

REGULAR MEETING of the Town Council held on Wednesday, March 22, 2006 at 7:40 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, Edward F. Bonczek, Margaret L. Dudley and Ronald E. Faford.

MEMBERS ABSENT: None

1. Council President Wallace F. Lees led those present in pledging allegiance to the flag.

2. That the question of accepting the minutes of the special meeting held February 16, 2006 and the regular meetings held February 22, 2006 and March 8, 2006; and the question of dispensing with the reading of said minutes; be now taken up.

Note: Councilor Margaret L. Dudley noted that the draft of the minutes incorrectly stated that, at the regular meeting of March 8, 2006, she had voted on item #06-061. The amended minutes correctly indicated that Councilor Dudley recused.

VOTED to accept the minutes of the special meeting held February 16, 2006, regular meeting held February 22, 2006 and the amended

minutes of the regular meeting held March 8, 2006; and dispense with the reading of said minutes.

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, Edward F. Bonczek, Margaret L. Dudley and Ronald E. Faford.

3. Public Comment: None

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

- Councilor William A. Andrews announced that library funding will be reimbursed by the State up to \$3,681,721; based on \$200/sf (increased from \$150/sf).**
- Councilor Zahn welcomed Councilor Edward F. Bonczek to the Council.**
- Michael C. Wood, Town Manager, noted that the Redevelopment Agency would tour the Stillwater Heights project on March 28, 2006 at 6:00 P.M. and invited Council participation.**

5. Petitions: None

6. Special Business:

06-072 VOTED to grant a Class F liquor license for a Spring Chowder & Clam Cake Fundraiser, to the Nasonville Volunteer Fire Department to apply at 2577 Victory Highway, Nasonville.

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, Edward F. Bonczek, Margaret L. Dudley and Ronald E. Faford.

06-073 VOTED to grant a victualing license for the Spring Chowder & Clam Cake Dinner to be held on April 2, 2006 and the Fall Chowder & Clam Cake Dinner to be held on September 24, 2006, Nasonville Volunteer Fire Department to apply at 2577 Victory Highway, Nasonville.

Motion by Councilor Margaret L. Dudley. 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, Edward F. Bonczek, Margaret L. Dudley and Ronald E. Faford.

7. Unfinished Business:

06-052 VOTED to open the correspondence from Louise R. Phaneuf, Town Clerk, regarding review, consideration and action on various

legislative items included in the 2006 Legislative Agenda.

Motion by Councilor Edward F. Bonczek. 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, Edward F. Bonczek, Margaret L. Dudley and Ronald E. Faford.

Discussion: Councilor Edward F. Bonczek asked the clerk to prepare a list of all legislation considered by the Town Council, to be sent to the legislators with a request that they indicate their vote on each bill.

VOTED to adopt the legislative agenda.

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, Edward F. Bonczek, Margaret L. Dudley and Ronald E. Faford.

06-064 VOTED to open the correspondence from Kevin M. Blais regarding his request for clarification of the open meetings laws and policies of the Town of Burrillville.

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, Edward F. Bonczek, Margaret L. Dudley and Ronald E. Faford.

Discussion: Walter J. Kane, Town Solicitor, reviewed the requirements of the open meetings law. Mr. Kane discussed boards and commissions appointed by the Town Council, reviewed a model “charge to the committee” and described the responsibility of those boards and commissions to comply with the open meetings law. Mr. Kane discussed the principles that the public have an opportunity to know what business will be discussed and to be present during meetings, saying that the open meetings law does not require participation by those people present unless there is a public hearing.

Kevin Blais of Tarkiln Road, Harrisville, asked whether the boards and commissions appointed by the Town Council must follow the Town Council’s policies; Mr. Kane indicated that boards and commissions are entitled to adopt different policies and practices providing they comply with the open meetings law. Mr. Blais commented that he had been refused the privilege of speaking at a recent meeting although others had been allowed to speak; he also commented on documents that are distributed via email which are not provided to the public. Mr. Kane suggested that it would be his practice that if a discussion were open to the public, then any member of the public who wished to address the board would be allowed to speak, unless there were

extenuating circumstances such as an individual who might exceed reasonable limits set by the chairman, who has control of the meeting. Mr. Kane indicated that email which is work product and not introduced as part of the record of the meeting would not be subject to the access to public records act. Mr. Blais noted that records of the library building committee have not been submitted to the clerk's office; the clerk indicated that this oversight had been corrected. Mr. Blais expressed an understanding that it is Town Council policy that candidates are provided with complete meeting packets of all meetings conducted in Town. Councilor Jacqueline Zahn indicated that the Council's practice is to have Council packets available.

VOTED to receive and file.

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, Edward F. Bonczek, Margaret L. Dudley and Ronald E. Faford.

8. New Business:

06-074 VOTED to commend and congratulate Cheri R. Hall, CPRP, Director of Parks and Recreation, on achievement of National Certification from the National Parks & Recreation Association.

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, Edward F. Bonczek, Margaret L. Dudley and Ronald E. Faford.

06-075 VOTED to open discussion of adoption of the FY 2007 Capital Improvement Program.

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, Edward F. Bonczek, Margaret L. Dudley and Ronald E. Faford.

Discussion: Michael C. Wood, Town Manager, indicated that, as a result of the public hearing held Wednesday, March 15, 2006, several amendments had been made to his proposal. Mr. Wood reviewed the amendments, including the addition of several long-range projects.

Michael C. Wood, Town Manager, explained that the recommendation included a provision that the School Committee Capital Budget would be adopted by the line items proposed by the School Committee, as discussed during the public hearing. Under this provision, the School Committee would be restricted to the amounts listed for each item in their proposal. The School Committee must ask the Town

Council to reallocate funds if the amount needed for a particular item were to exceed the amount proposed, if funds identified for one purpose were to be used for a different item or if additional funds were to be requested. Walter J. Kane, Town Solicitor, further explained that if a particular line item required less funds than proposed, the balance would not be available for the School Committee's use without Town Council approval.

Michael C. Wood, Town Manager, explained that the long-range plan included a proposed street and parking layout associated with the downtown Pascoag revitalization project that would be recommended by the Redevelopment Agency. Mr. Wood distributed a map of the proposal, discussed possible funding sources, reviewed possible implementation plans, and suggested that the project might be included in a state program, while emphasizing that the map was not a final plan and had not yet been considered or approved through a public process.

MOTION to amend the CIP budget as follows: on page 1, reduce Board of Administration Fire Code to \$24,030; on page 1, delete the annex lease (\$26,800); on page 2, reduce the statistical revaluation cost to \$20,100; on page 3, increase reverse 9-1-1 to \$33,600; on page 3, increase the communication network to \$35,000; on page 4, increase the DPW fence/gate replacement to \$25,470; and under the school department on page 5, one-half statistical revaluation (\$20,100); send a bill to the School Department for \$20,1000, marked

“paid by CIP funds” and advise the School Department that \$429,900 remains in CIP account for '06-'07 to be used only for those items approved by the Town Council on March 22, 2006.

Motion by Councilor Margaret L. Dudley. Seconded by Councilor Jacqueline Zahn.

Discussion: Councilor Margaret L. Dudley explained the basis of her recommendation, noting that the total CIP budget would not change under this proposal. There was discussion of the Board of Administration Fire Code line item.

The motion failed, one in favor, five opposed, one abstention. Voting in favor of the motion was Councilor Margaret L. Dudley. Voting in opposition were Council President Wallace F. Lees and Councilors Jacqueline Zahn, William A. Andrews, Nancy F. Binns and Ronald E. Faford. Councilor Edward F. Bonczek abstained.

VOTED that the Capital Improvement Program for fiscal year ending June 30, 2007 be adopted as recommended by the Town Manager. The total appropriation is \$16,998,575 - see attached detail.

The capital appropriation for the school department shall be restricted to the items and the amount set forth in their budget request to a total limit of \$429,900. The request is attached hereto.

Additionally, that an amount of \$179,339 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, 2006. The Town may encumber funds against these accounts prior to July 1st. This will allow the Town to enter into contracts prior to the effective date of July 1, 2006.

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

06-076 VOTED to receive and open the correspondence from the Burrillville Sewer Commission regarding their request to discuss financial alternatives for completing expansion of the sewer system to the eastern villages.

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, Edward F. Bonczek, Margaret L. Dudley and Ronald E. Faford.

Discussion: Scott P. Rabideau, Chairman of the Burrillville Sewer Commission, addressed the Town Council, requested a workshop with the Town Council, Town Manager and Finance Director to discuss financial alternatives to complete the sewer project. Mr. Rabideau indicated that bids received exceeded the balance of the bond issue. Mr. Rabideau explained that an important portion would remain undone, that the Sewer Commission was considering alternatives to continue the project, but that they have been advised that they do not have the ability to revenue pledge independently.

Steve Carron of Victory Highway, Glendale, addressed the Town Council with his concern that sewers would not be connected to homes along sections of Victory Highway and Spring Lake Road. Mr. Carron suggested that, at a minimum, low-pressure lines should be installed before the road is paved, allowing the residents to supply their own grinder pumps in order to tie into the system.

VOTED to schedule a public hearing for Wednesday, March 29, 2006 at 7:00 p.m. at the Waste Water Treatment Facility.

Motion by Councilor Jacqueline Zahn. 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, Edward F. Bonczek, Margaret L. Dudley and Ronald E. Faford.

Note: There was a recess from 8:42 P.M. to 8:55 P.M.

06-077 VOTED to refer to the Sewer Commission the correspondence from RI DEM Office of Water Resources regarding a project priority list request for FY2007.

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, Edward F. Bonczek, Margaret L. Dudley and Ronald E. Faford.

06-078 VOTED to deny the request of John L. Diohep for an abatement of interest.

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, Edward F. Bonczek, Margaret L. Dudley and Ronald E. Faford.

06-079 VOTED to refer to the ordinance subcommittee the correspondence from Stephen M. Volpe, Deputy Chief, RI Division of Agriculture regarding amendments to RIGL 2-23.1 Notification to Farmers, which requires the town council to provide by ordinance for

the notification to farmers.

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, Edward F. Bonczek, Margaret L. Dudley and Ronald E. Faford.

06-080 VOTED to refer to the Screening Subcommittee the application from Jose Pedro for reappointment to the Conservation Commission; to be referred to the Screening Subcommittee.

Motion by Councilor Jacqueline Zahn. 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, Edward F. Bonczek, Margaret L. Dudley and Ronald E. Faford.

9. Town Clerk/Communication:

06-081 VOTED to receive and file the correspondence from Paul Conway, President, Burrillville Band Boosters, in appreciation of the Town Council's action in support of purchasing band uniforms.

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, Edward F. Bonczek, Margaret L. Dudley and Ronald E. Faford.

06-082 VOTED to open the request of the Rhode Island League of Cities & Towns' to consider and act on the following legislation:

Motion by Councilor Jacqueline Zahn. Seconded by Councilor Edward F. Bonczek. 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, Edward F. Bonczek, Margaret L. Dudley and Ronald E. Faford.

VOTED to oppose Article 9 – Relating to Municipal Incentive Pay Programs.

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, Edward F. Bonczek, Margaret L. Dudley and Ronald E. Faford.

VOTED to oppose 2006 – S 2708: An Act Relating to the National Guard and Reserve.

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, Edward F. Bonczek, Margaret L. Dudley and Ronald E. Faford.

VOTED to receive and file 2006 – S 2293: An Act Relating to Towns and Cities – Pensions.

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, Edward F. Bonczek, Margaret L. Dudley and Ronald E. Faford.

2006 – H 7152: An Act Relating to Towns and Cities; Municipal Employee Contribution to Health Care Premiums.

Motion to support by Councilor William A. Andrews. There was no second.

VOTED to oppose 2006 – H 7152: An Act Relating to Towns and Cities; Municipal Employee Contribution to Health Care Premiums

Motion by Councilor Jacqueline Zahn. Seconded by Councilor Margaret L. Dudley. The motion carried, six in favor, one opposed. Voting in favor of the motion were Council President Wallace F. Lees,

Councilors Jacqueline Zahn, Nancy F. Binns, Edward F. Bonczek, Margaret L. Dudley and Ronald E. Faford. Councilor William A. Andrews voted in opposition.

06-083 VOTED to receive and file the correspondence from Rhode Island Housing regarding the final 2005 Low & Moderate Income Housing summary.

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, Edward F. Bonczek, Margaret L. Dudley and Ronald E. Faford.

06-084 VOTED to receive and file the correspondence from Jean M. Fecteau, Gloucester Town Clerk, regarding the Gloucester Town Council's request for support of Senate bill S 2079 Low and Moderate Income Housing.

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, Edward F. Bonczek, Margaret L. Dudley and Ronald E. Faford.

06-085 VOTED to receive and file the correspondence from the State

Traffic Commission regarding the approval of the Town's request to rescind the proposed prohibited left turn movement from Chapel St. eastbound to Harrisville Main St.

Motion by Councilor Jacqueline Zahn. 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, Edward F. Bonczek, Margaret L. Dudley and Ronald E. Faford.

06-086 VOTED to receive and file the correspondence from Charles A. Horbert, Supervisor for Applications, Office of Water Resources/Permitting Section, Freshwater Wetlands Program regarding application No. 05-0084 requesting permission to alter freshwater wetlands 40 feet south of Hill Road (Note: notice period ends on April 20, 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, Edward F. Bonczek, Margaret L. Dudley and Ronald E. Faford.

06-087 VOTED to receive and file the correspondence from Martin D. Wencek, Permitting Supervisor, Freshwater Wetlands Program, Office of Water Resources regarding insignificant alteration permit

application #05-0493.

Motion by Councilor Jacqueline Zahn. 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, Edward F. Bonczek, Margaret L. Dudley and Ronald E. Faford.

06-088 VOTED to receive and file the correspondence from Charles A. Horbert, Supervisor for Applications, Office of Water Resources/Permitting Section, Freshwater Wetlands Program regarding insignificant alteration permit #05-0548

Motion by Councilor Jacqueline Zahn. 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, Edward F. Bonczek, Margaret L. Dudley and Ronald E. Faford.

10. Reports to receive the following reports:

- 1. Town Treasurer: February 2006**
- 2. Burrillville Sewer Commission: Report of February 2005, Meetings of February 14 and 28, 2006**
- 3. Tax Collector: February 2006**
- 4. Department of Public Works: Report of January 2006**

- 5. Chief of Police: February 2006**
- 6. Office of Building Official: February 2006**
- 7. Animal Control Officer: February 2006**
- 8. Burrillville Housing Authority: Meeting of February 7, 2006**
- 9. Planning Board: Meetings of February 6, 2006**
- 10. Zoning Board of Review: No report**
- 11. Town Planner: No report**
- 12. Parks and Recreation Department: March 2006**
- 13. Information Systems Department: No report**
- 14. Burrillville Conservation Commission: No meeting**
- 15. Juvenile Hearing Board: No report**
- 16. Ordinance Subcommittee: Meeting of September 21, 2005**
- 17. Redevelopment Agency: No report**
- 18. Route 102 Study Commission: No report**
- 19. BOSAP: No report**
- 20. Personnel Board: No report**
- 21. Screening Subcommittee: No report**
- 22. Downtown Pascoag and Neighborhood Association: No report**
- 23. Budget Board: Meetings of November 2, 2005; January 12 and 19; and February 1, 2, and 9; and March 2, 2006**
- 24. Library Building Committee: No report**
- 25. Burrillville School Committee: Meetings of December 6 and 13, 2005**
- 26. Library Fundraising Committee: Meetings of February 1 and March 1, 2006**
- 27. Callahan School Building Committee: Report of March 15,**

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, Edward F. Bonczek, Margaret L. Dudley and Ronald E. Faford.

11. Additional New Business:

06-089 VOTED to grant the request for Executive Session from Michael C. Wood, Town Manager, pursuant to Rhode Island Open Meeting Law [42-46-5 (a)(1)] to discuss job performance, relative to the employment contract of Michael C. Wood and [42-46-5 (a)(5)] for review, discussion and considerations related to the acquisition, sale and exchange of real property.

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, Edward F. Bonczek, Margaret L. Dudley and Ronald E. Faford.

The Council reconvened in open session at 9:42 P.M.

VOTED to seal the minutes of executive session, noting that no votes had been taken.

Motion by Councilor Jacqueline Zahn. 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, Edward F. Bonczek, Margaret L. Dudley and Ronald E. Faford.

VOTED to adjourn at 9:43 P.M.

Motion by Councilor Jacqueline Zahn. 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, Edward F. Bonczek, Margaret L. Dudley and Ronald E. Faford.

Louise R. Phaneuf, Town Clerk