

**TOWN COUNCIL SPECIAL MEETING - TUESDAY EVENING - JANUARY 20, 2009**

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

ALSO PRESENT: Diane C. Mederos, Town Administrator

The Council met in special session on Tuesday evening, January 20, 2009 in the Town Hall, Council Chambers, beginning at 7:06 o'clock PM, Council Chairman Marshall presiding:

Interviews:

**Joyce Bryant - Charter Review Commission**

Ms. Bryant informed the Council that her goal in seeking this appointment was to "help be a part of" changes and improvements to the Town Charter and also to work along with her fellow Bristolians regarding same.

Responding to a question posed by Council Chairman Marshall asking if Ms. Bryant had any particular area of interest, Ms. Bryant informed the Council that she was of the opinion that the provisions relating to the hiring of the Chief of Police might be closely examined.

Councilwoman Parella expressed concern that the discussion should not be too specific at this stage of the process since deliberations on the specific provisions should be left to the Commission once appointed with Councilman Barboza explaining that he was of the opinion that specific questions will allow the Council to determine candidates' point of view.

Councilman Herreshoff asked Ms. Bryant if she had read the Charter with Ms. Bryant responding that she had done so some time ago. Ms. Bryant noted that some of her past concerns for the document includes the provision to allow for an elected Town Administrator and although she stated this was no longer the case, according to Ms. Bryant, some of the early Town Administrators were "really bad."

Ms. Bryant also informed the Council that she was of the opinion that it would be acceptable to "look outside of Bristol" for its hiring practices in order to assure the best qualified candidates.

Ms. Bryant stated that she thought the voters might consider an amendment to change the Town Administrator's position to that of an appointed Town Manager and that this change was "worth a try."

Councilman Barboza noted that the Town has thirty-seven years of experience with an elected Town Administrator and questioned the wisdom of "throwing out" this experience. Ms. Bryant repeated her earlier assertion that the change might be "worth a try."

Councilman Cordeiro stated that the Town Administrator's position has grown dramatically during the past years and that he was of the opinion that the Town Administrator was initially a "figurehead" and that current Town Administrator responsibilities are more technical concerning finance, etc.

Councilman Cordeiro also expressed concern that a Town Manager hired from outside of the Town would not be successful since he or she would not "understand the Town."

Councilman Herreshoff expressed his opinion that a hired Town Manager would not be active or effective out of fear of being terminated.

Councilwoman Parella commented that Councilman Herreshoff, during his term as Town Administrator, would have been "fired twenty-five (25) times."

Ms. Bryant stated that Bristol was indeed fortunate to have some good Town Administrators.

Councilman Barboza stated that the elected position tends to "open doors" when the Town Administrator works on behalf of the Town versus the opportunities presented to an appointed manager.

Councilwoman Parella stated her opinion that some do not realize that a Town Administrator is elected versus appointed and perhaps the title should be changed to "Mayor" with Council members noting that this question was posed to the voters in past years with no success.

**Scott Marino - Auxiliary Harbor Master**

Council Chairman Marshall stated that he was aware that townspeople speak highly of Mr. Marino.

Council members asked to be reminded of the responsibilities of the Auxiliary Harbor Masters with the Clerk noting that these appointees serve in the capacity of Assistant Harbor Master when called to do so by the Harbor Master and that this position has served to present future candidates for promotion to the rank of Assistant Harbor Master.

Mr. Marino stated that he was interested in the Town and its waterways and would like to be of further assistance to the Town should the Council so decide.

Council Chairman Marshall noted that Mr. Marino is already a valued volunteer fire-fighter and thanked him for his dedication to those pursuits. He further noted that Mr. Marino appeared to "fit the bill" for the position of Auxiliary Harbor Master.

**Michael Cabral - Personnel Board**

Council Chairman Marshall thanked Mr. Cabral for coming forward to be considered for appointment to this Board after hearing of the vacancy at the last Town Council meeting.

Mr. Cabral informed the Council that he was a former member of the Personnel Board in Swansea and although he enjoyed the appointment, the board was a "ghost committee" and did not function effectively.

Councilman Barboza informed those present that he (Councilman Barboza) was formerly a member of the Personnel Board and stated that the Board's function was to implement procedure and not to form Town policy.

Mr. Cabral informed the Council that he attended the last meeting of the Personnel Board and was familiar with the Board's role and was in agreement that the Board should not dictate policy. He informed the Council that he spoke to Town Solicitor Ursillo about this role also.

Council Chairman Marshall asked that Mr. Cabral's name might be placed before the Council for further consideration at its next meeting with the Clerk agreeing to do so.

**Diana Campbell - Charter Review Commission**

Council Chairman Marshall commented that Ms. Campbell "wears many hats."

Councilman Barboza asked the Clerk if Ms. Campbell's position as a School Committee member precluded her ability to serve on the Charter Review Commission with the Clerk responding that he was aware that the late Joyce Pitman served on a Charter Review Commission in the 1980s while a member of the School Committee.

Ms. Campbell informed the Council that she was of the opinion that the Charter revision was very important since this represents the "rules that hold the Town together." She also informed the Council that she can offer "the breadth and depth resulting from (her) civic engagement experience." She also stated that she believed she would remain objective and has remained out of recent controversies in order not to compromise her objectivity.

Councilwoman Parella stated that the Charter Review Commission should examine all of the various Charter provisions and also that the Recreation Board needs to be examined since its operation might be obsolete. She asked if Ms. Campbell could remain objective in consideration of same.

Ms. Campbell stated that although she serves as an ex-officio member of the Recreation Board, she has no particular personal agenda. She stated that she could assume the role of a 3<sup>rd</sup> party and conduct an objective examination of the Town's policy.

Councilwoman Parella stated that it would likely be important for the Charter Review Commission to take a close look at the Personnel Board and Recreation Board in light of recent controversies and that it would also be important to examine these in comparison to the practice and policy of other towns.

Ms. Campbell stated that she was of the opinion that the Charter should be examined to assure that it is appropriate for the 21<sup>st</sup> Century while also paying respect to the document's long history and Town traditions.

A discussion ensued regarding Ms. Campbell's assertion that the Recreation Board discusses "infield mix" at each of its meetings with Councilwoman Parella asking rhetorically if this discussion is appropriate for a board or might rather be resolved administratively.

Councilman Cordeiro stated that it was for this very reason that he make an effort to remove any of the "league people" from the Recreation Board lest these will become mired in administrative details versus making good policy decisions.

Councilman Herreshoff noted his goal to have objective individuals on the Charter Review Commission.

Ms. Campbell agreed that the Personnel and Recreation boards needed to be "tweaked" and also some of the less visible boards may need work also.

Ms. Campbell again stated that she had no personal agenda regarding the Town Charter and would be willing to look at all options objectively.

**William Rizzini - Charter Review Commission**

Mr. Rizzini informed the Council that he served on a Charter Review Commission in the 1980s and that the Commission considered changes in State law as the focus of its deliberations in order to get the Charter in line with same. He also mentioned that Elmer Cornwall, a recognized expert in the field of municipal government, was hired by the Town as a consultant to the group and that Mr. Cornwall was most helpful.

Councilwoman Parella asked if the Town must have a consultant for its Charter Review Commission with Councilman Barboza noting that he served on a subsequent Charter Review Commission (after Mr. Rizzini) and that this particular Commission did not retain the advice of a consultant.

Mr. Rizzini stated that his Charter Review Commission considered the question of appointed manager versus elected administrator and that this matter eventually was posed to the voters who rejected any change.

Councilwoman Parella suggested that the Council might consider budgeting for a consultant should the Charter Review Commission decides it needs the services of one.

**Barbara Healey - Charter Review Commission**

Ms. Healy informed the Council that she has been a resident of the Town for nine (9) years and that she has "progressed from relative indifference to involved" and that her interests have focused upon the issues relating to the harbor.

Ms. Healey informed the Council that she has reviewed the Charter and stated that it was a "complex document." She also stated that she has "the time and inclination" to be a member of the Commission.

Ms. Healy also informed the Council that she was a teacher of chemistry at Regis College.

Councilman Barboza noted Ms. Healey's attendance at public meetings and stated that her interest in the Town was "obvious."

Council Chairman Marshall stated that he was impressed with the number of persons who have expressed interest in this Commission thus far and that all appointees will be charged to maintain a "clear and critical" thought process.

Ms. Healy stated that her cursory review of the Charter revealed "a very good document" but that she was of the opinion that the "spirit and the letter" might require realignment. She expressed concern that some current language leaves "wiggle room."

Councilwoman Parella asked to know if Ms. Healey might share a particular example with Ms. Healey stating that the Personnel section was not "crystal clear." She also stated her objectivity in reviewing same.

**Harold Tucker - Charter Review Commission**

Mr. Tucker stated that he was of the opinion that his many years of volunteering in the Community would be an asset to the Charter Review Commission and that he has been a student of Bristol History - past and present - for most of his life. He also noted his educational experience at Rhode Island School of Design and also University of Rhode Island and his many years as Emergency Management Director for the Town.

Mr. Tucker also informed the Council that he sat on the now-defunct Tax Watch Committee and that this committee had undertaken a thorough audit of every Town department and labor contract.

Mr. Tucker also informed the Council that he would like to apply his knowledge of Town history to the Commission and also that he has no personal agenda or "axe to grind."

Mr. Tucker informed the Council while on the Tax Watch Committee he studied the Charter "with a fine tooth comb" with Councilwoman Parella asking Mr. Tucker if he was directly involved with the adoption of the original Charter. Mr. Tucker responded that he was aware of its development but was deeply involved with the Boy Scouts during the 1970s when the Charter was developed and adopted.

**Gregory Raposa - Charter Review Commission**

Mr. Raposa expressed concern that he did not submit a resume along with his application. He noted that the Town Charter requires that the Council should appoint a Commission that is

"diverse" and that past practice has not always followed the Charter's intent.

Mr. Raposa indicated that the voters have sometimes rejected the recommendations of the Charter Review Commission and that it has been some time since he read the Charter.

Mr. Raposa stated that he did not understand why the Town Clerk's position is elected versus appointed and suggested that it might be changed. A discussion ensued regarding same.

Mr. Raposa stated that he was of the opinion that the document should be reviewed and that he was interested in serving. He also expressed concern that there were not enough young people "getting involved" in the community and that he was a representative of a "low income group."

**John Francis IV - Charter Review Commission**

Mr. Francis stated that he has lived in Bristol all of his life and that he was a businessman and real-estate developer. Mr. Francis further noted that he was not specifically familiar with the Charter but was most willing to learn about same. He also noted that he spoke with the Clerk regarding the responsibilities of the Charter Review Commission.

Mr. Francis also informed the Council that he has considerable contact with the public at large and has the opportunity to receive "lots of input."

Councilman Herreshoff asked Mr. Francis if he had run for public office in the past with Mr. Francis responding that he did, in fact, declare but did not campaign extensively. He did, however, express a continued interest in the affairs of the Town.

Council Chairman Marshall expressed the Council's collective appreciation to all of the various candidates and reaffirmed that the Council will continue its deliberate process to secure and charge a Charter Review Commission.

**In the matter of the proposed Animal Shelter:**

Council Chairman Marshall noted that there is a "misconception on the street" that the Town is not "for" this project. He noted that it was likely inappropriate for the Council to allow Ms. Paquette-Canning to speak freely at its previous Council meeting since the Animal Control Department was not present to refute her allegations. He expressed his regrets on behalf of the Council.

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Council Chairman Marshall stated that the matter of the Animal Shelter poses some complex issues and that he asked for this meeting in order to develop a plan to address all of these with the various Town disciplines all participating.

He further noted that the project was deserving of a plan and a time line and he was hopeful that this session would allow all of the issues to be brought forward.

Council Chairman Marshall also suggested that Director of Community Development Williamson act as a coordinator for the various Town boards - those involved in the permitting process. He further noted that this would be critical to move the project from approved bond to functioning shelter.

Councilman Herreshoff asked to know the status of the proposed donated land with Director of Community Development Williamson responding that there were issues with wetlands, neighbors, zoning and access.

She also explained that there were no provisions in the Town Code for the placement of an animal shelter and that the Town of North Kingstown has a "public zone" in its code to allow for same. She suggested that the Town consider the matter of the establishment of a "public zone" after her department determines if such a zone is appropriate for Bristol's needs.

Councilman Herreshoff asked to know the thrust of the neighborhood objections with Councilwoman Parella responding that in addition to the neighborhood concerns there are the further considerations of the DEM and access to the site.

Councilman Herreshoff noted that the Town may be able to allay some of the noise concerns but that the expectations should be realistic.

Council Chairman Marshall expressed concern that there were no neighborhood objectors present at this evening's meeting despite the fact that it is open to the public.

A discussion ensued regarding the proposed location of the shelter in its relationship to the established neighborhood. The Council reviewed some preliminary drawings as provided by Animal Control Officer Gibree.

Director of Community Development Williamson expressed concern that a special use permit might not be appropriate in this case

and explained the Planning Board's concern in allowing a change to allow government facilities in a R15 Zone on Naomi Street.

Councilman Barboza noted that one of the major neighborhood concerns might be the increase of traffic on San Francisco Street and that this may be resolved by finding access to Tupelo Street. He also stated that the fear of excessive noise was also likely a concern.

Ms. Gibree informed the Council that the proposal always considered access through San Francisco Street and not through Tupelo Street due to the available land.

Councilwoman Parella asked to know if the Town might secure an easement to build an access road to Tupelo Street with Ms. Gibree informing the Council that John Lannan (the property owner and potential donor of same) would likely be able to answer this question since he was most familiar with the land issues.

Councilman Herreshoff asked if the building might be allowed to have single road access with Councilman Barboza suggesting that this matter might be reviewed by Fire Chief Martin.

Ms. Gibree informed the Council that she was of the opinion that the property had been laid-out by a site engineer and that there was wetlands approval for the site.

Council Chairman Marshall asked to know if there were sanitary sewers in the area with Water Pollution Control Superintendent Calderiso responding that most of the area was serviced by septic systems and small pump stations.

Council Chairman Marshall noted that none of the Town department heads have reviewed the plans in possession of the shelter volunteers and suggested that Ms. Gibree should share these plans with the various departments. Director of Community Development Williamson agreed to have the plans copied for distribution.

A discussion ensued regarding revenue generation for the shelter with Ms. Gibree noting that the plans include an education center and space for children's birthday parties. She also noted that the building is so-designed that it may be partially closed down when not occupied so as to save on energy costs.

Ms. Gibree also explained that the plans include a garage to house the animal control vehicle, this preventing captured animals from escaping.

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Councilman Herreshoff asked to know if the new shelter will require additional staff with Ms. Gibree stating that it would not require any new staff.

She further explained that the shelter has access to work study students from Roger Williams University and has turned away offers for additional help due to the conditions of the current shelter.

A discussion ensued regarding the design for a new building.

Councilman Barboza asked to know the next step in the process with Ms. Gibree responding that she and the shelter volunteers met with Town Administrator Mederos who informed her that the Town's ability to borrow funds for this bond project were limited at this time.

Councilman Cordeiro announced that he was ill and left the meeting at this point (8:50 o'clock PM).

Councilman Barboza suggested that the volunteers should get a plan together to move forward.

Ms. Gibree stated that she "has faith" in Mr. Lannan regarding the next steps regarding the site.

Director of Community Development Williamson explained that the project should secure the services of a site engineer and wetlands biologist and that these disciplines should determine the acceptability of the site.

Councilwoman Parella asked if the Council might appoint a Capital Project Committee with Council Chairman Marshall explaining that the responsibility of the Animal Control Department is to take care of the Animal Control issues and not to build a shelter. He also stated that the project needs the assistance of the shelter volunteers who worked on the bond issue and that might include fundraising. He suggested that Elizabeth Brito might be able to coordinate this particular aspect.

Councilman Barboza expressed concern that there appeared to be no one responsible for the next steps with Director of Community Development Williamson explaining that the project was in need of a Concept Review by the Technical Review Committee (TRC) and that there should be a meeting with the neighbors to build consensus similarly to the way the Library project was handled.

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Councilwoman Parella stated that she was concerned about the fiscal constraints but did not want the Town to experience an inordinately long project. She suggested that the Town should get a determination from the DEM and also to set-up a committee to manage the project.

Public Works Director Serbst expressed concern that despite ongoing discussion and an approved bond issue he is yet to see any plans. He further noted that the department heads cannot effectively comment or provide any support of a project that is without plans.

He also stated that he assumes the existing plans are likely very preliminary and that there should be a contract with a qualified entity to work on these plans to take them beyond the concept stage.

Director of Community Development Williamson stated that the various department heads should be asked to serve on the TRC.

Council Chairman Marshall noted that the plans should be distributed to the department heads and in particular Fire Chief Martin and also the issue of access to the south (Tupelo Street) should be investigated.

Councilwoman Parella agreed; noting that the neighborhood concerns would likely be allayed with access eliminated from San Francisco Street.

Director of Community Development Williamson agreed to distribute the plans.

Police Chief Canario suggested that Mr. Lannan may have more site plans that may be of use. He agreed that he and Ms. Gibree will attempt to find all available plans and submit same to Director of Community Development Williamson for copying.

Council Chairman Marshall noted that the group has a plan with which to move forward.

Director of Community Development Williamson asked to know who might fund the DEM and drainage plans since the plans needed for these applications may need to be more detailed than the ones available.

It was suggested that a quotation from the site engineers might be obtained with Council Chairman Marshall suggesting that Mr. Lannan should be the "point person" to represent the shelter

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volunteers at this point due to his knowledge of the property and land development issues in general.

Director of Community Development Williamson expressed concern that wetlands applications will take a long time if the Council is considering a road through same in order to connect the shelter to Tupelo Street.

Council Chairman Marshall suggested that Councilwoman Parella should be the point-person for the Council regarding the matter of the Animal Shelter.

Gregory Raposa suggested that the Town might consider location of the shelter on land it owns elsewhere if the wetlands concerns are too extensive.

There being no further business, upon a motion by Councilman Barboza, seconded by Councilman Herreshoff and voted unanimously, the Chairman declared this meeting to be adjourned at 9:18 o'clock PM.

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Louis P. Cirillo, CMC, Council Clerk