

**TOWN COUNCIL SPECIAL MEETING - WEDNESDAY EVENING
FEBRUARY 9, 2011**

PRESENT: Marshall, Barboza, Teixeira, and Parella (arrived at 7:25 o'clock PM)

ABSENT: Herreshoff (due to illness)

ALSO PRESENT: Andrew M. Teitz, Assistant Town Solicitor

PRESENT FOR THE ZONING BOARD OF REVIEW: William McMullen, David Raposa, and Edward Stuart

PRESENT FOR THE PLANNING BOARD: Jerome Squatrito, Kenneth J. Marshall, Armand Bilotti, Anthony Murgo, and Nathan Calouro

PRESENT FOR THE HISTORIC DISTRICT COMMISSION: Oryann Lima (arrived at 8:20 o'clock PM), Eric Hertfelder, Victor Cabral, and Thomas Enright

The Council met in special session on Wednesday evening, February 9, 2011 in the Town Hall, Council Chambers, beginning at 7:10 o'clock PM, Council Chairman Marshall presiding:

Documents Received:

- Ursillo, Teitz, and Ritch, Ltd. re "Your Role as a Public Official"

Interview - Alternate Member

Sean McCormack
66 Ferry Road

Mr. McCormack informed the Council that he was involved with the Zoning Board of Review in Barrington and operates a small business. He added that his experience as a businessman allows him to understand the challenges of others in business.

Mr. McCormack added that he is of the opinion that Bristol's downtown is "nice" and would like to help keeping it that way.

Mr. McCormack also observed that funding remains an issue and that the Town must determine the best way in which to utilize available resources.

Council members observed that they had reviewed Mr. McCormack's resume.

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Mr. McCormack added that he has a diverse business background including sales and engineering and that these will prepare him for both the "customer service" and "technical" issues. He added that his various experience allows him to understand "what makes things go."

Council Chairman Marshall observed that the Redevelopment Agency has experienced some great successes in the recent past and that the Agency might consider more "depth" including its own bonds.

Council members thanked Mr. McCormack for his interest. Council Chairman Marshall noted that the position will likely be filled at the regular Town Council meeting to be held on February 16, 2011.

Meeting with Boards and Commissions

Assistant Solicitor Teitz distributed copies of "Your Role as a Public Official" and also offered to take telephone calls from Town Officials concerning the topics included in same.

Assistant Solicitor Teitz explained that the basic premise of compliance to the regulations regarding public meetings, public records and ethics is "common sense," suggesting that those in service to the public may wish to consider how any particular action would "look tomorrow morning on the front page of the Providence Journal."

Assistant Solicitor Teitz explained that officials should also consider the appearance of impropriety and that decisions should always be and also appear to be fair.

Assistant Solicitor Teitz noted that problems often arise when an official, albeit innocently, attempts to do someone a favor.

Assistant Solicitor Teitz explained that his handout considers two (2) statutes; the Open Meetings Statute and the Open Records Statute and also one (1) agency, the Ethics Commission. He added that the Ethics Commission is established by the State Constitution.

He added that one should consider these with a simple concept that the government's business is an "open process" and that it is closed from public scrutiny only for very narrowly-defined, specific reasons.

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Assistant Solicitor Teitz noted that the law specifies that persons have a right to see and hear what may be discussed at public meetings and that certain rules apply regarding a citizen's right to be heard. He added that the same applies to paperwork and that public records must be made available.

Assistant Solicitor Teitz explained that the Ethics regulations compel public officials to disclose "who is paying your salary."

Assistant Solicitor Teitz reviewed the details of the handout pertaining to the three topics.

Mr. Cabral asked if he should represent his personal interests before the Historic District Commission with Assistant Solicitor Teitz responding that one may represent one's self concerning one's residence before the various boards. For business interests, i.e. a rental property, Assistant Solicitor Teitz recommended that the board member should have someone else represent the board member's interest.

Councilwoman Parella asked to know if a board member was a member of a "class" if he or she may be clear to vote on a subject affecting the class. She noted as an example that a teacher's spouse on a school committee is generally allowed to vote for budgets which include salaries.

Assistant Solicitor Teitz responded that the "class" should be large enough so that the appearance of impropriety is not a concern.

Assistant Solicitor Teitz reviewed matters relating to conversations with constituents concerning board business outside of the board meeting. He suggested that a proper response would be "you should really attend the meeting" and if the person is unwilling to do so then it would be appropriate for the board member to report on behalf of the individual and get his or her objection or concern on the official record of the meeting.

Mr. Stuart asked if it would be advisable to name the person having the concern with Assistant Solicitor Teitz responding affirmatively.

Councilwoman Parella expressed concern that a Councilor's sources may stop talking if the source is revealed.

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Assistant Solicitor Teitz stated that it would be acceptable to quote an unnamed source provided, however, that the information is not a finding of fact as hearsay. He added that this situation is more difficult in the case of the Zoning Board of Review since the rules for that body's receipt of testimony are more severe.

Councilman Teixeira asked to know if the Bristol County Water Authority was a "public body" governed by the laws discussed this evening with Assistant Solicitor Teitz responding affirmatively.

Council Chairman Marshall thanked Mr. Hertfelder for presenting at the upcoming Historic District Commission workshop to be held on March 2. He noted that this workshop will concern Historic District Commission applications and that the goal of the workshop is to help applicants be more at ease with the application process.

Councilman Barboza asked Assistant Solicitor Teitz if it was acceptable to shred anonymous letters with Assistant Solicitor Teitz responding that Council members were within their rights to accept or reject any piece of correspondence.

Ms. Lima arrived at this point in the meeting (8:20 o'clock PM).

Assistant Solicitor Teitz added that it was not the obligation of public officials to read any particular piece of correspondence, but that the Solicitor would be somewhat bound to investigate the information provided in any piece of correspondence particularly if the correspondence contained allegations of illegalities.

Councilwoman Parella asked if there was any limit as to the number of times someone might be able to seek public records with Assistant Solicitor Teitz responding that it is probably best to provide whatever is sought and not to expend legal fees to avoid providing these. He did note, however, that repeated requests for the same information from the same party may be challenged provided that good records are kept of the fulfillment of the request.

Council Chairman Marshall asked to know if the various board members might like to do things differently with Mr. Squatrito noting that he believes that the Planning Board works well and also that he has "no gripes."

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Mr. Stuart called attention to the subject of wind turbines and suggested that the Council might provide a "better foundation" regarding same. He noted that each board appears to be making policy decisions and that this policy should be uniform for the Town.

Council Chairman Marshall noted that the Council "struggled" with a wind turbine ordinance and that it is still reviewing the ordinance. He added that the Town is also evaluating a renewable energy project initially intended for the composting facility but was found to be impractical. He added that the Council may wish to reallocate these funds and to erect a wind turbine at either the Water Pollution Control Facility or the Transfer Station.

Council Chairman Marshall suggested that the various boards should still consider any requests for renewable energy projects on a case-by-case basis.

Councilwoman Parella expressed concern that the Council should be setting policy and that the boards should not be "out there doing whatever" without clear guidelines established by the Council.

Mr. Calouro stated that the information provided by Assistant Solicitor Teitz was useful but he was also hopeful that there would have been more of an exchange of ideas this evening.

Councilwoman Parella agreed that a "round table" discussion would be useful and suggested that a special meeting for this purpose might be arranged in order to "keep everyone on the same page."

Director of Community Development Williamson reported that the Planning Board docket has been slow so that she has arranged for guest speakers. She explained that a guest speaker may be available for a "hands-on" presentation regarding low-impact development on March 8, 2011 and that she will invite the various board members to attend once the speaker's presence is confirmed

Mr. Bilotti explained that low-impact development will require a cultural change. He added that he would like the Council to develop a policy to guide the boards.

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Mr. Squatrito suggested that the various boards might wish to meet quarterly to discuss issues of common interest.

Council Chairman Marshall suggested that quarterly might be too frequent and that semi-annually would probably be a more desirable interval.

Councilwoman Parella suggested that these meetings might take place on Saturday mornings with Mr. Squatrito noting for the record that some of the Planning Board members regularly work on Saturday.

There being no further business upon a motion by Councilman Barboza, seconded by Councilman Teixeira and voted unanimously, the Chairman declared this meeting to be adjourned at 8:45 o'clock PM.

Louis P. Cirillo, CMC, Council Clerk