

REGULAR MEETING of the Burrillville Town Council held Wednesday, March 14, 2007 at 7:00 P.M. in the Town Council Chambers, 105 Harrisville Main St., Harrisville for and within the Town of Burrillville.

PRESENT: Council President Nancy F. Binns, Councilors Kevin M. Blais, Margaret L. Dudley, John M. Karmozyn Jr. and Norman C. Mainville

MEMBERS ABSENT: Councilor Wallace F. Lees was excused due to vacation. Councilor Cynthia L. Roe was excused due to illness.

There was a moment of silence in memory of former Councilor Melvin Gaudreau.

1. Council President Nancy F. Binns led those present in pledging allegiance to the flag.

07-061 Proclamations recognizing the citizens and public safety people who assisted in the rescue of Eric Haringa of Douglas, MA on Wednesday, January 31, 2007.

Council President Nancy F. Binns asked Sara Lunn, John Lunn and Joseph Rodrigues to come forward; she then read the following into the record.

Burrillville Town Council

Proclamation

WHEREAS, On January 31, 2007, 10-year-old John Lunn, 8-year-old Joseph Rodrigues and 10½-year-old Sarah Lunn were playing on the beach on Wallum Lake when they observed 16-year-old Eric Haringa of Douglas, Massachusetts fall through the ice on his all-terrain vehicle; and

WHEREAS, The boys ran into their Oak Hill Road home and alerted their mother, Tanya Lunn. Meanwhile, Sarah went to a neighbor's house to call 911; and

WHEREAS, While Eric Haringa struggled in the water, the children obtained straps from their family boat to attempt a rescue. They tried unsuccessfully to toss the line to the victim in the freezing water; and

WHEREAS, Shortly thereafter, police arrived on the scene and, assisted by the straps and a nearby paddle boat, rescued Eric Haringa; and

WHEREAS, If not for the clear thinking and quick response by John, Joseph and Sarah, the situation could have ended in tragedy.

NOW THEREFORE BE IT RESOLVED that we, the Town Council of the Town of Burrillville do hereby honor and commend John Lunn,

Joseph Rodrigues and Sarah Lunn for their efforts which assisted in the rescue of Eric Haringa.

Adopted this 14th day of March, 2007

Sara Lunn, John Lunn and Joseph Rodrigues were congratulated by the Town Council.

Lt. Alan Russell was commended with the following proclamation:

Burrillville Town Council

Proclamation

WHEREAS, On January 31, 2007 Pascoag Fire and Rescue and the Burrillville Police Department were dispatched to South Shore Road in response to a call for assistance with a victim who had fallen through the ice; and

WHEREAS, Upon arrival at the scene, Lieutenant Alan Russell of the Pascoag Fire Department joined several civilians and police officers in assessing the situation, observing that the victim was partially submerged in the water about thirty-five yards from the shore; and

WHEREAS, Lieutenant Russell acted quickly to secure a nearby paddleboat which Lieutenant Russell and Sergeant Albert E. Carlow

of the Burrillville Police Department slid out to the victim while being guided on shore by civilians Alan Shephard and Joseph Golinski; and

WHEREAS, Upon reaching the victim, Lieutenant Russell pulled him into the boat and the Lieutenant, along with Sergeant Carlow pulled the boat back to shore using the ropes secured by Shephard and Golinski. Once on shore, Lieutenant Russell and Sergeant Carlow dragged the victim to the police car to wait for arrival of the rescue vehicle; and

WHEREAS, Due to the quick thinking and fearless efforts of Lieutenant Russell as well as Sergeant Carlow, Alan Shepherd and Joseph Golinski a situation which could have ended in a real tragedy was avoided.

NOW THEREFORE BE IT RESOLVED that we, the Town Council of the Town of Burrillville on this 14th day of March, 2007 do hereby honor and commend Lieutenant Alan Russell for his quick thinking and swift action in the handling of a potentially tragic situation. We further honor his commitment to service to the Town of Burrillville as a member of the Pascoag Fire Department and consider ourselves fortunate to have such a dedicated individual willing to serve our community in such a manner.

Sergeant Albert E. Carlow and Patrol Officer Kathleen Kelley were honored by the Town Council with the following proclamation:

Burrillville Town Council

Proclamation

WHEREAS, On January 31, 2007 the Burrillville Police Department and Pascoag Fire and Rescue were dispatched to South Shore Road in response to a call for assistance with a victim, Erica Haringa of Douglas, Massachusetts, who had fallen through the ice on Wallum Lake; and

WHEREAS, Upon arrival at the scene, police Sergeant Albert E. Carlow along with police officer Kathy Kelley and Lieutenant Alan Russell of the Pascoag Fire Department and several civilians assessed the situation, observing that the victim was struggling in the water about thirty-five yards from the shore; and

WHEREAS, The rescuers acted quickly to secure a nearby paddleboat which was slid out to the victim while being guided on shore by civilians Alan Shephard and Joseph Golinski; and

WHEREAS, Upon reaching the victim, Haringa was pulled into the boat and Sergeant Carlow along with Lieutenant Russell pulled the boat back to shore using the ropes secured by Shephard and Golinski. Once on shore, the young man was dragged to the police car to wait for arrival of the rescue vehicle; and

WHEREAS, Due to the quick thinking and swift action of Sergeant

Carlow and Officer Kelley as well as Lieutenant Russell, Alan Shepherd and Joseph Golinski a situation which could have ended in a real tragedy was avoided.

NOW THEREFORE BE IT RESOLVED that we, the Town Council of the Town of Burrillville on this 14th day of March, 2007 do hereby honor and commend Sergeant Albert E. Carlow and Officer Kathy Kelley for their roles in the handling of a potentially tragic situation. We further honor their commitment to serve the Town of Burrillville as members of the Burrillville Police Department and consider ourselves fortunate to have such dedicated individuals willing to serve our community in such a manner.

2. VOTED to accept the minutes of the regular meeting held February 28, 2007 and dispense with the reading of said minutes.

Motion by Councilor Norman C. Mainville. Seconded by Councilor Margaret L. Dudley.

Discussion: Councilor Norman C. Mainville noted for the record that Councilor Wallace F. Lees had recused from discussion and voting on item #07-077, request from Council President Nancy F. Binns to discuss and act on Governor Donald L. Carcieri's proposal to privatize food services and housekeeping at Eleanor Slater Hospital.

The vote was unanimous by the five members present. Voting in

favor of the motion were Council President Nancy F. Binns and Councilors Kevin M. Blais, Margaret L. Dudley, John M. Karmozyn Jr. and Norman C. Mainville. Councilors Wallace F. Lees and Cynthia L. Roe were excused.

3. Public Comment: None

4. General Good and Welfare of the Town of Burrillville

- **The Library Capital Campaign Cookbooks are available at the library.**
- **The Library Capital Campaign is holding a Craft & Vendor Fair on Saturday, March 17, 2007 from 9:00 A.M. to 3:00 P.M. in the High School.**
- **The William L. Callahan School PTF is holding a Breakfast & Blood Drive on Saturday, March 17, 2007 from 8:00 A.M. to 11:00 A.M. at the High School.**
- **Cheri R. Hall, Director of Parks & Recreation, was congratulated on receiving the Joe Trappaso Programmers' Award as the top New England Recreation Director.**
- **A \$500,000 grant from HUD for the Stillwater Mill Housing project was announced.**
- **The approval by DOT of the Round Top Bridge project was announced.**

5. Petitions: None

6. Special Business: None

7. Unfinished Business:

07-061 Proclamations recognizing the citizens and public safety people who assisted in the rescue of Eric Haringa of Douglas, MA on Wednesday, January 31, 2007.

Note: Item #07-061 was addressed earlier on the agenda.

8. New Business:

07-092 VOTED to open the correspondence from Michael C. Wood, Town Manager, regarding the Levy Rink Project.

Motion by Councilor Norman C. Mainville. Seconded by Councilor Margaret L. Dudley. The vote was unanimous by the five members present. Voting in favor of the motion were Council President Nancy F. Binns and Councilors Kevin M. Blais, Margaret L. Dudley, John M. Karmozyn Jr. and Norman C. Mainville. Councilors Wallace F. Lees and Cynthia L. Roe were excused.

Discussion: Michael C. Wood, Town Manager, indicated that the administrative process for developing the recommendation for construction manager services would be reviewed; and that because

two Councilors had been excused, it would be not be possible to vote on the recommendation for funding the project, since the charter requires an affirmative vote of six members. Mr. Wood reviewed the process to date: the request for proposal, the bids received, and the appointment of the administrative team that reviewed proposals and interviewed applicants.

A) Consider and act on awarding the bid for Construction Manager Services

John P. Mainville, Finance Director, provided further review of the process, noting that ultimately four companies had submitted proposals for construction manager services. He noted that all four companies were well qualified, all four were interviewed by the administrative team, each of the five members of the team independently scored the applicants, and that he had tabulated the scores. Mr. Mainville indicated that A.F. Lusi Construction, Inc. was the highest scoring firm, leading to the recommendation of the appointment of A.F. Lusi Construction, Inc. as construction manager for the rink project.

Councilor Kevin M. Blais asked questions relative to the process employed by the administrative team in assessing the applicants and developing a recommendation.

Councilor Blais raised a concern that the Town Council had received

insufficient documentation to determine the most qualified bidder. The other members of the Town Council indicated that they had received ample information.

There was discussion of the total price proposed by each of the four bidders, as listed in appendix A of the recommendation (a copy of which is filed with the record of the meeting).

Michael C. Wood, Town Manager, suggested to the Town Council that if they decided to move forward with appointing a construction manager, provision should be made to allocate funds from the major capital account to begin the process.

VOTED to adopt the following resolution:

**RESOLUTION AUTHORIZING THE HIRING
OF A CONSTRUCTION MANAGER TO OVERSEE
RENOVATIONS AND IMPROVEMENTS TO THE
JUNE ROCKWELL LEVY COMMUNITY RINK**

WHEREAS, the Town, acting in coordination with the Town's consulting engineer, Edwards & Kelcey, Inc., has solicited a request for proposals (RFP) for construction management services in relation to improvements and renovations to be made to the June Rockwell Levy Community Rink ("Levy Rink") which RFP is incorporated herein by reference;

WHEREAS, qualified firms have submitted proposals for construction management services in relation to said renovations and improvements to the Levy Rink;

WHEREAS, The Town Administration, in conjunction with Edwards & Kelcey, Inc., has reviewed, evaluated and graded said proposals for construction management services and has made recommendations to the Town with respect to awarding said contract for construction management services which recommendations are incorporated herein by reference.

NOW, THEREFORE BE IT RESOLVED that based on the recommendation of the Town Administration, in conjunction with Edwards & Kelcey, Inc., the Town Council hereby finds that A. F. Lusi Construction, Inc., 39 Cedar Swamp Road, Greenville, Rhode Island, 02828, is lowest evaluated, responsive and qualified bidder and accordingly awards the bid for construction management services to A. F. Lusi Construction, Inc., in accordance with the proposal submitted by A. F. Lusi Construction, Inc., which said proposal is incorporated herein by reference.

BE IT FURTHER RESOLVED, that in order to implement this resolution the Town Manager, with the approval of the Town Solicitor, is authorized to enter into a contract with A. F. Lusi Construction, Inc., in an amount not to exceed \$299,421.00, which includes the

potential for a second year escalation. Interim funding shall be provided by \$50,000 from the major capital account.

PASSED AS A RESOLUTION of the Burrillville Town Council this 14th day of March, 2007.

Motion by Councilor Margaret L. Dudley. Seconded by Councilor Norman C. Mainville.

Further Discussion:

Councilor Blais commented on the scoring process employed by the administrative team in assessing the applicants and developing a recommendation. The process was reviewed in detail.

The motion carried, four in favor, one opposed, two excused. Voting in favor of the motion were Council President Nancy F. Binns and Councilors Margaret L. Dudley, John M. Karmozyn Jr. and Norman C. Mainville. Councilor Kevin M. Blais voted in opposition. Councilors Wallace F. Lees and Cynthia L. Roe were excused.

Further Discussion: The administrative team was thanked for their efforts in assessing applicants and developing a recommendation.

B) Consider and act on appropriation of funds for the Levy Rink Project

Michael C. Wood, Town Manager, reviewed the project budget, noting the January 24, 2007 vote to fund the architect/engineering services, and citing a remaining amount of \$2,730,000 to be funded, assuming a desire by the Town Council to proceed. Mr. Wood explained the recommendation to use \$1,630,000 from debt reduction money and to borrow \$1,400,000 from the unreserved, undesignated fund balance. Mr. Wood repeated that the loan from the unreserved, undesignated fund balance required an affirmative vote of six members of the Town Council.

VOTED to table item “B”.

Motion by Councilor Margaret L. Dudley. Seconded by Councilor Norman C. Mainville. The vote was unanimous by the five members present. Voting in favor of the motion were Council President Nancy F. Binns and Councilors Kevin M. Blais, Margaret L. Dudley, John M. Karmozyn Jr. and Norman C. Mainville. Councilors Wallace F. Lees and Cynthia L. Roe were excused.

C) Consider and act on project oversight

Michael C. Wood, Town Manager, indicated that there was no recommendation relative to project oversight because the Town Council had not yet expressed their intent. The Town Council discussed alternatives, including: appointing the same administrative

team as that which reviewed the construction manager proposal; appointing a similar team; or seeking applicants and appointing a committee of residents, possibly with liaisons from the Town Council and/or School Committee. The importance of including school personnel was discussed. The need to have any oversight committee or team readily available to the construction manager was stressed. The timeframe for decision making was discussed and it was suggested that the administration and professional services people might meet and submit a recommendation to the Town Council at a future meeting.

VOTED to table item “C” to the next available meeting.

Motion by Councilor Margaret L. Dudley. Seconded by Councilor Kevin M. Blais. The vote was unanimous by the five members present. Voting in favor of the motion were Council President Nancy F. Binns and Councilors Kevin M. Blais, Margaret L. Dudley, John M. Karmozyn Jr. and Norman C. Mainville. Councilors Wallace F. Lees and Cynthia L. Roe were excused.

07-093 VOTED to open the correspondence from Cheri R. Hall, Director of Parks & Recreation, regarding her recommendation to transfer \$15,000 fund from the Spring Lake Beach Investment Account to bid and purchase a swimming dock for the 2007 season.

Motion by Councilor Kevin M. Blais. Seconded by Councilor John M.

Karmozyn, Jr. The vote was unanimous by the five members present. Voting in favor of the motion were Council President Nancy F. Binns and Councilors Kevin M. Blais, Margaret L. Dudley, John M. Karmozyn Jr. and Norman C. Mainville. Councilors Wallace F. Lees and Cynthia L. Roe were excused.

VOTED to transfer \$15,000 from the Spring Lake Beach Investment Account to bid and purchase a swimming dock for the 2007 season.

Motion by Councilor Margaret L. Dudley. Seconded by Councilor Kevin M. Blais. The vote was unanimous by the five members present. Voting in favor of the motion were Council President Nancy F. Binns and Councilors Kevin M. Blais, Margaret L. Dudley, John M. Karmozyn Jr. and Norman C. Mainville. Councilors Wallace F. Lees and Cynthia L. Roe were excused.

07-094 VOTED to open the correspondence from Bob Forte, Steere Street, regarding his request for an abatement of interest; and the recommendation of John P. Mainville, Finance Director.

Motion by Councilor Norman C. Mainville. Seconded by Councilor John M. Karmozyn, Jr. The vote was unanimous by the five members present. Voting in favor of the motion were Council President Nancy F. Binns and Councilors Kevin M. Blais, Margaret L. Dudley, John M. Karmozyn Jr. and Norman C. Mainville. Councilors Wallace F. Lees and Cynthia L. Roe were excused.

Discussion: It was noted that Mr. Forte was not present.

VOTED to deny.

Motion by Councilor Norman C. Mainville. Seconded by Councilor Margaret L. Dudley. The vote was unanimous by the five members present. Voting in favor of the motion were Council President Nancy F. Binns and Councilors Kevin M. Blais, Margaret L. Dudley, John M. Karmozyn Jr. and Norman C. Mainville. Councilors Wallace F. Lees and Cynthia L. Roe were excused.

07-095 VOTED to designate April 21, 2007 as Burrillville Earth Day at the request of Dana J. Gould, Burrillville Lions Club.

Motion by Councilor Norman C. Mainville. Seconded by Councilor Margaret L. Dudley. The vote was unanimous by the five members present. Voting in favor of the motion were Council President Nancy F. Binns and Councilors Kevin M. Blais, Margaret L. Dudley, John M. Karmozyn Jr. and Norman C. Mainville. Councilors Wallace F. Lees and Cynthia L. Roe were excused.

07-096 Resolution declaring Angell Street a public highway; for scheduling of a public hearing (recommended date April 25, 2007).

VOTED to introduce the following resolution:

**RESOLUTION DECLARING ANGELL STREET
IN THE TOWN OF BURRILLVILLE
A PUBLIC HIGHWAY**

The Town Council of the Town of Burrillville, acting pursuant to the authority granted to Town Councils by RIGL §24-2-1 et seq., hereby declares that Angell Street in the Town of Burrillville is a Public Highway, said Angell Street is set forth in the plan, entitled:

Right of Way Plan

Angell Street

Burrillville, Rhode Island

Prepared for:

Town of Burrillville

105 Harrisville Main Street

Harrisville, Rhode Island

Waterman Engineering Co.

Civil Engineers/Surveyors – Est. 1894

46 Sutton Avenue

East Providence, Rhode Island 02914

Date: 11/27/06

The Town Council finds that the lands constituting Angell Street has been or shall be quietly, peaceable, and actually used and improved and considered as a public highway for the space of twenty (20) years and are declared by the Burrillville Town Council to be a public

highway, and are taken and considered as public highways to all intents and purposes as fully and effectively as if lands had been laid out, recorded and opened by the Town Council of the Town of Burrillville.

Motion by Councilor Margaret L. Dudley. Seconded by Councilor Norman C. Mainville. The vote was unanimous by the five members present. Voting in favor of the motion were Council President Nancy F. Binns and Councilors Kevin M. Blais, Margaret L. Dudley, John M. Karmozyn Jr. and Norman C. Mainville. Councilors Wallace F. Lees and Cynthia L. Roe were excused.

VOTED to schedule a public hearing for April 25, 2007.

Motion by Councilor Norman C. Mainville. Seconded by Councilor John M. Karmozyn, Jr. The vote was unanimous by the five members present. Voting in favor of the motion were Council President Nancy F. Binns and Councilors Kevin M. Blais, Margaret L. Dudley, John M. Karmozyn Jr. and Norman C. Mainville. Councilors Wallace F. Lees and Cynthia L. Roe were excused.

07-097 Resolution declaring Oak Hill Road a public highway; for scheduling of a public hearing (recommended date April 25, 2007).

VOTED to introduce the following resolution:

**RESOLUTION DECLARING OAK HILL ROAD
IN THE TOWN OF BURRILLVILLE
A PUBLIC HIGHWAY**

The Town Council of the Town of Burrillville, acting pursuant to the authority granted to Town Councils by RIGL §24-2-1 et seq., hereby declares that Oak Hill Road in the Town of Burrillville is a Public Highway, said Oak Hill Road is set forth in the plan, entitled:

Right of Way Plan

Oak Hill Road

Burrillville, Rhode Island

Prepared for:

Town of Burrillville

105 Harrisville Main Street

Harrisville, Rhode Island 02830

Waterman Engineering Co.

Civil Engineers/Surveyors – Est. 1894

46 Sutton Avenue

East Providence, Rhode Island 02914

Date: 1/04/06

The Town Council finds that the lands constituting Oak Hill Road has been or shall be quietly, peaceable, and actually used and improved and considered as a public highway for the space of twenty (20) years and are declared by the Burrillville Town Council to be a public

highway, and are taken and considered as public highways to all intents and purposes as fully and effectively as if lands had been laid out, recorded and opened by the Town Council of the Town of Burrillville.

Motion by Councilor Norman C. Mainville. Seconded by Councilor Margaret L. Dudley. The vote was unanimous by the five members present. Voting in favor of the motion were Council President Nancy F. Binns and Councilors Kevin M. Blais, Margaret L. Dudley, John M. Karmozyn Jr. and Norman C. Mainville. Councilors Wallace F. Lees and Cynthia L. Roe were excused.

VOTED to schedule a public hearing for April 25, 2007.

Motion by Councilor Margaret L. Dudley. Seconded by Councilor Norman C. Mainville. The vote was unanimous by the five members present. Voting in favor of the motion were Council President Nancy F. Binns and Councilors Kevin M. Blais, Margaret L. Dudley, John M. Karmozyn Jr. and Norman C. Mainville. Councilors Wallace F. Lees and Cynthia L. Roe were excused.

07-098 Resolution declaring Maple Hill Road a public highway; for scheduling of a public hearing (recommended date April 25, 2007).

VOTED to introduce the following resolution:

**RESOLUTION DECLARING MAPLE HILL ROAD
IN THE TOWN OF BURRILLVILLE
A PUBLIC HIGHWAY**

The Town Council of the Town of Burrillville, acting pursuant to the authority granted to Town Councils by RIGL §24-2-1 et seq., hereby declares that Maple Hill Road in the Town of Burrillville is a Public Highway, said Maple Hill Road is set forth in the plan, entitled:

Right of Way Plan

Maple Hill Road

Burrillville, Rhode Island

Prepared for:

Town of Burrillville

105 Harrisville Main Street

Harrisville, Rhode Island 02830

Waterman Engineering Co.

Civil Engineers/Surveyors – Est. 1894

46 Sutton Avenue

East Providence, Rhode Island 02914

Date: 1/04/07

The Town Council finds that the lands constituting Maple Hill Road has been or shall be quietly, peaceable, and actually used and improved and considered as a public highway for the space of twenty (20) years and are declared by the Burrillville Town Council to be a

public highway, and are taken and considered as public highways to all intents and purposes as fully and effectively as if lands had been laid out, recorded and opened by the Town Council of the Town of Burrillville.

Motion by Councilor John M. Karmozyn, Jr. Seconded by Councilor Margaret L. Dudley. The vote was unanimous by the five members present. Voting in favor of the motion were Council President Nancy F. Binns and Councilors Kevin M. Blais, Margaret L. Dudley, John M. Karmozyn Jr. and Norman C. Mainville. Councilors Wallace F. Lees and Cynthia L. Roe were excused.

VOTED to schedule a public hearing for April 25, 2007.

Motion by Councilor Norman C. Mainville. Seconded by Councilor Margaret L. Dudley. The vote was unanimous by the five members present. Voting in favor of the motion were Council President Nancy F. Binns and Councilors Kevin M. Blais, Margaret L. Dudley, John M. Karmozyn Jr. and Norman C. Mainville. Councilors Wallace F. Lees and Cynthia L. Roe were excused.

07-099 Resolution declaring Walnut Hill Road a public highway; for scheduling of a public hearing (recommended date April 25, 2007).

VOTED to introduce the following resolution:

**RESOLUTION DECLARING WALNUT HILL ROAD
IN THE TOWN OF BURRILLVILLE
A PUBLIC HIGHWAY**

The Town Council of the Town of Burrillville, acting pursuant to the authority granted to Town Councils by RIGL §24-2-1 et seq., hereby declares that Walnut Hill Road in the Town of Burrillville is a Public Highway, said Walnut Hill Road is set forth in the plan, entitled:

Right of Way Plan

Walnut Hill Road

Burrillville, Rhode Island

Prepared for:

Town of Burrillville

105 Harrisville Main Street

Harrisville, Rhode Island 02830

Waterman Engineering Co.

Civil Engineers/Surveyors – Est. 1894

46 Sutton Avenue

East Providence, Rhode Island 02914

Date: 1/04/07

The Town Council finds that the lands constituting Walnut Hill Road has been or shall be quietly, peaceable, and actually used and improved and considered as a public highway for the space of twenty (20) years and are declared by the Burrillville Town Council to be a

public highway, and are taken and considered as public highways to all intents and purposes as fully and effectively as if lands had been laid out, recorded and opened by the Town Council of the Town of Burrillville.

Motion by Councilor Kevin M. Blais. Seconded by Councilor John M. Karmozyn, Jr. The vote was unanimous by the five members present. Voting in favor of the motion were Council President Nancy F. Binns and Councilors Kevin M. Blais, Margaret L. Dudley, John M. Karmozyn Jr. and Norman C. Mainville. Councilors Wallace F. Lees and Cynthia L. Roe were excused.

VOTED to schedule a public hearing on April 25, 2007.

Motion by Councilor Norman C. Mainville. Seconded by Councilor Margaret L. Dudley. The vote was unanimous by the five members present. Voting in favor of the motion were Council President Nancy F. Binns and Councilors Kevin M. Blais, Margaret L. Dudley, John M. Karmozyn Jr. and Norman C. Mainville. Councilors Wallace F. Lees and Cynthia L. Roe were excused.

07-100 VOTED to introduce and read by title an ordinance relative to proposed amendments to Chapter 26, Traffic and Vehicles, §26-1 entitled One-way streets; §26-3 entitled Speed limits; §26-32 entitled No parking schedule of streets; and §26-35 entitled Stop signs; and to schedule a public hearing for the first regular meeting of April

Motion by Councilor Norman C. Mainville. Seconded by Councilor Margaret L. Dudley. The vote was unanimous by the five members present. Voting in favor of the motion were Council President Nancy F. Binns and Councilors Kevin M. Blais, Margaret L. Dudley, John M. Karmozyn Jr. and Norman C. Mainville. Councilors Wallace F. Lees and Cynthia L. Roe were excused.

07-101 Correspondence from Councilor Margaret L. Dudley regarding her request that the Council consider amendments to the Sign Ordinance; to be referred to the Ordinance Subcommittee.

VOTED to refer to the ordinance subcommittee.

Motion by Councilor Norman C. Mainville. Seconded by Councilor John M. Karmozyn, Jr.

Discussion: In response to a request for clarification, Councilor Margaret L. Dudley explained her intent to recommend amendments that would prohibit posting of signs on utility poles. The matter was discussed.

The vote was unanimous by the five members present. Voting in favor of the motion were Council President Nancy F. Binns and Councilors Kevin M. Blais, Margaret L. Dudley, John M. Karmozyn Jr. and Norman C. Mainville. Councilors Wallace F. Lees and Cynthia L.

Roe were excused.

07-102 VOTED to refer to the ordinance subcommittee the correspondence from Councilor Norman C. Mainville regarding his request that the Council consider establishing a Safety Commission.

Motion by Councilor Margaret L. Dudley. Seconded by Councilor John M. Karmozyn, Jr.

Discussion: In response to a request for clarification, Councilor Norman C. Mainville explained that the purpose of a Safety Commission is to establish a hazard vulnerability analysis of the town to plan for emergency situations.

The vote was unanimous by the five members present. Voting in favor of the motion were Council President Nancy F. Binns and Councilors Kevin M. Blais, Margaret L. Dudley, John M. Karmozyn Jr. and Norman C. Mainville. Councilors Wallace F. Lees and Cynthia L. Roe were excused.

07-103 VOTED to approve a resolution supporting legislation – amendments to §40-13.2-5. Criminal Records Check – Employee of Youth Serving Agency, as follows:

RESOLUTION

SUPPORTING LEGISLATION AMENDMENTS TO

§40-13.2-5. CRIMINAL RECORDS CHECK – EMPLOYEE OF YOUTH SERVING AGENCY. -

WHEREAS, at the Regular Meeting of the Burrillville Town Council held on March 14, 2007 at 7:00 P.M. in the Council Chamber, Town Building, and at which time a quorum was present and acting throughout, the Town Council supported an Act to Amend R.I. General Laws §40-13.2-5.1 Criminal Records Check – Employee of Youth Serving Agency.

NOW THEREFORE BE IT RESOLVED that §40-13.2-5. entitled “Criminal Records Check – Employee of child care facilities which must be licensed by the department” is hereby amended to read as follows:

40-13.2-5. Criminal records check – Employee of child care facilities which must be licensed by the department. -- Any person seeking employment, if that employment involves supervisory or disciplinary power over a child or children or involves routine contact with a child or children without the presence of other employees, in any facility which is, or is required to be, licensed or registered with the department or seeking that employment at the training school for youth shall, after acceptance by the employer of the affidavit required by § 40-13.2-3, apply to the bureau of criminal identification of the state police or the local police department for a nationwide criminal records check. The check will conform to applicable federal

standards including the taking of fingerprints to identify the applicant. Upon the discovery of any disqualifying information as defined in accordance with the rule promulgated by the director, the bureau of criminal identification of the state police or the local police department will inform the applicant in writing of the nature of the disqualifying information. In addition, the bureau of criminal identification of the state police or the local police department will inform the applicant in writing, without disclosing the nature of the disqualifying information, that an item of disqualifying information has been discovered. In those situations in which no disqualifying information has been found, the bureau of criminal identification of the state police or the local police department will inform both the applicant and the employer in writing of this fact. The employer will maintain on file, subject to inspection by the department, evidence that criminal records checks have been initiated on all employees seeking employment after August 1, 1985, and the results of the checks. Failure to maintain that evidence on file will be prima facie grounds to revoke the license or registration of the operator of the facility. It will be the responsibility of the bureau of criminal identification of the state police or the local police department to conduct the nationwide criminal records check pursuant to this section. The nationwide criminal records check will be provided to the applicant for employment without charge.

This act shall take effect upon passage.

PASSED AS A RESOLUTION of the Burrillville Town Council this 14th day of March 2007.

Motion by Councilor Margaret L. Dudley. Seconded by Councilor Norman C. Mainville. The vote was unanimous by the five members present. Voting in favor of the motion were Council President Nancy F. Binns and Councilors Kevin M. Blais, Margaret L. Dudley, John M. Karmozyn Jr. and Norman C. Mainville. Councilors Wallace F. Lees and Cynthia L. Roe were excused.

07-104 VOTED to approve a resolution supporting legislation – amendments to §33-21.1-14.1 – Property Held by Police Departments, as follows:

RESOLUTION

SUPPORTING LEGISLATION

AMENDMENTS TO §33-21.1-14.1.

PROPERTY HELD BY POLICE DEPARTMENTS. -

WHEREAS, at the Regular Meeting of the Burrillville Town Council held on Wednesday, March 14, 2007 at 7:00 P.M. in the Council Chamber, Town Building, and at which time a quorum was present and acting throughout, the Town Council supported an Act to Amend R.I. General Laws §33-21.1-14.1. Property held by police departments.

NOW THEREFORE BE IT RESOLVED that §33-21.1-14.1. entitled “Property held by police departments” is hereby amended to read as

follows:

33-21.1-14.1. Property held by police departments. -- (a) All tangible and intangible personal property and any income from this property which has been confiscated by any city, town, or state police department or division of drug control and has been held in the custody of the department for six (6) months or more shall be presumed abandoned. Any city, town, or state police department or division of drug control shall be allowed to keep said tangible and intangible property and any income from this property shall be used by that city, town, or state police department or division of drug control to be used for police related community functions, to replace stolen property and for law enforcement purposes.

This act shall take effect upon passage.

PASSED AS A RESOLUTION of the Burrillville Town Council this 14th day of March 2007.

Motion by Councilor Margaret L. Dudley. Seconded by Councilor Norman C. Mainville. The vote was unanimous by the five members present. Voting in favor of the motion were Council President Nancy F. Binns and Councilors Kevin M. Blais, Margaret L. Dudley, John M. Karmozyn Jr. and Norman C. Mainville. Councilors Wallace F. Lees and Cynthia L. Roe were excused.

07-105 VOTED to support Senate Bill 2007 – S 0060 An Act Relating to State Affairs and Government – Department of Environmental Management – Elimination of MTBE as a Gasoline Additive.

Motion by Councilor Norman C. Mainville. Seconded by Councilor John M. Karmozyn, Jr. The vote was unanimous by the five members present. Voting in favor of the motion were Council President Nancy F. Binns and Councilors Kevin M. Blais, Margaret L. Dudley, John M. Karmozyn Jr. and Norman C. Mainville. Councilors Wallace F. Lees and Cynthia L. Roe were excused.

07-106 VOTED to support Senate Bill 2007 – S 0427 and House Bill 2007 – H 5242: Acts Relating to Education – School Committees and Superintendents (Note: These acts would allow school committees to seek relief from state directives that are unfunded and which exceed federal limits and guidelines.).

Motion by Councilor John M. Karmozyn, Jr. Seconded by Councilor Norman C. Mainville. The vote was unanimous by the five members present. Voting in favor of the motion were Council President Nancy F. Binns and Councilors Kevin M. Blais, Margaret L. Dudley, John M. Karmozyn Jr. and Norman C. Mainville. Councilors Wallace F. Lees and Cynthia L. Roe were excused.

07-107 VOTED to support Senate Bill 2007 – S 0069 An Act Relating to Education – The Rhode Island Student Investment Initiative

(introduced by Sen. Fogarty et al on January 17, 2007).

Motion by Councilor Margaret L. Dudley. Seconded by Councilor Norman C. Mainville. The vote was unanimous by the five members present. Voting in favor of the motion were Council President Nancy F. Binns and Councilors Kevin M. Blais, Margaret L. Dudley, John M. Karmozyn Jr. and Norman C. Mainville. Councilors Wallace F. Lees and Cynthia L. Roe were excused.

07-108 VOTED to support Senate Bill 2007 – S 0586 An Act Relating to Education – Residence of Children for School Purposes.

Motion by Councilor Kevin M. Blais. Seconded by Councilor John M. Karmozyn, Jr. The vote was unanimous by the five members present. Voting in favor of the motion were Council President Nancy F. Binns and Councilors Kevin M. Blais, Margaret L. Dudley, John M. Karmozyn Jr. and Norman C. Mainville. Councilors Wallace F. Lees and Cynthia L. Roe were excused.

07-109 Correspondence from Michael C. Wood, Town Manager, regarding a general review, discussion and action on proposed/pending legislation.

Note: There was no discussion or action on item #07-109

07-110 VOTED to open the correspondence from Councilor Kevin M. Blais regarding his request to revisit appointments to the Board of

Administration.

Motion by Councilor Kevin M. Blais. Seconded by Councilor John M. Karmozyn, Jr. The vote was unanimous by the five members present.

Voting in favor of the motion were Council President Nancy F. Binns and Councilors Kevin M. Blais, Margaret L. Dudley, John M. Karmozyn Jr. and Norman C. Mainville. Councilors Wallace F. Lees and Cynthia L. Roe were excused.

Discussion: Councilor Kevin M. Blais noted that the Levy Trust requires that the Town Council President serve on the Board of Administration and that other members be elected by the Town Council; there was some discussion whether the Town Council's vote at an earlier meeting to appoint certain individuals to the Board of Administration was an appropriate means of electing those individuals. Timothy F. Kane, Town Solicitor, offered his opinion that the vote of the Town Council constituted an election.

Mr. Kane also suggested that the current composition of the Board of Administration differed from the Levy Trust requirements in that there are three residents and one Councilor. Mr. Kane recommended that the vote to appoint Councilor John M. Karmozyn, Jr. should stand. He further recommended that, at a future Council meeting, the Town Council should consider a motion to rescind the appointment of the last resident appointed and the position should be filled by a Councilor, preferably one who resides in Harrisville. Councilor Kevin

M. Blais presented himself as a candidate for the Board of Administration.

Council President Nancy F. Binns instructed the clerk to include the item on the agenda for the next meeting.

VOTED to request an official, written opinion from the Solicitor to be available for the next meeting, at which time this will be on the agenda.

Motion by Councilor Norman C. Mainville. Seconded by Councilor John M. Karmozyn, Jr. The vote was unanimous by the five members present. Voting in favor of the motion were Council President Nancy F. Binns and Councilors Kevin M. Blais, Margaret L. Dudley, John M. Karmozyn Jr. and Norman C. Mainville. Councilors Wallace F. Lees and Cynthia L. Roe were excused.

07-111 VOTED to receive and open the correspondence from Councilor Kevin M. Blais regarding his request to discuss the duties and responsibilities of the Town Council, Town Manager and Town Solicitor.

Motion by Councilor Kevin M. Blais. Seconded by Councilor Margaret L. Dudley. The vote was unanimous by the five members present. Voting in favor of the motion were Council President Nancy F. Binns and Councilors Kevin M. Blais, Margaret L. Dudley, John M.

Karmozyn Jr. and Norman C. Mainville. Councilors Wallace F. Lees and Cynthia L. Roe were excused.

Discussion: Councilor Kevin M. Blais asked for an explanation of the duties and responsibilities of the Town Council, Town Manager and Town Solicitor. Councilors Margaret L. Dudley and Norman C. Mainville noted that those roles are set forth in the Charter. There was discussion of: the Solicitor's responsibility to the Town Council as a whole; the Town Manager's ability to expend funds; and the responsibility of the Council to work as a body. Timothy F. Kane, Town Solicitor, recommended that the Town Council adopt a formal policy.

VOTED to receive and file.

Motion by Councilor Margaret L. Dudley. Seconded by Councilor John M. Karmozyn, Jr. The motion carried, four in favor, one opposed, two excused. Voting in favor of the motion were Council President Nancy F. Binns and Councilors Margaret L. Dudley, John M. Karmozyn Jr. and Norman C. Mainville. Councilor Kevin M. Blais voted in opposition. Councilors Wallace F. Lees and Cynthia L. Roe were excused.

07-112 VOTED to receive and open the correspondence from Michael C. Wood, Town Manager, regarding a permanent easement granted to the Town of Burrillville for the purpose of erecting and/or maintain a communications tower and support facilities (Buck Hill Road, Fire

Tower).

Motion by Councilor Margaret L. Dudley. Seconded by Councilor John M. Karmozyn, Jr. The vote was unanimous by the five members present. Voting in favor of the motion were Council President Nancy F. Binns and Councilors Kevin M. Blais, Margaret L. Dudley, John M. Karmozyn Jr. and Norman C. Mainville. Councilors Wallace F. Lees and Cynthia L. Roe were excused.

Discussion: Michael C. Wood, Town Manager, reported that the town had been working to establish an agreement that would allow the town to use the fire tower at Buck Hill as a location for communications equipment. Mr. Wood explained that Lt. Lareto Guglietta of the Burrillville Police Department had secured a grant for installation of the equipment. Mr. Wood said that the owners' had granted a permanent easement for that purpose.

VOTED to send a letter of thanks and appreciation to the two families involved and to Lt. Guglietta.

Motion by Councilor Margaret L. Dudley. Seconded by Councilor Norman C. Mainville. The vote was unanimous by the five members present. Voting in favor of the motion were Council President Nancy F. Binns and Councilors Kevin M. Blais, Margaret L. Dudley, John M. Karmozyn Jr. and Norman C. Mainville. Councilors Wallace F. Lees and Cynthia L. Roe were excused.

9. Town Clerk/Communication:

07-113 VOTED to approve the recommendation of Louise R. Phaneuf, Town Clerk, to move the agenda deadline to Noon on April 5, 2007.

Motion by Councilor Norman C. Mainville. Seconded by Councilor John M. Karmozyn, Jr. The vote was unanimous by the five members present. Voting in favor of the motion were Council President Nancy F. Binns and Councilors Kevin M. Blais, Margaret L. Dudley, John M. Karmozyn Jr. and Norman C. Mainville. Councilors Wallace F. Lees and Cynthia L. Roe were excused.

07-114 VOTED to open the correspondence from Nancy Smith, Site Assessment Manager, US EPA, regarding Burrillville Landfill #1 property located on Whipple Avenue, Burrillville.

Motion by Councilor Norman C. Mainville. Seconded by Councilor Margaret L. Dudley. The vote was unanimous by the five members present. Voting in favor of the motion were Council President Nancy F. Binns and Councilors Kevin M. Blais, Margaret L. Dudley, John M. Karmozyn Jr. and Norman C. Mainville. Councilors Wallace F. Lees and Cynthia L. Roe were excused.

Discussion: Michael C. Wood, Town Manager, noted that the town had been notified that the landfill at Whipple Avenue had not been properly closed and that the town would be responsible to address

the situation. This correspondence, he said, informs the town that DEM would regulate the matter, rather than the federal government.

07-115 VOTED to receive and file the correspondence from Mayor Stephen C. Waluk, City of Newport, regarding the 51st Annual St. Patrick's Day Parade to be held Saturday, March 17, 2007.

Motion by Councilor Norman C. Mainville. Seconded by Councilor Margaret L. Dudley. The vote was unanimous by the five members present. Voting in favor of the motion were Council President Nancy F. Binns and Councilors Kevin M. Blais, Margaret L. Dudley, John M. Karmozyn Jr. and Norman C. Mainville. Councilors Wallace F. Lees and Cynthia L. Roe were excused.

07-116 VOTED to support the Westerly Town Council's Resolution relative to the Non-Renewal of Insurance for Coastal Properties.

Motion by Councilor Margaret L. Dudley. Seconded by Councilor Norman C. Mainville. The vote was unanimous by the five members present. Voting in favor of the motion were Council President Nancy F. Binns and Councilors Kevin M. Blais, Margaret L. Dudley, John M. Karmozyn Jr. and Norman C. Mainville. Councilors Wallace F. Lees and Cynthia L. Roe were excused.

10. Additional New Business:

07-117 VOTED to open the correspondence from David Brunetti, Chair, Callahan School Building Committee, regarding the Committee's vote to access funds from the reserve appropriated by the Town Council in November 2005.

Motion by Councilor Norman C. Mainville. Seconded by Councilor Margaret L. Dudley. The vote was unanimous by the five members present. Voting in favor of the motion were Council President Nancy F. Binns and Councilors Kevin M. Blais, Margaret L. Dudley, John M. Karmozyn Jr. and Norman C. Mainville. Councilors Wallace F. Lees and Cynthia L. Roe were excused.

Discussion: Mark Brizard, member of the Callahan School Building Committee, reported the project is nearing conclusion. It was noted that a false claim to which Mr. Brunetti referred in his letter cost the project approximately \$125,000. (A copy of the letter is on file with the record of the meeting.)

VOTED to receive and file.

Motion by Councilor Margaret L. Dudley. Seconded by Councilor Norman C. Mainville. The vote was unanimous by the five members present. Voting in favor of the motion were Council President Nancy F. Binns and Councilors Kevin M. Blais, Margaret L. Dudley, John M. Karmozyn Jr. and Norman C. Mainville. Councilors Wallace F. Lees and Cynthia L. Roe were excused.

11. VOTED to adjourn at 9:23 P.M.

Motion by Councilor Norman C. Mainville. Seconded by Councilor Margaret L. Dudley. The vote was unanimous by the five members present. Voting in favor of the motion were Council President Nancy F. Binns and Councilors Kevin M. Blais, Margaret L. Dudley, John M. Karmozyn Jr. and Norman C. Mainville. Councilors Wallace F. Lees and Cynthia L. Roe were excused.

Louise R. Phaneuf, Town Clerk