

TOWN COUNCIL MEETING - WEDNESDAY EVENING - FEBRUARY 29, 2012

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

ALSO PRESENT: Michael A. Ursillo, Esq., Town Solicitor
Marshall J. Netto, Town Sergeant

ABSENT: Diane C. Mederos, Town Administrator

The Council met in regular session on Wednesday evening, February 29, 2012 in the Town Hall, Council Chambers beginning at 7:14 o'clock PM, Council Chairman Marshall presiding:

Council Chairman Marshall introduced a contingent from Bristol Troop 6, Narragansett Council, Boy Scouts of America which was present this evening as part of a Communications Merit Badge fulfillment. The Scouts led the assembly in the Pledge of Allegiance to the Flag.

SPECIAL PRESENTATION

Samuel C. Kinder

It is hereby noted for the record that this matter was postponed until March 14, 2012.

INTRODUCTION

Pamela M. Marchand, PE
Executive Director, Bristol County Water Authority

Prior to the commencement of this evening's regular agenda Frank J. Sylvia, a member of the Bristol County Water Authority, introduced Ms. Marchand who began her new position on Monday. Mr. Sylvia stated that Ms. Marchand is eminently qualified for the position and also that the directors are impressed by her.

Ms. Marchand thanked the Council for the opportunity to be introduced and also stated that she is excited about the position and the potential of the Water Authority. She added that her goal is to have the BCWA become the "premiere" water authority for its size.

Council Chairman Marshall read Ms. Marchand's résumé aloud stating that the Council meeting provides a "public informational session" to afford the public the opportunity to know Ms. Marchand's credentials.

Councilwoman Parella stated that Ms. Marchand represents a "breath of fresh air" for the BCWA. She added that she was pleased to learn that Ms. Marchand has experience with

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"restructuring." Councilwoman Parella also added that she hopes Ms. Marchand's leadership will contribute toward a resolution of the backup water supply issue.

Ms. Marchand agreed that the backup supply is a critical issue for the BCWA. She added that she appreciates a challenge.

Mr. Sylvia noted the presence of Joseph DeMelo, another member of the Water Authority and explained that Paul Bishop, the Town's third representative, was not present since he is out of Town.

Also prior to the commencement of this evening's regular agenda, Council Chairman Marshall drew attention to the upcoming budget workshop and adoption schedule.

Councilman Barboza reported that the Bristol Warren Regional Joint Finance Committee will be meeting during the latter two weeks of the month of March on dates and place to be determined. He added that he plans to call two meetings for the Committee.

Councilman Herreshoff noted that the Council appreciates citizen input to the budget process.

Councilman Barboza reported that he attended three School Committee meetings when the annual School Budget was discussed and adopted. He added that School Committee members are welcome to attend Council budget sessions also.

MOTION RE: CONSENT AGENDA - TO APPROVE THE CONSENT AGENDA

Barboza/Teixeira - Voted
unanimously to approve the Consent
Agenda withholding agenda items AA3
N1, R3 (to be combined with B3),
R5, and to combine agenda items
BB1b and K4.

Prior to the vote taken, Councilman Barboza asked that Consent Agenda item R5 might be withheld for further consideration and Councilman Teixeira asked that also agenda items AA3, N1, R3 (to be combined with B3) be withheld, and he also requested to combine agenda items BB1b and K4.

A. SUBMISSION OF MINUTES OF PREVIOUS MEETING(S)

1. Town Council Special Meeting - January 26, 2012

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

2. Town Council Meeting - February 1, 2012

Teixeira/Herreshoff - 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. Board of Fire Engineers - January 30, 2012
2. Historic District Commission - January 5,
2012
3. Zoning Board of Review - January 9, 2012

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

Prior to the vote taken, Councilman Teixeira stated that he was pleased to learn that Mr. Stuart voted against a certain proposal.

Director of Community Development Williamson reported that the petitioner is not compelled to have a parking lot but wishes to do so.

4. Bristol County Water Authority Board of
Directors - January 11, 2012
5. Bristol County Water Authority Audit Finance
Committee - February 1, 2012
6. Bristol County Water Authority Engineering
Committee - February 1, 2012
7. Bristol County Water Authority Public
Relations/Personnel Committee - February 1,
2012
8. Planning Board - January 10, 2012

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9. Bristol Housing Authority - January 12, 2012
10. Police Pension Board of Trustees - May 31, 2011
11. Post Retirement Benefits Fund Board of Trustees - September 15, 2011
12. Post Retirement Benefits Fund Board of Trustees - November 2, 2011
13. Conservation Commission - January 9, 2012
14. Citizens Property Revaluation Advisory Committee - February 16, 2012
15. Animal Shelter Capital Project Committee - December 7, 2011
16. Animal Shelter Capital Project Committee - December 21, 2011
17. Animal Shelter Capital Project Committee - January 4, 2012
18. Animal Shelter Capital Project Committee - January 11, 2012
19. Animal Shelter Capital Project Committee - February 2, 2012

B. OLD BUSINESS

1. Council Clerk Cirillo re request for removal of handicapped parking space - 41 Church Street, **2nd reading for adoption**

Barboza/Teixeira - Voted unanimously to consider this action to be the second reading for removal of a handicapped parking space. Notify Public Works Department.

2. Walter Elwell, Chairman, Eastern Rhode Island Conservation District (ERICD) - request for funding Resident Geese project, etc., **continued from February 1, 2012**

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- a. Recreation Director Burke -
recommendation in support of ERICD

Barboza/Teixeira - Voted
unanimously to appropriate \$500
from the Council Contingency
Account for this purpose.

Prior to the vote taken, Recreation Director Burke responded to questions posed by the Council at its meeting of February 1, explaining that this agency is the one the Town has cooperated with in the past.

He reported that Canada Geese are invasive and cause pollution. He explained that oiling the goose eggs with vegetable oil prevents the goslings from hatching and also humanely deceives the geese so as to prevent the laying of additional eggs.

Councilman Herreshoff asked to know if the geese are aggressive with Recreation Director Burke responding that the geese are known to attack humans. He added that the population problem appears most prevalent on the High School and Golf Course properties.

Council Chairman Marshall asked to know if the preventive measures as proposed by the Eastern Rhode Island Conservation District are acceptable to animal "activists" with Recreation Director Burke responding that this organization is comprised of animal activists. He added that he (Mr. Burke) attended a workshop concerning this issue as sponsored by the organization.

Councilman Teixeira asked to know if funds were being sought from the Town of Bristol with Recreation Director Burke responding that each community is requested to contribute \$500.

3. Michael Andreozzi, 6 Harker Avenue - request
remedy re Tanyard Brook flooding, **continued
from February 1, 2012**

It is hereby noted for the record that this agenda item was combined with agenda item R3.

Barboza/Teixeira - Voted
unanimously to continue this matter
until the meeting of April 4, 2012.

Teixeira/Parella - Voted
unanimously to receive and place
this matter (agenda item R3) on
file.

Prior to the votes taken, Public Works Director Galuska reported that resolution of the flooding difficulties as described by Mr. Andreozzi will require the cooperation of the various parties and also some time and care. He suggested that the various parties should meet and discuss possible solutions.

Councilman Herreshoff agreed that it would be advisable for Public Works Director Galuska to bring the parties together.

Councilman Teixeira asked to know who would comprise the "parties" with Public Works Director Galuska stating that these would include Mr. Andreozzi and also Ronald Blanchard, the abutting property owner.

Public Works Director Galuska added that he would facilitate the meeting.

Councilwoman Parella asked to know if the problem will be addressed as part of the Tanyard Brook Phase 1 project with Public Works Director Galuska responding that this should likely be a separate project however any drainage system resulting will likely be tied-in to the Tanyard Brook outfall.

Council Chairman Marshall noted that similar difficulties required neighbors to grant drainage easements to the Town and that an easement was likely needed in this particular case.

Councilman Teixeira noted that Mr. DaPonte's correspondence (provided as agenda item R3) indicates that his (Mr. DaPonte's property) was devalued due to a nearby development decision.

Mr. Andreozzi reported that he has retained an engineering firm and that he would like this firm represented whenever discussion takes place concerning his drainage problems.

Public Works Director Galuska indicated that he expects that Mr. Andreozzi's engineer will be asked to attend the meeting of the parties concerning this matter.

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After the votes taken, Councilwoman Parella emphasized the Town's need to be "vigilant" concerning the ramifications of new property developments.

A discussion ensued regarding the possible purchase of poor drainage areas as open space as a mitigation strategy with Council Chairman Marshall noting that open space funds were not always available. He added that the Town has partnered with the State Department of Environmental Management in order to match Town funds with State open space grant funding.

It was noted that the Council may wish to consider the possibility of a bond issue to acquire open space during its budget deliberations. The Clerk agreed to forward this topic to the scheduled budget workshops.

BB. SPECIAL /STATUS REPORTS

1. Town Administrator Mederos re Department Head Reports
 - a. Fire and Rescue - FY (July) 2011-2012 through January 2012
 - b. Parks and Recreation - prepared February 15, 2012
 - c. Building Inspection - October 1, 2011 through January 31, 2012 inclusive and YTD January 1, 2011 through December 30, 2011
 - d. Public Works - October 2011 through January 2012 inclusive
 - e. Human Services and Welfare - prepared February 23, 2012
 - f. Rogers Free Library - prepared February 24, 2012
 - g. Police - prepared February 24, 2012

It is hereby noted for the record that combined agenda items BB1b and K4; and BB1g and R5 were considered concurrently.

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

Prior to the vote taken, Councilman Barboza referred to agenda item BB1a and noted a 26% increase in the number of calls answered by this department. He added that the department's volunteer status saves the Town approximately \$6 million per year.

Councilman Barboza also referred to agenda item BB1e and stated that Human Services Director Carusi was doing a "great job" and also congratulated him for obtaining donations.

Councilman Barboza referred to agenda item BB1g and asked that this might be considered with agenda item R5 as withheld from the Consent Agenda. Councilman Barboza offered his congratulations to Police Chief Canario concerning the reported survey and also expressed his thanks to the various responders as noted in the letter of Mr. and Mrs. O'Neill.

Councilman Teixeira stated that the department head reports are informative and helpful. He noted agenda item BB1b and stated that he was unaware of the contents of Recreation Director Burke's report prior to placing agenda item K4 on this evening's agenda.

Recreation Director Burke reported that he received an email message from Mr. Puryear, the Town's liaison concerning the Quinta-Gamelin center. He explained that the Federal government must complete a series of tasks prior to its release of the property to the Town and that this includes a cultural survey and also a nuclear survey.

C. PUBLIC HEARINGS

1. Director of Community Development Williamson and Principal Planner/Zoning Officer Tanner re general amendment to Bristol Zoning Map - conversion to digital GIS Map
 - a. Zoning Map (October 25, 2006 as amended)
 - b. Proposed digital GIS Zoning Map
 - c. Director of Community Development Williamson re general amendment to zoning map - conversion to digital GIS Map (Planning Board)

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

Barboza/Parella - Voted unanimously to adopt this digital GIS zoning map, finding that the action is consistent with the Comprehensive Plan and also finding the map reflects a digital reinterpretation of the existing zoning map with no changes to current zoning.

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

There was no testimony presented in favor and no remonstrance presented in opposition to the amendment.

Councilman Herreshoff asked to know if the map was to be kept in a single, accessible electronic file with Principal Planner Tanner responding affirmatively. Principal Planner Tanner added that there is no rezoning but rather simply a better display which will allow for better identification and interpretation of the various zones.

Councilman Barboza asked to know why the Town-acquired open space is not always depicted as open space with Principal Planner Tanner responding that the zoning remains as it was prior to the acquisition unless the Council takes action to rezone the property.

Councilman Teixeira asked to know if the new digital map will help with the permitting process with Principal Planner Tanner responding that the new map will be easier for office staff to interpret when speaking to customers on the telephone. He added that most inquiries wish to know about rules for setbacks, etc.

Councilwoman Parella stated that the digital map "is a long-time coming" and also that the next likely step would be to connect the information to the Town's website.

Councilwoman Parella asked to know if the "key" was available with Principal Planner Tanner responding that the "key" is available and also that he would investigate linking the applicable portions of the Zoning Code to the map.

Director of Community Development Williamson thanked Principal Planner Tanner for his work toward finalizing the digital map.

Responding to questions posed, Principal Planner Tanner noted that only a few communities have similar mapping programs.

Councilwoman Parella suggested that the Planning Department might have a "public forum" to introduce the GIS system and to explain how the system is used.

Peter Hewett, 11 Wendy Drive, asked to know the cost of the system with Principal Planner Tanner responding that the map was completed by means of the Town's current contract with BETA Group at \$9,000. He added that the mapping program will cost approximately \$6,000 per year to maintain and that maintenance of the system will be handled by Main Street and also that Main Street's expertise is in updating the maps.

D. ORDINANCES

(CA) E. BUDGET ADJUSTMENTS

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

1. Inter-department Line Item Transfer Request - Capital Projects to Board of Canvassers (Elections)

F. APPOINTMENTS

1. Public Service Appointments
 - a. Recreation Board (2) (terms to expire in February 2015)
 1. Michelle Mascena, 381 High Street - interest/reappointment
 2. Crystal Pacheco, 16 Justin Street - interest/reappointment
 3. Christopher Gagner, 73 Beach Road - interest/appointment

Councilman Barboza nominated Ms. Mascena, Ms. Pacheco, for reappointment.

There were no counter-nominations.

Barboza/Parella - Voted unanimously to close nominations and to instruct the Clerk to cast one ballot each in favor of Ms. Mascena and Ms. Pacheco with terms to expire in February 2015.

After the vote taken, Council Chairman Marshall suggested that the Clerk might "reach out" to Mr. Gagner so as to determine if Mr. Gagner has interest in any of the Town's other boards and commissions.

b. Bristol County Water Authority (term to expire in February 2015)

1. Frank J. Sylvania, 78 High Street - interest/reappointment

a. John E. Faria, Chairman,
Democrat Town Committee re
recommendation

Herreshoff/Teixeira - Voted unanimously to advertise for this position per the typical (boards and commissions) advertising process with the intention of making the appointment on or about April 4, 2012.

Prior to the vote taken, Councilman Teixeira suggested that the selection process might be opened-up to allow applicants from the public at large.

Responding to a question posed by Council Chairman Marshall, the Clerk explained that this board is not normally advertised but rather the political party chairmen are asked to nominate candidates. He added that the process is similar to all boards with a "political component" and that the party chairmen are expected to "qualify" the candidates to prevent more than two members of the same political party from holding office.

Councilwoman Parella noted that the Council would like to amend the enabling legislation to remove the political component so as to allow the Council to select its representatives based upon other than political qualifications.

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Councilwoman Parella added that she is generally pleased since the current representatives to the Water Authority appear before the Council to answer questions whenever asked to do so.

Council Chairman Marshall noted that Raymond Palmieri, a representative of the BCWA Legislative Sub-Committee from the Town of Warren would like to address the Council.

Mr. Palmieri stated that he is concerned regarding the Council's selection process. He agreed with Councilwoman Parella that the Council would like to remove the political qualification.

Mr. Palmieri added that he has nothing against current BCWA Director Sylvia but believes that the position should be advertised.

Councilman Herreshoff stated that he agrees with Mr. Palmieri. He added that he also agrees that the political component was initially positive and useful but is of the opinion that it is no longer relevant.

Thomas Carroll stated that he accepts the idea to remove the political component since more than fifty percent of voters wish to remain unaffiliated and that it is difficult to recruit candidates if they must accept a political label.

Councilwoman Parella suggested that Mr. Sylvia should be interviewed if the Council chooses to interview other candidates.

Councilman Barboza noted that some of those previously appointed to the Board of Directors resigned due to "unnecessary harassment." He added that Mr. Sylvia has valuable expertise and brings this expertise to the Board.

Councilwoman Parella stated that she was prepared to vote this evening but would agree to a postponement in deference to those who wish to broaden the search.

Mr. Hewett stated that he may be naive but is an advocate of 'no-politics' for this position. He added that the elimination of the political qualification opens the selection to the whole Town. He also added that the Council seems to agree with him since it appears prepared to ask the General Assembly to remove the political component from the legislation.

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Councilman Herreshoff suggested that the removal of the political component will make the selection process "cleaner."

Marina Peterson, 38 Thompson Avenue, noted that the appointment of Joseph DeMelo took several months and therefore indicates a precedent for a delay in the Council's decision. She added that there may be many "independents" who might wish to apply.

Mr. Palmieri suggested that the advertisement might be posted at the Chamber of Commerce and Library.

Mr. Sylvia stated that he appreciates the Council's consideration of his candidacy for reappointment and also for its support. He added that he is in favor of an "open process."

c. Personnel Board

1. Joseph DeMelo - letter of resignation

Teixeira/Parella - Voted unanimously to accept this resignation and to instruct the Clerk to send a letter of thanks for service to Mr. DeMelo.

***AMEND ITEM** d. Conservation Commission

- *AMEND ITEM** 1. Council Clerk Cirillo re resignation - Kathleen Keating

Teixeira/Parella - Voted unanimously to accept this resignation and to instruct the Clerk to send a letter of thanks for service to Ms. Keating.

- *AMEND ITEM** 2. Alison Ring, 61 Mulberry Road - interest/appointment

Teixeira/Parella - Voted unanimously to instruct the Clerk set an interview at a time convenient to the parties.

- (CA)** 2. Public Service Appointments for advertising (March)

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

G. LICENSING BOARD - NEW PETITIONS

1. Michael J. Abbruzzi for 2nd Story Theatre (28 Market Street, Warren), Bristol Statehouse, 240 High Street - request for Dancing and Entertainment License, May 31 - June 30, 2012
 - a. Recommendation - Town Administrator and Fire Chief
 - b. Recommendation - Town Administrator and Chief of Police

Teixeira/Parella - Voted unanimously to grant this license per the recommendations provided and subject to conformance to all laws and ordinances and payment of all applicable fees, taxes, and levies exclusive of the license fee which is waived per the request of the applicant.

2. Linda Buckler, d/b/a The Foolish Fox, 317 Hope Street - request for a Junk and Second Hand Dealer's License, **call for a public hearing** (March 14, 2012)

Barboza/Teixeira - Voted unanimously to call for a public hearing regarding this matter for March 14, 2012 beginning at 7:00 o'clock PM.

- *AMEND ITEM** 3. Berta Raposo, on behalf of St. Elizabeth Church/Santo Cristo Committee, 577 Wood Street - request for One-Day Dancing and Entertainment License, March 10, 2011

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

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H. LICENSING BOARD - RENEWALS

(CA) I. UTILITY PETITIONS

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

1. Department of Public Works - Road Cut Permits

J. PETITIONS - OTHER

1. Sandra Tolley for First Congregational Church, 281 High Street - request to hold fundraising event; "Art Affair on the Fence," August 25, 2012 (rain date, September 1, 2012)

- a. Recommendation - Town Administrator and Chief of Police

LATE ITEM

- b. Recommendation - Director of Public Works

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

2. Rev. Henry P. Zinno, Jr., Pastor, Our Lady of Mount Carmel Church, 141 State Street - request use of Town Common; OLMC Feast event, July 9-16, 2012

- a. Recommendation - Town Administrator and Director of Recreation

- b. Recommendation - Town Administrator and Chief of Police

LATE ITEM

- c. Recommendation - Director of Public Works

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

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and ordinances and payment of all applicable fees, taxes, and levies.

3. Council Clerk Cirillo re removal of handicap parking space - 11 Roma Street, **1st reading**
 - a. Recommendation - Town Administrator and Chief of Police

LATE ITEM

- b. Recommendation - Director of Public Works

Herreshoff/Teixeira - Voted unanimously to consider this action to constitute the first reading of the request to remove a handicapped parking space and to continue said matter until March 14, 2012 for second reading for adoption.

4. Stephan Brigidi, Bristol Representative, Convention and Visitors Bureau re Art Night: Bristol & Warren

LATE ITEM

- a. Stephan Brigidi - Report re Art Night: Bristol & Warren

Parella/Teixeira - Voted unanimously to refer this matter to the budget deliberations.

Prior to the vote taken, a discussion ensued regarding the need for funds.

Councilman Herreshoff stated that he believes that the Art Night was a good idea but would prefer if it were to take place without financial support from the Town.

K. OTHER NEW BUSINESS REQUIRING TOWN COUNCIL ACTION

1. Dan Beardsley, Executive Director, Rhode Island League of Cities and Towns re on-line availability of 2012 workshop presentations

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

2. Town Clerk Cirillo re Senate Bill S2489 (attached) request renewed support - larger polling districts

Barboza/Herreshoff - Voted unanimously to support passage of S2489 and communicate same to the local General Assembly delegation on behalf of the Town.

3. Director of Community Development Williamson re CDBG-DR funding (March 2010 flooding; proposed projects attached) - request authorization for Town Administrator to file application

Barboza/Teixeira - Voted unanimously to authorize Town Administrator Mederos to file the CDBG-DR Application on behalf of the Town.

Prior to the vote taken, Councilman Teixeira asked to know if some of the projects listed have already begun with Director of Community Development Williamson responding that some of the application considers reimbursing the Town for funds already expended. She noted that the repairs made to the Naval Reserve Armory (Community Center) were needed as a result of the heavy rains.

Director of Community Development Williamson added that the application is essentially a "resubmit" since the State had additional funding available after the first round of grants were finalized.

Council Chairman Marshall asked to know if the matter was considered at a public hearing with Director of Community Development Williamson responding that a public hearing was held regarding this matter.

Director of Community Development Williamson also added that the Town of Bristol's top priority is the State Street Reservoir and that the plan would be to increase the capacity of same. She explained if the reservoir is improved and the outfall at Walker's Cove is improved then there may be a diminished need to make repairs to the Tanyard Brook in-between the two.

4. Councilman Teixeira re Recreation Department (Quinta Gamelin status)

It is hereby noted for the record that this matter was discussed and action taken as part of agenda item BB1b.

5. Councilman Teixeira re BCWA

Teixeira/Barboza - Voted
unanimously to continue this matter
until the meeting of March 14,
2012.

Prior to the vote taken, Councilman Teixeira stated that he forwarded his memorandum to the three (3) directors from Bristol.

Mr. Sylvia stated that he was unaware as to the status of the proposed legislative and bylaws changes.

Town Solicitor Ursillo reported that the Warren Town Council wishes for the legislative sub-committee and also the new BCWA Executive Director to review and contribute comment to these proposals.

Councilwoman Parella stated that she would prefer if the matter is not delayed inordinately since it must be soon submitted to the General Assembly for its consideration.

A discussion ensued concerning the next Tri-town Council meeting with the Clerk reporting that Barrington Town Clerk James is endeavoring to set the date for this meeting.

Mr. Sylvia responded to question number 3, stating that he did not believe there is a reference to this matter in the BCWA minutes of December 14. He added that Director Klepper referred to the idea of open session interviews as a "perfect scenario."

Councilman Teixeira stated that he was present at the meeting and recalls the discussion taking place and that Mr. Jannitto said that the interviews were to be public.

Mr. Sylvia responded that some of the candidates asked that their candidacy should remain confidential and that the eight (8) directors, voting unanimously, selected Ms. Marchand. Mr. Sylvia also stated that the vetting process took place and that there were six (6) finalists. He added that the candidates were allowed a private interview as a professional courtesy.

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Mr. DeMelo responded to question number 2, stating that the current budget for legal fees is \$120,000; with \$60,000 planned for Attorney Mack and the remaining \$60,000 for a labor negotiator.

Councilman Herreshoff asked to know how much is expended thus far with Mr. DeMelo responding that the labor negotiator is not yet retained.

The discussion turned to the previous year's legal expenditures with Mr. DeMelo responding that the Authority paid \$83,500 to Attorney Mack, \$5,800 to the Washington Trust, and \$6,200 to Hinckley Allen for pension work.

Council Chairman Marshall noted that there have been allegations that the BCWA pension plan is not funded properly. He asked Mr. DeMelo if there is a problem with the pension fund.

Mr. DeMelo stated that there has been some concern expressed regarding lump-sum payments but that Mr. Bostian, the Water Authority's pension consultant indicates the Authority's Pension Plan is funded at 92%. He added that "92% sounds good."

Council Chairman Marshall asked to know if Mr. Bostian was a pension expert with Mr. DeMelo responding that Mr. Bostian is an expert and not an employee of the Water Authority.

Councilwoman Parella suggested that the Authority's legal fees may diminish with a new Executive Director.

Mr. DeMelo agreed that the new Executive Director will be "tweaking everything" and likely will help the Authority be more fiscally efficient.

A discussion ensued with several different budget years being considered simultaneously. Mr. DeMelo suggested that he may be able to provide a more organized financial report after the Authority completes its books for the recently ended fiscal year.

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

It is hereby noted for the record that the vote and action concerning this agenda item was taken at the conclusion of the public agenda (10:31 o'clock PM).

Barboza/Teixeira - Voted
unanimously to adjourn into
Executive Session pursuant to RIGL
§ 42-46-5(a)(5) regarding open
space property acquisitions.

L. BILLS & EXPENDITURES

1. Bid #746 - (Rebid) Tanyard Brook Culvert
Replacement Project

Barboza/Herreshoff - Voted
unanimously to refer this matter to
the Town Administrator and Director
of Community Development to act in
the best interest of the Town and
to provide an update for the
meeting of March 14, 2012 on the
status of this bid including
anticipated start date.

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

Northern Construction Service	Weymouth, MA	\$4,058,847
C.R.C. Company, Inc.	Quincy, MA	\$4,695,783
C. Brito Utility Co.	Bristol, RI	\$4,377,288

Council Chairman Marshall commented that he anticipated that
the figures would be lower. He asked to know if something
had been added to the scope of the project.

Director of Community Development Williamson reported that
the project was expanded to include Woodlawn Avenue but that
this was covered by a "deduct" item with a value of
approximately \$.5 million. She added that increasing
gasoline prices appear to have impacted the pricing.

A discussion ensued regarding the possible start date with
Director of Community Development Williamson agreeing to
provide information concerning same.

2. RFP #750 - Municipal Tree Stump
Removal/Grinding and Tree Maintenance

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

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

American Tree Works	Bristol, RI	\$80,000/yr
Ernest Pozzi	Watkins Glen, NY	\$125/hr & 175/hr
North-Eastern Tree Serv.	Cranston, RI	\$957 & \$117/hr

The Clerk reported that the matter will require some analysis since those supplying proposals seem to have interpreted the specifications differently.

Councilman Herreshoff suggested that the Town Administrator should give the proposals "strong scrutiny" prior to entering into an agreement.

3. RFP #751 - Financial Advisor Services

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

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

FirstSouthwest	Lincoln, RI	GO at \$1 per \$1000
The PFM Group	Providence, RI	GO at \$1 per \$1000

It was noted that the minimum and maximum fees are dissimilar in each proposal.

4. Bid #752 - Boiler Replacement Project (Naval Reserve Armory/Community Center)

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

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

Sunshine Oil Co.	Bristol, RI	\$27,030
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5. RFP #753 - Grant Management Services

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

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

Maguire Group	Providence, RI	\$50,000
Gifford Design Group	Cumberland, RI	\$60,000

(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, February 23, 2012

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

Prior to the vote taken, Councilman Teixeira expressed
concern that the report indicates the fiscal year as 69.93%
complete yet some line items appear to be over-expended.

In the absence of the Town Administrator and Town Treasurer,
the Clerk explained that some line items are typically
expended through a single invoice and with those it is very
unlikely that there will be future expenditures through the
end of the fiscal year.

Councilman Teixeira questioned the expenditure for "snow and
ice" within the Public Works departmental budget with Public
Works Director Galuska explaining that this expenditure was
for stockpiled salt and sand and also for repair and
replacement of plows.

The Clerk noted that the snow and ice is typically under-
funded due to the uncertainty of winter storms. He added
that often departmental managers must make budget decisions
during the course of the fiscal year and that one particular
line item may be over-expended while others are under-
expended.

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Councilwoman Parella agreed that the departmental bottom line is the most important since budgeting is a best-estimate.

P. PROCLAMATIONS & CITATIONS

1. Citation - Major General Kevin R. McBride, PE, RI Society of Professional Engineers 2012 "Engineer of the Year"

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

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

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

(CA) R. DISTRIBUTIONS/COMMUNICATIONS

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

1. Warrant - Alan D. Leach, Assistant Harbor Master
2. Coastal Resources Management Council - February 2012 Calendar
3. Thomas J. DaPonte, 16 Surf Drive, to Town Administrator et al re tax bill

It is hereby noted for the record that this matter was discussed and action taken as part of agenda item B3 above.

4. Jessica Blackledge, Project Manager, Eastern Rhode Island Conservation District re Workshops - Resident Canada Geese and New England Cottontail projects
5. Ellie and Steve O'Neill, 70 Ferry Road to Town Administrator re thank you

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

6. Roger Williams University Memorandum of Understanding, Third Amendment (signed copy)

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7. Council Clerk Cirillo to Director of Public Works re removal of handicap parking space, 18 First School Street
8. Kristen M. Fletcher, Esq., 444 N Capitol Street, Washington, DC, to Town Treasurer Goucher and Tax Assessor Spagnolo re motor vehicle taxes
9. Town Clerk/Council Clerk Cirillo to Barry L. Sharaf, M.D., Division of Cardiology, Rhode Island Hospital re thank you
10. (Bristol County Water Authority) re BCWA in the News, February 2012
11. Town Administrator Mederos re temporary absence (February 27 through March 1, 2012)
12. Town Administrator Mederos to Landscaping Services, Inc. re award of Bid #742 Trails/Roadway Project (Town Beach)
13. Lynn M. Hawkins, Exeter Town Clerk re resolution in support of legislative amendments to the Low and Moderate Income Housing Act (RIGL 45-53)

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

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

1. Bristol County Water Authority Audit Finance Committee - February 1, 2012
2. Bristol County Water Authority Engineering Committee - February 1, 2012
3. Bristol County Water Authority Public Relations/Personnel Committee - February 1, 2012
4. Bristol County Water Authority Board of Directors - February 8, 2012
5. Bristol County Water Authority - Special Board Meeting, February 1, 2012

TOWN COUNCIL MEETING - WEDNESDAY EVENING - FEBRUARY 29, 2012

6. Bristol County Water Authority - Special Board Meeting, February 2, 2012
7. Bristol Warren Regional School District re Schedule of Meetings - Week of February 6, 2012
8. Bristol Warren Regional School Committee Policy/Community Affairs Subcommittee - February 6, 2012
9. Bristol Warren Regional School District Budget/Facilities Subcommittee - February 7, 2012
10. Harbor Commission - February 6, 2012
11. Fourth of July Committee - February 9, 2012
12. Recreation Board - February 15, 2012
13. Bristol Warren Regional School Committee - Workshop, February 13, 2012
14. Bristol Warren Regional School Committee - Workshop, February 13, 2012 (Revised)
15. Bristol County Water Authority Board of Directors - February 8, 2012
16. Bristol County Water Authority - March 2012 Meetings
17. Bristol Warren Regional School District re Schedule of Meetings - Week of February 13, 2012
18. Bristol Warren Regional School Committee Personnel/Contract Negotiation Subcommittee - February 13, 2012
19. Animal Shelter Capital Project Committee - February 16, 2012
20. Economic Development Commission - February 16, 2012
21. Citizens Property Revaluation Advisory Committee - February 16, 2012

TOWN COUNCIL MEETING - WEDNESDAY EVENING - FEBRUARY 29, 2012

22. Bristol Warren Regional School District re Schedule of Meetings - Week of February 20, 2012
23. Bristol Warren Regional School District Budget/Facilities Subcommittee - February 24, 2012
24. Bristol Warren Regional School District re Schedule of Meetings - Week of February 27, 2012
25. Bristol Warren Regional School Committee Personnel/Contract Subcommittee (Council 94 Contract Negotiation Team) - February 27, 2012
26. Bristol Warren Regional School Committee Personnel/Contract Subcommittee - February 27, 2012
27. Bristol Warren Regional School Committee - February 27, 2012

S. TOWN SOLICITOR

1. Town Solicitor Ursillo re (Tree Warden) Kinder Ethics Complaint/Request for Reimbursement of Legal Fees

Barboza/Parella - Voted unanimously to approve the expenditure for this reimbursement in an amount not to exceed \$16,000 from an available budget item with the source of said funding to be determined by the Town Treasurer.

Prior to the vote taken, Town Solicitor Ursillo explained that Tree Warden Kinder was compelled to defend himself in the case of an ethics complaint filed by a citizen.

Town Solicitor Ursillo added that due to the nature of the case, it was not possible for his office to defend the Tree Warden and that he was eventually exonerated.

Town Solicitor Ursillo also added that the Council, at its discretion, can reimburse the Tree Warden for any or all of

his expenses and that these might be reimbursed through an available budget line.

Councilman Barboza agreed that Mr. Kinder should be reimbursed and also that Mr. Kinder had suffered greatly due to the "foolishness" of the tone of the complaint filed against him.

Council Chairman Marshall asked to know if this item might be paid through a claim to the Interlocal Trust with Town Solicitor Ursillo responding that the Trust would not typically cover this type of claim.

Z. INDIVIDUAL COUNCIL MEMBERS AGENDA ITEMS

1. MARSHALL

a. Mike Davis - Council Chairman Marshall thanked Mr. Davis for providing his service of taping this evening's meeting.

b. Happy Birthday - Council Chairman Marshall wished his mother, Delores Bradfield, a happy 80th birthday.

c. Nicholas Ratti - Council Chairman Marshall noted recent correspondence from Nicholas Ratti and stated that he (Council Chairman Marshall) agrees that nuclear power is the best and cheapest form of energy available. He added that a planned nuclear power plant was held up due to the concern of neighbors.

Council Chairman Marshall also explained that he recognizes that solar and wind power is not perhaps the cheapest but that it would be short-sighted if these were not explored.

Council Chairman Marshall noted that the Council does not take Mr. Ratti's concerns lightly and also that he is of the opinion that the Council may wish to correspond with Governor Chafee regarding the future of "deep water wind."

Councilman Herreshoff agreed that it may be acceptable to send correspondence to the Governor extending a caution about deep water wind.

It was agreed by consensus to continue this matter until the meeting of March 14, 2012.

d. Public Arts Forum - Council Chairman Marshall reported that the recent forum on the arts was successful and congratulated Director of Community Development Williamson and Recreation Director Burke regarding same since over 100 persons participated. He also observed that the activity at Reynolds School (business incubator, etc.) has added vibrancy to the former school building.

2. BARBOZA

a. Joint Finance Committee - Councilman Barboza explained that the Bristol Warren Regional Joint Finance Committee will be holding its annual meeting(s) in the near future. He also expressed gratitude to School Committee member William O'Dell and his budget sub-committee for holding its budget request within the State-imposed 4% cap.

Councilman Barboza added that it was unfortunate that School Committee member Karen Lynch chose to "launch a personal attack" against him.

Councilman Barboza stated that the Joint Finance Committee "will not be subject to the rigors of last year" when school advocates "whipped up a frenzy and posed the Joint Finance Committee as villains."

Councilman Barboza explained that the Joint Finance Committee intends to fund the best possible education and also to balance this funding with affordability to the taxpayers.

Councilman Barboza noted that a graph prepared by Town Treasurer Goucher indicates a trend of the school budget percentage increasing while the municipal budget percentage decreases over time.

3. TEIXEIRA

a. Thank You Director of Community Development Williamson - Councilman Teixeira thanked Director of Community Development Williamson for arranging the Growsmart land use workshop. He added that it was unfortunate that more board and commission members chose not to attend.

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b. Caravela - Councilman Teixeira reported that the public access television program Caravela celebrated its 25th anniversary on February 27, 2012. He suggested that the Council may wish to present a citation to the program's participants.

4. HERRESHOFF

a. Physical Plant - Loafer's Corner - Councilman Herreshoff suggested that the pavement at Loafer's Corner might be trimmed since it sticks out too far into the street. He also suggested that this change could be part of the Hope Street rehabilitation project.

b. Street Signs - Councilman Herreshoff suggested that the Town should add more opposite facing street signs to the historic district.

c. Budget - Councilman Herreshoff noted the upcoming budget sessions and suggested that the Town has an opportunity to "save real money."

5. PARELLA

ZZ. TOWN ADMINISTRATOR AGENDA ITEM(S)

a. The Clerk was allowed the opportunity to announce that the Presidential Preference Primary will be held on April 24, 2012 and also that the Board of Canvassers has combined polls by Senatorial District. Polls will be open at the Bristol Housing Authority, Franklin Court and the RI Veterans Home only. Voters may contact the Clerk's office or review the Secretary of State's website for poll information.

CITIZENS PUBLIC FORUM

Albert Pellegrini, 1 Broadview Avenue, explained that Butterworth Avenue is eroding and also that the neighborhood is changing so as to require a wider road since motorists are not able to readily pass.

Public Works Director Galuska agreed to examine the area and report back to the Council.

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Teixeira/Parella - Voted
unanimously to resume open session
and seal the minutes of the
Executive Session at 10:54 o'clock
PM.

There being no further business, upon a motion by Councilman
Teixeira, seconded by Councilwoman Parella and voted
unanimously, the Chairman declared this meeting to be
adjourned at 10:55 o'clock PM.

Louis P. Cirillo, CMC
Council Clerk