

MEMORANDUM

From: Philip Hervey, Town Manager
To: Barrington Town Council
Subj: Town Manager Memo for March 7, 2022 Council Meeting
Date: March 7, 2022



AGENDA ITEM #3: Land Acknowledgement to be read by Council: (Approved at the Town Council meeting on December 6, 2021)

“Aquene (Peace) We recognize the unique and enduring relationship that exists between Indigenous Peoples and their traditional territories. We acknowledge that we are in the ancestral homeland of the Pokanoket Tribe within the original territory of the Pokanoket Nation. We commit to ongoing efforts to recognize, honor, reconcile and partner with the Pokanoket people whose ancestral lands and water we benefit from today. Aquene (Peace)”

AGENDA ITEM #4: Announcements: (Town Manager)

- **Tree Planting & Removal:**
 - **January 1, 2021 – December 31, 2021 – 79 trees removed/110 trees planted**
- **Free COVID-19 Rapid Self-Test Kits** – are available at the Town Clerk’s Office, Peck Center and Library
- **Boat and Kayak Registration (Canoe and Paddleboard)** is available online and will run through noon on March 16th www.peckcenter.org The random drawing will take place live and via zoom webinar on Monday, March 21st at 1:30pm at the Peck Center for Adult Enrichment.

AGENDA ITEMS #5 - #14 Consent Agenda

Motion: To accept the Consent Agenda, Items #5 – #14 as presented.

AGENDA ITEM #15: Discuss and Act on Interviews and Appointments:

- **Open Space Committee:** (2 vacancies: 1 full member with a term to expire February 28, 2025, and 1st alternate with a term to expire on February 28, 2025)
 - Interview: Ron Pitt

Motion: To appoint _____ as a 1st alternate to the Open Space Committee.

AGENDA ITEM #16: Discuss and Act on Hazard Mitigation Plan Steering Committee (Teresa Crean)

TM Comment: A vote by the Council to approve the establishment of a Steering Committee to oversee the development of the updated Hazard Mitigation Plan (HMP) in the coming months would help the Town secure Community Rating System (CRS) points from FEMA. The Town has submitted an application to qualify for the CRS program; that application is still under review at FEMA. Once the Town is accepted in the CRS program, property owners with

federal flood insurance will see a reduction in their annual premium of at least 5 percent. Council approval of a steering committee for the HMP update will help qualify Barrington for additional CRS “points.” The more total points, the better Barrington’s CRS score.

Motion: To approve the establishment of a Town Manager-appointed steering committee to work with the Town on the update of the Hazard Mitigation Plan. Members to include at least two members of the public and one member of the business community.

AGENDA ITEM #17: Discuss and Act on Comprehensive Annual Financial Report with Bacon & Company

TM Comment: The auditors from Bacon & Company will present a summary of the July 1, 2020 – June 30, 2021 audit.

Motion: To receive and accept the Comprehensive Annual Financial Report for Fiscal Year ending June 30, 2021, as presented.

AGENDA ITEM #18: PUBLIC HEARING: Discuss and Act on Proposed Change to Hours of Liquor Service for Intoxicating Beverage Licenses: Sowams A. M. Inc., DBA Prince Ali’s Kebab, 305 Sowams Road, Barrington, RI

TM Comment: Councilor Kustell is requesting the Council to hold a public hearing on amending the restricted hours put in place in granting the liquor license for Prince Ali’s Kebab.

Motion: To amend the restricted hours on the Liquor License granted to Prince Ali’s Kebab, 305 Sowams Rd., as follows: _____

AGENDA ITEM #19: Presentation on the Town’s Efforts to Make Barrington a More Resilient Community

TM Comment: Teresa Crean, Director of Planning, Building and Resiliency, will give a 15-minute PowerPoint presentation on the vulnerability of Barrington to sea level rise and other climate change impacts, an overview of the resiliency efforts taken by the Town to date, and potential actions the community could take to meet these growing threats.

Motion: *No motion provided.*

AGENDA ITEM #20: Discuss and Act on Memorial Day Parade

TM Comment: This has been placed on the agenda at the request of President Carroll. The Town has received a RIDOT Parade/Event Permit application for the May 30th parade from the Barrington United Veterans Council, which has organized past Memorial Day parades. In early February the UVC sent out an email announcing the parade. However, the permit paperwork, which would be sent on behalf of the UVC and the Town Council and requires Town approval, has been put on hold pending the outcome of the Town Council’s discussion.

The parade has not been held the past two years. Past practice is for the Council to approve the parade as a Consent Agenda item.

Motion: *No motion provided.*

AGENDA ITEM #21: Discuss and Act on Forgiving Police Detail Fees for Film Forward and Courtyard at the Cove, and Creating Policy for Privately Sponsored Events at Public Spaces

TM Comment: The previous Town Manager issued an email stating that he supported waiving Film Forward’s \$439 police detail fees for last year’s event held at Town Hall, which required police presence on County Road at Town Hall Drive/Maple Avenue.

Based on the expressed intent to waive Film Forward’s costs, it is my opinion the police detail bills should also be waived for Courtyard at the Cove at Police Cove Park. That event incurred police detail costs for four of the Friday evening events last summer. The Courtyard at the Cove bill totals \$1,481.

The Police Chief has indicated to me that the Police Department budget can absorb forgiving the fees, totaling \$1,920. I recommend waiving the police detail fees for both events, which were privately sponsored but organized with input from the Town and open to the public at no charge.

Events like Film Forward and Courtyard at the Cove help build community. While they were planned and implemented by private parties, they were held on public property and open to all. The Town met with both groups to guide them through the approval process, but did not have to take on the many tasks required to make a successful event.

While I recommend waiving the fees for last year’s events, going forward there should be criteria in place to consider requests to offset Town-related costs associated with events on public property held by outside groups. A few guidelines are offered below as a starting point:

- The event is free and open to the public.
- The Town approves the vendor selection process.
- The group planning the event is a non-profit entity.
- The site is kept clean.
- Maximum cost forgiveness: \$500 per event day.

The Town recently received a \$7,500 check from Discover Newport that can be used to offset the cost of public events in Barrington (the grant can be used for other types of projects as well). This money also could be used to help cover the cost of Town-sponsored events. The funds must be spent by the end of FY2023.

Motion 1: **To waive the fees charged for police details associated with Film Forward in 2021, totaling \$439, and Courtyard at the Cove, totaling \$1,481.**

Motion 2: **To establish the following eligibility criteria for the Council to consider forgiving Town costs related to privately sponsored events held on Town property:**

1. _____
2. _____
3. _____
4. _____

AGENDA ITEM #22: Discuss and Act on Resolution(s):

- **Proclamation: Arbor Day April 29, 2022**

TM Comment: The Department of Public Works plans to work with the Barrington Garden Club for an Arbor Day observance on April 29th. Council approval of an Arbor Day proclamation will help Barrington get recognition as a Tree City by the Arbor Day Foundation.

Motion: To adopt the attached resolution proclaiming April 29, 2022, as Arbor Day in the Town of Barrington.

AGENDA ITEM #23: Discuss and Act on Authorizing \$30,000 in additional funding to expand the scope of the Town's contract with Consulting Resiliency Planner Kim Jacobs

TM Comment: Requesting approval of \$30,000 in additional funding to expand the scope of work in the Town's contract with Consulting Resiliency Planner Kim Jacobs. A total of \$22,875 would come from a FEMA Building Resilient Infrastructure and Communities (BRIC) grant, to complete tasks associated with the update of the Town's Hazard Mitigation Plan, billed based on the contracted hourly rate of \$69 per hour. The remaining amount, \$7,125, is proposed to come from the Town's Climate Mitigation Capital Reserve fund, which would be used to cover tasks related to the Plan Update, or other tasks as assigned.

Motion: To approve \$30,000 in additional funding to expand the scope of the Town's contract with Consulting Resiliency Planner Kim Jacobs of Barrington, with up to \$22,875 from a FEMA Resilient Infrastructure and Communities Grant, and the balance from the Town's Climate Mitigation Capital Reserve Fund.

AGENDA ITEM #24: Discuss and Act on Bid(s)

- **BAY Team:** Approve Emily Sweeney of North Providence for contracted services as Project Director to Manage the Mental Health Awareness Training Grant in the amount of \$36,400 annually (based on compensation by SAMHSA).

TM Comment: The BAY Team advertised a grant-funded position that would be responsible for managing a \$125,000/year Mental Health Awareness Training Grant from the Substance Abuse and Mental Health Services Administration (SAMHSA), an agency within the U.S. Department of Health and Human Services. Denise Alves, BAY Team Prevention Coalition Director, is recommending contracting with Emily Sweeney in the amount of \$36,400 per year for five years. No Town funds are required for this position.

The BAY Team advertised the position in Indeed. Ms. Alves and Kristen Westmorland, Outcomes Director, interviewed four applicants. They recommend hiring Ms. Sweeney, whose past experience includes managing several preschools - work that involved training, budgeting and coordination of schedules.

Motion: To award Emily Sweeney of North Providence a contract in the amount of \$36,400 annually based on the compensation schedule set forth by SAMHSA

and will be reviewed on an annual basis during this 5-year grant. It is understood that this position is grant funded and limited to the terms, dates, and availability of funding based on the grant.

- Board of Canvassers: Award bid for Redistricting Consultant Services to Election Data Services of Manassas, VA, in the amount of \$14,000 to assist the Board of Canvassers with redistricting the Town in accordance with new legislative districts approved by the General Assembly.

TM Comment: Please see attached memo from Claire Boyes, Chair of the Barrington Board of Canvassers, explaining the project and recommendation. Funding would come from the Board's operating budget.

Motion: To approve the bid for Redistricting Consultant Services from Election Data Services of Manassas, VA, in the amount of \$14,000 to assist the Board of Canvassers with redistricting the Town.

- DPW: Award bid for a Field Marking Robot from Intelligent Marking USA (DBA Turf Tank) of Acworth, GA, in the amount of \$48,000.

TM Comment: The Town received one bid for a Field Marking Robot totaling \$48,000, which was under the budgeted \$50,000. The machine paints lines based on GPS coordinates. This technology will reduce the time required to line fields, as well as allow for more details to be painted, including logos. More information: <https://turf tank.com/us/line-marking-solutions-for-parks-and-recreation/>

Motion: To award the bid for a Field Marking Robot from Intelligent Marking USA (DBA Turf Tank) of Acworth, GA, in the amount of \$48,000.

- DPW: Award the bid for a 2022 Ford F-450 dump truck with plow for \$90,938, which includes credit of \$4,007 for the trade-in of a 2003 GMC dump truck.

TM Comment: Truck replaces a 2003 dump truck. Cost is a little lower than what the Town had budgeted for this purchase. Recommend approval.

Motion: To award the bid for a 2022 Ford F-450 dump truck with plow for \$90,938, which includes credit of \$4,007 for the trade-in of a 2003 GMC dump truck.

- Police Department: Award Bid for Mach-E Mustang Electric Police Vehicle with funding from the Police Vehicle Capital Reserve and federal American Rescue Plan funds

TM Comment: This is the first step toward electrifying the police fleet. The vehicle will be assigned to a supervisor, not used on regular patrol. The utilization of the Mach-E, which will need to be up-fitted to be deployed as a police vehicle, will help the department evaluate the feasibility of acquiring additional Mach-Es for patrol cars. The

Town is working with National Grid (NGRID) to secure funds needed to install charging infrastructure behind the Public Safety Building. NGRID would cover most of this cost. In the meantime, the Police have access to the Level 3 fast chargers at Town Hall, which can charge an EV battery that's near empty to up to 80% of a full charge within about 30 minutes. The Town can use its charging stations to charge municipal EVs at no cost (though it will result in higher electricity bills).

As the deadline to submit bids was Friday, March 4th, the Police Chief was unable to recommend a low bidder at the time this memo was written. (One bid has been received to date.) The Police Chief will provide a recommendation to the Town Council for consideration at the meeting.

I recommend using \$10,000 from the Town's allocation of American Rescue Plan Act (ARPA) funds toward the purchase of this vehicle, to offset the higher purchase price of an electric vehicle compared to gasoline. We have about \$3.2 million in ARPA funding that has not yet been allocated by the Council.

- **Motion: To Award the bid for Mach-E Mustang Electric Police Vehicle to _____ in the amount of \$ _____, with funding from the Police Vehicle Capital Reserve in the amount of \$ _____, plus \$10,000 in federal American Rescue Plan funds.**

AGENDA ITEM #25: Discuss and Act on Ordinance(s):

INTRODUCTION:

- **2022-4 - An Ordinance Amendment to Chapter 169 Taxation Article II Tax Exemption for the Elderly and Totally Disabled**

TM Comment: The proposed amendment, recommended by the Tax Assessor, would allow the Town to simplify the elderly tax exemption certification process by adding the words "income-based" to Chapter 169, Section 8B, of the Code of Ordinances. Tax Assessor Ken Mallette explained the reason for the proposed amendment as follows:

We are proposing this amendment for several reasons. The first being the burden it imposes on our seniors who are required to file annually to receive the flat exemption. It is also an imposition on our seniors to have to annually state that they wish to receive the flat exemption. Many don't trust the Postal Service, so they walk in with their applications. The vast majority of our seniors receive the flat amount and each year have to have the application notarized either in our office or by another notary elsewhere. So again, we are burdening them to file and have the form notarized each and every year to receive this flat \$229.20. Most other communities do not require annual filing unless the exemption is income based. Lastly my office is handling every single one of these applications every year rather than granting the exemption and only having to refile if there is a change in the taxpayer's circumstances.

Motion: To introduce 2022-4 An Ordinance Amendment to Chapter 169 Taxation Article II Tax Exemption for the Elderly and Totally Disabled and set a public hearing for April 4, 2022.

- 2022-7 An Ordinance Amendment to Chapter 185 Zoning, Article XXXIII – Short Term Residential Rental
- 2022-8 An Ordinance Amendment to Chapter 185 Zoning, Article IV, Use Regulation, §185-8 (C) Open Recreation Uses, §185-9 Accessory Uses

TM Comment: The proposed Zoning Ordinance amendments on short-term rentals were drafted by the Solicitor in response to concerns about the use of residential properties for short-term rentals, including those advertised through AirBnB or similar platforms. The ordinance related to events adds definitions for an “Accessory Outdoor Event Use” and an “Outdoor Event Use,” as well as modify the Use Table to indicate where these uses are permitted as a special use or as of right. One of the houses that drew complaints from nearby residents is a RISD-owned house on Freemont Road, which has been used as a short-term rental. It also sits adjacent to an open area at Tillinghast Estate that is often used for weddings.

Motions:

Motion 1: To introduce 2022-7 An Ordinance Amendment to Chapter 185 Zoning, Article XXXIII – Short Term Residential Rental and set a public hearing for April 4, 2022.

Motion 2: To introduce 2022-8 An Ordinance Amendment to Chapter 185 Zoning, Article IV, Use Regulation, §185-8 (C) Open Recreation Uses, §185-9 Accessory Uses and set a public hearing for April 4, 2022.

PUBLIC HEARING:

- **2022-2 - An Ordinance Amendment to Chapter 179 Vehicles and Traffic Article II. Stop Intersections §179.3 Stop intersections designated. (M. Correia)**

TM Comment: The ordinance amendment would result in stop signs installed on Maple Avenue at West Street (both directions).

Alan Flam and Judy Semonoff of 33 Hilltop Avenue have written the Town requesting stop signs for eastbound and westbound traffic on Maple Avenue at West Street, citing concerns that “traffic on Maple Avenue frequently exceeds the posted speed limit, making it dangerous for pedestrians to cross Maple Avenue... People of all ages need to cross this intersection and the current situation, without any stop sign or crosswalk signage is hazardous.”

I referred the request to Police Chief Michael Correia. He recommends adding the stop signs to enhance public safety. Police records show 15 vehicular accidents on Maple Avenue and two on West Street in 2021.

An identical proposal brought to the Council in 2016 was rejected. The stop signs were proposed after the Town’s Streetscape Improvement Project reconfigured parking in front of Vienna Bakery on West Street and Maple Avenue, where vehicles have to back into the street to exit the parking lot.

Motion: To adopt 2022-2 An Ordinance Amendment to Chapter 179 Vehicles and Traffic Article II. Stop Intersections §179.3 Stop intersections designated as presented.

- **2022-6 - Renewal of Ordinance DECLARATION OF EMERGENCY**

TM Comment: Renewal is requested for two reasons:

1. To allow for future emergency funding reimbursement opportunities due to the continued Emergency Declaration. RIEMA advises that it is unknown if future stimulus packages would require an active emergency declaration to qualify for fiscal support.
2. Requirement to have the ability to instantaneously enact emergency orders for the health and safety of the Town of Barrington residents.

If renewed, the Declaration of Emergency would expire on April 12, 2022. Any further renewal would be determined at the April 4, 2022 Town Council meeting.

Motion: To adopt 2022-6 Renewal of Declaration of Emergency, as presented.

AGENDA ITEM #26: Discuss and Act: Recreational Cannabis Legislation

TM Comment: Requesting Council input on recreational cannabis legalization bills introduced in the House and Senate bills. According to Assistant Solicitor Amy Goins, both bills appear to be identical, reflecting the compromise that has been worked out. Ms. Goins flagged the following sections for the Council to consider:

21-28.11-15. Municipal authority. (page 45 of the PDF)

- Key point: if the Town wishes to ban retail sales of cannabis, it must allow the electorate to decide on or before the election in November – we can't simply ban the use through zoning.

21-28.11-16. Local control. (page 46 of the PDF)

- Key point: if the Town wishes to allow retail sales of cannabis, we can enact zoning regulations for this use, subject to certain restrictions outlined in the legislation

It may be appropriate to add this to the TC agenda for a very preliminary discussion next week, and pencil it in for the Planning Board's agenda in April.

Motion: To refer the recreational cannabis legalization bills to the Planning Board for discussion at the April 4, 2022, Planning Board meeting.

AGENDA ITEM #27: Set Agenda for Monday, April 4, 2022 at 7:00 pm.

AGENDA ITEM #28: (This meeting will be opened in open session and the Town Council will move to a closed Executive Session via Zoom.)

- **Executive Session in Accordance with RIGL:**
 - **42-46-5 (a) (2) Collective Bargaining** United Steelworkers (DPW), AFL-CIO, Local 14845 and Discuss the Executive Session minutes from February 7, 2022, for placement on the April 4, 2022, Town Council meeting agenda.

Motion: To move into Executive Session in accordance with RIGL: 42-26-5 (a) (2) **Collective Bargaining** United Steelworkers (DPW), AFL-CIO, Local 14845 and Discuss the Executive Session minutes from February 7, 2022, for placement on the April 4, 2022, Town Council meeting agenda. at ____pm.