

BOARD OF ASSESSMENT REVIEW

MINUTES OF MEETING

DATE OF MEETING: FEBRUARY 26, 2013

**LOCATION OF MEETING: BARRINGTON TOWN HALL/COUNCIL
CHAMBERS**

BOARD OF ASSESSMENT REVIEW

KRISTOPHER LEADEM

KEVIN B. SALVAGGIO, CHAIRMAN

JOHN D. ALESSANDRO, JR.

ROLL CALL:

Present at the meeting of February 26, 2014

KRISTOPHER LEADEM

JOHN D. ALESSANDRO JR.

KEVIN SALVAGGIO

MICHAEL URSILLO ESQ., TOWN SOLICITOR

MICHAEL R. MINARDI, TAX ASSESSOR

JOANN MANGIONE, SECRETARY

1) CALL TO ORDER 9:30 AM – KEVIN SALVAGGIO, CHAIRMAN

2) APPROVAL OF MEETING MINUTES –

Motion to approve minutes for January 15, 2014 meeting was made by John D. Allesandro Jr. and seconded by Kevin Salvaggio; Approved unanimously.

3) OLD BUSINESS

MORSE, GARY/MARY ANN

2 WESTWOOD LANE

BARRINGTON RI – PLAT 35/LOT 163 - \$635,800

Gary Morse, was present at the hearing; Chairman acknowledges emails from Mr. Morse, he does not respond to personal emails.

He addresses Board with the legality of statutes with were noted in his brief to the Board (which was submitted prior to meeting) of 2/13/14; Towns position thru various documents concerning the 8% for Sweetbriar rent is a matter of law & right for Sweetbriar. Tax assessor acknowledges that Barrington Cove is also under the 8% tax scheme. Questioning the standard for the 8% rent- is the matter of right for the stature, or whether it is for new construction.

Mr. Morse references a memo of 7/11/12 from Town Solicitor's office to the Town Counsel, that any and all rental units encumbered or low and moderate income housing are entitled to the 8% tax scheme this is irrespective to whether new construction, moderately or substantially rehabbed- town's position is that this is a matter of right.

In the Standards, which are currently being done; Page 23- Town maintains a position of right. His question is the statutory rate 8 %r rent for taxation a matter of statutory right? Or does it apply to only rehabilitative properties?

Mr. Morse explains "by right" – Statutory language as interpreted by the courts is not by right, they are several requirements in the statute that must be met all must be adhered to and that these requirements do not apply to new construction, which is what Sweetbriar – was this abatement a statutory right for Sweetbriar?

Board has been asked to decide whether this is the right of the Sweetbriar LP, states that statute requirements do not apply Sweetbriar since it was new construction; was this abatement a illegal statutory right. General Assembly created the statute; asking Board to make an interpretation it is reasonable to interpret this statute in a given way –Mr. Morse states that the Board has the power to hear and rule on any matter of taxation.

Statue in question – based on new construction at Sweetbriar-support that they are entitled to abatement under 44-5-12-A1 & 44-5-13.11.

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Mr. Ursillo, addresses the Board and states the Sweetbriar decision was made a few years ago by the Town Counsel, which gave a full and fair cash value -which amounts to 8% of the rental income; Board does not have jurisdiction to rule on another property-Mr. Morse is not appealing his own property assessment.

Questioning the legal question- that the law is by right than any builder can obtain the 8% for the rental and affordable housing for rental income. Mr. Morse asks Board to establish if this is illegal, under the RI statute “matter of right”.

Mr. Ursillo, again addresses the Board and states that Mr. .Morse wants the Board to rule on whether or not the 8% rental rate applies to new construction vs rehab; his opinion is that they (Board) does not have the power to make that decision.

Motion to deny was made by Mr. Salvaggio, ,the question of law is above any beyond the authority of this Board to interpret or overrule a law that's been created by the State of RI, passed by the Legislation.; we the(Board) do not have the authority to do that. Motion passed 2-1; Mr. Alessandro did not vote in favor of this motion.

4) NEW BUSINESS

FU, LIXIN & WANG, LU

8 PHEASANT LANE

BARRINGTON RI-PLAT 11/LOT91 - \$2,688,700

Elizabeth Noonan, Esq., was present at the hearing, representing Lixin Fu &Lu Wang; Questioning assessment value of \$2,688,700,

purchased property in 2012 for \$1,850,000. Sale price does not change the assessment value of the property; it is based on the 12/31/10 revaluation info.

Motion to deny, lack of evidence, was made by John D. Alessandro and seconded by Kristopher Leadem; approved unanimously.

ACP SHOPPING CENTER ASSOCIATES LP

180 COUNTY ROAD

BARRINGTON RI- PLAT(S) 24/LOT(S) 47, 107,110, 203, 204, 235 & 237

Elizabeth Noonan, Esq., was present representing ACP Shopping Center, prior year appeals have been denied; property is currently in litigation requesting same decision.

Motion to deny, based upon previous years denials, was made by Kevin Salvaggio and seconded by Kristopher Leadem; approved unanimously

RICHTER, ARTHUR TRUST

47 LORRAINE STREET

BARRINGTON RI – PLAT 10/LOT 37 - \$438,000

Arthur Richter, was present at the hearing; his house now overlooks the new beach house/bathrooms at Barrington Beach; obstructs his water view from his home. Citing lack of privacy; questioning his land value in relation to abutters.

Motion to reduce view factor down by 5% on land value, was made by John D. Alessandro and seconded by Kristopher Leadem; Motion passed 2-1; Mr. Salvaggio did not vote in favor of this motion.

SHAW'S SUPERMARKETS INC #7435

MARK MURPHY, ESQ

180 COUNTY ROAD

BARRINGTON RI

John Pagliarni Jr. Esq., requested a continuance for Shaws, until they file their 2014 Personal Property return.

Motion to continue was made by John D. Alessandro Jr., and seconded by Kristopher Leadem; approved unanimously. Mr. Minardi objects to continuance based on them not filing their annual return.

Next meeting tentatively for April 7, 2014.

5) ASSESSOR'S REPORT

6) ADJOURN- Motion to Adjourn was made by John D. Alessandro Jr. and seconded by Kevin Salvaggio; approved unanimously.

Minutes. 2.26.14