

**REGULAR MEETING of the Town Council held on Wednesday, December 8, 2004 at 7:00 o'clock P.M. in the Council Chamber, Town Building, Harrisville, for and within the Town of Burrillville.**

**MEMBERS PRESENT: Council President Wallace F. Lees; Councilors Jacqueline Zahn, Councilors William A. Andrews, Nancy F. Binns, Margaret L. Dudley, Ronald E. Faford and William E. Gonyea.**

**MEMBERS ABSENT: None**

**1. Council President Wallace F. Lees led those present in pledging allegiance to the flag. The pledge was followed by a moment of silence in memory of former Councilor Herbert Pepler.**

**2. VOTED to accept the minutes of the regular meetings held October 27 and November 10, 2004 and the public hearing held on October 27, 2004 and dispense with the reading of said minutes.**

**Motion by Councilor Jacqueline Zahn. Seconded by Councilor William A. Andrews. The motion was unanimous. Voting in favor of the motion were Council President Wallace F. Lees, Councilors Jacqueline Zahn, William A. Andrews, Nancy F. Binns, Margaret L. Dudley, Ronald E. Faford and William E. Gonyea.**

**3. Public Comment:**

**Kevin Blais of 1738 Tarkiln Road questioned the suitability of town employees bringing the Town Manager to work during his recuperation from surgery. Mr. Blais asked the Town Council to weigh complaints against the Town Manager during their deliberation of the manager's contract.**

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

**Councilor William E. Gonyea congratulated Councilors Nancy F. Binns and Margaret L. Dudley on joining the Town Council.**

**Councilor William A. Andrews acknowledged the town clerk's birthday.**

**Cheri R. Hall, Director of Parks & Recreation, announced that the department would sponsor a Santa Calling program during the holiday season.**

**Council President Wallace F. Lees congratulated and commended the Downtown Pascoag Neighborhood Association, the Department of Parks & Recreation, the Garden Club, the Historic Society, Pascoag Hose #1 and the Scouts on a successful Victorian Holiday celebration. He commented that the success of the event was due, in part, to the many organizations working well together.**

#### **5. Petitions:**

**04-325 MOTION to grant the petition of Verizon New England, Inc., regarding placement of two new joint poles (P.7 & 8) on Gig Road to provide service to a new home; with the stipulation that the pole be located within the roadway right-of-way and a minimum of one (1) foot off the edge of the proposed payment surface.**

**Motion by Councilor William A. Andrews. Seconded by Councilor Ronald E. Faford.**

**Discussion: Under discussion, Councilor Margaret L. Dudley suggested that the motion should be amended to add a stipulation that if the pole ever needs to be moved, it would be done so at their cost and not at the Town's expense. This matter was briefly discussed.**

**AMENDMENT TO THE MOTION: (add the following) and with the further stipulation that, if at any time the poles must be moved, they will be moved at Verizon New England, Inc.'s cost.**

**Motion to amend by Councilor Margaret L. Dudley. Seconded by Councilor William E. Gonyea.**

**VOTED on the motion, as amended. The vote was unanimous. Voting in favor of the motion as amended were Council President Wallace F. Lees, Councilors Jacqueline Zahn, William A. Andrews,**

**Nancy F. Binns, Margaret L. Dudley, Ronald E. Faford and William E. Gonyea.**

**6. Special Business:**

**Note: Councilor William E. Gonyea recused from discussing and/or voting on item #04-326.**

**04-326 VOTED to grant the renewal of rubbish licenses for William E. Gonyea d/b/a William E. Gonyea Disposal Service in accordance with and subject to the provisions of Chapter 4, Section 6 of the Ordinances of the Town of Burrillville, for a period of one year commencing January 1, 2005 and ending December 31, 2005 (License Fee \$25.00 per vehicle; Bond \$1,000.00.)**

**Motion by Councilor Jacqueline Zahn. Seconded by Councilor Margaret L. Dudley. The motion carried, six in favor, one recusal. Voting in favor of the motion were Council President Wallace F. Lees, Councilors Jacqueline Zahn, William A. Andrews, Nancy F. Binns, Margaret L. Dudley and Ronald E. Faford. Councilor William E. Gonyea recused.**

**04-327 VOTED to extend Annual Junk Yard, Junk Collection, Rubbish and Sunday & Holiday licenses for 30 days and to continue consideration of said licenses to the regular meeting scheduled for January 12, 2005.**

**Motion by Councilor Jacqueline Zahn. Seconded by Councilor Margaret L. Dudley. The motion was unanimous. Voting in favor of the motion were Council President Wallace F. Lees, Councilors Jacqueline Zahn, William A. Andrews, Nancy F. Binns, Margaret L. Dudley, Ronald E. Faford and William E. Gonyea.**

## **7. Unfinished Business:**

**04-328 VOTED to receive and open the correspondence from Mark V. Caccia, CPA, MST, CVA, Partner in Cayer Caccia LLP, regarding the establishment of an audit committee.**

**Motion by Councilor Jacqueline Zahn. Seconded by Councilor William E. Gonyea. The motion was unanimous. Voting in favor of the motion were Council President Wallace F. Lees, Councilors Jacqueline Zahn, William A. Andrews, Nancy F. Binns, Margaret L. Dudley, Ronald E. Faford and William E. Gonyea.**

**Discussion: Michael C. Wood, Town Manager, reviewed the recommendation to establish an administrative audit committee that would meet quarterly or as needed. Mr. Wood suggested that the committee might consist of the Finance Director, a member of the Budget Board, an external auditor and members of the Town Council, if they expressed an interest to do so. Councilor Jacqueline Zahn supported the idea, indicating that she and Councilor Margaret L.**

**Dudley would serve.**

**VOTED to create an audit committee and appoint Councilors Jacqueline Zahn and Margaret L. Dudley.**

**Motion by Councilor William A. Andrews. Seconded by Councilor William E. Gonyea. The motion was unanimous. Voting in favor of the motion were Council President Wallace F. Lees, Councilors Jacqueline Zahn, William A. Andrews, Nancy F. Binns, Margaret L. Dudley, Ronald E. Faford and William E. Gonyea.**

**04-329 VOTED to approve criteria for determining gross household income for eligibility to receive tax credits, as developed by the tax assessor, in accordance with §25-82 of the ordinances of the Town of Burrillville.**

**Motion by Councilor Jacqueline Zahn. Seconded by Councilor William A. Andrews. The motion was unanimous. Voting in favor of the motion were Council President Wallace F. Lees, Councilors Jacqueline Zahn, William A. Andrews, Nancy F. Binns, Margaret L. Dudley, Ronald E. Faford and William E. Gonyea.**

**Discussion: James R. Drew, Tax Assessor, explained that the document before the Town Council sets forth the criteria for determining gross household income for eligibility to receive tax credits. Mr. Drew briefly reviewed the ordinance adopted on June 23,**

**2004 that provides for development and approval of the criteria and briefly described the form that residents would need to complete if they chose to apply for an increased tax credit. Councilor William A. Andrews pointed out that the form would be sent to all residents who are eligible for a senior citizen or disability credit. Michael C. Wood, Town Manager, explained that the matter before the Town Council was not an ordinance, but rather it is a proposal for implementation of a previously adopted ordinance.**

**VOTED to approve criteria for determining gross household income for eligibility to receive tax credits, as developed by the tax assessor, in accordance with §25-82 of the ordinances of the Town of Burrillville.**

**Motion by Councilor Jacqueline Zahn. Seconded by Councilor Margaret L. Dudley. The motion was unanimous. Voting in favor of the motion were Council President Wallace F. Lees, Councilors Jacqueline Zahn, William A. Andrews, Nancy F. Binns, Margaret L. Dudley, Ronald E. Faford and William E. Gonyea.**

#### **8. New Business:**

**04-330 VOTED to grant permission to the American Cancer Society to use Branch River Park for the 2005 Relay For Life to be held at Branch River Park on June 24 and 25, 2005.**

**Motion by Councilor Jacqueline Zahn. Seconded by Councilor William E. Gonyea. The motion was unanimous. Voting in favor of the motion were Council President Wallace F. Lees, Councilors Jacqueline Zahn, William A. Andrews, Nancy F. Binns, Margaret L. Dudley, Ronald E. Faford and William E. Gonyea.**

**Discussion: It was noted that issues that arose during the first year of the Relay for Life have been resolved.**

**04-331 VOTED to award the bid for the Spring Lake Campground to Lucena Brothers in the amount of \$48,362, which includes a contingency amount of \$2,000.**

**Motion by Councilor Jacqueline Zahn. Seconded by Councilor Margaret L. Dudley. The motion was unanimous. Voting in favor of the motion were Council President Wallace F. Lees, Councilors Jacqueline Zahn, William A. Andrews, Nancy F. Binns, Margaret L. Dudley, Ronald E. Faford and William E. Gonyea.**

**04-332 VOTED to receive and open the correspondence from Cheri R. Hall, Director of Parks & Recreation regarding the Burrillville Extended Care (BEC) program related to: 1) amendments to by-laws, 2) the status of BEC employees and 3) the Town Manager's recommendation to schedule a workshop between the Town Council and the BEC Board of Directors.**

**Motion by Councilor Jacqueline Zahn. Seconded by Councilor William E. Gonyea. The motion was unanimous. Voting in favor of the motion were Council President Wallace F. Lees, Councilors Jacqueline Zahn, William A. Andrews, Nancy F. Binns, Margaret L. Dudley, Ronald E. Faford and William E. Gonyea.**

**Discussion: Councilor Jacqueline Zahn, speaking as liaison to the Burrillville Extended Care (BEC) program, reviewed the proposal. Councilor Zahn discussed the strength of the BEC program. Councilor Zahn discussed the research conducted relative to establishing the program as a 501C3, which, she said, the solicitor had not recommended. Councilor Zahn discussed the desire to address the status of employees, explaining that the proposal provided for BEC's full-time employees to come under the town umbrella. Furthermore, she said, the proposal included amendments to BEC's by-laws that would change the make-up of the board to provide a Councilor as liaison rather than voting member, in conformance with the charter.**

**Walter J. Kane, Town Solicitor, indicated that more supporting paperwork would be necessary to accomplish the recommended action relative to employees and suggested that the Town Council could consider instructing the administration to provide a more detailed plan for implementation.**

**Councilor William A. Andrews asked why the 501C3 was no longer being considered and suggested that the BEC program results in the Town competing with private enterprise. Additionally, Councilor Andrews voiced concerns about the long-term cost of the program. Councilor Jacqueline Zahn maintained that there is a need for the program, stating that the program could end should it no longer be necessary.**

**Walter J. Kane, Town Solicitor, reviewed establishing BEC as a 501C3 program, which would result in BEC being a completely independent organization. Mr. Kane briefly elaborated on the proposal, suggesting that BEC's status should be a Town Council policy decision.**

**Cheri R. Hall, Director of Parks & Recreation, described process by which BEC was established in 1993, the progress, growth and success that the program has realized, and the extent of service provided. Robert Wall, member of the BEC Board of Directors, elaborated on Ms. Hall's comments. Councilor William A. Andrews voiced concerns about potential for increasing staff and Councilor Margaret L. Dudley raised the question of the Town's liability.**

**MOTION to refer to the Manager.**

**Motion by Councilor Jacqueline Zahn. Seconded by Councilor William E. Gonyea.**

**Further discussion: Walter J. Kane, Town Solicitor, suggested that,**

since this would be a Town Council policy decision, it would be appropriate for the Town Council to conduct a workshop, to provide the administration with sufficient direction. This matter was briefly discussed.

**VOTED** that the extended care program try to be organized as a 501C3.

**Motion by Councilor William A. Andrews. Seconded by Councilor Ronald E. Faford. The motion carried, six in favor, one opposed. Voting in favor of the motion were Council President Wallace F. Lees, Councilors William A. Andrews, Nancy F. Binns, Margaret L. Dudley, Ronald E. Faford and William E. Gonyea. Councilor Jacqueline Zahn voted in opposition.**

**Further Discussion:** Subsequent discussion indicated that the Town Council's intent was that the administration would provide an analysis to the Town Council on how the BEC program could organize under 501C3, how that would benefit the Town, proposed articles of organization, constitution of the membership and details of a transition program.

**VOTED** to approve the amendments to the by-laws.

**Motion by Councilor William A. Andrews. Seconded by Councilor Nancy F. Binns. The motion was unanimous. Voting in favor of the**

**motion were Council President Wallace F. Lees, Councilors Jacqueline Zahn, William A. Andrews, Nancy F. Binns, Margaret L. Dudley, Ronald E. Faford and William E. Gonyea.**

**04-333 VOTED to receive and open the correspondence from Michael C. Wood, Town Manager, regarding Town Council ratification of DEM agreements related to:**

**1) Recreation Grant – Skate Park**

**2) Rhode Island Open Space Bond Fund Recreation Grant – Hauser Field**

**3) Recreation Grant – Spring Lake Beach Camping Area**

**Motion by Councilor William A. Andrews. Seconded by Councilor Ronald E. Faford. The motion was unanimous. Voting in favor of the motion were Council President Wallace F. Lees, Councilors Jacqueline Zahn, William A. Andrews, Nancy F. Binns, Margaret L. Dudley, Ronald E. Faford and William E. Gonyea.**

**Discussion: Michael C. Wood, Town Manager, suggested that these agreements contained certain provisions that he believed the Town Council should consider/ratify before he signed the agreements. Specifically he pointed out the clause that would require the related properties remain recreation land as a condition of grant acceptance.**

**Mr. Wood referred to a memo submitted by Cheri R. Hall, Director of Parks & Recreation, which explained that Spring Lake Beach, Hauser Field and Branch River Park are already designated recreational. The**

**memo further explained that DEM has indicated that if the skate board park funded, in part, through this agreement were to be moved, then the Town would be required to provide an alternate location. Councilor William A. Andrews said that Eccleston Field, the proposed site of the skate board park, has long been designated for recreation.**

**VOTED to have the Town Manager sign the agreements with DEM on the three items listed.**

**Motion by Councilor William A. Andrews. Seconded by Councilor Ronald E. Faford. The motion was unanimous. Voting in favor of the motion were Council President Wallace F. Lees, Councilors Jacqueline Zahn, William A. Andrews, Nancy F. Binns, Margaret L. Dudley, Ronald E. Faford and William E. Gonyea.**

**04-334 VOTED to deny the request for an abatement of interest from Mario and Dawn Gianfrancesco.**

**Motion by Councilor Jacqueline Zahn. Seconded by Councilor Margaret L. Dudley. The motion was unanimous. Voting in favor of the motion were Council President Wallace F. Lees, Councilors Jacqueline Zahn, William A. Andrews, Nancy F. Binns, Margaret L. Dudley, Ronald E. Faford and William E. Gonyea.**

**Note: It was noted for the record that Mario and Dawn Gianfrancesco were not present at the meeting.**

**04-335 VOTED to declare surplus one 1994 Data Products model LM815 printer.**

**Motion by Councilor Jacqueline Zahn. Seconded by Councilor William A. Andrews. The motion was unanimous. Voting in favor of the motion were Council President Wallace F. Lees, Councilors Jacqueline Zahn, William A. Andrews, Nancy F. Binns, Margaret L. Dudley, Ronald E. Faford and William E. Gonyea.**

**Note: Council President Wallace F. Lees recused from discussion and voting on agenda item #04-336.**

**04-336 VOTED to authorize the town clerk to withdraw \$618.00 in annual interest from the Burial Lots Fund at Fleet Bank for maintenance of cemeteries.**

**Motion by Councilor William E. Gonyea. Seconded by Councilor Jacqueline Zahn. The motion carried, six in favor, one recusal. Voting in favor of the motion were Councilors Jacqueline Zahn, William A. Andrews, Nancy F. Binns, Margaret L. Dudley, Ronald E. Faford and William E. Gonyea. Council President Wallace F. Lees recused.**

**Note: Council President Wallace F. Lees indicated that he would take items out of order; that item #04-348 would be considered at this**

point on the agenda.

**04-348 VOTED to receive and open the correspondence from Mark A. St. Pierre, Chief, Harrisville Fire Department, Frank Corrao, III, P.E., Secretary, State Traffic Commission and Michael C. Wood, Town Manager regarding the stop sign at the intersection of Harrisville Main Street and East Avenue.**

**Motion by Councilor Jacqueline Zahn. Seconded by Councilor William A. Andrews. The motion was unanimous. Voting in favor of the motion were Council President Wallace F. Lees, Councilors Jacqueline Zahn, William A. Andrews, Nancy F. Binns, Margaret L. Dudley, Ronald E. Faford and William E. Gonyea.**

**Discussion: Mark St. Pierre explained his opinion that the relocation of the stop sign at the intersection of Routes 98 and 107 in Harrisville has made the intersection more dangerous. He recommended that drivers should be required to come to a stop before entering the intersection. Col. Bernard E. Gannon, Chief of Police, expressed his opinion, and that of the traffic engineer, that the change presents no more danger than the earlier configuration and that the change facilitates the flow of traffic. After a brief discussion of the matter, it was noted that the State traffic commission will continue to monitor the situation. There was discussion of the overall plan for implementing the construction project in the area.**

**VOTED to receive and file.**

**Motion by Councilor Jacqueline Zahn. Seconded by Councilor William E. Gonyea. The motion was unanimous. Voting in favor of the motion were Council President Wallace F. Lees, Councilors Jacqueline Zahn, William A. Andrews, Nancy F. Binns, Margaret L. Dudley, Ronald E. Faford and William E. Gonyea.**

**04-337 VOTED to award the purchase of washed sand (with grit) to Rawson Sand & Gravel at a cost of \$11.30 per ton.**

**Motion by Councilor William A. Andrews. Seconded by Councilor Ronald E. Faford. The motion was unanimous. Voting in favor of the motion were Council President Wallace F. Lees, Councilors Jacqueline Zahn, William A. Andrews, Nancy F. Binns, Margaret L. Dudley, Ronald E. Faford and William E. Gonyea.**

**04-338 VOTED to receive and open the correspondence from Michael C. Wood, Town Manager, regarding establishing library committee(s).**

**Motion by Councilor William A. Andrews. Seconded by Councilor Ronald E. Faford. The motion was unanimous. Voting in favor of the motion were Council President Wallace F. Lees, Councilors Jacqueline Zahn, William A. Andrews, Nancy F. Binns, Margaret L. Dudley, Ronald E. Faford and William E. Gonyea.**

**Discussion: Michael C. Wood, Town Manager, reviewed that the referendum that was approved by voters on November 2, 2004 authorized the Town Council to appoint a building committee. Additionally, he said, there have been discussions related to establishing a fund-raising committee. There was some discussion of whether the Town Council should appoint a fund-raising committee or if the Library Board of Trustees should manage fund-raising efforts. Michael C. Wood, Town Manager, suggested that a fund-raising committee might need structured guidelines. There was discussion of the status of library fund-raising. Walter J. Kane, Town Solicitor, indicated that the building committee would need a charter that specifies its responsibilities.**

**VOTED to refer to the Screening Subcommittee to look for two committees and to look into the liability.**

**Motion by Councilor Jacqueline Zahn. Seconded by Councilor William A. Andrews. The motion was unanimous. Voting in favor of the motion were Council President Wallace F. Lees, Councilors Jacqueline Zahn, William A. Andrews, Nancy F. Binns, Margaret L. Dudley, Ronald E. Faford and William E. Gonyea.**

**04-339 VOTED to receive and open the correspondence from Jacqueline Zahn, Chair, Screening Subcommittee, regarding recommendations relative to various appointments and reappointments.**

**Motion by Councilor William E. Gonyea. Seconded by Councilor William A. Andrews. The motion was unanimous. Voting in favor of the motion were Council President Wallace F. Lees, Councilors Jacqueline Zahn, William A. Andrews, Nancy F. Binns, Margaret L. Dudley, Ronald E. Faford and William E. Gonyea.**

**VOTED to reappoint Matthew J. Misiaszek to the Burrillville Housing Authority for a five-year; term to expire on October 31, 2009.**

**Motion by Councilor Jacqueline Zahn. Seconded by Councilor Margaret L. Dudley. The motion was unanimous. Voting in favor of the motion were Council President Wallace F. Lees, Councilors Jacqueline Zahn, William A. Andrews, Nancy F. Binns, Margaret L. Dudley, Ronald E. Faford and William E. Gonyea.**

**VOTED to reappoint Richard R. Dionne to the Conservation Commission for a three-year; term to expire on March 31, 2007.**

**Motion by Councilor Jacqueline Zahn. Seconded by Councilor William E. Gonyea. The motion was unanimous. Voting in favor of the motion were Council President Wallace F. Lees, Councilors Jacqueline Zahn, William A. Andrews, Nancy F. Binns, Margaret L. Dudley, Ronald E. Faford and William E. Gonyea.**

**VOTED to reappoint Steve Rawson to the Conservation Commission**

**for a three-year; term to expire on March 31, 2007.**

**Motion by Councilor Jacqueline Zahn. Seconded by Councilor Margaret L. Dudley. The motion was unanimous. Voting in favor of the motion were Council President Wallace F. Lees, Councilors Jacqueline Zahn, William A. Andrews, Nancy F. Binns, Margaret L. Dudley, Ronald E. Faford and William E. Gonyea.**

**Council President Wallace F. Lees recommended the appointment of David Fontaine as an alternate member of the Redevelopment Agency of Burrillville to complete a two-year term; term to expire on March 31, 2006.**

**VOTED to approve the appointment of David Fontaine as an alternate member of the Redevelopment Agency of Burrillville to complete a two-year term; term to expire on March 31, 2006.**

**Motion by Councilor Jacqueline Zahn. Seconded by Councilor Ronald E. Faford. The motion was unanimous. Voting in favor of the motion were Council President Wallace F. Lees, Councilors Jacqueline Zahn, William A. Andrews, Nancy F. Binns, Margaret L. Dudley, Ronald E. Faford and William E. Gonyea.**

**VOTED to appoint Shirley Hodson, Ron Blanchard, Mona Minutelli, Albert Lapierre and Raymond Menard to a Senior Center Task Force.**

**Motion by Councilor Jacqueline Zahn. Seconded by Councilor William E. Gonyea. The motion was unanimous. Voting in favor of the motion were Council President Wallace F. Lees, Councilors Jacqueline Zahn, William A. Andrews, Nancy F. Binns, Margaret L. Dudley, Ronald E. Faford and William E. Gonyea.**

**VOTED to appoint Councilor Ronald E. Faford liaison to the Senior Center Task Force.**

**Motion by Councilor Jacqueline Zahn. Seconded by Councilor Margaret L. Dudley. The motion was unanimous. Voting in favor of the motion were Council President Wallace F. Lees, Councilors Jacqueline Zahn, William A. Andrews, Nancy F. Binns, Margaret L. Dudley, Ronald E. Faford and William E. Gonyea.**

**Discussion: Cheri R. Hall, Director of Parks & Recreation, asked for direction from the Town Council on the role of the Recreation Commission with the Senior Center Task Force. Council President Wallace F. Lees indicated that the Senior Center Task Force would contact the Recreation Commission.**

**VOTED to appoint David Brunetti to the Burrillville Extended Care Board of Directors to complete a three-year term; term to expire on June 30, 2005.**

**Motion by Councilor Jacqueline Zahn. Seconded by Councilor**

**William A. Andrews. The motion was unanimous. Voting in favor of the motion were Council President Wallace F. Lees, Councilors Jacqueline Zahn, William A. Andrews, Nancy F. Binns, Margaret L. Dudley, Ronald E. Faford and William E. Gonyea.**

**VOTED to appoint Aaron Coutu to the Jesse M. Smith Library Board of Trustees to complete an unexpired term; term to expire on June 30, 2007.**

**Motion by Councilor Jacqueline Zahn. Seconded by Councilor Margaret L. Dudley. The motion was unanimous. Voting in favor of the motion were Council President Wallace F. Lees, Councilors Jacqueline Zahn, William A. Andrews, Nancy F. Binns, Margaret L. Dudley, Ronald E. Faford and William E. Gonyea.**

**VOTED to appoint Theresa Ward to the Jesse M. Smith Library Board of Trustees to complete an unexpired term; term to expire on June 30, 2006.**

**Motion by Councilor Jacqueline Zahn. Seconded by Councilor Margaret L. Dudley. The motion was unanimous. Voting in favor of the motion were Council President Wallace F. Lees, Councilors Jacqueline Zahn, William A. Andrews, Nancy F. Binns, Margaret L. Dudley, Ronald E. Faford and William E. Gonyea.**

**MOTION to appoint Scott P. Rabideau to the Burrillville Sewer**

**Commission to complete an unexpired term; term to expire on June 30, 2006.**

**Motion by Councilor Jacqueline Zahn. Seconded by Councilor William A. Andrews**

**Note: Councilor Zahn withdrew her motion.**

**VOTED to appoint Scott P. Rabideau to the Burrillville Sewer Commission to complete an unexpired term; term to expire on June 30, 2006.**

**Motion by Councilor William A. Andrews. Seconded by Councilor Jacqueline Zahn. The motion was unanimous. Voting in favor of the motion were Council President Wallace F. Lees, Councilors Jacqueline Zahn, William A. Andrews, Nancy F. Binns, Margaret L. Dudley, Ronald E. Faford and William E. Gonyea.**

**VOTED to appoint Kelly Hunt to the Burrillville Housing Authority, subject to the acceptance of the resignation of Mrs. Dudley, to complete a five-year term; term to expire on October 31, 2007.**

**Motion by Councilor Jacqueline Zahn. Seconded by Councilor William E. Gonyea. The motion was unanimous. Voting in favor of the motion were Council President Wallace F. Lees, Councilors Jacqueline Zahn, William A. Andrews, Nancy F. Binns, Margaret L.**

**Dudley, Ronald E. Faford and William E. Gonyea.**

**04-340 VOTED to refer to the Screening Subcommittee an application from Sandra R. Cooney for reappointment to the Zoning Board.**

**Motion by Councilor Jacqueline Zahn. Seconded by Councilor Margaret L. Dudley. The motion was unanimous. Voting in favor of the motion were Council President Wallace F. Lees, Councilors Jacqueline Zahn, William A. Andrews, Nancy F. Binns, Margaret L. Dudley, Ronald E. Faford and William E. Gonyea.**

**04-341 VOTED to refer to the Screening Subcommittee an application from Edward J. Hochwarter Jr. for reappointment to the Zoning Board.**

**Motion by Councilor Jacqueline Zahn. Seconded by Councilor Ronald E. Faford. The motion was unanimous. Voting in favor of the motion were Council President Wallace F. Lees, Councilors Jacqueline Zahn, William A. Andrews, Nancy F. Binns, Margaret L. Dudley, Ronald E. Faford and William E. Gonyea.**

**04-342 VOTED to refer to the Screening Subcommittee an application from Juliette Lopez for reappointment to the Recreation Commission.**

**Motion by Councilor Jacqueline Zahn. Seconded by Councilor Margaret L. Dudley. The motion was unanimous. Voting in favor of**

**the motion were Council President Wallace F. Lees, Councilors Jacqueline Zahn, William A. Andrews, Nancy F. Binns, Margaret L. Dudley, Ronald E. Faford and William E. Gonyea.**

**04-343 VOTED to refer to the Screening Subcommittee an application from Michael Stearns for reappointment to the Board of Assessment Review.**

**Motion by Councilor Jacqueline Zahn. Seconded by Councilor Margaret L. Dudley. The motion was unanimous. Voting in favor of the motion were Council President Wallace F. Lees, Councilors Jacqueline Zahn, William A. Andrews, Nancy F. Binns, Margaret L. Dudley, Ronald E. Faford and William E. Gonyea.**

**04-344 VOTED to accept with regret the correspondence from Margaret L. Dudley and the Housing Authority regarding Ms. Dudley's resignation from the Housing Authority; and to send a letter of appreciation for her long service.**

**Note: Councilor Margaret L. Dudley recused from discussion and voting on item 04-344.**

**Motion by Councilor William E. Gonyea. Seconded by Councilor William A. Andrews. The motion carried, six in favor, one recusal. Voting in favor of the motion were Council President Wallace F. Lees, Councilors Jacqueline Zahn, William A. Andrews, Nancy F. Binns,**

**Ronald E. Faford and William E. Gonyea. Councilor Margaret L. Dudley recused.**

**04-345 VOTED to refer to the Screening Subcommittee the search for alternate members of the Board of Assessment Review, the Budget Board, the Personnel Board, the Recreation Commission and the Zoning Board of Review.**

**Motion by Councilor Jacqueline Zahn. Seconded by Councilor Margaret L. Dudley. The motion was unanimous. Voting in favor of the motion were Council President Wallace F. Lees, Councilors Jacqueline Zahn, William A. Andrews, Nancy F. Binns, Margaret L. Dudley, Ronald E. Faford and William E. Gonyea.**

**Discussion: Councilor Jacqueline Zahn pointed out that charter changes approved by the voters on November 2, 2004 provided for alternate positions on these boards. Councilor Zahn suggested that residents should be encouraged to apply for these positions and discussed the advantages of alternate positions.**

**04-346 Results of the surplus bid opening of November 24, 2004.**

**MOTION to accept the bids, as amended.**

**Motion by Councilor William A. Andrews. Seconded by Councilor Ronald E. Faford.**

**Note: There was no vote taken on the motion.**

**Discussion: Michael C. Wood, Town Manager, pointed out that the Town Council had previously declared these items surplus and authorized the administration to sell the items. Walter J. Kane, Town Solicitor, indicated that item #04-346 had been included for the record.**

**VOTED to receive and file the results of the surplus bid opening of November 24, 2004.**

**Motion by Councilor William A. Andrews. Seconded by Councilor Nancy F. Binns. The motion was unanimous. Voting in favor of the motion were Council President Wallace F. Lees, Councilors Jacqueline Zahn, William A. Andrews, Nancy F. Binns, Margaret L. Dudley, Ronald E. Faford and William E. Gonyea.**

**04-347 VOTED to follow the recommendation of John P. Mainville, Finance Director, that the Town Council shall establish the minimum amount of insurance coverage at \$200,000 for employee dishonesty, this amount being the current level of basic coverage offered with the TRUST.**

**Motion by Councilor William A. Andrews. Seconded by Councilor Jacqueline Zahn. The motion was unanimous. Voting in favor of the**

**motion were Council President Wallace F. Lees, Councilors Jacqueline Zahn, William A. Andrews, Nancy F. Binns, Margaret L. Dudley, Ronald E. Faford and William E. Gonyea.**

**Discussion: Michael C. Wood, Town Manager, indicated that the charter requires that the Town Council vote to establish a minimum threshold for bonds and insurance.**

**04-348 Correspondence from Mark A. St. Pierre, Chief, Harrisville Fire Department, Frank Corrao, III, P.E., Secretary, State Traffic Commission and Michael C. Wood, Town Manager regarding the stop sign at the intersection of Harrisville Main Street and East Avenue.**

**Note: This item was addressed earlier on the agenda.**

**04-349 VOTED to open discussion of a resolution requesting support of legislation that would ratify, confirm, validate or enact the amendments to the home rule charter, as approved and adopted by the electors of the Town of Burrillville at the general election held November 2, 2004.**

**Motion by Councilor William A. Andrews. Seconded by Councilor Jacqueline Zahn. The motion was unanimous. Voting in favor of the motion were Council President Wallace F. Lees, Councilors Jacqueline Zahn, William A. Andrews, Nancy F. Binns, Margaret L. Dudley, Ronald E. Faford and William E. Gonyea.**

**Discussion: Councilor William A. Andrews asked whether the Charter Review Commission should be discharged. It was noted that the Commission had been discharged at an earlier meeting. Walter J. Kane, Town Solicitor, explained that the charter becomes effective January 1, 2005. However, he said, there are items that should be ratified by the General Assembly. Mr. Kane suggested that it is important to get the request into the legislators early and request ratification as soon as possible.**

**VOTED to ask the General Assembly to ratify the home rule charter that was put into effect by the voters.**

**Motion by Councilor William A. Andrews. Seconded by Councilor Jacqueline Zahn. The motion was unanimous. Voting in favor of the motion were Council President Wallace F. Lees, Councilors Jacqueline Zahn, William A. Andrews, Nancy F. Binns, Margaret L. Dudley, Ronald E. Faford and William E. Gonyea.**

## **BURRILLVILLE TOWN COUNCIL**

### **RESOLUTION**

#### **HOME RULE CHARTER - ELECTIONS**

**WHEREAS, the electors of the Town of Burrillville on the second day of November 2004 approved and adopted amendments to the Home Rule Charter of the Town of Burrillville.**

**NOW THEREFORE BE IT RESOLVED THAT we, the Town Council of the Town of Burrillville on this 8th day of December 2004 do hereby respectfully request that legislation be filed to ratify, confirm, validate or enact the amendments and that the legislators who represent the Town of Burrillville work to secure passage of the following legislation as soon as possible**

**SECTION 1. In all respects in which the home rule charter of the town of Burrillville, approved and adopted by the electors of the town of Burrillville on November 8, 1988 and as amended by vote of the electors on the second day of November 2004 may require ratification, confirmation, validation or enactment by the general assembly, but in no other respects, the provisions of said amendments to the Home Rule Charter of the town of Burrillville are hereby ratified, confirmed, validated and enacted. It is the express intention of the general assembly, by the passage of this act, to give effect to, ratify, confirm, validate and enact those provisions of the said amendments to the Home Rule Charter of the town of Burrillville which require ratification, confirmation, validation or enactment and by the passage of this act, the legislature does hereby ratify, confirm, validate and enact said provisions, but nothing in this act shall be construed to abrogate or impair the powers now or hereafter granted to towns by the home rule amendment and other applicable laws of the state of Rhode Island or those rights retained by said town of Burrillville in its Home Rule Charter.**

**SECTION 2. If any provision of this act, or the application thereof to the town of Burrillville or to any person or circumstances is deemed invalid for any reason, the remainder of this act, or the application of such provision to said town or other persons or circumstances shall not be affected thereby, and to this end the provisions of this act are declared to be severable.**

**SECTION 3. This act shall take effect upon passage.**

**PASSED AS A RESOLUTION of the Burrillville Town Council this 8th day of December 2004.**

**9. Town Clerk/Communication:**

**04-350 VOTED to receive and file the correspondence from Wallace F. Lees, Town Council President, regarding a Town Council workshop to be held Wednesday, December 15, 2004 at 6:00 P.M.**

**Motion by Councilor William E. Gonyea. Seconded by Councilor Jacqueline Zahn. The motion was unanimous. Voting in favor of the motion were Council President Wallace F. Lees, Councilors Jacqueline Zahn, William A. Andrews, Nancy F. Binns, Margaret L. Dudley, Ronald E. Faford and William E. Gonyea.**

**04-351 VOTED to open for discussion a copy of the Notice of Disposal in Tax Lien Case and a Final Decree in Tax Lien Case, as recorded in the land evidence records of the Town of Burrillville, Book 374, Page 237 and Book 374, Page 238.**

**Motion by Councilor William A. Andrews. Seconded by Councilor Jacqueline Zahn. The motion was unanimous. Voting in favor of the motion were Council President Wallace F. Lees, Councilors Jacqueline Zahn, William A. Andrews, Nancy F. Binns, Margaret L. Dudley, Ronald E. Faford and William E. Gonyea.**

**Discussion: Councilor William A. Andrews explained that the recorded instruments means that Town of Burrillville now owns the referenced property identified as Assessor's Map 93, Lot 7. Walter J. Kane, Town Solicitor, briefly explained the process.**

**VOTED to receive and file the Notice of Disposal in Tax Lien Case and a Final Decree in Tax Lien Case, as recorded in the land evidence records of the Town of Burrillville, Book 374, Page 237 and Book 374, Page 238.**

**Motion by Councilor William A. Andrews. Seconded by Councilor Jacqueline Zahn. The motion was unanimous. Voting in favor of the motion were Council President Wallace F. Lees, Councilors Jacqueline Zahn, William A. Andrews, Nancy F. Binns, Margaret L.**

**Dudley, Ronald E. Faford and William E. Gonyea.**

**04-352 VOTED to receive and file the correspondence from Jack Reed, United States Senator, regarding the proposed elimination of RIPTA bus route 9.**

**Motion by Councilor William E. Gonyea. Seconded by Councilor Margaret L. Dudley. The motion was unanimous. Voting in favor of the motion were Council President Wallace F. Lees, Councilors Jacqueline Zahn, William A. Andrews, Nancy F. Binns, Margaret L. Dudley, Ronald E. Faford and William E. Gonyea.**

**Discussion: The change in the service offered on bus route 9 was briefly discussed.**

**10. VOTED to receive the following reports.**

- 1. Town Treasurer: No report**
- 2. Burrillville Sewer Commission: No report**
- 3. Tax Collector: October 2004**
- 4. Department of Public Works: October 2004**
- 5. Chief of Police: October 2004**
- 6. Office of Building Official: October 2004**
- 7. Animal Control Officer: October 2004**
- 8. Burrillville Housing Authority: Meeting of October 13, 2004**
- 9. Planning Board: Meeting of October 4, 2004**

- 10. Zoning Board of Review: No report**
- 11. Town Planner: No report**
- 12. Parks and Recreation Department: November & December 2004**
- 13. Information Systems Department: November 2004**
- 14. Burrillville Conservation Commission: Meeting of September 14, 2004**
- 15. Juvenile Hearing Board: No report**
- 16. Ordinance Subcommittee: No report**
- 17. Redevelopment Agency: No report**
- 18. Route 102 Study Commission: No report**
- 19. BOSAP: Meeting of October 21, 2004**
- 20. Personnel Board: No report**
- 21. Screening Subcommittee: No report**
- 22. Downtown Pascoag and Neighborhood Association: No report**
- 23. Budget Board: No report**

**Motion by Councilor Jacqueline Zahn. Seconded by Councilor William E. Gonyea. The motion was unanimous. Voting in favor of the motion were Council President Wallace F. Lees, Councilors Jacqueline Zahn, William A. Andrews, Nancy F. Binns, Margaret L. Dudley, Ronald E. Faford and William E. Gonyea.**

#### **11. Additional New Business:**

**04-353 VOTED to grant the request for Executive Session from Wallace F. Lees, Town Council President, pursuant to Rhode Island**

**Open Meeting Law [42-46-5 (a)(1)] for discussions or considerations related to the employment contract of Michael C. Wood, Town Manager.**

**Motion by Councilor William E. Gonyea. Seconded by Councilor Jacqueline Zahn. The motion was unanimous. Voting in favor of the motion were Council President Wallace F. Lees, Councilors Jacqueline Zahn, William A. Andrews, Nancy F. Binns, Margaret L. Dudley, Ronald E. Faford and William E. Gonyea.**

**Note: Michael C. Wood was duly notified in advance in writing of this request for Executive Session; he was notified and advised that he could require that the discussion be held at an open meeting.**

**Note: Council President Wallace F. Lees called for a brief recess before convening in executive session.**

**The Council returned to open session at 8:59 P.M.**

**Councilor Jacqueline Zahn announced that no votes had been taken.**

**VOTED to seal the minutes of the executive session.**

**Motion by Councilor Jacqueline Zahn. Seconded by Councilor Margaret L. Dudley. The motion was unanimous. Voting in favor of the motion were Council President Wallace F. Lees, Councilors**

**Jacqueline Zahn, William A. Andrews, Nancy F. Binns, Margaret L. Dudley, Ronald E. Faford and William E. Gonyea.**

**04-354 Motion to establish the salary of Michael C. Wood, Town Manager, for the period of January 1, 2005 through December 31, 2005, to be considered and acted on; and**

**Motion to authorize the Town Council President to sign an employment agreement with Michael C. Wood for a three-year term beginning January 1, 2006 and ending December 31, 2008; to be considered and acted on.**

**VOTED to establish the salary of Michael C. Wood, Town Manager, for the period of January 1, 2005 through December 31, 2005 at \$94,500.**

**Motion by Councilor Jacqueline Zahn. Seconded by Councilor William A. Andrews. The vote was unanimous. Voting in favor of the motion were Council President Wallace F. Lees, Councilors Jacqueline Zahn, William A. Andrews, Nancy F. Binns, Margaret L. Dudley, Ronald E. Faford and William E. Gonyea.**

**VOTED for a new contract for a three-year period commencing January 1, 2006 and ending December 31, 2008. The only items recommended to be changed in the present three-year extension of the original contract are as follows:**

**(A) Article 3 - Compensation**

**An annual salary increase of four (4) percent over the preceding year.**

**(B) Article 4, § 1, Medical Benefits**

**Commencing with the new contract (January 1, 2006) the manager shall contribute fifteen (15) percent towards the cost of his medical benefits.**

**(C) Article 6 - Retirement contribution**

**Add a new section “C”, which reads**

**in lieu of A or B the manager may elect to have the town’s contribution paid in any of the following ways by notifying the finance director:**

- 1) bi-weekly in connection with the normal payroll; or**
- 2) quarterly – annually**

**(D) Article 11 – Objectives and Priorities**

**Eliminate any reference to the Personnel Board’s involvement in establishing an evaluation procedure.**

**(E) Article Seven – Hours of Work**

**Eliminate the present language and substitute the following:**

**“The normal work week for the employee shall be thirty-five (35) hours. The starting and ending time for the work day is flexible. It is recognized that the employee must devote time outside normal office hours for business of the town. To compensate for these hours the**

**employee is granted thirty-five hours of personal time a year.**

**Personal time shall have no monetary value and any time not used in the calendar year shall be forfeited.”**

**[The reason: Compensatory time has been eliminated for all other contract employees. The manager feels his contract should also eliminate compensatory time. In lieu therefore, he would receive 35 hours yearly of personal time. The personal time has no monetary value and cannot be accumulated from year to year.]**

**Motion by Councilor Jacqueline Zahn. Seconded by Councilor Margaret L. Dudley. The vote was unanimous. Voting in favor of the motion were Council President Wallace F. Lees, Councilors Jacqueline Zahn, William A. Andrews, Nancy F. Binns, Margaret L. Dudley, Ronald E. Faford and William E. Gonyea.**

**VOTED to instruct the solicitor to prepare the contract and authorize the Town Council President to sign it.**

**Motion by Councilor Jacqueline Zahn. Seconded by Councilor Margaret L. Dudley. The vote was unanimous. Voting in favor of the motion were Council President Wallace F. Lees, Councilors Jacqueline Zahn, William A. Andrews, Nancy F. Binns, Margaret L. Dudley, Ronald E. Faford and William E. Gonyea.**

**12. VOTED to adjourn at 9:03 P.M.**

**Motion by Councilor Jacqueline Zahn. Seconded by Councilor William E. Gonyea. The motion was unanimous. Voting in favor of the motion were Council President Wallace F. Lees, Councilors Jacqueline Zahn, William A. Andrews, Nancy F. Binns, Margaret L. Dudley, Ronald E. Faford and William E. Gonyea.**

**The meeting was taped. The tape is on file with the minutes.**

**Louise R. Phaneuf, Town Clerk**