

Minutes: (video and attachments can be found: <http://ci.barrington.ri.us/>)

Present: President Michael W. Carroll, Vice President Kate G. Weymouth, Steven J. Boyajian, Jacob N. S. Brier and Joy Hearn
Also, Present: Town Manager Jim Cunha, Town Solicitor Mike Ursillo, Fire Chief Gerald Bessette, Library Director Kristin Chin, Human Resources Director Mari-Ann Oliveira, Fire Chief Gerald Bessette, Planning, Building and Resiliency Philip Hervey, Public Works Director Allan Corvi, Recreation and Senior Services Director Michele Geremia and Town Clerk Meredith DeSisto
Absent: Business and Finance Director Kathy Raposa

Council President Carroll called the meeting to order at 7:05P.M.

Mr. Carroll asked everyone to stand for the Pledge of Allegiance.

ANNOUNCEMENTS:

Town Manager Jim Cunha announced the following:

- Saturday, September 21 – Fiddle 'N Folk Fest Noon – 5:00pm Haines Park (rain date: Sunday, September 22)
- Monday, September 30 – Blood Drive 3:00-7:00pm – Barrington Library Gallery
- Wednesday, October 2 – Boards and Commissions Informational Forum on OMA and Ethics
- *Saturday, October 5 – Great Pumpkin Harvest Festival at the Town Hall
- Monday, October 14 - Columbus Day Town Hall, Barrington Public Library and DPW CLOSED
- Monday, October 14 – Barrington Day of Caring 11:00am – 4:00pm, assemble at the Town Hall
- Saturday, October 19 – Community Shred 9-11:00am Department of Public Works

*added at the meeting

The Town Manager discussed the following:

Mr. Cunha said that this evening the Town Council have each been given a Detera Packet, a drug deactivation system. This pouch allows for expired or unwanted medications to be placed in the packet, fill with warm water, seal and dispose in the trash. The pouches are available at the Town Manager's office. Also, Mr. Cunha stated that he had a conference call with the Department of Health and the Department of Environmental Management regarding EEE. Mr. Cunha distributed a flight/spray chart depicting the spray zone for mosquitos. Mr. Cunha said that the DOH and DEM said at this time there is no sign of EEE in Barrington, but everyone should take precautions by wearing long sleeves and long pants and use a deet spray to deter against mosquitos.

*added at the meeting

DISCUSS AND ACT ON THE CONSENT AGENDA (*4-*13): All items with an asterisk (*) are routine by the Town Council and will be enacted by one motion.

Mr. Carroll requested for agenda item #7 Monthly Department Reports; agenda item #11 Renewal of License Agreement and agenda item #13 Allin's Family Burial Ground to be removed from the Consent Agenda.

Mr. Brier requested for agenda item #10 Correspondence as well as agenda item #7 be removed from the Consent Agenda.

Mrs. Weymouth requested for agenda item #6 Minutes: July 29th (7:00PM) be removed from the Consent Agenda.

Motion by Mrs. Weymouth and seconded by Mrs. Hearn to accept the Consent Agenda without the Council meeting minutes (July 29, 2019) (#6), Correspondence (#10), monthly reports (#7); Renewal of License Agreement (#11) and Allin's Family Burial Ground (#13). **The motion passed unanimously 5-0-0; in favor, Mr. Carroll, Mrs. Weymouth, Mr. Boyajian, Mr. Brier and Mrs. Hearn.**

Mrs. Weymouth asked that the minutes of July 29th be removed to amend page 4 within the Public Hearing for the Barrington Comprehensive Community Plan Amendments: Sean Sully Solley. Amend page 4 within the Discuss and Act on Composting Initiative: "...Leo Polak Pollack spoke to the Conservation Commission about household town-wide pick-ups; ..."

Motion by Mrs. Weymouth and seconded by Mrs. Hearn to modify/amend and accept the Minutes (July 29, 2019) as part of the Consent Agenda. **The motion passed unanimously 5-0-0-0; in favor, Mr. Carroll, Mrs. Weymouth, Mr. Boyajian, Mr. Brier and Mrs. Hearn.**

Mr. Carroll said that he "pulled" the monthly report from the Police in order to credit and hi-light the arrest of an operator of a vehicle who was charged with operating under the influence of drugs/alcohol and refusal.

Mr. Brier requested for the Fire Department's monthly report for discussion. Mr. Brier asked for clarification regarding mutual aid to other communities. Chief Bessette explained that in the past it was the Town of Barrington that was requesting mutual aid but now that we have invested in a 2nd vehicle, we are helping our neighbors. Chief Bessette explained that when other towns request our help the Town is reimbursed for the service that was provided.

Mr. Brier discussed the structure of the monthly reports. Discussion ensued. Mr. Brier requested the following changes to:

- Finance monthly report – To keep the report as is with consolidated Department Financial Statements and to include the line item (long-form) report as a separate attachment.
- Building Official – To add a column for the annual and monthly variance (last year vs. current year). The column order should be as follow: current month, same month last year, variance, FY to date, last FY to same date and variance.
- Tax Assessor – To add a column for variance. The order of the columns should be current year, last year and variance.

Motion by Mr. Brier and seconded by Mr. Boyajian to accept the Monthly Department Reports as part of the Consent Agenda. **The motion passed unanimously 5-0-0-0; in favor, Mr. Carroll, Mrs. Weymouth, Mr. Boyajian, Mr. Brier and Mrs. Hearn.**

Mr. Brier requested for the Correspondence be removed from the Consent Agenda so that he could discuss the request from Glenice Sousa; asking that Elderly Exemption forms need no notary seal. Town Solicitor Mike Ursillo stated that by having the document notarized gives me the ability that if the resident is not being truthful that the person could be prosecuted. Discussion ensued regarding the opportunity for each of the Elderly Exemption forms to be reviewed to ensure that the applicant is a resident of the Town of Barrington. Town Manager Jim Cunha requested for the Ad hoc Tax Exemption Committee to review the application; if it is truly necessary for a notary seal. Mr. Ursillo said that he will work with the Committee.

Ann Strong, 55 Teed Avenue, requested for Lisa Daft's Ethics Advisory Opinion be read into the record. Mr. Carroll explained that Dr. Daft is now on the Committee of Appropriations with her husband serving as an Assistant Principal at the Barrington Middle School. The advisory opinion said that there is no conflict. Mr. Carroll said that Dr. Daft said that the Ethics Commission concluded that there is no conflict and would prefer to drop the issue.

Motion by Mrs. Weymouth and seconded by Mr. Boyajian to accept the letters of correspondence as part of the Consent Agenda. **The motion passed unanimously 5-0-0-0; in favor, Mr. Carroll, Mrs. Weymouth, Mr. Boyajian, Mr. Brier and Mrs. Hearn.**

Mr. Carroll requested for the agenda item #11 be removed from the Consent Agenda because Councilor Boyajian needed to recuse himself from participating in a vote to accept the Renewal of License Agreement for Bradley and Meghan Whelan.

Ann Strong, 55 Teed Avenue, asked for clarification. Town Solicitor Mike Ursillo explained that in some cases the dock(s) extend on town property located on Brickyard Pond. Discussion ensued regarding research conducted by Attorney John Smith. Mrs. Strong suggested that these licensees should submit a COL (certificate of liability).

Motion by Mrs. Weymouth and seconded by Mr. Brier to accept the Renewal of License Agreement for Bradley and Meghan Whelan as part of the Consent Agenda. **The motion passed in favor 4-0-1-0; in favor, Mr. Carroll, Mrs. Weymouth, Mr. Brier and Mrs. Hearn; no one opposed; one (1) recusal, Mr. Boyajian and no abstentions.**

Mr. Carroll requested for the agenda item #13 be removed from the Consent Agenda because Councilor Boyajian needed to recuse himself from participating in a vote regarding the Allin's Family Burial Ground Delineation Technical Memorandum.

Motion by Mrs. Weymouth and seconded by Mr. Brier to withdraw the cease and desist order and allow Bay Spring Realty Company to continue its environmental mitigation adjacent to the Allin Burial Ground and to accept the Allin's Family Burial Ground Delineation Technical Memorandum as part of the Consent Agenda. **The motion passed in favor 4-0-1-0; in favor, Mr. Carroll, Mrs. Weymouth, Mr. Brier and Mrs. Hearn; no one opposed; one (1) recusal, Mr. Boyajian and no abstentions.**

***RESIGNATIONS:**

- Discover Newport: Salvatore Fuccillo
- Economic Development Committee: Blaise Rein
- Harbor Commission: Brian S. Hunt
- Resiliency and Energy Committee: Blaise Rein

It was unanimously voted to accept the resignations presented. Please see the Consent Agenda above.

***REAPPOINTMENT(S) TO BOARDS AND COMMISSIONS: (none)**

***ADOPT TOWN COUNCIL MINUTES OF JULY 29, 2019 (6:30PM with BLCT AND 7:00PM) AND AUGUST 2, 2019 AND TO ACCEPT THE SEALED EXECUTIVE SESSION MINUTES FROM JUNE 3, 2019:**

It was voted to adopt the Town Council minutes of July 29, 2019 (6:30pm with BLCT and 7:00pm) and August 2, 2019 and to accept the sealed Executive Session Minutes from June 3, 2019. See Consent Agenda above.

***SURPLUS PROPERTY: (none)**

***MONTHLY DEPARTMENT REPORTS**

It was unanimously voted to adopt the following monthly department Reports: Barrington Adult Youth Team Coordinator, Business and Finance Director, Director of Planning, Building and Resiliency, Fire Chief, Library Director, Police Chief/Animal Control Official, Public Works Director, Recreation and Senior Services Director, Tax Assessor, and Town Clerk. See Consent Agenda above. It was unanimously voted to accept the Monthly Department reports. See Consent Agenda above.

***ABATEMENT LIST**

It was unanimously voted to accept the Abatement List in the amount of \$22,358.12 and as described therein. See the Consent Agenda above.

***CORRESPONDENCE:**

It was unanimously voted to accept the correspondence. See Consent Agenda above.

- Lisa Daft - Rhode Island Ethics Commission Advisory Opinion
- Glenice Sousa – Notarization of Elderly Exemption Applications

***RENEWAL OF LICENSE AGREEMENT FOR BRADLEY AND MEGHAN WHELAN:**

It was unanimously voted to accept the above renewal license. See Consent Agenda above.

***APPOINTMENT OF CHRISTOPHER BOYLE AS THE SEALER OF WEIGHTS AND MEASURES**

It was unanimously voted to accept the above appointment. See Consent Agenda above.

***ALLIN'S FAMILY BURIAL GROUND DELINEATION TECHNICAL MEMORANDUM**

TM Comment: During environmental mitigation adjacent to Allin Burial Ground it was discovered that State law required an archeological study for unmarked graves within 25' of the cemetery perimeter. The Solicitor issued a "cease and desist" order to Bay Spring Realty and directed the contractor to conduct the archeological study prior to conducting any further work. The study was completed by PAL (Public Archeological Laboratory) and a report was issued on August 6, 2019 stating that there were no unmarked graves and that future ground disturbances would not impact any unmarked graves or the existing Allin Burial Ground.

Motion by Mrs. Weymouth and seconded by Mr. Brier to withdraw the cease and desist order and allow Bay Spring Realty Company to continue its environmental mitigation adjacent to the Allin Burial Ground and to accept the Allin's Family Burial Ground Delineation Technical Memorandum as part of the Consent Agenda. **The motion passed in favor 4-0-0-0; in favor, Mr. Carroll, Mrs. Weymouth, Mr. Brier and Mrs. Hearn; no one opposed; one (1) recusal, Mr. Boyajian and no abstentions.**

BRISTOL COUNTY WATER AUTHORITY (BCWA):

Director Allan Klepper was present for the discussion. Discussion ensued regarding the East Bay Pipeline leak repair that is affecting Barrington, Warren and Bristol. Mr. Klepper updated the Council members on the pipeline repair.

DISCUSS AND ACT ON THE BCWA PILOT AGREEMENT

TM Comment dated September 9, 2019: After many months of discussion with a Committee made-up of representatives from the Barrington, Bristol and Warren Town Councils and BCWA officials; a new draft BCWA PILOT Agreement has been reached and is before the three Town Councils for ratification. In summary, the new PILOT will phase-out the PILOT payments to the towns over the next three years (2020 – 2022) and immediately eliminate hydrant rental fees.

Discussion ensued regarding the BCWA Tri-Town PILOT agreement (Barrington, Bristol and Warren). Town Solicitor Mike Ursillo said that the Town of Bristol has signed the agreement; it is on Warren's Council agenda for a meeting later in the week and that the Bristol County Water Authority has signed as well. Discussion ensued regarding hydrant fees and the fee from Payment In Lieu Of Taxes (PILOT) and benefits of this agreement.

Motion by Mrs. Weymouth and seconded by Mr. Brier to ratify the 2019 BCWA PILOT Agreement retroactive to July 1, 2019 and expiring on June 30, 2029. **The motion passed unanimously 5-0-0-0; in favor, Mr. Carroll, Mrs. Weymouth, Mr. Boyajian, Mr. Brier and Mrs. Hearn.**

DISCUSS AND ACT ON INTERVIEWS AND APPOINTMENTS:

- ❖ Cemetery Commission: (1 vacancy: 1 full member)
 - Interview: Suzanne Cherau

Motion by Mrs. Hearn and seconded by Mr. Boyajian to appoint **Suzanne Cherau** to the Cemetery Commission as full member with an unexpired term date of November 30, 2020. **The motion passed 5-0-0-0; in favor, Mr. Carroll, Mrs. Weymouth, Mr. Boyajian, Mr. Brier and Mrs. Hearn; no one opposed, no one recused and there were no abstentions.**

- ❖ Discover Newport: (1 full member)
 - ❖ Interview: Elizabeth Buckley and Alysia Kelly Curry

This agenda item was tabled to October 7, 2019 because of the exceptional quality of both candidates willing to serve on this board. The Town Manager will reach out to the President and CEO Evan Smith of Discover Newport to gain permission for 2 appointments to the board.

- ❖ Harbor Commission: (1 vacancy: 1 full member)
 - ❖ Interview: Bradshaw Evans

Motion by Mrs. Hearn and seconded by Mrs. Weymouth to appoint **Bradshaw Evans** to the Harbor Commission as a full member with an unexpired term date of December 31, 2021. **The motion passed 5-0-0-0; in favor, Mr. Carroll, Mrs. Weymouth, Mr. Boyajian, Mr. Brier and Mrs. Hearn; no one opposed, no one recused and no abstentions.**

- ❖ Housing Board of Trustees: (5 vacancies: 2 full members and 1st 2nd and 3rd Alternate)
 - Interview: Roni Phipps

Motion by Mr. Boyajian and seconded by Mrs. Weymouth to appoint **Roni Phipps** to the Housing Board of Trustees as a full member with an unexpired term date of September 30, 2022. **The motion passed 5-0-0-0; in favor, Mr. Carroll, Mrs. Weymouth, Mr. Boyajian, Mr. Brier and Mrs. Hearn; no one opposed, no one recused and no abstentions.**

Discussion ensued regarding public comment during the appointment of a candidate. Town Solicitor Mike Ursillo stated that public comment does not need to take place during the process of appointing a candidate to a board or commission. Mr. Carroll stated that that there will be public comment later in the evening.

- ❖ Planning Board: (2 vacancies: 1st and 2nd Alternate)
 - Interview: Roni Phipps and Mariana Silva-Buck

Motion by Mr. Brier and seconded by Mrs. Weymouth to appoint **Mariana Silva-Buck** to the Planning Board as a 1st alternate and **Roni Phipps** as 2nd alternate with an unexpired term date of May 31, 2021. **The motion passed 5-0-0-0; in favor, Mr. Carroll, Mrs. Weymouth, Mr. Boyajian, Mr. Brier and Mrs. Hearn; no one opposed, no one recused and no abstentions.**

Discussion ensued regarding the role as an alternate – alternates may participate in discussions but do not have the opportunity to vote unless a full member is not in attendance.

❖ Resilience and Energy Committee: (2 vacancies: 1 full member and 1st Alternate)

- Interview: Joseph Berryhill and Magnus Thorrson

Motion by Mr. Carroll and seconded by Mr. Boyajian to appoint **Magnus Thorrson** to the Resilience and Energy Committee as a full member with an unexpired term date of November 30, 2021. **The motion passed 5-0-0-0; in favor, Mr. Carroll, Mrs. Weymouth, Mr. Boyajian, Mr. Brier and Mrs. Hearn; no one opposed, no one recused and there were no abstentions.**

Motion by Mr. Carroll and seconded by Mr. Boyajian to appoint **Joseph Berryhill** to the Resilience and Energy Committee as a 1st alternate with an unexpired term date of November 30, 2021. **The motion passed 5-0-0-0; in favor, Mr. Carroll, Mrs. Weymouth, Mr. Boyajian, Mr. Brier and Mrs. Hearn; no one opposed, no one recused and there were no abstentions.**

❖ Senior Services Advisory Board: (1 vacancy: 2nd Alternate)

- Interview: Mary Kay Chapin and Eleanor Earle (withdrew her name during the interview)

Motion by Mrs. Weymouth and seconded by Mr. Boyajian to appoint Mary Kay Chapin to the Senior Services Advisory Board as a 2nd alternate with an unexpired term date of February 28, 2021. **The motion passed 5-0-0-0; in favor, Mr. Carroll, Mrs. Weymouth, Mr. Boyajian, Mr. Brier and Mrs. Hearn; no one opposed, no one recused and there were no abstentions.**

PUBLIC COMMENT (two-minute statement) - To the public: This agenda item is for members of the public to speak regarding a topic that is not already on the agenda.

Ann Strong, 55 Teed Avenue, discussed an (alleged) ethics violation regarding an appointed candidate.

Beth Splaine, 4 Rumstick Circle, said that she will be submitting a tax appeal. Ms. Splaine said that she was appalled by the lack of communication and would like the council to repeal the tax assessor's decision and to abate the current assessments.

Charlie Payne, 40 Chapin Road, said that he would like to offer a solution to the tax assessment problem. He suggested that the town appoint a committee and look at the topic more closely.

Discuss and Act on Barrington Census 2020 Complete Count Committee Charge

TM Comments from his memo dated September 9, 2019: The 2020 Census is extremely important to Rhode Island with a Congressional seat and millions of dollars of federal funding at risk. The State of Rhode Island has formed a Census 2020 Complete Count Committee and allocated funds to support the effort. Each community has also been asked to form a 2020 Complete Count Committee to support efforts to increase the self-response rate throughout the Town. Dan O'Mahony, a member of the Barrington Canvassers has volunteered to chair Barrington's 2020 Complete Count Committee. The Barrington's Democratic and Republican Town Committees have volunteered to nominate two (2) members to support the effort. The attached "Charge" has been authored by Mr. O'Mahony and he is requesting the Town Council to officially adopt the charge.

Discussion ensued regarding the proposed "charge" for the Census 2020 Complete Count Committee. Discussion continued with, if the Council were to form an appointed committee and the regulations of the Open Meetings laws vs. the committee working with the Town Manager to accomplish their goals. Mr. Carroll said that two (2) members from each of the political parties will be involved with the 2020 Complete Count Committee. **A motion was made and then withdrawn. Mr. O'Mahony will work with the Town Manager with the formation of the Census 2020 Complete Count Committee.**

Discuss and Act on Short-term Rentals

TM Comments from his memo dated September 9, 2019: Short-Term Rentals (STRs) and Airbnb's continue to be problematic for many residents. The issue was last raised in February when I presented a report for the RILCT prepared by the URI MPA Policy Fellows. The report outlined a number of policy alternatives that could be used to control STRs and limit their impact on neighbors and the community. Very restrictive measures are recommended for high STR communities like Newport and Narragansett. Barrington's STR penetration rate is very low at 0.27%. However, moderate policies can be put into effect that will control growth and abuse. See attached memo. Note: In its April meeting the EDC recommended that the Town not implement regulations on STRs citing that they "were not enough of an issue".

TM Recommendation: Request the Solicitor to draft an STR ordinance that requires licensing, owner occupancy, limits rentals to 90 or 180 days per year, and limits occupancy to two people per bedroom.

Discussion ensued regarding short-term rentals vs. long-term rentals; registration of a short-term rental and the impacts of short-term rentals on nearby neighbors and the community. Mr. Carroll said that the Economic Development Committee has looked at this issue and believes that the percentage of short-term rentals is small and does not see the need to burden the administration with licensing. Mr. Carroll suggested that the town may want to at least have short-term rentals register with the town and post some guidelines within their facilities.

Mrs. Weymouth said that she had brought this subject to the Council 2-3 years ago because her constituents had concerns that short-term rental leases were disruptive during their rental periods. She said that this issue was sent to the Planning Board as well as the Economic Development Committee and was disappointed that they did not see a need for regulations or an ordinance. She said that she is definitely in favor of having the Town Solicitor create an ordinance for review by the Planning Board and the Economic Development Committee before being reviewed by Council.

Mr. Brier said that he is apprehensive and questions if we may be treating short-term rentals differently than long-term rentals.

Mr. Boyajian said that this may be a law enforcement problem. He said that he is apprehensive with some of the proposals that have been suggested for the proposed ordinance.

Mrs. Weymouth asked how do we identify the property (as short-term rentals).

Robert Barako, the author of a letter to the Council regarding regulating short-term rentals submitted July 29, 2019 suggested that the Council should be looking at short-term rentals because they are very disruptive.

Motion by Mr. Carroll and seconded by Mrs. Weymouth for the Town Solicitor to provide the Council with a proposed ordinance regarding short-term rentals. (The Town Solicitor Mike Ursillo said that he would work on a proposed ordinance.) **The motion passed 4-0-0-1; in favor, Mr. Carroll, Mrs. Weymouth, Mr. Boyajian, and Mrs. Hearn; no one opposed; no recusals and one (1) abstention, Mr. Brier.**

Discuss and Act on Complete Streets Policy

TM Comments from his memo dated September 9, 2019: The Town Planner is requesting the Town Council to adopt the Complete Streets Policy as recommended by the Planning Board in compliance with the 2015 Comprehensive Plan. Complete Streets will encourage a local street network that safely accommodates autos, bicycles and pedestrian activity.

Motion by Mrs. Weymouth and seconded by Mr. Brier to accept the Complete Streets Policy as proposed and direct the Technical Review Committee to incorporate the policy where economically practical. **The motion passed 5-0-0-0; in favor, Mr. Carroll, Mrs. Weymouth, Mr. Boyajian, Mr. Brier and Mrs. Hearn.**

DISCUSS AND ACT ON A RESOLUTION RELATIVE TO PUBLIC ACCESS TO THE SHORELINE

TM Comment: The Town of Charleston has had a number of issues over the past several months over disputes between shoreline public access and property owners. Charleston has issued a resolution and has requested supporting resolutions from shoreline communities. The resolution is requesting that the General Assembly clarify and protect the rights of the public shoreline access.

Discussion ensued regarding concerns and apprehension that the resolution maybe asking that the General Assembly take action to enforce the Constitution. **No Motion/No Action taken.**

DISCUSS AND ACT ON BIDS:

- **Planning Board:**
 - Award the bid for a Complete Street Study to VHB, Inc. not to exceed \$20,000.00

TM Comments from his memo dated September 9, 2019: VHB will provide Complete Streets Preliminary Roadway Assessment that will provide design concepts for future roadway projects.

Discussion ensued regarding the possibility of including funding sources; assessment input and the findings of the future walk audit.

Motion by Mr. Weymouth and seconded by Mr. Brier to award the bid for a Complete Street Study to Vanasse Hangen Brustlin (VHB), Inc. of Providence at a cost not to exceed \$ 20,000.

The motion passed unanimously 5-0-0-0; in favor, Mr. Carroll, Mrs. Weymouth, Mr. Boyajian, Mr. Brier and Mrs. Hearn.

- Award bid for a Consultant for Resiliency Planner Kim Jacobs not to exceed \$25,000.00.

TM Comments from his memo dated September 9, 2019: Kim has done numerous projects for the Town Planner and DPW. She has proven to be extremely knowledgeable on resiliency efforts and extremely successful on applying for and obtaining grants to support our resiliency efforts.

Motion by Mr. Carroll and seconded by Mrs. Weymouth to award the bid for a Consultant for Resiliency Planner to Kim Jacobs not to exceed \$25,000. **The motion passed unanimously 5-0-0-0; in favor, Mr. Carroll, Mrs. Weymouth, Mr. Boyajian, Mr. Brier and Mrs. Hearn.**

Motion by Mr. Boyajian and seconded by Mrs. Weymouth to fund \$10,000 (as part of the \$25,000) from the Climate Mitigation Projects Capital Reserve Account to be used towards the Consultant for Resiliency Planner. **The motion passed unanimously 5-0-0-0; in favor, Mr. Carroll, Mrs. Weymouth, Mr. Boyajian, Mr. Brier and Mrs. Hearn.**

- Award the bid for a Latham Park Phase 2 Improvements to Skurka Construction of West Warwick, RI not to exceed \$245,200 and to include an additional 10% contingency.

TM Comments from his memo dated September 9, 2019: RIDEM grant is for \$156,200. Remaining \$114,620 balance will be paid for through the Road & Drainage Bond (\$90,000) and the Parks & Trails CR account (\$24,620).

Motion by Mr. Weymouth and seconded by Mr. Brier to award the contract for the Latham Park 2 renovations to Skurka Construction of West Warwick, RI in an amount not to exceed \$246,000, to include an additional 10% contingency and to authorize the use of \$25,620 from the Park and Trails account. **The motion passed unanimously 5-0-0-0; in favor, Mr. Carroll, Mrs. Weymouth, Mr. Boyajian, Mr. Brier and Mrs. Hearn.** Discussion ensued regarding adding boulders.

- Award bid for New Playground Equipment at Latham Park to KOMPAN Playground Solutions not to exceed \$109,146.12

TM Comments from his memo dated September 9, 2019: RIDEM grant is for \$78,200. Remaining \$30,946.12 will be paid for through the Parks & Trails CR account.

Motion by Mrs. Weymouth and seconded by Mr. Brier to award the contract for the Latham Park playground to KOMPAN Playground Solutions, Inc. of Austin, TX in an amount not to exceed \$109,146.12. **The motion passed unanimously 5-0-0-0; in favor, Mr. Carroll, Mrs. Weymouth, Mr. Boyajian, Mr. Brier and Mrs. Hearn.**

Motion by Mr. Boyajian and seconded by Mr. Brier to fund the acquisition of playground equipment to KOMPAN Playground Solutions, Inc from the Parks and Trail Reserve account for \$30,946.12. **The motion passed unanimously 5-0-0-0; in favor, Mr. Carroll, Mrs. Weymouth, Mr. Boyajian, Mr. Brier and Mrs. Hearn.**

DISCUSS AND ACT ON ORDINANCES:

- **INTRODUCTION:**

- ❖ 2019-23 An Ordinance Amendment to Chapter 63 Alcoholic Beverages

TM Comments from his memo dated September 9, 2019: The current ordinance (§ 63-1) prohibits the possession and consumption of alcohol on Town property. The ordinance amendment would allow alcoholic beverages to be served on Town property with the prior approval of the Town Manager. An exception for the consumption of alcohol on Town property would be very limited. The case that precipitated this requested change was for the BHS Class of 1973 to hold a Reunion Reception in the Town Council Chamber. Their intention was to serve wine, beer and appetizers to ~ 40 attendees. Unfortunately, they had to hold the event elsewhere due to the current restriction. Any utilization would require liability insurance coverage from the caterer or the hosting organization. There would be no cost to the Town for the additional insurance coverage.

Motion by Mrs. Weymouth and seconded by Mr. Boyajian to introduce 2019-23 An Ordinance Amendment to Chapter 63 Alcoholic Beverages and schedule a public hearing for Monday, October 7, 2019. **The motion passed unanimously 5-0-0-0; in favor, Mr. Carroll, Mrs. Weymouth, Mr. Boyajian, Mr. Brier and Mrs. Hearn.**

- **PUBLIC HEARING:**

- 2019-17 An Ordinance Amendment to Chapter 185 Zoning (Establish Agriculture-Rural Zoning)

TM Comment from his memo dated September 9, 2019: Ordinance amendment would establish a new "Agricultural-Rural Zone" to protect farmland and environmentally sensitive areas. It would also increase the minimum lot size from 40K sq. ft. to 120K sq. ft. Amendment is focused on preserving farmland in the George Street / Nockum Hill area, currently zoned R-40 (Conservation Development).

Mr. Carroll opened the public hearing for 2019-17 An Ordinance Amendment to Chapter 185 Zoning (Establish Agriculture-Rural Zoning). Mr. Carroll said that a proposal has been sent to increase the minimum lot size to 5 acres – approximately 120,000 feet. Mr. Brier said that the actual increase is 175,000 feet. Discussion ensued if a property was sold that the language would be included within the deed restrictions. Mr. Hervey discussed new zoning regulations to this proposal. Discussion ensued that this ordinance may need to be amended and tabled until a future meeting.

Robert Daugherty, 10 George Street said that he would like to see a poll conducted of those who live in the area. Mr. Daugherty who owns Lot 42 opposes the zoning change.

Martha Brooks, 100 George Street, asked what the genesis of this ordinance is. Mr. Carroll explained that a developer tried to put approximately 24 units on this property, and it is to ensure that the area is kept as agriculturally and rural as it exists today and that your lot would be grandfathered in. Discussion ensued.

Charlotte Sornborger, suggested that the lot owners should be informed whether their lots are non-conforming before the continuation of this public hearing on December 2nd. She suggested that we should clarify what the benefits are to the town.

Motion by Mr. Brier and seconded by Mr. Boyajian to continue the public hearing of 2019-17 An Ordinance Amendment to Chapter 185 Zoning (Establish Agriculture-Rural Zoning) to December 2, 2019. **The motion passed 5-0-0-0; in favor, Mr. Carroll, Mrs. Weymouth, Mr. Boyajian, Mr. Brier and Mrs. Hearn.**

- 2019-18 An Ordinance Amendment to Chapter 185 Zoning §185-49 Written requirements

TM Comment from his memo date July 29, 2019: Ordinance amendment would bring written notice requirements into conformity with State requirements.

Mr. Carroll opened the public hearing for 2019-18 An Ordinance Amendment to Chapter 185 Zoning §185-49 Written requirements. Mr. Boyajian requested that the ordinance be amended in section B. "[by registered, certified, or first-class mail to the property address and the last known address...](#)". No one from the public wished to speak. Mr. Carroll closed the public hearing.

Motion by Mr. Brier and seconded by Mrs. Weymouth to adopt 2019-18 An Ordinance Amendment to Chapter 185 Zoning §185-49 Written requirements. **Motion** by Mr. Boyajian seconded by Mr. Brier to amend the original motion and adopt the added language as presented above to the ordinance for adoption. **The motion passed 5-0-0-0; in favor, Mr. Carroll, Mrs. Weymouth, Mr. Boyajian, Mr. Brier and Mrs. Hearn.**

- ❖ 2019 –19 An Ordinance Amendment to Chapter 134 Park and Recreation Article VIII Barrington Beach

Town Manager Comment from his memo dated September 9, 2019: This amendment would allow Municipal employees that live out of Town to purchase a beach pass. I initiated this ordinance as a benefit to our employees. This will have no impact on parking. To date, we have sold six passes.

Mr. Carroll opened the public hearing for 2019 –19 An Ordinance Amendment to Chapter 134 Park and Recreation Article VIII Barrington Beach. No one from the public wished to speak. Mr. Cunha said that beach passes were offered to our municipal employees and six (6) were sold for the season. Mr. Cunha said that we do sell to out-of-towners and if the parking lot is full, we will stop selling the daily pass so that the residents will have parking available to them in the overflow area. **Motion** by Mrs. Weymouth and seconded by Mr. Boyajian to adopt 2019-19 An Ordinance Amendment to Chapter 134 Park and Recreation Article VIII Barrington Beach as presented. Mrs. Hearn discussed her concerns with this ordinance. **The motion passed 4-1-0-0; in favor, Mr. Carroll, Mrs. Weymouth, Mr. Boyajian and Mr. Brier; one opposed, Mrs. Hearn no recusals and no abstentions.**

- ❖ 2019-20 An Ordinance Amendment to Chapter 161 Solid Waste Article IV Polystyrene Food Service and Packing Materials

Town Manager Comment from his memo dated September 9, 2019: This amendment will further clarify the ordinance.

Mr. Carroll opened the public hearing for 2019-20 An Ordinance Amendment to Chapter 161 Solid Waste Article IV Polystyrene Food Service and Packing Materials. No one from the public wished to speak. Mr. Carroll closed the public hearing.

Motion by Mrs. Weymouth and seconded by Mr. Brier to adopt the 2019-20 An Ordinance Amendment to Chapter 161 Solid Waste Article IV Polystyrene Food Service and Packing Materials as presented. **The motion passed 5-0-0-0; in favor, Mr. Carroll, Mrs. Weymouth, Mr. Boyajian, Mr. Brier and Mrs. Hearn.**

- ❖ 2019-21 An Ordinance Amendment to Chapter 144 Public Lands, Use of (Town Hall Hours)

Town Manager Comment from his memo dated September 9, 2019: This ordinance change will remove the six-month sunset clause on the change in Town Hall hours. The change has been very successful with many of our residents. Statistics regarding utilization will be presented at the Public Hearing at the Town Council meeting on September 9th.

Mr. Carroll opened the public hearing for 2019-21 An Ordinance Amendment to Chapter 144 Public Lands, Use of (Town Hall Hours). No one from the public wished to speak. Mr. Carroll closed the public hearing.

Motion by Mrs. Weymouth and seconded by Mr. Brier to adopt 2019-21 An Ordinance Amendment to Chapter 144 Public Lands, Use of (Town Hall Hours). **The motion passed 5-0-0-0; in favor, Mr. Carroll, Mrs. Weymouth, Mr. Boyajian, Mr. Brier and Mrs. Hearn.**

- ❖ 2019-22 An Ordinance Amendment to Chapter 124 Licenses and Permits Article VII Mobile Food Establishments

Town Manager Comment from his memo dated September 9, 2019: This long-awaited ordinance will codify State requirements.

Mr. Carroll opened the public hearing for 2019-22 An Ordinance Amendment to Chapter 124 Licenses and Permits Article VII Mobile Food Establishments. No one from the audience wished to speak. Discussion ensued regarding the following amendments:

Sec. 124-55. Permit Fee.

The annual fee for a municipal mobile food establishment permit shall be \$75 \$0

~~**Sec. 124-56. Permit for events proposed to be located on public property.**~~

~~For any event where an individual has ordered or commissioned the operation of one or more mobile food establishments at a gathering proposed to be located on public property, the organizer must obtain a separate event permit prior to the event. The fee for such a permit shall be \$300. All event permits shall be issued on the condition that the organizer of the event must leave sufficient space for emergency vehicles in compliance with the Rhode Island Fire Safety Code. Applications for an event permit must be received 90 days in advance of the proposed event.~~

~~**Sec. 124-57. Temporary mass gathering permit.**~~

~~For any temporary mass gathering located on private property, the organizer must obtain a separate temporary mass gathering permit prior to the event. The fee for such a permit shall be \$300. All temporary mass gathering permits shall be issued on the condition that the organizer of the event must leave sufficient space for emergency vehicles in compliance with the Rhode Island Fire Safety Code. Applications for a temporary mass gathering permit must be received 90 days in advance of the proposed event. For the purpose of this section, a temporary mass gathering is defined as an actual or reasonably anticipated assembly of five hundred (500) or more people that continues, or reasonably can be expected to continue, for two (2) or more hours per day; or an event that requires a more extensive review to protect public health and safety because the event's nature or conditions have the potential of generating environmental or health risks. This term shall include, but shall not be limited to, 'special events' as defined in the food code regulations promulgated by the Rhode Island Department of Health, and festivals and concerts. This term shall not include an assembly of people at a location with permanent facilities designed for that specific assembly.~~

~~**Sec. 124-58. Review by DPW/Police Department Town Clerk**~~

The Police Chief Town Clerk or his/her designee and the Director of Public Works Town Manager or his/her designee shall review all permit applications and provide an advisory recommendation to the permitting authority.

Sec. 124-53. Permitting authority and procedure.

The Town Council shall serve as the permitting authority for all permit applications relating to mobile food establishments. ~~The Town Council shall hold a public hearing on all applications for an event permit or a temporary mass-gathering permit.~~

This ordinance shall take effect upon passage January 1, 2020.

Mr. Carroll closed the public hearing.

Motion by Mr. Brier and seconded by Mrs. Hearn to adopt 2019-22 An Ordinance Amendment to Chapter 124 Licenses and Permits Article VII Mobile Food Establishments as amended. **The motion passed 4-1-0-0; in favor, Mr. Carroll, Mrs. Weymouth, Mr. Brier and Mrs. Hearn; one opposed, Mr. Boyajian; no recusals and no abstentions.**

SET AGENDA FOR MONDAY, SEPTEMBER 9, 2019 TOWN COUNCIL MEETING TO BE HELD AT THE BARRINGTON PUBLIC LIBRARY AUDITORIUM

- Public Hearing: 2019-23 – An Ordinance Amendment to Chapter 63 Alcoholic Beverages

EXECUTIVE SESSION IN ACCORDANCE WITH RIGL:

- 42-46-5 (a) (2) Litigation: Tax Assessment
- Discuss Executive Session minutes from July 29, 2019 for placement on the Town Council agenda for October 7, 2019

Motion by Mrs. Weymouth and seconded by Mr. Brier to move into executive session at 10:45PM in accordance with RIGL 42-46-5 (a) (2) Litigation: Tax Assessment and Discuss Executive Session minutes from July 29, 2019 for placement on the Town Council agenda for October 7, 2019. **The motion passed 5-0-0-0, in favor, Mr. Carroll, Mrs. Weymouth, Mr. Boyajian, Mr. Brier and Mrs. Hearn; no one opposed; no recusals, and no abstentions.**

Motion by Mrs. Weymouth and seconded by Boyajian to move out of the executive session at 11:25PM in which no votes were taken and that the minutes of the executive session are to be sealed. **The motion passed 5-0-0-0; in favor, Mr. Carroll, Mrs. Weymouth, Mr. Boyajian, Mr. Brier and Mrs. Hearn; no one opposed; no recusals, and no abstentions.**

ADJOURN:

Motion by Mrs. Weymouth to adjourn the meeting at 11:25 PM. **The motion passed 5-0-0-0; in favor, Mr. Carroll, Mrs. Weymouth, Mr. Boyajian, Mr. Brier and Mrs. Hearn; no one opposed; no recusals, and no abstentions.**

Meredith J. DeSisto, Town Clerk