

TOWN COUNCIL SPECIAL MEETING - THURSDAY EVENING - JULY 15, 2010

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

ALSO PRESENT: Diane C. Mederos, Town Administrator

The Council met in special session for the purposes of a workshop concerning amendments to the Town Home Rule Charter on Thursday evening, July 15, 2010, in the Town Hall, Council Chambers, beginning at 6:10 o'clock PM, Council Chairman Marshall presiding:

The Council, by consensus, agreed that a public hearing on the final list of proposed changes will be held on Tuesday evening, July 27, 2010, also in the Town Hall, Council Chambers. It was agreed that the Council will also schedule interviews for those persons seeking appointment to the Historic District Commission beginning at 7:00 o'clock PM followed by the public hearing beginning at 7:30 o'clock PM.

§403 Submission of budget to the council.

The Council, by consensus, agreed to forward a question to the voters to ask consideration of this amendment.

§404 Preliminary council consideration.

The Council, by consensus, agreed to decline the proposed amendments specific to this section.

§405 Hearing.

Barboza/Parella - Voted unanimously to forward a question to the voters to ask consideration of this amendment, including an additional amendment to change the provision that the hearing should be held within two (2) weeks to three (3) weeks.

Prior to the vote taken, the Clerk noted that the proposed amendment only considers the advertising aspect of the Charter section and that the minimum time needed prior to the convening of a public hearing was of greater concern. He provided an illustration matching the requirements of the Charter and the requirements of state statute which reveals that there is typically only a one-day window when a public hearing may be held from the time of the adoption of the provisional budget until the expiration of the required public hearing period.

TOWN COUNCIL SPECIAL MEETING - THURSDAY EVENING - JULY 15, 2010

The Clerk observed if the time in which to hold a public hearing is changed from two (2) weeks to three (3) weeks, the Council will have one full week to hold its public hearing and still be in compliance with both the State law and the Charter provision.

§407 Participation by the electorate.; and
§408 Special town meetings.

The Council, by consensus, agreed that obsolete language concerning the now defunct Bristol school department, should be eliminated if possible. It was agreed that this matter would be reviewed with the solicitor by the Clerk and included if this could be accomplished with a single question to amend the Charter overall concerning the redundant or obsolete school references.

§410 Source of appropriations.

The Council, by consensus, agreed to forward a question to the voters to ask consideration of this amendment.

Prior to the vote taken, Councilman Herreshoff agreed that the inclusion of this proposed amendment would provide a greater level of transparency for those expenditures made outside of the regular budgeting process.

It was also noted for the record that these expenditures are always approved as part of a published agenda.

§411 Informing the council.

The Council, by consensus, agreed that this particular amendment was a low priority and should be declined for the time being.

It was also observed that those low-priority amendments might be considered in future elections when the ballot is fairly sparse.

§414 Borrowing.

The Council, by consensus, agreed that this particular amendment was a low priority and should be declined for the time being.

§605 Sealer of weights and measures.

TOWN COUNCIL SPECIAL MEETING - THURSDAY EVENING - JULY 15, 2010

The Council, by consensus, agreed to forward a question to the voters to ask consideration of this amendment, noting that the amendment would be in conformance of current practice.

It was further observed that there are few persons who are qualified to hold this position and that no persons who are "qualified electors of the town" have applied for some time.

§606 Board of tax assessment review.

The Council, by consensus, agreed to forward a question to the voters to ask consideration of this amendment, provided that the change may be made in conformance to the provisions of State law.

§705 Purchasing.

The Council, by consensus, agreed to forward a question to the voters to ask consideration of this amendment.

Fausto Anguilla noted that the amendment, as presented, "mirrors" State law.

Councilwoman Parella asked to know if those amendments which "mirror state law" may be changed with a single question to the voters. The Clerk agreed to ask this question of the Town Solicitor.

§801 Police department.

The Council, by consensus, agreed to forward a question to the voters to ask consideration of this amendment.

Councilman Herreshoff asked to know why the Charter Review Commission was recommending the deletion of subsection (f) with Mr. Anguilla responding that this provision was generally obsolete due to collective bargaining agreements and that its removal was consistent with current practice.

§802 Fire department.

Barboza/Cordeiro - Voted unanimously to forward a question to the voters to ask consideration of this amendment.
(Councilman Herreshoff stated that although he was generally in favor of the proposal, he would prefer to keep

TOWN COUNCIL SPECIAL MEETING - THURSDAY EVENING - JULY 15, 2010

the provision to require a competitive exam for the Chief. Mr. Anguilla reminded the Council that the idea of a test would remain optional if the amendment received voter approval.)

Prior to the vote taken, Councilwoman Parella agreed that the qualifications for a Fire Chief should include experience in emergency medical services since this has become a large portion of the department's responsibilities.

Councilman Herreshoff asked to know why the Fire Chief's exam was eliminated with Councilman Barboza stating that available tests are more applicable to larger communities with paid personnel and are not necessarily to smaller communities with volunteer fire companies.

Councilwoman Parella stated that she was not generally in favor of standardized tests.

Town Administrator Mederos agreed that it was very difficult to find an appropriate test for Bristol.

Mr. Anguilla observed that the idea of tests did not have a right or wrong answer but rather was a "policy" decision.

§803 Harbor department.

Barboza/Cordeiro - Voted unanimously to forward a question to the voters to ask consideration of this amendment.

Prior to the vote taken, Barbara Healey, a member of the Charter Review Commission, explained that she crafted much of this section.

Councilman Herreshoff asked to know the rationale of having the Harbor Master report to the Town Administrator/Mayor if the person is appointed by the Council.

A discussion ensued regarding the provisions of state law which may require that the Harbor Master should be appointed by the Council.

Town Administrator Mederos noted that the current Harbor Master is in the Town Hall every day and checks-in with her insofar as the day to day operation of the department is concerned.

TOWN COUNCIL SPECIAL MEETING - THURSDAY EVENING - JULY 15, 2010

Ms. Healey stated that it is somewhat peculiar that the third branch of what would be considered as public safety officers (along with Fire and Police) does not report to the same person.

Councilman Cordeiro stated that he was "vehemently" opposed to the Council's giving up of the appointment of the Harbor Master since it is unwise to relinquish any power. He further noted that he very reluctantly agreed to hand-over the appointment of the recreation director years ago.

Ms. Healey stated that she attends most Harbor Commission meetings and that the structure is somewhat cumbersome.

Council Chairman Marshall noted that the Harbor Commission is responsible for rights of way, etc., and not the harbor patrol with Ms. Healy noting that appeals from the decisions of the Harbor Master are heard by the Harbor Commission according to Town Ordinance.

Councilwoman Parella stated that she was of the opinion that all appointed administrative departments should report to the Town Administrator. She noted that the proposed change to the reporting scheme, as outlined in the Charter amendment, would be in line with current practice.

Ms. Healey agreed that it was more sensible that the Harbor Master should report to the Town Administrator with Council Chairman Marshall agreeing that all public safety departments should have a commonality.

§901 - Community development.

It was agreed by consensus to forward a question to the voters to ask consideration of this amendment.

The council was in agreement that neither recreation nor harbor belongs in the Department of Community Development.

§902 - Director of community development.

It was agreed by consensus to forward a question to the voters to ask consideration of this amendment.

§907 - Recreation board.

It was agreed by consensus that the Recreation Board should remain but should be relocated to the public works and

TOWN COUNCIL SPECIAL MEETING - THURSDAY EVENING - JULY 15, 2010

environment article as Section 1010. It was also agreed that "community development" should be removed and "...conferred upon it by the town council, state law, and ordinances of the town." should be added.

Prior to the established consensus, Councilwoman Parella stated that she was of the opinion that the Board was obsolete and should be eliminated. She also noted that other professional departments are not "guided" by a volunteer board.

Councilman Herreshoff suggested that the Recreation department might have a structure similar to that of the Harbor Commission/Master with separate authority and duties.

§909/910 Capital project commission.

Cordeiro/Herreshoff - Voted to forward a question to the voters to ask consideration of this amendment. (Councilwoman Parella recorded as abstaining).

Prior to the vote taken, a discussion ensued with Mr. Anguilla explaining that current practice for capital projects is to ask the voters to "violate" the Charter each time a bond question is put forth.

He suggested that this newly redesigned section would allow for a permanent standing committee to oversee all capital projects.

Councilwoman Parella stated that she was of the opinion that a five (5) year term was too long. She also noted that the new structure would not allow for a professional from within the affected department to participate as a voting member of the project committee.

Mr. Anguilla stated that the goal of the new commission is to have a qualified body build a project or purchase a piece of equipment without any preconceived ideas.

The Clerk expressed concern that this commission would "build a house that someone else has to live in without any authority to make decisions." He also noted that the structure of the commission would potentially allow for the purchase of a fire truck without a fireman on the commission." Mr. Anguilla vehemently objected to these statements. He added that the

TOWN COUNCIL SPECIAL MEETING - THURSDAY EVENING - JULY 15, 2010

building and purchase was the property of the town and that the town would be represented by the proposed commission.

§1004 Maintenance of school property.

It was agreed by consensus to forward a question to the voters to ask consideration of this amendment.

§1005 Tree warden.

It was agreed by consensus to forward a question to the voters to ask consideration of this amendment removing "an independent department with its own budget" and the word "general"

Prior to the consensus, a discussion ensued with the Council observing that the tree maintenance budget is now under the direction of the administration and that there was no desire to make changes at this time.

§1006, 1007, 1008.

It was agreed by consensus to forward a question to the voters to ask consideration of these amendments.

§1009 Department of parks and recreation.

It was agreed by consensus to forward a question to the voters to ask consideration of this amendment, changing the wording of the first paragraph as follows: "...conduct and/or coordinate all functions of town government relating to recreation/leisure planning, park development and care, management of all recreation buildings and the protection or development of the natural environment within the town which may from time to time be entrusted to the department by the town council."

It was also agreed that the words "maintain accurate records of the department and" should also be removed since this is an implied duty of all departments.

A discussion ensued regarding maintenance and landscaping, etc. with those present in agreement that these were particular duties of the current Recreation Director due to his personal areas of interest and level of expertise but that these may not be best suited to another director in the future.

Councilman Herreshoff expressed concern that the responsibilities of maintenance and landscaping should be shared

TOWN COUNCIL SPECIAL MEETING - THURSDAY EVENING - JULY 15, 2010

with or entrusted to the Public Works department and not solely the responsibility of the Parks and Recreation department.

Article 12 Personnel, (§1201 - §1208)

It was agreed by consensus to forward a question to the voters to ask consideration of all amendments relating to the personnel board and personnel system.

Mr. Anguilla noted that the Charter Commission reviewed these sections to be obsolete for the most part and typically replaced by collective bargaining agreements.

§1306 Fees.

It was agreed by consensus to forward a question to the voters to ask consideration of this amendment.

§1315 Complaints filed by qualified electors of charter violations.

It was agreed by consensus to forward a question to the voters to ask consideration of this amendment, substituting the Town Solicitor for the Town Clerk insofar as the adjudication authority is concerned and also to change the amount of signatures required for a full-hearing from fifty (50) to two-hundred fifty (250).

It was also agreed that the Charter might be amended to include a specific section concerning the public rights of way to the shore. Ms. Healey stated that this matter should be given emphasis in the Charter due to its importance to the Town.

After a discussion, it was agreed that the new section would include that the Town Administrator/Mayor would be responsible for preservation and maintenance of rights of way.

The Clerk agreed to craft this section and forward this and all other proposed amendments to the public hearing and to advertise same in local newspaper, provide copies of the proposed text amendments for public inspection, and to provide notice of the hearing and the proposed text amendments on the Town's website.

There being no further business, upon a motion by Councilman Herreshoff, seconded by Councilwoman Parella and voted unanimously this special meeting was declared adjourned at 9:30 o'clock PM.

Louis P. Cirillo, CMC, Council Clerk