

PUBLIC HEARING of the Town Council held Wednesday, April 25, 2007 at 7:00 P.M. in the Council Chamber, Town Building, Harrisville for and within the Town of Burrillville.

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

MEMBERS ABSENT: None

Relative to considering and acting upon declaring that Angell Street in the Town of Burrillville is a Public Highway, and said Angell Street is as set forth in that 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

NOTES: Notice was personally sent to all abutting property owners by certified mail, in accordance with the provisions of RIGL §24-2-1. Notice of the hearing was advertised in the legal section of the Woonsocket Call on April 9, 16 and 23, 2007.

1. Legal analysis from Assistant Town Solicitor Walter J. Kane

Walter J. Kane, Assistant Town Solicitor, explained that the law allows for roads that have been quietly, peaceably, and actually used and improved and considered as public highways for the space of twenty (20) years to be accepted by the Town Council. Upon acceptance, he said, the road would become part of the road system of the Town, which takes ownership of the land and then has the legal right to reconstruct the street as well as an obligation to maintain the street.

Walter J. Kane, Assistant Town Solicitor, noted that the area had been surveyed and that abutting property owners had been notified in accordance with the law.

Mr. Kane said that the Town has a capital development program through which they bring town-accepted roads to standard. Mr. Kane said that it is necessary to follow the appropriate procedure for acceptance of roads to enable the Town to reconstruct and maintain them. Mr. Kane explained the appeal process.

Walter J. Kane, Assistant Town Solicitor, explained that, in response to residents' concerns, there had been a modification of the plan as originally set out. Mr. Kane said that there had been objection to the street ending at Wallum Lake. The current proposal under consideration is that the town-accepted portion of Angell St. would end at the tie-in to Lake View Terrace, as indicated on the plan certified by Waterman Engineering Company on April 25, 2007 (a

copy of which is on file with the record of the hearing).

Mr. Paul R. Menard of Angell Street asked whether the limitations explained by Mr. Kane would be available in writing. Mr. Kane said that, if the road were accepted, the plan would indicate the termination of the town-accepted portion of Angell Street.

2. Consider recess

At the request of those present, Council President Nancy F. Binns called a recess to provide an opportunity for residents to review and discuss the proposal with the administration. Council President Binns noted that questions on all four road-acceptances (Angell St., Maple Hill Road, Oak Hill Road and Walnut Hill Road) could be discussed during the recess.

Walter J. Kane, Assistant Town Solicitor, indicated that he would not repeat the legal analysis of the process for accepting roads during each public hearing but that each of the four roads would be considered separately.

Note: The hearing was recessed from 7:10 P.M. to 7:16 P.M.

3. Testimony from Department of Public Works

Kevin Cleary, Town Engineer, said that the proposal had taken the

residents' requests into account. Mr. Cleary said that the proposal provides the Town with legal access to Lake View Terrace, provides an acceptable level of service to residents, and allows the Town to make physical improvements to the roadway surface.

4. Public Comment: None

5. VOTED to close the public hearing.

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

8. VOTED to declare Angell Street in the Town of Burrillville as a public highway, as amended by the map:

**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, peaceably, 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.

Adopted as a resolution this 25th day of April 2007

Motion by Councilor Norman C. Mainville. Seconded by Councilor

Wallace F. Lees.

Discussion: Councilor Kevin M. Blais asked for an explanation of the process for including roads on a program for acceptance. There was discussion of the Town's annual capital improvement budget and five-year street/infrastructure improvement program. There was discussion of the process of the administrative review, prioritization and recommendation and the Town Council's subsequent adoption of the street/infrastructure improvement program.

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

9. VOTED to adjourn at 7:23 P.M.

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

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

Louise R. Phaneuf, Town Clerk.