

**CONCLUSION OF A PUBLIC HEARING of the Town Council which commenced on Wednesday, September 26, 2007 and was continued by vote of the Town Council: held Wednesday, November 14, 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 on the following proposed changes to the Revised General Ordinances of the Town of Burrillville:**

**The Town Council of the Town of Burrillville hereby ordains as follows:**

**The General Ordinances of the Town of Burrillville are hereby amended by adding the following**

#### **CHAPTER 18.5. PUBLIC SAFETY COMMISSION, ADVISORY**

**NOTE: The notice of hearing was advertised in the legal section of the Woonsocket Call on Friday, September 21, 2007.**

## **1. Comments/Input/Recommendation from the Ordinance Subcommittee**

**Councilor Margaret L. Dudley, Chair, Ordinance Subcommittee read the following recommendation into the record.**

**Subsequent to the September 26, 2007 opening of the public hearing relative to a proposed ordinance establishing an advisory public safety commission which was continued to November 14, 2007, the ordinance subcommittee held further discussions relative to the proposal among themselves and with Fire Chiefs of various fire districts/departments.**

**Attached for your consideration is the amended ordinance, identified as Revision 8. Proposed amendments to the original proposal are noted on the attached.**

**The ordinance subcommittee recommends:**

**MOTION to postpone the ordinance as published and consider adoption of the substitute ordinance, identified as Revision 8, dated November 14, 2007, as submitted by the Ordinance Subcommittee.**

**Council President Nancy F. Binns noted that motions would be considered later on the agenda.**

**Councilor Dudley noted that the Subcommittee had met in workshop session, at which no votes were taken; therefore the Subcommittee had not voted to recommend passage, but requested that the Council consider the revision completed on November 13, 2007.**

## **2. Comments/Input/Recommendations by the Administration (Town Solicitor, Town Manager, Administrative Staff)**

**Michael C. Wood, Town Manager, reviewed charter responsibilities of the Public Safety Director, noted that a Public Safety Commission could serve an effective role, and supported the concept of the advisory board.**

**Timothy F. Kane, Town Solicitor, discussed the advisory nature of the board.**

## **3. Proponents: None**

## **4. Opponents:**

**Susan Kent asked why the town needed a Public Safety Commission. Councilor Norman C. Mainville explained the purpose of the Commission as a tool to study various potential hazards, i.e. hurricane, tornadoes. Councilor Mainville discussed the federal guidelines under which the proposal was made and the federal**

**funding that might be available to mitigate those situations.**

**5. VOTED to close the public hearing.**

**Motion by Councilor Norman C. Mainville. 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.**

**6. Town Council Members Comments/Input/Deliberation**

**Councilor Kevin M. Blais asked whether the Council would vote on the proposal received at the hearing. Councilor Margaret L. Dudley reviewed the limited changes recommended to the September 26, 2007 revision. Councilor Kevin M. Blais suggested that he was not comfortable voting on the amendment without additional time to review the recommended changes.**

**MOTION that (the Council) appoint a member from each fire district, that the Manager serve, that (the membership from municipal departments) be cut from six members to four members; so it would be a nine member commission; cutting Wallum Lake (Fire Chief) and (the representative from the) Pascoag Utility District.**

**Motion by Councilor Norman C. Mainville. Seconded by Councilor**

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

**Councilor Margaret L. Dudley recommended that a sunset provision be included in the ordinance to allow for review.**

**VOTED to postpone the ordinance as published and consider adoption of the substitute ordinance, identified as Revision 8, dated November 14, 2007, as submitted by the Ordinance Subcommittee.**

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

**The Town Council continued deliberations on the substituted proposed ordinance, Revision 8, which read as follows:**

**The Town Council of the Town of Burrillville hereby ordains as follows:**

**The General Ordinances of the Town of Burrillville are hereby amended by adding the following**

**CHAPTER 18.5**

**PUBLIC SAFETY COMMISSION, ADVISORY**

**§ 18.5-1. Purpose.**

**The purpose of establishing a Public Safety Commission is to create a public body whose primary responsibility is to advise the Town Council and/or Public Safety Director on matters affecting the safety of the Town and its residents.**

**§18.5-2. Establishment.**

**The Town Council hereby ordains and establishes the Burrillville Public Safety Commission ("the Commission").**

**§18.5-3. Membership.**

**The membership of the Public Safety Commission shall consist of no more than thirteen members.**

**(1) The Town Manager, in his capacity as Public Safety Director, or his/her designee, shall serve as a member of the commission.**

**(2) The Town Council shall appoint one member from each fire district, the Fire Chief of Wallum Lake (or his/her designee), and one representative of the Pascoag Utility District. In making appointments, the Town Council shall consider the recommendations of the respective districts.**

**a. In the event that any member of the Commission is unable to**

attend a meeting, the member may, as his/her discretion, designate an individual to attend in his/her stead. The designated individual may fully participate in discussions and report to his/her respective organization, but shall have no authority to vote on any matter that comes before the Commission.

(3) The Town Manager shall appoint no more than six (6) representatives from municipal departments. In making appointments, the Town Manager may consider representatives from the following town departments.

- a. Police;
- b. Emergency management;
- c. Department of public works;
- d. Departments of planning and building inspection;

#### **§18.5-4. Term.**

(a) Members appointed by the Town Council shall be appointed for a term of office of three years, except that those who are first appointed shall be designated to serve for terms of one, two, and three years respectively. All vacancies occurring during a term shall be filled for the unexpired term. A member shall hold office until his successor has been appointed.

(b) Members appointed by the Town Council may be removed by the Town Council at the request of the majority of the board members.

(c) Members appointed by the Town Manager shall serve at the pleasure of the Town Manager.

#### **§18.5-5. Bylaws.**

**The Commission shall appoint from its membership a Chairman and shall designate by rules, regulations, or bylaws such other officers and procedures not inconsistent with this chapter or other laws as may be necessary to carry out its duties and responsibilities. All such rules, regulations, and bylaws must be approved by a majority of the Town Council before they become effective.**

#### **§18.5-6. Quorum.**

**The presence of a majority of members of the Commission constitutes a quorum for purposes of any meeting of the Commission, and the concurrence of at least a majority of those present at Commission meetings shall be necessary for purposes of authorizing any official action of the Commission and for forwarding official recommendations or advice to the Town Council and/or the Director of Public Safety pursuant to this chapter.**

#### **§18.5-7. Powers and duties.**

**The Commission is hereby endowed with full authority and power to perform and carry out the following duties and responsibilities:**

- (a) Advise and make recommendations to the Town Council and/or the Public Safety Director from time to time with respect to all matters pertaining to public safety in the Town of Burrillville, including, but not limited to: fire, road conditions and traffic, weather-related conditions, dams and water safety, and/or emergency preparedness;**
- (b) Analyze and collect all data necessary to measure, ascertain, and**

**make recommendations concerning the detection and correction of existing safety problems and the prevention of future safety problems in the Town;**

**(c) Upon prior authorization obtained from the Town Council and/or the Public Safety Director, make reasonable inspections of all premises and places to which the general public has access and over which the Town Council and/or the Public Safety Director has jurisdiction.**

**(d) Advise and make recommendations to the Town Council from time to time with respect to consideration and adoption of town ordinances governing the use of public highways by vehicles and pedestrians within the limits established by R.I.G.L. § 31-12-12, as amended, including but not limited to the installation of traffic control devices; regulating the standing or parking of vehicles; designation of through-way and stop streets; creation of crosswalks and safety zones; regulation of the speed of vehicles as authorized in R.I.G.L. §§ 31-14-5 and 31-14-6; designation of emergency snow removal routes, emergency no-parking zones and streets at which drivers shall not make right or left turns;**

**(e) Carry out special assignments from the Town Council and/or the Director of Public Safety relating to matters of public safety.**

**§18.5-8. Conflicting laws pertaining to safety.**

**(a) All existing laws, ordinances, rules, and regulations pertaining to safety shall remain in full force and effect.**

**(b) In the event of a conflict or inconsistency, the provisions of any**

**existing laws, ordinances, rules and regulations pertaining to public safety shall control, take precedence and supersede the provisions of this chapter.**

**7. Consider and take action on proposed amendments to the Revised General Ordinances of The Town of Burrillville 2004 by adding The General Ordinances of the Town of Burrillville are hereby amended by adding Chapter 18.5. Public Safety Commission, Advisory.**

**VOTED to adopt Revision 8, with a sunset provision that the advisory group goes away on November 15, 2008, unless reauthorized by the Town Council.**

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

**Note: Councilor Kevin M. Blais requested that the record reflect that his opposition was based on his belief that there was no opportunity to review prior to discussion.**

**VOTED to adjourn at 7:20 P.M.**

**Motion by Councilor Norman C. Mainville. Seconded by Councilor**

**Cynthia L. Roe. 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.**

**Louise R. Phaneuf, Town Clerk**