

Town Treasurer Goucher noted that these are typically for capital purchases and not for ordinary operations.

Councilwoman Parella stated that the administration must assure that the funds are not spent arbitrarily. She added that she did not believe that there was any improper use to date but cautioned improper practices should be kept from happening.

Councilman Teixeira stated that he preferred if all of the funds were comingled into a single account with oversight rather than accounts under the control of every department.

Councilman Teixeira asked to know if there is a system for cash transactions with Town Treasurer Goucher responding that there is a system for cash transactions.

Councilman Teixeira expressed concern that he purchased something with cash from the Department of Public Works and did not receive a receipt for his purchase.

Town Treasurer Goucher stated that the administration is looking at all transactions and that there is relatively little cash collected at the Department of Public Works and that this amount did not necessarily warrant a system of more rigorous controls.

Councilman Herreshoff stated that he believes it better if no cash is accepted.

Councilman Teixeira asked to know if there was a cap on these "revolving accounts" with Town Treasurer Goucher stating that any cap would be dependent upon the revenue and also that it would be possible to review the information concerning these accounts with the Council at budget time.

Councilwoman Parella asked to know if this policy change was due to the surplus with Town Treasurer Goucher responding that the accounts were previously known as "restricted" and that this policy is simply "tightening-up" the procedure.

L. BILLS & EXPENDITURES

1. Bid #741 - Four Wheel Drive Loader
(opened November 9, 2011)

Herreshoff/Teixeira - 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 bid received as follows:

Schmidt Equipment, Inc. N. Oxford, MA \$218,900

Councilman Herreshoff asked to know if there was an "urgent need" for this piece of equipment with Water Pollution Control Superintendent Calderiso responding that the current loader is over twenty (20) years old and is used seven (7) days per week. He added that the purchase will be made with a State Revolving Fund loan which is repaid over twenty (20) years at a favorable rate. He also added that the product specified is made by John Deere and that the pricing is fairly standardized.

2. Bid #742 - Trails/Roadway Project, Bristol
Town Beach

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

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

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Landscaping Services	Bristol, RI	\$37,370
D'Ambra Construction	Warwick, RI	\$59,950
Sherry Construction	Swansea, MA	\$44,400

3. Bid #743 - Roof Replacement Project,
Wastewater Treatment Plant Buildings

Teixeira/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:

Caromile Construction	Bristol, RI	\$30,500
Wood Frame Structures	Warren, RI	\$36,502

(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, November 23, 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. Wendy J.W. Marshall, CMC, Middletown Town
Clerk re request for support of resolution in
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 Updates re Hope Street
Project, November 7 - December 2, 2011

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2. Berta Raposo, on behalf of St. Elizabeth Church/Santo Cristo Committee, 577 Wood Street - Class F-1 License petition for event to be held on December 3, 2011
3. Berta Raposo, on behalf of St. Elizabeth Church/Santo Cristo Committee, 577 Wood Street - Class F-1 Liquor License petition for event to be held on January 28, 2012
4. Coastal Resources Management Council - November 2011 Calendar (Amended, November 8, 2011)
5. Town Administrator Mederos to M-O-N Landscaping, Inc. of North Dartmouth, MA re award of Bid #740 - 2011 Fall Tree Planting
6. I Boutique - Holiday Sales License renewal petition (granted, November 9, 2011)
7. Azorean Butcher Shop - Holiday Sales License renewal petition (granted, November 9, 2011)
8. Batista Bakery - Victualling License renewal petition (granted, November 9, 2011)
9. Papa Joe's Wrap Shack - Victualling License renewal petition (granted, November 9, 2011)
10. Sam's Pizza - Victualling License renewal petition (granted, November 9, 2011)
11. Green Eggs - Victualling License renewal petition (granted, November 9, 2011)
12. Nello's Pizza - Victualling License renewal petition (granted, November 9, 2011)
13. Wendy's - Victualling License renewal petition (granted, November 9, 2011)
14. Elizabeth J. Cook-Martin, Hopkinton Town Clerk - resolution re pension reform
15. Anne M. Irons, CMC, Narragansett Town Clerk - resolution requesting the General Assembly repeal the tax on local tour operators

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16. Louise R. Phaneuf, Burrillville Town Clerk re request for support of resolution in favor of pension reform
17. (Bristol County Water Authority) re BCWA in the News, Miscellaneous Correspondence November 2011
18. Promissory Note: Mount Hope Trust in Bristol and the Town of Bristol
19. Coastal Resources Management Council - Semi-Monthly Meeting, November 22, 2011
20. Melinda L. Thies, Superintendent, Bristol Warren Regional School District to David Barboza, Chairman, Joint Finance Committee re Joint Finance Committee meeting discussion establishing a Joint Finance Sub-committee Task Force

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

Prior to the vote taken, Councilman Herreshoff stated his opinion that the Joint Finance Committee has made "good progress" in this matter. He wished Council Chairman Marshall well as Chairman of the new Sub-committee.

Council Chairman Marshall suggested that those who have ideas for consideration by this Sub-committee should e-mail them to him. He added that he anticipated hearing from the members of the two (2) town councils, Town Administrator Mederos and the Warren Town Manager, the School Committee and also from the public at-large. He added that he wished everyone to be "put on notice" that all ideas are acceptable.

21. Vincent J. Palumbo, P.E., Managing Engineer/Road Design, RIDOT to Town Administrator Mederos re request for underground utilities as part of the Hope Street project

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

Prior to the vote taken, Councilman Herreshoff noted the correspondence from Mr. Palumbo and added that there appears to be Council consensus that the installation of conduits was desirable. He stated that the reply from Mr. Palumbo appeared to have a "bureaucratic" tone and suggested that the Town should press on regarding the topic since it was a rare opportunity to do so.

Councilman Herreshoff added that he believes the project is doable.

Councilman Barboza expressed concern that altering the project's scope may create an unacceptable delay. He added that the Council has been informed that the underground utility installation is prohibitively expensive.

Councilman Herreshoff stated that he did not believe that the addition of a conduit would be prohibitively expensive and that he also did not think that it would precipitate an inordinate delay.

Councilwoman Parella suggested that Town Administrator Mederos would follow-up with the State regarding the installation of the empty conduit only.

Council Chairman Marshall stated that he discussed the matter with Michael Grilli of BETA Group and that Mr. Grilli is coordinating a discussion with the utilities. He added that Mr. Grilli will follow-up on this matter and examine its feasibility.

Councilman Herreshoff stated his approval that Mr. Grilli is involved in this matter.

(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 Ground Commission - November 28, 2011
2. Bristol Warren Regional School District - Schedule of Meetings, Week of November 14, 2011
3. Bristol Warren Regional School Committee - Personnel/Contract Negotiation Subcommittee, November 14, 2011

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4. Bristol Warren Regional School Committee - Budget/Facilities Subcommittee, November 14, 2011
5. Bristol Warren Regional School Committee - Workshop, November 21, 2011
6. Bristol County Water Authority Legislative Subcommittee - November 17, 2011
7. Bristol County Water Authority Legislative Subcommittee - November 29, 2011
8. Bristol Warren Regional School District Joint Finance Committee - November 15, 2011
9. Bristol County Water Authority Board of Directors - November 10, 2011
10. Bristol County Water Authority - December 2011 Meetings
11. Bristol Warren Regional School District - Schedule of Meetings, Week of November 21, 2011
12. Bristol Warren Regional School Committee - Budget/Facilities Subcommittee, November 21, 2011
13. Animal Shelter Capital Project Committee - November 22, 2011
14. Harbor Commission - Special Meeting, November 21, 2011
15. Bristol Warren Regional School District - Schedule of Meetings, Week of November 28, 2011
16. Bristol Warren Regional School Committee - BWEA Contract Negotiation Subcommittee, November 28, 2011
17. Bristol Warren Regional School Committee, November 28, 2011

18. Bristol Warren Regional School Committee -
BWEA Contract Negotiation Subcommittee,
November 29, 2011
19. Board of Tax Assessment Review - November 30,
2011

S. TOWN SOLICITOR

Z. INDIVIDUAL COUNCIL MEMBERS AGENDA ITEMS

1. MARSHALL

a. Tanyard Brook Phase I - Council Chairman Marshall suggested that the Council may wish to have a workshop concerning this project.

b. Mike Davis - Council Chairman Marshall thanked Mr. Davis for filming this evening's meeting. He noted that Mr. Davis had been selected as this year's "Spirit of Christmas" award winner and congratulated him on the honor.

c. Wellness - Council Chairman Marshall suggested that citizens should be conscious of wellness issues during the holiday season. He added that the new Quinta-Gamelin recreation center should provide opportunities for healthy exercise.

ADD ITEM d. Pension Reform - Council Chairman Marshall stated that he was disappointed that the local "private" municipal pensions were omitted from the General Assembly bill concerning State pension reform. He added that he learned on the news that Governor Chafee has "engaged" the Rhode Island League of Cities and Towns and several of the State's mayors to look at this issue.

Council Chairman Marshall added that he was offended that Town Administrator Mederos was omitted from the list of mayors and stated that the "State of Rhode Island does not revolve around the cities." He added that the inclusion of solely Mayors Fung, Avedisian, and Taveras was offensive to him since the towns face pension difficulties also and should have been included in the conversation. He added that the Governor's action was "rude and an injustice to taxpayers."

Council Chairman Marshall suggested that Governor Chafee should be sent a letter indicating that the towns should be afforded an opportunity to participate.

Councilwoman Parella stated that the matter should be considered "across a broad spectrum" and that she was surprised to learn that some cities have no employees in the MERS system. She agreed that the letter should be sent to the Governor to assure that the "broad spectrum" is represented in any decisions.

Councilwoman Parella reminded the Council that the voters were asked to change the title of Town Administrator to Mayor for the very reason that Council Chairman Marshall notes.

Councilwoman Parella added that post-employment benefit costs are also of concern and that the cost and funding of these should also be addressed in the pension debate.

Council Chairman Marshall stated that Bristol should not be omitted from these discussions.

Town Solicitor Ursillo stated his opinion that the matter under discussion was not appropriate for Council Prerogatives since it was not advertised as an agenda item.

Parella/Herreshoff - Voted
unanimously to add an item to the
agenda for discussion regarding
pension reform.

After the vote taken, Councilman Herreshoff stated that the "flipside" of the earlier discussion was that he was proud of the Rhode Island leadership when he learned that the State was able to reduce the pension deficit from \$7 billion to \$4 billion with one General Assembly bill.

He speculated that the Governor may have chosen not to include the General Treasurer and the cities so as not to "cloud the issue." He added that it would be important for the towns to be consulted eventually regarding this matter.

Councilwoman Parella asked to know if Town Treasurer Goucher was considering the pension reform issue through her professional organization. She also asked to know if the treasurers' professional organization was affiliated with the school financial officers in the State. Town Treasurer Goucher noted that the treasurers' organization is considering the matter and no, that it was not affiliated with the school financial officers. She added that the two organizations are attempting to have a joint meeting on the matter and that she is working with Pauline Silva toward this end.

e. Thanks to Frerichs - Council Chairman Marshall noted that Warren Town Council President Frerichs no longer holds the post of Council President and that Christopher Stanley is the newly elected President of the Warren Town Council. He thanked former President Frerichs for his service and wished Council President Stanley well in his new role.

2. BARBOZA

a. Christmas Shopping - Councilman Barboza suggested that citizens should shop locally and support local area businesses.

b. William James McCarthy - Councilman Barboza noted the passing of resident William McCarthy, late of Bradford Street. Mr. McCarthy passed away on November 11, 2011 at age 94. Councilman Barboza noted that Mr. McCarthy was one of the Town's most prominent "unofficial ambassadors" and that he possessed a wealth of knowledge concerning the history of the Town.

Councilman Barboza extended the Council's condolences to the McCarthy family.

3. TEIXEIRA

a. William J. McCarthy - Councilman Teixeira echoed the sentiments expressed by Councilman Barboza concerning the passing of Mr. McCarthy.

b. Crosswalk: Metacom and Bay View Avenues - Councilman Teixeira asked to know if a crosswalk at the intersection of Metacom and Bay View

Avenues was warranted with Police Chief Canario informing the Council that Rep. Gallison has asked the State for a study of the traffic in this area. Police Chief Canario stated that he has similar concerns since many students cross Metacom Avenue at that intersection.

c. Christmas Festival - Councilman Teixeira again reminded those present of the upcoming Christmas Festival events.

4. HERRESHOFF

a. Holiday Season - Councilman Herreshoff noted that the Holiday Season has begun with the Thanksgiving holiday and lamented the passing of his niece Kirsten, William McCarthy and also Jarred Fletcher all who passed within the last few weeks. Councilman Herreshoff added that Mr. Fletcher had been afflicted all of his life but possessed "the best spirit." He added that a memorial service held for Mr. Fletcher at Linden Place was "inspirational."

5. PARELLA

a. Jarred Fletcher - Councilwoman Parella agreed with Councilman Herreshoff regarding Mr. Fletcher and noted that his attitude was "inspiring."

b. William McCarthy - Councilwoman Parella stated that the late Mr. McCarthy was "a joy to speak to" and commended him for always remaining active and interested.

c. Snowflake Raffle - Councilwoman Parella also suggested that citizens should shop locally and that the annual Snowflake Raffle will take place on December 18, 2011.

Clerk's Prerogative - Reapportionment

The Clerk, as Clerk of the Board of Canvassers, was afforded the opportunity to inform the Council that the General Assembly reapportionment/redistricting is in process and also that maps indicating several options for the State Senate and House were available at Town Hall and on the Redistricting website.

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The Clerk added that he and members of the Board of Canvassers will be attending a public hearing regard this matter, called by the State Redistricting Commission on Thursday, December 8, 2011 at the Barrington High School.

ZZ. TOWN ADMINISTRATOR AGENDA ITEM(S)

CITIZENS PUBLIC FORUM

Note: Marina Peterson, a member of the audience, provided a "Citizens Public Forum" matter and requested consideration of same. Town Solicitor Ursillo reviewed the request and found that it did not meet the criteria for consideration since it was "not an issue of substantive Town business."

Council Chairman Marshall ruled that the request was "not an issue of substantive Town business" and ruled it out of order. He added that the issue, raised by Ms. Peterson would be better discussed in another forum.

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

Louis P. Cirillo, CMC, Council Clerk