

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, and Town Clerk Meredith J. DeSisto
Absent: Library Director Deborah Barchi

Council President Speakman called the meeting to order at 7:01 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: Margaret Shand (Thomas Finnerty, Barbara Green, Kenneth Lass, Sue Leson, and Robert Westlake were interviewed on Monday, April 7, 2014).

Planning Board: Edgar G. Adams, Jr., Michael W. Carroll and Jean Burritt Robertson

RESIGNATIONS/NOT SEEKING REAPPOINTMENT:

Motion by Mrs. Weymouth and seconded by Mr. DeWitt to accept with regret the resignation of Stephen Venuti from the Zoning Board effective June 1, 2014. Passed unanimously.

APPOINTMENTS/REAPPOINTMENTS:

- **Senior Services Advisory Board (2 vacancies):**

Motion by Mrs. Weymouth and seconded by Mrs. Coyne to table the appointment to the Senior Services Advisory Board to the next Town Council meeting on Monday, June 2, 2014. Passed unanimously.

- **Planning Board: (3 reappointments)**

Motion by Mrs. Weymouth and seconded by Mrs. Coyne to reappoint **Edgar G. Adams, Jr., Michael W. Carroll and Jean Burritt Robertson** to the Planning Board for a term ending May 31, 2017. Passed unanimously.

ANNOUNCEMENTS:

- **United Veterans' Council Annual Memorial Day Parade: Monday, May 26, 2014:**

Mrs. Coyne announced the 146th Memorial Day Parade which will be held on Monday, May 26, 2014 with units assembling at the high school at 9:00 AM. There is an opening ceremony at Victory Field Memorial Gates at the high school at 8:30 AM.

CORRESPONDENCE:

There was no correspondence.

CONSENT AGENDA (*)

Mrs. Weymouth requested that the Recreation and Leisure Services report be removed from the consent agenda. **Motion** by Mr. DeWitt and seconded by Mrs. Strong to adopt the Consent Agenda without the Recreation and Leisure Services report. Passed unanimously. Mrs. Weymouth stated she was impressed with the hiring practices of the Recreation and Leisure Services department for the summer season. Mrs. Strong inquired about the Hampden Meadows Road Race which took place on May 4, 2014. Mr. DeAngelis explained that he made sure that all required paperwork was submitted. Mr. DeAngelis stated he spoke with the Superintendent of Schools Michael Messoro to ensure that proper procedures are followed in the future. **Motion** by Mrs. Strong and seconded by Mrs. Coyne to accept the Recreation and Leisure Services report. Passed unanimously.

***MINUTES**

It was unanimously voted to adopt the minutes of April 7, 2014 and sealed minutes of April 7, and 15, 2014.

***UTILITY PETITIONS**

- **Bristol County Water Authority:** It was unanimously voted to grant permission to Bristol County Water Authority to open the highways at Surrey Road.
- **National Grid:** It was unanimously voted to grant permission to National Grid to open the highways at Bullock Avenue, Elton Road, Gregory Court, Lincoln Avenue, Maple Avenue, North Lake Drive, Oak Manor Drive, Woodford Road, Candleberry Road at Martin Avenue, Gibbs Lane at Martin Avenue, Foote Street, Lee Road and North Lake Drive.

***MONTHLY DEPARTMENT REPORTS**

It was unanimously voted to adopt the following monthly department Reports: Fire Chief, Police Chief/Animal Control Official, 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 \$932.84 and as described therein. See page 254A.

***SURPLUS PROPERTY**

It was unanimously voted to adopt a resolution declaring the following items on the April 23, 2014 memorandum from Finance Director Kathy Raposa to be surplus property and authorize the Town Manager to dispose of this property in accordance with Chapter 49 of the Town Ordinances and that he be permitted discretion to dispose of this property (discard) if it is not practical to sell: Town Clerk's office Asset #102124 Brother Printer MFC-8480DN.

***ACT ON AMPLIFICATION PERMIT FOR ST. ANDREW'S SCHOOL FOR SATURDAY, MAY 17, 2014 FROM 6:30 PM TO 12:00 AM**

It was unanimously voted to approve the amplification permit for St. Andrew's School for Saturday, May 17, 2014 from 6:30 PM to 12:00 AM.

PUBLIC COMMENT

Burton Van Name Edwards and Jason and Christine Lawrence spoke against the development of the George Street parcel (Residences at the Preserve). Mrs. Strong urged the public to stay for the duration of the meeting because the agenda includes item #24. Discuss and Act on Restrictive Covenant for George Street Parcel and at that time, council members will be allowed to have a discussion on the topic with members from the audience.

DISCUSS AND ACT ON VICTUALING LICENSE FOR A. BAILEY'S LLC, D/B/A MEDICI, OWNER: Robert and Jean Robertson

Motion by Mrs. Weymouth and seconded by Mrs. Coyne to grant a Victualing License to A. Bailey's LLC d/b/a Medici, owners Robert and Jean Robertson contingent upon all requirements being met and in compliance with all Town ordinances and State Statutes. Passed unanimously.

BRISTOL COUNTY WATER AUTHORITY (BCWA) REPORT:

Director Alan Klepper was present to answer questions regarding the monthly report. Mrs. Weymouth commented that the signage for the "flushing" project, was very helpful to the community. The Town Council discussed the presentation that Ken Burke, representing RIWRB, will give to Warren and East Providence regarding Article 5 and 8 of the Governor's FY 2015 Budget. Director Joel Hellmann stated that the members of BCWA asked him to talk with the Barrington Town Council regarding a motion that was passed at a meeting on March 3, 2014. Mr. Hellmann stated the concern is with "Standards for Removal of BCWA Board Members" - #5 Failure to follow the instructions of the Council on a specific agenda item - in short, insubordination. Town Solicitor Michael Ursillo stated these standards work in combination with each other; one item would not justify the removal of a member. Mr. DeWitt stated it was the intent and requirement for each Town to adopt their own procedures for the removal of an appointee.

BIDS: DEPARTMENT OF PUBLIC WORKS

- **2014 ROADWAY RESURFACING PROJECT:**
Motion by Mrs. Weymouth and seconded by Mr. DeWitt to award the 2014 Roadway Resurfacing project to D'Ambra Construction Company, Inc. of Warwick, RI at a cost of

\$1,600,000.00 as described in a memorandum from Alan Corvi dated April 24, 2014. Passed unanimously.

DISCUSS AND ACT ON UTILITY TRENCH RESTORATION

Mrs. Strong asked for clarification on the utility trench restoration project. Director of the Department of Public Works Alan Corvi stated that National Grid has a new representative that coordinates utility trench restoration for the Barrington area. Mr. Corvi explained that a road opening permit is required and once that is approved the trench is opened, a temporary patch is installed by the utility company, a minimum of 6 months is required for settlement, and, then, the permanent trench patch is installed.

Motion by Mrs. Weymouth and seconded by Mrs. Strong to reorder the agenda and move agenda item #24. Discuss and Act on Restrictive Covenant for George Street Parcel out of order and then discuss agenda item #19. Discuss and Act on Housing Board of Trustees Request for Funding. Passed unanimously.

DISCUSS AND ACT ON RESTRICTIVE COVENANT FOR GEORGE STREET PARCEL

President Speakman asked Town Solicitor Michael Ursillo to give a brief history regarding the purchase of the George Street Parcel. Mr. Ursillo stated that on June 2, 2009 the Town Council, acting in its capacity as Trustees of the Amey Tucker Spencer Trust Fund, used funds to purchase the property on George Street for a proposal for an affordable housing development. A resident of the Town of Barrington registered a complaint with the Attorney General's office, questioning whether or not, it was appropriate that Spencer funds were used to purchase property for affordable housing. The Attorney General's office conducted an investigation (Mr. Ursillo provided a letter from the Attorney General's Office to the Town Council). The Attorney General's office found that there was not a problem using the funds to purchase the property with the intent to use the land as affordable housing. But, the Attorney General's concern was if the Town did not go forward with developing the land as affordable housing, and if the Town decides to sell the land, that the funds must be returned to the Amey Tucker Spencer Trust Fund. Mr. Ursillo stated that he assured the Attorney General's office that the Town would reimburse the funds to the Amey Tucker Spencer Fund, if the land was not used for affordable housing. Mr. Ursillo stated that he drafted a restrictive covenant which restricts the funds and binds this Council as well as, future Councils, if the funds/proceeds (if the property is sold) are not used for an affordable housing development on George Street. Mr. Ursillo stated that the funds would be returned to the Amey Tucker Spencer Fund and not to the general treasury of the Town of Barrington. Mr. Ursillo recommends that the Town Council adopts the restrictive covenant and, that the restrictive covenant be recorded in the land evidence records and a copy sent to the Attorney General's office. Mrs. Speakman asked Town Manager Peter DeAngelis to give a brief statement regarding the history of the Cemetery Commission and its purchase of land on George Street. Mr. DeAngelis stated that the Cemetery Commission was concerned that burial space, within the currently Town owned cemeteries, is reaching its capacity and, that the Commission was looking to purchase additional property. The Cemetery Commission identified the area on George Street for purchase. The Cemetery Commission borrowed the money from the Town in order to purchase their portion of the property on George Street. Mr. DeAngelis stated the acreage towards the front of the George Street parcel was then identified for affordable housing, and as mentioned earlier this evening, the land was purchased with Amey Tucker Spencer Funds for the sole use of an affordable housing development. Mrs. Speakman asked if the two parcels were purchased together and if they were from the same seller. Mr. Ursillo stated yes, and that there were two closings. The first parcel, which closed on June 2, 2009, was purchased by the Cemetery Commission and the second, which closed on March 29, 2010, was purchased by the Town for the purpose of an affordable housing development. Mrs. Speakman confirmed that the land was purchased by the Town and was removed from "market inventory" from private developers; creating Town control over the land. Mrs. Weymouth asked for clarification regarding when the money was lent to the Cemetery Commission from the Town. Mr. DeAngelis stated the Cemetery Commission's investment portfolio diminished because of the 2008 stock market crash. Mrs. Speakman stated that we are not totally committed to building affordable housing on the George Street parcel but must comply with the Attorney General's office to adopt a restrictive covenant to protect the monies from the Amey Tucker Spencer Fund if the land is not used for affordable housing development. Discussion ensued over the "use" of the land. Mr. Ursillo cautions the Town Council that the agenda item is to, "Discuss and Act on Restrictive Covenant for George Street"; there can be no discussion of the "use" of the George Street parcel. Mrs. Speakman reiterated that the Town owns the land but the land was purchased with funds from the Spencer Fund and the land can only be used for the development of affordable housing. Mr. DeAngelis stated if the land were to be used for other means, then the funds must be returned to the Amey Tucker Spencer Trust Fund. Mrs. Strong asked for clarification as to why the

George Street property is in the name of the Town, even though the property was purchased with Amey Tucker Spencer Funds. Mr. Ursillo stated that the Amey Tucker Spencer Fund was set up for distribution of funds to the poor and unfortunate. Mr. DeWitt stated he does not believe this was the wish of Mr. Spencer, to allow the funds to be used to purchase land for the development of affordable housing. Steve Primiano, 15 Driscoll Lane, suggests changing the language in the restrictive covenant, "Whereas, if the Property is not so developed for affordable housing and is sold..." Mr. Ursillo stated he will change the language from the word "and" to "or". Gary Morse, 2 Westwood Lane, states he disagrees with the date of the sale and transfer of funds purchasing the parcel on George Street. Mr. Morse stated he believes that the George Street Parcel is an asset of the Trust and not that of the Town. Mr. Morse stated that the Town is not following the definition of affordable housing, located in Town ordinance Chapter 185-5. Mr. Ursillo stated that the Attorney General's Office sent a letter dated April 21, 2014 to John Cregan confirming that the funds from the Amey Tucker Spencer Trust Fund were appropriately used to purchase the George Street property for the development of affordable housing. Steve DeSesto, 8 George W. Finnerty Road, stated he was concerned with paragraph five (5) within the proposed Restrictive Covenant and questioned whether the affordable housing (proposed on George Street) is for Barrington residents only. Mrs. Speakman stated there is no project. Mr. DeSesto asked if an affordable housing project were located on George Street would there be resident restrictions. Steve Martin, Chair of the Housing Board of Trustees stated that the Town cannot discriminate against potential persons outside of Barrington. Mr. DeSesto asked if the land could be used for another purpose and what would be the process. Mrs. Speakman stated the process consists of many steps, through many boards and commissions but as everyone knows, the Town Council always operates in public with many opportunities for public comment. Mrs. Strong wanted to clarify that there are plans for the development of cottages on the George Street property. Mrs. Weymouth stated there are no plans but a preliminary concept; there is no proposal. Elizabeth "Bonnie" Warren, 18 Homestead Avenue, is opposed to building affordable housing on the George Street parcel. Mr. Ursillo stressed that the discussion only pertains for the Council to act on the restrictive deed and not to discuss the "use" of the George Street parcel. **Motion** by Mr. DeWitt and seconded by Mrs. Strong to table the discussion on the Restrictive Covenant until a discussion on the "use" of the George Street parcel at a Town Council meeting scheduled in June 2014. Passed unanimously. Mrs. Speakman clarified that Northend Holdings, Inc. (Residences at the Preserve) is owned by a private developer and that the Town owns the George Street parcel; discussion regarding the "use" and restrictive covenant will be discussed at the June meeting. Mrs. Speakman stated if there is any information (photos) regarding this topic to please send it via email to the Town Clerk.

DISCUSS AND ACT ON HOUSING BOARD OF TRUSTEES REQUEST FOR FUNDING

Steve Martin, Chair of the Housing Board of Trustees, was present to request \$750,000 to fund the establishment of the Affordable Housing Trust Fund. Mr. Martin explained that the Housing Board of Trustees will identify existing homes, purchase, improve as required, deed restrict, and re-sell appropriate existing homes for the designation and inclusion in the Town's Affordable Housing Plan. Mr. Martin stated these homes will then be counted toward the 10% goal. Mr. Martin stated the purpose of this Fund are: (1) to increase resources available for the creation or rehabilitation of affordable housing, or neighborhood revitalization; (2) create and preserve affordable and accessible housing to meet the needs of the Town's low and moderate income households; (3) to provide housing investment to revitalize and maintain the integrity of existing neighborhoods and (4) to leverage additional outside resources for the creation and rehabilitation of affordable housing. Mr. Martin stated that the Planning Board has CDBG funding available to hire a consultant to help the Housing Board of Trustees create and shape the program. Mr. Martin stated the dollars invested as permanent subsidies will need to be replenished on an annual basis from such sources as RI Housing, CDBG and Federal Home Funds. Joel Hellmann, 13 Richmond Avenue, is in favor of capturing existing homes for affordable housing. Mr. Hellmann stated as a member of the Committee on Appropriations, the Town Charter (6-4-3 COUNCIL RECOMMENDED BUDGET) requires any revision from the Town Council must be submitted at least 60 days before the Financial Town Meeting. Mr. Hellmann pointed out that the Town Council is outside of the required 60 days to file the request. Richard Brooks, 138 George Street, is in favor of the request to capture existing homes for affordable housing. Steve Primiano, 15 Driscoll Lane, is in favor of the concept but is concerned with the budget for this project. **Motion** by Mrs. Weymouth and seconded by Mrs. Speakman to support the creation of the Housing Board of Trustees proposal to fund \$750,000 for the establishment of an Affordable Housing Trust Fund. Mrs. Strong asked for clarification on Mr. Hellmann's statement pertaining to the Town Charter. Mr. Ursillo stated that the Town Charter does contain a provision that the Town Council must submit a revision 60 days before the Financial Town Meeting. Mr. DeWitt stated this proposal is a great experiment to capture existing homes and is in favor of the funding

this proposal. Mrs. Strong stated she is concerned with the cost of funding the proposal and cannot support the proposal at this time. The motion passed four in favor, Mrs. Speakman, Mrs. Weymouth, Mrs. Coyne and Mr. DeWitt and one opposed, Mrs. Strong.

SCHEDULE PUBLIC HEARING ON PROPOSED AMENDMENTS TO ZONING ORDINANCE ARTICLE XXIII: DEVELOPMENT IN AREAS OF SPECIAL FLOOD HAZARD, TO COMPLY WITH REQUIREMENTS OF THE NATIONAL FLOOD INSURANCE PROGRAM AND ADOPT NEW FLOOD MAPS

Motion by Mrs. Strong and seconded by Mr. DeWitt introduced Amendments to zoning ordinance Article XXIII: Development in Areas of Special Flood Hazard, to Comply with Requirements of the National Flood Insurance Program and Adopt New Flood Maps (Ordinance 2014-3) and to schedule a public hearing for June 2, 2014. Passed unanimously.

DISCUSS AND ACT ON WATERFRONT LOTS ON NEW MEADOW ROAD FORMERLY REFERRED TO AS PRIVATE DOCKS ON PUBLIC LAND

Tax Assessor Michael Minardi was present for the discussion. Discussion ensued regarding "unknown" ownership on waterfront lots which contain docks. Town Solicitor Michael Ursillo suggested that this matter should be handled administratively and that tax bills should be mailed to the four (4) land owners living directly across from these "unknown" parcels on the west side of New Meadow Road. A memo dated April 30, 2014 from Tax Assessor Michael Minardi states that these parcels have never been assessed or taxed and that the value of these parcels are based on waterfront lots, having a heavy traffic influence and not buildable.

ORDINANCES:

- **Introduce Ordinance #2014-1 An Amendment to Chapter 20 of the Ordinances of the Town Barrington Chapter 161 Solid Water Article III Reusable Checkout Bag Initiative:** **Motion** by Mrs. Weymouth and seconded by Mrs. Coyne to introduce Ordinance #2014-1 An Amendment to Chapter 20 of the Ordinances of the Town Barrington Chapter 161 Solid Water Article III Reusable Checkout Bag Initiative which was filed on April 23, 2014 and to set a public hearing for the Town Council meeting on Monday, June 2, 2014. Passed unanimously.
- **Introduce Ordinance #2014-2 An Ordinance in Amendment to Chapter 179 Vehicles and Traffic of the Code of the Town of Barrington:** **Motion** by Mrs. Coyne and seconded by Mrs. Weymouth to introduce Ordinance #2014-2 An Amendment to Chapter 179 Vehicles and Traffic of the Code of the Town of Barrington which was filed on April 28, 2014 and to set a public hearing for the Town Council meeting on Monday, June 2, 2014 at 6:30PM. Passed unanimously.

RESOLUTIONS:

- **"It Can Wait" – Discouraging Texting While Driving:** **Motion** by Mrs. Strong and seconded by Mrs. Coyne to support the resolution to pledge to not text and drive and to support the efforts to raise public awareness about the dangers of texting while driving and encourage those who reside in or visit Barrington to take the pledge not to text and drive. Passed unanimously.
- **Board of Directors of the Bristol County Water Authority - "An Act to Create the Bristol County Water Authority and to Provide for its Powers and Duties":** **Motion** by Mrs. Coyne and seconded by Mrs. Weymouth to support the request that the Rhode Island General Assembly amend "An Act to Create the Bristol County Water Authority and to Provide for its Powers and Duties" by restoring the Board of Directors power to appoint a secretary and treasurer of the Bristol County Water Authority's Board of Directors. The **motion passed** three in favor, Mrs. Speakman, Mrs. Coyne and Mrs. Weymouth and two opposed, Mrs. Strong and Mr. DeWitt. Mr. DeWitt is opposed to the resolution and suggests the President could act as the secretary/treasurer.

SET AGENDA FOR MONDAY, JUNE 2, 2014 COUNCIL MEETING

The Town Council set the agenda for the June 2, 2014 Council meeting.

Motion by Mrs. Speakman and seconded by Mrs. Strong to Discuss the July Town Council Meeting schedule. Passed unanimously.

Motion by Mrs. Speakman and seconded by Mrs. Strong to hold two meetings in the month of June; June 2nd and June 30th, 2014. The Town Council meeting scheduled for Monday, July 7, 2014 is cancelled. Passed unanimously.

EXECUTIVE SESSION IN ACCORDANCE WITH RIGL 42-46-5 (a) (2) LITIGATION RE. CODDER 02806, INC.

Motion by Mr. DeWitt and seconded by Mrs. Strong to move into executive session at 9:45 P.M. in accordance with RIGL 42-46-5 (a) (2) Litigation re. Codder 02806, Inc. Passed unanimously. **Motion** by Mr. DeWitt and seconded by Mrs. Strong to seal the minutes of the executive session and adjourn the executive session at 9:50 P.M. Passed unanimously.

ADJOURN

Motion by Mr. DeWitt to adjourn the meeting at 9:50 P.M.

Meredith J. DeSisto, Town Clerk