

PUBLIC HEARING of the Town Council held Wednesday, September 28, 2005 at 7:03 P.M. in the Council Chamber, Town Building, Harrisville for and within the Town of Burrillville.

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

MEMBERS ABSENT: Councilors Jacqueline Zahn was excused due to illness.

Relative to amendment to the Ordinances of the Town of Burrillville Article II Alcoholic Beverages of Chapter 8 – Businesses and Licensing - Insurance Requirements.

NOTE: The above was duly advertised in the Legal Section of the Woonsocket Call on Wednesday, September 21, 2005.

Comments/Input/Recommendation by Administration (Town Solicitor, Town Manager).

Walter J. Kane, Town Solicitor, explained that after the night club fire there was concern with establishments which serve alcoholic beverages not being properly insured. Mr. Kane said that the Town Council had sought legislative authority to make insurance a requirement of a liquor license, the legislature passed the act in 2005

that set a minimum amount of insurance but provided the Council with authority to increase the minimum amount. The Ordinance Subcommittee, he said, had reviewed the matter and recommended amendments to the ordinances that would require a minimum amount of one million dollars insurance, that the Town be named as a loss payee, and that the policy could not be discontinued without notification to the Town. Mr. Kane suggested that notification of policy cancellation would trigger a show-cause hearing. Mr. Kane said that this ordinance is intended to protect the Town and that many liquor establishments have previously voluntarily demonstrated that they do have this type of insurance.

Michael C. Wood, Town Manager, indicated that the legislation affects all licenses issued by the Town Council. The current proposal specifically affects liquor licenses at the higher minimum amount of insurance, he said. Mr. Wood said that this ordinance would provide an additional layer of protection for taxpayers.

Comments/Input/Recommendation from the Ordinance Subcommittee.

Councilor William A. Andrews, Chairman of the Ordinance Subcommittee, reported that the Subcommittee had reviewed the proposal. The Ordinance Subcommittee, he said, agreed that one-million dollars of personal liability insurance would not be excessive. Councilor Andrews indicated that the Subcommittee

supported the proposal.

Proponents: None

Opponents: None

Town Council Members Comments/Input: None

VOTED to close the public hearing.

Motion by Councilor Margaret L. Dudley. Seconded by Councilor William E. Gonyea. The motion was unanimous by the six members present. 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 was excused.

VOTED to adopt amendments to the Ordinances of the Town of Burrillville Chapter 8 – Businesses and Licensing; Insurance Requirements, as follows:

The Town Council of the Town of Burrillville hereby ordains:

Article II Alcoholic Beverages of Chapter 8, Business and Licensing,

Section 8 of the Revised General Ordinances is hereby amended as

follows:

Add:

Section 8-28. Insurance Requirements

a) An applicant for a liquor license shall file with the application a Certificate of Insurance evidencing comprehensive general liability coverage in the minimum amount of One Million (\$1,000,000) Dollars for bodily or personal injury and One Hundred Thousand (\$100,000) Dollars for property damage.

b) The Certificate of Insurance shall provide that the insurance shall not be modified or cancelled unless thirty (30) days prior notice is given to the Town of Burrillville. Said notice shall be given to the Town Clerk.

c) The Town of Burrillville shall be named an additional insured. Insurance shall be issued by a carrier licensed to do business in the State of Rhode Island.

d) This ordinance is enacted under the authority granted pursuant to R.I.G.L. §3-7-27.

This ordinance shall take effect upon passage.

Motion by Councilor William A. Andrews. Seconded by Councilor Ronald E. Faford. The motion was unanimous by the six members present. 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 was excused.

VOTED to adjourn at 7:10 P.M.

Motion by Councilor Margaret L. Dudley. Seconded by Councilor William E. Gonyea. The motion was unanimous by the six members present. 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 was excused.

The hearing was taped. The tape is on file with the record of the hearing.

Cynthia H. Ketcham, Deputy Town Clerk