

REGULAR MEETING of the Burrillville Town Council held Wednesday, March 24, 2010 at 7:05 P.M. in the Town Council Chambers, 105 Harrisville Main St., Harrisville for and within the Town of Burrillville.

PRESENT: Council President Nancy F. Binns, Councilors Wallace F. Lees, Robert A. Bishop, Margaret L. Dudley, Kevin D. Heitke, John M. Karmozyn Jr. and Norman C. Mainville.

MEMBERS ABSENT: None

1. Cub Scouts from Pack 102 led those present in pledging allegiance to the flag.
2. **VOTED** to accept the minutes of the regular meeting held February 24, 2010 and the special meeting held March 9, 2010; and dispense with the reading of said minutes.

Motion by Councilor Norman C. Mainville. Seconded by Councilor Wallace F. Lees. The vote was unanimous. Voting in favor of the motion were Council President Nancy F. Binns and Councilors Wallace F. Lees, Robert A. Bishop, Margaret L. Dudley, Kevin D. Heitke, John M. Karmozyn Jr. and Norman C. Mainville.

**3. Public Comment: None**

**4. General Good and Welfare of the Town of Burrillville**

Councilor Margaret L. Dudley listed several upcoming events scheduled for the Jesse M. Smith Memorial Library: A *Friends of the Library* Book and Bake Sale, a mini silent auction, the Spring Revival Art Show featuring Burrillville students' artwork, and the showing of the movie *Hachiko*.

Councilor Margaret L. Dudley commented that April is *Pascoag Utility District Appreciation Month*, commending the District.

Councilor Kevin D. Heitke announced the annual Easter Egg Hunt, scheduled for March 27, 2010.

Councilor Norman C. Mainville acknowledged the Pascoag Utility District's support efforts during recent flooding issues.

Councilor Norman C. Mainville commented on the success of the recent watershed district workshop, noting that flood problems appeared to be alleviated. Councilor Mainville commended the Conservation Commission, the administration, and all those involved in minimizing flood damage.

**5. Petitions: None**

**6. Special Business:**

- |        |  |
|--------|--|
| 10-053 | Resolution recognizing the 100th anniversary of Boy Scouts of America was presented to the Pack 102 Cub Scouts.  |
| 10-074 | <b><u>VOTED</u></b> to adopt a resolution honoring the Blackstone Valley Tourism Council on the Celebration of its 25 <sup>th</sup> Anniversary, as follows: |

***Burrillville Town Council Resolution  
Honoring the Blackstone Valley Tourism Council***

*on the Celebration of its 25<sup>th</sup> Anniversary*

- WHEREAS, the Blackstone River Valley has significant importance as the birthplace of the American Industrial Revolution that began in 1790 when Samuel Slater began textile manufacturing in a wooden mill on the banks of the Blackstone River; and
- WHEREAS, since 1985, the Blackstone Valley Tourism Council has served as the State designated regional tourism development agency for the Blackstone Valley of Rhode Island; and
- WHEREAS, the Blackstone Valley Tourism Council represents the cities of Pawtucket, Central Falls, and Woonsocket, and the towns of Cumberland, Lincoln, North Smithfield, Smithfield, Glocester, and Burrillville; and
- WHEREAS, the Blackstone Valley Tourism Council has been at the forefront of sustainable destination development, community building and resiliency, education, and scholarly research; and
- WHEREAS, the Blackstone Valley Tourism Council was the first destination in the world to receive the United Nations World Tourism Organization's *Ulysses Prize* recognizing innovative contributions to tourism policy, tourism sustainable planning, environment protection and new technologies; and
- WHEREAS, in 2008 the World Travel and Tourism Council's *Tomorrow Destination Award* was bestowed upon the Blackstone Valley Tourism Council; and
- WHEREAS, the Blackstone Valley Tourism Council works to bridge the gaps between the economy, the environment, and the people that live in the Valley; and
- WHEREAS, since its beginning, the Blackstone Valley Tourism Council has worked to develop, promote and expand the economic and community development base for the cities and towns in Rhode Island's Blackstone River Valley; and
- WHEREAS, the Blackstone Valley Tourism Council works closely on community development projects with cities and towns, provides input on future riverfront and economic development, and develops various recreational activities; and
- WHEREAS, the Blackstone Valley Tourism Council operates on the philosophy that sustained economic development in the region must rely on sustained historical preservation and environmental protection.

**NOW, THEREFORE BE IT RESOLVED** that we, the Town Council of the Town of Burrillville do hereby extend sincerest congratulations and continued success to the Blackstone Valley Tourism Council in marking its 25<sup>th</sup> anniversary on the 8<sup>th</sup> day of April 2010.

Adopted as a resolution this 24<sup>th</sup> day of March 2010.

Motion by Councilor Margaret L. Dudley. Seconded by Councilor Wallace F. Lees. The vote was unanimous. Voting in favor of the motion were Council President Nancy F. Binns and Councilors Wallace F. Lees, Robert A. Bishop, Margaret L. Dudley, Kevin D. Heitke, John M. Karmozyn Jr. and Norman C. Mainville.

- 10-075     **VOTED** to adopt a resolution designating April 17, 2010 as *Burrillville Earth Day*, as requested by Dana J. Gould, Chair, Burrillville Lions' Earth Day Committee, as follows:

***Burrillville Town Council  
Resolution***

- WHEREAS, the Council of the Town of Burrillville recognizes that the First Earth Day in 1970 was the beginning of the modern environmental movement which helped shape the values and priorities of a whole generation; and
- WHEREAS, as a result of citizen demand, Congress passed the Clean Air Act, the Clean Water Act, the Endangered Species Act, and superfund legislation putting a lasting framework for the future into place; and
- WHEREAS, Rhode Islanders in general, and Burrillville residents in particular, have demonstrated leadership in environmental action and awareness, and have also expected environmental action from their leaders; and
- WHEREAS, it is our common responsibility to clean up our environment and protect it from harm; and
- WHEREAS, in 2010 Earth Day is April 22<sup>nd</sup> and in Rhode Island Earth Day activities will take place in the days and weeks around that date.

NOW THEREFORE BE IT RESOLVED that we, the Town Council of the Town of Burrillville declare April 17th 2010 Burrillville Earth Day in support this 40th year of Earth Day activities.

BE IT FURTHER RESOLVED that we, the Town Council of the Town of Burrillville, encourage Burrillville residents to participate in neighborhood cleanups, educational activities, and celebrations connected with Rhode Island Earth Day.

Adopted this 24th of March 2010

Motion by Councilor Wallace F. Lees. Seconded by Councilor Kevin D. Heitke. The vote was unanimous. Voting in favor of the motion were Council President Nancy F. Binns and Councilors Wallace F. Lees, Robert A. Bishop, Margaret L. Dudley, Kevin D. Heitke, John M. Karmozyn Jr. and Norman C. Mainville.

- 10-076     **VOTED** to grant the renewal of Private Detective License #4 to Gerald L. Lapierre, 673 Douglas Pike, Harrisville.

Motion by Councilor Wallace F. Lees. Seconded by Councilor Norman C. Mainville. The vote was unanimous. Voting in favor of the motion were Council President Nancy F. Binns and Councilors Wallace F. Lees, Robert A. Bishop, Margaret L. Dudley, Kevin D. Heitke, John M. Karmozyn Jr. and Norman C. Mainville.

## **7. Public Hearings**

- 10-077     Relative to considering and acting on proposed changes to the Revised General Ordinances, Town of Burrillville, RI, 2004, Chapter 26 entitled *Traffic and Vehicles, Article II – Parking, Stopping and Standing*.

**NOTE:** The notice of hearing was advertised in the legal section of the Woonsocket Call on Monday, March 22, 2010.

### **a) Comments/Input/Recommendation from the Ordinance Subcommittee**

Councilor Margaret L. Dudley, Chair, Ordinance Subcommittee, noted that the Police Department had brought this matter forward at the request of a resident. The Ordinance Subcommittee recommended passage.

- b) **Comments/Input/Recommendations by the Administration:** None
- c) **Proponents:** None
- d) **Opponents:** None
- e) **VOTED** to close the public hearing.

Motion by Councilor Wallace F. Lees. Seconded by Councilor Margaret L. Dudley. The vote was unanimous. Voting in favor of the motion were Council President Nancy F. Binns and Councilors Wallace F. Lees, Robert A. Bishop, Margaret L. Dudley, Kevin D. Heitke, John M. Karmozyn Jr. and Norman C. Mainville.

f) **Town Council Members Comments/Input/Deliberation**

Councilor Norman C. Mainville commented on the improved format for public hearings and thanked the Town Clerk for recommending the change.

- g) Consider and take action on amendments to the Revised General Ordinances, Town of Burrillville, RI, 2004, Chapter 26 entitled *Traffic and Vehicles* (§26-35. Stop Signs.)

**VOTED** to approve the changes, as follows:

The Town Council of the Town of Burrillville hereby ordains as follows:  
Chapter 26, Traffic and Vehicles, Article II - Parking, Stopping and Standing  
§26-35. Stop Signs is hereby amended as follows:

Add: (b)(17) Hamlet Street, Frederick Street and Fairbanks Avenue at the intersections with Roosevelt Avenue

Motion by Councilor Norman C. Mainville. Seconded by Councilor Margaret L. Dudley. The vote was unanimous. Voting in favor of the motion were Council President Nancy F. Binns and Councilors Wallace F. Lees, Robert A. Bishop, Margaret L. Dudley, Kevin D. Heitke, John M. Karmozyn Jr. and Norman C. Mainville.

- h) **VOTED** to adjourn the public hearing

Motion by Councilor Norman C. Mainville. Seconded by Councilor Wallace F. Lees. The vote was unanimous. Voting in favor of the motion were Council President Nancy F. Binns and Councilors Wallace F. Lees, Robert A. Bishop, Margaret L. Dudley, Kevin D. Heitke, John M. Karmozyn Jr. and Norman C. Mainville.

**8. Unfinished Business:** None

**9. New Business:**

- 10-078 Correspondence from Judith Bazinet regarding her request for an abatement of interest; and the recommendation of John P. Mainville, Finance Director.

**MOTION** to deny.

Motion by Councilor Wallace F. Lees. Seconded by Councilor Margaret L. Dudley.

**Note:** The Town Council was notified that Ms. Bazinet had withdrawn the request.

**Amendment to the Motion:** **VOTED** to dismiss.

Motion by Councilor Wallace F. Lees. Seconded by Councilor Norman C. Mainville. The vote was unanimous. Voting in favor of the motion were Council President Nancy F. Binns and Councilors Wallace F. Lees, Robert A. Bishop, Margaret L. Dudley, Kevin D. Heitke, John M. Karmozyn Jr. and Norman C. Mainville.

- 10-079 **VOTED** to open the correspondence from David C. Ketcham, Chair, Charter Review Commission, regarding the Commission's recommended changes to be made to the Burrillville Town Charter.

Motion by Councilor Margaret L. Dudley. Seconded by Councilor Wallace F. Lees. The vote was unanimous. Voting in favor of the motion were Council President Nancy F. Binns and Councilors Wallace F. Lees, Robert A. Bishop, Margaret L. Dudley, Kevin D. Heitke, John M. Karmozyn Jr. and Norman C. Mainville.

**Discussion:** David C. Ketcham, Chairman of the Burrillville Charter Review Commission, acknowledged committee members who were present. Dr. Ketcham outlined the procedure used by the Commission and reviewed the recommendations of the Commission, a copy of which are on file with the record of the meeting. Council President Nancy F. Binns requested a workshop to explore the details of the proposal. Dr. Ketcham agreed to a workshop and suggested that the Commission not be disbanded yet.

**VOTED** to receive and meet with the board at the call of the chair.

Motion by Councilor Norman C. Mainville. Seconded by Councilor Wallace F. Lees. The vote was unanimous. Voting in favor of the motion were Council President Nancy F. Binns and Councilors Wallace F. Lees, Robert A. Bishop, Margaret L. Dudley, Kevin D. Heitke, John M. Karmozyn Jr. and Norman C. Mainville.

- 10-080 **VOTED** to open the correspondence from Louise R. Phaneuf, Town Clerk, regarding the Ordinance Subcommittee's request for direction relative to the Hawkers' and Peddlers' license ordinance.

Motion by Councilor John M. Karmozyn, Jr. Seconded by Councilor Wallace F. Lees. The vote was unanimous. Voting in favor of the motion were Council President Nancy F. Binns and Councilors Wallace F. Lees, Robert A. Bishop, Margaret L. Dudley, Kevin D. Heitke, John M. Karmozyn Jr. and Norman C. Mainville.

**Discussion:** Councilor Margaret L. Dudley explained her suggestions to limit the number of Hawkers and Peddlers' licenses issued each year. The matter was discussed.

**VOTED** that we table any action on Hawkers & Peddlers.

Motion by Councilor Robert A. Bishop. Seconded by Councilor Norman C. Mainville. The motion carried, five in favor, two opposed. Voting in favor of the motion were Council President Nancy F. Binns and Councilors Wallace F. Lees, Robert A. Bishop, John M. Karmozyn Jr. and Norman C. Mainville. Councilors Margaret L. Dudley and Kevin D. Heitke voted in opposition.

10-081      **VOTED** to refer to the Screening Subcommittee the application from James Moran for reappointment to the Personnel Board.

Motion by Councilor Margaret L. Dudley. Seconded by Councilor John M. Karmozyn, Jr. The vote was unanimous. Voting in favor of the motion were Council President Nancy F. Binns and Councilors Wallace F. Lees, Robert A. Bishop, Margaret L. Dudley, Kevin D. Heitke, John M. Karmozyn Jr. and Norman C. Mainville.

10-082      Correspondence from Councilor Norman C. Mainville, Chair, Screening Subcommittee, regarding the Subcommittee's recommendations:

**VOTED** to reappoint to the Zoning Board of Review: Michele Carboni and John Patriarca for five-year terms to expire March 31, 2015; and Sandra Cooney and Ed Varin, Jr. for one-year terms to expire March 31, 2011.

Motion by Councilor Wallace F. Lees. Seconded by Councilor John M. Karmozyn, Jr. The vote was unanimous. Voting in favor of the motion were Council President Nancy F. Binns and Councilors Wallace F. Lees, Robert A. Bishop, Margaret L. Dudley, Kevin D. Heitke, John M. Karmozyn Jr. and Norman C. Mainville.

**VOTED** to reappoint Michael Lupis, Jeffrey Partington and Marc Tremblay to the Planning Board for three-year terms to expire March 31, 2013

Motion by Councilor John M. Karmozyn, Jr. Seconded by Councilor Wallace F. Lees. The vote was unanimous. Voting in favor of the motion were Council President Nancy F. Binns and Councilors Wallace F. Lees, Robert A. Bishop, Margaret L. Dudley, Kevin D. Heitke, John M. Karmozyn Jr. and Norman C. Mainville.

**VOTED** to reappoint Charlotte Gabrielson to the Juvenile Hearing Board for a three-year term to expire January 31, 2013 and to the Personnel Board for a one-year term to expire January 31, 2011.

Motion by Councilor Margaret L. Dudley. Seconded by Councilor Wallace F. Lees. The vote was unanimous. Voting in favor of the motion were Council President Nancy F. Binns and Councilors Wallace F. Lees, Robert A. Bishop, Margaret L. Dudley, Kevin D. Heitke, John M. Karmozyn Jr. and Norman C. Mainville.

**VOTED** to reappoint Matthew Nasif to the Juvenile Hearing Board for a three-year term to expire January 31, 2013

Motion by Councilor Wallace F. Lees. Seconded by Councilor Margaret L. Dudley. The vote was unanimous. Voting in favor of the motion were Council President Nancy F. Binns and Councilors Wallace F. Lees, Robert A. Bishop, Margaret L. Dudley, Kevin D. Heitke, John M. Karmozyn Jr. and Norman C. Mainville.

**VOTED** to reappoint Christopher Lacey to the Board of Assessment Review for a one-year term to expire November 30, 2010

Motion by Councilor Wallace F. Lees. Seconded by Councilor Norman C. Mainville. The vote was unanimous. Voting in favor of the motion were Council President Nancy F. Binns and Councilors Wallace F. Lees, Robert A. Bishop, Margaret L. Dudley, Kevin D. Heitke, John M. Karmozyn Jr. and Norman C. Mainville.

**VOTED** to reappoint Richard Dionne and Stephen Rawson to the Conservation Commission for three-year terms to expire March 31, 2013

Motion by Councilor Norman C. Mainville. Seconded by Councilor Wallace F. Lees. The vote was unanimous. Voting in favor of the motion were Council President Nancy F. Binns and Councilors Wallace F. Lees, Robert A. Bishop, Margaret L. Dudley, Kevin D. Heitke, John M. Karmozyn Jr. and Norman C. Mainville.

10-083      **VOTED** to open the correspondence from Councilor Margaret L. Dudley regarding the success of the robotics team from Burrillville High School.

Motion by Councilor Wallace F. Lees. Seconded by Councilor John M. Karmozyn, Jr. The vote was unanimous. Voting in favor of the motion were Council President Nancy F. Binns and Councilors Wallace F. Lees, Robert A. Bishop, Margaret L. Dudley, Kevin D. Heitke, John M. Karmozyn Jr. and Norman C. Mainville.

**VOTED** to invite them (the Northern Rhode Island Robotics Collaborative) after spring vacation when they return from Atlanta for a proclamation and to put on a demonstration.

Motion by Councilor Margaret L. Dudley. Seconded by Councilor Wallace F. Lees. The vote was unanimous. Voting in favor of the motion were Council President Nancy F. Binns and Councilors Wallace F. Lees, Robert A. Bishop, Margaret L. Dudley, Kevin D. Heitke, John M. Karmozyn Jr. and Norman C. Mainville.

10-084      **Consider and act on pending legislation:**

**VOTED** to adopt a resolution opposing Senate Bill 2010 – S2603 An Act Relating to Labor and Labor Relations – Certified School Teachers’ Arbitration.

***Burrillville Town Council Resolution***

***Opposing the Passage of Senate Bill 2010 – S2603***

***An Act Relating to Labor and Labor Relations – Certified School Teachers’ Arbitration***

- WHEREAS, Current state law does not provide for mandatory continuation of either municipal employee or school teacher collective bargaining agreements and;
- WHEREAS, Whereas a Superior Court justice ruled on March 15, 2010 that state statute, defining when a contract ends, obviates any contract clause agreed to which allows for the continuation of a public employee labor contract and;
- WHEREAS, School districts and cities and towns are experiencing devastating reductions in state aid and;

WHEREAS, There exists a \$210 million dollar revenue/expenditure gap in the current FY2010 budget and an anticipated revenue/expenditure gap of over \$400 million for the FY2011 budget that will result in further state aid reductions and;

WHEREAS, Taxpayers are already burdened by some of the highest property taxes nationally and;

WHEREAS, School districts and cities & towns must comply with RIGL §44-5-2, which caps the property tax levy imposed by municipalities and;

WHEREAS, According to §16-2-9(d) “The school committee of each school district shall be responsible for maintaining a school budget which does not result in a debt.” and;

WHEREAS, School committees may require employee concessions to comply with the aforementioned statutes and;

WHEREAS, 2010 – S2603 would mandate that an expired contract shall continue under all the same terms and conditions of employment and;

WHEREAS, This would serve as a disincentive for unions to bargain in good faith and allow existing employee wages and benefits to continue unchanged indefinitely thus forcing districts to possibly violate RIGL §44-5-2 & §16-2-9(d).

NOW, THEREFORE BE IT RESOLVED that we, the Town Council of the Town of Burrillville do hereby respectfully request that the Rhode Island General Assembly oppose 2010 – S2603, which that mandates that expired teacher contracts must continue all the existing terms and conditions of employment.

BE IT FURTHER RESOLVED that a copy of this Resolution be forwarded to every State Senator, State Representative and the Governor.

Adopted as a resolution this 24<sup>th</sup> day of March 2010.

Motion by Councilor Wallace F. Lees. Seconded by Councilor Norman C. Mainville. The vote was unanimous. Voting in favor of the motion were Council President Nancy F. Binns and Councilors Wallace F. Lees, Robert A. Bishop, Margaret L. Dudley, Kevin D. Heitke, John M. Karmozyn Jr. and Norman C. Mainville.

**VOTED** to adopt a resolution supporting legislative amendments to protect Rhode Island’s Cities and Towns and their Public Officials/Employees:

**Burrillville Town Council  
Resolution  
Supporting Legislative Amendments  
To Protect Rhode Island’s Cities and Towns and Their Public Officials/Employees**

WHEREAS, at the regular meeting of the Burrillville Town Council held on March 24, 2010, at which time a quorum was present and acting throughout, the Burrillville Town Council discussed various legislative amendments intended to protect the public treasury and also to protect public officials and employees from suits against them in their personal capacities; and

WHEREAS, the Burrillville Town Council finds that cities and towns are being faced with ever increasing demands upon their finances and that public officials and employees are increasingly and unfairly confronted with threats of personal liability from their official acts on behalf of the public they serve; and



- WHEREAS, the Burrillville Town Council finds that the legislative restrictions imposed upon the cities and towns relative to their ability to raise revenue have severely hampered the operations of municipal government; and
- WHEREAS, the Burrillville Town Council finds that the current state of the law in Rhode Island imposes unfair burdens upon municipal government, its public officials and employees, and the taxpayers of Rhode Island's cities and towns due to a statutory scheme that imposes unreasonable liability upon the cities and towns of Rhode Island; and
- WHEREAS, the Burrillville Town Council finds that legislative reform is necessary in order to adequately protect municipal governments, their officials and employees and the taxpayers from inequitable treatment due to the current state of the law with respect to municipal liability; and
- WHEREAS, legislation is currently pending in the General Assembly in the form of five (5) bills: H7278; H7777; H7277; H7280; and S2349 that would ensure the equitable treatment of public entities by amending the following sections of the Rhode Island General Laws:
1. **§ 9-31-3 Limitation of damages – Cities, towns, and fire districts;**
  2. **§ 10-6-2. “Joint tortfeasors” defined; and**
  3. **§ 9-21-10. Interest in civil actions**

NOW, THEREFORE, BE IT RESOLVED that we, the Burrillville Town Council respectfully request that the General Assembly support H7278, H7777, H7277, H7280, and S2349.

BE IT FURTHER RESOLVED that the Burrillville Town Clerk is hereby instructed to submit a copy of this resolution to Senator Paul W. Fogarty, Representative Brian C. Newberry and Representative Edwin R. Pacheco of the Rhode Island General Assembly seeking their consideration and support.

**ADOPTED** this 24<sup>th</sup> day of March, 2010.

Motion by Councilor Wallace F. Lees. Seconded by Councilor Margaret L. Dudley. The vote was unanimous. Voting in favor of the motion were Council President Nancy F. Binns and Councilors Wallace F. Lees, Robert A. Bishop, Margaret L. Dudley, Kevin D. Heitke, John M. Karmozyn Jr. and Norman C. Mainville.

Senate Bill 2010 – S2120 and House Bill 2010 – H7251 Acts Relating to Taxation – Property (would permit the Town of Burrillville to extend tax amount)

The Town Council and administration noted that these bills had been introduced at the request of the Town Council. The House bill had been heard in committee and held for further study. No hearing had been scheduled to date on the Senate Bill.

**VOTED** that the Town Manager and the Clerk prepare resolutions supporting these acts relating to taxation for the town.

Motion by Councilor Norman C. Mainville. Seconded by Councilor Wallace F. Lees. The vote was unanimous. Voting in favor of the motion were Council President Nancy F. Binns and Councilors Wallace F. Lees, Robert A. Bishop, Margaret L. Dudley, Kevin D. Heitke, John M. Karmozyn Jr. and Norman C. Mainville.

**VOTED** to open discussion of Senate Bill 2010 – 2104 and House Bill 2010 – H7094: Acts Relating to Animals and Animal Husbandry – Dogs

Motion by Councilor Norman C. Mainville. Seconded by Councilor Wallace F. Lees. The vote was unanimous. Voting in favor of the motion were Council President Nancy F. Binns and Councilors Wallace F. Lees, Robert A. Bishop, Margaret L. Dudley, Kevin D. Heitke, John M. Karmozyn Jr. and Norman C. Mainville.

**Discussion:** The Town Council and administration noted that these bills had been introduced at the request of the Town Council. The House bill had been heard in committee and held for further study. A hearing had been scheduled on the Senate Bill.

**VOTED** to do a resolution stating why we would like this bill to be passed.

Motion by Councilor Margaret L. Dudley. Seconded by Councilor Wallace F. Lees. The vote was unanimous. Voting in favor of the motion were Council President Nancy F. Binns and Councilors Wallace F. Lees, Robert A. Bishop, Margaret L. Dudley, Kevin D. Heitke, John M. Karmozyn Jr. and Norman C. Mainville.

**Other pending legislation:** No further discussion

**10. Town Clerk/Communication:**

- 10-085 Correspondence from Kathleen M. Silvia, City Clerk, City of Newport, regarding the Newport City Council's request for support of a resolution endeavoring to return the America's Cup challenge to Newport.

**MOTION** to support.

Motion by Councilor Norman C. Mainville. Seconded by Councilor Wallace F. Lees.

**Discussion:** Councilor Wallace F. Lees related an anecdote about his son-in-law's membership on the 1983 Australian team and his family's connection to the famous keel on the Australian vessel. In deference to Councilor Lees, Councilor Norman C. Mainville:

**WITHDREW** the motion to support a resolution endeavoring to return the America's Cup challenge to Newport.

Motion by Councilor Wallace F. Lees. Seconded by Councilor Norman C. Mainville. The vote was unanimous. Voting in favor of the motion were Council President Nancy F. Binns and Councilors Wallace F. Lees, Robert A. Bishop, Margaret L. Dudley, Kevin D. Heitke, John M. Karmozyn Jr. and Norman C. Mainville.

**11. VOTED** to receive reports #1 through 24, as follows:

1. Town Treasurer: Reports of January and February 2010
2. Burrillville Sewer Commission: Report of February 2010; meeting of February 9, 2010
3. Tax Collector: Report of February 2010
4. Department of Public Works: No report
5. Chief of Police: Report of February 2010
6. Office of Building Official: Report of February 2010

7. Animal Control Officer: Report of February 2010
8. Burrillville Housing Authority: Meetings of January 13 and February 17, 2010
9. Planning Board/Town Planner: Meeting of February 1, 2010
10. Zoning Board of Review: No report
11. Parks and Recreation Department: No report
12. Information Systems Department: No report
13. Burrillville Conservation Commission: No report
14. Ordinance Subcommittee: Meetings of November 12, 2009, and February 11, 2009
15. Redevelopment Agency: Meeting of January 26, 2010
16. B-PAC: No report
17. Personnel Board: Meeting of February 9, 2010
18. Screening Subcommittee: Meeting of December 21, 2009
19. Budget Board: Meeting of February 11, 2010
20. Burrillville School Committee: No report
21. Emergency Management Agency: No report
22. Public Safety Committee: No report
23. Charter Review Commission: Meetings of February 8 and 22, 2010
24. Rubbish & Recycling Committee: Meeting of February 8, 2010

Motion by Councilor Norman C. Mainville. Seconded by Councilor Wallace F. Lees. The vote was unanimous. Voting in favor of the motion were Council President Nancy F. Binns and Councilors Wallace F. Lees, Robert A. Bishop, Margaret L. Dudley, Kevin D. Heitke, John M. Karmozyn Jr. and Norman C. Mainville.

#### **12. Additional New Business:**

- 10-086            **VOTED** to table a request for executive session from Nancy F. Binns, Town Council President, pursuant to Rhode Island Open Meeting Law [**§42-46-5(a)(2)**] to consider and discuss a matter of pending litigation – case P2-2009-2487A (State of Rhode Island v. Deborah Carr).

Motion by Councilor Wallace F. Lees. Seconded by Councilor John M. Karmozyn, Jr. The vote was unanimous. Voting in favor of the motion were Council President Nancy F. Binns and Councilors Wallace F. Lees, Robert A. Bishop, Margaret L. Dudley, Kevin D. Heitke, John M. Karmozyn Jr. and Norman C. Mainville.

#### **13. VOTED** to adjourn at 7:55 P.M.

Motion by Councilor Norman C. Mainville. Seconded by Councilor Wallace F. Lees. The vote was unanimous. Voting in favor of the motion were Council President Nancy F. Binns and Councilors Wallace F. Lees, Robert A. Bishop, Margaret L. Dudley, Kevin D. Heitke, John M. Karmozyn Jr. and Norman C. Mainville.

The meeting was recorded.

---

Louise R. Phaneuf, Town Clerk

PUBLIC HEARING of the Town Council held Wednesday, March 24, 2010 at 6:35 P.M. in the Council Chamber, Town Building, 105 Harrisville Main St., Harrisville, for and within the Town of Burrillville.

PRESENT: Council President Pro Tem Wallace F. Lees and Councilors Robert A. Bishop, Margaret L. Dudley, Kevin D. Heitke, John M. Karmozyn Jr. and Norman C. Mainville

MEMBERS ABSENT: Council President Nancy F. Binns

Council President Pro Tem Wallace F. Lees called the hearing to order at 6:35 P.M.

**Proposed Capital Improvement Project Budget**

Municipal – Departmental	\$105,570
Infrastructure	975,000
ARRA Projects	564,000
School Department	84,271
Major Capital Reserve Fund	232,621
Miscellaneous - Town Clerk	<u>21,200</u>
TOTAL Capital Improvements Program Requests	<u>\$1,982,662</u>

**Proposed Capital Improvement Funding**

Ocean State Power – PILOT	\$1,317,462
Other Sources – ARRA	564,000
Grants	80,000
Restricted Funds	21,200
Property Taxes (Net Amount Required to Fund All Projects)	<u>0</u>
TOTAL Funding Sources	\$1,982,662

**NOTE:** The above was duly advertised in the Local Section of the Woonsocket Call on Monday, March 22, 2010.

**1. Recommendations from the Budget Board:**

- a) Capital Improvement Program for Fiscal Year Ending June 30, 2011
- b) Capital Improvement Program – Five (5) Year Plan

Arthur R. Hurley, Chairman of the Burrillville Budget Board, addressed the Town Council relative to the Budget Board's proposed Capital Improvement Program for Fiscal Year Ending June 30, 2011. Mr. Hurley indicated that the Town Manager's proposal varied only slightly from the Budget Board recommendation. The basis for the changes, he said, is the increased information available to the Town Manager. Mr. Hurley reported that the Budget Board concurs with the Town Manager's recommended CIP proposal.

## **2. Recommendations from Michael C. Wood, Town Manager:**

- a) Capital Improvement Program for Fiscal Year Ending June 30, 2011
- b) Capital Improvement Program – Five (5) Year Plan

Michael C. Wood, Town Manager, indicated fundamental agreement with the Budget Board's conservative approach for the FY2011 CIP budget. Mr. Wood reviewed his proposal, noted that he had included certain computer needs and reorganized the school department CIP to reflect the school department's priorities.

Mr. Wood also recommended changes to FY2010 CIP budget to reorganize spending and promote maintenance. Mr. Wood indicated that major capital projects, including the pavement management program, would be reviewed to update the five-year plan. Mr. Wood indicated that he would recommend a workshop to reset the five-year plan.

**3. Proponents:** None

**4. Opponents:** None

**5. VOTED** to close the public hearing.

Motion by Councilor Norman C. Mainville. Seconded by Councilor John M. Karmozyn, Jr. The vote was unanimous by the six members present. Voting in favor of the motion were Council President Pro Tem Wallace F. Lees and Councilors Robert A. Bishop, Margaret L. Dudley, Kevin D. Heitke, John M. Karmozyn Jr. and Norman C. Mainville. Council President Nancy F. Binns was not present at the time of the vote.

## **6. Town Council Members Comments/Input/Deliberation**

Councilor Margaret L. Dudley asked about the extent of the chip and crack sealing. The bid process was discussed.

**Note:** Council President Nancy F. Binns arrived at 6:42 P.M.

Councilor Margaret L. Dudley requested clarification relative to several items on the school department's past and present CIP requests. Robin Kimation, School Department Supervisor of Business Affairs, explained the items mentioned. Michael C. Wood, Town Manager, reviewed his recommendation for the school department, which he based upon the priority list provided by the school administration.

- 7. VOTED** that the Capital Improvement Program for fiscal year ending June 30, 2011 be adopted as recommended by the Town Manager. The total appropriation is \$1,982,662 (see attached detail). Included in the total amount to be adopted is an amount of \$232,621, which is to be appropriated to the Reserve for Major Capital Projects Fund. The Capital Budget as presented is adopted and shall be included in its entirety in the annual budget for Fiscal Year Beginning July 1, 2010. The Town may encumber funds against these accounts prior to July 1<sup>st</sup>. This will allow the Town to enter into contracts prior to the effective date of July 1, 2010.

Motion by Councilor Norman C. Mainville. Seconded by Council President Nancy F. Binns. The vote was unanimous. Voting in favor of the motion were Council President Nancy F. Binns and Councilors Wallace F. Lees, Robert A. Bishop, Margaret L. Dudley, Kevin D. Heitke, John M. Karmozyn Jr. and Norman C. Mainville.

8. **VOTED** to adjourn at 6:53 P.M.

Motion by Councilor Norman C. Mainville. Seconded by Council President Nancy F. Binns. The vote was unanimous. Voting in favor of the motion were Council President Nancy F. Binns and Councilors Wallace F. Lees, Robert A. Bishop, Margaret L. Dudley, Kevin D. Heitke, John M. Karmozyn Jr. and Norman C. Mainville.

The hearing was recorded.

---

Louise R. Phaneuf, Town Clerk