

MEMORANDUM

From: Philip Hervey, Town Manager
To: Barrington Charter Review Commission
Subj: Summary of Initial Comments from Town Review of Charter
Date: November 15, 2023



Town department heads have reviewed the Charter and provided their initial comments and suggestions. This is a summary of comments from the group. The Fire Chief has also provided a memorandum dated November 1, 2023, with suggested amendments to the Fire Department Chapter.

Sec. 1-3-3 Disposition or Change in Use of Real Estate

Amend the process? FTM required for leases longer than 1 year. Should this be revised to a longer timeframe (5 years, for example)?

1-3-3 DISPOSITION OR CHANGE IN USE OF REAL ESTATE.

[Amended 11-2-2004; 11-4-2014]

The Town Council by ordinance enacted by the Council specifying at least generally the terms, conditions, manner of sale, lease or change in use and describing at least generally the particular property to be sold, leased, conveyed or its use changed, may from time to time sell, lease, convey or use for any other public or municipal purpose or purposes, or for any purpose whatsoever (subject in the case of a sale or a lease of more than two years to approval thereof by a vote of the Financial Town Meeting at which the special mention thereof has been made, and notice given of the proposal in the warrant issued for the public notice of the meeting), any real estate or interest therein (other than that dedicated or devoted to school uses) owned by the Town which has been purchased, acquired, used or dedicated in any manner, whether public or proprietary, for municipal or other public purposes, whenever in the opinion of the Council, and the Financial Town Meeting, if required, such real estate or interests therein has become unsuitable or has ceased to be used for such purposes. Subject to ratification by the Town Council by resolution, the School Committee may lease any real property over which it shall have jurisdiction for a term of not more than one year but may not otherwise sell, transfer, lease, or dispose of any interest in real property no longer required for school use. Notwithstanding anything in this Section to the contrary, the Town Council by ordinance shall have the power to grant and to abandon any utility and access easements without the approval of the Financial Town Meeting.

Section 7-1-15 Limitations on Motions for Appropriations

20% is significant, especially if it's a proposal to cut line items for smaller departments. Reduce to 10%?

7-1-15 LIMITATIONS ON MOTIONS FOR APPROPRIATIONS.

[Amended 11-21-1994; 11-4-2014; 11-3-2020]

Except for appropriations recommended by the Committee on Appropriations, all motions in excess of \$25,000 must be presented by a registered voter to the Town Clerk at least thirty (30) days prior to the Financial Town Meeting and included within the warrant for such meeting. Further, a motion to increase or decrease an appropriation by more than \$50,000, or twenty-ten (10%)~~20%~~ percent of a particular line item, whichever is less, shall be filed with the Town Clerk at least five (5) business days prior to the Financial Town Meeting.

Section 8-2-1 Building Official and Building Officer

1. Consider change to reflect that Building Official and Inspectors sit within the Planning, Building & Resilience Department.
2. Revise 8-2-1 to describe Organization, and the Powers and Duties of the Planning, Building and Resilience Department
3. Also -- add 8-3-1 referencing Recreation / Senior Services?

8-2-1 BUILDING OFFICIAL AND BUILDING INSPECTOR.

The Town Manager shall appoint a Building Official and may appoint one or more Building Inspectors who shall serve at the pleasure of the Town Manager and have the powers and duties accorded to such office by the laws of Rhode Island and the ordinances of the Town, such as for building, electrical, plumbing, heating and air conditioners, and oil burner inspection, and for the issuance of building, electrical, plumbing and oil burner permits; for weights and measures. Any inspector may be hired on a part time basis.

Section 10-1-10 Bond of Chief

Is this needed? (Will need solicitor input)

10-1-10 BOND OF CHIEF.

The Chief of Police shall be required to give bond with corporate surety to the Town in the sum of five hundred dollars (\$500.) conditioned upon the faithful performance of duty, and that the Chief will truly account for and pay over to the Town Treasurer all moneys and property to which the Town shall be entitled and which shall come into the Chief's possession in the discharge of official duties.

Section 16-2-4 Officers Personally Interested in Town Contracts

How does this align with State Code of Ethics (which I think are more restrictive than what's in the Charter)?

16-2-4 OFFICERS PERSONALLY INTERESTED IN TOWN CONTRACTS.

No member of the Council and no member of the School Committee, nor the Town Manager, nor any officer or employee of the Town of Barrington shall (a) make a contract with the Town of Barrington (with the exception of the contract of employment), or (b) receive any commission, discount, bonus, gift, contribution, or award from, or any share in, the profits of any person making or performing such contract unless:

- a. If the person concerned be a member of the Council or the Town Manager, that person shall immediately, upon learning of the existence of such contract or that such contract is proposed, notify the Council in writing of the nature of interest in such contract;
- b. If such person shall be a member of the School Committee or an officer or employee of the school department, that person shall immediately, upon learning of the existence of such contract or that such

7-1-14 Call of Special Meeting

Is 20% more appropriate? What do other towns require?

Philip Hervey 9/21 10:55 AM

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7-1-14 CALL OF SPECIAL MEETING.

[Amended 11-4-2014]

Whenever the Council, or whenever ten percent (10%) of the registered voters of the Town less any fractional part that may appear in the computation thereof, shall make a request in writing, for the calling of a Town Meeting to transact any business relating to the Town in respect of which they shall have a right to vote, and direct the same to the Town Clerk, the Clerk shall cause the registered voters to be duly notified of the time when and the place where the same is to be held, and of the business proposed to be transacted therein; provided, that the ten percent (10%) shall be computed on the total number of registered voters appearing on the last canvassed voting lists of the Town as having a right to vote in the transaction of any business that may be duly presented at such meeting. No special Town Meeting shall be called without the consent of the Council if the subject or any of the subjects proposed to be considered at such special Town Meeting, shall have been acted on by the Town at any time within six (6) months previous to the time of such proposed call.

Chapter 2 Fire Department.

Section 10-2-1 Organization

This section needs review by Solicitor. ... Delete references to volunteer fire department and potential decision to not continue with permanent paid fire department. See also Chief Bessette's memo.

10-2-1 ORGANIZATION.

[Amended 11-21-1994; 11-4-2014]

The Council shall provide fire protection and emergency medical services for the citizens of the Town and their property. Should the Council choose to continue in existence a permanent paid fire department, the provisions of sections 1 through 8 of this Chapter shall govern the operations thereof. The head of the department shall be the Fire Chief, who shall be appointed by the Town Manager and shall serve at the pleasure of the Town Manager. The Fire Chief shall possess such practical experience in the fields of fire fighting and fire prevention and shall have received such training either in a recognized fire fighting school, or shall have had such practical experience which is the equivalent thereof, and shall have such further qualifications as the Manager shall determine. In addition to the Fire Chief, there shall be such other members and employees of such ranks and grades, including volunteers and call fire fighters, as shall be determined by the Council upon recommendation of the Town Manager and the Fire Chief.

Section 13-1-1 Tax Assessor

Revise? Assessor reports to the Finance Director.

13-1-1 TAX ASSESSOR.

There shall be a single Tax Assessor who shall be appointed by the Town Manager, and shall serve at the pleasure of the Town Manager. The Tax Assessor shall have and exercise all the powers and perform all the duties which are now or may hereafter be provided by law for the Assessors of Taxes (or such like officers as may be provided for in the future to perform such similar tax assessment duties) in towns of the State of Rhode Island.

Additional Notes:

Human Resources Department should be added to Charter- vital function

Include Information Technology Department or Chief Technology Officer? (not an existing position, but a critical need)

Examples of how other Towns reference Planning Department in Charter.

From Warren's Charter

https://library.municode.com/ri/warren/codes/charter?nodeId=TOWACH_ARTXDIPLCODE

From Bristol's Charter

https://library.municode.com/ri/bristol/codes/code_of_ordinances?nodeId=PTIICH_ART9CODE

Bristol's Charter seems closer to how Barrington is structured because the Building Official reports to Director.