

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, Public Works Interim Director Joseph Piccerelli, 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

Absent: Finance Director Kathy Raposa, Fire Chief Gerald Bessette, and Library Director Deborah Barchi

Council President Speakman called the meeting to order at 6:38 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:

- Economic Development Commission (1 vacancy): Joan Warren
- Board of Assessment Review (1 reappointment): Kris Leadem (unable to attend)

### **DISCUSS AND ACT ON RESIGNATIONS:**

- **Motion** by Mrs. Strong and seconded by Mr. Primiano to accept the resignation, with regret of **Ed McKinlay, Economic Development Commission**, resignation effective immediately. **The motion passed unanimously.**
- **Motion** by Mrs. Strong and seconded by Mrs. Weymouth to accept the resignation, with regret of **Richard Wilbur, Harbor Commission**, resignation effective immediately. **The motion passed unanimously.**

### **APPOINTMENTS/REAPPOINTMENTS:**

- Economic Development Commission (1 vacancy): **Motion** by Mrs. Weymouth and seconded by Mr. Primiano to appoint **Joan Warren** to the **Economic Development Commission**. **The motion passed unanimously.**
- Board of Assessment Review (1 reappointment): Kris Leadem will continue serving until an interview can be scheduled.

### **BRISTOL COUNTY WATER AUTHORITY:**

- Monthly Report: Director Joel Hellmann was present for the discussion. Discussion ensued regarding the reimbursement of funds from the State of Rhode Island. Mrs. Strong asked Director Hellmann if there are any updates on the intersection with East Providence and the transfer station. Mr. Hellmann stated that at this time there is not, but, said that it is important that there should be additional implementation of water supplies. Mrs. Strong requested a report next month. Mr. Hellmann said that at this time, he believes it is up to the East Providence Town Council/Town Manager's hands; and does not think that there will be anything to report. But, will keep the Council apprised if there is anything further. Discussion ensued regarding a conversation that took place, between the BCWA, and the state senators regarding the water supply and infrastructure.

### **CORRESPONDENCE:**

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

<http://clerkshq.com/default.aspx?clientsite=barrington-ri>

- Invitation to Newport's St. Patrick's Day Parade on Saturday, March 12, 2016: Mrs. Speakman made this announcement and extended the invitation to Councilmembers to march in Newport's St. Patrick's Day Parade.
- Armenian National Committee of RI: Armenian flag to be flown on April 24, 2016 (RIGL: 2000—H7397 and 2015—H6053): Mrs. Speakman stated that the Armenian flag will be flown in the Town of Barrington on April 24, 2016.

- Duncan Maio – Discuss and Act on Proposing an Increase to the State Meal and Beverage Tax: Mrs. Strong said that presently, prepared meals which are sold in gas stations and convenience stores are not taxed. Mrs. Speakman suggested holding a workshop regarding this topic.

#### **ANNOUNCEMENTS:**

- Town of Barrington has received an AAA Bond Rating: Town Manager Peter DeAngelis stated that he is very pleased that the Town of Barrington has received an AAA bond rating through Standard and Poor; only one (1) of three (3) communities in RI. Currently our bonds are at an interest rate of approximately 4% and they have now been reduced to 1.32%; a savings of approximately a half of a million dollars in savings. Mr. DeAngelis thanked the finance director and department, the Council, the strong work force (good management and union relations) and the Town. The Town's high "scorecard" was the result of strong management and policy procedures.
- Update on Solarize RI: Mr. Carroll said that the deadline for Solarize RI applications ended on February 15, 2016 and was very successful; with 30 accepted applicants. Mr. Carroll stated that there was a state and federal incentive program; the more participants, the lower the cost for the hardware. Mr. Carroll extended a thank you to Town Planner Phil Hervey, Energy Committee Chair Andrea Moshier, Robert Hart and Brian Vaughn. Mr. Carroll said that he believes that is enough interest for a Solarize Barrington II and will keep the Council informed.
- Eco-Depot Collection for safe disposal of electronic and household hazardous waste on Saturday, March 12, 2016 8:00 am – 1:00 pm at Barrington High School: This event is free of charge to RI residents. To limit your time in line call for appointment 401-942-1430 x241. (This announcement was made by Mrs. Speakman.)
- Open Meeting Forum: Mrs. Speakman publicly stated that the Open Meetings Forum which was held on February 24, 2016 was a success. Mrs. Speakman thanked guest panelists, Lisa Pinsonneault from the Attorney General's office for her presentation on Open Meetings; Jason Gramitt, from the Ethics Commission and Assistant Town Solicitor Andy Teitz which he presented a discussion on Parliamentary Procedures. Mrs. Speakman thanked Town Clerk Meredith DeSisto and her staff, Stephanie Bernardo, Michele Cross, Debbie Riggs and the Town Manager's Executive Assistant Jean Bellm for their efforts.

#### **CONSENT AGENDA (\*) (out of order):**

Mrs. Strong requested that the Town Solicitors Report be removed from the Consent Agenda.

**Motion** by Mrs. Weymouth and seconded by Mr. Primiano to adopt the Consent Agenda items #11-16 without the Town Solicitor's Report. **The motion passed unanimously.** Mrs. Strong asked for clarification on the report that was sent to her regarding Spencer Trust. Mr. Ursillo stated that she requested a document concerning the Spencer Trust; which was forwarded to the Town Clerk and then forwarded to councilmembers. **Motion** by Mrs. Strong and seconded by Mr. Primiano to adopt the Town Solicitor's Report. **The motion passed unanimously.**

#### **\*MINUTES:**

It was unanimously voted to adopt the minutes of the February 1, 2016 Town Council meeting. 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 (no report), 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 6 Bullock Avenue, Lincoln Avenue at County Road and 258 Lincoln Avenue
- Verizon: It was unanimously voted to grant permission to Verizon to open the highways at Briarfield Road

#### **\*ABATEMENT LIST:**

It was unanimously voted to accept the Abatement List in the amount of \$7,856.45 and as describe therein. See Town Council Book 23 and page 137A.

**\*SURPLUS PROPERTY:**

There was no surplus.

**\*REQUEST FOR CLASS F LICENSE: ST. LUKE'S JAMAICA MISSION LENTEN FISH DINNER, APPLICANT REUESTOR MICHELE A. PIMENTEL FOR WEDNESDAY, MARCH 16, 2016 5:30-**

**8:00 PM:** It was unanimously voted to grant a Class F Limited Liquor License to St. Luke's Church for a Lenten Fish Dinner on March 16, 2016. See Consent Agenda above.

**DISCUSS AND ACT ON ORDINANCES:**

- #2016-1 An Ordinance to Amend Chapter 185 Zoning Article II Definitions and Add New Article XXXI Senior Residential Village District with Zoning Map Change to Assessors Plat 14, Lots 2, 4, 13 and 341-343 (continued from February 1, 2016):

Assistant Solicitor Andy Teitz explained the process for a major land development, (Stage I: Planning Board – Master Plan Approval; Stage II: Town Council – Approval of, if any, zoning changes; Stage III: Planning Board – Preliminary Plan Approval and Stage IV: Final Plan Approval (usually administrative). Mr. Teitz explained that with each of these meetings, various advertisements, notices, certified and non-certified letters and public hearings were set in place for the public's knowledge. Mrs. Speakman opened the public hearing for #2016-1 An Ordinance to Amend Chapter 185 Zoning Article II Definitions and Add New Article XXXI Senior Residential Village District with Zoning Map Change to Assessors Plat 14, Lots 2, 4, 13 and 341-343 which was continued from February 1, 2016. Mrs. Strong asked if any changes had been made to the ordinance(s) since January 20, 2016. Mr. Teitz stated that no changes have been made. Mrs. Strong stated that she had several grammatical and punctuation that is in need of correcting and said that she will forward these changes to the solicitor (including, Alzheimer's/dementia). Discussion ensued with "pursuant to Federal Law". Mrs. Strong said that she had a concern with the section titled, SENIOR SERVICES TRAINING CENTER, and asked that the square footage not to exceed more than 5% of the total square footage for educational purposes. Discussion ensued regarding generation of less taxes if used for the purpose of education compared to additional taxes if used for housing. Mr. Primiano shares Mrs. Strong's concern. Sam Bradner, Peregrine Group, stated that there would be approximately 16,000 square feet that will be used for educational purposes; less than 5% of the approximate 380,000 square footage of the development. Discussion ensued regarding adding additional text to the definition section, SENIOR SERVICES TRAINING CENTER – This shall not exceed 5% of the square footage of the total square footage of the principle use. Tax Assessor Michael Minardi clarified under RIGL if the property is used exclusively for education purposes then there could be a taxation exemption. Mrs. Strong asked to strike in section §185-224. Purposes. A. ~~all segments of the population.~~ Mr. Teitz stated that this language comes from the 2015 Comprehensive Plan and cannot be changed. Discussion ensued regarding what language was "pulled" from the 2015 Comprehensive plan and what was not; such as page 5, §185-224 D. and G. Site Planning. - came from the 2015 Comprehensive Plan; §185-227 C. is new language.

Mrs. Strong asked for clarification on this section if another parcel became available in town would this language would be used. Mr. Teitz said only if a parcel large enough for a development, and, the zoning would have to be amended to include senior residential village on that parcel. Mrs. Strong asked for the language to be "cleaned-up" with the plurals in §185-227 D. Senior Residential Village Districts. Discussion ensued regarding page 1 §185-5 Terms defined. AFFORDABLE HOUSING. Deed restrictions and the length of time. Mr. Primiano stated for the record, that he introduced a proposed change to §185-225. Affordability requirement- on February 1, 2016. Mr. Teitz suggested to discuss this subject in Ordinance 2016-2. Michael Guertin, 71 Primrose Hill Road, stated that the complimentary wording in the ordinances hides the true nature of this project. Maria Bruce, owner of 8 Circle Drive, stated that she agrees with Mr. Guertin's statements and her concern for public process. Michael Greene, 35 Great Road, stated that he is concerned with storm water drainage and the use of easement retention ponds in Lions Head development. Cheryl Cronin, 40 Middle Highway, asked if the development changes ownership, would a new owner be able to change the usage of the property. Mr. Teitz stated that the zoning goes with the land; if there were a change it would have to go back in front of the planning board. Discussion ensued regarding the development of the cottages. Mr. Minardi explained that the cottages (condominiums) are not part of the Tax Stabilization Agreement; they are a stand-alone entity and are assessed and taxed at market-value. Mr. Minardi stated that during the development of Sweetbriar the public was concerned with their property values; the surrounding neighborhoods did not see a lower value to their homes. David Ackley, 48 Primrose Hill Road, stated that very few people in the surrounding neighborhood have been informed of the proposed oversized development. Mr. Ackley said that the owners of the former Zion have not cared for the property. Steven Corville,

30 Middle Highway requested that this proposed construction not be rushed thru for development. **Motion** by Mr. Primiano and seconded by Mrs. Strong to close the public hearing. **The motion passed unanimously.** Mr. Teitz stated for the record that at the Planning Board meeting of March 1, 2016, he did not say that he recommended passing this plan; he did say that he suggested that Planning Board act and make a decision that night. Discussion ensued regarding the legal use of retention ponds within the Lions Head development and will be addressed at a future Planning Board meeting (Preliminary Plan stage). Mrs. Speakman stated "just because it is legal, does not make it right." Mr. Primiano is concerned with the passage of these ordinances and the scale of the development. **Motion** by Mrs. Strong and seconded by Mr. Primiano to re-open the public hearing. **The motion passed unanimously.** Sam Bradner said that he does not recall making a statement that we have a legal right to use the drainage easement in the Lions Head development and that at this time there has not been a (legal) title research regarding this issue. Discussion ensued with the scale of the development; number of beds, percentage of developed land with buildings; and the height of buildings on the property. SueAnn Santos stated that approximately 10.2 acres will hold buildings on the site; slightly less than 35% of the total property and 60% perviase (asphalt). Mrs. Strong questioned if a fence will be used as a border. Mr. Bradner stated that there will be a privacy buffer; vegetation and fencing.

**Motion** by Mr. Carroll and seconded by Mrs. Weymouth to adopt #2016-1 An Ordinance to Amend Chapter 185 Zoning Article II and Article III, , and Definitions and Add New Article XXXI Senior Residential Village District with Zoning Map Change to Assessors Plat 14, Lots 2, 4, 13 and 341-343, as presented, with the further amendment to §185 - 5. Terms defined. SENIOR SERVICES TRAINING CENTER,... facility, add: "this shall not exceed 5% of the square footage of the total square footage of the principle use structure." The Town Council finds that the entirety of the zoning amendment is consistent with the 2015 Comprehensive Plan, since it is essentially based on the existing Appendix II of the Comprehensive Plan, the Town Council also adopts the Planning Board's recommendations and findings of consistency with the Comprehensive Plan.

Mr. Primiano stated that at the last meeting of the Town Council he proposed an amendment to §185-225. **Motion** by Mr. Primiano and seconded by Mrs. Strong to amend the pending motion by adding making the following change to §185-225: "For all proposed development within the Senior Residential Village District, at least 25% of all resale units, and 10% of rental units must qualify as affordable housing, as defined by RIGL 45-53-3(9). Affordable units shall also comply with §185-194 of this Ordinance." This would only take effect upon execution of a signed agreement with the developer amending the previously agreed upon TSA to include a payment as property tax of \$67,500 per unit on 15% of the rental units in the District. Payments would be made in the same amounts and schedule as the previously agreed upon fee in lieu payment schedule, or by dividing the total into annual equal payments over the life of the TSA. Discussion ensued regarding the changes to percentages to the rental units; renegotiating the TSA/MOU; amending comprehensive plan; and construction and or sale of the cottages. **Mr. Primiano withdrew his motion to amend.**

**The pending motion, which was made by Mr. Carroll and seconded by Mrs. Weymouth, passed unanimously**

#2016-2 An Ordinance to Amend Chapter 185 Zoning Article XXVII Low and Moderate Income Housing: Mandatory Inclusionary Zoning Requirements (Fees in Lieu) (continued from February 1, 2016):

Mrs. Speakman announced the discussion on #2016-2 An Ordinance to Amend Chapter 185 Zoning Article XXVII Low and Moderate Income Housing: Mandatory Inclusionary Zoning Requirements (Fees in Lieu) which was (continued from February 1, 2016). Mr. Teitz explained that this ordinance tracks the state law which gives an opportunity for a fee in lieu to the developer(s). Mr. Teitz said that this ordinance contains a sunset provision which expires as of 12:00 midnight on January 1, 2017. Mr. Teitz said that this ordinance provides for the developer to be vested. Discussion ensued with what the monies can be used for; timing of the allocation of the funds within 2 years of receipt of the funds (see §185—195 B (2)). Mrs. Strong stated that there is a typo on page 3 - Alzheimer's/dementia. Discussion ensued with percentages for inclusionary zoning. Mrs. Speakman opened the public hearing for #2016-2 An Ordinance to Amend Chapter 185 Zoning Article XXVII Low and Moderate Income Housing: Mandatory Inclusionary Zoning Requirements (Fees in Lieu) which was (continued from February 1, 2016).

**Motion** by Mrs. Strong and seconded by Mrs. Weymouth to adopt #2016-2 An Ordinance to Amend Chapter 185 Zoning Article XXVII Low and Moderate Income Housing: Mandatory Inclusionary Zoning Requirements (Fees in Lieu) as presented, and to find that it is consistent with the Town's 2015 Comprehensive Plan and to adopt the findings of consistency of the Planning Board in their recommendation to the Town Council. **The motion passed unanimously.**

**DISCUSS AND ACT ON THE FOLLOWING RESOLUTIONS:**

**Municipal Resolution on Gun Free Schools:** Mr. Carroll recused himself from the discussion. Peter Bilderbeck, 260 Sowams Road, said that he is with the coalition against gun violence. Discussion ensued regarding concealed weapons within the schools, except for duly authorized members of law enforcement. Mr. Bilderbeck stated that in 2015, 23 school committees signed the resolution for gun free schools. Mr. Bilderbeck said that his goal this year is to have all town councils of the Rhode Island cities and towns pass the resolution for gun free schools. **Motion** by Mrs. Weymouth and seconded by Mrs. Speakman to accept the municipal resolution on Gun Free Schools. **The motion passed 3-1-1; in favor, Mrs. Speakman, Mrs. Weymouth and Mr. Primiano; one opposed, Mrs. Strong and one recusal, Mr. Carroll.**

**PUBLIC COMMENT:** Sarah O'Brien, 88 Boyce Avenue, asked the Town Council if they would consider using non-school buildings for elections. Mrs. Speakman stated that she will place this discussion on the Town Council agenda in April and refer this topic to the Board of Canvassers.

**DISCUSS AND ACT ON THE RENEWAL OF BARRINGTON BEACH SOLE VENDOR PERMIT:**

**TRENDY'S LLC D/B/A TRENDY'S PIZZERIA:** **Motion** by Mr. Primiano and seconded by Mr. Carroll to extend the lease for one year with Trendy's Pizzeria, 59 Maple Avenue, to provide concessions at the Barrington Beach for the 2016 season in the amount of \$800.00, contingent upon the receipt of all applicable permits, licenses and insurance requirements. **The motion passed unanimously.**

**DISCUSS AND ACT ON AN ENTERTAINMENT LICENSE: PREMISES WITHOUT A LIQUOR LICENSE:**

- **Yogo Crazy:** **Motion** by Mr. Carroll and seconded by Mrs. Strong to grant the Entertainment License for the hours between 11:00 AM – 11:00 PM to Yogo Crazy, 18 Maple Avenue. **The motion passed unanimously.**

**DISCUSS AND ACT ON \$5.00 ONE DAY BEACH PASS FOR RESIDENTS:**

Discussion ensued regarding non-residents. Council members would like additional research on this subject from the Park and Recreation Commission. **Motion** by Mrs. Strong and seconded by Mr. Primiano to approve the Park and Recreation Commission's proposal for a \$5.00 daily parking fee at the Barrington Beach, for Barrington residents. **The motion passed unanimously.**

**DISCUSS AND ACT ON BIDS:**

- **Pare Engineering Contract Amendment Landfill 3 and 4:** **Motion** by Mrs. Strong and seconded by Mr. Primiano to amend the contract with Pare Engineering for associated engineering services regarding the closing of landfill 3 & 4 at a cost of \$146,700 and to include a 20% contingency as described in a memorandum from Joseph Piccerelli dated March 1, 2016. **The motion passed unanimously.**
- **Protective Clothing:** **Motion** by Mrs. Weymouth and seconded by Mr. Primiano to award the bid to provide protective clothing to Bergeron Protective Clothing, at a cost of \$53,790.20 as described in a memorandum dated March 3, 2016 from Chief Bessette. **The motion passed unanimously.**
- **Procurement of 800 Mhz Radio:** **Motion** by Mrs. Weymouth and seconded by Mr. Carroll to award the bid to purchase 800 MHz portable and mobile radios to Motorola Solutions in the amount of \$115,310, as described in a memorandum dated March 3, 2016 from Chief LaCross. **The motion passed unanimously.**

**DISCUSS AND ACT ON TOWN COUNCIL PROCEDURES/BY-LAWS:**

Mrs. Strong stated that at this time she would like to continue this subject until the April Town Council meeting.

**DISCUSS AND ACT ON TOWN COUNCIL LIAISONS TO BOARDS AND COMMISSIONS:**

Mrs. Speakman proposed the following amendment to Rules of Procedure for the Town Council:

In accordance with Rule 19 of the Barrington Town Council Rules of Procedure, the following addition is proposed.

**Rule 22 Council Liaisons**

All Boards, Commissions and Ad Hoc Committees shall have at minimum one, and at maximum two, members of the Town Council assigned as Liaison. Liaisons shall be assigned by majority vote of the Council. The liaisons serve as a conduit for information between the Board/Commission and the Town Council. Liaison attendance at Board/Commission meetings is encouraged but not required. The presence of a quorum is unaffected by a liaison's presence or absence.

Liaisons are not eligible to vote on Board of Commission matters, but may speak when recognized by the Board/Commission Chair.

Council liaisons shall not participate in the official business of the Board/Commission, including, but not limited to, scheduling of meetings or taking of minutes.

Mr. Carroll amended the proposed Rule 22 Council Liaisons above, to include after "...majority vote of council from a slate of assignments proposed by the Town Council President.

Discussion ensued regarding Council Liaison Reports during monthly council meetings.

**Motion** by Mrs. Speakman and seconded by Mrs. Weymouth to amend the Town Council Procedures and to include Rule 22 Council Liaisons as presented. **The motion passed unanimously.**

**SET AGENDA FOR MONDAY APRIL 4, 2016 TOWN COUNCIL MEETING:**

- Continue agenda item #22 to Discuss and Act on Town Council Procedures/By-Laws
- Request that Jarod Rhodes from RI Statewide Planning to attend the April Town Council meeting
- Request that member from Community Development Block Grant (CDBG) attend to discuss Palmer Pt
- Discuss and Act on additional recycling containers at DPW and other establishments
- LED update
- Volunteer Appreciation Celebration
- Elections and the Use of Schools

**EXECUTIVE SESSION IN ACCORDANCE WITH RIGL:**

- **42-46-5 (a) (2) Litigation - Shaw's Tax Appeal**
- **42-46-5 (a) (2) Collective Bargaining – Police, Fire, DPW and Dispatchers**
- **Discuss and Approve Sealed Minutes of Executive Session on January 4, 2016**

**Motion** by Mrs. Weymouth and seconded by Mr. Carroll to move into executive session at 9:45PM in accordance with RIGL 42-46-5 (a) 2 Litigation – Shaw's Tax Appeal and 42-46-5 (a) (2) Collective Bargaining –Police, Fire, DPW and Dispatchers; and to Discuss and Approve Sealed Minutes of Executive Session on January 4, 2016. **The motion passed unanimously.**

**Motion** by Mrs. Weymouth and seconded by Mrs. Strong to move out of executive session at 10:00 PM, a vote to approve the tax abatement of \$29,797.60 to Shaw's was unanimously passed; and to seal the minutes. **The motion passed unanimously.**

**ADJOURN:**

**Motion** by Mr. Carroll to adjourn the meeting at 10:00 P.M.

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Meredith J. DeSisto, Town Clerk