

**TOWN COUNCIL SPECIAL MEETING - WEDNESDAY EVENING
JANUARY 30, 2013**

PRESENT: Parella, Calouro, Stuart, and Sweeney

ABSENT: Herreshoff

ALSO PRESENT: Antonio A. Teixeira, Town Administrator
Michael A. Ursillo, Esq., Town Solicitor

The Council met in special session on Wednesday evening, January 30, 2013 in the Town Hall, Council Chambers, beginning at 7:04 o'clock PM, Council Chairman Parella presiding:

1. Interviews/Appointments
 - a. Mount Hope Farm Board of Trustees (two year term - to expire in December 2014)
 1. Susan C. Maloney, 60 Van Wickle Lane - interest/appointment

Councilman Stuart nominated Ms. Maloney for appointment.

There were no further nominations.

Stuart/Sweeney - Voted unanimously to close nominations and to instruct the Clerk to cast one ballot in favor of Ms. Maloney with term to expire in December 2014.

Prior to the vote taken, Ms. Maloney appeared before the Council and read a prepared statement outlining her various volunteer accomplishments and experience both at Mount Hope Farm and in other capacities.

Councilman Calouro informed those present that he had spoken with former Council representative to Mount Hope Farm, Anthony Rego, regarding his concern that many farm events were too expensive for most Bristolians. He suggested that the Farm should sponsor some low-cost events.

Ms. Maloney explained that the farm sponsors a "fall event" which is free, and that citizens are admitted to the farmers' market for no fee. She added that the farm is sponsoring a lecture series for a nominal charge of \$5 for non-members and that members of the Mount Hope Farm are admitted free.

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Councilman Calouro explained that he was speaking specifically of the annual "jazz event" and suggested that the farm may wish to offer a "tiered" ticket structure.

Ms. Maloney explained that she would bring these concerns to the Board of Trustees.

Councilman Stuart noted that the responsibilities of the Town's representative on the Mount Hope Trust is greater than that of a regular board member since the holder of this position must be also the liaison to the Town.

- b. Bristol Housing Authority (unexpired term - to expire in January 2015)
 - 1. Raymond Cordeiro, 73 Franklin Street - interest/appointment

Councilman Calouro nominated Mr. Cordeiro for appointment.

There were no counter-nominations.

Calouro/Sweeney - Voted unanimously to close nominations and to instruct the Clerk to cast one ballot in favor of Mr. Cordeiro with term to expire in January 2015.

Prior to the vote taken, Mr. Cordeiro explained that he is very familiar with the duties of the Housing Authority and also he is familiar with the operation of the Benjamin Church Manor housing complex.

Council Chairman Parella commented that the Housing Authority has been a "very stable board."

- c. Tree Warden (one year term - to expire in January 2014)
 - 1. Michael King, 19 Cedar Drive - interest/appointment

Councilman Stuart nominated Mr. King for appointment.

There were no counter-nominations.

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Stuart/Calouro - Voted unanimously to close nominations and to instruct the Clerk to cast one ballot in favor of Mr. King with term to expire in January 2014.

Prior to the vote taken, Mr. King appeared before the Council.

Council Chairman Parella asked Mr. King to review his qualifications and experience with Mr. King responding that he holds a bachelor's degree in horticulture from the University of Rhode Island and that he is the proprietor of a lawn care service company. Mr. King added that he would like to become involved in public service.

Town Solicitor Ursillo asked to know if Mr. King was a registered arborist with Mr. King responding that he is a registered arborist. It was noted that the registration is a requirement of the State regulations for tree wardens.

Mr. King also explained his business.

Council Chairman Parella asked Town Solicitor Ursillo to explain the "dos and don'ts" of the position with Town Solicitor Ursillo responding that it is the responsibility of the Tree Warden to make determinations regarding tree trimming and/or removal and that the physical work is completed by others typically under contract with the Town.

A discussion ensued regarding tree diseases, etc., with it being noted for the record that the Tree Warden would also make recommendations for tree treatment to mitigate problems with insects and disease.

***AMEND ITEM**

- d. Recreation Board (February appointment)

***AMEND ITEM**

- 1. John Olsen, 9 Colonial Road - interest/appointment

Town Administrator Teixeira reported that Mr. Olson, who had been earlier present at the meeting, was unexpectedly called away.

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2. Council Workshop with Harbormaster Search Committee re Harbor Ordinance, Harbormaster Job Description, and Harbormaster Compensation
 - a. Town Solicitor Ursillo re Harbormaster's Powers

Stuart/Sweeney - Voted to approve the amendments to the job description as amended including the various bullet points as noted as follows:

1. Change the Captain's License to 25 tons or greater
2. Add back in the Harbormaster Certification requirement provided that this is completed based upon the availability of the next class of candidates
3. Relocate the five "bullet points" adding these to the "function" portion of the job description
4. Amend the salary range to \$58,000-\$62,000
5. Add the prohibition to have additional employment without the express consent of the Town
6. Correct noted typographical errors

Voting in favor of this motion were Council Chairman Parella, Councilman Herreshoff, Councilman Stuart and Councilman Sweeney. Councilman Calouro was recused from the vote.

Prior to the vote taken, Councilman Calouro recused himself from the discussion and action and left the Council table.

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Harbormaster Search Committee Chairman David E. Barboza introduced the Committee members present, Paul Sanroma, Barbara Healy, Edward Quinn, and Katie Egan.

He reported that the Committee held meetings on January 3 and January 10 and that the Committee recommends certain changes to the adopted job description.

Mr. Barboza also explained that the Committee plans to provide three finalists for final consideration for appointment by the Council.

He outlined the changes recommended to the job description including the requirement that the successful candidate must have a Captain's License for a minimum of a 25 ton vessel.

A discussion ensued regarding Harbormaster certification. It was noted that the most recent academy began in March of last year.

Council Chairman Parella suggested that the successful candidate might be afforded the opportunity to complete the certification program within one year.

Mr. Barboza expressed concern that the Town might retain a harbormaster that is not certified.

Barbara Healy suggested that the allowance might consider a requirement to take the "next available" course since the academy is only provided on an as-needed basis.

Councilman Barboza stated that he would accept the wishes of the Council.

Mr. Barboza noted that the Committee recommends the deletion of the law enforcement provisions of the job description. He noted that the Solicitor provides a letter from the Trust stating that only those who have completed the RI Police Academy may have these powers and that it would both narrow the field of applicants and conflict with the Police Department's role.

Mr. Barboza recommended that the Council also amend the ordinance as previously proposed to eliminate the law enforcement provisions contained therein.

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Town Solicitor Ursillo explained that the Harbormaster should likely be responsible for law-enforcement relating to the list of regulations in his memorandum relating to the Town Code, adjudicated in the Municipal Court (no handcuffs or finger prints), and that the Police Department should be responsible for "serious crimes." He added that the Harbormaster would assist the Police Department in identifying these crimes and also provide transportation for the police officers if necessary.

Town Solicitor Ursillo added that the "reality of the situation" is that the need to call in the Police Department, based upon the current harbor situation, would be infrequent.

Council Chairman Parella stated that she did not expect the Police Department to become Harbormaster.

Town Solicitor Ursillo reported that he spoke to Police Chief Canario regarding this matter in particular and that the Chief assured him that the police action would be as previously stated.

Council Chairman Parella asked to know what might happen in the case of a drunken boater with Town Solicitor Ursillo responding that the Harbormaster would likely "pull over" the perpetrator and contact the Police Department at the same time for assistance. He added that should the accused refuse to remain nearby, the Harbormaster would be responsible to provide a report to the police.

Councilman Stuart stated that the situation described by Town Solicitor Ursillo appears to be essentially current practice.

Town Solicitor Ursillo noted that former Harbormaster Cabral was trained for arrest powers.

Mr. Barboza reported the "salient point" in that requiring police training of harbormaster candidates would limit the pool of applicants significantly. He noted that the previous Council considered the measure but ran out of time on it.

Council Chairman Parella stated that she wished to be clear on the fact that she will not support the addition of a

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police boat and that the Harbormaster and his assistants must have specific roles.

Mr. Barboza noted that the word "relevant" found on Page 2 of the job description was key to this issue.

Councilman Stuart asked to know if these considerations conflict with the provisions of the Town Charter or Town Code with Town Solicitor Ursillo explaining that the Code must be amended to accommodate this change and that he did not think this to be a problem.

Mr. Barboza noted the recommended changes to the job description highlighted in blue and stated that he agreed with Ms. White that the harbor should be managed as a business and that it is a goal that the management of the harbor should be "friendly and welcoming." He read from the list provided in blue.

Council Chairman Parella stated that she found a requirement that the Harbormaster must have experience in maintaining a safe harbor to be missing from the list of qualifications.

Mr. Barboza noted that this requirement is implied under "administration."

Council Chairman Parella stated that she believes that this provision should be part of the applicant's demonstrated experience.

Mr. Barboza stated that the Committee will use a categorized data matrix in its evaluation of the candidates and that the Committee plans to vet the applicant's relevant experience in the interview.

Councilman Sweeney suggested that the new Harbormaster should have good communication skills.

Mr. Barboza agreed with Councilman Sweeney and added that the Harbormaster should also be able to prepare budgets, attend meetings, etc. He noted that it would be possible to add more language to the job description.

Council Chairman Parella suggested that the Committee should add bullet points to the job description to reflect these requirements.

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Councilman Stuart suggested that the hospitality aspects of the Harbormaster's duties should also be added as a "focus or vision."

Town Solicitor Ursillo noted that all of the things discussed appear to be qualifications. He suggested that the word "experience" might be removed and keep the qualifications.

Council Chairman Parella suggested that the Committee should remove the blue bullet points and place these considerations under the job "functions."

Mr. Barboza stated that he would be acceptable to moving these at the request of the Council.

Mr. Barboza also asked to have the Council consider the salary issue since the pay must be commensurate with the job requirements and expectations.

Council Chairman Parella stated that she reviewed the proposed range with Town Treasurer Goucher and Town Administrator Teixeira and that she believes that the high \$50s would be a better starting point for the position which is \$18,000 above that which was paid to the current part-time Harbormaster.

Mr. Barboza stated that the Committee recommends its salary range "comparing apples to apples" considering the salaries of the Police and Fire Chiefs and the Public Works Director.

Mr. Sanroma stated that the Committee also considered that the Harbormaster's position carries certain risks with bad weather, strong winds, etc., and that he believes these risks should be taken into consideration when setting the salary of the Harbormaster.

Mr. Barboza stated that the Committee took into account the Town's miles of coastline and the number of slips and moorings within the Harbormaster's jurisdiction when recommending the salary range.

Councilman Stuart suggested that there might be just a salary cap with Mr. Barboza explaining that the Committee prefers to have a range.

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Council Chairman Parella stated that she believes the high end of the range to be too high.

Councilman Sweeney asked to know the current salaries of the Harbormaster and full-time assistant Harbormaster according to this year's budget with Council Chairman Parella responding that salaries for the part-time Harbormaster and the full-time Assistant were approximately \$26,000 and \$40,000, respectively.

Mr. Barboza noted that the new Harbormaster will be full-time and that there should be a full-time salary for this position. He added that the Committee believes that a range is appropriate since there is a broad range of candidates.

Councilman Sweeney asked to know about the range of candidates with Mr. Barboza responding that the Committee has not yet interviewed anyone nor have they officially reviewed the applications.

Council Chairman Parella stated that she believes the challenge of the position goes beyond the pay rate and that the applicants should have a vision for the position. She added that it is very likely that some applicants will be well qualified for the position despite the amount the Town plans to pay.

Council Chairman Parella speculated that the Town's full-time benefit package costs approximately \$30,000 per employee.

Councilman Stuart asked to know why the Committee considered the salaries of Harbormasters in Harwich and Weymouth with Mr. Barboza explaining that the harbor responsibilities in these communities are similar to that of Bristol.

Council Chairman Parella noted that she has a sense that some of the candidates are not motivated by the pay rate.

Councilman Stuart suggested that the range as recommended by the Search Committee is too broad.

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Mr. Barboza stated that the salary range is the responsibility of the Council and that it does not have to accept the Search Committee's recommendation.

Council Chairman Parella noted that the Search Committee did consider many variables and that she believes that the range is necessary to allow for growth in the position. She added that if someone is hired at the upper end of the range the expectation for the future will be too high.

Councilman Sweeney asked to know if the Harbormaster will be paid overtime with Mr. Barboza responding that the Committee assumes that the Harbormaster will be a salaried employee and will be on call "24/7."

Mr. Barboza noted that the Committee strongly suggests that the Harbormaster shall have no other employment without the express consent of the Town Council.

Council Chairman Parella asked to know if it is legal to have this requirement with Town Solicitor Ursillo responding that this type of provision is commonplace in contracts.

A discussion ensued regarding the Harbormaster's office activity with Councilman Stuart noting that the office is now busy with paperwork.

Mr. Barboza agreed to add the no other employment provision into the job description with the Council in consensus to do so.

It was also agreed, after a discussion concerning same, the Harbormaster Certification should be returned to the job description.

Councilman Stuart suggested that the required Captain's License should be for a 25 ton minimum and that there should be no upper-limit described in the job description.

Mr. Barboza agreed that the Coast Guard License should have no limit. He also noted that this is reviewed every two years.

Councilman Stuart suggested that the Council continue discussion regarding the proposed salary.

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Council Chairman Parella asked Town Administrator Teixeira if he might provide a recommendation with Town Administrator Teixeira responding that the range might be \$58,000-\$62,000 or perhaps \$58,000-\$60,000.

Mr. Barboza stated that the \$58,000-\$62,000 range appeared to be equitable.

Councilman Stuart noted that the salary can be adjusted in the future if necessary.

Mr. Barboza noted that the Council may wish to debate this further as part of the budget process.

He added a "recap" of the discussion and noted that he plans to make the following changes to the job description based upon the discussion:

1. Change the Captain's License to 25 tons or greater
2. Add back in the Harbormaster Certification requirement provided that this is completed based upon the availability of the next class of candidates
3. Relocate the five "bullet points" adding these to the "function" portion of the job description
4. Amend the salary range to \$58,000-\$62,000
5. Add the prohibition to have additional employment without the express consent of the Town
6. Correct noted typographical errors

After the vote taken, Councilman Calouro returned to the Council table.

Stuart/Sweeney - Voted unanimously to suspend the regular order of business to consider agenda item 4 at this time.

It is hereby noted for the record that discussion and action concerning agenda item 4 appears, in place, below.

3. Council Workshop re "Explore Bristol"

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There was no specific action taken concerning this agenda item.

Mr. Byrnes thanked the Council for the opportunity to provide this update. He noted that the committee was an outgrowth of the concern raised in the aftermath of Hurricane Irene and in consideration of a rash of downtown storefront closures happening at about the same time.

Mr. Byrnes reported that the various interested parties agreed that more cooperation between local businesses could result in increased commerce for all and that the efforts, thus far, are yielding a positive result.

A power point presentation was reviewed.

Mr. Byrnes noted that the effort focuses on promoting the "character" of the Town and that there is a thirty (30) member steering committee acting as an "idea generator" with seven (7) working groups.

He also reported that there is a new website www.explorebristolri.com.

Alayne White, a member of the group suggested that there is a need to get residents more familiar with the website and that the various working groups are prominent on the website.

Mr. Byrnes noted that restaurateur Jeff Hirsh was persistent in convincing the group to have a public relations marketing effort to include Lou Hammond Associates.

Mr. Hirsh reported that Ms. Hammond introduced the Town to a team of travel writers who "love what they have seen" and that he expects that there will be a feature article soon in the Boston Globe.

He added that there is an intern program working on a calendar of events and that Champe Spiedel, chef/owner of Persimmon Restaurant will be featured in an article also.

He also added that Explore Bristol will receive quarterly reports concerning the ongoing public relations efforts.

Mr. Byrnes noted that the "Discover Bristol" brochure will be upgraded and that the group is working with East Bay

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Newspapers to reconfigure the brochure which will be patterned after the Explore Bristol website. He noted that the logo is red, white, and blue to tie-in to the Town's well-known Independence Day celebration.

Mr. Byrnes noted that the group is focusing on the "by sea" aspect of attracting visitors and that there is an effort toward making visitors arriving by water more welcomed and also that the visitor center is improving.

Stephan Brigidi noted that the tourist related taxes appear to be on the rise. He added that the visitor center is "key" to the overall efforts and introduced Kathy Morrison who heads-up that effort.

Mr. Brigidi reported that banners have been purchased and that there is need for additional signage. He also reported that there is a plan for a portable booth to be placed near the terminus of the East Bay Bicycle Path and a "roaming concierge" for the waterfront area.

Mr. Brigidi also reported that Victoria White manages the visitor center with the help of 12-14 volunteers.

Mr. Byrnes reported that the effort "gets great support" from Roger Williams University and that its biggest expense is marketing.

Councilman Sweeney stated that he viewed the new website and found it to be "first class."

Councilman Stuart stated that he attended the "State of the City" address by Providence Mayor Angel Taveras and noted that the Mayor's message concerning "pulling together" and "team effort" seems to apply here also.

Council Chairman Parella asked to know what Mr. Byrnes would like to receive from the Town at this juncture with Mr. Byrnes responding that the group will request additional funding - more than last year - and he reported that the group plans to fundraise also to offset the costs.

Councilman Stuart noted that the Council plans to adopt a resolution in favor of the establishment of a tax-exempt arts district at its next meeting.

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Council Chairman Parella thanked the group for its work on behalf of the Town and Town Administrator Teixeira noted that the Explore Bristol is a "wonderful force" under the direction of Mr. Byrnes.

Mr. Byrnes replied that Explore Bristol is a team effort.

4. Modification and Re-affirmation of existing "Letter Agreement Regarding Sewer Line Installation" (Rholen West LLC & Town of Bristol - originally approved July 9, 2008)

Stuart/Sweeney - Voted unanimously to approve the agreement as amended; authorizing the Chairman to sign on behalf of the Town.

Prior to the vote taken, Council Chairman Parella suggested that the Council consider this matter while Town Solicitor Ursillo was still present.

Town Administrator Teixeira explained that the agreement is in place and that the Council might consider a slight amendment to allow for an alternate route for the private sewer line.

He noted that Rholen West LLC, d/b/a/ Bristol Marine will be responsible for the connection and pump station.

Council Chairman Parella noted that the agreement was executed in 2008 and that this is a slight modification to the original, in-place, agreement.

Councilman Calouro noted that Representative Marshall informed him of the agreement and the necessity for the amendment.

There being no further business, upon a motion by Councilman Stuart, seconded by Councilman Sweeney and voted unanimously, the Chairman declared this meeting to be adjourned at 8:58 o'clock PM.

Louis P. Cirillo, CMC
Council Clerk