

PRESENT: Marshall, Cordeiro, Parella, and Barboza

ABSENT: Herreshoff

The Council met in special session on Monday evening, August 18, 2008 in the Town Hall, Council Chambers beginning at 6:40 o'clock PM, Council Chairman Marshall presiding:

1. Interviews:

Stephan Brigidi - Historic District Commission

Mr. Brigidi appeared before the Council for what he termed a "performance review" since he is a sitting member of the Historic District Commission. He reminded the Council that he has been a member of the Historic District Commission for the past six (6) years.

The Clerk noted that Mr. Brigidi made a specific request to be interviewed since the Council had expressed a desire to limit interviews to those applicants not currently seated.

Council Chairman Marshall noted that Mr. Brigidi also serves on the State Street Wharf Committee, the Open Space Committee and is a member of Save Bristol Harbor.

Mr. Brigidi noted that the Historic District Commission is guided by the Secretary of the Interior's Standards for rehabilitation and that sometimes the Commission "rubber stamps" requests for replacement in-kind.

He also informed the Council that he, personally, is "open minded" concerning emergency repairs. Although he noted that the Commission is being more "vigilant" concerning those who do not apply for a permit in advance of completing work.

Council Chairman Marshall asked Mr. Brigidi if he was enjoying his position with Mr. Brigidi responding affirmatively.

Councilwoman Parella noted that the Historic District Commission appears to be "calming down a bit" in that fewer complaints regarding the Commission are reaching the Council with Mr. Brigidi commenting that the Historic District Commission appears to be "improving all of the time."

Mr. Brigidi also noted that he is in favor of an expansion of the Historic District - to the east.

Councilwoman Parella stated that she viewed the responsibility of the Historic District Commission to "temper its action with reasonableness and to provide assistance to petitioners."

Harold Tucker - Historic District Commission

Mr. Tucker informed the Council that he has an Associate's degree from Rhode Island School of Design and has been involved in the architecture and construction fields for most of his life. He also noted that he is a "student of Bristol History - reading nearly everything written about it."

Mr. Tucker also informed the Council that he is a resident of the Historic District.

Council Chairman Marshall explained that the Historic District Commission appointments were limited yet the Council was searching for volunteers for other boards and asked Mr. Tucker if he might be interested in another board were he not appointed to the Historic District Commission. Mr. Tucker responded that he was specifically interested in the Historic District Commission.

Mr. Tucker also noted that the Historic District Commission appears to "pass everything that comes along" and that the plans for expansion of the Herreshoff Marine Museum appears to be "clearly in violation of the (spirit) of the Historic District."

He further added that he is not in opposition to the concept of an expansion of the museum but rather he is concerned that the residential area will be negatively impacted.

Terri Ann Moreira - Personnel Board

Ms. Moreira explained that she has been active with the Fire Department and several parent-teacher groups and was interested in "doing a little bit more" for the Town.

Councilman Cordeiro noted that the Personnel Board has an important function within the Town government and that recently the Board has "gotten a bad rap."

Ms. Moreira noted that "everything runs in cycles" and that recently the board has operated under "difficult circumstances."

Council Chairman Marshall stated that he was pleased to learn of Ms. Moreira's interest and further noted that the Town's success is greatly due to its volunteer corps.

Councilman Cordeiro asked if Ms. Moreira knew the responsibilities of the Personnel Board with Ms. Moreira responding that she was aware that the Board was responsible to administer employment tests and to assure that this activity was completed "smoothly."

Councilwoman Parella stated that it was important for members of the Personnel Board to recognize their boundaries with Councilman Barboza explaining that this board was responsible for "procedures" and not to establish policy.

Councilman Cordeiro explained that his wife, Oryann Lima, was the former Chairman of the Personnel Board and would provide guidance to new members if needed.

Councilman Barboza stated that Ms. Moreira appeared to be "level headed."

George Burman - Personnel Board

Mr. Burman informed the Council that he applied for a position on the Personnel Board due to a Council request for applicants.

Mr. Burman stated that he was interested in the Personnel Board since there appears to be a "foregone conclusion" concerning the Town's relationship with vendors and that he hoped that the Personnel Board would have a role in vendor selection.

Councilman Barboza reminded those present that the Personnel Board did not dictate policy and that the selection of vendors is likely a policy issue.

Councilwoman Parella stated that there may be a need to review the Town Charter regarding the responsibilities of the Personnel Board due to the recent controversy concerning the hiring of the Chief of Police but that she was uncertain if the Personnel Board would ever have a role concerning the selection of vendors.

George Burman - Economic Development Commission

Mr. Burman noted his experience in the development of Mirabel Airport in Quebec.

He also suggested that the Town might derive its plan from the development of Bangor, Maine and establish itself as a "convention center" with "small scale" convention facilities and that this action would create jobs and business opportunities.

Mr. Burman also noted his experience in the renovations of the Chateau Frontenac in Quebec City and the commercial center of St. John's, Newfoundland. He noted that Bristol appears to be "sadly understaffed" with hotel services.

Mr. Burman also informed the Council that he would be acceptable to a position of 'alternate members' to Town boards.

Mr. Burman also observed that the condominium market appears to be "flat" and he expressed concern that the plans for the Robin Rug complex will not be economically viable.

He suggested that the Town might work to establish a conference center in the woods on the Brown University Haffenreffer Grant.

Patricia Woods - Economic Development Commission

Ms. Woods stated that she applied for membership on this commission in order to attract compatible businesses to Bristol. She stated that the Town should be more proactive toward this end and was aware through articles published in the *Providence Business News* that the State was attempting to do so.

Ms. Woods also informed the Council that she was a member of Voices for Bristol and served on its economic development sub-committee which explored possibilities and "attempted to cover a lot" of issues.

Ms. Woods informed the Council that she is in favor of the idea of a bona fide Town commission rather than the "think tank" provided through "Voices." She also stated that she is of the opinion that the Town should be proactive in the area of business development and the idea of a commission would be a "great vehicle to focus upon accomplishment for the Town."

Ms. Woods explained that she previously worked as a volunteer in other towns and raised four (4) children. She noted that Mr. Burman's ideas appeared to be related to the development of facilities where her ideas were more "programmatically."

Councilwoman Parella stated that she was impressed by the candidates and was of the opinion that the Commission should include those who think independently. She also noted that, based upon her preparation for this interview, Ms. Woods was in possession of good organizational skills.

Council Chairman Marshall stated that the Town's economic development plan was previously in "disarray" and that the establishment of an Economic Development Commission should provide "one envelope" to contain the Town's plan.

Councilman Cordeiro stated that he is very interested in economic development and has worked independently on same as the leader of the Mt. Hope Enterprise Zone.

In closing, Ms. Woods thanked the Council for the opportunity to be interviewed.

Mark Matrone - Economic Development Commission

Council Chairman Marshall stated that he was happy to see Mr. Matrone, as a local business owner, involved in this interview process.

Mr. Matrone stated that he has worked on improving his own business for the last ten years and has also worked for the Chamber of Commerce as an Ambassador. He noted that he has some time to volunteer on behalf of the Town.

Mr. Matrone informed the Council that his personal goal is to assure that there is a balance of commercial and residential in Bristol and he is of the opinion that the establishment of the Economic Development Commission is a sound idea and will become a resource for the Council.

Councilwoman Parella commented that Mr. Matrone's experience in the service industry would be a valuable asset to the Commission. She asked how many persons he employs with Mr. Matrone responding that he has twenty-one (21) employees including his smaller office in Warren. Responding to questions regarding what may have piqued his interest in this Commission with Mr. Matrone responding that he was of the opinion that Bristol could use more retail businesses such as clothiers, etc.

He also explained that a vibrant downtown is "vital."

Mark Astrella - Economic Development Commission

Having observed the interviews for Economic Development Commission thus far, Mr. Astrella informed the Council that he would be "honored" to work along with those interviewed.

Mr. Astrella asked if the 'charge' to the commission was available with Council Chairman Marshall explaining that this charge was a work in process. Council Chairman Marshall also spoke briefly about the Mt. Hope Enterprise Zone and explained that Councilman Cordeiro is its president.

Councilwoman Parella noted that one of the Commission's goals should evaluate whether or not Bristol is 'business friendly.'

Council Chairman Marshall suggested that the Commission might be able to draw together the various business entities in Bristol so as to facilitate cooperation between them.

Councilman Cordeiro noted his plan to have a data base of all of the businesses in Bristol and explained that this might be achieved through the establishment of a business 'license' of sorts - essentially a registry of businesses.

Councilwoman Parella expressed her opinion that a business "inventory" was a good idea. She further noted that some of this was within the purview of the CBDG.

Mr. Astrella noted his goals of tempering growth and that he would not favor a "steamroller" approach but would rather support grown accomplished "wisely."

He further explained that an objective of the Economic Development Commission should be to help businesses already here to remain and theorized that it was more cost effective to keep businesses rather than to attract new ones. He also advocated the establishment of a "waiting list of companies."

Ms. Woods noted that the work of the Enterprise Zone appears to be beneficial with Councilman Cordeiro expressing his desire to have Alan Crisman as a member of the Economic Development Commission.

Councilwoman Parella asked if it would be appropriate to include members of existing organizations such as the Downtown Merchants Association with Ms. Woods noting that such a move might overstep the purpose of the Chamber of Commerce.

Councilman Barboza suggested that the Council might still consider the charge to the Commission as a work in progress and that the Commission - once established - would help define itself.

Councilwoman Parella stated that she would prefer if the Commission was set to work with a "broad general charge."

Mr. Burman suggested that the various parties might look at "models" in place in other communities and establish a "base line."

2. Ordinance #2008-13

Council Chairman Marshall informed those present that the Town has been "back and forth" on this issue with the overall goal of controlling drainage and groundwater issues.

He further explained that the driving force has been the Town's requirement (as dictated by the Federal and State Governments) to remove all sump-pumps that discharge into the Town's wastewater system.

He noted that the ordinance resembled those in place in other towns within the state.

Paul Caromile, representing the members of the Bristol Builders Association present asked the Council to rescind the ordinance immediately and informed the Council that he was prepared to offer an alternate plan.

Mr. Caromile termed the Ordinance to be an "architectural disaster" in that those who might choose to build houses in established neighborhoods might construct very high buildings in order to accommodate the basement height requirement.

He further noted that the Town's subdivision regulations resolve the issue already in new developments since the Town requires detention ponds to hold drainage water rather than discharging same into the streets or into the sewer system.

He also offered a photograph of a building constructed by the waterfront that was raised on a high foundation and speculated that this type of building would result in neighborhoods increasing overall the average heights of the buildings.

Mr. Caromile noted that he was of the opinion that a builder will mitigate the Council's groundwater disturbance concerns by negotiating the depth of a basement hole with the property owner once groundwater is discovered. He explained that there was no need for the Town to become involved in this process since the builders universally resolve it already.

Fred Constancia, also representing the Builders Association, stated that he was concerned that the requirement for foundation depth might not be workable since the Ordinance does not consider the location of the frost line.

Mr. Caromile repeated that the builders are also governed by the State Building Code and that the ordinance provisions may be somewhat redundant. He further noted that the Town's regulations concerning zero-runoff address this issue also and further speculated that the ordinance was "crazy."

Councilwoman Parella asked to know what might happen if a property owner refused to accept the recommendation of a contractor and chose otherwise to dig a foundation into the groundwater with Mr. Constancia explaining that the Town would be indemnified through a deed agreement.

Mr. Caromile agreed with Mr. Constancia and further explained that those persons who knowingly build in wetlands receive permission from the State Department of Environmental Management and that this information becomes part of the recorded land evidence.

Mr. Constancia complained that the engineering study required by the ordinance will cost \$1000 per property and that this expense will effect contractor's profits.

Mr. Caromile informed the Council that those other towns that have similar ordinances specifically identify those problem areas where drainage issues occur. He suggested that the Town might limit any regulations to the known wet areas.

Director of Community Development Williamson reviewed some of the testimony thus far provided and explained that the retention ponds are often not sized properly to accept sump pump water. She also explained that these ponds eventually become the Town's problem concerning maintenance etc. and that the cost to do this can be prohibitive.

She further explained that the ordinance is intended to be proactive and head-off potential problems. She expressed concern that the idea to determine what to do during the construction phase causes a 'disconnect' between the contractor and the architect/designer.

Councilwoman Parella stated that a 'sign off' might cause future problems.

Mr. Caromile informed the Council that he did not like Director of Community Development Williamson telling him what to do.

Director of Community Development Williamson explained that it is not at all unusual for the Town to regulate building and pointed to the requirements as dictated by the Zoning Code as to side yards, setbacks, etc.

Director of Community Development Williamson also reminded the Council that drainage problems tend to become the unwitting responsibility of the Town when the contractor is long-gone and the property owner considers the Town culpable since it issued the building permit.

Councilwoman Parella suggested that the Town should make everyone tie in to the storm drains.

A discussion ensued concerning the depth of basements and the height of the basement floor.

Mr. Constancia suggested that the establishment of a particular land area as a 'wet' area should be the responsibility of the Building Official. Mr. Caromile further suggested that the Building Official should inspect the foundation hole for groundwater conditions.

Director of Community Development Williamson stated that it might be possible to make advance engineering determinations of problematic areas where the ordinance would be regularly enforced but suggested that a determination by the Building Official at each site would be too subjective.

David Prenda informed the Council that he appreciated the Council's concern that badly designed drainage problems were costly for the Town's citizens and that he, too, did not wish to pay more than his share of taxes.

He noted, however, his opinion that a 'blanket' ordinance was improper and that a better solution was to impose these restrictions only in areas known to have high water tables and that these areas should be identified.

Mr. Prenda also noted that the wording of the ordinance does not provide an "out" and that the requirement for the location of the top of a basement slab should be changed.

Mr. Prenda also informed the Council that he was willing to provide his experience in excavating basements in order to identify the wet areas in Town.

Mr. Prenda also recommended that the Council's first priority should be to identify the wet areas and that although he does not want any new regulations he would find that amendment to be workable.

Lisa Traynor of 17 Hillside Road asked to know why the builders object to building a house on a slab with Mr. Prenda responding that Bristol residents appear to prefer basements in order to have a place "to store their junk."

Jennifer Astrella of 1051 Hope Street reminded the Council of its concern that the problems with drainage have an "accumulative effect." She noted that the Department of Environmental Management may view a wetland building request as an "insignificant alteration" but several of these insignificant alterations within a given are eventually become a "significant problem."

Ms. Astrella also reminded the Council of the existence of "vernal pools" and that these may escape identification were the examination of the property to be completed during dry seasons.

Council Chairman Marshall suggested that there was more work to be completed on this issue and further suggested that the Council might impose a moratorium on the application of the subject ordinance until these matters were resolved.

Mr. Caromile suggested that the Council might consider applying the ordinance only in areas known to be problematic.

Director of Community Development Williamson noted that the last paragraph of the ordinance should provide a method for relief and also agreed that the first paragraph might be amended to allow for consideration of the last paragraph.

John Lannan of 3 Doris Avenue informed the Council that he was of the opinion that he could help with an equitable solution to the problems discussed this evening.

It was agreed by consensus that the ordinance would be applied temporarily on a case-by-case basis at the discretion of the Community Development Department.

Mr. Caromile agreed to provide a representative from the Builders Association to work along with Director of Community Development Williamson toward the long term solution to the problem.

Cordeiro/Barboza - Voted unanimously to continue the matter of Ordinance #2008-13 until the meeting of October 1, 2008.

There being no further business, upon a motion by Councilman Barboza, seconded by Councilwoman Parella and voted unanimously, Council Chairman Marshall declared this meeting to be adjourned at 8:59 o'clock PM.

Louis P. Cirillo, CMC, Council Clerk