

REGULAR MEETING of the Town Council held on Wednesday, October 12, 2005 at 7:10 o'clock P.M. in the Town Council Chambers, Town Building, 105 Harrisville Main St., Harrisville, for and within the Town of Burrillville.

MEMBERS PRESENT: Council President Wallace F. Lees; Councilors Jacqueline Zahn, 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.

2. VOTED to accept the minutes of the regular meeting held September 28, 2005, and the public hearings held September 28, 2005; and dispense with the reading of said minutes.

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.

3. Public Comment:

Roger Bourbonniere, President, Downtown Pascoag Neighborhood Association, discussed the Association's participation in the 2005 Snakes Alive Road Race held on October 9, 2006. Mr. Bourbonniere noted the many comments about the improving appearance of the downtown area. Mr. Bourbonniere outlined upcoming events that the Association is co-sponsoring, including a pumpkin carving event with the Burrillville High School Social Studies Department and the Victorian Holiday Celebration. He spoke of the increasing involvement of businesses in these events.

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

Councilor Jacqueline Zahn discussed the improving appearance of the downtown Pascoag area.

Cheri R. Hall, Director of Parks and Recreation, reported on the success of the 2006 Snakes Alive Road Race and thank the Burrillville Police Department, Harrisville Fire Department, Pascoag Fire Department, Council President Wallace F. Lees and all participants for their support of the event.

5. Petitions:

05-267 VOTED to receive and open the petition from Michael Bouchard, Pinewood Lane (Fiddlers Green Association) regarding his

request that the Town accept Pinewood Lane into the Town highway system, in accordance with RIGL 24-2-8.4; and correspondence from Walter J. Kane, Town Solicitor and Kevin Cleary, Town Engineer, related to cost estimates.

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: Walter J. Kane, Town Solicitor, explained that there was correspondence relative to construction and legal costs. Mr. Kane said that there were restrictions placed upon this development when it was accepted by the Planning Board and that while the taking of roads would be a Council policy decision, he recommended that the recorded documents should be examined before any decision was made. He discussed pending developments with private roads and utilities and discussed the impact acceptance of Pinewood Lane might have on these.

Michael C. Wood, Town Manager, referred to R.I.G.L. 4-2-8.4 that allows for homeowners to pay for road construction over a period of time, discussed the restrictions placed on developments by the Planning Board and noted that these situations could continue to arise.

There was discussion of whether the road would have to be constructed to Town standards. Mr. Kane discussed regulations that allow for gravel roads in some developments to preserve the rural characteristics of the area. Michael C. Wood, Town Manager, explained the difficulty when private roads are not maintained, begin to break down and the homeowners look to the Town for maintenance and repair. Mr. Wood said that it would be difficult for the Town to commit if the homeowners were unwilling to pay the costs.

Walter J. Kane, Town Solicitor, recommended reviewing the provisions of the law related to whether the Town could conduct the work. He suggested the residents could enter into an agreement to make repayment over a period of time, but said that under such an agreement, the Town not accept the road and would not be responsible for repair and maintenance.

Councilor William A. Andrews discussed the dangers of Pinewood Lane, particularly in winter. Councilor Andrews indicated that the cost estimate to grade and pave the road was approximately \$53,000, divided among the homeowners their cost would be about \$6,000 per residence. Mr. Kane indicated that if there were no homeowners' association, the Town would place a lien on the homes to ensure repayment.

Michael Bouchard, resident of Pinewood Lane, pointed out that there

are condominiums built on Town-accepted roads. The Planning process was reviewed. Kevin Blais, resident of Tarkiln Road, spoke of his concern that if the Town grades and paves this private road, they might be required to maintain all private roads and drives.

Walter J. Kane, Town Solicitor, suggested that it might be possible to review the situation with the Planning Board. Michael C. Wood, Town Manager recommended that no action should be taken until it was clear whether the residents would be willing to enter into a repayment agreement.

VOTED to continue.

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.

6. Special Business:

05-321 VOTED to grant a victualing license to Burrillville United Methodist Church for a Christmas Bazaar to be held on November 5, 2005 at 185 Joslin Road, Glendale (Map 112, Lot 10).

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.

05-322 VOTED to grant an annual victualer license and a holiday business license to PRASH L.L.C. d/b/a/ Country Farms to apply at 138 Pascoag Main St. (Map 175, Lot 27) in a building owned by Cumberland Farms, Inc. as successor by merger to V.S.H. Realty, with the stipulation that the insurance certificate be delivered to the clerk prior to issuance.

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.

05-323 VOTED to grant a special event entertainment license to Roger Bourbonniere, President, Downtown Pascoag Neighborhood Association for the Third Victorian Holiday Celebration to apply in the downtown Pascoag area on November 26, 2005 from 3:00 P.M TO 7:00 P.M. (rain date December 3, 2005).

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.

05-324 VOTED to open the application from Karen M. Gauthier of 468 Church St., Pascoag for a new Private Detective License.

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: Walter J. Kane, Town Solicitor, noted that the applicant had submitted an affidavit relative to the qualifications required by State law. Karen M. Gauthier, the applicant, indicated that the only item remaining would be the bond required by law and that she was in the process of purchasing the appropriate bond.

VOTED to grant a new Private Detective license to Karen M. Gauthier of 468 Church St., Pascoag.

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.

05-325 VOTED to grant a Class F (Beer & Wine) liquor license from Rev. Clifford J. Cabral of St. Joseph's Church to apply at the Applefest Dinner to be held on October 15, 2005 at 183 Sayles Avenue, Pascoag (Map 174, Lot 131).

Motion by Councilor Nancy F. Binns. 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.

7. Unfinished Business:

05-242 VOTED to open the correspondence from Col. Bernard E. Gannon, Chief of Police, regarding his recommendation that the Council adopt a resolution requesting a uniform and consistent posted speed limit of 35 miles per hour for both northbound and southbound traffic from Shippee Bridge to the Massachusetts state line (Sherman Farm Road).

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 noted his opposition to reducing the speed limit along Sherman Farm Road. Col. Bernard E. Gannon, Chief of Police, pointed out the difficulty in enforcing a speed limit that changes too frequently and that is different on northbound and southbound lanes.

VOTED to support a speed limit of 40 M.P.H. both ways.

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.

05-259 VOTED to open the proposed resolution regarding recommendations from Col. Bernard E. Gannon, Chief of Police, relative to animal control policies related to the acceptance of animals at the animal shelter, disposal of animals, and disposal fees.

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 adopt a resolution, as follows:

BURRILLVILLE TOWN COUNCIL RESOLUTION

WHEREAS, on July 8, 2005, the general laws of Rhode Island were amended to prohibit the use of carbon monoxide for the disposal of animals at municipal animal shelters; but allowed for the disposal of animals by use of firearms when necessary; and

WHEREAS, the prohibition of using carbon monoxide to dispose of animals has significant financial impact on Town of Burrillville which results in the necessity of reviewing and amending the Town's policies in relation to the disposal of animal.

NOW THEREFORE BE IT RESOLVED that we, the Town Council of the Town of Burrillville, do hereby adopt the following policies in relation to the disposal of animals at the municipal animal shelter:

- 1. That animal control accept owner-surrendered animals on a limited basis predicated on cage space and the determination of adoptability.**
- 2. That in compliance with §4-10. Disposal Fees of the Revised General Ordinances of the Town of Burrillville, the following schedule of fees is hereby adopted:**
 - a. Animals twenty-five (25) pounds or less \$15.00**
 - b. Animals twenty-six (26) pounds to eighty (80) pounds 25.00**

- c. Animals eighty-one (81) pounds to one hundred twenty (120) pounds 35.00**
 - d. Animals over one hundred twenty (120) pounds 40.00**
 - e. any litter of cats or dogs less than twelve (12) weeks old, maximum fee 15.00**
- 3. That animal control limits response to wildlife complaints to public safety and rabid animal issues. In these cases the animal(s) will be shot on scene or removed to another location and shot by ACO. All other nuisance wildlife complaints will be referred to DEM or private removal companies.**
 - 4. Discontinue acceptance of feral cats. Refer complaints to private removal companies, DEM or Defenders of Animals.**
 - 5. Discontinue loaning traps for trapping wildlife.**
 - 6. Support legislation establishing training and certification of animal control officers to administer lethal injections.**

Adopted this 12th day of October 2005.

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.

05-269 VOTED to open the correspondence from Theodore G. Garille, General Manager, Pascoag Utility District regarding their request for a

tax abatement policy for the Pascoag Utility District Electric Department.

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.

Discussion: Walter J. Kane, Town Solicitor, noted that the General Assembly can grant the tax abatement policy but that he had recommended to the Pascoag Utility District that they should seek a Council resolution in support. Mr. Kane discussed the background of the Harrisville Water District Charter changes that provided them with a tax exemption and the subsequent granting of a tax exemption to the Pascoag Utility District Water Department. This request was for support to extend that exemption to include the Electric Department. Mr. Kane said that the Pascoag Utility District would agree to a phase-in of the program and that the Pascoag electric ratepayers would benefit.

VOTED to support, subject to a financial analysis from the Town Manager.

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.

05-291 VOTED to open the criteria and procedures for an applicant to follow in applying and qualifying for a Disability Tax Credit, established by James R. Drew, Tax Assessor.

Motion by Councilor Margaret L. Dudley. 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: It was noted that the Solicitor's questions relative to application fees had been addressed.

VOTED to support the criteria and procedures for an applicant to following in applying and qualifying for a Disability Tax Credit, established by James R. Drew, Tax Assessor.

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.

8. New Business:

05-326 VOTED to open the correspondence from Councilor Jacqueline Zahn regarding the recommendation to appoint Sandra Cooney to the Library Fundraising 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: Councilor Jacqueline Zahn reported that Sandra Cooney had been interviewed for an earlier position and had indicated a willingness to serve on the Library Fundraising Committee. Councilor Zahn recommended the appointment.

VOTED to appoint Sandra Cooney to the Library Fundraising Committee.

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.

9. Town Clerk/Communication:

05-327 VOTED to receive and file the copy of correspondence from Kevin Cleary, Town Engineer, to Pascoag Utility District, thanking the District for their assistance in construction of the salt storage facility.

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.

05-328 VOTED to receive and file the correspondence from the Town Council of the Town of Coventry regarding their request for support of their resolutions 92-05-2502 and 91-05-2501 relative to proposed congressional hearings related to gas price increases.

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 announced that items would be taken out of order.

05-330 VOTED to adopt a National School Bus Safety Week Proclamation honoring school bus drivers and support program staff.

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.

05-331 VOTED to open discussion of authorizing the signature of Rhode Island Community Development Block Grant – Section 108 Loan Guarantee – Contract Agreement for Contract #05/03/20a.

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: Michael C. Wood, Town Manager, described the application.

VOTED to authorize signature by the Town Council President, subject to review of the application by the Town Manager and Town Solicitor.

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.

10. Additional New Business:

05-329 VOTED to grant the request for Executive Session from Michael C. Wood, Town Manager and Walter J. Kane, Town Solicitor, pursuant to Rhode Island Open Meeting Law §[42-46-5 (a)(5)] for discussions and considerations related to the acquisition, sale and exchange of real property and §[42-46-5 (a)(2)] for discussions pertaining to IBPO collective bargaining.

Motion by Councilor William E. Gonyea. 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.

The Council returned to open session at 9:00 P.M.

VOTED to seal the minutes of executive session, noting that two votes had been taken.

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 adjourn at 9:00 P.M.

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.

Louise R. Phaneuf, Town Clerk