

TOWN COUNCIL SPECIAL MEETING - TUESDAY EVENING - JULY 27, 2010

PRESENT: Marshall, Cordeiro (arrived at 7:20 o'clock PM), Parella, and Barboza

ABSENT: Herreshoff

ALSO PRESENT: Diane C. Mederos, Town Administrator
Michael A. Ursillo, Esq., Town Solicitor (arrived at 7:30 o'clock PM)

The Council met in special session on Tuesday evening, July 27, 2010 in the Town Hall, Council Chambers, beginning at 7:08 o'clock PM. Council Chairman Marshall presiding:

Interviews: Historic District Commission - Alternate

Georgina Macdonald, 125 Poppasquash Road

Ms. Macdonald informed the Council that she served on the Zoning Board of Review for fourteen (14) years and is currently serving as secretary of the Economic Development Commission.

Ms. Macdonald stated that she "sees improvement possible" with the Historic District Commission and that there appear to be some misconceived idea that new buildings within the Historic District must be "modern" in appearance and that she did not agree with this premise.

Ms. Macdonald also noted that she worked on historic property rehabilitations when she was a lending officer at the former Fleet National Bank.

Ms. Macdonald informed the Council that she is a member of the Board of "Preserve Rhode Island."

Ms. Macdonald reported that the Historic District Commission is not as "citizen friendly" as it could be with Council Chairman Marshall noting that he was of the opinion that the Historic District Commission has a "personality problem" which has nothing to do specifically with the Historic District. He added that a very large percentage of the applications heard by the Commission are approved but that the process is "cumbersome."

Councilwoman Parella stated that she had the "unfortunate experience" of appearing before the Historic District Commission four (4) times within sixteen (16) months as both an applicant and as an abutting neighbor. She added that the Historic District Commission took on the appearance of a "police state"

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over a painting project utilizing a product called "Rhino Shield" and that the subject became the topic of conversation at a recent funeral.

She noted her opinion that the Council appears to have erred in that it did not interview a recent appointee; this person being "abusive" toward her when she appeared before the Commission. She added that she never asked for or expected any type of accommodation by the Commission but questioned if the Commission members and its staff appear to be "paranoid" regarding the matter which leads her to suspect that perhaps others may be seeking special accommodations.

Councilwoman Parella stated that the Historic District Commission should investigate ways for citizens to utilize new technology in order to mitigate cost and that some materials can be shaped and painted to resemble traditional materials.

Councilwoman Parella also suggested that Historic District Commission rules should be relaxed for removable screen doors and back yard decks which are completely screened from public view - especially when these are completely reversible without damaging the historic fabric of the building.

Ms. Macdonald stated that she is a preservationist and is offended by the thought of replacing an eighteenth century window with a modern one. She added that she believes that technology may be utilized. She also added that she does not believe that Providence Historic District Commission objects to the use of "Rhino Shield."

Councilman Cordeiro arrived at this point in the meeting (7:20 o'clock PM).

Councilwoman Parella stated that she has been involved with the Historic District Commission from its beginnings in Bristol and that she is of the opinion that paint was never supposed to be considered under the purview of the Commission.

Councilwoman Parella added that the Historic District Commission had no right to impose certain regulations regarding painting.

Ms. Macdonald suggested that the Historic District Commission should utilize the resources of the National Trust for Historic Preservation in order to make determinations regarding new technology and materials.

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Councilwoman Parella asked to know if Ms. Macdonald's experience in lending was related to historic preservation projects with Ms. Macdonald responding affirmatively.

Council Chairman Marshall stated that one of the concerns raised relative to Rhino Shield is that details might be "sanded away" prior to the application of the product with Ms. Macdonald noting that this must be done carefully. She added that the old practice of sandblasting ruined features of many historic buildings in Bristol.

Councilwoman Parella agreed that the preparation of her neighbor's home was done improperly by the painter resulting in large sanding "swirls" on the building.

Ms. Macdonald noted that other Historic District Commissions gather information to share with district homeowners.

Councilman Barboza noted that he was familiar with Ms. Macdonald's qualifications and did not have any specific questions at this time for her.

Councilman Cordeiro stated that he was uncomfortable with the tone of the discussion since it was negative concerning the present members of the Historic District Commission and there was no one present to defend the group's action.

Councilwoman Parella noted that when she appeared before the Commission she was "berated" by one of its members and that she was concerned that the present tenor of the Commission may lead to its demise. She added that she found it necessary to take action in order to "rein-in" the Commission.

Council Chairman Marshall noted that the Council has the right to speak to its appointees when it finds the action to be necessary.

Councilman Cordeiro noted that his wife is a member of the Historic District Commission and that he does not discuss the Commission at home.

Council Chairman Marshall thanked Ms. Macdonald for attending the meeting and participating in the interview.

Victor Cabral, 122 Mount Hope Avenue

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Mr. Cabral informed the Council that he owns a building in the Historic District and that he has been before the Commission with applications for project work six (6) times. He added that his ideas were rejected "a couple of times."

Mr. Cabral stated that he was aware that the Historic District Commission did not have jurisdiction over painting projects but rather have responsibility concerning any permanent changes.

Councilwoman Parella stated that she does not agree that the Historic District Commission should have jurisdiction over patios and landscaping changes.

Councilman Barboza noted that he was of the opinion that the recent changes to the Historic District Ordinance concerning "sign-offs" was not being used to its best advantage.

Mr. Cabral stated that he was of the opinion that "triple-track" storm windows "look terrible" and that he would prefer the appearance of replacement windows to the use of "triple-track" storm windows.

Mr. Cabral further stated that he would offer an approach of "fairness" were he to be appointed to the Historic District Commission.

Councilwoman Parella again stated that the Historic District Commission should investigate the use of modern technology. She added that she considered the Town's Historic District Commission to be valuable to the community and noted that the recent large addition to the Daniel Child House on Main Street in Warren was insensitively completed.

Mr. Cabral agreed that it does not make sense to have a voluntary Historic District and to allow homeowners to "opt-out."

Councilman Cordeiro stated that he would prefer to recuse himself regarding Historic District Commission discussions.

Ethan Tucker - 39 River Street

Mr. Tucker informed the Council that he has attended many Historic District Commission meetings and has concerns regarding same. He noted that he was generally in favor of having a Historic District Commission but that perhaps the Council might wish to "wipe the slate clean."

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Councilwoman Parella stated that she is aware that the Historic District Commission has become "a topic of conversation" in Town and that this fact indicates that there is wide-spread frustration with the workings of the group.

Mr. Tucker added that he has heard many negative comments and is aware that persons are "twittering" about the Commission and that he was concerned that the Council might consider another expansion of the district.

Councilman Barboza stated that there was no guarantee that the District would be expanded further.

Mr. Tucker stated that there did not appear to be a fair way to determine which members of the Historic District Commission were doing a good job and again suggested that the Council may wish to begin anew and "wipe the slate clean."

Councilwoman Parella asked if the powers of the Historic District Commission might be limited with Mr. Tucker responding that the powers should be clearly designated as "A, B, C."

Councilwoman Parella noted that she was on the Town Council when the Historic District Ordinance was first adopted and that the original scope of the Historic District Commission did not include patios.

Mr. Tucker suggested that the Council needed a "big decision." He also suggested that the Historic District Commission might have an informational web page on the Town's website.

Councilwoman Parella asked to know Mr. Tucker's opinion of the use of new (technology) materials with Mr. Tucker responding that restorers should try to use "genuine" materials. He added that it was expensive to replicate certain moldings since these required a custom-make knife in order to cut the profile.

Mr. Tucker added that there did not appear to be a central "pool" of information available to property owners.

Mr. Tucker noted that he studied Historic Preservation at Roger Williams University and found this study to be beneficial. He also noted that there is a website promoting "great new, green products:" www.buildinggreen.com

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Councilwoman Parella asked Mr. Tucker if he resided out of Town with Mr. Tucker responding that he moved back to Bristol last year. He added that he did not agree with Judith Anderson who wishes to do-away with the Historic District Commission. He added that the historic fabric of Bristol was important to preserve and that the layout of the streets, etc., stem from Colonial times.

Councilwoman Parella stated that she agreed with Mr. Tucker but expressed concern that a member of the Historic District Commission has been "insulting" to applicants.

Mr. Tucker agreed that there was "non-positive" language provided by one person and that Commissioners should not speak negatively to the applicants. He noted that he watched someone be berated by a member of the Historic District Commission.

Councilman Barboza asked if Mr. Tucker had anything else to share with the Council with Mr. Tucker responding that he was concerned that there was no one on the Commission with "practical experience" and that he could provide a "hands-on" perspective after being "engulfed" in research, etc.

Council Chairman Marshall thanked the applicants for their time and information provided.

Public Hearing Regarding Proposed Amendments to the Home Rule Charter

Documents Received:

Copy of Advertisement (7-22-2010) re Proposed Charter Amendments
Memorandum from Gregory Raposa "Dear Councillors" (sic)
Memorandum from Town Treasurer Goucher to Town Administrator Mederos re Impact of Charter Amendment
Proposed Town of Bristol Charter Amendments (revised 7-27-10)

Barboza/Cordeiro - Voted unanimously to close the public hearing.

Barboza/Cordeiro - Voted unanimously to approve those questions rated either a priority "4" or "5" and those directly related thereto and to forward same to the Town Solicitor so that he may prepare the proper ballot language and also to empower the Town Solicitor to

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forward these questions to the Board of Canvassers so that the Board may arrange to have these questions put before the voters at the General Election to be held on November 2, 2010.

It is hereby noted for the record that using the newspaper advertisement determined that the questions should be ranked as follows:

Rank "5" - Questions 3, 5, 7, 8, 10, 12, 13, 14, 19, 20, 21, 22, 23, 24, 25, 26, 27, 29

Rank "4" - Questions 6,

Related to Questions ranking "5" or "4" - Questions 15, 17, 18

Rank "3" - Questions 11, 16

Rank "2" - Question 4

Rank "1" - Questions 1, 2, 9, 28

Prior to the votes taken, Council Chairman Marshall opened the Public Hearing.

Council Chairman Marshall stated that he was concerned that there may be too many amendments to be considered since these could involve as many as thirty (30) questions for the November ballot. He explained that although the Council considers all of these to be worthy of consideration; it may be necessary to set priorities.

Council Chairman Marshall added that the Council may wish to place some of these matters aside and include these on a later ballot for consideration if warranted.

He added that the questions should consider those amendments that will replicate known problems.

Joseph Ciullo of 6 Jane Lane informed the Council that he was concerned regarding Section 606 - Board of Tax Assessment Review. Mr. Ciullo suggested that the Board might include five

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(5) regular members and have no alternate members as proposed in the amendment.

Town Solicitor Ursillo noted that the General Laws call for a three (3) member board and that changing this makeup would require a special law.

Mr. Ciullo also "impressed upon the Council" that the members should be at-large and not affiliated.

John Healy of 10 Dolly Drive informed the Council that he watched the Charter Review Commission process from its inception and that he was impressed by it. He also informed the Council that the Commission produced "a good product." He added that he would like to see the changes approved and implemented.

Council Chairman Marshall stated that he was concerned that the voters not be faced with too many questions. He stated that he was fearsome that if the number of questions were excessive the voters would choose to reject the proposed amendments without considering these on the merits.

Councilman Barboza agreed that the number of questions appeared to be too many and suggested that the Council should "whittle down" the number.

A discussion ensued regarding the number of questions with Town Solicitor Ursillo observing that some questions may be logically combined but that many of the topics must stand alone lest these be confusing to the voters.

Councilwoman Parella agreed that the number of questions can be problematic since these will follow the candidates and the State questions on the ballot.

Council Chairman Marshall noted that the questions regarding a "clean-up" of the language was a good idea but also observed that the Regional School District Enabling Legislation essentially made this language obsolete so that an amendment was not necessarily of value to the Town.

Nancy Horne of 1014 Hope Street asked if the Charter questions might be asked of the voters at a special election with Councilman Barboza responding that a special election is expensive and there was no budget available for a special election. Councilman Barboza asked the Clerk the cost of a

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special election with the Clerk responding that the Town typically budgets \$15,000 for each election.

Councilwoman Parella asked if the changes to the Harbor and Recreation departments might be combined in a single question with Town Solicitor Ursillo responding that this may cause voter confusion.

Council Chairman Marshall noted that the Charter already has a "gender neutral" section. He suggested that the proposed individual changes might not be considered at this time.

There was no remonstrance presented in opposition to any of the proposed amendments.

The public hearing was closed at this point in the meeting (vote found above)

Council Chairman Marshall asked to know if the issue of "electronic media" might be addressed otherwise with Town Solicitor Ursillo responding that this may be addressed by ordinance. The Clerk reported that it is the practice of his office to make many "advertised" items available via the Town's website.

A discussion ensued regarding question 6. It was noted that the current provision of the Charter considers that the Town Treasurer is the person with the financial expertise and that the Town Administrator conveys the budget to the Council for its approval.

A discussion ensued regarding question 11. The Council considered the memorandum of Town Treasurer Goucher regarding this matter.

Council Chairman Marshall noted that he had a problem with changing the reporting structure for the Harbor Master. He noted that expectations for the Harbor Master would require that the position should report to both the Council and Town Administrator. A further discussion ensued regarding the day to day operation of the Harbor Master's office.

Councilwoman Parella stated that she would prefer if the Council defined a "clear line" for reporting since a back-and-forth reporting system tends to be difficult for all parties. She noted that all of the various departments provide regular reports to the Council and also that the Council has the

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ultimate authority in that it is in control of the "purse strings."

Town Solicitor Ursillo suggested with the Council in agreement that the provision should expect that the Harbor Master would report to the Town Administrator on a day-to-day basis and also directly to the Council as requested.

A discussion ensued regarding the establishment of a new Harbor Commission.

A discussion ensued regarding question 29 with Fausto Anguilla noting that the Charter Review Commission was unanimous in its recommendation that this provision should be presented to the voters.

Town Solicitor Ursillo noted that there were approximately sixteen (16) questions with a ranking of "4" or "5". He added that there may be more or less once the questions are finalized.

The Council agreed by consensus to include those questions with a ranking of "4" or "5" and any of those related to these on the ballot.

Council members again thanked the members of the Charter Review Commission.

Mr. Anguilla noted that the Council had a difficult responsibility in making a determination as to which questions would be placed on the ballot.

It was suggested that there might be a cable television program during the election season to explain the charter changes.

There being no further business, upon a motion by Councilman Barboza, seconded by Councilman Cordeiro and voted unanimously, Council Chairman Marshall declared this meeting to be adjourned at 10:20 o'clock PM.

Louis P. Cirillo, CMC, Council Clerk