

Present: June Sager Speakman, Kate G. Weymouth, Ann P. Strong, Michael W. Carroll and Steve Primiano

Also Present: Town Manager Peter A. DeAngelis, Jr., Town Solicitor Michael Ursillo, Finance Director Kathy Raposa, Tax Assessor Michael Minardi, Police Chief John M. LaCross, Fire Chief Gerald Bessette, Building Official Robert B. Speaker, Town Planner Philip Hervey, Library Director Deborah Barchi, Leisure Services Director Michele Geremia, Human Resources Director MariAnn Oliveira, and Town Clerk Meredith J. DeSisto

Council President Speakman called the meeting to order at 7:06 P.M.

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

RESIGNATIONS

Motion by Mrs. Weymouth and seconded by Mr. Primiano to accept with regret the resignation of **Eivy Y. Monroy**, Energy Committee, effective immediately. **The motion passed unanimously.**

ANNOUNCEMENTS

- Swearing-in Promoted Barrington Police Officers: Police Chief John LaCross conducted the swearing-in of Lieutenant Tim J. Harrington and Sgt. Gregg F. Koutros.
- Barrington Tree Lighting Festival: Leisure Services Director Michele Geremia announced that on December 5, 2015 festivities will begin at 2:00 P.M. with the tree lighting at 5:00 P.M.
- Congratulations to the Town Planner and Planning Board: Town Manager Peter DeAngelis announced that the Rhode Island Chapter of the American Planning Association has awarded Barrington the 2015 RIAPA Award for an Outstanding Comprehensive Plan. Mr. DeAngelis acknowledged the efforts of Town Planner Phil Hervey and the members of the Planning Board for all of their hard work.
- Future Meetings of Town Council: President Speakman announced that there will be a Breakfast Meeting with Legislators on Monday, November 16, 2016 8:00 A.M. in the School Committee Room and a Joint Meeting with Planning Board on Monday, November 30, 2015 at 7:00 P.M. in Council Chamber.
- Last Day to Register to Vote: Town Clerk Meredith DeSisto announced that on Sunday, November 15, 2015 from 1:00 P.M. to 4:00 P.M. at the Reference Desk in the Barrington Public Library, for the Special Election on Tuesday, December 15, 2015, members of the Barrington community can register to vote. Mrs. DeSisto said that this is for those who have not previously registered.
- Solarize Rhode Island: Town Planner Phil Hervey stated that the Solarize Rhode Island informational session that was held on November 10, 2015 was a great success. Mr. Hervey said that over 45 residents were in attendance. He said that more information can be found on the Barrington Web Site.

CORRESPONDENCE:

The following correspondence was received into record and can be viewed on the Town of Barrington's website under Quick Links – Clerkbases.

- Barrington Firefighters Local 1774: Town Manager Peter DeAngelis stated that this piece of correspondence serves as a notice of intent to bargain.

CONSENT AGENDA (*)

- Motion by Mrs. Weymouth and seconded by Mr. Primiano to adopt the Consent Agenda. **The motion passed unanimously.**

***MINUTES**

It was unanimously voted to adopt the minutes of the October 5, Council meeting and the sealed minutes from the Executive Session that was held on October 5, 20 and 27, 2015. See Consent Agenda above.

***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.

***UTILITY PETITIONS**

- Bristol County Water Authority: It was unanimously voted to grant permission to Bristol County Water Authority to open the highways at: Walter Street.
- National Grid: It was unanimously voted to grant permission to National Grid to open the highways at: Anoka Avenue, Brow Street, Echo drive, Houghton Street, Lincoln Avenue, Nayatt Point, Rumstick Road, Teakwood Lane, Third Street, White Birch Lane on Rumstick Road, Woodward Avenue and Zompa Road.

***ABATEMENT LIST**

It was unanimously voted to accept the Abatement List in the amount of \$18,988.29 and as described therein. See Town Council Book 23 page 100A.

***SURPLUS PROPERTY**

There was no surplus.

***ENTERTAINMENT LICENSE RENEWALS:**

It was unanimously voted to renew Entertainment Licenses for Bluewater Bar and Grill and Billy's LLC d/b/a Billy's. See Consent Agenda above.

PUBLIC HEARING: DISCUSS AND ACT ON LIQUOR LICENSE RENEWALS:

Mrs. Speakman opened the public hearing. Mrs. Speakman asked if anyone from the public wished to comment. There was no public comment. Mrs. Speakman closed the public hearing. In order for all establishments to be in full compliance, the licenses were granted but not issued. The current licenses expire on December 1, 2015. **Motion** by Mrs. Weymouth and seconded by Mr. Carroll to grant as presented by the Town Clerk's memorandum of November 3, 2015 but not issue liquor license renewals. Renewals will be contingent upon compliance with all state and municipal statutes and regulations that are applicable to liquor licenses. **The motion passed unanimously.**

Class A Retail

Grapes & Grains, Inc. d/b/a Grapes & Grains, Inc.
Brickyard Wine & Spirits LLC d/b/a Brickyard Wine & Spirits LLC

Class D Full

American Legion Post #8, Inc. d/b/a American Legion Post #8, Inc.
Barrington Democratic Club d/b/a Barrington Democratic Club
Barrington Yacht Club d/b/a Barrington Yacht Club
Rhode Island Country Club d/b/a Rhode Island Country Club

Class BV Full

Tyler Point Inc. d/b/a Bluewater Bar and Grill
Billy's LLC d/b/a Billy's
Stock Food Group, Inc. d/b/a Pizzico Ristorante
Kee-Aree LLC d/b/a Tong-D
Table LLC d/b/a Table

Class BVL Limited

Pepperoni's LLC d/b/a Piezoni's Pizza
New Sushi Express, Inc. d/b/a Miku Japanese Cuisine

PUBLIC HEARING TO DISCUSS AND ACT ON REQUEST FOR BV LIMITED LIQUOR LICENSE FOR LEON'S KITCHEN WORX, LLC d/b/a LEON'S KITCHEN WORX, 230 WASECA AVENUE, BARRINGTON, RI

Mrs. Speakman opened the public hearing. Mrs. Speakman asked if anyone from the public wished to comment. There was no public comment. Mrs. Speakman closed the public hearing. **Motion** by Mr. Primiano and seconded by Mr. Carroll to grant, but not issue a BV Limited Liquor License to Leon's Kitchen Worx, LLC d/b/a Leon's Kitchen Worx, 230 Waseca Avenue, Barrington, RI contingent upon compliance with all state and municipal statutes and regulations that are applicable to liquor licenses. **The motion passed unanimously.**

Mrs. Speakman stated that there was a request to re-order the agenda; **passed unanimously**. The following agenda item was moved:

DISCUSS AND ACT ON A PROPOSAL TO INITIATE AN ANNUAL USAGE FEE FOR NON-BARRINGTON RESIDENTS FOR THE SENIOR CENTER:

Chair of the Senior Services Advisory Board Margaret Kane was present for a discussion requesting to enact an annual fee for non-residents for a membership to the Barrington Senior Center. Discussion ensued regarding other communities with non-resident fees. Mrs. Geremia stated that presently there is an activity club fee to all, but, with the implementation of a non-resident fee the activity club fee will be eliminated. The fee will be used towards off-setting costs for trips and entertainment. Mrs. Speakman stated that she will support the resolution for a non-resident fee but if it should cause a negative impact on participation that she would like to revisit the discussion and resolution.

- Resolution:

**RESOLUTION
AMENDING CHAPTER A225**

IT IS HEREBY RESOLVED by the Barrington Town Council pursuant to Chapter 103 of the Town Code, that Chapter A225 Fee and Fine Schedule be amended as follows:

<u>Type</u>	<u>Fee</u>	<u>Code Section</u>
Senior Center Fee Annual Usage for Non-residents	\$12.00	

Motion by Mrs. Strong and seconded by Mr. Primiano to approve an initiation fee of \$12.00 per year to non-residents for membership with the Barrington Senior Center. **The motion passed unanimously.**

PUBLIC COMMENT: There was no comment.

PUBLIC HEARING:

- Discuss and Act on an Ordinance #2015-5 to Amend Chapter 161 Solid Waste Article III Reusable Checkout Bag Initiative (This item will be continued to Monday, December 7, 2015 at 7:00 P.M.): **Motion** by Mrs. Weymouth and seconded by Mrs. Strong to continue the public hearing on Ordinance #2015-5 to Amend Chapter 161 Solid Waste Article III Reusable Checkout Bag Initiative to Monday, December 7, 2015. **The motion passed unanimously.**
- Discuss and Act on the Proposed Tax Stabilization Agreement with Shineharmony: The following representatives from Shineharmony were present: Sam Bradner, Eric Busch, John McCoy, Amina Guangchun Mi and Yiwei Qi. Shineharmony Representatives presented an overview of the former Zion Bible College Campus located at 33 Middle Highway (Assessor's Plat 14, Lots 2, 4, 13 and 341-343) seeking to develop the historic building and grounds into a Continuing Care Retirement Community (CCRC) of approximately 256 units along with a separate age restricted cottage/residential community of approximately 35 units. They are requesting Council's approval on a Memorandum of Understanding (MOU) and Tax Stabilization Agreement (TSA). Mr. Bradner explained to the Councilmembers that their teams visited the site, studied the demands for seniors, invited nearby neighbors to informational discussions and met with the administration and various boards and commissions of the Town of Barrington. Mr. Bradner discussed the benefits: significant investment, job creation, restoration of Belton Court, demolition of vacant buildings, creation of senior housing – including affordable, low impact design and comprehensive plan goals. Discussion ensued with property taxes – an agreed upon 2015 tax assessment of 6,000,000 and that real estate taxes would increase over a 15 year period once construction begins. The cottages will be fully taxed. Discussion ensued with an affordable housing agreement between the Town and ShineHarmony. Shineharmony has agreed to provide 10% of all independent living units and 10% of all assisted living rooms/bed as affordable housing to households earning 80% of the area median income (AMI) or less; per state definitions. And, Shineharmony has agreed to provide 25% of all cottages as affordable to households earning 120% AMI or less; per state definitions. The income restrictions will be in place for a period of 30 years. Shineharmony has agreed to a contribution of \$400,000 to the Barrington Affordable Housing Revolving Loan Fund within 60 days of the issuance of a building permit for the CCRC. The contribution shall be part of the overall Fee in Lieu payment (RIGL §45-24-46.1), which payments will be made at a rate of \$67,000 per unit. (The fee in lieu shall represent the additional 15% of a 25% affordable housing component, as set forth in the Barrington Comprehensive Plan for this property.) Discussion ensued regarding the zoning code – the Town zoning code previously had a Fee in Lieu option; which was removed in February 2012. Mr. Ursillo stated that the Town shall restore the option to their zoning ordinance. Discussion ensued regarding the

construction of the CCRC and/or the Cottages and if the contribution of the fee in lieu payment would be made if the cottages were built first. Mrs. Speakman stated that this discussion of what would be built first, CCRC or cottages, was not discussed in Executive session. Chair Steve Martin of the Barrington Housing Board of Trustees (HBT) stated that the HBT views the cottages as a good thing; they will be fully taxed. Mr. Martin said that if the fee in lieu did not come to the HBT that they wouldn't have an objection to it; this project moves the Town in the right direction. Mr. Ursillo commented that the timelines are very generous and is sure that Shineharmony will proceed with all the due diligence. But, if Shineharmony drags their feet, the Town can ~~renew~~ terminate on the agreement. Mr. Carroll asked ShineHarmony representatives if there were any plans to seek tax exemption status for the property. The representative of ShineHarmony said that there are no such plans.

Mr. Ursillo said that he has made two (2) substantive changes in the proposed Memorandum of Understanding (MOU) (1) page 2 b. "...TSA will be the agreed upon 2015..." and page 3 d. "...of a building permit for the ~~Project-CCRC~~..." Mr. Ursillo stated there are some small changes to grammatical errors but these are the most substantive changes to the MOU.

Mr. Primiano read from a prepared speech regarding Shineharmony's proposed CCRC. Mr. Primiano said that there are many benefits to this project (alternative housing, options for seniors, additional jobs, the restoration of Belton Court, and that the tax base will increase with minimal impact on town services). Mr. Primiano stated, while he strongly supports this project, he does not feel it represents the "best" deal for residents and taxpayers. He is opposed to paying over \$2,000,000 in fee in lieu payments to the Housing Trust as opposed to that money paid to the Town in property taxes. Mr. Primiano said that our comprehensive plan calls for making 25% of all new construction affordable under state guidelines, as a strategy to reach our 10% affordable goal. The developers have agreed to make 10% of the rental units affordable. He strongly supports this, as it will allow some of our less affluent seniors to reside in the development. Furthermore, he said, that 25% of the resale cottages will also be affordable. The agreement calls for making up for the 15% affordability shortage in the rental units, by having the developers pay a fee in lieu, as allowed by state law, of \$67,000 per unit – totaling over \$2,000,000 over the life of the agreement. Mr. Primiano said that the developers said they do not care if they pay this as a fee in lieu or as property taxes. Mr. Primiano said that later in the evening the Council will review an executive order from Governor Raimondo with a goal to reduce the growing property burdens and identifying and addressing unfunded and underfunded state mandates. Mr. Primiano asks what more onerous unfunded mandate is there than subsidizing state mandated affordable housing with local property taxes. Mr. Primiano stated, furthermore, high property taxes make all housing less affordable. It is clear, said Mr. Primiano, that we should amend the agreement to waive the fee in lieu payments and have the developer pay the same amount in additional property taxes.

Discussion ensued regarding the future of the property if sold or transferred to a Tax Exempt Entity, or Shineharmony becomes a Tax Exempt Entity or any portion of the premises becomes tax exempt during the term of the TSA period, then, unless otherwise agreed to by the Town, Shineharmony or the subsequent owner of the premises shall be responsible to pay to the Town the full amount of real estate taxes that would have been due on the premises.

Mrs. Speakman opened the public hearing. Gary Morse, 2 Westwood Lane, asked which state law has the affordable housing component mandate. Mr. Ursillo cautioned the Council that at this time it would be a mistake to get into a discussion on this subject matter and that this organization, Shineharmony, has agreed to the inclusion of affordable housing within the development. Mr. Morse questioned the definition of household size. Discussion ensued. Mr. Morse questioned the state's definition of annual income along with a large bank account. Mr. Morse said that you could technically be a millionaire and would be able to live in one of these units. Discussion ensued with tax incentives, public policies, state laws and local ordinances. Mrs. Strong said that possibly that is a failure in the law. Retired real estate agent and consultant Robert Ryan, 10 Henry Drive, questioned the validity of the public hearing due to changes, corrections and amendments to the documents. Mr. Ursillo stated that amending documents happens frequently; the advertisement fulfills the requirement for the public hearing and there is public input for amendments. Mr. Ryan asked that the MOU be amended to state "... ~~three~~ two hundred fifty-six (256)..." on page 1 in the second paragraph. Mr. Ursillo commented that that was a typo and has been corrected. Mr. Ryan requested that the word "approximately" on page 2 b. of the MOU be removed. Mr. Ursillo stated that he placed the word approximately there because the assessment was six million and change. Mr. Ursillo stated that the word "approximately" will be removed within that section. Discussion ensued regarding if other Rhode Island cities/towns have TSA agreements for mixed use construction. Discussion ensued regarding the economic feasibility of the project. Mr. Ryan commented that

the Appropriations Committee did not approve funds, for fiscal year 2015-16, for the Housing Board of Trustees to capture assisting affordable housing; why the rush now? Mr. Primiano and Mrs. Strong agree that the Town should not get into the real estate/ development business. Appropriation member Peter Clifford stated that at the Financial Town Meeting, there was vote to have a Tax Stabilization Agreement for one (1) specific project. Mr. Clifford said that there are implications that could go beyond this one project. He said, currently there is no fee in lieu ordinance nor is there a revolving loan fund. Mr. Clifford stated that the Town should not be in the business of providing loans nor should they be in the real estate business. The developers should concentrate on making the homes affordable; the banks should concentrate on making the interest rates affordable and the Town should concentrate on making the taxes affordable. Mr. Clifford suggested that the Town should have a referendum on the fee in lieu provision as well as the revolving loan provision because these could strongly impact the Town. Discussion ensued regarding the fee in lieu payment; that the MOU/TSA does not spell out how the money is to be used. Mr. Clifford stated that the fee in lieu money could be sent to the state. Mr. Carroll stated that if the fee in lieu money is not used within two (2) years the Town could lose the funds. Mr. Carroll said that he is not in favor of the fee in lieu but would like to use the fee in lieu funds to purchase smaller homes around town instead of developing one large project. Mrs. Speakman stated that the revolving fund was created but not has been filled with funds. Mr. Primiano stated that he may be approving the MOU/TSA with the fee in lieu going to the HBT, but, is not agreeing to how HBT would use the funds. Joel Hellmann, 13 Richmond Avenue, is in favor of the MOU/TSA but agrees with Mr. Primiano that he would like more information as to how the fee in lieu funds would be used by the HBT. Mr. Hellmann would like to see the fee in lieu (\$400,000) be paid upfront but is concerned that the plan may sidestep the voters. Steve Martin said that he would have liked to have had the developer's build additional (25%) affordable housing and not to take the fee in lieu funds. However, the law says it is the developer's choice to pay the fee in lieu or build affordable housing. Mr. Clifford asked for clarification on the fee in lieu ordinance. Mr. Ursillo stated that the Town Council will have to amend or adopt the zoning change of the fee in lieu ordinance. Mr. Ursillo stated that the MOU had two (2) changes as mentioned above but the Tax Stabilization Agreement (TSA) does not have any changes or amendments. Mrs. Strong believes that this is a great development for the Town but she does have concerns with the funds from the fee in lieu. Mrs. Strong would like to research a grant program or have the funds go back to the Town to off-set taxes. Mrs. Strong said that she is concerned that her opportunity for the fee in lieu funds may be diminished and would like to investigate other opportunities for the money. Mr. Martin stated that nothing is final and the opportunities can be revised or changed regarding these fee in lieu funds. Mr. Primiano asked if it is possible for the funds to go to the HBT but the final plan must be approved by the Town Council. Mrs. Speakman said that this should not be included in the MOU/TSA. Mr. DeAngelis stated that he will research the ordinance but he believes that the HBT can only spend up to \$50,000 without the Council's approval but anything over must be approved by the Town Council. **Motion** by Mrs. Weymouth and seconded by Mr. Carroll to move for approval of the Memorandum of Understanding between the Town of Barrington and Shineharmony Holdings, Inc. as presented and as amended. Mrs. Speakman asked if there was further discussion. Mr. Ryan reiterated by saying that the MOU/TSA should not be voted on until it is advertised again with the amendments. Mrs. Speakman stated that during public hearings of other documents, there are corrections, changes and amendments and the Council has the right to vote on them at the advertised public hearing. Mr. Ursillo informed the Council of the following (powers of the Housing Board of Trustees – mentioned earlier in the discussion):

Chapter 39

Housing Board of Trustees

§39-9 B. "...Awards made in accordance with a Town Council approved program may be at the discretion of the Board of Trustee; provided, however, that awards to any one applicant in an amount of \$50,000 or greater, or in an amount at or above 30% of the funds budgeted under the Town Council approved program, shall require Town Council approval.

Mr. Ursillo reiterated that the Town Council is a legislative body that had approval at the Financial Town Meeting to enter into a tax stabilization agreement after which an advertisement for a public hearing (10 days prior) as specified by state statute. Mr. Ursillo said that the Town published the proposed documents on the Town's web site, as well as, had the documents available at the Town Clerk's office.

Mrs. Speakman asked members of the Council for their vote: **The motion passed unanimously.**

Motion by Mrs. Weymouth and seconded by Mr. Carrol to move for approval of the Tax Stabilization Agreement between the Town of Barrington and Shineharmony Holdings, Inc. as

presented. Mrs. Speakman asked if there was further discussion. Mr. Clifford asked for clarification on the tax stabilization agreement pertaining to the fee in lieu. Mr. Ursillo stated that the Town must change the underlying zoning on the property from recreation to senior residential village and change the zoning to include a fee in lieu provision. Mr. Morse asked for clarification regarding the fee in lieu regarding the CCRC. Mr. Ursillo stated that the CCRC normally would have to have 25% affordable housing, but, they will have 10% affordable housing units and 15% will be fee in lieu. Mrs. Speakman asked members of the Council for their vote: **The motion passed unanimously.**

(Please see the approved, signed and recorded Memorandum of Understanding and the Tax Stabilization Agreement as part of the attachments and recorded within the Land Evidence Records for the Town of Barrington and within Clerkbase <http://clerkshq.com/default.ashx?clientsite=barrington-ri> and within the Town Council Book 23.)

DISCUSS AND ACT ON AD HOC ECONOMIC DEVELOPMENT TASK FORCE:

Chair Robert Humm of the Ad Hoc Economic Development Task Force was present to request the following:

- Change Name of Commission – to formally change the name to Economic Development Committee
- Adopt and Implement Mission Statement – “The purpose of the Economic Development Committee is to foster the economic well-being of the Town and its residents, consistent with the Town’s Comprehensive Community Plan, by supporting existing businesses as well as attracting new businesses to Barrington.”
- Request for Information on Web Site – to include a webpage on the Barrington Town Web Site to include an email address for businesses to contact the Committee along with pertinent information for the public.

Motion by Mr. Carroll and seconded by Mr. Primiano to approve the name change of the Ad Hoc Economic Development Task Force to Economic Development Committee and approve the additional requests (mission statement and web page) from Robert Humm’s email dated November 5, 2015. **The motion passed unanimously.**

DISCUSS AND ACT ON TASK FORCE FOR TRI-TOWN COLLABORATION:

Mrs. Speakman announced that members from the Bristol Town Council, Chairman Nathan T. Calouro and Edward P. Stuart, as well as, members from the Warren Town Council, President Joseph A. DePasquale and P. Brandt Heckert will serve on the Tri-Town Collaboration. Councilmembers Ann P. Strong and Steve Primiano will serve for the Town of Barrington. Mrs. Strong stated that she will set-up the details for the first meeting.

DISCUSS AND ACT ON GOVERNOR RAIMONDO’S EXECUTIVE ORDER FOR MUNICIPALITIES:

Discussion ensued regarding the history of Governor Raimondo’s order which included a property tax collection survey which was conducted in 2007-8. Mr. DeAngelis stated that the survey related to shared services between various towns and cities for a proposed centralized tax collection. Discussion ensued with the Lt. Governor McKee’s role along with the General Assembly to establish a joint shared municipal services study commission. Mrs. Speakman suggested that this topic be included for discussion on the Tri-Town Collaborative agenda.

SET AGENDA FOR DECEMBER 7, 2015 COUNCIL MEETING

The Town Council set the agenda for Monday, December 7, 2015.

EXECUTIVE SESSION IN ACCORDANCE WITH RIGL:

- **Discuss and Approve Sealed Minutes of Executive Session on October 5, 2015, October 20, 2015 and October 27, 2015**
- **42-46-5 (a) (2) Collective Bargaining Police, Fire, DPW, and Dispatchers**

Motion by Mrs. Strong and seconded by Mr. Carroll to move into executive session at 10:15 P.M. in accordance with RIGL 42-46-5 (a) (2) Collective Bargaining, Police, Fire, DPQ and Dispatchers and Discuss and Approve Sealed Minutes of Executive Sessions on October 5, 2015, October 20, 2015 and October 27, 2015. **The motion passed unanimously.**

Motion by Mrs. Weymouth and seconded by Mrs. Carroll to move out of executive session at 10:55 P.M. no action was taken and the minutes are to be sealed. **The motion passed unanimously.**

ADJOURN:

Motion by Mrs. Weymouth to adjourn the meeting at 10:55 P.M.

Meredith J. DeSisto, Town Clerk