

Present: June Sager Speakman, Kate G. Weymouth, Cynthia Armour Coyne, William C. DeWitt and Ann P. Strong
Also Present: Town Manager Peter A. DeAngelis, Jr., Town Solicitor Michael Ursillo, Finance Director Kathy Raposa, Tax Assessor Michael R. Minardi, Police Chief John M. LaCross, Fire Chief Gerald Bessette, Public Works Director Alan Corvi, Building Official Robert B. Speaker, Town Planner Philip Hervey, Library Director Deborah Barchi, and Town Clerk Meredith J. DeSisto

Council President Speakman called the meeting to order at 7:02 P.M.

Mrs. Speakman asked everyone to stand and join in the Pledge of Allegiance.

INTERVIEWS:

The following applicants were interviewed for vacancies and renewals of appointment on boards and commissions:

- **Senior Services Advisory Board:** Gretchen Wallace (withdrew her application) and Barbara Green (unable to attend).
- Jenny K. Flanagan interviewed, for a position to be determined.

RESIGNATIONS/ NOT ELECTING REAPPOINTMENT:

- **Motion** by Mrs. Strong and seconded by Mrs. Coyne to accept with regret the resignation of **Patricia Rochford** from the Senior Services Advisory Board. Passed unanimously.
- **Motion** by Mrs. Strong and seconded by Mrs. Coyne to accept with regret the resignation of **Sherry Notarangelo** from the Senior Services Advisory Board. Passed unanimously.

APPOINTMENTS/REAPPOINTMENTS:

- **Housing Board of Trustees:** **Motion** by Mrs. Weymouth and seconded by Mrs. Coyne to appoint Jenny K. Flanagan to the **Housing Board of Trustees** as 2nd alternate for a term ending December 31, 2015. Passed unanimously.

ANNOUNCEMENTS:

- **CROP Hunger Walk:** Mrs. Weymouth announced the CROP (Communities Responding to Overcome Poverty) Hunger Walk is scheduled for Sunday, April 6, 2014 at 2:00 P.M. (1:30 P.M. registration) at St. John's Episcopal Church.
- **ECO-DEPOT:** Mrs. Weymouth announced the Eco-Depot Hazardous Household Waste Drop-Off to be held on Saturday, March 15, 2014 from 9:00 A.M. to 1:00 P.M. at the Barrington High School parking lot.

CONSENT AGENDA (*)

Motion by Mrs. Strong and seconded by Mrs. Coyne to adopt the consent agenda. Passed unanimously.

***MINUTES**

It was unanimously voted to adopt the minutes of the January 27, 2014 (Town Council attended Charter Review Commission) and February 3, 2014 Town Council meeting. Passed unanimously.

MONTHLY DEPARTMENT REPORTS

It was unanimously voted to adopt the following monthly department Reports: Fire Chief, Police Chief/Animal Control Official (not available this month), Building Official, Public Works Director, Town Planner, Town Solicitor, Finance Director, Tax Assessor, Senior Services Director, Library Director, Barrington Adult Youth Team Coordinator, Recreation and Leisure Services Director and Town Clerk. See Consent Agenda above.

***ABATEMENT LIST**

It was unanimously voted to accept the Abatement List in the amount of \$6,402.04 and as described therein. See page 244A.

PUBLIC COMMENT

There was no public comment.

BRISTOL COUNTY WATER AUTHORITY (BCWA) REPORT AND CORRESPONDENCE

- **Monthly Report:** Director Brad Louison was present to answer questions on the BCWA report. Discussion ensued regarding reinstatement of a treasurer and/or secretary at the BCWA. Mrs. Strong asked about the insurance program that will be offered to homeowners for the protection of repairs of the water line from the property line to the house. Mr. Louison stated that the BCWA receives no money from the insurance company.
- **Discuss and Act on Article 5 and 8 of Governors' FY2015 Budget (out of order):** Senator David Bates, Representative Joy Hearn and Representative Jan Malik were present to answer questions regarding Article 5 and 8 of the Governors' FY2015 Budget. Representative Hearn updated the Town Council and stated that, at this moment, the administration (Governor) has not signed the document. Mrs. Weymouth strongly urges Senator Bates, Representative Hearn and Representative Malik to attend the BCWA Tri-Town meetings (Barrington, Bristol and Warren). Senator Bates stated he would like to have a resolution from Barrington, Warren, Bristol and East Providence supporting the bond for the pipeline. Mr. Hellmann stated that, while we do not anticipate utilizing the Massachusetts water upgrades, it will be extremely expensive to maintain them and we should be concerned with the cost. Mrs. Speakman stated this is why it is extremely important to support Article 8 which supports the Bristol County Water Supply Act.

DISCUSS AND ACT ON SYNTHETIC TURF FIELD AT THE BARRINGTON HIGH SCHOOL

Alex Robertson, 9 Elm Lane, presented a proposal with private funding, via the Boosters' Club, to install a synthetic turf field at Victory Field, Barrington High School. Mr. Robertson stated a synthetic turf field is safer, causing fewer injuries. Mr. Robertson stated the synthetic field is more durable, lasting 18-20 years; with lower maintenance costs (approximately \$5,000 yearly, compared to \$50,000 for a natural field). Mr. Robertson commented there would be no wet field policy and no pesticides, making it environmentally favorable. Mrs. Coyne asked Mr. Robertson if he had gone before the School Committee. Mr. Robertson answered he will ask to be placed on their agenda.

Motion by Mrs. Weymouth and seconded by Mrs. Coyne to endorse the concept of a, privately funded, synthetic turf field located at Victory Field, Barrington High School. Passed unanimously.

DISCUSS AND ACT ON PRIVATE DOCKS ON PUBLIC LAND (out of order)

Attorney John Murphy submitted a report to Town Solicitor Michael Ursillo and Tax Assessor Michael Minardi and was present to report his findings. Mr. Murphy stated he conducted title research to determine record ownership of portions of the strip of land between the westerly side of New Meadow Road and the Barrington River. The properties in question consist of twelve delineated lots running from the southerly side of Lot 35 on Tax Assessor's Plat 32 to the northerly side of Lot 2 on Tax Assessor's Plat 28. Mr. Murphy stated this research was based solely upon record title and included examining Barrington Land Evidence Records, materials at the Rhode Island State Archives, and records located in other municipalities in Bristol and Providence Counties and are based on the Marketable Record Title Act (RIGL 34-13.1) and Title Standards (RIGL 34-13-1.2). Mr. Murphy summarized his findings by stating the research shows that eight of the lots satisfied the requirements of the Marketable Record Title Act. He also stated that three of the lots have not satisfied the Marketable Record Title Act, but, will with the passage of time (Title Standard 2.1 provides that record title covering a period of fifty years shall be sufficient to prove marketable title) and the last lot did not have reference to the strip of land in question. Mr. DeWitt asked if the eight parcels found to hold private docks on private land could then be taxed. Discussion ensued regarding assessing these parcels. Mrs. Strong asked if the Town could go back and tax those properties. Mr. Ursillo stated the Town can only go back and tax a property for the previous six years. Mrs. Weymouth questioned the three parcels, without clear title, can they be assessed and taxed. Mr. Murphy stated that is a policy question. Town Solicitor Michael Ursillo suggested that he along with the Tax Assessor Michael Minardi, Town Manager Peter DeAngelis and John Murphy meet and develop recommendations for a future meeting with the Town Council.

On a side note, Mr. Murphy stated, the staff of the Tax Assessor's office, Michael, Joanne and Donna; and, Town Clerk's office, Camilla, Stephanie and Meredith, were always courteous and professional. They were not only helpful to him but to other members of the public.

DISCUSS AND ACT ON REQUEST TO PURCHASE A PORTION OF TOWN LAND AP22, LOT 441 (APPROXIMATELY 360 SQ. FT.) OWNER KEITH STRICKLAND (continued from January 6, 2014)

Attorney Rick Simms, representing Keith Strickland of 3 Androzzini Drive, was present to continue the discussion from January 6, 2014 regarding a request to purchase a portion of Town land AP22, Lot 441 (approximately 360 sq. ft.). Mrs. Speakman stated that the Town has received recommendations from the Park & Recreation Commission and Conservation Commission stating there were no objections to the request. Mrs. Weymouth stated she was present at the Planning Board meeting in which a discussion took place regarding the request. Mrs. Weymouth stated the motion was to recommend responding to Mr. Strickland's request through one of two options: either an easement in gross or a license. Mrs. Weymouth explained that a gross easement benefits an individual or legal entity and does not run with the land; and, an appurtenant easement "runs with the land" and can be transferred from owner to owner. Mrs. Weymouth stated the Planning Board missed five essential points to this issue:

- (1) They did not take into account the size of the land (360 sq. ft.);
- (2) they overlooked the value (approximately \$1,200);
- (3) the actual delineation of the property;
- (4) the location of the property which is undersized for an R10 lot and,
- (5) the property owner realized his error and accepted responsibility to correct the mistake.

Motion by Mrs. Weymouth and seconded by Mrs. Speakman for Mr. Strickland to enter into an agreement with the Town for a perpetual or appurtenant easement that goes with the property. Once the agreement is signed, the owner will take full responsibility to pay the taxes on the property going forward, but will not be obligated to pay back taxes given that the previous owner had the full use of the property. Mr. Ursillo asked Mrs. Weymouth if she wanted the payment of \$1,200 be included in the motion. Mrs. Weymouth replied no, it is not part of the motion. Mrs. Coyne asked if the Town could ever take the land back. Mr. Ursillo stated the easement has placed a "burden" on the Town and negotiations would need to take place to change the easement. Mrs. Speakman asked if the only way to sell this portion of land is to request to purchase it at the Financial Town Meeting (FTM). Mr. Ursillo stated yes. Discussion ensued regarding property surveys and boundary lines in general. Mrs. Speakman suggested placing the subject of property surveys and boundary lines on an agenda for a future meeting. Mrs. Strong asked if Mr. Strickland had encroached on another parcel, Lot 689. Mr. Minardi stated that he was a member of the Planning Board when the Annie's Way Development was approved, and Mr. Strickland's encroachment on Lot 689 was resolved at that time. Mrs. Strong questions if this sets a precedent. Mrs. Speakman said it does not set a precedent because each case is different. Mr. Minardi commented on Mrs. Weymouth's motion stating, the Town presently owns the land, therefore, there are no taxes owed on this property because this land is tax exempt. Mr. Minardi stated he is in favor of a transfer of ownership through a sale and is opposed to the easement. Mr. Ursillo suggested if the Council grants the easement, part of the motion could be, the homeowner would be responsible for paying on an annual basis, what the taxes would be, if that land was attached to the entire property; in other words, a fee for the easement. Mr. Simms stated that Mr. Strickland is trying to resolve this issue and is taking responsibility and is willing to pay the Town for using the property over the years. Mr. DeAngelis is not in favor of a gross easement, which stays with the homeowner; if there were to be a sale, there would be clear title for the owner; but, he stated, he would be in favor of an appurtenant easement which stays attached to the property. Mrs. Coyne asked if this went to the FTM, and was voted down, could Mr. Strickland come back to Town Council and ask to enter into an easement. Mr. Ursillo stated technically yes, that is possible, but would advise against it because the people would have spoken at the FTM. Mr. Ursillo suggests granting the appurtenant easement and requiring as consideration a fee in lieu of taxes. The fee would be the equivalent of taxes as if they owned the land, and this fee would be paid on an annual basis. The final issue for consideration is whether to charge Mr. Strickland \$1200, for the value of the property as determined by the Tax Assessor. Mr. DeAngelis suggested including payment of back taxes for the last six years. Mr. Simms stated his client would be willing to pay the equivalent of six years of back taxes, pay the equivalent of all taxes going forward on an annual basis and pay \$1,200 for the value of the property. Mr. Ursillo stated the benefit is clear title for the property owner. Mrs. Weymouth **amended the motion** to include payment of \$1,200 for the value of the property, an annual fee in lieu of taxes, going forward, and payment of back taxes for the last six years. Motion passed four in favor, Mrs. Weymouth, Mrs. Speakman, Mrs. Coyne and Mr. DeWitt and one opposed, Mrs. Strong.

Mrs. Strong questioned Mr. Minardi regarding the address and merging of Lot 692. Mr. Minardi stated it will be corrected with a new survey.

DISCUSS AND ACT ON CELL TOWER AT SOWAMS SCHOOL

David Archambault, represents AT&T and is requesting to place a cell tower at Sowams School. Mr. Archambault distributed materials. Mr. Archambault stated this area of Town is the best place for a cell tower in order to increase coverage and receive the radio frequency needed for a communication site. Mrs. Strong was concern with placement of the tower so close to the baseball field. Mr. Archambault stated they cannot place the tower further back because a body of water exists. Mrs. Strong asked if vegetation will be removed from the area to install the tower. Mr. Archambault stated vegetation may need to be removed but all of the plantings will be replaced. Mr. Archambault stated he will ask the School Committee if this topic can be placed on the agenda for a future meeting. **Motion** by Mr. DeWitt and seconded by Mrs. Weymouth to endorse the concept of a cell tower for placement at Sowams School. Passed unanimously. Mrs. Coyne stated she has concerns and reiterates Council is only endorsing a concept. Mr. DeAngelis stated he has concerns and reiterates that this is only a concept and must be addressed at other boards such as the Planning Board, the Technical Review Committee (TRC), and the Conservation Commission etc.

CORRESPONDENCE:

- **Gary Morse:** Gary Morse, 2 Westwood Lane, distributed additional materials. Mr. Morse was present to discuss his correspondence to the Town Council on February 26 and 28, 2014 to the Town Council. Discussion ensued regarding his appeal to the Board of Assessment Review. No action was taken.

BRISTOL COUNTY WATER AUTHORITY (BCWA) REPORT AND CORRESPONDENCE (out of order)

- **Discuss and Act on Standards for Removal of BCWA Board Members (out of order):** Town Solicitor Michael Ursillo discussed his memorandum dated January 28, 2014 on the Standards for removal of BCWA Board members. Discussion ensued regarding the standard **Motion** by Mr. DeWitt and seconded by Mrs. Weymouth to adopt the following delineations as applied to removal of board members include the following:
 - (1) Arrest and conviction of a felony crime. Passed unanimously
 - (2) Use of intoxicating liquors or under the influence while attending meetings. Passed unanimously.
 - (3) Excessive absenteeism from meetings. Passed unanimously.
 - (4) Misrepresenting a town's position at a meeting – ~~basically, dishonesty.~~ Passed four in favor Mrs. Speakman, Mrs. Coyne, Mrs. Strong and Mr. DeWitt and one opposed Mrs. Weymouth.
 - (5) Failure to follow the instructions of the council on a specific agenda item – in short, insubordination. Passed unanimously.
 - (6) Consistent lack of preparedness for meetings. Passed four in favor Mrs. Speakman, Mrs. Weymouth, Mr. DeWitt and Mrs. Strong and one opposed Mrs. Coyne
 - (7) Lack of engagement/understanding with the issues before the authority. The motion failed two in favor, Mrs. Strong and Mr. DeWitt and three opposed, Mrs. Coyne, Mrs. Speakman and Mrs. Weymouth.

BIDS: FIRE DEPARTMENT

- **Station Uniforms:** **Motion** by Mrs. Weymouth and seconded by Mr. DeWitt to award the bid to provide Fire Department Station Uniforms to Somerset Uniform & Supply Co., Inc., 891 Wilbur Avenue, Somerset, MA 02725, at a cost of \$21,019 as described in a memorandum dated February 18, 2014 from Fire Chief Bessette. Passed unanimously.
- **Technology Upgrades:** **Motion** by Mrs. Weymouth and seconded by Mr. DeWitt to award the bid to provide Fire Department Technology Upgrades to Haywood Associates Incorporated, d/b/a TransCor Technologies at a cost of \$51,394.16 as described in a memorandum dated February 11, 2014 from Fire Chief Bessette. Passed unanimously.
- **Inflatable Boat Motor:** **Motion** by Mrs. Weymouth and seconded by Mr. DeWitt to award the bid to provide an inflatable boat to Maritime Solutions, Inc., 1250 East Main Road, Portsmouth, RI 02871 at a cost of \$12,980 as described in a memorandum dated February 11, 2014 from Fire Chief Bessette. Passed unanimously.

DISCUSS AND ACT ON FUNDING FOR BARRINGTON VILLAGE CENTER CONNECTIVITY PLAN

Mrs. Speakman stated on February 26, 2014 members of the Town Council, Planning Board and Committee on Appropriations were invited to attend a workshop with a presentation discussing a streetscape and wayfinding signage improvement plan intended to promote economic development and improve circulation on Maple Avenue, Wood Avenue, West Street, Waseca Avenue and Cottage

Lane. On advice of Counsel, Mr. DeWitt recused himself from the discussion. Town Manager Mr. DeAngelis stated the project is approximately \$1,600,000.00 and the Planning Board has recommended \$250,000.00 be included in the Capital Budget. Town Council instructed the Town Manager Peter DeAngelis to secure funding for the entire project, and, to include commentary with the proposed budget directed to the Committee on Appropriations.

DISCUSS AND ACT ON PROPERTY ABANDONMENT ORDINANCE

Mr. DeWitt stated some members of the public have brought to his attention that there are abandoned properties within some neighborhoods. In some cases, these properties contain debris, garbage and overgrown vegetation. Town Solicitor Michael Ursillo stated with the implementation of the Barrington Municipal Court, and updated language in the Town ordinance, land owners not abiding by the law can be fined and summoned to appear Court. Mr. Ursillo stated he will work with Building Official Robert Speaker to summarize a listing of issues that may not be contained in the ordinance. He will recommend additional language to the Town Council at a future meeting.

SET AGENDA FOR APRIL 7, 2014

The Town Council set the agenda for the April 7, 2014 Town Council meeting.

ADJOURN

Motion by Mr. DeWitt to adjourn the meeting at 10:00 P.M. Passed unanimously.

Meredith J. DeSisto, Town Clerk