

TOWN COUNCIL MEETING - WEDNESDAY EVENING - MAY 16, 2012

PRESENT: Marshall, Barboza, Teixeira, Herreshoff and Parella

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

The Council met in regular session on Wednesday evening, May 16, 2012 in the Town Hall, Council Chambers, beginning at 7:12 o'clock PM, Council Chairman Marshall presiding:

SPECIAL PRESENTATIONS

Eddie Roia
"Eddie's Challenge"

Prior to the commencement of this evening's regular agenda, Council Chairman Marshall presented the following commendation to Mr. Roia:

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

Eddie Roia

*in proud recognition of his success with Eddie's Challenge
in support of the Bristol Animal Shelter.*

Eddie Roia, a 10 year old resident of Riverside, Rhode Island, a frequent visitor to the Bristol Animal Shelter, formulated a fund raising effort for the Shelter as part of his home-school curriculum called "Eddie's Challenge." Eddie's Challenge included a five day, forty-mile walk in April, 2012, along with training and preparation for the walk. In addition to the physical education benefit of the activity, Eddie planned to learn about public speaking, Rhode Island history and geography, and mapmaking. Central to Eddie's Challenge was to obtain sponsors to support his efforts through donations to fund the "Kids Corner" planned for the new animal shelter with a goal of \$500. To date, Eddie's Challenge has raised over \$4,000!

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 Eddie Roia. We applaud

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his success, and express admiration for his effort and accomplishment, bringing honor to himself and his family, and further extend best wishes on behalf of all of the people of Bristol to Eddie's proud family, friends, and associates.

IN WITNESS WHEREOF, we have hereunto set our hand and affixed the Seal of the Town of Bristol, Rhode Island on adoption this 16th Day of May, A.D. 2012.

*/s/ Diane C. Mederos, Town Administrator
/s/ Kenneth A. Marshall, Town Council Chairman
/s/ David E. Barboza, Town 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*

Manuel C. "Manny" Correira

Also prior to the commencement of this evening's regular agenda, Councilman Barboza presented this commendation to Mr. Correira. Councilman Barboza explained that he was in attendance at Mr. Correira's investiture on May 4.

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

Manuel C. "Manny" Correira

in proud recognition of his induction into the Rhode Island Press Association Journalism Hall of Fame.

Manuel C. "Manny" Correira has been recognized for his decades of work as the consummate journalist and has been inducted into the prestigious Rhode Island Press Association Journalism Hall of Fame. Reporting this great honor, the Bristol Phoenix writes that Manny "has so many years of experience covering the news in Bristol that it may be easier to count who hasn't been interviewed or photographed by him." In considering this commendation, those words could not possibly be more true.

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,

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collectively, and by these presents, extends greetings and offers sincerest congratulations to Manuel C. "Manny" Correira. We applaud his many successes, and express admiration for his effort and accomplishment, bringing honor to himself, his family, and his home Town; and further extend best wishes on behalf of all of the people of Bristol to Manny Correira's proud family, friends, and associates.

IN WITNESS WHEREOF, we have hereunto set our hand and affixed the Seal of the Town of Bristol, Rhode Island on adoption this 4th Day of May, A.D. 2012.

/s/ Diane C. Mederos, Town Administrator

/s/ Kenneth A. Marshall, Town Council Chairman

/s/ David E. Barboza, Town 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

After receiving the commendation, Mr. Correira informed the Council that he appreciates the Council's recognition. He also thanked Councilman Barboza for attending the investiture.

Mr. Correira noted that the journalism award has been his highest honor and that the night of the ceremony was special to him.

Mr. Correira also noted that his reporting was always positive.

Also prior to the commencement of the evening's regular agenda, Council Chairman Marshall suggested that Recreation Director Burke should update the Council on a new initiative with Recreation Director Burke responding that there will be an "extreme makeover" of the various courtyards at the Rhode Island Veterans Home. He added that these courtyards "are in tough shape" and that several volunteers will participate in the weekend-long project on May 19 and 20, 2012.

Council Chairman Marshall added that the project is a fine example of local volunteerism and reported that four (4) groups of 25 military personnel from the Newport Navy Base will also be on hand to provide assistance with this project.

Council Chairman Marshall noted that the Town is supporting a new marketing initiative as recommended by the Economic

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Development Commission (EDC) and the Merchants Association entitled "Explore Bristol." He suggested that interested parties should contact Michael Byrnes, EDC Chairman or Director of Community Development Williamson regarding this initiative.

Councilman Barboza announced that Fr. Barry Gamache will be celebrating his 60th birthday on Sunday, May 20 from 2 until 5 o'clock PM at the Bristol Yacht Club.

Councilman Teixeira announced that the Miss Fourth of July pageant will be held on Saturday, May 19 at the Mt. Hope High School auditorium.

MOTION RE: CONSENT AGENDA - TO APPROVE THE CONSENT AGENDA

Barboza/Teixeira - Voted
unanimously to approve the Consent
Agenda withholding agenda items AA4
and AA5.

Prior to the vote taken, Councilman Teixeira requested that agenda items AA4 and AA5 might be withheld for further consideration.

A. SUBMISSION OF MINUTES OF PREVIOUS MEETING(S)

1. Town Council Budget Workshop - March 19, 2012
(action items)

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

2. Town Council Meeting - April 4, 2012 (final
version)

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

3. Town Council Executive Session - February 29,
2012 (sealed)

Herreshoff/Teixeira - Voted
unanimously to unseal the minutes
of the Executive Session.

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

4. Town Council Special Meeting - April 25, 2012
(action items)

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

5. Town Council Meeting - May 2, 2012 (action
items)

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

6. Town Council Budget Workshop - March 20, 2012
(action items)

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

7. Town Council Special Meeting - April 26, 2012
(action items)

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

8. Town Council Special Meeting - May 7, 2012
(action items)

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 Grounds Commission -
November 7, 2011
2. North and East Burial Grounds Commission -
January 23, 2012

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3. Board of Fire Engineers - April 30, 2012
4. Historic District Commission - April 5, 2012

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

Prior to the vote taken, Councilman Teixeira stated that he was pleased to see that these minutes include a "wrap up."

5. Zoning Board of Review - February 6, 2012

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

Prior to the vote taken, Councilman Teixeira noted that these minutes appear to have pages missing. The Clerk reported that the minutes are as provided by the Zoning Board secretary and that he will obtain a complete set for the next agenda.

6. Zoning Board of Review - March 5, 2012
7. Planning Board - April 10, 2012
8. Citizens Property Revaluation Advisory Committee - April 5, 2012
9. Animal Shelter Capital Project Committee - March 28, 2012
10. Animal Shelter Capital Project Committee - April 10, 2012
11. Animal Shelter Capital Project Committee - April 25, 2012

B. OLD BUSINESS

1. Michael Andreozzi, 6 Harker Avenue - request remedy re Tanyard Brook flooding, **continued from May 2, 2012**

Barboza/Teixeira - Voted
unanimously to refer this matter to
Town Administrator Mederos, Town
Solicitor Ursillo and Public Works
Director Galuska and to continue

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this matter until the meeting of
June 6, 2012.

Prior to the vote taken, Town Administrator Mederos reported that Public Works Director Galuska is obtaining prices for the proposed remediation.

Public Works Director Galuska reported that Mr. Blanchard is not comfortable with the installation of an eight inch pipe.

Councilman Herreshoff stated that he believes that an eight inch pipe is advisable considering the magnitude of the reported flooding since this will carry four times more water than a four inch pipe. Councilman Herreshoff added that the cost of installing either pipe is much the same and that the difference in cost for a four inch pipe versus an eight inch pipe is relatively small.

Public Works Director Galuska agreed with Councilman Herreshoff regarding the cost being mostly in the installation. He added that two separate engineering consultants agree that a four inch pipe will make a marked improvement to the flooding problem and that the installation of same may be an adequate solution.

Councilman Herreshoff stated that he maintains that a four inch pipe is not optimal, an eight inch pipe is the more acceptable solution and that no one will notice the difference in appearance once the pipe is placed in the ground.

Public Works Director Galuska informed the Council that he will speak to Mr. Blanchard regarding this matter.

Councilman Herreshoff agreed to participate in any negotiations regarding same.

Mr. Andreozzi stated that the eight inch pipe proposed is perforated to allow ground water to seep in.

A discussion ensued regarding the pipe.

Councilman Herreshoff stated that he believes the upstream pipe should be perforated.

Public Works Director Galuska stated that the recommendation includes that the pipe on the Blanchard property should be perforated.

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Council Chairman Marshall suggested that administration and the Town Solicitor should work together on a solution to the problem.

Councilwoman Parella stated that she agrees with Councilman Herreshoff that the largest pipe possible should be used.

Council Chairman Marshall suggested that the ultimate decision for the project should be based upon the recommendation of the professional engineers.

2. Katie L. Sousa, 239 Wood Street - request for a handicapped parking space in front of residence, **2nd reading for adoption.**

Barboza/Herreshoff - Voted unanimously to consider this action to constitute the second reading for adoption to approve a handicapped parking space. Inform Public Works Director.

3. Councilman Herreshoff re urgings for actions to hopefully benefit the Town, **continued from May 2, 2012**

Herreshoff/Teixeira - Voted unanimously to continue this matter until the meeting of June 6, 2012.

Prior to the vote taken, Town Administrator Mederos reported that the State DOT agrees that the sharp edges of the new curbs should be rounded.

Town Administrator Mederos also outlined the challenges of a change to the radius of the intersection of Franklin and Hope Streets. She explained that the State reports that this particular radius is not atypical and also that the location of drainage structures and also a fire hydrant would make a change difficult and expensive.

Councilman Herreshoff stated that despite the reported difficulty, he would prefer if the radius was changed.

Town Administrator Mederos reported that any improvements to the intersection of Ferry Road and Wood Street should be held in abeyance until the Tanyard Brook project is complete.

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Town Administrator Mederos also reported that Public Works Director Galuska is preparing plans and specifications to allow the Town to receive bids for the removal of the High Street speed bumps. She added that this project is somewhat beyond the scope of a DPW project.

Councilman Herreshoff asked to know if Town Administrator Mederos was aware of a certain tree on Union Street which was brought to his attention by Lombard Pozzi with Town Administrator Mederos reporting that she will speak to Mr. Pozzi concerning this tree.

Councilman Teixeira raised the issue of one-way traffic on Route 114 with Town Administrator Mederos reporting that this matter is also on the agenda at the request of Councilman Herreshoff.

A discussion ensued regarding Councilman Herreshoff's proposal to change some of the angular parking at Independence Park. Town Administrator Mederos expressed concern that any change to this parking configuration may result in the loss of parking spaces which are already at a premium.

4. Robert Morris, 93 Kickemuit Avenue re dock at Independence Park, **continued from May 2, 2012**

Barboza/Parella - Voted unanimously to continue this matter until the meeting of June 6, 2012.

Prior to the vote taken, Mr. Morris renewed his request to install three or four pilings in the harbor near Quito's Restaurant. He reported that he has the permission of Mr. Quito and also the Harbor Commission and State Department of Environmental Management.

Mr. Morris added that he will have these pilings installed at his own expense and that he agrees not to make a property claim.

Councilman Barboza asked Mr. Morris if he has a specific approval from the Harbor Commission with Mr. Morris responding that the approval appears in the Commission's minutes.

Councilman Herreshoff asked to know if the Harbor Commission was presented with a drawing outlining the details of Mr. Morris' proposal with Mr. Morris responding that he provided rough dimensions to the Harbor Commission.

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Councilman Herreshoff asked to know why Mr. Morris did not plan to install the pilings closer with Mr. Morris responding that he can move the pilings closer if the Council so-allows.

Councilman Herreshoff asked to know who owns the boat currently tied up near Quito's with Mr. Morris responding that he believes that this boat belongs to Russell Sousa.

Councilwoman Parella stated that she noticed two boats tied up near Quito's with Mr. Morris responding that he is only aware of one boat in the area.

Councilman Barboza asked to know if Mr. Morris would intend to install a float also with Mr. Morris responding that a float would be optional.

Councilman Herreshoff asked to know if the Harbor Master has provided a recommendation.

Council Chairman Marshall asked to know if the property is within the Quito riparian rights with Town Solicitor Ursillo responding that this is unclear.

Director of Community Development Williamson reported that the Quito lot is only thirty feet wide. She added that the riparian rights would have to be researched.

Council Chairman Marshall suggested that there should be a meeting to include Mr. Morris and Harbor Master Cabral.

Councilman Herreshoff suggested that Town Solicitor Ursillo should define the properties and determine who has authority to approve Mr. Morris' request.

Town Solicitor Ursillo informed the Council that he will work with Recreation Director Burke, Director of Community Development Williamson and Harbor Master Cabral on this issue.

Harbor Master Cabral reported that he met with Mr. Morris on this issue and told him that he needs to provide a plan and that CRMC must provide some approvals. Harbor Master Cabral expressed concern that the wall at Independence Park may not be safe since it was "de-capped" in 1978.

Council Chairman Marshall asked to know if Mr. Morris plans to offload at State Street with Mr. Morris responding that he plans to do so.

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Mr. Morris informed the Council that the State does not have a problem with his proposal with Harbor Master Cabral stating that he wishes to have this State approval in writing.

Councilwoman Parella agreed that a design is needed and stated that there appears to be a "chicken and egg" problem and also that the Town should move quickly to resolve this problem.

5. (Draft) Resolution re opposition to tolls on Mount Hope and Sakonnet River Bridges

Barboza/Herreshoff - Voted unanimously to instruct the Clerk to draft a new resolution specifying the need for an economic impact statement on Sakonnet River Bridge tolls and also opposing tolls on Mount Hope Bridge.

Prior to the vote taken, Council Chairman Marshall reported that he attended a public forum on the topic of bridge tolls and expressed concern that the economic impact of the result of an imposed toll had not been considered as part of the proposal.

Council Chairman Marshall stated that he was of the opinion that all options had not been exhausted and that it would be wise to consider a highway toll on Route 95 near the Connecticut border.

Councilman Teixeira questioned the wisdom of adopting the proposed resolution since he also questioned where the State will find revenue to maintain the two bridges. He stated that this may be a "pay me now or pay me later" situation. He added that it would be improper to impose a toll on both the Mount Hope and Sakonnet River bridges. He also added that he believes maintenance will suffer if there is insufficient revenue.

Council Chairman Marshall stated that he is not necessarily opposed to the imposition of tolls but rather he is opposed to the State having no plan and apparently no understanding of the economic impact of these tolls upon the local economy.

Council Chairman Marshall further stated that the State should have some statistical data to support the decision to

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impose tolls and that this should consider the impact of tolls upon small business.

Council Chairman Marshall suggested that the State should work with the Federal government and President Obama on the Route 95 toll issue.

Councilman Teixeira agreed that the State should not "fly with some things" without first studying the facts.

Peter Hewett informed the Council that he believes that the Sakonnet tolls are a done deal and agreed that an economic input study was needed before any decision was made about the specific tolls.

A discussion ensued regarding the tolls on the Newport/Pell Bridge and the fact that the State DOT has no money to maintain the Sakonnet Bridge once built.

Councilman Herreshoff stated that it was more critical to prevent tolls on the Mount Hope Bridge with Mr. Hewett speculating that the State does not wish to toll three bridges.

Council Chairman Marshall suggested that the Clerk might prepare a new draft resolution this time outlining the need for an economic impact study and also to oppose tolls on the Mount Hope Bridge in general.

BB. SPECIAL /STATUS REPORTS

C. PUBLIC HEARINGS

1. Show Cause Hearing - consideration re revocation of Class B Victualler Intoxicating Beverage License of Coastal View, Inc., d/b/a Gillary's and Dancing and Entertainment License of Gillary's, premises located at 198 Thames Street (State Fire Marshal and Police Department reports attached)

Barboza/Herreshoff - Voted
unanimously to suspend the Class B
Victualler Intoxicating Beverage
License of Coastal View, Inc.,
d/b/a Gillary's and Dancing and
Entertainment License of Gillary's,
premises located at 198 Thames
Street for two (2) full days,

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August 31, 2012 and September 1, 2012.

Prior to the vote taken, Town Solicitor Ursillo stated that no public hearing was necessary since the proprietor of the establishment does not contest the charge. Town Solicitor Ursillo suggested that the Council should enforce the capacity limits since this "goes to the core" of the safety issue.

Town Solicitor Ursillo reported that Fire Chief Martin and Police Chief Canario recommend that the Council suspend the establishment's licenses for the Friday and Saturday of Labor Day weekend.

Councilman Herreshoff asked why the suspension would be delayed with Town Solicitor Ursillo stating that the college students will be leaving Town soon and will return near Labor Day.

Councilman Herreshoff asked to know if the recommendation will be more serious if further infractions are observed with Town Solicitor Ursillo responding that there were fines only previously and that this suspension is part of a progressive penalty.

Councilman Herreshoff asked to know what might happen if a further infraction is reported prior to Labor Day with Town Solicitor Ursillo explaining that the Council may revisit the matter at any time.

After the vote taken, Councilman Teixeira asked to know the reason for imposing the sanctions over the Labor Day weekend with Fire Chief Martin reporting that the college students will be returning prior to this date and that the closure will be "visible" to the students in addition to the proprietor.

Councilman Herreshoff asked to know when the students typically return to Town with Fire Chief Martin responding that the majority of the students return during the last week of August.

Police Chief Canario added that this will be a good "test case."

Councilwoman Parella noted that the known college "party night" is Thursday and asked why the sanctions are not imposed for a Thursday with Councilman Herreshoff stating

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that there may be a need to "fine tune" the Town's policy should problems persist.

Councilman Barboza stated that he agrees with the rationale for this particular case.

Councilwoman Parella expressed concern that the establishment has been cited previously for overcrowding and Councilman Teixeira agreed noting that the summons appears to be for a first offense with Fire Chief Martin explaining that the Fire Marshal cites the manager and that this was the first offense cited for this particular manager.

Councilwoman Parella stated that she reviewed all of the reports prepared at the same time and expressed concern that a new establishment was also cited for overcrowding.

Fire Chief Martin reported that the establishment is "on notice."

D. ORDINANCES

(CA) E. BUDGET ADJUSTMENTS

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

F. APPOINTMENTS

1. Public Service Appointments

a. Golf Course Committee

1. Adriano Tavares, 8 Sweeney Lane - interest/appointment

Councilman Barboza nominated Mr. Tavares for appointment.

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. Tavares to serve at the pleasure of the Council.

- b. Economic Development Commission (to fill unexpired term to expire in September 2014)

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1. Adam C. McGovern, 37 Tilbury Drive
- resignation
2. Patricia A. Woods, 133 Poppasquash
Road - resignation
3. George Burman, 66 Highland Road -
interest/appointment

Teixeira/Barboza - Voted
unanimously to accept the
resignations of Mr. McGovern and
Ms. Woods, sending each a letter of
thanks for service, and to instruct
the Clerk to set an interview for
Mr. Burman at a time convenient to
the parties.

- c. Capital Project Commission (term to
expire in May 2017)

1. Susan H. Rabideau, 17 Sandra Drive
- interest/reappointment
2. William L. Goneau, 11 Smith Street
- interest/reappointment

LATE ITEM

Councilman Barboza nominated Ms. Rabideau for reappointment
to the position of full member and Mr. Goneau for
reappointment to the position of alternate member.

There were no counter-nominations.

Barboza/Teixeira - Voted
unanimously to close nominations
and to instruct the Clerk to cast
one ballot each for Ms. Rabideau
and Mr. Goneau with terms to expire
in May 2017.

G. LICENSING BOARD - NEW PETITIONS

1. Jody O'Marra, d/b/a Luna Sea, 259 Thames
Street - request for Holiday Sales License

LATE ITEM

- a. Recommendation - Town Administrator and
Chief of Police

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

2. Town Clerk Cirillo re peddlers licenses limit
for 2012-2013

Parella/Teixeira - Voted
unanimously to limit the number of
peddlers licenses for 2012-2013 to
a quantity of ten (10) licenses.

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. Eva L. Gagnon, 29 Smith Street re objections
to basketball court located on Anchorage
Court

LATE ITEM

- a. Code Compliance Coordinator Evans re
Notice of Inspection - Anchorage Court

Herreshoff/Teixeira - Voted
unanimously to refer this matter to
Town Solicitor Ursillo.

Prior to the vote taken, the Council, by consensus, agreed
to consider agenda items J1, J1a, and J2 concurrently.

Council Chairman Marshall suggested that Town Solicitor
Ursillo may be able to mediate this issue.

2. John Lydes, 36 Anchorage Court - request to
keep basketball court on Anchorage Court

*It is hereby noted for the record that agenda items J1, J1a,
and J2 were considered concurrently and the record of this
action appears above at J1.*

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3. Carl S. Levin counsel for Robert Provencial - notice re claim for personal injury

Barboza/Herreshoff - Voted unanimously to refer this matter to Town Solicitor Ursillo.

Herreshoff/Barboza - Voted unanimously to reconsider this matter.

Herreshoff/Barboza - Voted unanimously to deny this claim and refer this matter to Town Solicitor Ursillo.

K. OTHER NEW BUSINESS REQUIRING TOWN COUNCIL ACTION

1. Sandra Matrone Mack, Bond Counsel re Bond Issue Legislation November 2012

Barboza/Parella - Voted to approve this legislation in its entirety and to transmit same to the General Assembly for its prompt consideration. Voting in favor of this motion were Council Chairman Marshall, Councilman Barboza, Councilman Teixeira and Councilwoman Parella. Voting opposed was Councilman Herreshoff.

Prior to the vote taken, Council Chairman Marshall noted that the title of this particular bond referendum question is similar to the one put before the voters in 2006. Council Chairman Marshall also explained that Town budgets typically consider a capital improvement account and that this has been as high as \$2.5 million in the past. He added that recent budgets have trimmed this number in consideration of maintaining a stable tax rate and that this year's budget includes \$300,000 for capital improvements.

Council Chairman Marshall also added that a bond question on the ballot in November will allow the voters to determine if they wish to support certain capital improvements and that the voters may vote in favor of the bond issue or reject same.

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Councilwoman Parella agreed with Council Chairman Marshall and stated that a bond issue is more "transparent" than if the Council borrows within its statutory bonding authority although this would be an option.

Councilwoman Parella added that she believes that the Town is facing a continued need to address drainage projects including the further improvements to Tanyard Brook and also that there is a continued need to acquire open space.

Councilwoman Parella also added that the Town was able to leverage its 2006 bond funds for open space with millions in matching funds from a variety of sources.

Councilman Barboza agreed that a voter-considered bond issue is more "transparent" and that he would prefer if the voters have a direct role in the Town's borrowing for capital improvements.

Councilman Herreshoff stated that he does not support the idea of a bond issue at this time. He added that he made inquiries of citizens and found little support for the measure and expressed concern that the bond referendum would be rejected by the voters and ruin the Town's record of approval.

Councilman Herreshoff agreed that the Tanyard Brook project is important adding that the Town has \$6 million in bonding authority based upon its budget and could include a Tanyard project without voter approval.

Councilman Teixeira stated that he preferred having the voter participation in the borrowing question.

Peter Hewett asked to know the cost of the Tanyard Brook improvements and why the Town can allocate \$6 million.

Council Chairman Marshall explained the Town Council's statutory bonding authority.

Jack Baillarger of 7 St. Theresa Avenue stated that he preferred if the electorate approved the capital borrowing.

2. Patricia Enright, 127 Poppasquash Road -
complaint re property located at 125
Poppasquash Road

LATE ITEM

- a. (Zoning Enforcement Officer Tanner) re
file copies - 125 Poppasquash Road
complaint

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Herreshoff/Barboza - Voted
unanimously to refer this matter to
Town Solicitor Ursillo for fact
finding and/or negotiation/mediation.

Prior to the vote taken, Council Chairman Marshall observed that this appeared to be a neighbor dispute and suggested that the Town Solicitor and administration might better attempt to mediate a solution rather than discussing same at the Council level.

Councilman Herreshoff agreed and stated that the matter required some independent fact-finding.

3. Council Chairman Marshall - call for special meeting re (annual) discussion with Planning Board, Zoning Board of Review, and Historic District Commission

Barboza/Teixeira - Voted
unanimously to instruct the Clerk
to set a meeting for discussion
with the Planning Board, etc., at a
time convenient to the parties,
preferably during the month of
July.

4. Councilman Herreshoff re Traffic North on Hope Street/South on Thames Street

Herreshoff/Teixeira - Voted
unanimously to appoint Councilman
Herreshoff and Councilman Barboza
to a sub-committee to meet with
administration, study the matter
and prepare a report for further
Council consideration.

Prior to the vote taken, Councilman Herreshoff stated that he is aware that some citizens prefer if the temporary one-way arrangement for Route 114 would remain permanent. He added that some businesses appear to approve of this also but that Constitution Street residents seem to oppose it.

He suggested that the matter should be studied.

Councilman Barboza noted that the road is a State highway and that the State would have to approve of the change. He also noted that the stop signs along Thames Street appear to

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be necessary considering the speed of travel along that road.

A discussion ensued regarding stop signs.

Stan Dimock of 341 Thames Street reported that the traffic along Thames Street is more "erratic" than it had been previous to the change. He added that he rises at 5:30 AM and finds that the automobiles are "flying" along the road at that hour.

Mr. Dimock also reported that the change to one-way streets "killed" the downtown businesses in the City of Pawtucket and also that previously designated one-way streets in Providence have been returned to two-way.

Mr. Dimock added that making Thames Street a highway would change the character of both Hope and Thames Streets and also that he would not have bought his home on Thames Street if he knew this was to become a highway.

Linda Arruda of 159 High Street, a Hope Street business owner, stated that she "dittos" Mr. Dimock's remarks. She added that the Town's grid plan is from the 17th Century and that it is based upon a "coming-and-going" traffic arrangement. She also added that she believes that if left as one-way streets, the downtown will become a "racetrack."

Ms. Arruda suggested "strongly" that the traditional traffic plan should be returned after the road rehabilitation is complete.

Councilman Barboza cautioned that any permanent change will require due-diligence.

Councilwoman Parella agreed that some might be enthusiastic at first glance but may change their minds with time. She added that the stop signs along Thames Street are needed in order to slow down traffic.

Council Chairman Marshall suggested that Councilman Herreshoff and Councilman Barboza might serve as a sub-committee to further discuss this matter with the administrative departments.

5. Halsey C. Herreshoff representing Captain John DeWolf Farm re Business Authorization Request

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Councilman Herreshoff recused himself from the discussion and vote concerning this matter and left the Council table.

Barboza/Parella - Voted unanimously to approve the request per the recommendation received. Voting in favor of the measure were Council Chairman Marshall, Councilman Barboza, Councilman Teixeira and Councilwoman Parella. Councilman Herreshoff recused from the discussion and vote.

Prior to the vote taken, Water Pollution Control Superintendent Calderiso reported that this has been done for others in the past and recommended that the Council should be consistent.

Council Chairman Marshall asked to know who watches these funds with Water Pollution Control Superintendent Calderiso responding that the developer does.

6. Councilman Herreshoff re Windmill Consortium conditions

Barboza/Herreshoff - Voted unanimously to instruct the Town Solicitor and the Clerk to together send a letter to the General Assembly to outline the Council's objection to the eminent domain provision and also to gain assurance that the Town will not be responsible for the financial obligations of the Consortium.

Prior to the vote taken, the Council, by consensus, agreed to consider agenda items K6, K7, and K7a concurrently.

Council Chairman Marshall stated that he believes that eminent domain is being removed from the EBEC legislation. He added that Representative Gallison reports that the consideration of this legislation is a "fluid process."

Council Chairman Marshall added that "it is necessary to know" that the idea of the EBEC was born in Bristol and that the idea came from concerns expressed by Councilman Herreshoff that wind turbines should not be arbitrarily installed throughout the Town.

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Council Chairman Marshall noted other neighbor towns also wished to participate in renewable energy programs but that these did not necessarily have the available wind strength nor did they have a suitable location for a wind turbine.

He added that the Tiverton Industrial Park lends itself as a good location for wind energy and that the neighbor towns would all share in the benefits regarding same.

Council Chairman Marshall noted that the Consortium was essentially his "concoction" and that the town representatives included planners, etc. He added that this group was considered to create a collaboration model and that South County is looking into a similar arrangement.

Council Chairman Marshall also explained that the issue of eminent domain seems to be the central issue in the case for opposing the Consortium and that it was never the intention of anyone to take property but rather it was the intention of this proposal to find a way to stabilize energy rates for the long-term and promote economic development.

He also explained that energy rates in Rhode Island are high and that no one testifies at the PUC rate hearings in Cranston.

Councilman Herreshoff stated that he is concerned about the eminent domain provision since this contains too much uncertainty. He added that he also opposes "willy-nilly" windmills.

Councilman Teixeira stated that he has a concern regarding the authority of eminent domain.

A discussion ensued regarding the legislation with Town Solicitor Ursillo reporting that if the EBEC does not have specific powers it cannot be a bona-fide entity unto itself.

A discussion ensued regarding the proposed entity with Councilwoman Parella stating that a similar arrangement appears to have worked well in Hull, Massachusetts. She added that in retrospect the Council should have recommended public hearings on this issue.

After the vote taken, Mr. Baillarger read from a prepared statement outlining his objection to the EBEC.

Councilman Barboza stated that the Town was not "asleep at the switch" with Council Chairman Marshall in agreement

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explaining that the idea was to look at feasibility of alternative energy projects.

Mr. Baillarger on stated that he believes the entire bill is problematic.

Council Chairman Marshall stated that each community was to vote on its participation in the Consortium.

Marina Peterson of 38 Thompson Avenue expressed concern that the Council did not pay attention when considering the EBEC resolution. She added that the concept of an EBEC is not of concern to her but rather the creation of an entity is.

Andy Shapiro, a representative of Apex Renewable, described his company's mission. He also noted that he was a member of the EBEC at one time. He added that there are three different entities vying for renewable energy leases in Tiverton and that these are two private enterprises and the EBEC.

Mr. Shapiro stated that the problem he has with EBEC is eminent domain and that his company will withdraw its interest in the Tiverton project if the EBEC is granted eminent domain powers.

Council Chairman Marshall asked to know if Apex will bid on the EBEC proposal at the Tiverton Industrial Park with Mr. Shapiro stating that this would not be compatible with his company's business plan.

A discussion ensued regarding the location of wind turbines, etc.

Councilwoman Parella noted that some of the member town councils have reconsidered their support of the bill with Director of Community Development Williamson agreeing to check on the status of the member towns.

A discussion ensued regarding the action at the April 4 Council meeting.

Director of Community Development Williamson stated that the current discussion was troubling for her since the EBEC participants tried to do their best for the Town. She added that it made sense for the EBEC to become an entity in order to continue and move forward and that the various options were vetted within the committee and with legal advice. She added that the EBEC could not enter into a lease agreement as a non-entity. She added that the powers of eminent

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domain were the least-onerous of the entity criteria since others were arrest powers, etc.

She added that there were some other ideas forthcoming and that she expected to have something to share at the next Council meeting.

Councilwoman Parella asked about the Sub A as proposed by Mr. Moses with Director of Community Development Williamson stating that the process was "still fluid."

A discussion ensued regarding the legislative process with Councilwoman Parella asking if Mr. Moses was watching the bill. She added that it would be advisable to have a "Plan B."

Councilman Barboza asked to know if the fail safe provision requiring the Town to officially "join" the entity was sufficient since the Town could opt-out at that point.

Director of Community Development Williamson stated that she would have to speak to Mr. Moses and the project manager concerning a "Plan B."

Council Chairman Marshall asked to know what would happen if the bill were to pass and the towns then collectively "bail out."

Town Solicitor Ursillo stated that he would talk to Mr. Moses explaining that the Town does not wish to support eminent domain.

7. Councilman Teixeira re East Bay Energy Consortium

LATE ITEM

- a. Nicholas Ratti, 28 Hydraulion Avenue - supplemental information

It is hereby noted for the record that agenda items K6, K7, and K7a were considered concurrently and the record of this action appears above at K6.

8. Councilman Teixeira re BCWA By-Laws Recommendations

Parella/Barboza - Voted unanimously to refer this matter to Town Solicitor Ursillo.

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Prior to the vote taken, Councilman Teixeira asked to know if the Board of Directors of the BCWA has responded to the request to change the Authority's bylaws.

Ray Palmieri, a Warren representative to the BCWA, reported that the Authority has not yet received the recommendations for bylaws changes.

Town Solicitor Ursillo agreed to check with the Barrington Town Clerk regarding this matter since these changes were recommended at the Tri-town Council meeting held in Barrington.

9. Director of Community Development Williamson re request for Executive Session pursuant to RIGL §42-46-5 (a) (5) acquisition of property

It is hereby noted for the record that consideration of this matter took place at the conclusion of the public agenda as found below.

10. Councilwoman Parella re itinerant food trucks

Teixeira/Parella - Voted unanimously to refer this matter to Town Solicitor Ursillo so that he may prepare a "white paper" concerning the topic of itinerant food trucks.

Prior to the vote taken, Councilwoman Parella stated that local restaurant owners were upset regarding a food truck which was allowed to vend in downtown Bristol during a sidewalk sale. She added that an overall food-truck policy is needed.

Councilwoman Parella also stated that she may not oppose food trucks being allowed to operate late at night when other establishments are closed and noted that food trucks are a new popular trend. She added that there must be a balance in what is allowed and that she was unsure as to how that balance may be achieved.

Councilwoman Parella suggested that the Bristol Merchants Association might be asked to provide an opinion on this matter.

Councilman Barboza agreed about the need for balance but objected to the idea of late night food trucks. Councilwoman Parella stated that she was not proposing

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anything in particular but strongly advised that an overall policy was needed.

Town Solicitor Ursillo agreed to prepare a "white paper" on food trucks.

Linda Arruda, a member of the Merchants Association, expressed concern that the food truck was allowed to operate downtown.

The Clerk informed the Council that his office approved the accommodation of the food truck since the request for same was received at the last minute from a representative of the Merchants Association. He noted that this was obviously done in error but it was based upon the past-practice of allowing food trucks during special events.

Ms. Arruda stated that she was unaware that the Merchants Association made this request.

11. Pawtucket City Council Resolution re legislative package (legislation attached)

Barboza/Teixeira - Voted
unanimously to support the
Governor's legislative package as
so noted.

Prior to the vote taken, Town Administrator Mederos noted that 34 out of the 39 cities and towns have endorsed this legislative package and also that the League of Cities and Towns supports it also.

Council Chairman Marshall noted that seven of the bills concern "highly distressed" communities and asked what this term meant. He also asked if this would allow these communities to circumvent contracts.

Town Solicitor Ursillo reported that the unions are fighting these proposals. Town Solicitor Ursillo added that this may provide a less onerous alternative since a community in bankruptcy may void its contracts.

Councilman Teixeira reported that he heard the Statehouse discussion on this matter and noted that the provisions cannot be applied capriciously. He further explained that the towns must first "pass a litmus test."

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Councilman Barboza stated that the Town has a responsibility to look at the "greater good" and if 34 cities and towns support this the Town should support it also.

L. BILLS & EXPENDITURES

1. Bid #757 - Investment Management Services

Barboza/Teixeira - 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 noted receipt of
proposals from the following:

Citizens Bank	Providence, RI
Rockland Trust Investment Management Group	Providence, RI
Morgan Stanley Smith Barney, LLC	Providence, RI
The Washington Trust Company	Providence, RI
WhaleRock Point Partners, LLC	Providence, RI
Wells Fargo Advisors, LLC	Hartford, CT

2. Bid #758 - (New) Mini Excavator

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

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

Bobcat of Connecticut, Inc.	East Hartford, CT	\$37,731
Southworth-Milton, Inc.	Cranston, RI	\$45,433

3. Bid #759 - (Rebid) 2012 Spring Tree Planting

Herreshoff/Parella - Voted
unanimously to authorize the Town
Administrator to go to the open
market and act in the best interest
of the Town.

Prior to the vote taken, the Clerk reported that there were
no bids submitted for this item.

(CA) M. ROUTINE REPORTS

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(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 through May 11, 2012

P. PROCLAMATIONS & CITATIONS

1. Citation - Clear Carbon and Components, Inc., establishing World Headquarters in Bristol

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

2. Commendation - Manuel C. "Manny" Correira, induction into Rhode Island Press Association Journalism Hall of Fame

Barboza/Herreshoff - Voted unanimously to adopt this commendation 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. Coastal Resources Management Council - May 2012 Calendar
2. Westerly Town Council - Resolution in support of a June 1 layoff notice date (H 7272)
3. Nacho Mamma's - Sidewalk Use License renewal petition
4. The Cake Gallery - Sidewalk Use License renewal petition (granted May 2, 2012)

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5. The Daily Scoop - Sidewalk Use License renewal petition (granted May 2, 2012)
6. Town Administrator Mederos to Pella Windows & Doors re award of Bid #756 - Replacement Windows (Town Hall, 10 Court Street)
7. Warrant - Alison Ring, Conservation Commission
8. RIDOT re Community Update - Hope Street project (April 30-May 19)
9. Borrowing Resolutions re construction of animal shelter (signed copy)
10. Town Treasurer Goucher re notices provided to police pension plan participants

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

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

1. North and East Burial Grounds Commission - June 25, 2012
2. Bristol County Water Authority Audit Finance Committee - May 2, 2012 (revised)
3. Bristol County Water Authority Engineering Committee - May 2, 2012 (revised)
4. Bristol County Water Authority Public Relations/Personnel Committee - May 2, 2012 (revised)
5. Planning Board - May 8, 2012
6. Recreation Board - May 8, 2012
7. Bristol Warren Regional School District - Schedule of Meetings, Week of May 7, 2012
8. Bristol Warren Regional School Committee Policy/Community Affairs Subcommittee - May 7, 2012

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9. Bristol Warren Regional School Committee - Council 94 Contract Negotiations, May 10, 2012
10. Harbor Commission - May 7, 2012
11. Fourth of July Committee - May 16, 2012

S. TOWN SOLICITOR

Z. INDIVIDUAL COUNCIL MEMBERS AGENDA ITEMS

1. MARSHALL

a. Mike Davis/Mark Bucolo - Council Chairman Marshall thanked Messrs. Davis and Bucolo for their video services this evening.

2. BARBOZA

a. BWRSD - Councilman Barboza reported that the Bristol Warren Regional School District ranks 12th in the State. He also noted that the Town of Warren will be having its financial town meeting. He suggested that Warren voters should become informed about the financial issues.

3. TEIXEIRA

4. HERRESHOFF

5. PARELLA

ZZ. TOWN ADMINISTRATOR AGENDA ITEM(S)

a. Day of Portugal Exhibit - Town Administrator Mederos reported that the Day of Portugal observance is holding an art exhibit of Portuguese artists in the Burnside Memorial Building beginning on May 18.

Councilman Barboza asked to know if a list of the artists was available with Director of Community Development Williamson agreeing to provide same to the Council members.

Barboza/Herreshoff - Voted
unanimously to adjourn into
Executive Session at 11:47 o'clock

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PM pursuant to RIGL § 42-46-5 (a)
(5) acquisition of property.

Herreshoff/Teixeira - Voted
unanimously to resume open session
and seal the minutes of the
Executive Session at 12:01 o'clock
AM.

There being no further business, upon a motion by Councilman
Herreshoff, seconded by Councilwoman Parella and voted
unanimously, the Chairman declared this meeting to be
adjourned at 12:02 o'clock AM.

Louis P. Cirillo, CMC, Council Clerk