

TOWN COUNCIL MEETING - WEDNESDAY EVENING - MARCH 14, 2012

PRESENT: Marshall, Barboza, Teixeira and Parella

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

ABSENT: Herreshoff

The Council met in regular session on Wednesday evening, March 14, 2012 in the Town Hall, Council Chambers, beginning at 7:07 o'clock PM, Council Chairman Marshall presiding:

Prior to the commencement of this evening's regular agenda, Council Chairman Marshall announced that the Town has been recognized by the Bloomberg as the best place in New England to raise a family.

SPECIAL PRESENTATION

Samuel C. Kinder

Also prior to the commencement of this evening's regular agenda, Council Chairman Marshall read the following proclamation and presented a plaque to retiring Tree Warden Kinder.

**State of Rhode Island and Providence Plantations
Town of Bristol**

Proclamation

Be it hereby known to all that:

WHEREAS, Samuel C. Kinder has served the Town of Bristol in the capacity of Tree Warden since January 28, 1987 and as Deputy for many years before and has fulfilled this great responsibility with excellence, dedication, and professionalism, and;

WHEREAS, the contributions of **Tree Warden Kinder** are many-fold, including assurance that the greatly admired centuries-old "shaded streets of Bristol" have successfully remained second to none; and

WHEREAS, Tree Warden Kinder has performed his duties with rational and responsible actions and advice - always in the best interest of the Town and its citizens; and

WHEREAS, Tree Warden Samuel C. Kinder, has been esteemed and

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admired for his good work, prudence, and expertise as both a Town Official and as a much respected expert in his chosen field.

THEREFORE, BE IT HEREBY RESOLVED, that the Honorable Town Council and Honorable Town Administrator of the Town of Bristol, State of Rhode Island and Providence Plantations, by virtue of the authority vested in them by the citizens of Bristol, on their behalf, and by these presents, extend to **Samuel C. Kinder** their collective best wishes for a job well done; and

BE IT FURTHER RESOLVED, that said Council and Administrator, in consideration of all of the above, do hereby proclaim that **Samuel C. Kinder** will forever-after hold the title of "**Tree Warden Emeritus**" in formal and grateful recognition of his years of incomparable loyalty, unparalleled service and dedication to our beloved Town.

IN WITNESS WHEREOF, we have hereunto set our hand and affixed the SEAL of the Town of Bristol, Rhode Island on adoption this 29th Day of February, A.D. 2012.

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

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

Council Chairman Marshall added that the Tree Warden has served the Town honorably for decades and that his service has been greatly appreciated.

Mr. Kinder thanked the Council for recognizing his service and stated that the opportunity to serve was a great pleasure for him. He added that his family and employees also appreciate and share in the recognition.

Also prior to the commencement of this evening's regular agenda, Councilman Barboza announced that the Bristol Warren Regional Joint Finance Committee will hold its annual meetings on March 15, 2012 (Kickemuit Middle School) and also on March 27, 2012 (Mt. Hope High School). He added that the meeting held on March 15 will be for School Committee presentations only and that public comment will be accepted on March 27.

MOTION RE: CONSENT AGENDA - TO APPROVE THE CONSENT AGENDA

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Teixeira/Barboza - Voted
unanimously to approve the Consent
Agenda withholding agenda items AA1
and Q1 for further discussion.

Prior to the vote taken, Councilman Teixeira asked that
agenda items AA1 and Q1 might be withheld for further
consideration.

A. SUBMISSION OF MINUTES OF PREVIOUS MEETING(S)

1. Town Council Meeting - February 29, 2012

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. Police Pension Fund Board of Trustees -
December 22, 2011

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

Prior to the vote taken, Councilman Teixeira asked to know
the definition of "smoothing of market gains" as appearing
in the minutes with Town Treasurer Goucher responding that
this term describes a technique to spread market gains and
losses over a longer period of time. She added that this
technique prevents the need for drastic plan contributions.

Councilman Teixeira also asked Town Treasurer Goucher if she
was familiar with the term "spiked pensions" with Town
Treasurer Goucher responding that these would be pensions
impacted by a marked increase in salary during the benefit
defining period if this increase was not reflective of the
employee's salary history resulting in a higher than
anticipated retirement benefit to the employee.

2. North and East Burial Grounds Commission -
November 28, 2011
3. Bristol Warren Regional School Committee -
January 23, 2012

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4. Harbor Commission - February 6, 2012
5. Rogers Free Library Board of Trustees - December 8, 2011
6. Historic District Commission - February 2, 2012
7. Board of Fire Engineers - March 5, 2012
8. Recreation Board - January 10, 2012

B. OLD BUSINESS

1. Kevin Fitta, Barrington Director, Bristol County Water Authority - Monthly Report, February 27, 2012

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

Prior to the vote taken, Councilman Teixeira asked to know if the noted price increase for a service connection represents a rate increase with Council Chairman Marshall stating that he believes that this increase is related to new service connections.

Councilman Teixeira stated that he will enquire about this matter with the representative Water Authority directors.

2. Councilman Marshall re deep water wind (correspondence from Nicholas Ratti received February 24, 2012 attached), **continued from February 29, 2012**
 - a. Nicholas Ratti, Jr., 28 Hydraulion Avenue re Delmarva contract cancellation (supplemental)

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

Prior to the vote taken, Councilman Barboza noted that this matter was specifically continued to this meeting for the Council to consider sending a letter to Governor Chafee. He also noted that Mr. Ratti recommends against any such action.

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3. Council Clerk Cirillo re removal of handicapped Parking space - 11 Roma Street, **2nd reading for adoption**

Barboza/Teixeira - Voted unanimously to consider this action to constitute the second reading for adoption of this request to remove a handicapped parking space. Inform Public Works Department.

4. Councilman Teixeira re BCWA, **continued from February 29, 2012**

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

5. Director of Community Development Williamson re status of Tanyard Brook Project (Bid #746)

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

Prior to the vote taken, Town Administrator Mederos noted the contents of the memorandum provided. She added that BETA is recommending bid-award to Northern Construction Service of Weymouth, Massachusetts, the apparent low-bidder. She provided a copy of this memorandum for the file (BETA, Kevin Aguiar, to Town Administrator Mederos dated March 14, 2012).

Director of Community Development Williamson reported that the Town is waiting for approval from the Economic Development Administration (EDA), the grant funding agency, which is due in April and that the project will proceed with an anticipated completion date of October 2013.

Director of Community Development Williamson also reported that the total amount available from the EDA will be approximately \$50,000 less than the total cost of the project, less the add-alternate.

Town Administrator Mederos added that the \$50,000 will come from the Town's available funding for this project. She added that this cost is relatively minor since the Town had originally decided to pay for the project completely with Town funds.

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Director of Community Development Williamson reported that the Town will opt-out of the bid alternate portion of the project with Town Administrator Mederos noting that the Town will pursue grant funding for this portion of the Tanyard Brook project (Woodlawn Avenue).

Councilwoman Parella asked to know the status of the Harker Avenue matter with Public Works Director Galuska reporting that he is in the process of arranging the aforementioned meeting with the various engineers.

Council Chairman Marshall noted that the Council anticipates a report concerning this matter at its next meeting scheduled for April 4.

Director of Community Development Williamson explained that she anticipates approval from the EDA also in April.

She added that the project will be time sensitive to the Independence Day activities and also that some of the work will be completed exclusive of site work such as the completion of 'shop drawings' and off-site manufacture of the pre-cast concrete culvert sections and that this work will not necessarily be visibly present in Town but will nonetheless be ongoing.

Councilman Teixeira asked to know why the Woodlawn project was listed as a deduct alternate with Director of Community Development Williamson responding that the EDA did not allow for expansion of the project but that the alternate was allowed.

BB. SPECIAL /STATUS REPORTS

C. PUBLIC HEARINGS

1. Junk and Secondhand Dealer's License petition
- Linda Buckler, d/b/a The Foolish Fox, 317
Hope Street

LATE ITEM

- a. Recommendation - Town Administrator and
Chief of Police

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

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

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

Prior to the vote taken, Council Chairman Marshall opened the Public Hearing.

Speaking in favor of the petition was the petitioner, represented by Shaun Buckler. Mr. Buckler explained that Ms. Buckler plans to operate an antique and gift store and that she does not plan to sell greeting cards nor does she plan to sell 'junk' or appliances.

There was no remonstrance presented in opposition to the granting of this license.

D. ORDINANCES

(CA) E. BUDGET ADJUSTMENTS

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

F. APPOINTMENTS

1. Public Service Appointments

a. Board of Fire Engineers

1. Fire Chief Martin re appointments to Board of Fire Engineers (Town Code § 12-57)

Councilman Barboza nominated Jeffrey Mascola to the position of Deputy Chief and James Moreira, David Coccio, and Michael DeMello each to the position of Assistant Chief per the recommendation of Fire Chief Martin.

There were no counter-nominations.

Barboza/Teixeira - Voted unanimously to close nominations and to instruct the Clerk to cast one ballot each in favor of the slate as presented for the ensuing term.

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- b. Board of Canvassers (term to expire in March 2018)
 - 1. John E. Faria, Chairman, Democrat
Town Committee re recommendation -
Frances C. O'Donnell

Councilman Barboza nominated Ms. O'Donnell for reappointment.

There were no counter-nominations.

Barboza/Parella - Voted unanimously to close nominations and to instruct the Clerk to cast one ballot in favor of Ms. O'Donnell with term to expire in March 2018.

- c. Harbor Commission (term to expire in March 2015)
 - 1. Dominic S. Franco, 26 Tower Street - interest/reappointment
 - 2. Leeds Mitchell, III, 14 Griswold Avenue - interest/appointment

LATE ITEM

Councilman Barboza nominated Mr. Franco for reappointment.

There were no counter-nominations.

Barboza/Teixeira - Voted unanimously to close nominations and to instruct the Clerk to cast one ballot in favor of Mr. Franco with term to expire in March 2015.

- d. Harbor Commission - Alternate (to fill unexpired term to expire in March 2014)
 - 1. Richard Scott Medeiros, 8 Herzig Street - interest/appointment (currently on advisory committee)

Councilman Barboza nominated Mr. Medeiros for appointment.

There were no counter-nominations.

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Barboza/Teixeira - Voted
unanimously to close nominations
and to instruct the Clerk to cast
one ballot in favor of Mr. Medeiros
with term to expire in March 2014.

- e. Zoning Board of Review (term to expire
in March 2017)
 - 1. William McMullen, 404 High Street -
not seeking reappointment

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

After the vote taken the Clerk reported that there have been
no applications received for this position. It was
suggested that the alternate members may have interest.

- f. Christmas Festival Committee
 - 1. Kristen DeMelo, 3 Roosevelt Drive -
interest/appointment

Councilwoman Parella nominated Ms. DeMelo for appointment.

There were no counter-nominations.

Parella/Barboza - Voted unanimously
to close nominations and to
instruct the Clerk to cast one
ballot in favor of Ms. DeMelo for
the ensuing term.

- (CA) 2. Public Service Appointments for Advertising

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

G. LICENSING BOARD - NEW PETITIONS

- 1. Linda Buckler, d/b/a The Foolish Fox, 317
Hope Street - request for Junk and Secondhand
Dealer's License

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It is hereby noted for the record that discussion and action regarding this agenda item took place in combination with agenda item C1.

H. LICENSING BOARD - RENEWALS

1. Tattoo License Renewals 2012-2013

LATE ITEM

- a. Recommendation - Town Administrator and Chief of Police

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

2. Cesspool License Renewals 2012-2013

- a. Recommendation - Superintendent of Water Pollution Control

LATE ITEM

- b. Croome Sanitation, Inc. - license renewal petition

Parella/Teixeira - Voted unanimously to approve these license renewals 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 vote taken, Town Administrator Mederos reported that she concurs with the recommendation as provided by Water Pollution Control Superintendent Calderiso.

(CA) I. UTILITY PETITIONS

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

1. Department of Public Works - Road Cut Permits
2. Department of Water Pollution Control - Sewer Permits

J. PETITIONS - OTHER

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1. Stephen Elmasian, Co-Chairman, Armenian National Committee - request to fly Armenian flag (April 24, 2012)

Barboza/Teixeira - Voted
unanimously to grant this petition
according to past practice.

2. Mariel Manchester, 11 Turner Road - claim for property damage

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

3. James Carroll, President, Bristol Golf Association - request for discussion re Bristol Golf Course property

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

Prior to the vote taken, Mr. Carroll enquired as to the status of the golf course committee with Councilman Barboza asking to know who might be interested in participating on this committee.

Town Solicitor Ursillo stated that since this is an ad-hoc committee the Council may change its makeup at its pleasure.

Council Chairman Marshall requested that interested parties should bring in suggestions for the golf course committee.

Councilman Barboza agreed to sit-in at committee meetings as liaison.

Mr. Carroll also asked to know if the Town determined if the golf course land was somehow protected from development with Director of Community Development Williamson responding that this matter was under investigation. She added that the deeds to the property were inconclusive and that the Town is still researching the source of the funding used to purchase this property.

Town Solicitor Ursillo stated that Assistant Solicitor Teitz was taking the lead on this investigation with Director of Community Development Williamson assuring the Council that the question regarding land restrictions is not forgotten.

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Mr. Carroll asked to know if something is planned for the property should there be no restrictions with Council Chairman Marshall explaining that the work thus far was the implementation of a grant intended for engineering and study of possibilities only.

Mr. Carroll stated that he was disappointed to learn that the lease to the golf course operator was for only one year with Director of Community Development Williamson stating that she did not believe that the operator (Mr. Francis) was alarmed about the one-year lease.

Mr. Carroll asked to know if his concerns relating to stop signs and shrubbery trimming were being addressed with Police Chief Canario responding that the police department is formulating a plan to address automobile speed and traffic in the area.

4. Council Clerk Cirillo re removal of handicapped parking space - 22 Cottage Street, **1st reading**

LATE ITEM

- a. Recommendation - Town Administrator and Chief of Police

Barboza/Teixeira - Voted unanimously to consider this action to constitute the first reading of the request for removal of a handicapped parking space. Continue said matter until the meeting of April 4, 2012 for second reading for adoption.

5. Albert P. Quito, d/b/a Quito's Shellfish & Restaurant, 411 Thames Street - request for amendment to Class B-V liquor license to allow seating for six (6) at outdoor bar, **call for public hearing, April 4, 2012**

LATE ITEM

- a. Recommendation - Town Administrator and Chief of Police

Barboza/Teixeira - Voted unanimously to call for a public hearing to consider this matter for April 4, 2012 beginning at 7:00 o'clock PM.

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6. Mr. and Mrs. Robert Kaus, 5 Sousa Street - request for no parking of commercial trucks adjacent to driveway

Barboza/Teixeira - Voted unanimously to refer this matter to the Town Administrator and Police Department for a recommendation.

K. OTHER NEW BUSINESS REQUIRING TOWN COUNCIL ACTION

1. Coastal Resources Management Council re Public Notice - Assent Application of Michael and Lauren Costa for residential boating facility, 70 Everett Avenue (request hearing by March 24, 2012)

Barboza/Teixeira - Voted unanimously to refer this matter to Director of Community Development Williamson and the Harbor Commission.

Prior to the vote taken, Councilman Teixeira asked to know if the Council would support this application with Town Solicitor Ursillo responding that the Council would likely object only if it wished to do so.

A discussion ensued regarding the location of the proposed dock with the documents indicating that the location appears to be more-or-less in the center of the Costa property.

Councilman Teixeira asked to know if the commercial shell-fishing in the area would be negatively impacted.

The Clerk reported that the notice was delivered via e-mail to the Harbor Commission and that he had not heard from any of the commissioners. He added that typically his office would be informed if there were a concern about a given project.

2. Coastal Resources Management Council re Public Notice - Assent Application of William and Lisa Medeiros, Dorothy Carreiro, John and Mary Mello, and Diane Gallison c/o John Mello for modification of residential boating facility, 56 King Phillip Avenue (request hearing by March 24, 2012)

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Barboza/Teixeira - Voted
unanimously to refer this matter to
Director of Community Development
Williamson and the Harbor
Commission.

3. Robert Holt, Chairman, Keep Bristol Clean - invitation to participate - annual Town-wide Spring Cleanup, May 5, 2012 (rain date, May 12, 2012)

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

4. Stephen C. Waluk, Mayor, City of Newport - invitation to participate in Annual St. Patrick's Day Parade, March 17, 2012

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

L. **BILLS & EXPENDITURES**

(CA) M. **ROUTINE REPORTS**

(CA) N. **FINANCIAL REPORTS**

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

1. (Town Treasurer Goucher) re Revenue and Expenditure Statement, March 9, 2012

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. Louise R. Phaneuf, Burrillville Town Clerk re request for support of resolution to endorse House Bill 7561 - An Act Relating to Elections - Registration of Voters (provide use of post office boxes) (legislation attached)

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

(CA) R. DISTRIBUTIONS/COMMUNICATIONS

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

1. John Medeiros, on behalf of St. Elizabeth Church/Holy Trinity Committee, 577 Wood Street - Petition for Class F License, March 3, 2012 (granted)
2. Berta Raposo, on behalf of St. Elizabeth Church/Santo Cristo Committee, 577 Wood Street - Petition for Class F License, March 10, 2012 (granted)
3. Coastal Resources Management Council - March 2012 Calendar
4. Warrant - John Troiano, Harbor Commission
5. Warrant - Raul Abreu, Conservation Commission
6. Warrant - Charles Cavalconte, Economic Development Commission (Second Alternate)
7. Council Clerk Cirillo to Sen. David E. Bates et al. re Senate Bill 2489 - An Act Relating to Elections
8. Authorizing Resolution to file CDBG-DR Application for proposed projects - March 2012 flooding (signed copy)
9. Warrant - Crystal Pacheco, Recreation Board
10. Warrant - Michelle Mascena, Recreation Board
11. Council Clerk Cirillo to Director of Public Works re removal of handicapped parking space - 41 Church Street
12. Council Clerk Cirillo to Kathleen Keating re thank you for service (Conservation Commission)

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13. Council Clerk Cirillo to Joseph DeMelo re
thank you for service (Personnel Board)

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

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

1. Citizens Property Revaluation Study Committee
- March 1, 2012
2. Animal Shelter Capital Project Committee -
February 29, 2012
3. North and East Burial Grounds Commission -
March 26, 2012
4. Harbor Commission - March 5, 2012
5. Bristol County Water Authority Audit Finance
Committee - March 7, 2012
6. Bristol County Water Authority Engineering
Committee - March 7, 2012
7. Bristol County Water Authority Public
Relations/Personnel Committee - March 7, 2012
8. Bristol County Water Authority Board of
Directors - March 14, 2012
9. Bristol Warren Regional School District -
Schedule of Meetings, week of March 5, 2012
10. Bristol Warren Regional School Committee
Policy/Community Affairs Subcommittee - March
5, 2012
11. Rogers Free Library Board of Trustees - March
8, 2012
12. Bristol Warren Regional School Committee BWEA
Contract Negotiation Subcommittee - March 8,
2012
13. Fourth of July Committee - March 7, 2012
14. Recreation Board - March 13, 2012

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15. Bristol County Water Authority Board of Directors - March 14, 2012 (revised agenda)
16. Bristol Warren Regional School District - Schedule of Meetings, week of March 12, 2012
17. Bristol Warren Regional School Committee - March 12, 2012 (workshop)

S. TOWN SOLICITOR

Z. INDIVIDUAL COUNCIL MEMBERS AGENDA ITEMS

1. MARSHALL

a. Mike Davis - Council Chairman Marshall thanked Mr. Davis and Mark Bucolo for filming this evening's meeting.

b. Georgette Marshall - Council Chairman Marshall reported that his aunt, Georgette Marshall, age 89, is gravely ill.

c. St. Patrick's Day - Council Chairman Marshall noted the upcoming St. Patrick's Day and extended the best wishes of the Council concerning same.

d. Deputy Chief Steven Contente - Council Chairman Marshall noted that the Town Hall was filled with well-wishers when the Clerk administered the Oath of Office to new Deputy Police Chief Steven Contente. Council Chairman Marshall stated that the impressive turnout was evidence of the quality of the selection.

Council Chairman Marshall also extended the Town's best wishes to retiring Deputy Chief Guercia and thanked him for his service to the Town.

Council Chairman Marshall also stated that the Town's management deserves recognition and respect for their good work on behalf of the Town.

2. BARBOZA

a. Contente - Councilman Barboza stated that he, too, was pleased with the selection of Deputy Police Chief Contente. He added that Chief Contente has provided exemplary service to the Town.

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b. Ronald Moran - Councilman Barboza extended condolences to the family of retired police officer Ronald Moran who passed away recently. He noted that officer Moran served the Town for over twenty-eight years.

c. Joint Finance Committee - Councilman Barboza noted the upcoming Bristol Warren Regional Joint Finance Committee meetings.

3. TEIXEIRA

a. Contente - Councilman Teixeira congratulated Deputy Chief Contente.

b. Michael Murgo - Councilman Teixeira noted the passing of long-time Bristol resident Michael Murgo and extended the Council's condolences to the Murgo family.

c. Litter - Councilman Teixeira expressed concern that business owners are allowing litter to remain on Town property in front of their establishments. He suggested that the Town should "send a message" to these owners that the practice is unacceptable.

d. St. Patrick's Day - Councilman Teixeira noted the approaching St. Patrick's Day.

4. HERRESHOFF

5. PARELLA

a. Contente - Councilwoman Parella deemed the promotion of Deputy Police Chief Contente as a "great choice" and also stated that she is pleased that an officer could rise through the ranks to the position.

b. St. Patrick's Day - Councilwoman Parella noted that St. Patrick's Day falls on a Saturday this year and cautioned those who will be celebrating not to drink and drive.

c. St. Joseph's Day - Councilwoman Parella also noted the approaching St. Joseph's Day, March 19.

ZZ. TOWN ADMINISTRATOR AGENDA ITEM(S)

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CITIZENS PUBLIC FORUM

There being no further business, upon a motion by Councilman Barboza, seconded by Councilman Teixeira and voted unanimously, the Chairman declared this meeting to be adjourned at 8:19 o'clock PM.

Louis P. Cirillo, CMC, Council Clerk