

TOWN COUNCIL MEETING - WEDNESDAY EVENING - JUNE 26, 2013

PRESENT: Parella, Herreshoff, Calouro, Stuart, and Sweeney

ALSO PRESENT: Antonio A. Teixeira, Town Administrator
Andrew M. Teitz, Esq., Assistant Solicitor
A. Archie Martins, Town Sergeant

The Council met in regular session on Wednesday evening, June 26, 2013 in the Town Hall, Council Chambers, beginning at 7:02 o'clock PM, Council Chairman Parella presiding. Prior to the commencement of this evening's regular agenda, Council Chairman Parella noted that on Saturday evening, June 22, 2013, one of the Town's entertainment licensees held an activity which was out of the scope of what might be normally permitted. She explained that the Police Department had not been informed but that the department was able to react to the incident and she commended it for its work on behalf of the Town.

Council Chairman Parella suggested that the Clerk should provide correspondence to area licensees, reminding them of the limitations of the license and to remind them of their obligation to inform the police when larger than normal crowds are expected for events at their locations.

Police Chief Canario agreed that the department was not aware of this particular event until it had begun, and indicated that he will provide a report in the future.

Herreshoff/Calouro - Voted
unanimously to add an agenda item
to consider a matter relating to
the Town's "driveway policy" (see
agenda item I6 below).

Prior to the vote taken, Councilman Herreshoff asked that the Council consideration to add an agenda item to discuss the policy for "no parking" boxes painted on the street to accommodate driveways.

MOTION RE: CONSENT AGENDA - TO APPROVE THE CONSENT AGENDA

Herreshoff/Calouro - Voted
unanimously to approve the Consent
Agenda withholding agenda items CC1
and HH24 for further discussion.

Prior to the vote taken, Councilman Herreshoff suggested withholding Consent Agenda items CC1 and HH24 for further discussion.

TOWN COUNCIL MEETING - WEDNESDAY EVENING - JUNE 26, 2013

A. SUBMISSION OF MINUTES OF PREVIOUS MEETING(S)

1. Town Council Meeting - March 27, 2013 (final version)

Calouro/Sweeney - Voted unanimously to approve these minutes as prepared and presented.

2. Town Council Meeting - April 24, 2013 (final version)

Calouro/Sweeney - Voted unanimously to approve these minutes as prepared and presented.

3. Town Council Special Meeting - May 6, 2013 (final version)

Calouro/Sweeney - Voted unanimously to approve these minutes as prepared and presented.

4. Town Council Executive Session - March 6, 2013 (sealed - Council only)

Herreshoff/Sweeney - Voted unanimously to unseal these minutes.

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

5. Town Council Meeting - June 5, 2013 (action items only)

Calouro/Sweeney - Voted unanimously to approve these minutes as prepared and presented.

6. Town Council Special Meeting - June 18, 2013 (action items only)

Calouro/Sweeney - Voted unanimously to approve these minutes as prepared and presented.

TOWN COUNCIL MEETING - WEDNESDAY EVENING - JUNE 26, 2013

7. Town Council Special Meeting - June 10, 2013
(action items only)

Calouro/Sweeney - Voted unanimously to approve these minutes as prepared and presented.

B. PUBLIC HEARINGS

1. Elizabeth Hanson, d/b/a She Shells, 562 Thames Street re request for Junk and Secondhand Dealer's License (combine with agenda item D1)
 - a. Recommendation - Town Administrator and Chief of Police (approve)

Herreshoff/Calouro - Voted unanimously to close the public hearing.

Calouro/Herreshoff - Voted unanimously to grant this license for the remainder of the term 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, Ms. Hanson stated that she wished to operate a "thrift shop" for resale articles.

There was no further testimony presented in favor of the petition and no remonstrance presented in opposition to the granting of the license.

Councilman Herreshoff asked to know if the intended use conforms to Town regulations with Director of Community Development Williamson responding that the intended use was in conformance.

C. ORDINANCES

AMEND ITEM

1. Ordinance #2013-11, Chapter 11, Fees and Charges, Section 11-1, Comprehensive schedule of fees, (65)(e), Violation and fine, (new) Prudence Ferry Dock and new (76)(a) and (b), Parking fee(s) Prudence Ferry Dock, Daily rate and Annual rate, **1st reading**

TOWN COUNCIL MEETING - WEDNESDAY EVENING - JUNE 26, 2013

Herreshoff/Stuart - Voted
unanimously to consider this action
to constitute the first reading of
Ordinance #2013-11. Advertise in
local newspaper.

Prior to the vote taken, Councilman Herreshoff asked to know when this would begin with Town Administrator Teixeira responding that it would begin immediately and that the rates were consistent with those previously charged. He noted that the Council may wish to revisit the matter at Budget time with a discussion ensuing regarding revisiting these fees and others prior to February.

AMEND ITEM

2. Ordinance #2013-12, Chapter 16, Motor Vehicles and Traffic, (new) Article XII, Prudence Ferry Dock Parking, (new) Section 16-382, Prudence Ferry Dock parking, **1st reading**

Herreshoff/Stuart - Voted
unanimously to consider this action
to constitute the first reading of
Ordinance #2013-12. Advertise in
local newspaper.

D. LICENSING BOARD - NEW PETITIONS

1. Elizabeth Hanson, d/b/a She Shells, 562 Thames Street re request for Junk and Secondhand Dealer's License (see agenda items B1 and B1a above)

It is hereby noted for the record that discussion and action concerning this agenda item is found as part of agenda item B1 and B1a above.

AMEND ITEM

2. Jose V. Pacheco, for Sip "n" Dip, 775 Hope Street re request for Dancing and Entertainment (Wednesday evenings, July - September)

Herreshoff/Sweeney - Voted
unanimously to grant this license
for the dates as provided on the
petition and to require that the

TOWN COUNCIL MEETING - WEDNESDAY EVENING - JUNE 26, 2013

entertainment will cease no later than 8:30 o'clock PM and subject to conformance to all laws and ordinances and payment of all fees, taxes, and levies.

Prior to the vote taken, Councilman Stuart noted that there appears to be a "car club" which meets in this parking lot on Wednesdays and that the group enjoys some entertainment.

Council Chairman Parella asked to know if there has been police activity in the area with Police Chief Canario responding that there have been no negative reports.

John Brandao, the "event coordinator" for the car club, stated that the entertainment would be during daylight hours only.

Douglas Botelho, the performer at the event, explained that the music will typically end at 8:30 o'clock PM.

Councilman Calouro noted that there have been resident complaints to the Code Compliance Coordinator. It was noted that all licensees must conform to the Noise Ordinance.

E. LICENSING BOARD - RENEWALS

F. PETITIONS - OTHER

1. Town Administrator Teixeira re Gooding Avenue street light request

Calouro/Sweeney - Voted unanimously to grant this petition.

2. Mario Carreiro, 7 Goulart Avenue re request for a "no parking" space across from driveway

- a. Recommendation - Town Administrator and Chief of Police (deny - recommend "no parking" signs west side of Goulart Avenue pursuant to Town Code § 16-143)

Herreshoff/Calouro - Voted unanimously to refer this matter to Town Administrator Teixeira and Public Works Director Galuska.

TOWN COUNCIL MEETING - WEDNESDAY EVENING - JUNE 26, 2013

3. David A. Silvia, 503 Wood Street, Apt. 1 re status inquiry - Bradford Street traffic light

Herreshoff/Sweeney - Voted unanimously to refer this matter to Town Administrator Teixeira, Police Chief Canario and Public Works Director Galuska to plan for an automatic "turn-off" of this signal, coordinating the timing of same with the Bristol Warren Regional School District Administration.

Prior to the vote taken, Councilman Herreshoff noted that the matter has come up previously and that the petitioner is correct in that the signal is not needed during the off-hours. He suggested that it might be placed on an automatic timer.

Councilman Herreshoff suggested that the Clerk might enquire from the School Department as to the intended time for use of the signal.

Council Chairman Parella noted that the matter was already sent to the School Department and that the matter was the responsibility of the Schools.

Councilman Stuart asked to know if Mr. Silvia went to the School Committee with his concerns with Mr. Silvia responding that he received no reply from the School Committee. He contended that the use of the signal out of hours was a waste of taxpayer money.

Council Chairman Parella asked to know if the matter appeared on a School Committee agenda with Mr. Silvia responding that it had not. He added that the signal should not be operational twenty-four hours per day and that the Town should step in and provide some direction. He added that he believed his request to be simple and that the unit requires a timer to control its time of use.

Councilman Calouro stated that he discussed this matter with School Committee Chairman Paul Silva and that he (Mr. Silva) has not heard from Mr. Silvia. He noted that the School Committee is the governing body in this case and that Mr. Silvia should seek relief from the School Committee.

TOWN COUNCIL MEETING - WEDNESDAY EVENING - JUNE 26, 2013

Mr. Silvia stated that he did this already and that his request was ignored.

Council Chairman Parella asked to know if the Council may intervene with Assistant Solicitor Teitz responding that the School Committee is handling the operation of the signal and that the Council cannot order the School Committee to operate it any certain way.

Council Chairman Parella suggested that the matter might be referred to the Department of Public Works and the Town Administrator to find the cost of a timer which may be offered to the School Committee.

Council Chairman Parella suggested that the unit should be made to operate between the hours of 6:00 o'clock AM and 8:00 o'clock PM.

Councilman Herreshoff suggested that the Clerk might advise the School Committee that the Town is considering implementing a timer.

Town Administrator Teixeira noted that Paul Silva, School Committee Chairman, was present.

Mr. Silva noted that the signal was under the supervision of the Bristol Highway Department. He added that the matter was discussed earlier and that it is a non-issue.

4. National Grid and Verizon re petition to install two (2) new poles on Monkey Wrench Lane
 - a. Recommendation - Town Administrator and Director of Public Works (approve)

Calouro/Sweeney - Voted to grant this petition based upon the recommendations received. Voting in favor of this motion were Council Chairman Parella, Councilman Herreshoff, Councilman Calouro, and Councilman Sweeney. Councilman Stuart recused himself from the vote.

Prior to the vote taken, Councilman Stuart recused himself and left the Council table.

TOWN COUNCIL MEETING - WEDNESDAY EVENING - JUNE 26, 2013

After the vote taken, Councilman Stuart returned to the Council table.

5. James F. and William H. Murphy, 49-51 St. Elizabeth Street re request for a "no parking" space across from driveway
 - a. Recommendation - Town Administrator and Chief of Police (approve)
 - b. Recommendation - Town Administrator and Director of Public Works (approve)

Calouro/Sweeney - Voted unanimously to grant this petition per the recommendations received.

6. John C. Lawless, 118 Constitution Street re request for two (2) "no parking" spaces (on Cooke Street) across from driveway
 - a. Recommendation - Town Administrator and Chief of Police (approve one (1) space)
 - b. Recommendation - Town Administrator and Director of Public Works (approve)

Herreshoff/Calouro - Voted unanimously to grant this petition per the recommendations received requiring that the Department of Public Works shall approve the final dimensions of the "no parking" area.

Prior to the vote taken, Councilman Stuart noted that there was a difference in the recommendations received and asked to know if there was room for a "compact car only" space.

A discussion ensued regarding the dimensions of the subject space with Police Chief Canario commenting that the Administration should be able to work-out the details of this issue.

Council Chairman Parella stated that the goal of the matter should be to accommodate the residents and lose as few parking spaces as possible.

TOWN COUNCIL MEETING - WEDNESDAY EVENING - JUNE 26, 2013

7. Frank Myslivy, 90 Union Street re request for "accessible parking" space in front of residence, **1st reading**
 - a. Recommendation - Town Administrator and Chief of Police (approve)
 - b. Recommendation - Town Administrator and Director of Public Works (approve)

Herreshoff/Stuart - Voted unanimously to consider this action to constitute the first reading of a request for an "accessible parking" space based upon the recommendations received and to continue this matter to the meeting of July 17, 2013 for second reading.

After the vote taken, Councilman Calouro asked to receive a listing of all of the approved "accessible parking" spaces for the Council to review at its next meeting.

8. Ethan M. Tucker, on behalf of Economic Development Commission re "Movies in the Park" (on the Town Common), Thursday evenings, July and August 2013

Herreshoff/Calouro - Voted unanimously to grant provisional approval of this concept allowing only movies rated "G" by the Motion Picture Association of America's film-rating system and provided that the "Concerts on the Common" shall be allowed priority for the use of the Common, that there shall be no financial obligation on the part of the Town or its citizens for the "Movies in the Park" and that all performances shall end no later than 10:00 o'clock PM.

Prior to the vote taken, Councilman Herreshoff expressed concern that the dates specified seem to conflict with Concerts on the Common with a discussion ensuing thereto.

David Barboza commented that the concerts end at 8:30 o'clock PM during the months of July and August.

TOWN COUNCIL MEETING - WEDNESDAY EVENING - JUNE 26, 2013

Councilman Herreshoff asked to know more about the plan with Mr. Tucker explaining that the group plans to project the movies on the easterly wall of the Courthouse. He added that there is a film night currently in the Town of Warren and that the group plans to show main-stream movies.

Council Chairman Parella asked to know if the movies will be rated "G" with Mr. Tucker responding that the group plans to show "G" and "PG" rated movies.

Council Chairman Parella expressed concern that the movies may conflict with the Concerts on the Common with Mike Davis noting that it may be easy to transition from one activity to another and that the audience may be the same for both.

Councilman Stuart asked to know about the plan to clean-up after the movies since participants may leave trash behind.

Mr. Tucker stated that he would like to see how the situation will unfold in practice and that he has been keeping in contact with Recreation Director Burke about this and also that the planners do not anticipate hundreds of people for the movies.

Council Chairman Parella asked to know if popcorn will be sold with Mr. Tucker responding that the group does not plan to sell anything but rather will encourage moviegoers to visit local restaurants or bring picnic baskets.

Council Chairman Parella expressed concern about litter and asked to know if Mr. Tucker may be able to find volunteers to aid in any clean up.

Mr. Tucker stated that he is not concerned about a proliferation of litter since there are receptacles available.

A discussion ensued about the allowable movie rating with Councilman Calouro stating that he believes that only "G" rated movies should be shown.

A further discussion ensued.

Samantha Faria stated that she was concerned about a start time near 9:00 o'clock PM since that would mean that most movies would end at 11:00 o'clock PM or thereabouts. She stated that 11:00 o'clock PM may be too late for families and it may be a burden upon the neighbors since this is a residential area.

TOWN COUNCIL MEETING - WEDNESDAY EVENING - JUNE 26, 2013

Council Chairman Parella stated that Ms. Faria made a good point since the light from the projector will likely enter her (Council Chairman Parella's) living room windows.

Council Chairman Parella added that she liked the idea of having both events on one night but shared Ms. Faria's concern about the late hour.

Mr. Tucker stated that the night was selected for "economic flow" since it will coincide also with Art Night.

Mike Davis informed the Council that the concerts later in the series end at 8:00 o'clock PM.

Council Chairman Parella and Councilman Stuart suggested that the movie night may be allowed a trial period with the Council evaluating same after a period of time.

Susan Maloney suggested that all of the concerts might begin at 6:30 o'clock PM in the future.

Council Chairman Parella suggested that the Committee might look into that possibility for next year's season.

Councilman Stuart stated that he was concerned about "PG" rated movies.

Recreation Director Burke reported that the Recreation Department had a public viewing of "Avatar" which was very popular. He expressed concern about a mosquito hazard and suggested that the Town might spray for pests.

Recreation Director Burke also suggested that the movies should be advertised and that he supports the event.

Council Chairman Parella asked about the rating issue with Recreation Director Burke suggesting that only "G" rated movies should be shown.

Mr. Tucker stated that his plan is to advertise the movies on social media and that the information will be "out there."

After the vote taken, Mr. Tucker announced that the annual William J. McCarthy Swim event will be held on September 8, 2013 to benefit the future aquatic center.

TOWN COUNCIL MEETING - WEDNESDAY EVENING - JUNE 26, 2013

9. Town Administrator Teixeira re James Oliveira, 28 Antony Avenue - claim for property damages

Stuart/Calouro - Voted unanimously to refer this matter to the Insurance Committee and also to the Town Administrator to investigate same.

Prior to the vote taken, Councilman Herreshoff expressed concern that agreeing in this case would set "a horrible precedent." He questioned why the persons stepping into the fresh asphalt did not remove their shoes.

Assistant Solicitor Teitz suggested that the matter should be referred to the Insurance Committee.

AMEND ITEM

10. Town Administrator Teixeira re Bristol County Water Authority (BCWA) update - Poppasquash Road

AMEND ITEM

- a. Jil Westcott (153 Poppasquash Road) re petition for BCWA to restore fire hydrants on Poppasquash Road

LATE ITEM

- b. Jil A. Westcott, 153 Poppasquash Road, et al - petition re Poppasquash Road fire hydrants

LATE ITEM

- c. Pamela M. Marchand, Executive Director, BCWA to Town Administrator Teixeira re water main upgrades

Sweeney/Calouro - Voted unanimously to refer this matter to the Town Administrator and Department of Public Works to arrange a workshop with the Bristol County Water Authority and Pare Engineering that would be open to residents and other interested parties and to continue this matter until the meeting of July 17, 2013.

Prior to the vote taken, Council Chairman Parella asked to know when the project will be complete with Town Administrator Teixeira responding that the Council approved up to \$400,000 for this purpose. He added that the BCWA has

TOWN COUNCIL MEETING - WEDNESDAY EVENING - JUNE 26, 2013

gone out to bid and that the contractor has been selected. He also added that the project is on hold pending the receipt of the necessary permits from the State.

Council Chairman Parella asked to know if the Town Administrator might call the State to determine the status of the permits and perhaps expedite these.

Town Administrator Teixeira reported that Pare Engineering and the BCWA are already calling for the permits with Council Chairman Parella asking how long the permit process will take.

Town Administrator Teixeira responded that he did not believe that it would be much longer.

Council Chairman Parella suggested that the Town should engage the help of the local General Assembly members to expedite the permits.

Councilman Herreshoff asked to know the amount of the low bidder with Town Administrator Teixeira responding that the low bid was under the budgeted amount of \$400,000.

Councilman Herreshoff observed that this was only "part of the story" and asked to know what the price would be for the second phase and if anyone has determined who will pay for that phase.

Town Administrator Teixeira stated that he plans to pursue the actual cost of the first phase and determine the cost of the second phase.

Councilman Herreshoff stated that it "sticks in my craw" that the Town agreed to pay for the first phase and that he hoped that the Town would not have to pay for the second phase also.

Town Administrator Teixeira stated that the BCWA would have to come before the Town Council if the Council was expected to pay for the second phase.

Councilman Herreshoff stated that he did not wish to pay for the second phase. He suggested that the Council should advise BCWA Executive Director Pamela Marchand that the Town does not want to pay for the second phase. He added that the BCWA has a responsibility to serve the citizens and that the citizens expect them (BCWA) to pay for the second phase.

TOWN COUNCIL MEETING - WEDNESDAY EVENING - JUNE 26, 2013

Councilman Sweeney asked about a line through Colt State Park with Councilman Stuart reporting that he spoke to BCWA's Kenneth Booth who informs him that the matter is held up at the BCWA board level. He explained that the time frame for C. B. Utility Company was after the Fourth of July and that Labor Day was the time frame for the first phase. He also informed the Council that the State will excavate the road only once and that the State is in tandem with the BCWA project.

Councilman Stuart added that he is informed that the second phase is in its engineering phase and that a winter bid is possible and that the BCWA was still examining options.

Councilman Stuart agreed with Councilman Herreshoff that the cost of the second phase should be the responsibility of BCWA.

Councilman Herreshoff stated that BCWA "failed public relations 101." He added that the paving of Poppasquash Road by the State was "like velvet" and that he was concerned that another BCWA project will spoil the paving.

Sweeney noted that the map of the proposed new line runs through the park and not through the road.

Councilman Stuart observed that there may be tie-ins which disturb the road.

Council Chairman Parella noted that the project appears to be ready to go but that there are no permits. She asked Town Administrator Teixeira to try to expedite the permits by speaking to the members of the General Assembly tomorrow and that the Council will hopefully get an update at its next meeting.

A discussion ensued regarding the paving of the road and the time frame to do this.

Jil Westcott reported that there is an on-line petition being circulated to repair the water main and that there are already 40 signatures. She provided copies of the signatures.

Ms. Westcott stated that she was "befuddled" by the BCWA and that she questions whether or not the permit applications have been filed.

TOWN COUNCIL MEETING - WEDNESDAY EVENING - JUNE 26, 2013

Public Works Director Galuska reported that he is informed that the Phase I permits have been filed and that the BCWA is waiting for the permits.

He added that the Phase II design is not yet complete and that different routes are being contemplated.

Ms. Westcott stated that she wished to share with the residents the proposed locations of the pipe.

Council Chairman Parella suggested that there should be a meeting with Pare, Town Administrator Teixeira, Public Works Director Galuska, and the residents.

Ms. Westcott agreed to share the date of the meeting with the residents via e-mail.

Councilman Calouro suggested that the matter might be best handled administratively.

After the vote taken, Councilman Herreshoff thanked the residents for coming forward.

Ms. Westcott stated that she would like to know that updates were sent to the newspaper monthly and that she would like to view the plans.

Council Chairman Parella suggested that Ms. Westcott should ask the newspaper to request and provide the updates.

Ms. Westcott agreed to do this if possible.

Councilman Calouro suggested that Ms. Westcott should share her concerns with the local members of the General Assembly with Ms. Westcott agreeing to obtain the addresses of the members.

A discussion ensued regarding the water quality and area fire suppression considerations.

Ms. Westcott thanked Fire Chief Martin for his efforts toward this end.

Council Chairman Parella stated that she had hoped that the entire matter would have been resolved already and assured those present that the Town will try to expedite the permitting process.

G. APPOINTMENTS

TOWN COUNCIL MEETING - WEDNESDAY EVENING - JUNE 26, 2013

1. Waypoyset Preserve Trust (unexpired term to expire in January 2014)
 - a. Bryan Leffingwell, 4 Massasoit Avenue - interest/appointment

Stuart/Sweeney - Voted unanimously to set an interview for this candidate at the convenience of the parties.

H. OLD BUSINESS

1. Carey-Ann Perry, 7 Siegel Street, 3rd Floor re request for "accessible parking" space in front of residence, **2nd reading**
 - a. Recommendation - Town Administrator and Director of Public Works (approve)

Calouro/Stuart - Voted unanimously to consider this action to constitute the second reading for adoption of a request for an "accessible parking" space. Inform Public Works Director.

I. OTHER NEW BUSINESS REQUIRING TOWN COUNCIL ACTION

1. (Keith Maloney, on behalf of Recycling Committee) re Recycling Committee Report

Calouro/Sweeney - Voted unanimously to accept this report as presented and to continue this matter until the meeting of July 17, 2013.

Prior to the vote taken, Mr. Maloney thanked the Council for the opportunity to provide a report. He reported that he was asked by the Council to form a citizen committee with the charge of improving recycling rates.

Mr. Maloney reported that the Town recycles 19% of its waste and that this was in need of marked improvement. He outlined the members of the committee and reported that the committee held six meetings of one and one half hours each and that there was a great deal of discussion. He noted that the committee concluded five recommendations and outlined these to the Council.

TOWN COUNCIL MEETING - WEDNESDAY EVENING - JUNE 26, 2013

Mr. Maloney recommended that the existing ordinance is no longer adequate and suggested that the Town consider a new one and that this might be accomplished by a committee of citizens, business people, and representatives of the Town Council and DPW.

Council Chairman Parella asked to know if some of Mr. Maloney's current committee might wish to continue serving. She added that this may expedite the process.

Mr. Maloney stated that many of the original members will be willing to continue to serve.

Mr. Maloney continued with the recommendations and informed the Council that there were issues which need resolution including some provisions for recycling plastic bags.

He added that all of the schools should have mandatory recycling and that there should be penalties for non-recycling. He noted that the rate of recycling has a definite impact upon the tax rate.

He thanked the committee for its participation.

Council Chairman Parella suggested that Mr. Maloney might determine who wishes to continue in service on the committee.

David Barboza agreed that there is a direct relationship between property taxes and recycling and expressed concern that there is a person who is a "cardboard thief" who appears to be collecting and selling a large amount of cardboard which would otherwise be recycled by the Town for credit toward its recycling rate.

He suggested that the Town should enforce its rules concerning the ownership of trash placed at curbside.

Ethan Tucker noted that Mr. Maloney and Bob Aldrich did a great job and focused in on the problems of recycling. He also noted that the City of Newport has an energy and environment committee which appears to be dealing with similar issues including public outreach and education. He suggested that the Town might take a similar path.

Council Chairman Parella noted that the group assembled by Mr. Maloney was a diverse group of passionate individuals.

Councilman Sweeney asked about the possibility of a new ordinance with Council Chairman Parella suggesting that the

TOWN COUNCIL MEETING - WEDNESDAY EVENING - JUNE 26, 2013

new group may wish to take this on. She also reminded the Administration about including information regarding recycling in this year's tax bill mailing.

Council Chairman Parella added that the committee likely needs a representative of the Bristol Warren School District.

Mr. Tucker reminded the Council about the Newport group with Council Chairman Parella stating that she would like to review the structure of same.

2. Stephen Brigidi, on behalf of State Street Dock Committee re dissolution of Committee and request for plaque (at State Street Dock) honoring Frank Brown

Herreshoff/Calouro - Voted unanimously to refer this matter back to the Committee, requesting additional information concerning the proposal for recognizing Mr. Brown and to continue this matter to the meeting of July 17, 2013.

Prior to the vote taken, Councilman Herreshoff suggested that the plaque require more "fleshing out."

3. Jeffrey M. Willis, Deputy Director, Coastal Resource Management Council re proposed changes to Management Procedures - public hearing, July 23, 2013 (deadline for comments July 8, 2013)

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

4. Jeffrey M. Willis, Deputy Director, Coastal Resource Management Council re proposed changes to Ocean Special Area Management Plan (SAMP) - public hearing, July 23, 2013 (deadline for comments July 8, 2013)

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

5. Town Treasurer Goucher re Reimbursement Resolution (to enable expenditure of funds in

TOWN COUNCIL MEETING - WEDNESDAY EVENING - JUNE 26, 2013

advance of borrowing under 2012 \$9 million bond authorization)

- a. (Sandra Matrone Mack, Bond Counsel) re Reimbursement Resolution

Calouro/Herreshoff - Voted unanimously to adopt these resolutions as provided by the Bond Counsel.

Prior to the vote taken, Town Treasurer Goucher reported that this was essentially past practice in that it allows that projects can be "timed."

She added that the resolution is needed so as to allow for reimbursement to the Town in the future from the bonded funds.

Council Chairman Parella asked for a confirmation that this is past practice with Town Treasurer Goucher responding affirmatively.

Councilman Herreshoff asked to know if loss of income is charged to the project with Town Treasurer Goucher responding that all expenditures are charged to the project.

Councilman Herreshoff asked to know if the amount is expended over a three year period how many bonds might be issued with Town Treasurer Goucher responding that there may be two or three issuances over a three year period.

Councilman Herreshoff asked to have a "white paper" outlining the guidelines.

Town Treasurer Goucher noted that both the Town Administrator and Town Council will be directly involved in the decision and that specific information will be provided beforehand.

Councilman Herreshoff again asked for a "white paper" outlining the policy.

Town Treasurer Goucher stated that this will be part of the meeting planned to discuss capital expenditures.

Councilman Herreshoff stated that \$9 million is a lot of money but speculated that the Town's "wish list" exceeds \$9 million.

TOWN COUNCIL MEETING - WEDNESDAY EVENING - JUNE 26, 2013

Councilman Stuart suggested that the Capital Project Commission should be asked to participate in the meeting to discuss capital projects.

Town Treasurer Goucher agreed that it would be advantageous to include the Capital Project Commission as soon as projects are identified.

ADD ITEM 6. Councilman Herreshoff re "no parking" box policy concerning driveways

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

Prior to the vote taken, Councilman Herreshoff noted that there seems to be a "rash" of requests for no-parking boxes and that a policy is needed to govern same. He added that the algorithm should include the width of the road in the area of the requested box and the traffic in the area. He also added that it would be useful to have a formula based upon the geometry of the area in question and that this information should be provided as a function of the petition/recommendation.

Councilman Calouro suggested that a small administrative committee might be appointed to work out the "white paper" as Councilman Herreshoff suggests and suggested that Councilman Herreshoff should be part of this committee.

It was agreed that this committee should include Councilman Stuart, Councilman Herreshoff, Public Works Director Galuska, Police Chief Canario (or his designee), and Town Administrator Teixeira.

Council Chairman Parella asked to know if Town Solicitor Ursillo might determine if there are comparable ordinances or policies in place in other Rhode Island communities.

Councilman Herreshoff stated that he planned to take a tape measure and make some case studies.

J. BILLS & EXPENDITURES

1. RFP #781 - Walley School Reuse

Calouro/Herreshoff - Voted
unanimously to refer this matter to

TOWN COUNCIL MEETING - WEDNESDAY EVENING - JUNE 26, 2013

the Town Administrator for a recommendation.

Prior to the vote taken, the Clerk announced that there were no proposals received.

Councilman Herreshoff stated that he was disappointed to learn that there were no proposals submitted.

2. Bid #782 - Polymer Feed System; Water Pollution Control Facility

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

Prior to the vote taken, the Clerk reported the receipt of the following bids:

Burt Process Equipment	Tyngsboro, MA	\$3,850
Bio-Triad Environmental	E. Stroudsburg, PA	\$5,789

K. SPECIAL REPORTS

1. Allan Klepper re Bristol County Water Authority Monthly Report for June

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

L. TOWN SOLICITOR

1. Assistant Solicitor Teitz re request for Executive Session pursuant to RIGL § 42-46-5 (a)(2) Litigation - Portsmouth v. RIDOT, et al.

It is hereby noted for the record that discussion and action concerning this agenda item took place at the conclusion of the public agenda as noted below.

M. INDIVIDUAL COUNCIL MEMBERS AGENDA ITEMS

1. Parella

TOWN COUNCIL MEETING - WEDNESDAY EVENING - JUNE 26, 2013

a. Mike Davis - Council Chairman Parella thanked Mr. Davis for his services as videographer for this meeting.

b. Chief Marshal - Council Chairman Parella offered her congratulations to the Clerk who is this year's Fourth of July Chief Marshal. She noted that the Annual Celebration was now in the "home stretch."

2. Herreshoff

a. Town Common Sequoias - Councilman Herreshoff stated that there was "an ugly rumor" afoot concerning removal of the Town Common Memorial Sequoia Trees and recommended that the Town should do "nothing rash" when considering the future of these trees.

Councilman Herreshoff stated that he planned to meet with Recreation Director Burke concerning this issue.

Council Chairman Parella suggested that there might be a "Tree Tour" for the Council's edification.

Recreation Director Burke suggested that Christopher Fletcher, an arborist, should be part of this tour and agreed to arrange the tour.

Assistant Solicitor Teitz stated that the tour was possible and that the Council should post the "tour" as a special meeting in order that all of the members may attend together if they should so choose.

The Council, by consensus, agreed that if the tour is to take place it should be accomplished after the 4th of July holiday.

b. Independence Park - Councilman Herreshoff noted that he reviewed the new plans for Independence Park and suggested that more automobile parking may be warranted.

Recreation Director Burke noted that he plans to expand the parking area near the boardwalk with pervious paving material in order to create additional parking spots.

Councilman Herreshoff suggested that Recreation Director Burke might consider using the dinghy rack area for parking and relocating the dinghies to another location.

c. Late Agenda Items - Councilman Herreshoff expressed concern that the Council docket is again having an excessive amount of late items. The Clerk reported that he will not refuse late items absent the approval of the Chairman.

3. Calouro

a. Chief Marshal Congratulations - Councilman Calouro offered his congratulations to the Chief Marshal for 2013.

b. Tree Trimming - Councilman Calouro reported that the trees at the intersection of High and Franklin Streets may be in need of trimming and some "TLC."

c. Recycling - Councilman Calouro noted that he is of the opinion that the Town might consider seriously a "no bin-no bag" mandatory recycling policy.

d. Website - Councilman Calouro suggested that the Town should update its website listings concerning EDC ideas to attract and aid new businesses. He noted that negotiating the website for prospective businesses has a "cumbersome feel" and that an improvement might group all of the pertinent information with a sub-heading "Opening a New Business." He agreed to discuss this matter with Director of Community Development Williamson and Principal Planner Tanner.

e. New Dock Workshop - Councilman Calouro suggested that the Council should hold a "workshop" in September to discuss the proposed new dock and to examine fees and explore opportunities to increase dockage revenues.

f. Eagle Scout Court of Honor - Councilman Calouro noted the recent Eagle Scout Court of Honor and reported that it was a pleasure for him to attend same.

TOWN COUNCIL MEETING - WEDNESDAY EVENING - JUNE 26, 2013

g. First Fourth - Councilman Calouro observed that the upcoming Fourth of July Parade was to be his first as a Councilor and that he was hoping for good weather.

4. Stuart

a. Chief Marshal - Councilman Stuart offered his congratulations to the Chief Marshal for this year's Fourth of July Celebration.

b. Hope Street Tree Problem - Councilman Stuart reported that a recent tree limb fall on Hope Street caused a significant traffic problem. He noted that there are many low-hanging tree limbs and that these should be addressed.

c. Fourth Preparations - Councilman Stuart congratulated the various Town departments and the Fourth of July Committee for their work in preparation for the upcoming celebration.

5. Sweeney

a. Fourth Experience - Councilman Sweeney stated that he was looking forward to experiencing the Fourth of July Celebration as a Councilor and that he was pleased to be doing so with the esteemed Councilors Council Chairman Parella and Councilman Herreshoff. He also extended congratulations to the Chief Marshal.

N. TOWN ADMINISTRATOR AGENDA ITEM(S)

1. Animal Shelter - Town Administrator Teixeira suggested that Police Chief Canario should provide a brief update on progress at the Animal Shelter Project.

Police Chief Canario reported that the project is moving forward and that the new foundation should be soon in place. He added that the project appears to be on schedule.

Council Chairman Parella stated that the groundbreaking ceremonies were a pleasure to attend and that it was great to see progress.

2. Hope Street Tree Incident - Town Administrator Teixeira reported that there was a

TOWN COUNCIL MEETING - WEDNESDAY EVENING - JUNE 26, 2013

large branch that caused the traffic problems since it was difficult to remove. He added that the incident prompted some trimming which will be completed in time for the Fourth of July Parade.

3. Police Promotions - Town Administrator Teixeira reported that several police officers were promoted and that the positions were replaced. He also noted that the dispatcher ranks have been replenished.

4. Compost - Town Administrator Teixeira reported that the department is under-staffed by two employees and that he will be replacing these with temporary employees.

5. Prudence Dock Signage - Town Administrator Teixeira reported that the Prudence Dock Signage will be adjusted to reflect the Town's new regulations.

6. Reynolds School - Town Administrator Teixeira reported that there will be some improvements to Reynolds School for fire code compliance.

7. Byfield School - Town Administrator Teixeira reported a "security problem" with Byfield School and that a new "swipe" security system will be added. He noted that a similar installation is planned for Reynolds School.

8. Sidewalks - Town Administrator Teixeira reported that new sidewalks have been installed on Union and Constitution Streets and that work on this project will be suspended until after the Fourth of July holiday.

9. Summer Camp - Town Administrator Teixeira reported that there are 502 registrants for this year's summer camp and twenty (20) staff. It was also noted that the campers will qualify for a healthy lunch as provided through the State Department of Education.

10. Boardwalk Repairs - Town Administrator Teixeira reported that the Independence Park boardwalk has been repaired only to have been "stained" by fireworks. He noted that the new boards must be sealed to prevent shrinkage.

TOWN COUNCIL MEETING - WEDNESDAY EVENING - JUNE 26, 2013

11. Firemen's Muster Awards - Town Administrator Teixeira reported that he was pleased to have been asked to distribute the awards at this year's Firemen's Muster and congratulated all of the award recipients.

12. Police Visibility - Town Administrator Teixeira noted that there is an increased police presence this year at the Fourth of July Concerts and the summer camp. He noted that many of the police officers are utilizing bicycles.

13. DPW Fourth Preparation - Town Administrator Teixeira recognized the extra work done each year by the Department of Public Works in preparation for the Fourth of July holiday.

14. Harbor Department Audit - Town Administrator Teixeira stated that he was planning an audit of the Harbor Department.

15. Chief Marshal Congratulations - Town Administrator Teixeira offered his congratulations to the Clerk for being selected this year's Chief Marshal.

CITIZENS PUBLIC FORUM

Consent Agenda Items:

(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 - June 3, 2013
2. Economic Development Commission - April 8, 2013
3. Animal Shelter Capital Project Committee - May 23, 2013
4. North and East Burial Ground Commission [sic] - April 5, 2013

TOWN COUNCIL MEETING - WEDNESDAY EVENING - JUNE 26, 2013

5. Bristol Housing Authority - May 9, 2013
6. Bristol Housing Authority - June 13, 2013

(CA) BB. BUDGET ADJUSTMENTS

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

1. Tax Assessor Belair - Recommended Abatements & Additions for June 2013

(CA) CC. FINANCIAL REPORTS

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

1. (Town Treasurer Goucher) re Revenue and Expenditure Statement - June 21, 2013

Stuart/Calouro - Voted unanimously to receive and place this matter on file.

Prior to the vote taken, Councilman Herreshoff stated that he appreciated receiving this "great report" and expressed concern that many of the line items were expended at a level of 100%. He expressed further concern that department managers are not taking the report seriously and that they need to focus upon same.

(CA) DD. PROCLAMATIONS, RESOLUTIONS & CITATIONS

Approval of consent agenda="Motion to adopt these Proclamations, Resolutions and Citations as prepared and presented."

1. Commendation - Shawn Carroll, Eagle Scout Court of Honor
2. Commendation - Mark Devol, Eagle Scout Court of Honor
3. Commendation - Austin Porto, Eagle Scout Court of Honor

(CA) EE. UTILITY PETITIONS

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

1. Department of Public Works - Road Cut Permits

(CA) FF. UPCOMING APPOINTMENTS

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

1. Public Service Appointments

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

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

(CA) HH. DISTRIBUTIONS/COMMUNICATIONS

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

1. Class F1 Alcoholic Beverage License - Bristol Highlands Improvement Association, corner of Ridge and Mulberry Roads (at Community House), June 22, 2013
2. Class F1 Alcoholic Beverage License - Bristol Highlands Improvement Association, corner of Ridge and Mulberry Roads (at Community House), August 11, 2013
3. Class F1 Alcoholic Beverage License - Bristol Highlands Improvement Association, corner of Ridge and Mulberry Roads (at Community House), September 28, 2013
4. Sidewalk Use License Renewal Petitions - Wood Street Pizza, Robin Jenkins Antiques, and Floral Symphony (granted April 24, 2013)
5. Dancing and Entertainment License Renewal Petitions - The Lobster Pot and Common Pub (granted June 5, 2013)
6. Wendy J.W. Marshall, CMC, Middletown Town Clerk - Resolution in support of Municipal Road and Bridge Revolving Fund

TOWN COUNCIL MEETING - WEDNESDAY EVENING - JUNE 26, 2013

7. Coastal Resources Management Council - June 2013 Calendar
8. Class F1 Alcoholic Beverage License - Big Brothers Big Sisters of the Ocean State at Linden Place, 500 Hope Street, September 27, 2013
9. Class F1 Alcoholic Beverage License - Roger Williams University Alumni Association, 1 Old Ferry Road, June 7, 2013
10. Class F1 Alcoholic Beverage License - Roger Williams University Alumni Association, 1 Old Ferry Road, June 8, 2013
11. Hawkers and Peddlers License Renewal Petition - Just Dogs (granted June 5, 2013)
12. Council Resolution re Adopted 2013-2014 Adopted Budgets; Operating, Capital and Sewer (signed copy)
13. Jeffrey M. Willis, Deputy Director, Coastal Resource Management Council re Notice of Rescheduling of Public Hearing, June 25, 2013 - proposed changes to Maps of Water Use Categories
14. Helena McCullough, Foster School Committee Clerk re Resolution in opposition to binding arbitration legislation
15. Helena McCullough, Foster School Committee Clerk re Resolution in support of Senate Bill 49 and House Bill 5066 - June 1 layoff notice date
16. (Helena McCullough), Foster School Committee Clerk re Resolution in opposition to mandatory contract continuation legislation
17. Carol Lyons Sholly, CMC, Foster Town Clerk re Resolution in support of Municipal Road and Bridge Revolving Fund
18. Cheryl A. Fernstrom, CMC, Jamestown Town Clerk re Resolution in opposition to Senate Bill 322 Sub A and House Bill 5394

TOWN COUNCIL MEETING - WEDNESDAY EVENING - JUNE 26, 2013

19. Patricia Woods, Chair, Bristol Art Museum, et al re thank you for support
20. Council Resolution in support of Town of Portsmouth resolution and/or litigation re imposition of tolls on Sakonnet River Bridge (signed copy)
21. Council Resolution in opposition to H6099 re proposed legislation to create the Ocean State Regional Water Authority (signed copy)
22. Warrant - Gregg Marsili, Harbormaster
23. Warrants - Special Constables for 2013 Fourth of July Concert Series
24. Council Clerk Cirillo re Town of Portsmouth v. RIDOT, et al

Calouro/Sweeney - Voted unanimously to receive and place this matter on file.

Prior to the vote taken, Assistant Solicitor Teitz reported that the Court has not yet ruled upon the Motion to Intervene and that he is working closely with Portsmouth Town Solicitor Kevin Gavin on this matter. He added that there is nothing else to report at this time.

Assistant Solicitor Teitz also noted that the large increase in traffic is definitely a health and safety issue. He noted that some of the discussion is better to take place in Executive Session since it involves ongoing litigation matters.

25. Council Resolution opposing House Bill 5394 and Senate Bill 322 Relating to Taxation - Levy and Assessment of Local taxes
26. Council Clerk Cirillo to Paul Bishop, BCWA Director, et al re proposed billing change
27. Council Clerk Cirillo to Frank J. Sylvia, BCWA Director re billing policy
28. Council Clerk Cirillo to Georgina MacDonald and Paul Bishop, BCWA Directors re billing policy

TOWN COUNCIL MEETING - WEDNESDAY EVENING - JUNE 26, 2013

29. Council Clerk Cirillo to Town Administrator Teixeira re RIPTA bus stops (boxes)

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

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

1. Bristol Warren Regional School District
Schedule of Meetings - Week of June 9, 2013
2. Bristol Warren Regional School Committee
Personnel/Contract Negotiation Subcommittee -
June 10, 2013
3. Bristol Warren Regional School Committee -
June 10, 2013
4. Bristol Warren Regional School Committee -
June 10, 2013 (revised)
5. Recreation Board - June 12, 2013
6. North and East Burial Ground Commission [sic]
- July 12, 2013
7. Bristol Warren Regional School District
Schedule of Meetings - Week of June 16, 2013
8. Bristol Warren Regional School Committee
Budget/Facilities Subcommittee - June 17,
2013 (revised)
9. Bristol Warren Regional School District
Schedule of Meetings - Week of June 23, 2013
10. Bristol Warren Regional School Committee
Personnel/Contract Negotiation Subcommittee -
June 24, 2013
11. Bristol Warren Regional School Committee -
June 24, 2013

At the conclusion of the public agenda:

Calouro/Herreshoff - Voted
unanimously to move into Executive
Session pursuant to RIGL § 42-46-5
(a)(2) - Litigation concerning the

TOWN COUNCIL MEETING - WEDNESDAY EVENING - JUNE 26, 2013

Town of Portsmouth v. RIDOT et al
at 10:11 o'clock PM.

Stuart/Calouro - Voted unanimously
to resume open session and seal the
minutes of the Executive Session at
10:22 o'clock PM.

There being no further business, upon a motion by Councilman
Calouro, seconded by Councilman Stuart and voted
unanimously, the Chairman declared this meeting to be
adjourned at 10:23 o'clock PM.

Louis P. Cirillo, CMC
Council Clerk