

MEMORANDUM



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

AGENDA ITEM #4: Announcements (Town Manager)

- Tuesday, November 8, 2022: **General Election.** All Polls are open from 7:00am – 8:00pm.
- Saturday, November 26, 2022: **Trot off Your Turkey,** St. Luke’s School 9:30-11:30am
- **Tree Lighting:** Saturday, December 3, 2022 from 2:00pm – 5:00pm at Town Hall,
- **Swearing-In Ceremony of Elected Officials:** Monday, December 5, 2022 at 7:00pm in-person at the Barrington Town Hall Council Chamber
- **Tree Planting & Removal:** October 1, 2021 – September 30, 2022– 73 trees removed/ 90 trees planted

AGENDA ITEMS #5 - #14: Consent Agenda

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

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

TM Comment: The Town has received two applications for the Appropriations Committee opening created by the resignation of Stephen DeLuca, whose term was to end on May 31, 2023.

Motion: To appoint _____ to the Committee on Appropriations, for a term ending May 31, 2023.

AGENDA ITEM #16: Public Comment

AGENDA ITEM #17: Public Hearing: Discuss and Act on Liquor License Renewals

TM Comment: The Council will need to hold a public hearing before voting on liquor license renewal applications received by the Town. The motions below are for the Council’s consideration, after opening and closing the public hearing on each license class.

Motion 1: To grant but not issue until final paperwork is received by the Town for the following Class A Retail licenses:

- Grapes & Grains, Inc. d/b/a Grapes & Grains, Inc., 24 Bosworth Street
- Brickyard Wine & Spirits LLC d/b/a Brickyard Wine & Spirits LLC, 250 County Road

Motion 2: To grant but not issue until final paperwork is received by the Town for the following Class D Full licenses:

- American Legion Post #8, Inc. d/b/a American Legion Post #8, Inc., 2 Legion Way
- Barrington Democratic Club d/b/a Barrington Democratic Club, 186 Roffee Street
- Barrington Yacht Club d/b/a Barrington Yacht Club, 25 Barton Avenue
- Rhode Island Country Club d/b/a Rhode Island Country Club, 150 Nayatt Road

Motion 3: To grant but not issue until final paperwork is received by the Town for the following Class BV Full licenses:

- Tyler Point Inc. d/b/a Bluewater Bar and Grill, 32 Barton Avenue
- The 286 Club, 286 Maple Avenue
- Stock Food Group, Inc. d/b/a East Bay Oyster Bar, 308 County Road
- Kee-Aree LLC d/b/a Tong-D, 156 (Rear) County Road
- New Sushi Express, Inc. d/b/a Miku Japanese Cuisine, 306 County Road

Motion 4: To grant but not issue until final paperwork is received by the Town for the following Class BVL Limited licenses:

- Pepperoni's LLC d/b/a Piezoni's Pizza, 222 County Road
- Leon's Kitchenworx LLC d/b/a Leon's Café and Catering, 230 Waseca Avenue
- J & A Restaurant Enterprises Ltd. d/b/a Nacho Mamma's, 18 Maple Avenue, Unit 3
- Spaghetti Lane, LLC d/b/a Spaghetti Lane, 8 Anoka Avenue
- Sowams A. M. Inc. d/b/a Prince Ali's Kebab, 305 Sowams Road

AGENDA ITEM #18: Discuss and Act: Proposal for a Marker to be Installed at Osamequin Regarding the History of Massasoit Osamequin and the Pokanoket

TM Comment: Barrington Interfaith Partners and the Friends of the Pokanoket are requesting Town Council approval of marker on the history of Massasoit Osamequin and the Pokanoket at the Osamequin Nature Trails and Bird Sanctuary property on Wampanoag Trail.

Motion: To approve the installation of a marker at the Osamequin Nature Trails and Bird Sanctuary property on the history of Massasoit Osamequin and the Pokanoket.



AGENDA ITEM #19: Discuss and Act: Approval for Reaffirming the Original Town Seal (N. Taylor)

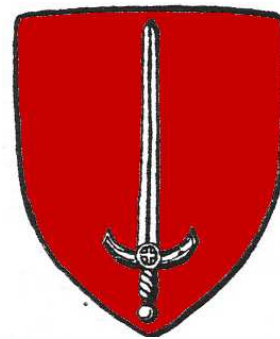
TM Comment: The Town Seal we have been using in the 17 years I've been with the Town is historically inaccurate. We are unsure how it came into use, but it is significantly different than the official seal that hangs in the Lieutenant Governor's office (see photo).



Nat Taylor of the Barrington Preservation Society has researched the history of the Town Seal and found the shield in the State House matches an earlier "coat-of-arms design" that "evolved into a straight sword and was used on town signage paid for by the Tercentenary Commission in 1936."



Town Seal currently in use



Barrington Town Seal coat of arms, 1930s

The Town is in the process of updating the Town Hall interior signs, which feature the Seal. Before proceeding with the new signs, I would like the Town Council to reaffirm the original shield design for use in the updated seal. If approved, we will update the seal on all the signs. Over time we will transition to the "new" seal on letterhead, vehicles, etc.

Motion: To approve redesigning the Town Seal to be consistent with the Town of Barrington coat-of-arms sword and shield displayed at the State House.

AGENDA ITEM #20: Presentation: BAY Team (D. Alves)

TM Comment: A brief presentation on the work of The BAY Team/Barrington's Prevention Coalition will be made by Denise Alves, who serves as the Regional Prevention Co-Director and East Bay Coalition Director.

Motion: No motion provided.

AGENDA ITEM #21: Discuss and Act: Barrington Resilience Education Center Pilot (M. Thorsson)

TM Comment: Magnus Thorsson, Chair of the Resilience and Energy Committee, has submitted a proposal endorsed by the Committee to create a "pilot for photovoltaic (PV) battery energy storage system" at the Bay Spring Community Center. He writes:

The impetus for the motion is multifaceted and includes two main elements: first, the establishment of an education center intended to inform and educate town residents and students on community resilience, and second the creation of emergency shelter with independent local source of renewable energy that can serve as a response center for residence seeking shelter, warmth, and resources during power outage.

The Town has reached out to officials at the RI Emergency Management Agency about whether adding battery storage could qualify for FEMA funding, as it would serve as a generator for a facility that can be used as part of the Town's emergency response to a natural disaster. Our understanding is this could qualify for a FEMA grant, which would cover 75% of the total cost.

Additional research is needed to determine the potential benefits of a PV system and battery backup at the Bay Spring Community Center, the implementation cost, and ongoing operation expenses. The Town is in the process of developing a plan to improve the grounds at the Community Center, which could include resilience features (rain barrels, solar site lighting, etc.)

Motion: To refer the Resilience Education Center proposal to the Town Manager for review and recommendations on how to proceed.

AGENDA ITEM #22: Discuss and Act: URI Energy Fellow for 2023 (T. Crean)

TM Comment: The Town is proposing to apply to URI for an energy fellow for calendar year 2023. The program will provide Barrington a graduate student to work a total of 600 hours throughout the year at \$28 per hour. The position will focus on energy projects such as the update to the Energy Plan, solarize initiatives, public education, etc. The Town will need to commit to pay the fellow, totaling \$19,800 for the entire year. Proposing to fund this position using the Planning, Building & Resilience operating budget, and the Climate Mitigation Capital Reserve.

Motion: To approve \$19,800 for hiring a URI Energy Fellow to work with the Town during the 2023 calendar year, with \$9,900 from the Planning, Building & Resilience operating budget, and \$9,900 from the Climate Mitigation Capital Reserve.

AGENDA ITEM #23: Discuss and Act: Abandonment of a Portion of Smith Street

TM Comment: The owner of 16 Crown Avenue has petitioned the Town to abandon the undeveloped portion of Smith Street between their property and 12 Crown Road. They are proposing to split the land with the owner of 12 Crown Road. The property measures 40 feet by 150 feet (6,000 square feet), extending from Crown Avenue to the Town's "Tall Cedars" open space parcel to the north. Former Tax Assessor Ken Mallette estimated the value at \$10,000, which would generate roughly \$200 in additional taxes per year.

The motion provided below would refer the petition to the Conservation Commission, Planning Board, Open Space Committee and Town Departments for review and recommendations. The motion also would schedule a public hearing to be held at the Council's February meeting, subject to the petitioner submitting all the required paperwork.



Motion: To refer the petition to abandon an undeveloped portion of Smith Street refer the petition to the Conservation Commission, Planning Board, Open Space Committee and Town Departments for review and recommendations, and schedule a public hearing for the February 6, 2023, meeting, subject to the petitioner submitting all of the required paperwork.

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

- Public Works / Planning, Building and Resilience:
 - On Call Services Engineering and Design Services (A. Corvi)

TM Comment: In July, the Town issued a Request for Qualifications for On-Call Professional Engineering and Design Consultant Services, with a due date of Friday, August 19th. The RFQ stated that the Town intended to approve a list of on-call consultants for specific design and engineering disciplines for a five-year period. The Town received proposals from 11 firms.

On October 3, 2022, the Council approved a partial list of on-call consultants for specified disciplines. The Town required more time to evaluate the responses to finalize the list for all the engineering and design disciplines, including conducting interviews of six engineering firms applying for the list of on-call “complete streets” consultants. Those interviews took place on October 25th and 26th via Zoom. The firm or firms named to the complete streets consultant list will be tasked to develop plans to improve pedestrian and bicycle facilities. The Town has implementation funding on hand now - the \$4 million-plus released to the Town from the unspent Middle School bond balance. The Town also is participating in the State’s Safe Streets for All grant application, which could bring additional implementation funds to the community (likely focused on State roads).

The list below represents the recommendations of the Town’s review committee – consisting of the Town Manager, Planning Director, and Public Works. The list includes consultants approved for specific disciplines at the October 3rd meeting. The additions to the list approved in October are shown in underlined text.

Motion: To approve the following firms to serve as Town of Barrington on-call consultants for a period of five years:

Planning Board Peer Review & Inspection Services

Pare Corp. (primary), VHB, Fuss & O'Neill

Complete Streets

Pare Corp., VHB, Fuss & O'Neill, Beta Group

Infrastructure Projects

Pare Corp., VHB, Fuss & O'Neill, Wright-Pierce, GZA

Geographic Information System Data and Mapping

Pare Corp., VHB, Fuss & O'Neill, Wright-Pierce, GZA, Beta Group

Structural Engineering

Pare Corp., VHB

Wastewater Projects

Wright-Pierce, Pare Corp.

Environmental Services

Pare Corp., Fuss & O'Neill, VHB, GZA, Beta Group

Energy Projects

Fuss & O'Neill

Landfill Closure/monitoring/design services

Pare Corp.

Geotechnical Services

GZA, Green International

Landscape Design/Landscape Architectural Services

Kevin Alverson, Pare Corp., VHB, Green International, Fuss & O'Neill

Coastal Engineering Projects

GZA for structural coastal projects

First Water Engineering - non-structural coastal

Fuss & O'Neill, Pare Corp., Wright-Pierce, VHB

Survey Services (property line/topography)

Pare Corp., VHB, Green International

- Town Manager:
 - Amend Contract with PAST, Inc. (P. Hervey)

TM Comment: In July, the Council authorized the Town to contract with the 501(c)3 Public Archaeology Survey Team (PAST Inc.) for \$67,156.04 to complete an archaeological study at a Town property in the Nockum Hill area. Funding is coming from a \$113,875.64

Battlefield Preservation Planning Grant awarded to the Town by the U.S. Department of Interior/National Park Service's American Battlefield Protection Program (ABPP).

The previous motion did not include an amount to cover the cost of consultation with the Mashpee, which will be handled by PAST. As grant administrator, the Town will be reimbursing PAST for payments PAST makes to the Mashpee for the time they spend advising on the project (this input is critical to the project success). The National Park Service grant includes \$35,108.40 for this purpose.

The motion below authorizes the Town to amend its contract with PAST to include tribal consultation as part of the scope of work and project fees.

Motion: To authorize the Town to amend its contract with PAST to include up to \$35,108.40 for payments made to the Mashpee by PAST as part of consultation with the tribe as part of the archaeological study in the Nockum Hill area.

- Planning, Building and Resilience:

- Walker Farm Resilience & Recreation Improvement Project – Fuss & O'Neill (T. Crean)

TM Comment: The Walker Farm Recreation and Resilience Improvement Project has required additional construction administration tasks than were anticipated when the engineering contract was awarded. This includes extensive review of product and invoice submittals from the contractor, and challenges related to managing the construction activity while maintaining access to the water and community gardens for the public and, for the Town, access to the leaf composting site. Recommend approval of additional fees not to exceed \$10,500. Proposing utilizing funding from the Recreation Maintenance Fund to cover these costs.

Motion: To approve increasing the Fuss & O'Neill construction administration budget for the Walker Farm Recreation and Resilience Improvement Project in an amount not to exceed \$10,500.

- Design Services Haines Park Phase 1 Project - K. Alverson (P. Hervey)

TM Comment: On September 12, 2022, the Town Council approved \$1 million in American Rescue Plan Act funding for the Haines Park Phase 1 improvement plan, which includes an improved full-size multi-sport athletic field, rebuilding the little league field in a new location, additional gravel parking spaces, an irrigation system with a small pumphouse/concession building, scoreboards, and trail improvements. The Town has a proposal from Kevin Alverson Landscape Architecture, one of the Town's on-call design consultants, to complete the plans and specifications for construction, plus construction administration, permitting, etc. The proposed fees total \$18,479. Recommend including a 20% contingency plus a \$20,000 allowance for other subconsultants, including designing a plan for the irrigation system.

The design process will include additional opportunities for public input on the design before the project moves into the construction drawing phase. There will be some additional revisions to the plan that was presented at the September Council meeting. One

of the questions to be resolved, based on public feedback at the Park and Recreation Commission meetings on the conceptual plan, is the extent and appearance of fencing, in combination with plantings, in the buffer area between the multipurpose field and Haines Park Road.

Motion: To approve the bid from Kevin Alverson Landscape Architecture of Wickford, RI, in the amount of \$18,479, for development of plans for Haines Park Phase 1 improvements, to include an additional 20 percent contingency and an additional \$20,000 allowance for other subconsultants as needed.

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

• **INTRODUCTIONS:**

- 2022-27 An Ordinance Amendment to Chapter 63-8 License class, Number and Fee

TM Comment: The Town has been contacted by someone proposing to open a new full-service restaurant, with a full liquor license. Ordinance 2022-27 would expand the number of BV liquor licenses from five to six. The hearing on the ordinance and the liquor license would be scheduled for the January 9th meeting.

Motion: To introduce Ordinance 2022-27: An Ordinance Amendment to Chapter 63-8 License Class, Number, and Fee, and schedule the public for January 9, 2023.

• **PUBLIC HEARINGS:**

- 2022-13 An Ordinance Amendment to Chapter 144 Public Lands, Use of §144-15 Town Hall Business Hours

TM Comment: The public hearing on this Ordinance was originally scheduled for September 12th, but the Council continued it to tonight's meeting.

The proposed time change for Town Hall would close the building at 7 p.m. on Mondays, leaving the hours the same for Tuesday-Friday. Employees will still work a full 35-hour workweek, such as by taking shorter lunches or other arrangements approved by Department Heads. Departments report very few visitors during the hour between 7 and 8 p.m. on Monday nights. The proposed effective date is January 1, 2023.

Motion: To adopt Ordinance 2022-14: An Ordinance Amendment to Chapter 144 Public Lands, Use of §144-15 Town Hall Business Hours, effective January 1, 2023.

- 2022-16 An Ordinance Amendment to Chapter 179 Vehicles and Traffic, §179-3 Stop Intersections Designated

TM Comment: The public hearing on this Ordinance was originally scheduled for September 12th, but the Council continued it to tonight's meeting. Chief Correia recommends approval.

Motion: To adopt Ordinance 2022-16 An Ordinance Amendment to Chapter 179 Vehicles and Traffic, §179-3 Stop Intersections Designated at the corners of Bowden Avenue (North and South) and King Philip Avenue (West) within 30 days of passage of this ordinance.

- o 2022-23 An Ordinance Amendment to Chapter 185 Zoning; Article XVII Signs

TM Comment: Revision would amend the Zoning Ordinance to remove the time limit for window signs at businesses. As the Planning Board and the Economic Development Commission have not yet provided their recommendations, the Town has not yet advertised the public hearing. (The Planning Board’s recommendation is required since it involves amending the Zoning Ordinance).

The motion below would continue this item to the January 9, 2023, meeting.

Motion: To continue the public hearing on Ordinance 2022-23 to the January 9, 2023 meeting.

- o 2022-25 An Ordinance Amending Zoning Ordinance – Cannabis Sales

TM Comment: Ordinance 2022-25 was drafted in anticipation of the November 8th ballot question asking voters whether to allow the sale of cannabis in Barrington. The ordinance would amend Chapter 185-Zoning to add zoning definitions and revise the Use Table for the following cannabis-related uses:

- Cannabis cultivator
- Cannabis product manufacturer
- Cannabis retailer
- Cannabis testing laboratory
- Hybrid cannabis retailer

The Use Table in the introduced ordinance has blanks for the business zones (Waterfront Business, Residence-Business Flex, Business, Neighborhood Business), as the Planning Board’s recommendation was not available by the deadline for filing the ordinance. The Planning Board held a special meeting on September 27th to finalize its recommendation for the Council.

The Board’s recommended amendments to the Use Table would allow cannabis retail as a Special Use (requiring a special use permit) in the Business, Waterfront Business and Limited Manufacturing (LM) districts. The other cannabis-related uses would be permitted as a Special Use in the LM district; there is just one LM zone, located off Bay Spring Avenue east of Adams Avenue. The one developable lot in that zone is Lot 154 on Assessor’s Plat 2, a 5.6-acre lot, of which just a portion near Adams Avenue is outside the flood zone and CRMC setbacks.

The Planning Board’s recommended Use Table amendments are as follows:

- Cannabis cultivator – add as a special use in Limited Manufacturing (LM); not permitted in every other zone.

- Cannabis product manufacturer – add as a special use in Limited Manufacturing (LM); not permitted in every other zone.
- Cannabis retailer – add as a special use in Business (B), Waterfront Business (WB), and Limited Manufacturing (LM); not permitted in every other zone.
- Cannabis testing laboratory – add as a special use in Limited Manufacturing (LM); not permitted in every other zone.
- Hybrid cannabis retailer - add as a special use in Limited Manufacturing (LM); not permitted in every other zone.

The motion below would incorporate the revisions recommended by the Planning Board as presented, with the effective date subject to voter approval of the Local Ballot Question #1 on the General Election ballot.

Motion: To adopt Ordinance 2022-25 amending the Zoning Ordinance, as recommended by the Planning Board, to regulate cannabis uses in Barrington, to be effective when and if voters approve local Ballot Question #1 on the 2022 General Election ballot.

- 2022-26 - Renewal of Ordinance DECLARATION OF EMERGENCY

TM Comment: Renewal is requested for two reasons:

- 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.
- 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 January 16, 2023. Any further renewal would be determined at the January 9, 2023, Town Council meeting.

Motion: To adopt 2022-26 Renewal of Declaration of Emergency, as presented.

AGENDA ITEM #26: Set Agenda for Monday, January 9, 2023, at 7:00 pm.

- **Discuss and Act:** Invasive Species Control Echo Lake (N. Barton)
- **Discuss and Act:** Resolutions: Business Registration: Support RIGL 45-2-31.6
- **Discuss and Act:** Bay Spring Community Center Lease Agreement
- **Public Hearing:** 2022-23 An Ordinance Amendment to Chapter 185 Zoning; Article XVII Signs
- **Discuss and Act:** OSHEAN (fiber optic) (K. Raposa)